PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 10 December 2015

(Extract from book 18)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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Minister for Training and Skills	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

Privileges Committee — Mr Drum, Ms Hartland, Mr Herbert, Ms Mikakos, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris, Mr Ondarchie and Ms Tierney.

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, #Ms Hartland, Mr Leane, #Mr Purcell, #Mr Ramsay, Ms Shing, Mr Somyurek and Mr Young.

Standing Committee on Legal and Social Issues — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, Mr Drum, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Joint committees

Accountability and Oversight Committee — (*Council*): Ms Bath, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.

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

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

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

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed.

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

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

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

Public Accounts and Estimates Committee — (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward.

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

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

Leader of the Government:
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Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:
The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David [1]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

[1] Resigned 25 February 2015
[2] Appointed 15 April 2015

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs

CONTENTS

THURSDAY, 10 DECEMBER 2015

Thursday, 10 December 2015

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

The PRESIDENT — Order! I thought it was important not to let one of the events of this week go past without a mention, and that is that Ms Patten, a member of this house, was a finalist in Fairfax Media's Daily Life Woman of the Year award. As there was only a winner named, we must presume that she was the runner-up. The winner was Gillian Triggs — —

Mr Finn interjected.

The PRESIDENT — Order! I was fairly confident that Mr Finn would have a view on that. At any rate, we congratulate Gillian Triggs on that commendation by the media. It was a very strong field of leading women in Australia, and Ms Patten being represented as one of the finalists was something she can be very proud of, and the house commends her for that.

UPHOLDING AUSTRALIAN VALUES (PROTECTING OUR FLAGS) BILL 2015

Introduction and first reading

Mr YOUNG (Northern Victoria) introduced a bill for an act to provide for the upholding of Australian values by protecting certain Australian flags and for other purposes.

Read first time.

CHILDREN'S COURT OF VICTORIA

Report 2014–15

Mr HERBERT (Minister for Training and Skills) presented report by command of the Governor.

Laid on table.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Machinery of government changes

Mr O'DONOHUE (Eastern Victoria) presented interim report, including appendices.

Laid on table.

Ordered to be published.

Mr O'DONOHUE (Eastern Victoria) — I move:

That the Council take note of the report.

In doing so, I thank the staff of the Standing Committee on Legal and Social Issues, particularly the secretary, Lillian Topic, the research assistant, Annemarie Burt, and perhaps more generally all the Council staff who have helped us this year to deal with the large and difficult inquiries undertaken by Council committees. I place on the record my thanks to the hardworking staff of the Legislative Council committees for their work, not only on this inquiry but also the end-of-life choices inquiry the committee is currently undertaking and all the other inquiries Council committees are doing.

I also thank the members of the committee: the deputy chair, Ms Springle; Ms Fitzherbert; Mr Melhem; Mr Mulino; Ms Patten; Mrs Peulich; Ms Symes; and the Honourable Gordon Rich-Phillips, who has been a participating member for this inquiry.

When a change of government occurs, a new government may examine the structures of government and seek to change with the intention of better aligning the departmental structures and the structures of government with the policy imperatives and choices of the new government. It is also an opportunity to refresh and update the structures of government, which is what the Andrews government did. What is challenging for us as a Parliament is to understand the benefits and costs associated with those changes.

This is an interim report that has been tabled today, so the committee is not making its final recommendations to the house, but I think it is fair to say at this early juncture that a clear set of principles and guidelines does not exist to measure the benefits or costs of the machinery of government changes, and this is in contrast to some other jurisdictions. The UK, for example, has some very clear principles and guidelines from which machinery of government changes are measured. Of course there are also costs and measures that accrue over time, so as we work towards our final report next year, the committee will be revisiting with the secretaries and the government the costs and benefits that may or may not have accrued.

I would like to take members of the house and anyone else interested in this to page 8 and table 3.1 of the report, which summarises very well the fact that we do not have a clear set of guidelines. Across departments we have different procedures for recording machinery of government changes. If you look at table 3.1, in response to questions from the Public Accounts and Estimates Committee (PAEC) in June, the estimated

costs of the machinery of government changes were around $2 million. Then just a few weeks later, in July, the estimated costs of the machinery of government changes exceeded $3 million, so we had a change of over $1 million in a matter of weeks. That is partly explained by the Department of Environment, Land, Water and Planning (DELWP), which on 22 June this year reported to PAEC $70 000 in costs attributable to machinery of government changes. Just one month later, on 21 July, DELWP reported to this committee costs of $770 000. In the space of four weeks the machinery of government costs for DELWP went from $70 000 to $770 000, which is an 11-fold increase.

It is clear from this example and others that the departments do not have a clear set of criteria; they do not match or understand machinery of government costs in a way that is transparent to the community or this house. As we work towards our final report I look forward to working with the secretaries and the government so that we can better understand the costs and benefits that may accrue from these machinery of government changes. Clearly we need to have a better understanding and the departments need to have better guidelines so we as a community can critically analyse the costs and benefits of machinery of government changes.

Mr MULINO (Eastern Victoria) — I want to start by echoing the comments of the chair of the committee in thanking the staff. It has been a very busy year for our committee, and this report has had to be accommodated among some very demanding and complicated inquiries.

I agree with some of the observations made by the chair. I agree it is important for the committee to explore whether there are ways to better understand costs associated with machinery of government changes and whether there are ways in which those costs can be reported in a more consistent way across departments. The only other comment I would like to add at this point is that it is important when one examines machinery of government changes that one weighs up both the benefits and the costs. There are undoubtedly some costs — administrative costs, possibly IT costs and staff-related costs — but there are potentially very significant policy and service delivery gains.

While it could be very difficult to judge the extent to which changes in service delivery are attributable directly to machinery of government changes, it is going to be an important role of this committee to try to see whether some of the aspirations behind the machinery of government changes have been met. They include better aligning different policy areas within a departmental structure and getting better outcomes in areas like health and human services, which could lead to significant improvements in government service delivery. They might also include greater economies of scale in highly specialised areas of expertise within government. I look forward to completing this report and to looking at both the benefits and the costs associated with the machinery of government changes made at the beginning of this term of government.

Mrs PEULICH (South Eastern Metropolitan) — I wish to place on record a few comments in relation to the tabling of the interim report of the inquiry into the machinery of government changes produced by the upper house legal and social issues committee. This inquiry is one that I think is a legitimate use of the upper house committee system. In the past I have criticised new inquiries into issues that are more appropriately the purview and the responsibility of joint house committees rather than committees of a single chamber. This is one of those worthwhile inquiries that should probably occur in every term of government.

Clearly there are opportunities for us in looking at how the machinery of government changes of any government impact on policy and outcomes, the administration of particular portfolios, transparency and accountability, and in particular the efficiency of government service delivery. There is an opportunity to pick up on some of the systemic failures noted in the Auditor-General's reports, financial administration of departments among them. There is enormous opportunity for us to look at the development of a framework for the monitoring of the implementation of machinery of government changes and to make sure that that framework does not change year in, year out, or from one term to the next.

Unfortunately when there are changes it usually takes a lengthy period of time to bed them down. Simple departmental restructures, for example, in multicultural affairs have led to a lot of confusion and uncertainty in the sector. Significant policy changes can sometimes involve a 10-year bedding down period. I look forward to the completion of this report. I thank the staff for their work, as well as all of the other committee members and the chair.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Access to Public Sector Information, December 2015 (*Ordered to be published*).

Implementing the Gifts, Benefits and Hospitality Framework, December 2015 (*Ordered to be published*).

Water Entities: 2014–15 Audit Snapshot, December 2015 (*Ordered to be published*).

Commissioner for Environmental Sustainability Act 2003 — Framework for the Victorian 2018 State of the Environment Report.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2014.

Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order, 1 January 2016.

BUSINESS OF THE HOUSE

Adjournment

Ms PULFORD (Minister for Agriculture) — I move:

That the Council, at its rising, adjourn until 2.00 p.m. Tuesday, 9 February 2016.

Motion agreed to.

MINISTERS STATEMENTS

Foster carers

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house about an exciting new Andrews Labor government initiative to boost support for those who open their homes and their hearts to our most vulnerable children — the children who, through abuse or neglect, cannot live safely with their parents.

Following consultation with carers, community sector organisations and peak bodies, I am pleased to announce today that our government is simplifying our carer allowance system, and I take this opportunity to thank everyone who was involved in these consultations. Our government is boosting the general carer allowance by more than $1000 per year. This will benefit more than 5000 carers looking after more than 7000 children. These carers are foster carers, kinship carers, carers with children in permanent care or carers of local adoptive children with special needs. All carers will now receive the education and medical allowance as part of their fortnightly payments rather than the current retrospective quarterly reimbursement arrangement.

This follows our allocation of more than $31 million over four years in this year's budget. Our government is putting its support behind our carers. This is the biggest boost in carer allowances in a decade, and it will take effect from 1 January.

As part of the consultation process for this new system, carers told us they wanted more transparency about what the allowance and reimbursement allowances are intended to contribute to in regard to the cost of caring for a child. My department has committed to making sure that payments are more transparent and equitable across the state. Further consultations will occur early next year as this policy work unfolds. This work will ensure that carers have fair and consistent access to additional funds to meet extraordinary expenses, and this work will be completed by 1 July 2016. Today's announcement builds on $3.2 million of investment in a foster care recruitment and retention strategy that is designed to improve support for our carers.

We value our carers, and we want vulnerable children to have more opportunities to live in a loving and caring home. I take this opportunity to thank all of our carers.

Ballarat railway station precinct

Ms PULFORD (Minister for Regional Development) — I rise to update the house on preparations for the transformative project that is the Ballarat station precinct redevelopment.

On Monday the government, in conjunction with the City of Ballarat, hosted a community information session in Ballarat regarding the $25 million Ballarat station precinct redevelopment project. The project delivery team spoke to members of the public on the progress being made on the project and sought feedback on aspects of the project. This follows last month's launch of the expressions of interest process, which invited interested parties to put forward their vision and their plans for this redevelopment.

The project is envisaged to include a 4-star hotel and convention centre and optimise the old bluestone goods sheds located on a site close to the heart of Ballarat, which is best described as very underutilised. With the inclusion of private sector investment, this project is expected to be worth more than $50 million and will mean a significant boost in construction jobs and ongoing employment with the convention centre, which we hope will host about 40 events per year, providing

great experiences for residents of Ballarat and the local regions as well as attracting many visitors to our city.

I note that my colleague Mr Morris has had a longstanding interest in this project from his time as mayor of Ballarat and maintains an ongoing interest as a fellow member for Western Victoria Region.

The government is getting on with this project. The expressions of interest close on 17 December.

The PRESIDENT — Order! When I call a minister during ministers statements I would be obliged if the minister would indicate which ministry they are making their statement on. Ministers have several portfolios, and I only have the name of the minister not the portfolio. It does have relevance, even today. Was Ms Pulford making her statement as Minister for Regional Development?

Ms PULFORD — Regional development; thank you, President.

Automotive industry transition plan

Mr HERBERT (Minister for Training and Skills) — I rise to advise the house of a new initiative to support auto supply chain workers in the south-east of Melbourne as part of my responsibilities as Minister for Training and Skills. We know the federal government abandoned these workers, throwing tens of thousands of jobs on the scrap heap when it walked away from supporting the auto manufacturing industry, causing auto manufacturers to leave this country.

Honourable members interjecting.

Mr HERBERT — That is indisputable. But of course the impact is far worse on the auto supply chain workers, particularly in the south-east, Mrs Peulich. We know that 64 per cent of auto supply chain companies and almost 50 per cent of the workforce are based in the south-east, which she represents. We will not let those workers down.

On Monday, the Premier and the Minister for Industry announced a broader automotive transition plan — —

Mr Barber — On a point of order, President, the difficulty is that I cannot hear the minister with the amount of noise. As for the 90-second statements, if the minister has to say his bit in 90 seconds, I would like to be able to hear it.

The PRESIDENT — Order! I was of a similar mind, and I was just checking to see if the minister was reading most of that contribution because I know he has not stuck rigidly to his notes in his statement. My inclination was to ask him to start from the top, and prompted by Mr Barber I will ask the minister to start from the top.

Mr HERBERT — I wish to advise the chamber of a new initiative to support auto supply chain workers in the south-east of Melbourne. This follows the federal government abandoning these workers and throwing tens of thousands of jobs on the scrap heap when it walked away from funding the auto manufacturing industry, directly resulting in the closure of that industry in Australia and particularly in Victoria.

Mr Ondarchie — On a point of order, President, it would be fair to say that the chamber is a little confused right now because this is the Minister for Training and Skills talking about an industry initiative. I would have thought it would have been best for a new initiative to have been announced by the Minister for Industry, but given she is absent on the job, who would know?

Mr Dalidakis interjected.

The PRESIDENT — Order! I thank Mr Dalidakis for his assistance, but I can do that myself. It was a gratuitous throwaway remark, and members know I do not appreciate those. I am sure that the minister in his statement will indicate in the time remaining why he is making the statement and the relevance to his portfolio as an initiative.

Mr HERBERT — I wanted to say something on the point of order.

The PRESIDENT — Order! I have already ruled, but I had not recognised that Mr Herbert wished to contribute on that point of order.

Mr HERBERT — On the point of order, President, my government is a joined-up government, and we link the various services of the state together to get an outcome. TAFE and training are intricately linked to industry development, economic development and growing productivity in our industries and our economy, and this is definitely a training and skills initiative.

The PRESIDENT — Order! I wonder what will happen when Mr Andrews finds out it is the minister's government.

Mr HERBERT — Good point! On Monday the Premier and the Minister for Industry announced a broader automotive transition plan. Part of that plan is an $8 million south-east automotive industry transition (SEAT) assistance plan, which has three components.

Firstly, there is $2 million to establish jobs and skills centres at Holmesglen and Chisholm institutes of TAFE. These centres will be directly related so that auto supply workers can have an entry point into transitioning into other jobs. Secondly, the $4 million funding for Chisholm and Holmesglen through these centres will provide intensive one-on-one support, retraining and connection to future employment, work and job placement and support for businesses that are seeking to restructure and reskill their workforce and grow productivity and competitiveness in other areas. This is a great initiative because it joins our great TAFEs together for the benefit of their communities. Finally, the SEAT package will have $2 million to support group training initiatives to support mature-age workers to undertake mature-age apprenticeships and get back into other work. It is a terrific initiative and one that I am proud to support. But it is an initiative that would be far enhanced if the federal government came to the table and put in the sort of money it ought to put in to support the auto supply chain workers in this state.

Honourable members interjecting.

The PRESIDENT — Order! If Mr Ondarchie wishes to pursue that, he might ask the minister to meet with him at some stage. They can have a conversation, and the rest of us will not have to participate in it.

Greyhound racing

Ms PULFORD (Minister for Agriculture) — I wish to make a ministers statement on the agriculture portfolio. I refer to the gut-turning footage that was aired on *7.30* last night of greyhounds that have been exported to Macau. Members who may not have had the opportunity to see it will certainly see repeated cuts of the footage in media reports today. They are very disturbing images that are completely out of step with our society's views on animal welfare issues and which show these beautiful animals suffering absolutely needlessly.

Under Greyhounds Australasia rules any person exporting a greyhound to another country needs a greyhound passport. In March 2013 Greyhounds Australasia ceased issuing greyhound passports for the export of animals to Macau. In 2014 Greyhounds Australasia undertook a detailed review of welfare standards in host countries that Australian greyhounds are commonly exported to. Macau was the only jurisdiction which was assessed as being not fully compliant, so a decision was made to extend that ban on issuing greyhound passports to that location.

There is, however, a loophole, and this is being exploited by people not associated formally with the greyhound racing industry. What is required now is a restriction on the export of greyhounds and an amendment to the commonwealth Export Control Act 1982. The Victorian government has been working very hard on this issue this year. We have in the Parliament this week the third piece of legislation implementing recommendations from the reports undertaken by Dr Charles Milne, the chief veterinary officer, and Sal Perna, the racing integrity commissioner. They made 61 recommendations. There is a great deal to do to clean up greyhound racing. What we are doing now is calling on the federal government to close this loophole in the Export Control Act to end this horrible suffering of greyhounds in Macau.

China trade mission

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I rise in my capacity as minister responsible for the trade portfolio. I would like to talk about my recent experience when I led a trade delegation of Victorian companies to the Australia-China International Aged Care Summit 2015 in Beijing.

Honourable members interjecting.

The PRESIDENT — Order! The point that Mr Barber made earlier in a point of order is one that I uphold entirely. As I have indicated on previous occasions when members are making short-piece contributions such as a 90-second statement or an adjournment matter, but certainly a ministerial statement, it does hold with me that those members ought be heard in silence, with maybe an occasional interjection. The minister is not seeking to be provocative in this statement, so there is no excuse for a range of interjections. I expect the minister to be heard in silence without assistance.

Mr DALIDAKIS — As I was saying, the trade mission was my first to China, and it was certainly an eye-opening experience in terms of the opportunities China presents to Victorian businesses. While I was there I had the opportunity to announce two memoranda of understanding between Chinese companies and their Melbourne-based partners. One was a landmark agreement that will see Melbourne's Independent Management Group partner with the Chinese property developer Yingsha Industrial Group on a major new seniors living development within north-east China. Another new agreement struck was between Melbourne-based information technology consultancy Business Intelligence Technologies and the

China Advancement Association for Private Science and Technology Enterprises, or CAAPSTE.

While I was in China I had the opportunity to learn from many Chinese companies and investors who are eager to partner with or invest in Australian companies, especially those here in Melbourne and Victoria. It was a great trip, as I said, for me both professionally and also personally. The scale and size of the opportunity was shown just a number of weeks earlier, prior to the trade mission, when Swisse vitamins — a wonderful success story in Melbourne — announced an 83 per cent sale of equity to Biostime International Holdings, a Chinese company based in Hong Kong. I appreciated the opportunity to participate and see those opportunities.

MEMBERS STATEMENTS

The PRESIDENT — Order! We now have members statements, and I think it would be appropriate to go to the runner-up in the woman of the year award.

VicHealth Awards

Ms PATTEN (Northern Metropolitan) — Thank you very much for the mention. Speaking of finalists, last week along with a number of colleagues from this house I had the pleasure of attending the 2015 VicHealth Awards. I was very pleased to see the number of northern metro organisations and projects that made it into the final. That really recognised the hard work of these organisations and projects in supporting healthier and happier communities in my Northern Metropolitan Region.

I would like to recognise the northern metropolitan finalists for their innovative and clever projects: *Darebin Says No to Family Violence*, a film on that; the City of Melbourne's Good Wheel project, which is encouraging bike use; Moreland's interactive theatre *The Safety Zone Project — You're Not Alone*; White Night's *I Could Have Danced All Night*; Alexandra District Health's Triangle Food Op Shop; the Aboriginal Rethink Sugary Drink social marketing campaign; *For Love or Money*, Women's Health in the North's film about financial abuse; and the North Melbourne Football Club's Sisters through Sport program. Extra congratulations to the winners of the building health through art category, *Tanderrum*, from the Ilbijerri Theatre Company. It was a great night, and it is great to see such clever and innovative projects from Northern Metropolitan Region.

Government performance

Ms WOOLDRIDGE (Eastern Metropolitan) — What a sad and sorry sight we see on the government benches as we end the parliamentary year — from rorts to scandals, factional fighting, union dominance and cost blowouts. Mr Dalidakis, the Minister for Small Business, Innovation and Trade, must be feeling a little put out today because his $1 billion public holiday — economic vandalism — has been overtaken by $1.1 billion of compensation paid by the Andrews Labor government on the east–west link.

Minister Dalidakis also knows he is only sitting on that side of the chamber because of his frontbench and its role in using millions of dollars of taxpayers funds to campaign with staff they had not even met and did not even know. Mr Herbert, the Minister for Training and Skills, donated to the red shirt campaign pre-election but since then has not even been focusing on his portfolio, which has seen TAFE enrolments decline under his watch. He has been more busy looking for $1000-a-night accommodation junkets at the Shangri-La in Singapore.

I turn to Ms Pulford, the Minister for Agriculture. There is the ducking and weaving and the inability to give a straight, simple answer until under pressure in this house in question time. She even had an epic fail of her own when the front page of her Victorian regional report included a family riding their bikes in the English countryside. Two parents, two children and Victorian paddocks are not enough to promote their work.

We have had in this chamber Ms Mikakos, the Minister for Youth Affairs, not even knowing the Victorian youth unemployment figures. We gave her a chance — in fact we gave her a second chance and a third chance — and she still could not get the numbers right. In the middle of these cage fights we have Captain Jennings who, with all due respect, is a bit greyer than he was 12 months ago — —

The PRESIDENT — Order! The member's time has expired.

Felicitations

Mr BARBER (Northern Metropolitan) — I feel like this has been not only the most productive but the most fun year in the Legislative Council in my nine years, and that is for seven main reasons: the Presiding Officers' excellent work, which has made sure that the umpiring has been scrupulous this year; the staff of Parliament, who often exceed us in number but do their work very efficiently to make sure we can go on being

political gladiators; the new Greens in Parliament — members have all seen plenty of what they have done this year; the new micro-parties, which have brought the most new perspective to Parliament since the Greens arrived here many years ago; the number of inquiries that have been held during the year, often into bills for the first time; the fact that certain inquiries could not agree on much at all while others agreed on pretty much everything, which just goes to show the nature of the issues that have been brought to this place; and finally the fact that Mr Finn had to bite his lip on global warming. I therefore hope that members enjoy their summer break, refresh themselves and come back with new energy so that we will be able to make next year even better.

The PRESIDENT — Order! I understand Ms Dunn's Christmas card from VicForests is in the mail.

Economy

Mr MULINO (Eastern Victoria) — I rise to speak with great pride on the strength of the Victorian economy.

Honourable members interjecting.

Mr MULINO — A couple of weeks ago we saw very strong outcomes on gross state product (GSP) and on state final demand — stronger than a year ago and stronger than just about any other state.

Honourable members interjecting.

The PRESIDENT — Order! I listened very attentively to Ms Wooldridge's examination of the government's performance, and it was very provocative, and government members had the courtesy to listen to that in silence. Mr Mulino, in putting perhaps what might be a contrasting view to the opposition, also deserves that courtesy. Ms Wooldridge's piece was quite provocative; Mr Mulino's, so far, is not so provocative. As I said, there may be contrasting views, but it is his right to make this statement and to put the perspective that he sees in terms of the economic performance of the Victorian government. I call Mr Mulino, from the top, in silence.

Mr MULINO — Thank you, President. I rise to outline the strength of the Victorian economy, and I would like to clarify that it is my perspective but also, one might say, the perspective of the Australian Bureau of Statistics. It outlines that GSP and state final demand grew at very high rates, which is something we spoke about a couple of weeks ago.

Since that time there have been some important releases. One is the Westpac Melbourne Institute consumer sentiment index. Consumer activity is one of the key elements of the economy. The consumer sentiment index currently stands at 106.8. It is important to note that that is the highest of all mainland states. Some of those opposite quite like to talk down our economy and spruik other states on the mainland, but we are doing better when it comes to the consumer sentiment index and, importantly, when it comes to where the index was a year ago, when it was 92. It is 14.8 percentage points higher than a year ago, when certain other members of the chamber had their hands on the levers of the economy.

Then the NAB monthly business survey came out. Business conditions are critical both in terms of investment and also in terms of hiring behaviour. Business conditions currently stand at 17, which is plus 7 on the previous survey and, critically, 10 points higher than a year ago, when certain others in this chamber had their hands on the levers of the economy. That is a great result on which to end the year.

House of Welcome, Ballarat

Dr CARLING-JENKINS (Western Metropolitan) — I rise to speak about a refugee and asylum seeker fundraiser I attended on Saturday, 28 November. The Jam for Justice Gospel in the Garden fundraiser was for the House of Welcome, which is a safe, friendly, helpful and supportive space for asylum seekers struggling with living costs, trauma and separation from family. All funds raised will go directly to assist local asylum seekers. The fundraiser was attended by around 100 people. It was hosted by refugee advocate and human rights campaigner Carmel Kavanagh and supported by the Ballarat Regional Multicultural Council and the Ballarat Refugee and Asylum Seeker Support Network. A particular highlight of the day was Sweet Mona's Gospel Choir and the West Papuan musicians, who put on beautiful and inspiring performances.

With Christmas now on our minds, this is a timely reminder of the need to support the most vulnerable in our society. As we will soon be enjoying Christmas at home and with our families, many refugees and asylum seekers will be spending Christmas within the walls of places such as the Maribyrnong Immigration Detention Centre, separated from family, living with the scars of trauma and with no certainty about tomorrow. May this Christmas season inspire us all to help those in our electorates who are lonely, vulnerable and in need.

Government performance

Ms CROZIER (Southern Metropolitan) — What an appalling legacy this government has left Victorians in just 12 months, with $1.1 billion wasted on the east–west link, a desperately needed project and one started well before the signing of the contract before last year's state election. Other areas of waste and mismanagement include the cost of the grand final public holiday at around $1 billion, with 79 per cent of Victoria's tourism operators saying, 'Scrap it'. Only 164 new full-time jobs have been created, despite the promise of 100 000 new jobs. State taxes are up. We have a budget deficit — the first in more than 20 years. We have the Melbourne Metro rail tunnel, which is a project not fully costed. South Yarra station has been completely ignored, with this government showing contempt for the thousands of commuters who rely on that station. Now we have Metro 2. It is just another stunt, with no costing and no money allocated.

The government has refused to release data on serious incidents affecting vulnerable children. Women's refuges are bursting at the seams. Crime stats are up, yet we have fewer police than when we left office just 12 months ago. The Andrews government has cut funding to family violence programs that would assist women and children. We have mixed messages from the government. The government supports a brutal sport in cage fighting and yet there is the Royal Commission into Family Violence. This is a government dominated by the unions. We have had many disastrous consequences already under this government, and Victorians are going to have to pay for them dearly for years to come. What a disgrace!

Level crossings

Mr MELHEM (Western Metropolitan) — It is my pleasure to rise to speak on another election commitment being fulfilled by the Andrews Labor government in the Western Metropolitan Region, which will improve the commute of thousands of people in Melbourne's west. Among the 23 level crossings to be removed in Victoria, construction has commenced to remove the St Albans railway crossing, and it is progressing really well, and the removal of the Furlong Road level crossing is commencing shortly. The government made two announcements last week in relation to fast-tracking the Melton Highway railway crossing in Sydenham and the Kororoit Creek Road level crossing in Williamstown. Those projects are on top of the list of infrastructure projects our community needs. Other projects include widening the CityLink-Tullamarine Freeway, completing the M80 upgrade and finishing the Caroline Springs train station. Earlier this week the government made an announcement in relation to the final stage of the West Gate distributor project, and that is a very welcome project.

I take this opportunity to extend my best wishes to all members and their families, the parliamentary support staff, the Clerk's office and all its staff, Hansard, and especially the attendants because they do a wonderful job. To all these people and their families, I wish you a very merry Christmas and a safe and a happy new year. I look forward to 2016.

Family violence

Ms SPRINGLE (South Eastern Metropolitan) — Following the previous sitting week's focus on family violence with Rosie Batty's address, I note how good it is to see this issue finally being taken seriously. I am hopeful this is the beginning of a fundamental structural culture change that we need to see in our society. In the last six weeks I have attended many events around family violence and violence against women. Just a few include the Can the Media Prevent Violence Against Women? debate, held in Frankston, which was an excellent event; and yesterday's Oxfam breakfast at Parliament, where guest speaker Antoinette Braybrook, the CEO of the Aboriginal Family Violence Prevention and Legal Service, talked about violence perpetrated against Aboriginal women.

I also attended the Family Violence Has No Boundaries — Cultural Diversity and Prevention national conference, run at Melbourne University, which predominantly dealt with culturally and linguistically diverse communities; and I attended the showcase event for the CHALLENGE Family Violence Project, run by the City of Casey, in partnership with the Shire of Cardinia, the City of Greater Dandenong and Monash Health. This week's entire *Dandenong Journal* has been dedicated to the issue of family violence.

I also note that there are some people who doubt that it is a gendered issue. Overwhelmingly family violence is perpetrated against women, and the idea that this issue has been hijacked by the feminist movement is a massive insult to members of that particular movement, some of whom have been working on this issue for many decades.

United Arab Emirates National Day

Mr EIDEH (Western Metropolitan) — On 25 November I was delighted to represent the Premier,

the Honourable Daniel Andrews, at a celebration of the 44th National Day of the United Arab Emirates. The United Arab Emirates is a key trading partner of Victoria and our state's largest food and fibre export market in the Middle East. In fact the two-way trade is valued at over $1.2 billion, of which almost $800 million is Victorian exports. In the future Victoria's strong economic and population growth will continue to be a major opportunity for international investors, particularly the United Arab Emirates.

I am confident that the increased interest shown in investing in Victoria, particularly in the tourism and hospitality sectors, will be a positive step towards further developing the existing trade relationship between the United Arab Emirates and Victoria. The significance of building on our relationship is evident through the Victorian government business office which is based in Dubai. This office was the first established by any state in Australia, and it enables the government to be actively working with the people and businesses of the United Arab Emirates and maintaining communication with their Victorian counterparts.

Trade is not our only shared interest. Victoria is home to many students from the United Arab Emirates, who have travelled to study at our world-class universities and seek opportunities. I am personally very committed to not only maintaining the strong relationship we share but actively seeking to improve and increase our business relations.

I thank the Consul General of the United Arab Emirates, His Excellency Saeed Alqemzi, and organisers for hosting a wonderful reception to honour this important day.

Felicitations

Mr EIDEH — On another matter, President, I wish you, all members and staff and their families a very merry Christmas and a very happy, peaceful and prosperous new year.

Merinda Park railway station

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Last week I was pleased to join the shadow Minister for Police, Ed O'Donohue, at the Merinda Park railway station in Cranbourne to meet local residents and to hear their concerns about the Labor government's failure to provide protective services officers (PSOs) at their station. The PSO program of the coalition government is strongly supported by the Victorian community, particularly in the south-east of Melbourne, where local residents and commuters understand the benefit of that program in providing additional safety for late-night commuters.

The Labor Party has never fully supported the PSO program, with the now Deputy Premier, James Merlino, describing PSOs dismissively as 'plastic police'. That was a shameful comment by the government and a shameful reflection on the government's view of the PSO program, and it was well at odds with the expectations for and understanding of that program by the Victorian community. As a consequence of the government's lack of commitment to the PSO program Merinda Park station in Cranbourne remains unmanned by PSOs in the evening, despite a scheduled rollout for those PSOs already being in place and having been in place for some time.

The infrastructure for PSOs has been provided at Merinda Park station and is now covered in cobwebs and clearly starting to become dilapidated as no PSOs have been assigned to that station. On behalf of the Cranbourne community I call on the Minister for Police, Wade Noonan, and the Victorian government to provide those previously committed PSOs to the Merinda Park station to improve the safety of Cranbourne commuters.

Felicitations

Mr BOURMAN (Eastern Victoria) — In my 90-second statement I am going to quickly reflect on almost a year in this place. It was on 23 December that I was sworn in, along with everyone else, after 47 years of being an anonymous person. Haven't things changed? In the last year I have learnt a lot. I have learnt a lot about what goes on in this place. A lot of preconceptions I had have been completely blown out of the water. I have learnt more about the long hours we can do here. One thing I will never do is complain about how slack politicians are. I see a lot of people — and this is feeling the love in the chamber again — putting in a lot of hard work on both sides of the chamber, including the crossbench.

It has been a year of learning and development for me, because I never thought I would have to be doing this sort of thing. For a long time I wondered what it would be like if I could be in a position to change this, do that and influence the other; now I am, and it is not nearly as easy as I thought it was going to be.

I want to thank the President for the judicious judgement and help he has given us all over the last year. I want to thank all the members for the help they have given us. I have got to say it has been completely

overwhelming how well we have all been taken in — I mean that in a positive sense. I certainly want to thank the staff, who have to put up with all of us and help us into the wee hours of the morning. I want to thank the crossbench. The last thing I want to say is Merry Christmas and Happy new year to all, and stay safe.

Northern Victoria Region horseracing

Ms SYMES (Northern Victoria) — I rise today to congratulate Seymour father and son trainers Lee and Shannon Hope, who had success last weekend in Benalla with their horse Drawn to You. On this side of Parliament we know the importance of regional horseracing and what it does for the economy, particularly in my home town of Benalla and horse breeding and training strongholds within my electorate, including Wangaratta, Euroa, Seymour and Kilmore, just to name a few towns. Victoria is the proud leader of Australian racing, generating more than $2.8 billion in economic activity and supporting more than 26 500 full-time jobs. A majority of those are in my electorate.

Lee and Shannon's three-year-old horse, in only her second start, was a comfortable winner in the Beatons Silk Cut Meats Benalla Maiden Plate over 1206 metres. While the trainers are impressed with her efforts, she will now head to town to target some three-year-old races over the summer period. Adding further to the horse industry stronghold in my electorate is the fact Drawn to You was bred and raised by Flowerdale's John Brown's Jenal Australia. Again this cements my electorate as a top breeding ground for champion horses.

Felicitations

Ms SYMES — I also take the opportunity, as have others in the house today, to wish everyone a restful break and to give special thanks for the support of all the members in this house, from the mentors on my side to the cooperative and productive relationship I have with my opposing whip, Ms Lovell. Thanks go to you, President, for your generosity and wisdom and of course to the Clerks, Council staff, attendants and Hansard. You put up with us, your tolerance is appreciated and your assistance is never taken for granted. Merry Christmas to everyone.

DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015

Second reading

Debate resumed from 8 December; motion of Ms MIKAKOS (Minister for Families and Children).

Mrs PEULICH (South Eastern Metropolitan) — I rise to make some comments on the bill, which has also been the subject of a referral to an upper house committee. The Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 proposes the lease of the port of Melbourne to a private operator for 50 to 70 years. This is a really good example of where an upper house committee is being properly used for referral and more detailed consideration and consultation on bills, and there would be few bills that are more important than this one in terms of the long-term ramifications for the state, its economy and its environment and amenity.

The task of this chamber, as it was for the committee, is to form an assessment about whether the long-term interests of Victorians are being well served by this bill, and the committee clearly formed the view that it did not. It was not questioning the policy of the leasing, but it contended that the best interests would be better served by a series of amendments that it has proposed and which I understand are currently under discussion between the major parties.

I do not believe consideration of this bill should be rushed. The community has had an opportunity to contribute; there were 87 submissions to the committee inquiry, but I think even the proposed amendments should be the subject of more discussion in the community, and there should be a greater awareness of them, given the long-term nature of the implications of this bill.

What is also interesting is that the committee has been focused on a number of key elements: the proposed lease, which as I said must serve the long-term interests of Victorians. The committee's focus was on trying to maximise flexibility and certainty for Victorians. I thought it was also interesting that the view of the committee was that the bill facilitated some elements of the lease; however, many key provisions were going to be reflected in the contract and not in the legislation. The scrutiny we are able to subject this bill to is limited by this.

The committee's request to government for details of the contractual aspects revealed a whole lot of parameters that would require a trigger for compensation that could be payable to an exclusive monopoly operator and would also impact on the up-front payment for the port licence fee that has not yet been determined. These matters, certainly in relation to the compensation, have been largely the result of what happened with the east–west link — the tearing up of the contract and how this impacts upon sovereign risk.

Clearly the Premier said the east–west link contract was not worth the paper that it was written on; indeed we found from the Auditor-General that $1.1 billion is being spent on negating that contract. That is at the cost of taxpayers. That is in contrast with the assertion that it was not going to cost us a dollar. The fact that compensation could be paid to the operator in the instance of, for example, competition being introduced or perhaps a second port being facilitated in the future is recognition of the damage and the risk that that action by the Premier has caused for the state of Victoria. You certainly would not have people prepared to invest in something that could be easily negated by a hostile government.

Leasing of an asset like the port of Melbourne to a third party, if the lease is properly constructed, could certainly lead to efficiencies while also generating funds for investment into new infrastructure, and that is absolutely critical to the state because we are already lagging substantially on investment in infrastructure, whether it be ports, whether it be roads or whether it be the rail system.

As I said before, the committee has recommended that the Council support the bill but subject to a range of amendments, and the government has not informed all of us as to its position on a range of those amendments. The amendments are intended to reduce the uncertainty surrounding the transaction and preserve the flexibility, because the committee formed the view, and much of the evidence that was given suggested, that an exclusive contract for 50 to 70 years was not in the best interests of the state, especially given its ability to drive up rent — —

Mr Leane interjected.

Mrs PEULICH — No, I am talking about the report; that it is recommending amendments.

Mr Leane interjected.

Mrs PEULICH — If there were amendments, surely you would know. I have just lost my train of thought, but I will get back to it.

The committee's report was unanimously adopted. I believe that the majority of those recommendations were supported by most of the members, and I would just like to make some broad comments on some of those. In relation to the proposed lease of the port, strong evidence was tendered to the committee that flexibility was required in any bill that is adopted by the state — that passes Parliament.

I refer to evidence given to the committee by Brendan Lyon, chief executive officer of Infrastructure Partnerships Australia. He said:

> … Victoria has become associated with sovereign-type risks since the government's decision to terminate the contract for the east–west link.

That goes back to the comments I made in relation to the incorporation of compensation that may be payable to a third party should the terms of contract be varied.

Dr Ron Ben-David, chair of the Essential Services Commission, also made some comments in relation to not making an exclusive deal with a monopoly operator. He said:

> What I would say, though, is from a regulatory perspective, we would welcome a second competing port, because competition always makes the life of a regulator easier.

Being a member for South Eastern Metropolitan Region, I strongly support having the flexibility to pursue the development of the port of Hastings. The port of Hastings is critical to the future of the economy in the south-east, and it was certainly well supported by all the major councils in a very strong statement, which the government was party to launching. It was a very strong statement in support of the port of Hastings, and councils are all very concerned that this has been relegated or cancelled.

Robert Coode, executive president of the Australian Peak Shippers Association, said:

> The development of a second port in Victorian waters appears to have been pushed into the background. We see this as a dangerous notion because when the time comes — and it will — for a second deepwater port, the boat will have sailed …

Certainly the south-east agrees. Peter Tuohey, president of the Victorian Farmers Federation, said:

> As I said, you have got a 10 to 15-year time frame before a —

second —

> port will be built — certainly time for the current operators of the port to lock in their customers and look after themselves. We totally oppose that compensation for a second container port.

The time is galloping away.

The other significant concern for the south-east is the implications for Port Phillip Bay. The government contends that channel deepening is not required, that blasting of the Heads will not be required, but there is great concern and evidence that this is not the case. Rod Nairn, chief executive officer of Shipping Australia in evidence to the committee said:

> You can potentially get a bigger ship into the port of Melbourne, but you cannot do it efficiently because you cannot just get it in and out when it arrives … Because if it has not got enough cargo and the ship is not deep enough, it cannot get under the West Gate Bridge, but if it is really deep, then it hits the bottom of the Yarra River.

That leaves only one other scenario, and that is that Port Philip Bay will need to have substantial blasting and deepening.

Chris Smyth, acting executive director of the Victorian National Parks Association, said the following:

> In terms of blasting the Heads or dredging the Heads and so on, we have been very concerned about the impact of the channel dredging that took place down there some years ago. That did cause significant damage to the deepwater sponge community …

Certainly the local concerns are substantial. I represent the South Eastern Metropolitan Region, which has a substantial coastal community from Frankston all the way through to the bayside suburbs. There are also concerns about of the widening the Heads and the impact that would have not only on tidal surges that are felt by residents very close to Kananook Creek as well as Mordialloc Creek but also on the quality of the environment of Port Phillip Bay. I would like a little more information in that regard.

In terms of having all traffic go through the eye of the needle into the port of Melbourne, I think in terms of the development of a major city that that is an undesirable future vision. The development of a second port means there is an opportunity to reduce traffic movements, whether it is rail or whether it is road, preserving and protecting the amenity of the most livable city in the world by not forcing all the traffic, much of which would need to be done by road, into the heart of Melbourne.

To quote some of the evidence given to the committee, Ms Narelle Wilson, vice-president of the Maribyrnong Truck Action Group, said:

> Every day 22 000 trucks use our narrow residential streets, and up to 72 per cent of them are container trucks. They go through countless school and pedestrian crossings; they go metres past our childcare centres, kinders and schools; they drive past our houses as we are trying to sleep at night, metres from cyclists; and they get stuck in endless traffic congestion.

Similarly, Mr Richard Bolt, Secretary of the Department of Justice and Regulation, said to the committee:

> Most of the growth —

in the port of Melbourne —

> we expect, will be accommodated using road transport because of the nature of the journeys that are being taken by containers, so improvement of productivity of road freight use is going to be important.

That means there will be thousands upon thousands more container movements on our roads. Many of those will be moving from the south-east into the city centre and into the port of Melbourne. If we had a port at Hastings, those container movements would be minimised.

Rural and regional communities are also concerned about the lack of reinvestment in rural and regional Victoria from the sale, which they contend is only 3 per cent. That is a legitimate concern.

The most offensive component of this bill is its attempt to be linked to the removal of city rail crossings. Many of those are in the south-east. We have been calling for a progressive removal of grade separations based on the safety audit. When this government promised the removal of rail crossings it said they were all fully funded and shovel-ready. We now know that was a big lie. They are not fully funded, and it is all contingent upon the income that would be generated through this port of Melbourne lease. They are certainly not shovel-ready; in actual fact they are far from it. The only ones that have been progressed are those we funded and designed and were ready to proceed with just before the last election.

With those few words, I indicate that there are many uncertainties that need to be resolved. There are many flexibilities that need to be restored to avoid a monopoly operator and to avoid vertical integration of those who are running the various port services, because to be held to ransom by a single monopoly operator is not great for the state.

Mr LEANE (Eastern Metropolitan) — I am pleased to rise to make a contribution on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. This bill fulfils an election commitment that the then Andrews Labor opposition took to the election. The opposition was very clear in the commitment it made around this particular piece of

legislation that we are discussing today. If the Andrews Labor opposition were successful at the election, it would take the port to tender for a long-term lease and the funds that would come out of that transaction would go towards much-needed infrastructure, which was also indicated on the other side of the chamber.

To go back to that time in history, after the Andrews Labor opposition announced this policy the Napthine government picked it up. It replicated our policy and said it would take the port of Melbourne lease to tender and the proceeds would go towards much-needed infrastructure. Once again this side of the chamber is being consistent. We are a government that is determined to fulfil our election commitments, we are determined to remove the 50 most dangerous level crossings, we are determined to put funding towards regional Victoria for much-needed infrastructure and we are determined — —

Mr Dalidakis — To keep our promises.

Mr LEANE — Absolutely, Mr Dalidakis, this government is determined to keep its election commitments. As much as it makes the opposition quite sad that we are a government that keeps its election commitments, we on this side of the chamber are proud to be part of a government that is committed to doing what it said it would do and fulfilling its commitments completely. This is part of what we said we would do.

As I said, in opposition we were very clear, as we have been in government, that some of the proceeds from this sale will go towards fulfilling our election commitment to remove 50 of the most dangerous level crossings. This is an action that the electorate voted for; the electorate wants this policy to be fulfilled. We have gone out to visit the electorate at level crossings that are currently being removed and level crossings that are out to tender or out for expression of interest. The discussions we have had with the community as MPs on this side of the chamber have been nothing but positive. The community wants these level crossings removed for obvious reasons. To reduce congestion is an obvious one — more than obvious, I think, because reducing congestion is a lesser fact when you talk about improving safety. We have had tragedies at some of these level crossings. At the Main Road crossing in St Albans, which is to be removed, there have been a number of tragic events. We are determined to remove dangerous level crossings to make our road and rail networks safer.

Removing these 50 level crossings will give the government the ability to run more trains. We estimate that over 4500 jobs will be created in this process. Before the start of this year we had a period of inertia and stagnation as far as government infrastructure programs were concerned. The previous government was a timid government — —

Mr Barber — Confused.

Mr LEANE — I do not know if it was confused, but it was timid. It struggled to do the important work.

Mr Dalidakis — It focused on itself.

Mr LEANE — It did focus on itself quite a lot, which is a bit sad. It is sad for the whole state of Victoria that that happened. Even now there is a bit of confusion from those opposite around the notion that when you are in government you can do good things. You can do what the electorate requires of you. Work on infrastructure is obviously a part of that.

In recent weeks there was a meeting of the community stakeholder group giving advice on the level crossing removals at Blackburn Road and Heatherdale Road. The members of that group, whether they be representing a school, a residents group, a trader group or a council, all want these projects to go ahead quickly and efficiently. But the people of Blackburn and Ringwood may not appreciate that there are other communities with level crossings targeted for removal, the funding for which is reliant on the commitment we took to the election and which is realised in the bill we are talking about today. The chamber should acknowledge that the government, when in opposition, clearly flagged its intentions before the election. If the chamber does not acknowledge that, the fault really lies with the coalition. I have said this before: we are prepared to be judged on the delivery of our commitments. We would not have it any other way.

The coalition went to the election replicating Labor's policy in this area. After the election the coalition decided that maybe it was not a good idea after all, because that suited its political ends. On this side of the chamber we are prepared to be judged on what we do, what we said before the election and what we deliver. Those on the other side of the chamber have to acknowledge that they will be judged in a similar way — on what they said they would do before the election and what they have actually done in opposition. It has been a good news story this year as far as getting on with the election promises we made. The level crossings removal program is an important part of that.

Recently the Premier and the Minister for Public Transport, Jacinta Allan, announced the opening of tenders for the removal of further level crossings,

including the level crossing at Melton Highway, Sydenham. Melton Highway is a very congested road, with this level crossing affecting it adversely. In further good news, its removal will mean that Watergardens Town Centre shopping centre will have the ability to expand. That retail expansion will create 1000 construction jobs. The nuts and bolts of it are that Melton Highway will go over the rail line and there will be a new road bridge built on the far side of the shopping centre. That means there will be very limited impact on vehicle and train movements during construction, which is a good thing. Eventually, when the new bridge is completed and the road is tied into the new bridge, the existing road will be opened up for development. Watergardens shopping centre is very keen to undertake works on the land that will then be available. Those 1000 construction jobs will be delivered on top of the 4500 jobs we estimate will be created by the level crossing removal program.

Among the other three level crossings that the Premier and minister announced as open for tender is Abbotts Road in Dandenong South. The commitment and expressions of interest to remove nine level crossings on the Dandenong line, from the south side of Dandenong to Caulfield, means that all the level crossings will be removed on that particular line, which is a fantastic outcome for passengers on the Dandenong line as well as for passengers on the Cranbourne-Pakenham line. We have undertaken a lot of consultation as this is a major manufacturing centre. We will be removing the level crossing on Abbotts Road, which stops on both the south side and the north side of the rail line, and will build a road bridge over it. Manufacturers, workers and the local council have advocated for its removal, and the government will deliver that.

The removal of the level crossing in Thompsons Road in Lyndhurst is of course part of a huge development to duplicate Thompsons Road. This is another election commitment by the government that is being fulfilled now.

The Kororoit Creek Road level crossing will be removed in Williamstown North, which is another busy industrial area. As I said, the safety and the ability to run more trains on the rail and ease congestion will be much more advanced once these level crossings have been removed. Members of this chamber would be a bit naive not to understand how popular this program is and the backlash they would face from the community if the program were jeopardised. As I said, the community consultation for this program has been extensive, and the feedback has been more than enthusiastic.

We look forward to fulfilling our commitment to remove up to eight level crossings on the Frankston line. This will improve the amenity of the Frankston line no end. Work is happening to remove level crossings in Bentleigh.

The level crossing in Burke Road, Malvern, is going to be one of the first to be grade separated next year, and we look forward to that being completed.

As I said, members of the chamber seriously need to think about how they approach this bill. It is an important bill. The government has a mandate for this particular action, and members who do not to take that into account are not doing the right thing by the people they represent. I heartily urge the chamber to pass this bill in an expeditious fashion so that the Andrews government can get on with it.

Ms LOVELL (Northern Victoria) — I rise to speak on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. It is important that governments have a vision for the future, but it is also important that that vision delivers in the best interests of our state. In this case that vision should include a port that is large enough to cater for increased trade and for the number of container movements that that increased trade will bring. It should also include a port that can accommodate the ships of the future, and it should not prevent future governments from adding to that infrastructure if demand requires that. This legislation fails on all those tests.

Firstly, it does not provide for increased capacity, because it restricts Victoria to one port for 70 years. Secondly, maintaining the port at the current site will not accommodate the ships of the future without causing massive environmental damage to Port Phillip, through dredging and widening and deepening of the Heads and the associated impact that that may have for our bayside beaches. Thirdly, this legislation is particularly bad because it creates a monopoly for 70 years, preventing a future government from establishing a second container port without paying massive compensation to the holders of the lease over the port of Melbourne.

Prior to the election there was bipartisan support for a medium-term lease of the port of Melbourne. Labor promised a medium-term lease of the port of Melbourne with a second container port to be established at Bay West. The Liberals promised a medium-term lease of the port of Melbourne with a second deepwater container port to be established at Hastings. This legislation does not deliver on either of those promises. Premier Daniel Andrews has gone back

on his word. He has in effect broken another contract, and that is the verbal contract he had with the Victorian people to lease the port of Melbourne for a medium-length term and establish a second container port at Bay West.

As the front page of the *Herald Sun* today reveals, Victorians cannot trust or believe Daniel Andrews when he gives you his word. The front page reveals that the Auditor-General has at last exposed the true cost of Labor scrapping the east–west link as being $1.1 billion — and possibly rising. This morning's *Herald Sun* headline rightly screams about Dan's $1.1 billion con job. Prior to the election Daniel Andrews told Victorians that there would be no compensation paid and the contracts were 'not worth the paper they're written on'. He also said, 'A government that values our state's reputation and good name doesn't rip up contracts'. However, now we find that Daniel Andrews has misled Victorians. The contracts were worth more than the paper they were written on — about $1.1 billion more. His government has paid compensation to break those contracts, and he has confirmed that Labor does not care about Victoria's reputation and good name.

This is a case of Daniel Andrews and Labor putting Labor first. Daniel Andrews has spent $1.1 billion of Victorian taxpayers money to save two seats from the Greens. He has confirmed that he is more concerned about saving Labor seats and his cronies' jobs than he is about the interests of everyday Victorians, road safety and business in Victoria. We all know that the only reason Labor opposed this much-needed piece of infrastructure is that the Premier feared losing the seats of Melbourne, Richmond and Brunswick to the Greens. Perhaps Jane Garrett and Richard Wynne should be dubbed 'the $1.1 billion couple', as that is what it has cost Victorians to save their jobs. Labor will always be about putting Labor first at the expense of the Victorian people.

As we have said, with this piece of legislation Daniel Andrews breaks yet another contract — that verbal contract he had with the people of Victoria to establish a medium-term lease of the port of Melbourne and a second container port at Bay West. Now we have Labor saying it will not deliver on that commitment to a medium-term lease at Bay West. Instead it is saying that it will now lease the port of Melbourne for 70 years and prevent any future development of a second container port by requiring massive compensation to be paid if a second container port is established.

Let us look back 70 years to when we were just at the end of World War II. I think we would all concede that the port of Melbourne, as it was in 1945, could not possibly service the city of Melbourne and the state of Victoria today. It would not accommodate the ships we have today. It would not accommodate the number of shipping containers or 20-foot equivalent units (TEUs) that need to be moved through that port. It would have been an absolute disaster if the government in 1945 had leased that port for 70 years and made a commitment that a second container port would not be established over that 70 years.

I have several concerns about the leasing of this port. We have talked about the 70 years and the fact that that restricts us in establishing a second port. Then there is 2086. I do not think that any of us in this chamber will still be around in 2086. We have no concept of what trade will look like then or what size ships will be, but it is not in the best interests of Victorians for the government to tie Victoria into one port at that one location for that period of time. We need to have a vision that would mean the establishment of a second container port, one with deepwater access so that no environmental damage would be done.

The economic damage from the sale of this port will impact particularly on my electorate because it will mean higher costs for exporters, which will see costs passed straight back to the farmers. The Andrews government proposal was originally to raise port fees by almost 800 per cent immediately, but a huge outcry has seen a deal done that will see prices still almost triple by 2023, with no guarantee that the cost will not escalate dramatically between 2023 and 2085. The monopoly and the higher costs will damage the competitiveness of our export sector, with Victoria likely to lose jobs to Sydney and Brisbane. I sat through the parliamentary committee hearing when it was in Shepparton and the witnesses presenting at that hearing said they would bypass Melbourne and take their trade straight to Sydney if it was cheaper to do that.

Where will the money from the sale of the port of Melbourne go? Certainly not to country Victoria. We know that the port of Melbourne has been built off the back of country Victoria. It has been built, established and expanded because of our food and fibre exports. Yet Labor wants to spend the entire proceeds from the sale of the port, an asset established off the back of country Victoria, in metropolitan Melbourne. When there was a huge outcry from people in country Victoria Labor then added a further insult by saying, 'We will give you a few crumbs. Three per cent of the value of the sale can go to projects in country Victoria'. It then outlined the projects and most of it is going to go to upgrade the Geelong road. That is not going to benefit people in northern Victoria. Labor put out one press

release statewide and then it put out four very specific press releases in Geelong, South-West Coast, Macedon and Buninyong — all electorates in the Assembly. There was nothing put out for northern Victorians, so we can only assume that we are not going to benefit at all from the sale of the port.

The dairy industry is the fifth largest user of the port, with 85 per cent of the nation's dairy exports going through the port of Melbourne. The industry contributed to 44 600 TEUs in 2014 and is a very large user of the port. A large part of those dairy exports come from the Goulburn Valley where, through irrigated agriculture, we produce around 30 per cent of the nation's milk. Some of our really large exporters are based there, like Bega Cheese, which manufactures powdered milk products for export. We are also home to large exporters of cheese and other dairy produce such as baby formula. Pactum Dairy has just been established and is exporting huge amounts of milk to China. All of this produce comes from the Goulburn Valley, yet we are not going to benefit from the sale of the port.

The environmental impact is another huge concern related to the sale of the port. With no second container port the port of Melbourne will require massive expansion of its current area. It will require unprecedented dredging of Port Phillip to accommodate the ships of the future. This would mean dredging approximately four times the volume that has been dredged over the past decade. It would also require blasting around the Heads to allow for larger ships to come through the Heads into the bay. This has the potential to do massive and irreversible damage to the environment in and around Port Phillip, including all of our bayside beaches.

My family originally came to Victoria in the 1850s as whalers from Denmark, and many generations made their living around Port Phillip. My grandfather would be spinning in his grave at the thought of making any changes to the Heads of Port Phillip. He always said it was one of the most dangerous stretches of water and no-one should ever tamper with the Heads. If you widen them or deepen them, there is the potential to allow for tides to move more freely through the Heads, and we have already seen the damage done to Portsea beach when the Bracks and Brumby governments dredged the bay. Goodness knows what widening and deepening the Heads would do to the rest of our bayside beaches.

Many people in my electorate are particularly concerned about the sale of the port, and many of them made submissions to the committee. I congratulate those who did. Bega Cheese presented, as did Devondale Murray Goulburn, the City of Greater Shepparton and other shires at the hearing I attended at Shepparton. All of them had concerns about the legislation. In its written submission the City of Greater Shepparton said:

> A move to privatise the port must provide greater efficiency and also improved productivity for its users to enable Greater Shepparton industry to be globally competitive. In discussions with frequent users of the port within our region, concerns are raised regarding the potential for access prices to increase and also in regards to the potential monopolising of such a crucial and major asset …
>
> …
>
> It is also widely believed throughout the Greater Shepparton region that income sourced from the sale of the port of Melbourne should be directed back to the regions to improve infrastructure and current access to the port. Exports from Greater Shepparton have contributed to the current viability and success of the port. It is therefore imperative that the regional contributors are rewarded with regional investment greater than the proposed $200 million.

Bega Cheese said that it accepts the need for a long-term lease and does not have an issue with the proposed initial term of 50 years. It said in its submission:

> However, we ask that stipulations be included in the legislation to ensure that parliamentary approval is required to exercise the proposed 20-year extension. Consideration should be given to the inclusion of terms in the lease agreement aimed at ensuring that the private operator cannot reduce current levels of competition through vertical integration into stevedoring or the like.

Its submission continues:

> … the port of Melbourne will run out of capacity at some stage in the next 20 or so years, notwithstanding expected capacity upgrades, and the planning process for a second port needs to be a priority. The proposed lease should not skew this process by advantaging the private operator of the port of Melbourne by way of compensation if a second container port goes ahead …

People are concerned about the legislation. The government has this wrong. We all support a medium-term lease of the port of Melbourne and the benefits that it can bring to Victoria by way of the money realised from it, but we do not support the long-term lease and the payment of compensation if a second container port is to be established.

Mr ATKINSON (Eastern Metropolitan) — As members are aware I do not very often participate in debates, but on this occasion because of my intended vote I thought I should explain my position to the chamber. My position at this point in the debate is consistent with what the opposition has been putting to the chamber in regard to a number of concerns it has

with this legislation, and indeed it is very consistent with the report that was brought down by the committee. I thought Mr Rich-Phillips did an outstanding job in presenting it to the house on Tuesday. In fact I indicated to him that I think it is one of the most important speeches that has been made in this house. That is the reason I have adopted a position on this legislation.

From my 23 years in this place and from my observations of Parliament and politics prior to coming to this place I believe this is arguably the most important bill I have seen come before the Parliament, because it will bind the state for 50 years at least and possibly 70 years — two generations, as the Leader of the Opposition said in her contribution to the debate. It is a very serious issue to bind a state for that period of time and to hold the economy of Victoria to potential ransom going forward for future generations. In my view this proposal does not tick any boxes at all. It does not tick a political box, it does not tick a social box, it certainly does not tick an environmental box and it does not tick an economic box.

At this point in the debate, as I said, my vote is consistent with the opposition's position. I know the opposition is in dialogue with the government, and it may well be that at the second reading I will need to vote differently to my party on the basis that I think the party wants to address in committee some of the issues raised in debate now to see if the bill can be improved and can satisfy the concerns that many of my coalition colleagues have had and certainly the concerns that I have. But I am not prepared to take that risk on such an important piece of legislation.

My concerns are about the monopoly operator. I think that is an outrageous proposition that, as I said, holds our economy to ransom potentially into the future. I am not prepared to support any proposition that inhibits the planning and development of alternate or additional port facilities in Victoria, because to do so again puts our economy at risk — the jobs and the future of young people in the generations to come. This is the most important port in Australia, and I do not think we can afford to tie it up with a single operator under a contract that would make it very difficult for a future government to look at other prudent public policy settings and initiatives and infrastructure that would ensure the continued success of this state.

Members will be aware that on a previous occasion I opposed the dredging in Port Phillip Bay, and I continue to see that the dredging of Port Phillip Bay is unacceptable to me in an environmental sense. From my point of view this proposal runs just too many risks in terms of disruption to our state, quite apart from the economic damage. Truck movements and transport have been mentioned by a number of speakers, and I agree that if the sorts of loads that are expected in terms of the growth of the port are achieved, then the impact on Melbourne — on our capital city, on inner suburban areas — is going to be dramatic and catastrophic.

When you look at the proposition with respect to the ships going forward, you see that if there are bigger ships — and that is certainly the trend in terms of ship design and sea transport today — then they are simply not going to fit into Port Phillip Bay. One of two things will happen: either someone is going to have to make the very bad call of widening the Heads and dredging further to get those ships into what is almost, despite its sea curtilage, a landlocked port, or a decision is going to be made by someone else that those ships simply bypass Melbourne and go to another port in another state at a cost to our economy. They are the only alternatives going forward if the current sea transport trends continue.

From my point of view there is a very sad disconnect in the proposition put by the government on this proposal. The government is trying to negotiate this contract, this lease, on the basis that it is going to do good for the economy in another area — it is going to pay for the grade separations. I do not believe there is a link. I do not see that this house should agree to this long-term proposition on the basis of a very short-term gain financially and even the benefits that would accrue from those level crossing removals when the potential cost to Victoria is so great in terms of damage to our economy going forward. To me there is a total disconnect between the two propositions. This house should not be persuaded by what the money might be used for, even if the money was to be used for quite another purpose. The proceeds of the lease are of little interest to me. This house should be focused entirely on the lease itself and the legislation and what that proposes.

In his contribution today Mr Leane said the government had a mandate to do this. I do not accept that at all. The now government's members took to the election a proposal for Bay West. Yes, there was a lease for the port of Melbourne involved, but the proposal taken to the election was Bay West, and Bay West is now dead and done. That was the mandate, because that was the promise taken to the electorate; therefore there is no mandate on this legislation. The game has changed considerably, and we should be focused on what the game is today.

As I have indicated, my vote will be against the second-reading motion, because I do not think I can be persuaded, in terms of debate alternatives at this stage, on the second reading. I may well be persuaded by the negotiations and amendments that are pursued in the committee stage, which may change my position on the third reading to one of support. I wish well to those parties, those people who are involved in the negotiations on how this legislation might be improved so that it delivers a true benefit to Victorians and more importantly guarantees that our economy and the jobs of future Victorians will not be put to ransom by a contract that delivers a monopoly position to one favoured party and that more significantly puts at risk the environment and prevents us from looking at other alternatives and from taking other infrastructure initiatives in the future in the event that the port of Melbourne cannot fulfil its role in supporting the Victorian economy and continuing to be the most important port in Australia.

Mr MORRIS (Western Victoria) — I rise to make my contribution to the debate on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. In doing so I would like to acknowledge Mr Gordon Rich-Phillips for the work he did as the chair of the committee inquiring into the proposed lease of the port of Melbourne. It was an exceptional report that was tabled this week, and I am very thankful to both Mr Rich-Phillips and his committee for all the work they did in ensuring that this piece of legislation had the proper scrutiny to ensure that we as a house have the capacity to look into this exceptionally important piece of legislation, as the President has just detailed in his contribution.

The title of the bill, which includes the words 'delivering Victorian infrastructure', could quite easily and more accurately be described as delivering Melbourne's infrastructure, because it is through this bill that the Labor government is attempting to rip funds out of rural and regional Victoria and divert them into the city through its level crossing removal plan. It is incredibly important that that be appropriately addressed, and I was pleased to read in the report of the select committee into the proposed lease of the port of Melbourne that recommendation 15 states:

> The government, ahead of the lease transaction, commit to allocating a minimum percentage of net lease proceeds to rural and regional logistics infrastructure.

This is because the legislation is a demonstration of money being ripped out of regional and rural Victoria and placed in Melbourne. I am not surprised with that, given the city-centric nature of this government, but it is incredibly important that this recommendation be taken very seriously by the house and be considered by the government. There are significant issues with the bill as it is currently proposed, and they have been well demonstrated by this report into the legislation.

There are another few recommendations that came out of the report, and I was pleased by the great work that this committee did. The first recommendation is:

> Subject to the government proposing amendments to the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 (the bill) and adopting the policy changes outlined in this report, the committee recommends that the Council support the bill —

if there are appropriate changes. That is an important recommendation because both the coalition and the Labor Party went to the election with the proposal of a long-term lease of the port of Melbourne, but the important difference between our two positions was that the coalition was not trying to do a hatchet job on Victoria's future and was not trying to sell out Victorians for the next 70 years, as is proposed in this piece of legislation. Seventy years is a long way down the track, and if any of us are fortunate enough to be here, we will be quite advanced in age, so it is important to understand the significance that a 70-year lease would have on the state of Victoria.

It is incredibly important that the government recognises that the bill is flawed. The committee did a great job examining exactly what those flaws are and pointing to where the government needs to fix this particular piece of legislation. Recommendation 11 proposes:

> The bill be amended to:
>
> (a) exclude the enabling provision for the port growth regime (see subsequent recommendation in relation to clause 69)
>
> (b) prohibit the inclusion in contract of a compensation or refund mechanism however so defined.

That is an important point. We do not want to be in the business of creating a monopoly here in Victoria for container ports for 70 years. The port of Melbourne will reach capacity by the year 2031, and in spite of this knowledge the government apparently sees fit to try and tie Victoria to a 70-year lease in the full knowledge that there is going to be the need for a second container port, but the government is trying to sell out future generations of Victorians by trying to tie us to a 70-year lease.

Recommendation 12 is:

> The bill be amended to omit clause 69 thereby preserving the full application of the Competition and Consumer Act 2010 (cth) and the Competition Code.

This further expands on that point as well. It is an important point to acknowledge that the government went to the election with a proposal for Bay West. That proposal was apparently going to be occurring in my electorate of Western Victoria Region. Everybody on this side of the house certainly understood prior to the election that Bay West was an absolute sham the whole way through. It was a case of the Labor Party trying to come up with an idea for creating jobs, but of course that is all it was. It was just an idea, a sham applied during the election to try and say, 'This is what the Labor Party is going to do to create jobs in western Victoria'.

We know the Labor Party has not created jobs in western Victoria — it has gone about destroying them through new public holidays and the like — but the position of the Labor Party was that there would be this second port at Bay West. It would be somewhere between Melbourne and Geelong — I am not exactly sure where it was going to be — and it would create jobs in western Victoria. But now the government is going to attempt to tie the state government to a 70-year lease and to having a single container port here in the state of Victoria. It is up to this house to say that that is entirely unacceptable. Selling out future generations of Victorians is not something we are willing to support, and it is incredibly important that we stand up and are counted on that.

If this piece of legislation were to pass, Victoria would go even further backwards than it currently is in terms of its competitive nature in this state. We are already seeing our cousins to the north in New South Wales steaming ahead of us in all they do. They actually have infrastructure projects in New South Wales; they are creating jobs rather than ripping up contracts and spending $1.1 billion on compensation to not build a road. We could have built the road for $2 billion, but instead we will not build the east–west link; we will spend $1.1 billion in compensation to not build a critically important piece of infrastructure. It is something at which I am still aghast, and I was pleased to see that the Auditor-General called out the government on exactly what it has done and how much money it has wasted in the great state of Victoria. This particular piece of legislation dealing with the long-term lease of the port is fundamentally flawed.

I note that a lot of great work was put into the committee, and I was pleased to see sensible recommendations come out of the report that, if adopted by the government, would see a piece of legislation of much more benefit to the state of Victoria than the current bill. Selling out Victorians for 70 years is something I could not support and something that I strongly believe this house should not support either. I look forward to the government seeing the wrongs of its ways and amending its legislation to ensure that Victorians are not sold out for 70 years. I look forward to hearing contributions from other members in this house as well.

Ms TIERNEY (Western Victoria) — I am pleased to rise to make a contribution on the debate this morning, particularly given that I also was a member of the Legislative Council Port of Melbourne Select Committee into the inquiry into the proposed lease of the port of Melbourne. As a starting point I put on the record that the committee members worked very well together. Apart from the ping-pong matches from time to time, primarily between Ms Shing and Mr Ondarchie over a 50 versus 70-year lease, we operated in a very cooperative way.

I also put on the record my particular thanks to the committee staff: the irrepressible Keir Delaney — again it was an absolute pleasure to work with him — William Georgiou, Dr Russell and Natalia Southern. I also thank the Council committee office staff: Annemarie Burt, Kim Martinow, Esma Poskovic and Anthony Walsh. I thank them for allowing our lives to be streamlined and for providing well-organised evidence.

I also take this opportunity to thank all those who provided submissions, including the verbal evidence we heard during the course of the various public hearings held here in Melbourne as well as in regional Victoria. A number of individuals were passionate about what they brought to the committee, as were representatives from a variety of organisations.

It has previously been mentioned that the majority of the recommendations were unanimously accepted by the committee members. However, the government members felt they could not support a number of key recommendations. Those recommendations and the rationale as to why we could not support them are contained in the minority report that sits towards the back of the committee report, and Mr Mulino took the Council through that minority report earlier this week. The minority report not only provides a summary of the reasons as to why we took the approach that we did but also goes through the specific recommendations and

provides a rationale as to the government members' positions. That report can be found on pages 112 to 143. That information is all in the public realm now, and there has been much analysis and discussion around it.

Whilst there might have been some ping-pong verbal dialogue in relation to the issue of a 50 versus 70-year lease, the first recommendation accepted by the committee was that it would be a 50-year lease. Not only that, but yesterday we had a letter from the Treasurer that also suggested that, and that is reflected in the newspapers today. Unfortunately those opposite have outdated speaking notes and also have not bothered to read the papers today. I particularly thank Mr Mulino, who I thought was an exceptionally — —

Mr Morris — On a point of order, Acting President, I am wondering if Ms Tierney is willing to table the letter she referred to so that members of this house can read it and understand what she is referring to.

The ACTING PRESIDENT (**Ms Patten**) — Order! Members are not able to table those sorts of documents, but Ms Tierney may be able to make it available.

Ms TIERNEY — I will make that request to the Treasurer; I am happy to do so. I also make the point that significant election commitments were provided by both major parties in respect of the lease of the port of Melbourne. The Victorian public well understood that the lease of the port of Melbourne was part of a package in terms of what Labor took to the polls and that with the lease of the port of Melbourne the proceeds were going to be directed to a range of projects, about which people were well acquainted, in terms of the removal of the level crossings and other things, including a significant regional infrastructure spend.

Given that I was on the select committee, many people I come across often ask me, 'What is the hold up? This is what we understood when we went to the polls, and yet there seems to be some dragging of feet or delay'. I promptly explain to them that we have an upper house and it decided that it wanted to have an inquiry to go through a whole range of issues. That inquiry has concluded, and now people are saying, 'Let's get on with it'. We had a situation in this state for so long where the infrastructure projects were just not happening, the sods were not being turned and the jobs were not being created. People are really tired of inaction by government, and what they are calling on us to do is to fulfil the commitments that we took to the last election.

Mr Ondarchie — On a point of order, Acting President, I am seeking some clarification from the member. She spoke about her role as a committee member and talking to people externally during the process. Do I understand that she made some commentary about the committee process externally while she was a committee member?

The ACTING PRESIDENT (**Ms Patten**) — Order! Would Ms Tierney like to respond?

Ms TIERNEY — On the point of order, Acting President, I would not normally respond. When people ask me about a process, I will outline it. I say to Mr Ondarchie that I have been in this Parliament for long enough to know that you do not divulge detailed discussion of any parliamentary inquiry — and he knows that.

The ACTING PRESIDENT (**Ms Patten**) — Order! I call Ms Tierney to continue.

Ms TIERNEY — Clearly those opposite are becoming quite unsettled with the position they seem to be adopting. It is a position they adopted while in government and now again in opposition — that is, they keep on coming up with reasons why they should do nothing. As I have said on the record many times, sometimes they just cannot find the keys to put in the ignition to get the economy of this state on the road.

This is a government that has taken a bold approach. This is a government that wants to make a difference — it wants to build things, it wants to have infrastructure in place, it wants to unlock the gridlock on our roads and it wants jobs. We want prosperity in this state, not just in metropolitan Melbourne but in the wider state as well.

We have also heard much from those opposite about Bay West.

Mr Morris interjected.

Ms TIERNEY — I alert Mr Morris to the fact — and I am sure Mr Ondarchie could not help but agree with me on this — that when the committee went to Geelong it heard evidence time after time that people understood that the previous government had a policy cap on the capacity of the port of Melbourne, they understood the rationale of the cap being lifted and they understood that the capacity of the port of Melbourne will be increased significantly as a result. They also understood what that meant in terms of Bay West, and all of them bar one — Mr Ondarchie — understood the need for Infrastructure Victoria to examine and analyse the location of the second port.

I urge Mr Morris to look at the transcripts, particularly the transcript of the Geelong hearings, in respect of the issue of Bay West. I know the Treasurer went to Geelong a number of times after the election and took all the major stakeholders through the government's thinking. I can comfortably tell members that people feel quite relaxed about the government's general approach in respect of the port of Melbourne, the uncapping of its capacity and indeed what needs to be done in terms of the analysis and timing of when the second port would come online.

All we have had from the other side in the last couple of days have been reasons for not doing anything. We have also had some view that has been tossed out there that basically is an extraneous political agenda that those on the opposite side have not been able to articulate in any clear fashion. We have a political party which was in government just over 12 months ago and went to the election also wanting to lease the port. All of a sudden its members are saying, 'No, we don't want to do that', but they are not providing any reasons. It is no wonder that the Victorian community is scratching its collective head and saying, ' Well, you said something 12 months ago; now you're saying something completely different'. Those opposite need to look at themselves and make sure that the message they send to the community is a consistent one because currently it is extremely confusing.

We have just had prevarication after prevarication. I understand that with major projects like this you need to get it right, but what I see from the other side is absolutely no appetite for wanting to get things right. There is just excuse after excuse and no engagement in any substantive sense with trying to get this major project up and running, to get the infrastructure that was promised up and running and to deliver on jobs. We have a consistent message from those opposite, which is, 'Don't do anything. Don't find the keys, don't find the ignition, don't drive the economy and don't create jobs'. This is the message the Victorian public has received. They understand that the other side represents a do-nothing approach. But people really want to see a difference, and they want the government to make a difference. The opposition is now being labelled as a political party that is preventing the things that Victorians were promised and believed were going to be delivered from being delivered.

Again, the opposition is just sitting on the back seat of some school bus that is going nowhere. Victorians expect more. They want us to get on with the job. They want us to stimulate the economy. They want a whole range of infrastructure projects to be delivered, so that they have jobs not only for themselves but also for future generations. They want their children to be able to get to school on time. People want to be able to get to work on time. They do not want to be in gridlock as a result of the previous government having done absolutely nothing for four years. I really do implore opposition members to get involved, get engaged and assist in what they said they were going to do for the Victorian public now, rather than dragging their feet like they have done for many, many years.

Mr PURCELL (Western Victoria) — This bill is about the lease of the port of Melbourne and the delivery of Victoria's infrastructure. I was very pleased to be able to represent the crossbenchers on the select committee that considered this topic, and it was something I was very keen to do. As the Acting President will remember, I lobbied quite hard to get the position representing the crossbenchers. Mr Bourman was also quite keen, and we finished up having a little vote on who should get it. I put my case forward — and my case included issues like representing regional Victoria and my history in doing some work with other ports — and I was lucky enough to get the position, as I said, representing the crossbenchers. The reason I did so was that I felt this was going to be the biggest issue that this house was going to deal with in regard to asset sales, or leases — whichever you wish to call it — for some time. We started off with income of about $5 billion, and now it has got to about $8 billion or more that this asset could deliver into the coffers of Victoria.

I was very pleased to be able to be on the select committee. It was a very strong committee, and its members worked as a very cohesive group. I congratulate all the members, in particular the chair, Mr Gordon Rich-Phillips. He did a great job. There was a lot of work involved, and it was concentrated over a short period of time, so that we could get to this stage now where we are debating this bill. We had hearings throughout the state and a number in Melbourne. Many organisations and individuals gave evidence to the committee. Congratulations are certainly in order in terms of the work that was done throughout that hearing process.

I want to recognise a number of individuals from my region who presented to the committee. They were, in no particular order: Cr Colin Ryan, the mayor of the Moyne Shire Council and also the chair of the Great South Coast Group; Elaine Carbines and Cr Helene Cameron, representing G21 Geelong Region Alliance; Peter Bettess, from the Greater Geelong City Council; Tony Bowden from the Horsham Rural City Council; Cr Annette Jones from the West Wimmera Shire Council; Cr Kevin Erwin from the Northern Grampians

Shire Council; Bernadette Uzelac from the Geelong Chamber of Commerce; Rebecca Casson and Justin Giddings, representing the Committee for Geelong; and Jo Bourke from the Wimmera Development Association, and I hope Jo enjoys her retirement. There were also many key businesses from within the region.

The thing that I took from their contributions, particularly the businesses, was that these people willingly gave their time free of charge to the community of Victoria so that we could better understand the issues that were facing them in regard to the sale of the port of Melbourne. Many of them have different stories to tell, but all of them shared common ground, which was the view that the government needs to be careful when it does this. They all said, 'Make sure you do it right', and they all talked about the issues that they felt needed to be addressed.

When I was elected to be on this committee, the first thing I did, as I am sure the rest of the committee members did, was to go through the bill. After I had gone through it, I noted five areas that I thought the committee needed to address through the process. I think four of them were addressed, one was not, and there were probably two others raised that I did not recognise on my first reading of the bill. The first one was: why was the lease up to 70 years? It appeared from discussions that we had had that the additional 20 years would not add greatly to the value of the sale, so my first question was: why should the lease be for 70 years?

The second thing I noted, when I went through the bill, was: how does the road and rail network cope with the growth? The number of containers that go through the port now is about 2.5 million and somewhere between 7 million and 8 million is probably the internal capacity of the port of Melbourne. The mathematics to me seemed simple. The port is currently struggling to handle 2.5 million containers, so how do we increase that by threefold? Also, what is the impact of that in terms of getting the number of the ships into the port, particularly given their size? More importantly, how do we get the containers out of the port, into Melbourne and into the rest of Victoria? Realistically, the report does address that in some ways, and I will come to that in a moment.

I had also included in the second item a simple point: the need for an extra second port — and then I put a question mark. That became very evident through the evidence that was given — the need for an extra port and the question of when that is actually going to be needed during this period of time.

The third item I addressed for myself was: how would the lease achieve a return of — at that time — $6 billion? Accounting is my background, and just looking at the port of Melbourne report I could not in my mind work out how, with the revenue that it generates and the profit that it generates, you could ever get a value of something like that for the port of Melbourne. In some way I believe I have worked it out, and I will come to that later — not completely, but in some way I have worked that out.

The fourth question I asked myself was: what pricing would the ESC, the Essential Services Commission, be responsible for? That is partially answered on page 102 of the bill at clause 108, which deals with the setting of the wharfage and channel fees, and that is answered through the report.

The fifth item was that I could not find the section referencing compensation in regard to the second port, with regard to when the Melbourne port gets to full capacity. I could not work out for the life of me how the full capacity and then the compensation you would pay if you developed a second port would work. The conclusion I came to was that I could not find it because it was not there.

Those were the five things that I initially asked myself, and as I said, the select committee answered at least four of those and answered some that I had not even asked myself. The existing capacity of the port will be reached somewhere — in my mind — around about 2025 to 2030, and when I say the capacity, I do not think that will be the 7.5 million units. I do not believe the capacity will be reached in the port itself. The limitation will be getting the ships in — whether they come under the West Gate Bridge or whether they come through the Heads — and getting the containers out of the port. The capacity of 7.5 million, I believe, with modern technology and alternative ways of operating the port, could be achieved, but the issue will be not the processing of those containers in the port, it will be getting the ships in or actually getting the containers out.

I come now to look at firstly the period of the lease, and this is dealt with in the report of the inquiry. The 50-year term will provide the new operator with sufficient duration to invest and deliver the port services at lower costs. It will provide an option, and the option for 20 years is not needed or warranted on the basis of the port operator achieving that return. Given that the second container port will be needed sometime during that 50-year lease, the terms of the lease should be reassessed, not now but certainly sometime after the first 50 years — that is, in 2066 and 2077. That will be

a time when, after the 50-year duration, the government of the time will be able to determine whether it believes a new lease is needed, where it is to be, how long it will be and what we should do from there. Therefore I support the recommendation by the committee that the option should be reduced so as not to include the 20-year extension of the licence or lease. I will certainly be supporting that in the legislation.

The second item I noted when I went through the legislation initially was the port growth impacts. We cannot predict the future, as many of us know, but I know that 50 years ago we would not have predicted many of the activities that are now commonplace.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

East–west link

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government and Special Minister of State. Yesterday the minister detailed the development of an independent 30-year plan by Infrastructure Victoria, and I also note the comments of Transurban's chief executive at the inquiry into infrastructure projects, who outlined that even with the western distributor built, with growing population and increased traffic congestion, the east–west link would need to be underway within a couple of decades. As a result, there is a very real likelihood that the east–west link — a project the government has just spent $1.1 billion to cancel — will be front and centre of Infrastructure Victoria's plan, and so I ask: will the government accept Infrastructure Victoria's 30-year independent plan if the east–west link is in fact a key recommendation?

Mr JENNINGS (Special Minister of State) — I thank Ms Wooldridge for her question. This is not the first time I have been asked such a question, and every time I have been asked the question — including the day that I stood next to Jim Miller, who is the chair of Infrastructure Victoria, when I was asked that question — I have asserted the independence of Infrastructure Victoria and said that I trust its judgement to assess the value of projects, short term and long term, in assessing the infrastructure needs of Victoria. We would expect the rigour that would be associated with the independent assessment of Infrastructure Victoria to provide government, provide the opposition, provide the Parliament and provide the community with the best advice about what our infrastructure needs are in the future. It would be premature for me to rule out any possible project that may come to us all on the basis of its advice. From day one I have said that the government is alive to take, without fear or favour, advice from Infrastructure Victoria about the relative merits of projects such as the one the member referred to.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for outlining the detailed analysis that will be conducted by Infrastructure Victoria in assessing its plan. I also note yesterday's response of the Secretary of the Department of Premier and Cabinet to the Victorian Auditor-General's report on the east–west link, who stated:

> Preconstruction activities such as design and geotechnical work … may be of value in the future.

I ask: will all east–west link design, planning and geotechnical work be provided to Infrastructure Victoria to be considered as part of its 30-year independent plan?

Mr JENNINGS (Special Minister of State) — I know the member is concerned about making sure that any intellectual property that the state procured when it terminated the contract with east–west contractors will not be lost to the state of Victoria. It is in fact something that has been secured in the terms of the settlement, so given that that intellectual property exists and is owned by and available to the state and to Infrastructure Victoria, the answer is that of course the information continues to be available.

Grand Final Friday

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. In the last sitting week, in response to a question about the grand final parade public holiday, the minister advised the house:

> … the intention … from the holiday's perspective, was to ensure that people were able to spend time with their friends, families and loved ones … but the intention of creating a public holiday is not necessarily to create an economic boost to the community.

On 16 September 2015 the minister told the house:

> … of the 532 000 small businesses in Victoria, almost two-thirds are … mum-and-dad businesses or sole traders, being run by themselves.

How were those 66 per cent of small businesses in Victoria able to benefit from the minister's intention for the grand final parade public holiday when they were

not able to spend time with their friends, families and loved ones?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. He is flogging a dead horse because the Victorian public overwhelmingly voted with their feet to support Grand Final Friday, and that included a vast number of small business owners who chose not to open and instead spend time with their friends, families and loved ones. Just to correct the honourable member, there are actually nearly 534 000 small businesses in Victoria. If the member wishes to use statistics, he should probably use the correct ones.

In relation to the member's question, I do not accept the premise that he has done the work and questioned every single one of the 534 000 small businesses in order to represent a picture that they are all equally unhappy. I note in response to the final part of the member's question that the vast majority of the unrepresentative swill over there actually took the public holiday and did not work. Hypocrites!

The PRESIDENT — Order! As Mr Dalidakis knows, over the last couple of days in particular I have made remarks about these throwaway lines and brought a couple of members to heel in terms of their persistent pushing of the envelope. That remark was outside the sort of response I expect from a minister of the Crown to anybody in responding to a question. I seek a withdrawal of that term.

Mr DALIDAKIS — Most certainly, President. I withdraw.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I thank the minister for his answer. However, I would like to ask: in order not to add further burden to those small businesses the minister apparently represents, what is his measure for the impact on small businesses in Victoria in order to scrap the 2016 grand final parade public holiday as part of the evaluation process?

Mr Dalidakis — On a point of order, President, I formally put to you that that was not apposite to the substantive question.

Mr ONDARCHIE — On the point of order, President, I specifically asked about the grand final parade public holiday and the 532 000, to quote the minister's words — he has now corrected it to 534 000 — small businesses in Victoria and simply asked: as part of the evaluation process associated with the grand final parade public holiday, what is his measure for its impact?

The PRESIDENT — Order! It is an interesting construction for a question. I ask the member to read it again for the minister. I will allow the minister to respond, but I am mindful that it is pushing it.

Mr ONDARCHIE — I will read it slowly. Is the minister ready? I just wanted to make sure. In order to not add further burden to those small businesses, what is the minister's measure for the impact on small businesses in Victoria in order to scrap the 2016 grand final parade public holiday as part of his evaluation process?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. I answered a very similar question to this previously about the evaluation criteria — President, you may remember — and, in so doing, when I provided those criteria the honourable member opposite took a point of order, which you rejected, about the criteria that I provided to this house. Because we created a public holiday the criteria for evaluation were: did friends, families and loved ones get the opportunity to enjoy spending that time together?

In relation to the question that the member just put to me, we on this side of the chamber are not interested in breaking our election commitments. It was our commitment to introduce the public holiday, so putting forward in a question something about us breaking our election commitment is not in keeping with what we do in the Andrews Labor government.

Regional Victoria Living Expo

Mr DRUM (Northern Victoria) — My question is to the Minister for Regional Development. Why has the minister decided to scrap the Regional Victoria Living Expo?

Ms PULFORD (Minister for Regional Development) — I thank the member for his question. The Regional Victoria Living Expo was an initiative of the former government. Its future is being reviewed. There are many different views amongst regional Victorian communities about the success of the Regional Victoria Living Expo. It is a very expensive endeavour, and I wonder whether it is the best possible way to achieve its stated objectives. In answer to Mr Drum's question, the expo is currently being reviewed.

Supplementary question

Mr DRUM (Northern Victoria) — When is the minister going to let the 48 regional councils and about another 50 stallholders know whether or not it is going to be on so they can get their diaries in order for next year?

Ms PULFORD (Minister for Regional Development) — We will let them know when we have made a decision about whether or not it is the best use of taxpayers money and the best possible way in which we can support people to make a move to regional Victoria. When people are contemplating a move to regional Victoria the things they are looking for are jobs, communities and lifestyles that will enable people to build a home and a future in a new location. I wonder whether or not the considerable amount of paid television advertising the former government invested in to get people in the door at an event in Melbourne was the most effective way to achieve that. But, that said, no decision has been made. I am very keen to explore opportunities that might represent for Victorian taxpayers better value for money than the expo.

Grand Final Friday

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Can the minister advise the house of the costs incurred by Transport Safety Victoria for the grand final parade public holiday?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I am not responsible for Transport Safety Victoria.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I thank the minister for his answer. The minister — —

Mr Dalidakis — I am not responsible for it.

Mr ONDARCHIE — President, I ask that the clock be stopped while I ask this question — or restarted.

The PRESIDENT — Order! I call Mr Ondarchie to continue.

Mr ONDARCHIE — I have here a response in answer to my question on notice 1115 from the Honourable Luke Donnellan, Minister for Roads and Road Safety, regarding this matter, which I am happy to table. The minister says:

> This question does not fall within my portfolio responsibilities and needs to be redirected to the Minister for Small Business, Innovation and Trade.

I ask the minister: is it him or the Minister for Roads and Road Safety who is misleading the house in response to this question, or does nobody in the government actually know?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — The Minister for Roads and Road Safety is quite correct; I am responsible for the public holiday, but I am not responsible for Transport Safety Victoria. Neither Mr Donnellan nor I can be responsible for how poorly the member words his questions.

Mr Ondarchie — On a point of order, President, I put to you that the minister's answer was unresponsive. I am happy to table this response from the Minister for Roads and Road Safety, where he says:

> This question does not fall within my portfolio responsibilities and needs to be redirected to the Minister for Small Business, Innovation and Trade.

I did that today, and I put to you that the minister's answer was unresponsive.

The PRESIDENT — Order! I accept the explanation of the minister in this place that he is not responsible for that agency and is therefore not responsible for its budget allocation. He is responsible for the gazettal of the holiday and for that side of it but not for the allocation of funds. From the written response Mr Ondarchie has received in response to his question to Minister Donnellan, it would seem that either his question was misread by the minister's staff in preparing the response or that they did not wish to explore the costs associated with that event on that day. But the answer of the minister in this house was, from my perspective, responsive to the question in respect of his jurisdictional responsibilities.

Public holidays

Mr DAVIS (Southern Metropolitan) — My question is also to the Minister for Small Business, Innovation and Trade. I refer to Labor's commitment in opposition to review the public holiday arrangements with respect to Christmas Day when it falls on a weekend. Given that in 2016 Christmas Day falls on a Sunday, will the minister rule out another billion-dollar hit to Victorian employers through the declaration of an additional new public holiday?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. It is an appropriate question. It is a good question. It is a question we have already looked into. The last time the government reviewed the rules in relation to the issue of Christmas Day falling on a weekend was back in 2010. We went to the election, believe it or not, with a policy of reviewing what we would do in that situation. We are cognisant of the fact that it will occur in 2016. We agreed that we would undertake a review. I expect that review to be undertaken by very early next year, and we will provide Mr Davis with that information as soon as that review is complete. I expect that review to be complete before the Parliament rises again in 2016.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I thank the minister for his response. In his response he indicated that the government will undertake the review that was part of its policy. I ask: will the government as part of that review undertake consultation with business groups and small businesses in particular before it declares the 'rainbow' or 'tinsel Tuesday' holiday?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — President, I will honour your request of me in an earlier comment in regard to language unbecoming in this chamber, and I will restrict myself to giving a very factual answer to the member in question, because the colourful characterisation at the end of his question does the member a disservice, given that I answered the substantive question in a very fair way. I am not inclined to look at wholesale changes in relation to the existing policy. The review that we will undertake is going to be a limited review that I have already begun internally across government. It is not something on which I am looking to engage with stakeholders external to government, because it is not something that I believe warrants change, nor was it an election commitment that change occur.

Betrayal of Trust

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the Minister for Training and Skills, Mr Herbert, representing the Attorney-General. Currently the capacity of victims and survivors of criminal child abuse to recover damages depends on their getting access to assets, which in the case of religious organisations are held on trust under various acts of Parliament. The *Betrayal of Trust* report made two specific recommendations in this area: recommendation 26.1 was that the Victorian government consider requiring non-government organisations to be incorporated and adequately insured, where those organisations receive funding, tax exemptions or other entitlements; and recommendation 26.2 was that the Victorian government require religious and other non-government organisations to adopt incorporated legal structures. These recommendations are also supported by the federal Royal Commission into Institutional Responses to Child Sexual Abuse. My question is: when is the government planning to implement recommendations 26.1 and 26.2 of the *Betrayal of Trust* report?

Mr HERBERT (Minister for Training and Skills) — I thank Ms Springle for her detailed question on a very important issue, a review of the very important *Betrayal of Trust* report recommendations. The government, as the member will know, has committed to implementing all of the recommendations, and that includes recommendation 26.1 and 26.2. The government is working on implementing those recommendations as well as other civil law recommendations coming through from the *Betrayal of Trust* report. It is fair to say that implementing these recommendations is quite complex, and there are complicated legal issues associated with them. There are other issues in regard to implementing the incorporated recommendations, which we think need extra work, particularly in terms of bringing relief to victim survivors over and above those incorporated provisions.

We are working on a complete response to this issue. It is a very important issue. I cannot give an exact date of when the recommendations are going to be implemented. I am happy to take it on notice, but I do not think we have an exact date. It is very complicated. There is a substantial amount of effort going into the recommendations plus other civil issues to come back to the Parliament. That is as far as I can advise the member.

VicForests

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. The VicForests annual report 2014–15 refers to progress against strategic initiatives and highlights business development opportunities, which include reference to residual log export trials that have commenced — residual logs being the lowest grade of wood. Two of the supply chains currently in place, Big Traffic and Orient Export, export sawlogs which are of a higher grade than residual logs. Can the minister explain why VicForests is reporting that lowest grade, poorest

quality residual logs are being exported when Big Traffic and Orient Export actually export higher quality sawlogs?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question and her ongoing interest in the VicForests annual report. I know we had a bit of disagreement about the accounting measures earlier in the week, and on this occasion Ms Dunn asks about exports. As I have indicated in the house on at least a handful of occasions over the course of the last two months, it is my expectation that VicForests only engage in export activity as a last resort. The most important thing for us to do with our timber resource is to support Victorian industry and Victorian jobs. Some of the background to this comes about as a result of some sunsetting provisions in the State Owned Enterprises Act 1992, but there are, to the best of my knowledge, no new contracts that have been entered into that engage those provisions. I indicate to the member that it is certainly our desire and my expectation of VicForests — and I have sought advice from the department and VicForests about how to perhaps further formalise these arrangements — that exports are a point of last resort for this resource.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. Can the minister advise whether she will follow up directly with VicForests to inquire into this inconsistency in reporting in the annual report and what is happening in export trade?

Ms PULFORD (Minister for Agriculture) — I do not accept the member's assertion that the information contained in the VicForests annual report is inaccurate, but as I have indicated, I have sought from VicForests and the department advice on how we can perhaps to a greater degree formalise my expectation and desire that exports of residual timber products be minimised and that it is very much a use of last resort, after having supported a very large number of Victorian businesses that employ a very large number of people making full use of that resource in the first instance.

Route 86 tram

Ms PATTEN (Northern Metropolitan) — My question is to the Minister for Agriculture, Ms Pulford, representing the Minister for Public Transport. Public transport has really been the backbone for Northern Metropolitan Region and its ever-growing population. We have been fortunate in that we have got buses, trains and trams, and I obviously note, and everyone else here notes, the importance of that infrastructure. Lines such as the 96 and the 11 have been upgraded to accommodate the incredible growth we are seeing in the north. However, the 86 has been left behind time and again. It is the longest route in my electorate and one of the longest in the whole of Melbourne, and it is heavily congested almost all of the time. I have spoken to Yarra Trams and have been unable to find any definitive information about when there will be an upgrade to the 86 line, particularly for the new low-floor trams. I would like to know when that is going to happen.

Ms PULFORD (Minister for Agriculture) — I thank Ms Patten for her question. I hope all members will forgive me when I confess that this is well out of my area of knowledge and expertise.

An honourable member interjected.

Ms PULFORD — If it had been in the VicForests annual report, we might have had a bit more luck, but I must confess I am not even familiar with the route of the no. 86 tram. My usual public transport adventures are on the Ballarat V/Line route and elsewhere. I thank the member for her interest in this matter and for her concerns around congestion on that particular service and its importance to many commuters in her electorate. With her forbearance, I will seek a more detailed and a better informed response from my colleague, the Minister for Public Transport, Ms Allan.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I thank the minister and look forward to maybe taking her for a ride on the 86 one day. It has been long promised, and when you look at people with disabilities and the elderly, you see it is becoming harder and harder for them to use that route. I would also like to know when the 86 route will be extended through to South Morang, connecting with Plenty Road and The Lakes Boulevard to provide residents in the new suburbs of the north with desperately needed transport options.

Ms PULFORD (Minister for Agriculture) — I thank Ms Patten for her invitation to familiarise me with the no. 86 line, and I look forward to us finding a time to do that. Again, the issues around servicing of all Victorian communities and the particular needs of those with very high levels of residential growth and high rates of population growth are important. They are things that are very important to our government. I will seek a detailed response to Ms Patten's question from Minister Allan.

Mobile Black Spot program

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Small Business, Innovation and Trade, and it is nothing to do with a public holiday. Mobile phone coverage is something that those in urban or suburban areas tend to take for granted. Indeed driving along major transport routes we find it rare to lose coverage. Mobile phones are part of contemporary society, and we tend to use them for surfing the internet, for calling friends and even for business. There is a serious side to mobile phones in some areas, particularly rural and regional areas. Bushfire warnings, and possibly other warnings, are sent out by the emergency message system. Whilst it is not reasonable to expect every remote property in our vast land to be covered by mobile phone reception, it is reasonable to expect that towns will at least have enough coverage to receive emergency messages. I have been told that the town of Licola in Gippsland is not able to receive these messages. Given its location, this needs to be attended to. My question to the minister is: is Licola on the list of upgrades to the phone system that will allow it to receive emergency messages?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. Earlier today in his members statement Mr Bourman talked about how much he has learnt in 12 months. It was a very well crafted question, and if Mr Bourman has an opportunity over the Christmas break, I suggest he takes that opportunity to try to give Mr Ondarchie some lessons on how to write a question, because at the moment democracy is the loser when we have people and clowns asking questions that are poorly written. To get very specifically to Mr Bourman's question — —

Mr Ondarchie — On a point of order, President, I am tempted to say 'pot, kettle', but I would say to you that you asked Mr Davis to have a quiet holiday from the chamber for a lot less than that yesterday. I would ask the Minister for Something to withdraw.

Ms Hartland — On the point of order, President, this is a really important question, and I would like the minister to answer. This is a question I get a lot from rural people, especially about fire alerts.

The PRESIDENT — Order! In respect of the comparison with Mr Davis's early cup of tea yesterday, that was not about a specific remark as distinct from the fact that there were a series of remarks, and they were over the top. Notwithstanding that, in this context Minister Dalidakis at times does take a fair bit of licence in terms of trying to flail the opposition rather than perhaps addressing the specific question. In this case in particular, as Ms Hartland has rightly said, a member of the Shooters and Fishers Party has posed this question and the minister shows him less respect than is deserved in using it as an opportunity to disparage the opposition. The focus of his answer ought to be on what Mr Bourman regards as an important issue. Certainly, as Ms Hartland has said, many of us are familiar with the problems of phone coverage — I am certainly aware of some of the fire dangers down Licola way in recent years — and the question deserves an appropriate answer without the minister making other remarks. Again, terminology like 'these clowns' or whatever is still outside my expectation of ministers in responding to questions.

Mr DALIDAKIS — As I was continuing my response, I was just moving into the issue the member had raised, noting that I was only at that stage 20 per cent of the way through my contribution. Let me point out that the Victorian government, under Daniel Andrews as Premier, has recently committed $21 million towards 109 black spots across Victoria. That $21 million was part of a co-funded arrangement with the federal government and also with Telstra. That funding arrangement leveraged $86 million of co-funding in total: $21 million from us and $64 million from the federal government and also from Telstra.

Licola was not on that list of 109 sites. What happened was that those sites were measured accordingly by a range of different measures, including emergency, need, population et cetera. What I say to Mr Bourman is that should the Victorian government look at participating in round 2 of the black spot program that the same assessment of sites that occurred under round 1 would have to occur under round 2. That is not to say that Licola would or would not be successful; it is to say that we would have to go through that process again.

I also want to be relatively measured in relation to that round 2 application process. The process is not due to be finalised until early 2016. At this point in time the Victorian government has not yet made a determination as to whether it will participate in round 2 of the co-funding with the federal government, because recently we went alone and put $19 million — $18.6 million to be precise — into funding black spots along rail corridors, which the federal government refused to co-fund. As a result we have now spent $40 million on eradicating black spots across Victoria, and whether or not we look to do so in the future is something we are yet to determine.

Let me take this opportunity to remind all members that the issue of black spots, the issue of mobile coverage and the issue of communications are in fact federal government policy responsibilities. They are ones that the federal government guards jealously and that obviously I have experience of in a previous life. We will work with our federal government counterparts where we can to assist them.

In terms of the community of Licola let me make it very clear that the emergency services commissioner provides guidance in relation to residents, ensuring that they have multiple forms of emergency communication and are not reliant on any one form. That includes both radio and television. It includes obviously discussions with neighbours as well. They need to have their own fire plans and be prepared, but it is something on which we will continue to work into the future.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for his answer. I understand that it is somewhat to do with the federal government, but bushfires are generally tending only to get worse, for whatever reason. I think it is fair for the people of Licola to get some idea about when they can expect some sort of fix for this. It is not just the people who live there; it is also the people who travel through, such as me. The question is: as best as the minister can, when can we expect Licola to be upgraded to at least be able to receive emergency messages, if not entire mobile phone coverage?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Mr Bourman for his question. I am happy to continue discussions with my counterpart in the federal government, Senator Mitch Fifield, who is a Victorian senator. He is an honourable and decent individual. He is somebody I have known for a very long time. I will work with him to see what plans the federal government has in respect of Licola specifically. I will write to him, and when I get that response I will forward it on to Mr Bourman.

Again it does not resolve the fact that residents, wherever they are across rural and regional Victoria, need to ensure that their fire plans are up to date and ready right now. They have their own decisions to make, and they should ensure that they have an appropriate level of communication and information from a wide variety of sources, because even if a mobile tower were present in that area, it could fail in such a situation and they would need to be careful about all of their information sources regardless.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have written answers to the following questions on notice: 1125, 1989, 3894–95, 3898–3910, 3914–19, 4260, 4262, 4267–68, 4295–96, 4359.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In relation to today's questions, Mr Drum put a supplementary question to Ms Pulford in regard to a time frame for a decision on the expo. It would be reasonable to have some sort of an indication of the time frame. The minister suggested it would be fairly soon, and I can understand that she would not necessarily be in a position to say that it is going to be on such and such a date. But if we could have some sort of a time frame — if it is early in the new year or whatever — that would be appreciated. I invite the minister to reflect on what the time frame might be for a decision on that review, and that would be a one-day answer.

Ms Patten's questions to Ms Pulford in regard to the no. 86 tram, both the substantive and supplementary questions, will need to be referred for detail to the Minister for Public Transport. I invite Ms Pulford to provide a response on that in two days.

I ask Mr Dalidakis to clarify now to the house his response to Mr Davis's question. I do not want to enter into a paper warfare for this one. My problem is that I think he said something that he did not really mean. He said that the decision would be made before Parliament rises in 2016. That could well be in December 2016 if we were to take that literally. Perhaps Mr Dalidakis might clarify that time frame for me now and then I will not have to move to a written response.

Public holidays

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Thank you, President. You are quite right. Ms Wooldridge pointed out that I had chosen my words poorly. I certainly meant to indicate to the chamber that I believe that would be done and made available in the public domain prior to Parliament resuming in February 2016.

QUESTIONS ON NOTICE

Answers

The PRESIDENT — Order! I have received some requests in regard to written responses — answers that have been provided to questions on notice. In the first instance Ms Crozier has written to me about a series of questions that were put to the Minister for Families and Children in respect of some statistical data. There are two lots of questions. The first ones are questions 1265 and 1266 seeking information on some permanent care orders. The minister's answer referred Ms Crozier to an annual report, but that report has not yet been published. I daresay that is still the case, that it has not — —

Ms Mikakos interjected.

The PRESIDENT — Yes, it was.

Ms Mikakos interjected.

The PRESIDENT — It was tabled this morning. Thank you.

What she also seeks is quarterly data as distinct from annual data. When some of these questions come to us I have some concern about pushing for weekly data and sometimes monthly data inasmuch as I think that sometimes can be fairly onerous, is almost fishing and is perhaps not necessarily indicative. However, quarterly data does pick up a number of trendlines that might well be of real interest to members, to public debate and so forth. In the sense that my understanding would be that the annual report has annual figures but not quarterly figures, I ask that these questions be reinstated in respect of the quarterly data. Those are questions 1265 and 1266.

In respect of questions 1267 to 1273, the member sought details on young people placed in out-of-home care on a monthly basis. This is where the monthly situation tests me. On this occasion I will invite the minister to advise whether or not it is possible to provide monthly data, but my expectation from the chair is that it is certainly reasonable to seek quarterly data; monthly data I am not so sure about. This is a perspective I personally have. At any rate, by way of reinstating that question I would invite the minister to reconsider whether or not monthly data might well be provided.

Ms Wooldridge has also written to me on several matters in respect of questions to which she has received answers. In the first instance I am dealing with questions on notice 4009 to 4023. These questions were to the Minister for Health and were in respect of hospital bypasses and the monitoring of the implementation of the removal of certain bypass practices. I have reviewed the questions and the answers. Question 4023 asks, in part, how the department will monitor the process or evaluate the changes, and I am not convinced that the answer is really as responsive to that as it should be. I therefore reinstate question 4023.

In respect of question 4009, which is about staff numbers and classifications in the Department of Health and Human Services, particularly in respect of departmental staff that have been seconded to the secretariat and what their grades are, again there is not really an attempt to answer that question as such, and there is again a reference to annual reports. I dare say annual reports would never reflect on secondments in these matters, so that is really not a satisfactory answer to that question. I therefore also reinstate question 4009.

Ms Wooldridge has also written to me in respect of questions 4010 to 4019. These were all to the Minister for Health and were in respect of funding for a number of ambulance facilities. There is a fund of $20 million available, and the questions sought to establish the break-up of that fund across what I think were 11 projects and also to establish a schedule of when these projects were to be completed. The minister's answer does not provide a break-up of the funds, but it indicates there will be a variable allocation out of that $20 million fund and that all the projects will be completed by 2018. That year is obviously the end of this Parliament's term. I think it is reasonable to establish what priority might have been made for these ambulance stations so that those communities might know which ones are coming early.

There are four parts in this series of questions from 4010 to 4019, asked by Ms Wooldridge. I reinstate only parts (1) and (4) in regard to the likely funding allocation at this time — and that might change, given that the program runs until 2018. With respect to some of the early ones, however, I should think the allocations — maybe even notional allocations going forward — would be available and certainly be a priority in terms of the development.

Finally — and I thank members for their forbearance on this — Ms Wooldridge has also written to me in regard to questions on notice 571, 572, 868 and 872. These are also to the Minister for Health. Again the minister has relied, in answering these questions, on information that is in the annual report. To my understanding, in terms of what has been requested, the information is not available in the annual report. These

questions go to supplementation of funding for public holidays and so forth.

I know this whole Easter public holiday and grand final eve public holiday matter has been played out exhaustively in this place and in questions on notice, and I know the government seems to have a reticence about quantifying these costs. Frankly I would have thought, however, that the government would want to know how much it costs an agency to assist its budget in going forward as well. From that point of view I think the questions are in order. In this case I reinstate questions 571 and 572, and in relation to questions 868 and 872, asked by Ms Wooldridge of the Minister for Health — which are questions with five parts — I seek to reinstate parts (1) and (4) of each question.

Ms Hartland — On a point of order, President, I submitted questions on notice 1991 and 1992 on 15 September to the Minister for Roads and Road Safety in regard to the port rail shuttle project. The answers are now 40 days overdue.

The PRESIDENT — Order! Can I indicate that in our standing orders the follow-up of questions is to be done on Wednesdays; however, given that this is the last day of meeting I would seek the support of the government in terms of responding to Ms Hartland on this occasion outside our standing orders. It does, however, need to be recognised that the standing orders provide for this follow-up of questions to be done on a Wednesday, not a Thursday. On the last day of meeting, I wonder whether the Leader of the Government — —

Ms PULFORD (Minister for Agriculture) — As the minister representing the Minister for Roads and Safety in this chamber, I will undertake for Ms Hartland's benefit to follow that matter up with the minister and seek a speedy resolution to that situation.

Mr JENNINGS (Special Minister of State) — President, I just wanted to respond to your reinstatement of a number of questions and your expectations. I know you are acting within the guidelines that you have established in accordance with the sessional orders introduced by this government, so I understand we are reaping in a sense what we have sown, but I just want to draw the attention of the house to the fact that you yourself volunteered that you have made a reasonable assessment about what reporting requirements there may be for government agencies and then referred to your expectation that that information should be provided in terms that you think are reasonable.

As a minister who has been responsible for the introduction of the Transparency in Government Bill 2015, which is on the notice paper in the other place, and having dealt with datasets that are available to government across health, human services and emergency services, I know about the complexity of compiling datasets and the difficulty of public administration to rise up and meet those standards. Therefore I caution the limits of what a reasonable expectation may be about generating new datasets that may or may not be available easily to government. I am foreshadowing that issue because subsequently you also made assumptions about the financial construct of the departmental budgets and the way in which information may be easily extracted from them.

Again, I suggest that whilst the government will do its best to comply with your expectations of us, President, I am putting on the public record the difficulties of generating new datasets or a new series of analysis that may be inconsistent or incomplete within what public administration is, and the onerous expectation that could be seen to be easily set but very hard to meet.

Mrs Peulich — On a point of order, President, it is probably timely that the minister has raised this matter because I had reason to raise a broader range of concerns about the way in which questions on notice are handled by the government. I am seeking your consideration of an opportunity to review how these matters are dealt with.

The minister said the government has difficulty generating new data. The problem is that ministers have difficulty answering simple questions that are readily available. Often they are coordinated responses, word for word identical across a range of portfolios. Many of them simply refer to the websites irrespective of whether information is on that website or not; they refer to information being contained in annual reports irrespective of whether that information is there and whether the annual reports are available; and if it is a multipart question, they may typically answer one part and ignore the others. I think it is timely for you to consider ways that we can review the operation of questions on notice, and what general guidelines may be produced to guide ministers so that we are not actually having to use up house time reinstating questions, and I have hundreds of questions that I am going to ask you to reinstate.

In the instances where you have reinstated questions, I have received the same replies. I think as part of your review perhaps the notion of some consequence should be considered where questions need to be reinstated, such as a shorter time frame for a response or anything

else you may consider to be appropriate. So it is not just a question of generating new data; it is actually a question of answering the questions. I believe the process has been flouted and treated with contempt. It is not efficient, transparent or accountable. I seek your consideration of a method by which some common sense can be applied to this whole notion of questions on notice, the answering of questions on notice, the follow-up and in particular the giving of simple answers for which information is already available.

The PRESIDENT — Order! It is not a matter for me to review as such. This is a matter for the house. The processes are outlined in the practices of the house, the standing orders, the sessional orders and so forth, and it is not really for me to review the overall process. Perhaps if there is a concern it could be referred to the Procedure Committee.

During the last Parliament the then government was concerned about the number of questions coming forward and the fact that it was taking up a lot of time in coordinating replies and so forth, and a lot of those questions seemed to be fishing questions rather than questions that went to information that was really necessary information. It is interesting that when I look at the questions that were put on notice by the Greens, for instance, I think nearly all of the questions were satisfied by the answers provided by the then government because they were temperate in terms of their handling of that process. I think that actually extends to this government's management of questions on notice from the Greens as well.

On that occasion in the last Parliament when the then government expressed concern about the number of questions that were coming in and the difficulty in providing useful and responsive answers to those questions, the then opposition agreed to back off. It actually reduced the volume of questions on notice that it asked and did not put those template questions to every minister in the same way as it had been doing. So some of this issue is about the responsibility of all members to ask the sorts of questions that are important, certainly — because that is the job we all have — but the fishing needs to be reined in. In that sense I believe the government is more likely to provide stronger and better answers if it is not dealing with a whole slate of questions that may be relevant to a particular minister but not relevant to other ministers and are just part of a fishing trip that involves a lot of time to process and so on. Members need to have the discussion that Mrs Peulich seeks rather than me conducting a review of the process. It is important that there is an understanding of the issues by the leadership of the parties, and the party whips might also be involved in those discussions.

Ms Crozier — Thank you for your comments, President. In relation to Mr Jennings's point of order, I note that you have asked that the questions I wrote to you about some weeks ago be reinstated, and that was after the previous time I had written to you at which time you made a similar ruling, saying that there needed to be a significant period of time such as quarterly reporting. I think your ruling at that time was in response to the reason I wrote to you again saying that that data that is in the public interest be made available, so thank you for your ruling.

The PRESIDENT — Order! It was not a point of order, but it was a wonderful compliment. I recognise that the comments made by the Leader of the Government in response were also well worth everyone considering carefully. It is true that what some people might think is a collected dataset is not necessarily a dataset, or not necessarily in exactly the form that is being sought or any usable form in terms of what is being sought. Therefore we need to have some sense. The minister quite rightly points out that my expectation is based on a personal view of reasonableness.

Other people, and especially government members, might well have a very different view of reasonableness in these matters. I am quite happy to entertain government views in that respect rather than being prescriptive as the Chair. My job is to try to facilitate what might be achieved. I know the Leader of the Government on many occasions does his best to provide information, whereas other ministers in the past might well have said, 'No, we're not going to do that'. There is an attempt in this house to accommodate members' interests and expectations, but we all need to have a respect for the tolerances in that process.

Mr Davis — Far be it from me to prick the bubble of seasonal goodwill in this, but I also want to respond to the comments by the Leader of the Government and the matters around datasets.

The PRESIDENT — In terms of the debate or as a point of order?

Mr Davis — As a point of order if we want to make it that.

The PRESIDENT — We do, because that is all I am listening to.

Mr Davis — On a point of order, President, in response to your ruling, the Leader of the House

foreshadowed that there may be difficulty with datasets. In consideration of these matters I would like to put on the record that the compilation of these datasets to annual datasets naturally and necessarily comes from shorter time periods. If annual data is available in that way, it has to be compiled from shorter time periods — quarterly and monthly. I am very aware of the risk that this government will seek to obfuscate and block the release of data through some trick.

The PRESIDENT — Order! That is not a point of order.

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Minister for Energy and Resources

Message received from Assembly informing Council of following resolution:

> That this house refuses to consent to the Legislative Council's request for the Minister for Energy and Resources to appear before the Legislative Council environment and planning committee to give evidence and answer questions in relation to the inquiry into onshore unconventional gas.

Mr Davis — On a point of order, President, it is important to note for the record that this was a deliberate attempt by the government to block the appearance of the minister at the inquiry.

The PRESIDENT — Order! That is not a point of order. Again it is an attempt to debate this matter. Mr Davis can move to take note of the message if he wishes.

Ordered that message be considered next day on motion of Mr DAVIS (Southern Metropolitan).

Sitting suspended 1.06 p.m. until 2.13 p.m.

CONSTITUENCY QUESTIONS

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My constituency question is for the attention of the Minister for Public Transport, Ms Allan. It relates to the level crossing at McGregor Road and the Pakenham railway line in Pakenham. I have raised this matter in the house before. This intersection needs urgent attention in order to increase the capacity of vehicles able to cross the railway line. Minister Allan was reported in the *Pakenham Gazette* on Wednesday as having said that it is not one of Labor's 50 level crossing priorities, and that is true. Not a single level crossing in the Shire of Cardinia has made it into Labor's top 50, which is most regrettable given the enormous population growth that is taking place in that corridor. We had a situation, as reported in the *Pakenham Gazette*, where emergency vehicles — fire trucks — could not cross the railway line for up to 10 minutes because of the enormous congestion at that level crossing. This needs urgent attention from the minister. I ask her to review it and invest in improvements to that intersection as a priority.

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to the Minister for Roads and Road Safety, Luke Donnellan. On Saturday a consultation on the proposed Box Hill to Ringwood shared-use path took place. People there asked me when construction of this particular path would commence now that the plans are out. My question to the minister is: can he give me an indication of when he thinks construction on this project will commence so that I can pass the information on?

Northern Victoria Region

Mr YOUNG (Northern Victoria) — My constituency question is to the Minister for Police. Earlier this year I visited the North East Muzzle Loaders and Colonial Firearms Club at Taminick. This is a fantastic little club that has self-funded its own range of facilities through the hard work and generosity of its members. This club showcases a variety of English Civil War, Napoleonic, American Civil War and Victorian-era firearms, including an awesome array of cannons. Certain licensing categories for firearms this club uses contain requirements to be a member of a collectors guild. This is difficult for people in regional Victoria when there are no collectors guilds in the area. This genuine group of collectors and re-enactors are now trying to be recognised as a collectors guild, but are receiving information from local authorities that suggests the Victoria Police licensing and regulation division will not recognise any more collectors guilds in Victoria. I ask the minister: is this the policy of the licensing and regulation division? If so, why?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Education. My question is: will the minister commit to matching the coalition's commitment of $13 million in funding for much-needed upgrades at Mount Clear College? The college is a fabulous school very ably led by the principal, Lynita Taylor. The shadow Minister for Education, the Honourable Nick Wakeling, and I recently visited the school and met with the school's

leadership group, including the fabulous and talented school captains. I note the minister and the Premier have both said, 'You can't get a first-rate education in a second-rate classroom'. Unfortunately that is what the students at the college are subjected to on a daily basis. I look forward to receiving a response from the minister.

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is addressed to the Honourable Robin Scott, the Minister for Finance and Minister for Multicultural Affairs. I note the minister's recent announcement of the creation of two Indian cultural precincts, one in Dandenong and one in Wyndham. I applaud the government's commitment to supporting multiculturalism, particularly in such a culturally diverse area as my electorate of Western Metropolitan Region, where 6.3 per cent of Wyndham's population is of Indian heritage, compared with the state average of 2.5 per cent. I ask the minister to provide details to me of the benefits the Wyndham Indian cultural precinct will have for my constituents, and to update the house on the types of facilities and spaces that my constituents can look forward to utilising under the government's plan.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question relates to the issue of Crown land at the Caulfield Racecourse, where there is also a public recreation ground and public park, as Ms Pennicuik and I well understand. I note that council minutes of a meeting of 13 October draw attention to a series of issues. The minutes state that council noted the report and indicated it would write to the state government as the public land manager for the Crown land at Caulfield Racecourse to ask for its approval to install six sports fields within the centre of the Caulfield Racecourse reserve. What I seek from the minister is a preparedness to meet with the City of Glen Eira to thrash out the issue and ensure that the sport and recreation capacity at the racecourse is maximised.

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My constituency question is to the Minister for Housing, Disability and Ageing. With over 1 million Victorians renting, the housing market is highly competitive and very volatile. Given the proximity to the CBD and universities, Northern Metropolitan Region is a very desirable area, particularly for students and low-income earners. They make up a large proportion of the rental market, and obviously their housing security can be easily compromised. There are many mechanisms for landlords to evict tenants for a range of reasons or to refuse an ongoing lease, and I have been notified of a number of tenants who found themselves given very little notice to vacate with few specified reasons, so I am asking the minister to consider repealing section 263 of the Residential Tenancies Act 1997 in order to allow tenants greater housing security. There are lots of other mechanisms to protect landlords within the act, and section 263 seems very discriminatory to — —

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

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is addressed to the Minister for Emergency Services. The wonderful Country Fire Authority (CFA) in my area is expecting to move into the new $8 million facility in Mortlake Road, Warrnambool, in January, and we thank the Napthine government for providing the funding for that. But it means that the Raglan Parade station could be up for sale next year, and the CFA has indicated that government departments would have first preference to purchase the Raglan Parade site. This is an ideal base for emergency services — fire, ambulance, the State Emergency Service — and municipal services. These are required to coordinate disaster relief efforts. My question is: will the minister meet with the emergency services representatives in the region to discuss the future of the site and the viability of an emergency services training and resource complex in the Western District of Victoria?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Local Government. Prior to the last election the then opposition committed to respecting the views of the people of Sunbury and Hume, as expressed in a democratic vote, and implement the coalition government's decision to establish a stand-alone Sunbury council. After much procrastination the minister came up with an audit committee, the result of which was a predetermined report the government used to break its promise to the people of Sunbury. Putting aside the cost to the government's integrity, how many taxpayer dollars were expended in perpetrating this disgraceful betrayal of Sunbury and Bulla residents?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Public Transport, and it is regarding Cobram and Numurkah V/Line services. My office was recently contacted by an elderly Cobram-based constituent who was very unhappy about the state of the service she experienced during the rail portion of her trip from Cobram to Melbourne and back, as well as the lack of direct passenger rail services from Cobram to Melbourne and back. The constituent said that she and her four travelling companions reserved seats for the return leg of their journey, but there were no seats physically reserved for them. She also advised that there was no overhead luggage rack and no buffet car and that it was a slow, rough and noisy journey overall. Essentially she felt that the standard of the service was not suitable for a long journey. In her words:

> When compared to the services on Bendigo and Gippsland lines, we are very much given a second-rate service.

Further, she would like to see a direct rail service extended to Cobram, rather than a rail service to Shepparton which then transfers to a coach service to Cobram. My question is: will the minister commit to improving the standard of services for passengers on the Shepparton rail line and to extending the direct rail service to Numurkah and Cobram?

DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015

Second reading

Debate resumed.

Mr PURCELL (Western Victoria) — Where I finished earlier was the end of the first issue that I raised, which was regarding the term of the lease. My first point was why the lease of the port should be 70 years rather than 50 years. One of the recommendations of the committee, recommendation 2, says that the lease should be no more than 50 years, and this is quite an appropriate period of time from my point of view.

The second issue that I initially had was how we actually use the facilities of the port to continue to increase the capacity in and out, from 2.5 million containers to 7.5 million containers. Again this was considered in the report, and recommendations 4 and 5 are basically to start the work in regard to the port rail shuttle project, a $58 million project, which will be desperately needed if the containers are to be taken from the port quayside to the rest of Melbourne and the rest of Victoria.

Recommendation 5 is a good place to start. It relates to the comprehensive transport plan. Without a plan to move goods throughout Victoria, we are going to finish up with a bottleneck. There is no benefit in taking the goods into the port of Melbourne if we cannot get them out to the rest of Melbourne and the rest of the state. That work needs to be done, and it needs to be done very quickly. As I said, I do not believe that the port of Melbourne will be able to cope with a threefold increase of its capacity. I am sure that changes in technology and the way of operating the port would take it to that level, but I seriously cannot understand how we are going to get the goods into the port or how we are going to get the goods out of the port.

The third area that I originally considered was how the investor would achieve something like a $6 billion return on their investment. By looking at the annual report of the port of Melbourne and the returns it currently generates, the best I could work out was somewhere around $2 billion to $2.5 billion by doing a net present value on the profitability. To my mind that means that you have to either reduce costs or increase the prices.

When we worked through this as a committee, one thing that came to my mind that I must admit I did not originally notice in the bill was in regard to the up-front license fee. The up-front licence fee is an $80 million fee per annum to the government which is indexed, and that would also add to the value of the port. Again from my back-of-the-envelope calculations, that would add to the value of the port somewhere in the order of $2 billion to $2.5 billion, so that got me to about $4 billion or $5 billion.

The rest of it is on the basis of having a monopoly, and having a monopoly with an increased capacity where you will be able to increase the amount that goes through the port from 2.5 million containers to somewhere around 7 million. That would again add somewhere around $2 billion to $3 billion. At the end of the day, on my own calculations, I believe that is a reasonable valuation, so that when this goes on the market with those components it will actually achieve that sort of return for the state if those components are all in there.

The fourth part, as I said earlier, was the pricing of the ESC. We are talking about a monopoly because the bill gives the bidder or the new owner of the port a monopoly over the containerisation in Victoria for a

very substantial period of time. This was a concern to me because any monopoly — and we have had monopolies in the past — will take advantage of its monopolistic position if it has an opportunity to do so. I believe that the recommendations that have come out of this committee report go a long way towards controlling the limitation of the fee increases.

The final aspect I had a problem with was the compensation with regard to the second port. The committee has handled that well, and at the end of the day it has basically suggested that the monopoly is not a good thing for Victoria. I totally agree with that. The committee also, in recommendation 13, suggested that the up-front licence fee should not be included. By reducing both of those aspects, unfortunately what we do is reduce the value of the port or reduce the amount that we will be able to sell it for.

Mr Barber interjected.

Mr PURCELL — Not the value, no, certainly not, but what you could get for it will certainly reduce.

The final aspect I want to raise today is with regard to the amount that will go back into rural and regional Victoria. I believe the committee has handled this well. It has said that it believes the legislation should give a percentage to regional Victoria. During committee hearings we heard that anything from a lot to everything should go back into regional and rural Victoria. It would be reasonable to have a percentage of something like 10 per cent, and that would mean that a lot of the proceeds could be spent on the logistical infrastructure, such as rail improvements, which could make a significant difference to areas like Colac, Hamilton and Portland.

I agree that the port will probably operate more efficiently in private hands and I would support that, but only with the recommendations that have come out of this committee. I believe the committee process has worked well, and it is a credit to all those involved, particularly the chair.

Ms PENNICUIK (Southern Metropolitan) — I welcome the opportunity to make a contribution to the debate on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. Mr Barber has already made a contribution as lead speaker for the Greens, and he has outlined our concerns. Yesterday, in his contribution on the tabling of the report, he said he started with about three reasons for not supporting the sale of the port and ended up with a whole lot more after having been through the inquiry.

Like many members in this place, I have really only had the opportunity to look through the report yesterday and this morning, since the report was tabled on Tuesday. I spent some time looking at the executive summary and the recommendations. The voting on the recommendations was very interesting. The two minority reports and some particular parts of the chapters I found interesting, but I have not had a chance to sit down and read the full report in all its detail, which I would like to do because I have a long history of interest in the port of Melbourne, as those who have been in the Parliament with me over the previous two Parliaments would know.

I have had an interest in particular in the last 10 years, since the channel deepening project was proposed in 2005. Before I was a member of Parliament I was involved in community protests and concerns regarding that particular project which occurred in 2009. I have spoken about it many times in Parliament — in 2007, 2008, 2009 and 2010 — with regard to the concerns that were raised about that particular project and what has come to pass.

Mr Rich-Phillips started his contribution by saying — and in fact the report starts out talking about the fact — that going back 70 years from now, at the end of the Second World War, we would not have been able to imagine what things would be like now. We certainly cannot imagine what it will be like in 2085, or even in 2065, which is 50 years from now. Even if we go back seven years to the channel deepening project in 2008, there are a lot of things that were raised at that time that have been raised in the inquiry into this bill undertaken by the select committee. It is a very good report and a lot of work was done. There were 87 submissions, 11 days of hearings and 58 witnesses.

I will take this opportunity to say that while I have not had the chance to peruse this report in detail, neither have any of the submitters. That is a point many people have been making to the government — that such an important proposal before us needs more consideration not only by members of Parliament but by members of the community. Those people have taken a very strong interest in it and gone to the trouble of making submissions to the inquiry and appearing at the hearings. They deserve the opportunity to see what the report has come up with and its particular recommendations.

As Mr Purcell said, as it is a government-owned corporation the port is a natural monopoly. I am of the view that natural monopolies are best held by the people and not sold off to the private sector. Flicking through the report and listening to Mr Barber yesterday,

who I know has sat through the hearings and read the submissions, no credible evidence has been put forward that the port would operate any more efficiently under a private operator than it does now or indeed any evidence that it is not operating efficiently now. We just hear assertions about that, which we also heard back in 2008.

Also back in 2008 we heard the government quote — as did the port — figures of anywhere between 27 per cent and 42 per cent of ships being unable to come into the port of Melbourne and that that was why we needed dredging. But if you looked at the supplementary environmental impact assessment, and we know there had to be two of those because the first was not done properly, the true number of ships unable to come through Port Phillip Heads was 3.8 per cent — that is, 96 per cent of ships that came into the port of Melbourne could come through fully laden. The figure of 42 per cent referred to the number of ships that do not come through fully laden, and that is because Melbourne is in the middle of a route. Ships offload some things and pick up other things. Melbourne is neither at the start nor at the end.

The point I am getting to is that I have been sceptical and dubious about any figures put forward by governments, and we are back with a Labor government. It was also a Labor government in 2008 that was running with these figures in the media, which were inaccurate. They were not right.

We also heard about the number of containers that would need to be accommodated at the port of Melbourne. The figure — and it is one that Mr Purcell and others have referred to in the report — is between 7 million and 8 million 20-foot equivalent units (TEUs) within the next who knows how many years, sometime during the life of the proposed sale or lease of this port. Way back in 2008 I pointed out to the Parliament that the total capacity of all the ports in Great Britain, which has a population of 65 million people and which operates in the European port zone, is 7.5 million TEUs. The idea that somehow in the next 25 to 30 years we are going to have 7.5 million to 8 million TEUs going through the port of Melbourne — Australia will not have a population of 65 million people by that time, and Melbourne certainly will not — is just fanciful. There has never been any evidence put forward for that.

In 2008 we were told that very big ships that were able to hold 8000 to 10 000 containers were coming here. At the time, I cast aspersions on that particular claim because the shipping lines were not saying that, so I was interested to read page 41 of the report, which states that Shipping Australia and experts have said there is no chance that ships above 8000 TEUs will be coming to Australia.

It is like Groundhog Day and deja vu for me here. The same old figures are being rolled out by the government and the port which are not backed up by any actual evidence; instead they are contradicted by those in the shipping industry, who know better and are saying that those sorts of large ships are not ever going to be coming down to southern Australia. They are going to go on the main shipping lines between the USA, Asia and the European countries and their big ports. Part of the reason I bring this up is that we have heard it all before; it was not true then, and it is not true now.

I listened very intently to what Mr Purcell said during his contribution. He pointed out that he was very interested in being part of the inquiry because of his interest in the issue. I heard his concerns over how the port was going to attain the price it needed to reach. I am concerned that if it is based on 7 million to 8 million TEUs coming to Melbourne — that that is the fulcrum on which this is based — then we have a problem because that is not backed up by any evidence. It is just an estimation, an assertion and a line drawn in the air, which is what I said way back in 2008 and I have seen nothing that says it is any different now. I think this is a very poor piece of public policy.

Then there is the issue of the lack of a transport plan that has also been raised in the report. We lacked a transport plan back in 2008. It was an issue I raised in questions regarding the channel deepening project and the conversation at the time about the increased container traffic and truck traffic et cetera. I was told that there would be a transport plan. That was in 2008 — seven years ago — and we still do not have one. I am not confident we are going to have one anytime soon, even in the next seven years. These things really do concern me, including privatising the port of Melbourne. It should be kept in public hands.

I will now go to my major concern, which is about the environmental effects from the activities of the port. Back in 2008–09 the dredging was going wrong. The *Queen of the Netherlands* dredger which graced the bay for up to 18 months was smashing up our shipping channels and destroying part of the Port Phillip Heads. It was apparently watched by the environmental monitor, but it pretty much got away with everything it did that was against the environmental plan it was supposedly following. The environmental monitor was a toothless tiger. It was not even charged with monitoring the major issues. At the time, we had 40 million cubic metres of toxic spoil, which still sits in

the middle of Port Phillip Bay and is being monitored by nobody. The government is not looking at that. More dredging material has periodically been added to that, but it is not being monitored.

I said at the time that what was really keeping me awake was the removal of 5 to 6 metres of rock from Port Phillip Heads, because the scientists told us that that would result in so much more water coming in and out of Port Phillip Heads, particularly in the south of the bay, and that that would result in damage to the coastal areas in the south of the bay. Lo and behold, has that not come to pass? Portsea beach has disappeared; it has gone. It is not going to return, because every single day ocean swell is coming through Port Phillip Heads, which was a very rare occurrence prior to the channel deepening; there would have had to have been a very big storm for that to happen. Now it is happening twice a day, every day, on the tides. That beach has disappeared. Other beaches all around the south of the bay, including on the western side, are having a lot of inundation and erosion occurring, and this is never going to stop, because you cannot just put that rock back.

No-one, including the original ports minister and the current Treasurer, who I spoke with many times about this, has ever been held to account for that damage. The port of Melbourne was supposed to have paid a bond for environmental damage, but that has never been seen by the people of Victoria. Meanwhile, day after day, damage is being done in the south of the bay, which was foreseen by scientists, by the community and by groups like the Association of Bayside Municipalities, the Victorian National Parks Association and the Port Phillip Conservation Council. I know that they all came again to this inquiry to talk about the issues. At that time we could not prevent the damage in a government-controlled port. If this goes ahead and we have a privatised port, who knows what damage could be done to the bay.

The whole thing is based on spurious assertions, as it was way back in 2008. Nothing has changed. I am amazed to see the same figures in here. They are just pulled out of the air. They do not have any evidence base to them. It is also interesting that there is no context here as to how Melbourne sits with the rest of Australia or in relation to a national port and freight strategy or the inland rail, which may actually be built. I was talking about this back in 2008. The inland rail would run from Melbourne to Seymour, Albury, Wagga Wagga and Parkes, where it would intersect with the Perth–Adelaide rail system, then on to Narrabri and Moree, through northern New South Wales and on to Brisbane. Double-stacked containers of freight from Brisbane to Melbourne would make a very big difference. It would affect the regional areas of inland Australia. But this sort of thing is not even mentioned in relation to the port transaction. The Deputy President, who has heard me talk about these things before, would know I could go on a lot longer, but I have run out of time.

Ms PULFORD (Minister for Agriculture) — This is a matter of great interest to the Victorian community and to all members of Parliament, so we are burdened with 15-minute time limits on this occasion. This has been a long discussion in this Parliament. The select committee inquiry into the proposed lease of the port of Melbourne, which has reported to the Parliament this week, was given its brief in this place on 5 August, following some initial contributions on the second-reading debate. I have no doubt that all members of the committee have had an incredibly busy time since then. Mr Rich-Phillips notes in the report that the committee received 87 written submissions and took evidence from 58 witnesses. There were hearings in Melbourne, Geelong, Shepparton, Horsham and Hastings. It is an important task that those members have undertaken on behalf of all of us.

The matters that are still contested are canvassed in great detail in the report, and I do not propose to go into them in enormous detail, but what I will say is that this government made very clear before the election its intention in regard to the long-term lease of the port of Melbourne. When we indicated that we would do this 12 months prior to the election, we said we would reinvest the proceeds of this lease arrangement to remove 50 of Melbourne's most congested and dangerous level crossings. Members of this place who represent metropolitan electorates certainly know better than I the frustration of Melbourne's gridlock. Happily, I get to avoid that most days.

We know that removing these level crossings will dramatically improve the efficiency of our city and the lifestyle of many millions of Victorians. We also know it will create thousands of construction jobs, people's commute times will be better and many of our lovely strip shopping centres throughout Melbourne's suburbs will hear the bells clanging much less often. The lease proceeds will go to the Victorian Transport Fund to support these projects and other important transport projects that the government is committed to moving on after four years of pretty slow progress on major infrastructure in this state, including the Melbourne Metro rail tunnel.

This is an important piece of legislation, as other members have observed, and we are keen to see its

passage through the Parliament. The proceeds of the lease will, among many other things, establish the $200 million Agriculture Infrastructure and Jobs Fund, which is all about improving supply chain efficiency and helping our food producers and primary producers to be more competitive. Of course the government is also investing in the Murray Basin rail project, which is going to transform the efficiency of our rail network, with enormous benefits for our grain growers and mineral sands industry. Having talked to people in Mildura about this, I know they are very excited about the idea of getting fresh fruit to market much more quickly, safely and reliably and at lower freight costs.

Victoria will need a second port, and this transaction does not preclude that from happening, as has been suggested by some in this debate. We will have independent advice from Infrastructure Victoria on the best location and the timing, which will be essential information for future governments and parliaments making that very important decision. We are proposing a rigorous regulatory regime, the most rigorous regime of any privately operated port in Australia. We are hopeful that the lease will drive efficiencies in the operation of the port. I note that in the committee's deliberations it was observed, and it was suggested by evidence presented, that privately run ports can be more efficient.

The range of services regulated by the Essential Services Commission will be expanded to cover the overwhelming majority of the port's revenue. To ensure that the community amenity in that part of Melbourne is preserved, the government has indicated its plan to invest in Westgate Park and other additional land currently located on the port of Melbourne site, which is contingent on the lease of the port.

Before the election the government and the opposition were very conscious of the commonwealth national partnership agreement on asset recycling and the opportunity for 15 per cent of transaction proceeds to be delivered through that process to Victoria. It is a limited pool and is available on a first-come best-dressed basis, but it is important for members to note that opportunity, given we have all known since late last year when the election results were concluded that the government would present this legislation to the Parliament. The legislation was passed by the lower house and has been subject to seven months of detailed consideration by the upper house committee. We have had a long time to consider these issues, and I note the discussions that are occurring around some of the points of contention or of particular public interest. I look forward to a conclusion of those matters and the successful passage of this legislation.

I would like to talk briefly about the Agriculture Infrastructure and Jobs Fund that we are hopeful of being able to establish following the successful passage of this legislation. In August I joined the Premier and the Victorian Farmers Federation president, Peter Tuohey, in Bunyip to announce this fund, which is about boosting productivity and jobs growth in our almost $12 billion agricultural industries. The fund will support investment in agricultural infrastructure and supply chains so that our farmers and agrifood businesses and industries can remain competitive and fully participate in the increasingly global environment in which they operate.

The fund will be available for practical projects and programs that wholly benefit the agricultural sector, including things like transport linkages, irrigation and energy projects, skills development and market access initiatives that are essential for growing agriculture in Victoria and for growing jobs. Currently 140 000 Victorian jobs are supported by our food industries, and we certainly want to see that number grow at a great rate. The kinds of organisations that will be eligible to apply will include farm businesses; industry and agribusiness organisations; asset owners, including water authorities; and local councils. I am sure that there is a great deal of interest in the potential for first mile and last mile road investment in particular sectors of our agricultural industries.

To give members a snapshot in the remaining time I have to make my contribution to this debate, I will talk about one particularly important project that we would very much like to see funded as part of the Agriculture Infrastructure and Jobs Fund, which is the Macalister irrigation project. This is a fabulous project that is ready to move to the next stage. The Victorian government's contribution to this project will be of the order of $20 million with the remaining two-thirds coming from the commonwealth government — and I note the interest shown in this project by Deputy Prime Minister Truss, as publicly stated during his recent visit — and Southern Rural Water as the water authority.

The Macalister irrigation project will modernise the southern Tinamba supply area within the Macalister irrigation district (MID) by converting approximately 85 kilometres of manually operated earthen irrigation channel to approximately 38 kilometres of pipe and 32 kilometres of automated channel. Around 9700 megalitres of water savings for agricultural use will be generated, and 170 customers will be connected to a modernised water supply system. This is the largest irrigation area south of the Great Dividing Range, and the MID extends around the Macalister River for 53 000 hectares from Lake Glenmaggie to close to Sale.

Around 33 500 hectares are currently used for irrigation and obviously 90 per cent of that is under pasture.

This is a fabulous project. The MID 2030 vision, developed by Southern Rural Water in conjunction with local industry and local communities, is to build upon this region's natural advantages of good soils, excellent water quality, water security — in spite of the dry conditions that the state is experiencing at the moment — and mild climate change impacts so that it will become an increasingly attractive area for irrigation investment. This is a wonderful thing, because we all need to work together to create and grow job opportunities and industry development in this part of the state as the local economy continues its transition. Southern Rural Water's goal is to transform the current supply system, which has one of the lowest efficiencies, to one with an efficiency of 85 per cent for its channels and 95 per cent for its pipelines. This region contributes more than $500 million to the Gippsland economy, through dairy farming, vegetable production, cropping and beef cattle farming. It is a wonderful project and is just one example of the kinds of things that can be supported through the Agriculture Infrastructure and Jobs Fund.

I know much of the debate has focused on the benefits that will flow from level crossing removals in the metropolitan areas, and of course for regional communities a less congested Melbourne is a welcome thing for accessing markets and in fact accessing any number of other pursuits in Melbourne, but I wanted to take the opportunity to give members an insight into one example of the kinds of projects that would be supported by the Agriculture Infrastructure and Jobs Fund.

We believe that there are significant benefits for the state in the passage of this legislation. We welcome all members' contributions to this debate and in particular those who have worked very hard in giving detailed consideration to the preparation of this report before us today and which is informing many members' thoughts on some of the areas that are being discussed across the Parliament. We are prepared to work towards a negotiated settlement, but we do want this legislation to pass.

It is important that the market have certainty and that we have the capacity to extract the value that all Victorians deserve to see extracted from the sale of the long-term lease of the port of Melbourne, which is something that had support from the coalition and the Labor Party before the election. It is something that we committed to and said we would use to ensure a much brighter future for Melbourne and the rest of the state by relieving congestion, improving amenity, speeding up the Victorian economy and generating all the benefits that will flow from the investments that will come from the Victorian Transport Fund.

I thank members for the opportunity to join the debate on this most important piece of legislation. I look forward to its passage, I look forward to those level crossings being removed and I certainly look forward to the establishment of the Agriculture Infrastructure and Jobs Fund.

Ms FITZHERBERT (Southern Metropolitan) — I am very pleased to contribute to the debate on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. I have listened to a number of the contributions made in this debate already, and I do not want to repeat some of the things that have been said in a very eloquent way already — I think that is possibly a waste of time for this place — but I do want to refer to comments made by a couple of members earlier.

In particular I was struck by the contribution made by the President. It was unusual on his part to contribute to debate; I think it was only the second time I have seen him do so in the time that I have been in this place. I was struck by the way he eloquently described the long-term impact and effects the bill before the house will have on people in this state in the future. There are many pieces of legislation we contemplate in this place that are far reaching in their impact, and this bill has a particularly long time frame at its very heart. That is one of the issues that is most in contention.

I was also struck by the personal reflections made by Ms Lovell in relation to the port and the port area, and I want to add a couple of my own. My electorate office is in Port Melbourne, in the heart of a community that has been centred around the port for a long time, and all around us in Port Melbourne is a sense of history. It is a longstanding community that has literally lived, breathed and worked the port — and still does. It reminds me again of the long-term impact of the bill that is under discussion today.

I also listened with interest to the comments made by the Minister for Agriculture, Ms Pulford, who spoke, as many of her colleagues have, about the level crossings. With respect, to me it is not about the crossings; it is about the port. The ends do not justify the means, and it is the means we are entitled to dissect, discuss and weigh up to determine whether they are appropriate before we proceed. In my view, a 70-year monopoly is madness, and this is something that was spelt out during the election campaign. There was, however, a

very different scenario in play at that time. It is conceded and believed that the port of Melbourne will reach capacity in 2031, which is not all that far away. I see the evidence of the sort of work that emanates from that port every day. You can see it in the trucks that surround my electorate office and the homes, many of which have been around the port for well over 100 years. We know it is going to get a lot worse and that the port will be at full capacity by 2031.

Before the election both major parties agreed that there should be a second port because it made sense. We were running out of capacity, which needed to be obtained somewhere else, and there were very good and obvious reasons for doing so. Bay West was the option identified by the government when it was in opposition. It was a convenient location in many ways for the then opposition before the election. It argued that it was the best place for it to be geographically because of the benefits it would bring to the community as it identified them.

After the election it has become less convenient, apparently. A huge play was made to those in the west of the city and the state that that was where the second port would be. It was quite a cruel hoax perpetuated by this government, to say one thing before the election and then say, 'Actually, there's a change of plan. We don't need a second port. In fact we're going to tie this up into a monopoly', with all the disadvantage that goes with that. We could have a second port, but we would need to pay a very large amount of compensation, and given that we know the port we have is going to reach capacity, it seems quite ridiculous to lock ourselves into a scenario like that for such a long period as 70 years.

The other issue I want to address today in relation to the bill at hand is what I call the big rush, and Ms Pennicuik made some very reasonable comments in relation to this. I say from the outset that there has been a very efficiently run committee of inquiry into this bill and the issues involved. It was run in a relatively quick fashion. Others have discussed the number of days that have been spent on this legislation, the work that has gone into it and the witnesses who have given generously of their time and expertise in order to contribute to the inquiry. The report was handed down on Tuesday. I have to confess that I have not read it word for word; I have been doing other things during the sitting of the Parliament.

Mr Davis interjected.

Ms FITZHERBERT — No, it is not about insomnia, Mr Davis; it is simply about time and using my time efficiently.

Ms Pennicuik talked about the fact that it was released on Tuesday, then, bang, the bill came back, and we are supposed to have digested what is in the carefully framed report, take it into account, possibly amend the legislation and jam it through by Thursday. I do not think that is a terribly reasonable thing to expect of this house, which is supposed to be the house of review. It is our job to assess, dissect and possibly second-guess what those in the other house think and say.

The other issue is what is to happen the proceeds of the sale and where they are to go. The government has spelt out where it wants the proceeds to go. It has made some provision, which I would say is a bit of an afterthought, for those in the regions. I represent a metropolitan electorate, but I certainly did not grow up in metropolitan Melbourne. I grew up in Geelong, which is on the edge of the Western District. I am very familiar with the industry, the produce and the goods that come from the western region and travel up the highway and over the bridge to go through our ports. I am struck by the argument that has been made by country-based members of Parliament, who have discussed the unfairness of selling such a major piece of infrastructure and using the proceeds for largely city-based projects. It seems to me that there is a huge amount of unfairness in that, and that is something that also needs to be addressed.

The committee did a lot of very good work, and it seems unreasonable to not draw some of its work to the attention of the house. A number of people gave evidence based on their professional backgrounds and expertise, and I would like to quote from a couple of people who gave evidence to the inquiry. As I said earlier they were people who gave generously of their time to say what they think about the enormously important decision that is before us. Rod Sims, the chairman of the Australian Competition and Consumer Commission, gave evidence. He said:

> We believe that competition, or the credible threat of competition, will drive better investment outcomes … clearly we would prefer to have no compensation regime …

Peter Tuohey, the president of the Victorian Farmers Federation, said:

> As I said, you have got a 10 to 15-year time frame before a —

second —

> port will be built — certainly time for the current operators of the port to lock in their customers and look after themselves. We totally oppose that compensation —

for a second container port. Rod Nairn, the CEO of Shipping Australia, said:

> … you can potentially get a bigger ship in —

to the port of Melbourne —

> but you cannot do it efficiently because you cannot just get it in and out when it arrives … Because if it has not got enough cargo and the ship is not deep enough, it cannot get under the West Gate Bridge, but if it is really deep, then it hits the bottom of the Yarra River.

David Munro, manager, business development, from ANL Container Line said:

> Bigger vessels will come to Australia, and other Australian ports are gearing up for them. Melbourne should not be left behind but will jeopardise its place as the no. 1 port in Australia if it does not move soon enough to cater for the big ships and develop a second new container port in Melbourne.

Zoran Kostadinoski, the regional manager, Customs Brokers and Forwarders Council of Australia, said:

> We have a risk of losing our big importers and exporters from the port of Melbourne due to the lack of infrastructure.

A very clear message has been sent through this sort of input.

I thank the members of the committee who put a huge amount of time into assessing these issues, hearing the input and producing such a comprehensive report. I note the contribution made by Gordon Rich-Phillips as chair of the committee, the work he put in and the overview he provided to the house earlier, which was enormously useful and comprehensive.

We are in a situation where the government is putting its own convenience and what it believes to be to its advantage ahead of what is right for the state, because it is not simply about the government, its fortunes and its desire to build its position; it is actually about what is going to be right for the state. I understand there is ongoing discussion regarding the bill and what its eventual form might be, and I will look forward with interest to seeing what the outcomes are of those discussions whenever they may conclude — and indeed if they do.

One of the fundamental issues is that both major parties went to the election with a view that it was important and made sense to sell or lease the port and that there were good reasons for doing so. What I do not want to see is our state sold out for the next 70 years and locked into an unreasonable set of circumstances that do not best advantage our state because of this government's desire to support itself, its standing and its means and to rush this through without due consideration and without the sort of input that the community and other members of this house have indicated is necessary.

Ms PATTEN (Northern Metropolitan) — I am very happy to rise to speak, probably albeit quite briefly, even though I have probably got the most time to speak if I choose to, on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. With it being the last day of our first year of this Parliament it is interesting to reflect on the fact that we have done so much, but this is an enormous piece of legislation. It is probably the biggest piece of legislation I have had to understand. I reflect now that 12 months ago my capacity to understand legislation like this was a lot less than it is now, and I am pleased this bill was not the first legislation we debated at the beginning of the year but that we have had a little bit of time.

This issue was discussed at the election. Certainly when I was elected it was an issue that was raised with me by the media, which asked whether I would support it. My position then, as it is now, is that as a small party we are not here to stymie the economic and financial decisions of a government; we are here to represent our members and represent our platform. I believe the government has a mandate. In fact, had the coalition been elected, it too would have had a mandate on this issue, in my eyes. The coalition's details on this were different, and even today the details seem different to what we were discussing 12 months ago. In fact the details today seem different to the ones we were discussing yesterday. It seems to be quite a moving feast at the moment, and I am trying to keep up with what is going on.

On the broader picture that brought this about, what my constituents heard was that the sale or lease of the port of Melbourne for 99 years, 40 years, 70 years, 50 years or whatever it is going to be, was to get rid of the rail crossings, to help build the Melbourne Metro rail link and to do other much-needed transport infrastructure projects. In all honesty, and maybe it is because we are in the north and my constituents do not get down to the port much, most of them felt that the rail crossings were very important. We saw passionate support for and opposition against the east–west link, but I did not find that the port of Melbourne was something people were asking me about on election day. The east–west link certainly was. While I think the former government also had a mandate on the east–west link, this government said it would tear up the contract and pay no compensation, and I guess today's $1.1 billion worth of compensation gives me pause for thought. Nonetheless, I feel the government went to the election with a mandate.

I will just take the opportunity to maybe question the link between the lease of the port and the level crossings. I actually think that is somewhat of a furphy. I think there were many good ways for government to raise capital at the time to build that sort of infrastructure into our systems, and I am not convinced this was the only option open to government. I think that linking the two and saying that without this we cannot have the other puts small parties such as mine into a difficult position. I do not, however, believe it. I think there were other options for this. As I say, however, I think that my role as a small party representative here is to push forward my platform, not try to stymie government on its platform in economics and otherwise.

I have had the opportunity to read a lot of the report. I cannot say I have finished it. I have had the opportunity to have briefings from the Treasurer's office and from the department, and I have appreciated that, and I have to say I have learnt a lot. I had the opportunity to take a tour of the port on the MV *Melburnian*, a beautiful 1945 boat, and I thoroughly appreciated the time that the Port of Melbourne Corporation CEO, Mr Nick Easy, took to show me around the port and to give me a better understanding of its running and what we were actually talking about: what was owned by the stevedores, what was owned by the port and how they fit together. I am very grateful for that. I also thank the members of the committee that did the work on this report. I have found it to be very instructional, and I have learnt a lot. It laid out the issues very well. The inquiry received 87 submissions and it seems held numerous hearings, and from what I understand it was a fairly feisty committee as well. I have read both minority reports as well as the majority report with interest. Despite the difference of opinions, everyone has come out of this still smiling, which says a lot for the collaborative efforts of that committee and probably of this house in general.

One of the issues that has come up has been the term of the lease. As I have said, at the beginning of this year the lease was to be a 99-year lease. Then it went down; as we saw in the initial bill, it was a 50-year lease with a 20-year option. Now I understand that the government supports the recommendation that it become a 50-year lease with no 20-year option. As I have mentioned, it has been a moving feast. I noted that the KPMG report and scoping study on this recommended that the lease be a minimum of 30 years, and in fact KPMG's preference was for a longer lease term, so one suspects 50 years is probably around the right length.

We talk then, however, about when we are going to build the second port. This has again been much debated today in this house, and it has been much discussed in the report and in the media. This is a very interesting situation. If we believe, as Mr Purcell says, that we are going to reach the capacity of this first port in 2025 — in less than 10 years — then obviously we are going to need to be starting to build a second port as of now, and that obviously is going to affect any price we are going to be able to get for this port lease; it certainly will affect the bottom line. We talk about 7.5 million 20-foot equivalent units, which is a threefold increase from the current figure. I think that would relate to a whole bunch of glass ball estimates that really we cannot — —

Ms Pennicuik — Crystal ball.

Ms PATTEN — Crystal ball estimates; I thank Ms Pennicuik. It would be very difficult to really be able to estimate with much certainty. Going back to the notion of fixing the lease at 50 years, I note that one of the things that concerned me about an extension of the lease for another 20 years without that requiring a legislative instrument was that the government, though I am sure it would not, could do the deal on the 50-year lease and then the next day — wink-wink, nudge-nudge — give the operator an extra 20 years without going back to Parliament. I think this makes it much more transparent, meaning that if there is any need to extend the lease, more legislative reform will be required to do that, and the matter will have to come back to the Parliament to be considered.

Given the current growth, it seems Infrastructure Australia is looking forward to the second port as a priority. We also, however, have recommendation 4, which I understand the government is also supporting, which is about instilling far more infrastructure around our first port. I have some related questions. If we are considering building a second port in 10 to 15 years time, what sort of time frame do we have to build the infrastructure around the port of Melbourne in light of the fact that we may be building a second port?

Recommendation 9 of the report on my understanding talked about further monitoring the costs and charges that the lessees could bring in, which includes rents. As Mr Purcell said, a private operator has two options for fixing their bottom line: reduce the costs or increase the prices. I think providing greater transparency and greater monitoring of that — adding in more transparency in this area and enabling the Essential Services Commission to have more input on complaints and on rents — is a very positive thing. I hope that might be what we see in the bill. The Australian Competition and Consumer Commission also supported this; certainly the commission in its evidence

to the committee supported greater regulation, particularly around the prices that the successful port leaseholder can bring in.

One of the things that struck me — and I had not considered it when I had our initial conversations with the departmental officers — was the idea of vertical integration. I had not thought of it as going both ways. They were saying that a stevedore could not buy a port, but there was no mention that the port owner could not become a stevedore, and I think that was a very good recommendation by the committee and one that was well captured in recommendation 10.

Finally, I do have a concern with recommendation 11 about cutting out the compensation. Again, given the uncertainty and the figures that we are pulling out of our crystal ball about the future of this port and of a second port, I have a concern that, for example, if the government were to turn around in 2017 and decide to build a second international container port, the owner of the port of Melbourne lease should be compensated. We do need to provide some options for compensation. I agree they can be fixed and capped and far more regulated and captured than they are in the current bill, and I am quite supportive of the minority report's proposed option for compensation, which was to provide greater certainty in relation to the operation of the compensation clause and to fix a cap that captured the maximum amount of compensation.

This has been something of a surreal exercise for me. I do not think I had ever considered that we would be deciding on something that personally I will not be alive to see in the future.

Mr Barber — We're doing global warming next year.

Ms PATTEN — I thank Mr Barber. I look forward to that. This has given me a good running practice for global warming next year. Global warming is an issue that I consider but it is not something that I have collaborated on, and certainly watching what is going on in Paris at the moment it has been front of mind, obviously. But for me this has been quite a surreal exercise in thinking about a time, 70 years along, that I will not be here for, and I think this is the first time in my life that I have had to try to make a decision for something in the long distant future. But I will be interested to hear the rest of the debate about this and to see where we fall on this and whether we will fall anywhere today or whether we will still be debating this in February next year. I found it a fascinating exercise and debate. I do believe the government does have a mandate here; however, I will hold my judgement until I see what the final look of the legislation is.

Mr MELHEM (Western Metropolitan) — When the bill was first introduced a few months ago the government thought it would not be long before it would pass through the house, based on the fact that before the last election both major political parties announced that whoever wins government will look at leasing out the port or selling the port. There was argument about whether it would be 40 years or 99 years or 50 years, but definitely the position of the coalition was very similar to that of the Labor Party. When the coalition lost the election, obviously it decided to play the role of the spoiler and try to do whatever it could to block the attempt by the government to lease the port and get the maximum outcome for Victorians.

Both parties agree that the port should be leased for a significant number of years, but what the government is trying to do is to extract the best possible return for taxpayers and industries, to lift productivity and to look at removing the 50 most dangerous level crossings in the state, for which the government has already allocated $2.4 billion in its 2015–16 budget. At least 20 level crossings will be removed by 2018, and this number may rise to 23 level crossings. This forms the basis of a long-term strategy to remove the remainder of the 50 level crossings by 2022. To do that we obviously need to find some money, and we thought it was a good idea that the proceeds from the lease of the port could fund these projects instead of having to go out and borrow the money and going into deficit. But the coalition decided it wanted to spoil the party, as it did with other major projects. For example, with the ill-fated east–west link it signed the contract and forced the incoming government to pay a huge amount of money to move away from the contract, which it said it would not honour. So again, the only logic I can see is that the coalition is hell-bent on causing maximum damage.

As it did with the east–west link, the coalition is trying to force the government into a situation where it is going to lease the port without appropriate legislation, so instead of getting the maximum dollar amount so it can fund these projects to make sure Victorians get the best possible outcome, the government is being forced to possibly accept a lesser outcome, which means it will have less money to invest in these major infrastructure projects. The coalition always talked about being the economically responsible party, but the recent example does not support that, and the way it is approaching the sale or lease of the port does not make any sense, because in order to get the best possible outcome you have to make sure that the lease arrangement is

attractive for investors, like superannuation funds and various other investors, to make sure they pay a good price for it, because no-one will invest in any instrument or any business unless they know they can get a decent return.

In order for that to occur we wanted to be able to attract investors so they can get a decent return on their investment and also the Victorian taxpayers can get maximum return for the lease of the port. So it is a win-win situation, but our friends on the other side do not see that point. This morning in the *Herald Sun* senior business leaders have written to the Premier and the Leader of the Opposition urging MPs to pass the bill before Christmas. It is important to do it today, as that will put us in a much better position early in the year to maximise the output or make sure we get good money for it.

The letter was written by Infrastructure Partnerships Australia chief executive Brendan Lyon, Victorian Employers Chamber of Commerce and Industry chief Mark Stone and Australian Industry Group CEO Timothy Piper. They said:

> Agreement on the port lease legislation must be reached before the Parliament rises for Christmas — and the Parliament should remain sitting until it is done.

I agree with these people. I think it is our responsibility as parliamentarians to do the right thing. If we need to sit longer hours tonight to get that done, so we should, which probably means the Assembly would have to come back tomorrow. Members of the government are willing to put in the time and do the hard work to make sure we pass the bill, but honestly our friends on the other side are not interested in the long-term interests of Victoria. They want to be the spoilers just before Christmas.

I believe the negotiations have been progressing reasonably well, based on the fact that the government has been making some significant concessions as it tries to get the whole thing wrapped up. It is not like the government has been the blocker here. Without going into the details of the negotiations, the government has showed it is acting on these negotiations with its willingness to compromise and accommodate the coalition with some of its major points.

The Greens Party had a position on the sale of the port, and I respect its position. From day one its members said, 'We're not going to support the lease of the port'. That is fair enough. That is their position, and they have been up-front about it, but that cannot be said in relation to the coalition's position. The coalition said it was going to sell the port and it talked about 40 years — we talked about 50 — but it forgot one thing: it is still operating as if it were the government, but it is not the government anymore. Victorians said, 'You're no longer the government'. The coalition wants to implement some of its own projects, things it had in its own budget.

It is time coalition members recognised they are no longer in government. They have agreed to the sale of the port, and the government has given a lot of concessions throughout the negotiations. The coalition had three or four months to come to the government and sit down and negotiate an outcome — not wait until the last day, because at the end of today, if we are forced into the situation, the Treasurer or the Premier are going to go and lease the port without appropriate legislation. That would be an absolute tragedy because it could mean that instead of getting $6 billion or $7 billion for the lease of the port — whatever the amount is — you can bet your bottom dollar that there would be a discount factor of somewhere between 20 to 25 per cent compared to if the lease were backed by legislation. It is very irresponsible to take that position.

I urge the Leader of the Opposition in the Assembly, Matthew Guy, to provide leadership on the issue, to let common sense prevail and to listen carefully to the offers made by the government representative in the negotiations. It is a win-win, it is a compromise — that is what you do in negotiations. It is my understanding that the government has made significant concessions to meet most of the concerns raised by the coalition. It is time for the coalition to start showing some leadership by putting politics last, not first, putting the interests of Victorians first and putting the interests of businesses in this state first.

We will then be able to remove those 50 level crossings so that people can drive to work more quickly and save a bit of time. Businesses will be able to transport and deliver their products between various parts of the state in less time and at less cost and even deliver stuff to the port at less cost. It will take parents less time to drop their kids off at school. The whole economy in Victoria will benefit from the proceeds of the lease of the port.

Without that happening the government will not be able to achieve what it told Victorians it was going to do. It is not like we went to the election and did not seek a mandate from the people of Victoria. We did, and therefore that should be honoured. As I said earlier, both the coalition and the Labor Party went to the election and said, 'We're going to lease out the port for a significant period of time'. The Greens said they were not going to support that, and that is fine. I have no beef with the Greens in relation to that; that is their position.

They went to the election and said they would not support it, but when it comes to the coalition I do not get it. It is time to act.

It is Christmas, and it would be good to give Victorians a Christmas present. The opposition and the government could say, 'We're going to give you a good Christmas present. We're going to get together. We have now come up with a compromise agreement on the lease of the port, where everyone is a winner'. But the biggest winners have to be the Victorian people and business. We can send a message to business that we are there to back them up. I urge the coalition to reconsider its position and accept the government's response in relation to the lease of the port. The government has given a fair few concessions. The coalition should think seriously about it and deliver a Christmas present to Victorians to show that we are responsible members of Parliament who will put Victorians first, not politics.

I urge members to support the bill before the house, which no doubt will be amended. Hopefully members will come to their senses and get a compromise and go home with the bill passed by the house. However, if they have to, Assembly members will come to work tomorrow.

Mr DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. This bill has been talked about a lot in the chamber and through the committee process conducted by an upper house select committee. Those processes have been important to get on the table a series of key issues with the government's bill.

At the start I make the point that the opposition, particularly the Liberal Party, has no problem in principle with a significant private involvement in our port of Melbourne. I also make the point that at the last election this was certainly an approach envisaged by the coalition, but it is not in this bill. There are many issues with this bill, and they have been fleshed out in the debate in this chamber, the debate in the community and the submissions by many groups, individuals and businesses to the inquiry into the proposed lease of the port of Melbourne by the Port of Melbourne Select Committee.

The overriding principle ought to be the economic future of the state, and the port of Melbourne is a central piece of economic infrastructure that is absolutely critical to Victoria's economic future, our position as a logistics centre, our exporters and those who import through the port as well. Having good prices for the movement of goods and having a competitive port are important points for the long-term health of the Victorian economy. Not having a healthy and competitive port, but having a port that is not able to deliver best practices and best costs is not in the interests of the Victorian economy long term.

I know that there is significant enthusiasm in the government for seeking to reap as much as it can up-front from this port sale. That is a mistake in itself. We need to balance what comes up-front with what is in the long-term interests of the state and a competitive economy. Ensuring that what comes up-front is balanced and that the long-term future of the state's economy is not compromised should be the central principles.

I have been closely involved with the consultation that has occurred with many of our councils across the state on this matter, having met with groups such as the South East Melbourne Group of Councils, Regional Cities Victoria, the Association of Bayside Municipalities, the Great South Coast Group and many individual councils. It is clear that our councils at a local level, as am I as shadow Minister for Local Government, are concerned to see that local communities get the best outcome, and that includes the economic and environmental health of those communities and ensuring that the best outcomes are achieved in terms of the environment and those other key points of the transport of goods and services through our city and country areas.

Rural councils have a significant role to play in ensuring that their economies are strong. A legitimate point has been put by many of them about the need to ensure that our logistics flows have the best outcome for their exporters and producers, which are often agricultural producers but not exclusively. In the south-east of Melbourne the South East Melbourne Group of Councils has focused on the manufacturing of goods and the movement of those goods through the port to markets, often overseas.

One of the concerns with this bill is the compensation clause, and this has been talked about at considerable length by others. Suffice it to say that an overly sharp compensation clause, a compensation clause that maximises the up-front sale price but at the cost of long-term outcomes for the economy, is a mistake. We need to have a compensation clause, and there may be some role for a short-term aspect, but the outcome should be one that does not scoop more up-front and sacrifice competitor ports coming onstream.

The point has been made that Infrastructure Australia has indicated that 2031 is the time when the port of Melbourne is likely to reach capacity. Even allowing for the natural variability of such estimates and the requirement to make assumptions behind such estimates, it is clear that the port of Melbourne in its current guise will reach capacity. To prevent alternative ports coming forward at that point or near to that time is a mistake. Putting in a compensation clause and putting in an anticompetitive clause are a mistake for the health of our economy long term. We need to have an outcome that focuses on long-term benefit to the state.

It is clear that ships are getting larger. It is also clear that there will need to be additional port capacity into the future. Notwithstanding that, I share some of the environmental concerns of other members, and I am happy to put on the record some of the points that were made by Ms Pennicuik and others about some of the environmental issues that face further port expansion in Port Phillip Bay. There has been an outcome from the recent dredging, and it has not been a favourable outcome for the bay. It may well be that the balance was necessary, but that is a different question to imagining that there is no consequence to the changes that were made.

There could be serious consequences for the Victorian economy if a port of Melbourne monopoly were to be in a position where it needed to expand and that was the only alternative that could come forward, or if the group that had been given a long-term lease, perhaps as long as 70 years under the government's proposals, were in a position to hold the state to ransom and say, 'No, you will not produce another port; you will not support the infrastructure behind another port; you will not facilitate the construction of another port or the leasing of another area for a port'.

Again, the position of the port of Melbourne as our major container point in Australia is a very significant one for the Victorian economy and has to be protected at all costs, understanding that long term there will have to be alternative port capacity developed. I make the point here that the Treasurer of the state, Tim Pallas, has not covered himself in glory with this. He has failed to negotiate at an early point, and that has left his agenda in some difficulty. This is entirely due to an overly high bearing and arrogant approach adopted by Mr Pallas over a lengthy period. This is not the only area where this is evident. We have seen this approach adopted in a number of areas, whether it is the introduction of new taxes or the arrogant approach to the property industry. It is a take-it-or-leave-it, my-road-or-the-high-road approach, and that is a significant problem for the state long term.

I want to say something too about fees and charges at the port. We have seen the government attempt to ratchet up fees and charges ahead of the sale, trying to sweeten the deal and trying to scoop in as much money as possible, but again to the long-term disadvantage of the Victorian economy. That has to be carefully and steadily resisted. Governments need to understand that the taxes and charges they put on the economy have significant consequences for the economy. This is a government that went to the election with very clear promises not to jack up taxes, charges, fees and fines beyond indexation. That has been breached again and again as we have seen this government jack up taxes, jack up charges, jack up fees and do so with alacrity and without any understanding of their impact on the Victorian economy.

The plan to jack up fees and charges ahead of the sale of the port was also a significant mistake. It has to be resisted. We need to make sure that there are proper arrangements in place. Ms Pennicuik and others spoke about the matters around the vertical integration of the port where the stevedores could have shares in a consortium that owned the port and vice versa, and of course there needs to be proper separation of those points. I also note in terms of the pro-competitive approach that is in the state's long-term economic interest that the Australian Competition and Consumer Commission (ACCC) has made significant statements. I am not going to rehash those statements in the sense that many others have covered them, but I want to record that I strongly believe that the ACCC's approach is the correct one. There needs to be a recognition that there should be proper oversight by the ACCC, and we need to make sure that we have pro-competitive arrangements in place, either actual competition in place or the capacity for competition, to provide a check and a balance in the longer term.

In conclusion, I want to say something further about the proceeds of the sale. Most people in the community are in favour of the various level crossing removal projects, and the last government funded a significant number of them. One in my electorate, in Burke Road, is proceeding remarkably well, and I had a good look at it on the weekend. I am very pleased that Michael O'Brien, the former Treasurer, funded that level crossing removal and that we have in place a good outcome there. I think we all want to see level crossing removals completed.

The government of course seeks to make an absolute linkage here, and I do not think that absolute linkage is appropriate, and others have said this in the chamber. Having said that, as we move forward with the sale of the port — or with private involvement in the port —

the proceeds will be significant and should drive sensible infrastructure spending in the state. But it should not be at the expense of an efficient economy. It should not involve high fees and jacked up charges inside our ports, with a poison pill of anticompetitive legislation that makes sure that no competitor can enter the field without compensation being paid.

These problems in the legislation have got to be fixed, and the government is floundering. The Treasurer, Mr Pallas, is floundering in seeking to fix some of these problems in the short time frame that he has left himself. I make the point that the report from this worthy inquiry into the proposed lease was tabled in this chamber on Tuesday, and it was debated at some length. Nonetheless, many in the chamber have not fully digested all of its aspects. I pay tribute to the submitters to that inquiry. It is appropriate that some time is given for the proper analysis of these points and for the details that need to be concluded to be concluded.

It is important that the community understands that there have been negotiations between the government and the opposition, and that the opposition, under its leader, Matthew Guy, has sought at every turn to act in the most reasonable, honourable and focused way for the state's long-term economic interest. The issues that the opposition has had with this bill, and I have outlined many of them, have been formally communicated to the government. The government has responded to some of them, and there have been additional points of agreement reached with some of the minor parties on a number of these points. But there are outstanding matters, and the government has boxed itself into a corner by leaving it very late to engage with other groups and other parties.

You cannot have a bill that is going to be against the long-term economic interests of the state. You have to have a bill that is focused on our central piece of economic infrastructure, which is what the port is. That would be the overriding principle in getting the best outcome. Now there are many other points that could be made here, but clearly my view is that environmental health has got to be protected and economic outcomes have got to be focused upon.

I should make mention of the council groups that I have met with, and the very significant input that they have made, not just to me, but to the opposition and to the inquiry.

The ACTING PRESIDENT (**Ms Dunn**) — Order! The member's time has expired.

Ms SYMES (Northern Victoria) — I also rise to speak on the bill in relation to the port this afternoon. It has been a productive day of conversation, so it is a pleasure to make a brief contribution. Of course the port is a fundamental pillar of economic activity and viability in this state. There is not a producer or consumer throughout Victoria who is not impacted by the operations of this vital piece of infrastructure. Container ships arrive on a daily basis to bring us furniture, consumer electronics, clothes, food, produce — nearly everything that we need and want. Next time you have kicked off your Havaianas thongs and are on your couch watching the evening news or the Boxing Day test on your flat screen TV, you should remember that the port of Melbourne played a part in your having access to these comforts.

As anyone from regional Victoria would know, the port also plays a vital role in the other direction, ensuring that products from our farms and factories make their way to the consumers in export markets upon whom many Victorians rely for their livelihood. Our food and fibre exports are valued at $11.4 billion, and we in Victoria are Australia's largest exporter in this sector. Be it meat, dairy, grains or wine, we have markets in China, Japan and the US yet to reach their capacity, and so much of the rest of the world lays untapped by Australian offerings.

At present we employ just over 178 000 people in food and fibre production and manufacturing across Victoria. I for one, during my time as a representative for northern Victoria, intend to fight to grow that number significantly to ensure that our regions are vibrant and our young people are afforded all the benefits and opportunity that a satisfying financially rewarding career brings. The port of Melbourne is critical to this and increases our capacity to succeed as a community and a state.

The $200 million Agriculture Infrastructure and Jobs Fund will be established following the passage of the port of Melbourne lease legislation through the Victorian Parliament. The fund will support investment in agricultural infrastructure and supply chains to boost productivity, increase exports and reduce costs, helping farmers, businesses and industries stay competitive. Funding will be available for transport, irrigation, energy and other initiatives that benefit the agriculture sector, as well as skills development programs and market access campaigns. Farm businesses, industry and agribusiness organisations, water authorities, local government and others will be eligible to apply.

There is a consensus view that we must continue to grow the capacity of our port to maximise the

opportunities for our agricultural and farming sectors to achieve their full potential and capitalise on the enormous possibilities that exist in the marketplaces of our Asian neighbours. When in government the coalition widely supported the leasehold of the port of Melbourne. Indeed it took the lead from the member for Mulgrave in the other place, Daniel Andrews, and followed his announcement by making a firm commitment to the voters of Victoria to deliver on this itself. Let us not forget that those opposite included the port licence fee in the forward estimates before they were kicked out of government. This is not a policy change from this government. The same joint financial advisers were providing the same recommendations. Those opposite are clearly antibusiness.

We now see there are political sticking points delaying the ability of the government to proceed with this mutual promise. The facts on this are straightforward. This is a commitment from the 2014 election which we have a mandate to deliver. The voices of the voters were resoundingly clear. Only the port's commercial operations will be leased. The Victorian and commonwealth governments will retain responsibility for regulating the port's safety, security and environmental functions. The leaseholder will be responsible for maintaining and improving the port's operations, delivering efficiencies, boosting competitiveness and ensuring that future port development is not compromised.

The Labor government is proposing the most rigorous regulatory regime of any privately operated port in Australia. We are expanding the range of services regulated by the Essential Services Commission to cover 86 per cent of the port's revenue. We have consulted with the Australian Competition and Consumer Commission and inserted safeguards to ensure that the private operator cannot charge monopolistic rents.

The port of Melbourne lease transaction will not include a second port. The Agriculture Infrastructure and Jobs Fund to be paid for via the proceeds from the lease has the backing of the Victorian Farmers Federation. We are investing in the Murray Basin rail project, connecting primary producers in Victoria's food bowl to our major ports. The Port of Melbourne Corporation is implementing an export price discount, making it easier for our farmers to export to the world. The employer group Victorian Employers Chamber of Commerce and Industry also supports the lease, with CEO Mark Stone calling for a timely resolution to the lease legislation.

The government can indicate and indeed has demonstrated that it is prepared to work towards a negotiated settlement, but the legislation must pass. We are taking all necessary steps to ensure that the community amenity around the port is preserved. We will also maintain access to public walkways and bike paths for community use.

In conclusion, this is an election commitment that is transparent and open. It is a proposal that is both viable and necessary. This is an opportunity for all members to put political point-scoring and opportunism aside and instead do the right thing by their constituencies, our industries, our primary producers and those working families and young people whose chance to thrive and succeed in life rests with a successful and thriving port of Melbourne.

Debate adjourned on motion of Ms MIKAKOS (Minister for Families and Children).

Debate adjourned until next day.

RELATIONSHIPS AMENDMENT BILL 2015

Second reading

Debate resumed from 12 November; motion of Mr JENNINGS (Special Minister of State).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to make some brief remarks on the Relationships Amendment Bill 2015. I state at the outset that the coalition parties will have a free vote on this piece of legislation. The decision to have a free vote is based upon the historic approach that the coalition has taken to this legislation since the original Relationships Act 2008 was enacted by this Parliament. At the time the original legislation was introduced it was in the context of widespread discussion on the issue of same-sex marriage, and much of that debate in 2008 was framed in the context of the debate around same-sex marriage. At that time the coalition exercised a free vote on this matter, and it has consequently carried that practice forward with subsequent amendments to the Relationships Act, including the bill before the house.

The bill is quite straightforward. It provides for couples to register a relationship under the Relationships Act even when only one of the members of the couple is resident in Victoria. The second provision relates to recognising deemed registration of domestic relationships which are already registered in other jurisdictions, such as the UK and New Zealand, as if they were relationships registered here in Victoria under the Relationships Act. These two amendments

are, as I said, relatively straightforward. It is interesting to reflect on the way in which the Relationships Act has been used since it was established in 2008, because so much of the debate in that period was around the use of that mechanism of registering relationships in the context of same-sex relationships. The advice that I have received subsequent to that suggests that the majority of the relationships that have been registered under the Relationships Act have in fact been heterosexual relationships rather than same-sex relationships, by a substantial margin. It is interesting to reflect that this legislation has been used in this way.

The other change that was made to the Relationships Act was a later amendment around 2009 or 2010 to introduce the concept of caring relationships, which was to recognise a relationship which is not a partnered relationship but maybe a relationship between a person and their sibling, a person and their carer or a person and their friend, which is a close relationship and a significant relationship but not a relationship of the nature of a couple, which has also now been incorporated into the principal legislation. The provisions in this bill are comparatively minor. They extend and simplify the operation of the existing Relationships Act.

As I said, for historic reasons the coalition will be exercising a free vote on these matters in recognition of their origin in the original Relationships Act in 2008, so members of the coalition will express their own views and make their own decision about how they vote on the legislation. From my perspective I believe these amendments are relatively minor in nature, and as such I will be supporting them.

Ms BATH (Eastern Victoria) — I would like to make some brief comments on the Relationships Amendment Bill 2015. The bill makes some simple changes to the Relationships Act 2008. It refines and modernises this act. I am pleased to say that the coalition has given its members a free vote on this legislation, so The Nationals members will have a free vote. I will be supporting the bill.

The bill aims to achieve a couple of housekeeping arrangements around domestic relationships. It allows for a couple — heterosexual or same sex — to register their domestic relationship, even if only one partner lives in Victoria. Currently both partners are required to live in the state. The bill also provides for deemed registration of certain domestic relationships registered in other local and international jurisdictions — for example, New Zealand and the UK — as if they were registered domestic relationships in Victoria. Again this will apply for both same-sex and heterosexual relationships.

The main provisions of the bill are in clauses 5 and 6. Clause 5 amends the Relationship Act 2008 to allow two persons to register their domestic relationship if one of them lives in Victoria. Currently, and unlike the majority of other states in this country, both parties must reside in Victoria. In our modern world we often work in different locations and fly between states, so it makes sense that only one partner needs to live in Victoria for the relationship to be recognised.

Clause 6 inserts new chapter 2A into the Relationships Act 2008 to provide automatic registration for a relationship registered in another jurisdiction. This would include, for example, the UK, which allows for same-sex marriage. However, I point out that this bill does not alter existing Victorian laws in terms of relationships, so that a relationship that has occurred overseas involving underage children is not approved.

I note also that same-sex marriages entered into in another jurisdiction — for example, in the UK — will not be recognised and registered as same-sex marriages. Rather they will be taken into consideration as registered domestic relationships under the act. I am advised that automatic registration of relationships registered in other jurisdictions is intended only to avoid the need to file separate applications here. For practical reasons same-sex relationships certainly need to be recognised in terms of property rights and medical treatment.

With those brief words I am happy to conclude. This is a sensible bill and needs to be passed.

Ms PENNICUIK (Southern Metropolitan) — I am very happy to speak on the Relationships Amendment Bill 2015. It is a reasonably brief bill which makes some amendments to the Relationships Act that was passed in this chamber on 8 April 2008, some seven years and eight months ago. At that time the Greens were very pleased to support that bill, which introduced the relationships register. There was only one other in existence then, and that was in Tasmania. We now have others across the country. At the time I made the comment that it would have been good to have a uniform national register. However, when it was set up, the Victorian register was already not uniform with the existing register in Tasmania in terms of recognising domestic relationships in other jurisdictions. The bill before us today makes that change.

In 2008 I had prepared an amendment to that very effect — to make sure that the bill creating the

relationships register enabled relationships in other jurisdictions, such as those registered under the relationships register in Tasmania, to be recognised in Victoria. I made the comment at the time that I would not proceed with that amendment, because discussions with the government at the time — Mr Jennings, as it turned out — assured me that the government would look at that issue and remedy it. I am pleased to point out that more than seven and a half years later the government is actually doing it, so that is great. It is a pity Labor did not do it the last time it was in government.

The other major amendment to the act that is being made by this bill is that both parties do not have to reside in Victoria. I also moved an amendment to that effect in 2008, but it was not supported by the government for some unknown reason. I do not know why it was not in the bill that set up the register in the first place. That amendment was not passed in April 2008, but seven years and eight months later both parties will no longer have to reside in Victoria. It is certainly not the case with marriage; people are not required to live in the same state in order to be married. It was a very curious requirement.

Mr Dalidakis interjected.

Ms PENNICUIK — It is just interesting, but it is no longer the case. There are of course people who, for particular reasons — it may be for employment — cannot reside in the same state, so to have that as a requirement on the relationship register was onerous and particularly unnecessary.

This bill allows for a variety of relationships to be registered, be they same-sex relationships, mixed-sex relationships or people who want to have their relationship registered for medical or property reasons but who do not want to go through a marriage ceremony. Caring relationships can also be registered. My preference would be to have all these things done at the federal level and for us to have marriage equality at the federal level. We know there is great support for marriage equality in the community, and it is growing every year. I introduced a bill into this house in 2012 calling for same-sex marriage at the state level. Subsequent to that the High Court ruled that states should not legislate for marriage equality and that it was in fact the purview of the commonwealth. The High Court also said that there was no impediment at the federal level for marriage equality. That is effectively signalling to the federal Parliament that there would be no success in a High Court challenge to marriage equality, because it has already indicated that there is no impediment.

The Greens have of course championed marriage equality for many years. My federal colleagues have been urging the federal Parliament to get on with changing the Marriage Act 1961 so that it applies to all citizens equally, as every secular law should. I think it would probably be best if the relationships register were at a federal level as well, rather than having different ones across the states. It would certainly be a way to make sure we have uniformity and no restrictions applying in different jurisdictions.

The other amendment I moved in April 2008 was to provide that the registrar may conduct a ceremony in connection with the registration of a registrable domestic relationship. That would mean any two persons who wanted to register a registrable domestic relationship could have a ceremony attached to that registration. I know a number of people who have registered their relationship, and one of the comments that has been made to me is that it is a little bit like registering your car — you go in there and get a bit of paper, and there is not really much more to it than that. The argument in 2008, and I think it holds now, was that in terms of a registrable domestic relationship, it is preferable for the law to allow for a ceremony to be conducted. I know there is support for this in the community. The registrar already conducts ceremonies attached to marriage. The Marriage Act requires people to exchange certain prescribed words in order for a marriage to be lawful, and I suppose that invites an attached ceremony.

I have attended marriage registrations at the registry office with ceremonies attached. I see no reason why the same thing could not occur for any registrable domestic relationship. I am happy to have my amendment circulated.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — I distributed it to all parties quite a while ago, when the bill first came to us, and I have mentioned it to parties, so I think everybody is aware of the amendment I am proposing today. It is a very simple amendment to a very simple bill that is correcting anomalies that could have been corrected a long time ago, but I am pleased to see that they are being corrected now.

Ms PATTEN (Northern Metropolitan) — I am delighted to be speaking briefly on the Relationships Amendment Bill 2015. As previous speakers have mentioned, this is a small bill that effectively brings Victoria in line with the rest of Australia, and possibly

not before time. I am pleased Ms Pennicuik's diligent work in nearly eight years of campaigning for these small amendments to be made has finally paid off. I also note that my partner will be very pleased about this, because we live in separate states. He will be delighted to know that we will now be recognised — —

Mr Dalidakis — That's why your relationship is a success, for this reason.

Ms PATTEN — Mr Dalidakis is right. Our relationship can finally be recognised in Victoria. As committed as it has been for the last 25 years, it is nice to see that we will be recognising it here as well.

The bill allows for relationships formally registered under corresponding laws in other states and internationally to be more easily recognised here. That will offer a lot of solace to people who have married overseas, specifically same-sex couples who have married overseas and find it very difficult to have their relationships recognised back in Australia. This provides a process through which that can occur. It provides those couples with easy documentation of their relationship, which may have been recognised and celebrated with a ceremony overseas. I cannot think of anything worse than having a wham-bam wedding over in New Zealand, the UK or most states of the — —

Mr Dalidakis — Hawaii!

Ms PATTEN — Or Hawaii. I cannot think of anything worse than having a wedding in a place where same-sex marriages are recognised and not having that wonderful day, that wonderful relationship and that love between two people recognised in your home state.

This will move us further towards greater equality. It further diminishes the existing discrimination against same-sex couples. It opens another chink in the wall of discrimination same-sex couples still have to face in the 21st century in Australia. As Ms Pennicuik mentioned, we have overwhelming support for same-sex couples to be recognised not just within the Relationships Amendment Bill but within the Marriage Act 1961 itself. I hope it is only a matter of time. I hope we do not have to wait another seven and a half years to see that changed.

We know discrimination against same-sex families affects not just the couples but the children in these families, and it affects them very negatively. This enables those children to see that their parents' relationship is recognised, albeit only within a relationships bill. But it is another step. It is another recognition of the validity of that relationship, the love between those two people and the care that they have for each other.

I hope we can keep pushing at this. I hope this Parliament will continue to campaign and lobby the federal government to move on the federal Marriage Act 1961. This gives another clear example to the community that this is where we stand and this is what we will be pushing forward in the future. This enables couples who register on the relationships register to more easily access various services, including health services, where that relationship needs to be recognised. This bill allows that relationship to be more easily recognised. There will be less waiting and less expense.

I commend the work that we have done in this one year in trying to remove some of the discrimination around same-sex couples in this state. As I said, this is another crack in the wall.

Mr Dalidakis — More work needs to be done.

Ms PATTEN — Mr Dalidakis is right; there is more work to be done, and I hope to see more work on the matter of equality and on the matter of discrimination taken up with gusto in this house and in this Parliament.

I thoroughly commend this bill. I note that I have only just seen the amendments that have been circulated by Ms Pennicuik, and I apologise that I had not seen them earlier. I see nothing wrong with having a ceremony. In the register of marriages we allow a ceremony. This is a register of caring and loving relationships — why not have a little bit of fun and frivolity?

Ms Pennicuik — A celebration.

Ms PATTEN — A celebration, champagne, some nice frocks and may be a little bow tie could go along with this, so I will support the Greens' amendment for ceremonies to be included in this amendment. I commend the bill to the house.

Ms SYMES (Northern Victoria) — It is a pleasure to rise today to speak on the Relationships Amendment Bill 2015, which is yet another reforming piece of legislation brought to life by a government prepared to do what it promised pre-election and, more than that, do what is right, what is fair and what is long overdue — providing improved relationship recognition for LGBTI couples in this state.

Sadly the true deliverance of fairness for these couples lies in the hands of our federal colleagues. Both of the previous speakers have indicated their support for marriage equality at the federal level, and I share that view. Of course the federal coalition government has

shown it has neither the courage nor the political smarts to bring about a vote on marriage equality, which would make redundant much of the purpose of this bill — but soldier on we do. Rather than wait for the federal coalition to catch on and catch up with the overwhelming support amongst the Australian public for marriage equality, we are at least prepared to do what is within our power to start a new chapter in Victorian history, underpinned by fairness and equality for the LGBTI community.

This legislation is significant and symbolic and follows on from a Labor tradition of tackling head-on discrimination within our community. It was the Brumby Labor government in 2008 that passed the original Relationships Act 2008. That act established the relationships register for domestic partners in committed relationships and in doing so provided these couples with easier access to existing entitlements. The bill before us today is further testament to our fundamental belief in building a Victorian society that stands up for human rights, confronts discrimination and respects diversity.

The bill does this in two ways and in doing so rectifies shortcomings in the current relationships registration process. Firstly, it requires that only one partner in a couple needs to be a resident of Victoria in order to register their relationship. Previously both partners needed to be Victorian residents, putting us at odds with other jurisdictions. I also understand there have been many case examples of couples who have been excluded from registering their relationship in our state because of this impediment, so it is great to see that those couples who have been seeking to be part of this system will now be able to do so.

The bill also inserts a new chapter into the Relationships Act to provide for the recognition of corresponding law relationships from both interstate and a number of overseas jurisdictions which recognise same-sex marriage and/or civil unions. This means those couples will not be required to reregister their relationship in Victoria or provide any further evidence to establish that they are in a domestic relationship. The bill will make it easier for couples to access their rights under Victorian law — for example, when discussing a partner's health information with a doctor in an emergency or when seeking compensation entitlements as a dependent partner. I can think of no greater stress when a loved one is ill than to have your relationship questioned at such a time. Having your right to be involved in decisions about care and treatment being questioned or indeed refused is beyond comprehension in a society as evolved as ours.

Love is love. Of itself it has no barriers; they are man-made constructs, part of our ingrained need to control. No adult who has made a decision to be in a relationship with the person they love deserves to have that questioned, challenged or indeed refused by the views of others. This bill will take us a step closer to removing that right to bigotry that some in the community still cling to with pure and blatant desperation. The bill will promote greater recognition of the rights of unmarried couples and enable more people who want the dignity of formal recognition of their loving relationship to register it or to have a relationship that has been formalised in another jurisdiction recognised as a registered domestic relationship in this great state of ours.

This bill is about respect and equality. To vote against it would highlight nothing short of bigotry and would identify those who believe in second-class citizens and who think there are people who live amongst us who are less deserving of the rights that we here take for granted. I am proud to be part of a government that refuses to take part in this sort of offensive, insulting and backward thinking. Instead we will continue to push forward with our vision of a Victoria that is welcoming and where the dignity of human rights is extended to all. It is with great passion that I commend this bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to make a short contribution to the debate on the Relationships Amendment Bill 2015. As others have said, this is a fairly straightforward piece of legislation that we are debating in the house this afternoon which amends the Relationships Act 2008 to allow couples, either heterosexual or same-sex, to register their domestic relationship in Victoria. That will apply even if only one partner lives in Victoria, and Ms Patten, who spoke of her personal situation, highlighted very clearly the issues with long-distance relationships. This bill will enable somebody in a position similar to that of Ms Patten and her partner to have their relationship recognised formally. I am pleased that that will now be possible.

The second part of the bill allows for the registration of certain domestic relationships which have already been registered in other local and international jurisdictions. They will be recognised as if they were registered domestic relationships here in Victoria. Anyone living in international jurisdictions, such as the UK or New Zealand, can have their relationship formally recognised.

As other members have said, the coalition has a free vote on this piece of legislation, and I have clearly

indicated my support for the bill. It provides some practical elements that enable relationships in 2015 to be recognised more formally and, importantly, to be registered. As we know, relationships come in various forms, and this legislation recognises relationships that have barriers because of where the partners live. The bill removes those barriers and makes it much easier when it comes to considering some of the more complexities in a relationship, should they come to the fore when dealing with, for example, legal or medical issues. This bill enables a formal relationship to be recognised and partners to be able to work through various considerations, should they need to.

As I said, this bill is straightforward. Clause 5 amends the Relationships Act 2008 to allow two persons to register a domestic relationship if one of them lives in Victoria. Clause 6 inserts new chapter 2A into the Relationships Act 2008 to provide automatic registration for a relationship registered in another jurisdiction. As I said, that clause pertains to cases where one partner might reside in an international jurisdiction.

As others have also indicated, I note that Ms Pennicuik has moved an amendment to this bill, and although I was not in the house to hear her reasons for the amendment I understand that she has had a longstanding commitment to including a formal ceremonial element in the Relationships Act, and I do not see any issue with the proposition Ms Pennicuik has put forward. If a relationship is formally recognised, which is what this legislation provides for, I do not see any issue with providing for the ability to conduct a ceremony in connection with the registration. I know others will have a different view in relation to this particular aspect of the bill, but I simply think that if two people are in a relationship and they respect, care for and love one another, that should be able to be celebrated in the way they see fit. With those words, I support the bill and indicate my support for Ms Pennicuik's amendment.

Mr MELHEM (Western Metropolitan) — I am pleased to rise to speak on this bill. It is a very important bill which has been part of an ongoing journey over a number of years in relation to putting equality back into our system and making sure that discrimination is eliminated over time. Hopefully we will get to a stage where all citizens are treated equally. That is one of the main reasons driving me to stand here and speak on this bill. It is very important to eliminate all sorts of discrimination in our society. People should all have the same rights, benefits and obligations, whether they are men or women — they are basic human rights — and whether they are lesbian, gay, bisexual, transgender or intersex. Everybody in our society should have the same rights, responsibilities and benefits.

Whilst the federal Liberal government has refused to bring a vote on marriage equality in the federal Parliament, the Andrews Labor government is moving to improve relationship recognition for LGBTI couples in Victoria. We are not talking about changing the Marriage Act 1961. That is a debate for another day; people have different opinions, and I respect that. It is a big issue.

We are not looking at trying to persuade people to change the Marriage Act. However it is very important that the Relationships Amendment Bill 2015 deliver some equality to the people I have mentioned, and it does that in two ways. It requires that only one partner in a couple needs to be a resident of Victoria in order to register their relationship. The act currently requires both partners to be Victorian residents, which creates an unnecessary barrier to registration and is not in line with the requirements in other jurisdictions. The amendment reflects the modern nature of relationships and will ensure that couples are not disadvantaged by their living arrangements. The bill also inserts a new section into the Relationships Act 2008 to provide for the recognition of corresponding relationships from interstate and a number of overseas jurisdictions which recognise same-sex marriage and/or civil unions.

The Relationships Act 2008 recognises unmarried couples previously described for many years as de facto couples. In 2001 significant law reform was undertaken to ensure that this recognition was also given to same-sex couples. Victorian law now recognises domestic relationships regardless of the sex of the partners in the relationship. However, while domestic partners are recognised by the act, in practice a person can still be required to prove they are in a domestic relationship by presenting evidence about the nature of the relationship, such as whether a sexual relationship exists and the degree of mutual commitment to a shared life. In 2008 there was further reform and the act was passed to allow the registration of domestic relationships.

The registrar of births, deaths and marriages maintains the relationship register under the Relationships Act. To apply to register a relationship both parties must be over the age of 18 and be in a registrable domestic relationship or a registrable caring relationship. Both parties must also prove they are domiciled or ordinarily resident in Victoria. In relation to what sort of evidence of the relationship needs to be provided, obviously the relationship register is maintained by the registrar of births, deaths and marriages, and a couple wishing to

register their relationship must complete an application form that is available on the births, deaths and marriages website and pay a fee, which is currently $209.

Ms Pennicuik has circulated an amendment to allow a couple to have a ceremony performed by a registrar as a sign to the world and in order to go through a formal process. I am about to give a personal opinion — that is, that I think the amendment makes sense. That is not necessarily the position of the government. I do not think it is a bad idea, but it is something that is open to debate. As an example, my brother-in-law cannot currently have his relationship recognised in Victoria. He and his partner live in Belgium in order for their relationship to be recognised. They are married. One day I think they would like to come back to Melbourne to live, and hopefully we will be able to provide them with the same equality they enjoy in Europe.

I am not going to get into whether or not the Marriage Act should be changed. We are talking about how relationships can be recognised in a formal way. It is important to put these things into perspective and move away from what is, in my view, discrimination and provide people with equality. There should be no discrimination. That is why I am happy to support the bill.

The bill makes a number of changes to the act. Given a couple needs to be living together in order to register their relationship, the purpose of the bill is to allow for the formal recognition of a relationship that already has legal status in Victoria. Registrations overcome the need to provide further evidence to prove that the relationship exists. The registrar has to be satisfied that the parties are in fact in a registrable domestic relationship and can request any further evidence in order to make sure of that assessment. In addition, there will be no greater risk of fraud for registered couples than for married couples, who are not required to provide evidence of their living arrangements, either when getting married or afterwards.

People ask what are the benefits of registering a relationship under the Relationships Act, and there are many. Registration is one way for partners in a domestic relationship to obtain formal recognition of their relationship, particularly same-sex partners who are unable to marry under commonwealth law. Registration also provides conclusive proof of a domestic relationship for the purpose of Victorian law. Partners in a registrable relationship do not have to provide any further evidence to establish that their relationship exists. This makes it easier for couples to access their rights under Victorian law — for example, when discussing a partner's health information with a doctor, in an emergency or in seeking compensation entitlements as a dependent partner. Registration overcomes the eligibility requirements that apply only to people in unregistered domestic relationships, who have to provide proof of cohabitation for a specific period.

As of 9 September there were 4370 registered domestic relationships. There have been no caring relationships registered to date. I am sure that number will grow over time. A registration can be revoked at any time if either partner in the relationship dies or gets married. People who are worried about, for example, undermining the Marriage Act should note that the bill does not do that. Parties can apply for revocation on payment of a fee of $70. If only one of the partners in a relationship applies for revocation, they must notify the other partner and provide proof of this to the registrar before the registrar can consider the application.

It is important for the Parliament to pass the bill to send a further message that Victorians do not stand for discrimination. We are a state of equality, and we want all our citizens to be treated equally before the law, and that is what this bill does. I hope the house endorses the bill.

Mr Dalidakis — Talk about what it means to your community.

Mr MELHEM — It means a lot to my community, Mr Dalidakis; it is very important. Why should we discriminate because someone has a different relationship? People should be allowed to register their relationship whether it is a man and a woman, a man and a man or a woman and a woman. That is their business.

Mr Dalidakis interjected.

Mr MELHEM — I am not going too far with what Mr Dalidakis, I think, was going to suggest. We are not including other relationships. But if two human beings want to declare their love and affection to the world and they want to register their relationship and have the same recognition and benefits as heterosexual couples, I do not see the problem. What is the problem? It is a free country. It is freedom — as long as we set up the rules, and the people are over 18 and have not been forced into the relationship. Also we are not forcing, for example, churches to perform the ceremony. That is a separate issue, and as I said, I think it is very important to separate the Marriage Act from this debate; we are not getting into that debate, which is a separate debate altogether.

I do not see any sense in opposing this. I know Ms Pennicuik has an amendment, and I am sure that we will have a bit of discussion in relation to it. Let us have the debate. I am sure that members will make considered decisions.

Mr Dalidakis interjected.

Mr MELHEM — I am sure that the Liberal Party is supportive of the changes, but if it is not — —

Mr Dalidakis interjected.

Mr MELHEM — I think Mr Davis is supportive. I think Mr Dalidakis is reflecting on Mr Davis; it is not nice. With those comments I commend the bill to the house.

Mr DAVIS (Southern Metropolitan) — I am pleased to rise to indicate that I will support the Relationships Amendment Bill 2015. In itself the bill is very simple. It implements a number of changes, providing that in order to register a domestic or caring relationship in Victoria only one partner in the relationship needs to live in Victoria. It also provides for recognition of certain relationships formalised under Australian and international laws as if they were registered domestic relationships in Victoria. The bill that initially set up the register goes back to 2008, so it has been in operation for a significant period. It was amended in 2009 to provide for the registration of caring relationships.

As shadow Minister for Equality I support this bill, noting that the issues that it seeks to address are legitimate issues. The bill recognises that all Victorians, regardless of their sex or sexual orientation or gender identity, are entitled to have some register of their committed relationship before the law. It is clear that there are circumstances in which such a register can be important. It puts in a very clear legal framework the significance of a relationship and ensures that in the matters surrounding a person's life that relationship is appropriately recognised. It is not the same, I should add, as the issues around marriage equality. Those issues will obviously be played out in the federal arena in the forthcoming period.

I have indicated publicly on other occasions that I support marriage equality, and I do so with encouragement to those at a federal level to take the relevant steps. I do recognise, however, that these issues are ones that are properly matters of significance to many people. People have religious views, personal views and philosophical approaches which mean they have strong and genuine views that need to be recognised in the processes in this chamber. The coalition position is that this bill is one in which a free vote will be exercised both on the bill itself and amendments to the bill.

Ms Pennicuik has foreshadowed an amendment in committee stage, and I can indicate that I will support her amendment. I have had a discussion with her about that. I indicated that I wanted some clarity from her about the proposition that the costs of ceremonies ought to be properly the responsibility of those who are seeking to register a relationship; properly those people should pay for the costs of any ceremonies or other matters that Ms Pennicuik's amendment may give rise to. It is my understanding that that would be the case in those circumstances, as it is the case for those who would have a ceremony under the current arrangements. In that context I would see that amendment as one that is appropriate to go forward with.

I must put on the record in the chamber now my growing concern at the government's dithering and delay on this matter. I am not sure why the government now seeks to adjourn this at the end of the second-reading process and not move to the committee stage. This is a matter that was foreshadowed in the lower house, it has been discussed among the various parties over a number of weeks and it is not clear to me why at 50 seconds to midnight the government seeks to adjourn debate at the end of the second-reading stage and not move to the committee stage.

Now, many of my colleagues have a different view to mine on this matter, and I am deeply respectful of those views. I recognise they have legitimate religious or other philosophical objections to some of the principles in the bill. Notwithstanding that, I am quite clear about my own views on this matter, and I will support the bill and the amendment. I seek some explanation in a formal sense from the government as to why it is now dithering, delaying and obfuscating. Members should bear in mind that we had all intended that the government proceed with this bill; we had all understood that it was to be debated this week — today. It was on the government business list for the earlier period in the week, and for government members at this point to start to muck around with the process, to delay and obfuscate in this way, is surprising to me and disappointing. I think many in the LGBTI community will be surprised that the government is not prepared to move forward with its own bill at this point.

If it is the case that there is some interaction between Ms Pennicuik's amendment, the current legislation and this bill that is unforeseen, that reflects poorly on the government in a different way. It means it had not been

prepared to examine these matters at an earlier point. It has left it until late in the afternoon on the last sitting day of December, as many are starting to get into a festive mode and focus on Christmas and well-deserved holidays. But for those in the LGBTI community, who would seek to have had their relationships registered over the forthcoming period, this will come as a bitter blow. People will be surprised and disappointed that the government would delay in this way, and quite frankly I am at a loss as to why the government would not have proceeded with the bill today. Either it is ham-fisted and has lost control of its legislative agenda and does not have proper processes in place, or it has some strange mounting concern about an amendment that has been in the public domain for many weeks.

I would have thought that the Attorney-General's people could well have looked at these matters at an earlier point, unless there is some strange other reason that is not clear. Either way, it is not satisfactory and I am quite disappointed.

Mr LEANE (Eastern Metropolitan) — It is a shame that I have to follow a disappointed David Davis, particularly after he actually welcomed the bill and its provisions and what it will enact. I actually do agree with Mr Davis and with the sentiment that this is a good bill, and I appreciate that Mr Davis supports its provisions and what it will enact, and I am very pleased that the government is fulfilling an election commitment to introduce the bill.

When in opposition the Labor Party ran on a policy of equality for the LGBTI community, and it is still doing so, and the bill will deliver on the provision that only one partner needs to be a resident of Victoria to be registered on the relationship register. The bill also provides recognition of relationship laws both interstate and in a number of overseas jurisdictions.

Mr Dalidakis — This is our bill.

Mr LEANE — Mr Dalidakis is right. It is our bill, and we are very pleased to introduce it and very pleased that it will be enacted, and we look forward to its passage in the near future. As Mr Davis touched on — and I agree with him again, which is a good way to end the year — this does provoke some discussion around the federal debate on marriage equality. I was pleased to hear that Mr Davis believes that should be instituted as well, even though it is outside our jurisdiction and control. I agree fully with him on that point because I can relate to it. A close relative of mine decided not to acknowledge the law as it stands for her relationship with her girlfriend, and she and her partner decided that they would get married. A couple of years ago they held a wedding ceremony at their house which included a celebrant, family and friends, and as an added touch of fun they had a jumping castle in their front yard. We all took great photographs of the two brides jumping in the jumping castle.

The story I really want to relay about that occasion occurred when we were sitting in their backyard, which was decked out for a wedding, and the wedding ceremony was going ahead in front of me and one of my brothers and his young son were sitting in front of me. Just after the ceremony was finished my brother's young son looked towards his dad with a bit of a worried look, and I was awaiting the comment to come out of this young kid's mouth, but what my nephew actually said to his dad was, 'Do we get to eat now, Dad?'

This generation, when they grow up, will not think anything of couples, whether they be a man and a woman, two women or two men, agreeing to get married and look out for each other for the rest of their lives. I know that does not always happen with heterosexual couples or with same-sex couples, and that is a reality of life, but people should have the chance to commit in a marriage setting. In the absence of that happening, the Andrews government has provided something in the interim. I remember when the Relationships Bill 2007 was brought before the Parliament by the Brumby government in 2008, and there was concern expressed by some members of the community about that bill at the time, but I note that there has not been a flurry of emails or concern by people wanting to meet to object to this particular bill being introduced. As I said, it will be part of the culture of change in the future.

As new generations of Victorians emerge, this particular issue will not be a big deal at all. As I said before, I am a 100 per cent believer that someone's sexuality is just part of their make-up as a human being as much as the colour of their skin or if their hair is curly or the size of their feet. Someone's sexuality is just who they are, and it is outdated and quite appalling for any jurisdiction to have in statute discriminations against the person just because of one part of what makes them the human being they are.

When my relative married her fiancée at the time, her girlfriend, all family and friends were more than pleased to be celebrating that event. I think that when we do get our act together federally and legalise marriage for same-sex couples, I look forward to all of us getting an opportunity to see long-term friends who have been in relationships being able to celebrate the same celebrations that a number of us went through

when we got married ourselves. When the federal Parliament gets its act together and legalises marriage for everyone, not only will we be able to celebrate the fact that that bit of discrimination has exited our lands but we will also be able to look forward to a number of weddings of friends in a short period of time. I, for one, am a big fan of weddings and wedding receptions in particular.

Once again I applaud the Premier and the government. I am proud to be part of a government that is determined to remove any discrimination on the statute book. It is not good enough. As I said, this is a simple bill. There are some amendments to the bill that were introduced previously that make a lot of sense.

As far as Ms Pennicuik's amendment goes, the government will be responding to it in the committee stage of the bill. On this side of the house we can act as a collective. We do not think the bill is a big deal. We do not think it is an issue that should be dealt with as a conscience vote or a free vote. We think it is quite simple. We do not understand why the coalition thinks it has to have a free vote on these particular issues, but in saying that it has the right to do so. We do not understand how coalition members could be divided on such a simple premise. It is a shame for them, but it is not too much a shame for the people who will benefit from this legislation when it goes ahead.

As I said, we look forward to the day when these particular equality measures will not be a big deal to anyone, even to members of the coalition. I do not think it is a big deal to society, but it is a big deal to someone who is in a same-sex relationship and a huge deal at the moment, because if one of those partners is not a resident of Victoria, they cannot register their relationship and cannot access the provisions that come from that registration. When the original bill was brought to this house we had people living in long-term relationships who could not access provisions and legalities afforded to other people in long-term de facto relationships — for example, being the contact person when medical permission was needed when an accident happened or being the contact if something grave happened to one partner. That situation went on for way too long. This amending bill fixes one of the things that we missed the first time, so it is great that it is getting fixed now. I commend the bill to the house.

Ms PULFORD (Minister for Agriculture) — I am delighted to speak on the Relationships Amendment Bill 2015. This is a wonderful thing, another step in the unfortunately excruciatingly slow march in this country for equality rights for many people in the Australian and the Victorian community. The Relationships Amendment Bill builds on the work of the Brumby government in establishing the relationships register. I pay tribute to former Attorney-General Rob Hulls, who championed so much legislative reform in support of equality for LGBTI Victorians. Our government is firmly of the view that equality is not negotiable. We believe in a Victorian society where everyone has a full right to participate, we confront discrimination where we find it and we celebrate diversity at every opportunity.

It is a brief segue, but I quickly take this opportunity to note that last night I attended the Victorian Public Sector Pride Network's inaugural event and end-of-year celebration. It was wonderful to meet a number of people who work in support of my portfolios in the Victorian public service celebrating diversity and respect in our Victorian public service. As we mark the end of the year we can all reflect on the extraordinary support we all get from many people in our work as members of Parliament.

Returning to the Relationships Amendment Bill, I note that it is the last debate on the last bill on the last day of the 2015 parliamentary sitting. While the federal government has continued to refuse to bring on a vote for marriage equality and we watch as jurisdiction after jurisdiction around the world gets this fixed, we are enhancing arrangements for the relationships register in two important ways.

One of the effects of the bill is that only one partner in a couple needs to be a resident of Victoria in order to register their relationship. The act previously required that both partners be Victorian residents, which created an unnecessary barrier to registration. One only has to contemplate a couple in Albury-Wodonga or a couple in Echuca-Moama to see how inconvenient this could be for people. There is no shortage of people who have long-distance relationships at various points of their lives or even on an ongoing basis, and we do not want people to be disadvantaged by their living arrangements.

The second thing this bill does is insert a new chapter into the Relationships Act 2008 to provide for the recognition of corresponding law relationships from both interstate and a number of overseas jurisdictions which recognise same-sex marriage and/or civil unions. The fabulous thing about this is that, unlike so many arrangements that are required of people with the impact of legislation or regulation, people whose relationships have been legally established in interstate or overseas jurisdictions do not have to do anything. Their relationship will now be automatically recognised

as a registered domestic relationship for the purpose of Victorian laws.

Mr Leane talked about the very broad levels of support in the Victorian community for what are important but modest changes, but for people whose relationships are not afforded full legal recognition in this country, this bill is incredibly important. This is about day-to-day practicalities such as being able to provide consent for a loved one in a hospital emergency room, and there are countless examples of other things that are an inconvenience every day of the week for LGBTI Victorians, who are denied marriage rights.

Ms Pennicuik spoke to her amendment during the second-reading debate, and I indicate that there is nothing in the Victorian Relationships Act that precludes couples from holding a public ceremony or a celebration to coincide with their decision to register their relationship. 'Registration' is a cold term when you think about the love and commitment that people bring to a relationship. The registration process symbolises something worthy of celebration and something worthy of at least a fabulous party and a long weekend, if not something more fabulous. People celebrate their relationships in any number of different ways; some people like a low-key event, and some people like a much more significant event.

However, we have some concerns about Ms Pennicuik's amendment. We are not confident that it will achieve what it is she wants it to achieve. We think that the work that the Minister for Equality has asked the LGBTI Taskforce and the Justice Working Group to do, which is referred to in the second-reading speech — that is, 'to examine proposals for further reform of the Victorian Relationships Act in order to strengthen the rights of same-sex couples in this term of government' — will be important in informing how we would achieve what it is Ms Pennicuik's amendment seeks to achieve. We think that adding a ceremonies provision or an option for ceremonies is something that requires consideration and consultation with the registrar and members of the community who avail themselves of the relationships register. But I for one very much welcome the intent.

As I indicated, the Victorian government does do and will do everything it can to advance equality for members of our LGBTI community. I think I can speak for the entire Victorian government on this score when I say that I am dismayed at the federal government's failure to provide marriage equality for members of the LGBTI community, and I will be raising a glass of champagne in celebration for the many friends and many people who have fought for equality for a long time. I know that many members in this Parliament would also very much celebrate that now greatly overdue reform. I look forward to the day when the Australian Parliament gets on with fixing this up. With those words, I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 5 agreed to.

New clause

Ms PENNICUIK (Southern Metropolitan) — I move:

Insert the following New Clause to follow clause 5—

'A Registration

After section 10(3) of the Principal Act **insert**—

"(4) The Registrar may conduct a ceremony in connection with the registration of a registrable domestic relationship under this section."'

Way back in 2008 I moved a similar amendment to the bill that established the register in the first place. As many speakers have said, a lot of people who avail themselves of this register to register their relationships are same-sex couples who are not able to avail themselves of the provisions of the Marriage Act 1961 because we do not yet have marriage equality in this country, although I am very confident we will have at some stage.

Under the Marriage Act certain words have to be spoken to make the marriage lawful. This amendment would simply allow the registrar to conduct a ceremony in connection with the registration such that for two people — be they a same-sex couple or any two people of whatever sexuality or gender they may be — who want to register their relationship as a registrable domestic relationship it is not just a matter of signing a form and then going away. As I mentioned before, a person I know who has registered their relationship and is not part of a same-sex couple said to me that it felt a bit like registering your car. There was not much joy to it. To allow the registrar to conduct a ceremony would be welcomed by many people, and that is certainly the feedback I had way back in 2008 and have had over the years right up until now. That is why I have moved this amendment again. That is simply what the amendment

is — a means of allowing people to have some small celebration attached to the registration of their domestic relationship.

Ms PULFORD (Minister for Agriculture) — The government will not be opposing Ms Pennicuik's amendment, though I would caveat that by restating the concerns I expressed in the second-reading debate. We are keen for there to be discussions with the registrar of births, deaths and marriages. We are not convinced that this is workable. We note that there is nothing in the current act that precludes people from having a celebration or a ceremony to coincide with the registering of their relationship. A formal ceremony involving the registrar of births, deaths and marriages is not something that is legislatively required for registration. I make the observation that Ms Pennicuik's proposal does not alter these registration requirements.

I indicate that we will not oppose this amendment, but we will take the opportunity between now and the next sitting week to seek the advice of the registrar about the workability of this provision and consider those matters in the new year. I have considerable sympathy for Ms Pennicuik's intention, and it is very much consistent with and complementary to the work that the government is doing in many other respects. I think we can all be touched by the observation from Ms Pennicuik's friend, who felt like they were registering their car.

Ms PATTEN (Northern Metropolitan) — I rise to briefly support the amendments, and I agree that allowing for some form of ceremony or recognition of when a relationship registration and the signing take place is important. It possibly does not need to be done with fabulous frou-frou dresses and three-piece suits and top hats, but to have some recognition of the importance of that relationship is necessary so that when someone does choose to register their relationship they do it with some thought about the importance of that relationship. Recognising that at the time that it occurs is completely in line with, as the minister mentioned, the government's moves around recognising the importance of same-sex relationships and ending the discrimination that same-sex couples still receive throughout our legislation. I am very supportive of this amendment.

Mr ONDARCHIE (Northern Metropolitan) — I refer the minister to her second-reading speech, which she just touched on, about the workability of this amendment. She indicated that she would seek advice from the registrar over the immediate break about whether this is workable or not. Is it the minister's advice then to the Parliament that we might not be able to make a decision on this pending that advice?

Ms PULFORD (Minister for Agriculture) — I thank Mr Ondarchie for his question. We have our doubts about whether Ms Pennicuik's amendment will achieve what she is hoping it will achieve, but we will not oppose it, and we would be very happy to see a successful passage of this legislation today before the Parliament adjourns for the summer break. That would then of course require a message to be transmitted from this house to the Assembly, if indeed this amendment is successful in the house today, indicating that. By the time the Assembly was in a position to consider the message, we would have had an opportunity to further ascertain how workable this arrangement is.

Mr DAVIS (Southern Metropolitan) — I want to make the same point that has been made by Mr Ondarchie. The first anyone heard of this so-called concern was in the minister's contribution earlier, and there is discussion around the chamber that there may be some problem, but the fact is this amendment was circulated weeks or months ago, and there seems to me to be no explanation as to why the Attorney-General or whoever is responsible in government did not make this advice available to the chamber earlier. There seems to be no logical reason why this bill could not have been dealt with a little earlier in the day and then taken to the lower house for a quick tick, as it were, later in the day.

This seems to me to have been an attempt by the government — and I am putting this on the record — to stymie this outcome by either incompetently organising the legislative agenda or deliberately seeking to frustrate this amendment.

Ms PULFORD (Minister for Agriculture) — The government has made very clear to all members of the house — to the opposition and the crossbenchers — that our primary objective this week was the continued debate of the legislation dealing with the port of Melbourne lease arrangements. The member may not have noticed, but that is something that the Parliament has been considering in a fair bit of detail since the commencement of this sitting week. But it is very much our intention for this bill to be concluded tonight.

Mr ONDARCHIE (Northern Metropolitan) — In relation to Ms Pennicuik's amendment, it would seem to me that there could be some opportunity for Victoria through this amendment. Is the minister able to advise the house how many new jobs could be expected as a result of this amendment?

Ms PULFORD (Minister for Agriculture) — I thank Mr Ondarchie for his question. The intention of this legislation is to enhance the operability of the relationships register, which is a very proud reform of the former Labor government, in two ways. This legislation is about enabling existing relationships from other jurisdictions to be recognised, about ensuring that couples who may reside across state borders can be recognised and about allowing partners seeking to enter into a registered relationship to do so. That is the objective of the legislation, and while we do many things that are about creating jobs, this has some other purposes at its core.

Mr ONDARCHIE (Northern Metropolitan) — I am going to touch on Ms Pennicuik's contribution and also that of Ms Patten. Would the minister agree that there is possibly some economic value for Victoria through fashion, through food, through — —

Mr Davis — Milliners!

Mr ONDARCHIE — Milliners. There is a whole range of things, including the fact that those who will conduct ceremonies will provide an economic uplift for Victoria out of this amendment. Would the minister agree?

Ms PULFORD (Minister for Agriculture) — Mr Ondarchie may offer to stop with the questions about the economic benefits of enhancing the relationships register if I can indeed confirm to the house that there are quite possibly some economic opportunities for the cake makers and the milliners of Victoria. I happily concede that that is a possibility.

Mr ONDARCHIE (Northern Metropolitan) — I simply wish to advise the house that I have no further questions.

Ms PENNICUIK (Southern Metropolitan) — I thank those people who spoke in support of the amendment. People who register their domestic relationship are obviously people who love each other, and that is why I think just a little bit more is required than simply signing a form. We know with the requirements under the Marriage Act 1961 that the number of words is not many, it is a few words, and so it could be a few words that are said to add some more emotion and feeling to the occasion than simply just signing a form and walking away with the form. I take on board what the minister is saying. I am not sure I am convinced by what she is saying, but I take it on board. I appreciate that the government will not oppose the amendment and hopefully it can pass the Council today.

New clause agreed to; clauses 6 to 9 agreed to.

Reported to house with amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Ms MIKAKOS (Minister for Families and Children) on motion of Mr Herbert; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Ms MIKAKOS (Minister for Families and Children), Mr Herbert tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Assisted Reproductive Treatment Amendment Bill 2015 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the bill is to provide all donor-conceived persons with the right to obtain identifying information about their donors from the central register, regardless of when the gametes from which they were conceived were donated and whether the donor consents. The bill enables contact preferences to be lodged by persons who donated gametes before 31 December 1997 and by persons born as a result of donor treatment procedures. The bill provides for the Victorian Assisted Reproductive Treatment Authority (VARTA) to keep the central register and the voluntary register, and it enhances VARTA's powers to obtain information about pre-1998 gametes donations.

Human rights issues

The right to recognition and equality before the law (section 8)

Section 8 of the charter protects the right of all people, including a child, to enjoy his or her human rights without discrimination.

As noted in the submission of the Victorian Equal Opportunity and Human Rights Commission to the Law Reform Committee Inquiry into Access by Donor-Conceived People to Information about Donors (Law Reform Committee inquiry), this right is engaged when donor-conceived children are provided with different rights to obtain information about their donors based on when they were conceived. In Victoria, people conceived using gametes donated prior to 31 December 1997 can only access identifying information about their donors if the donor consents to the release of any identifying information. In contrast, persons conceived from gametes donated after 31 December 1997 have unconditional access to identifying information about their donor.

The bill removes this discrimination and promotes equality by providing all donor-conceived persons with the right to identifying information about their donor, regardless of when they were conceived.

The right to privacy (section 13)

Section 13(a) of the charter provides that a person has the right not to have his or her privacy or family life unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked.

An interference with privacy or an attack upon reputation will not be unlawful where it is permitted by law, and the legislation is precise and appropriately circumscribed. An interference with privacy will not be arbitrary provided the restrictions on privacy are reasonable in the particular circumstances, just and proportionate to the end sought.

Provide all donor-conceived persons with the right to obtain identifying information about their donor

It has been argued that the basis of the right to know one's genetic identity is an extension of the right to privacy. A preliminary ruling by the England and Wales High Court in the case of *Rose v. Secretary for Health and Human Fertilisation and Embryology Authority* [2002] EWHC 1593 held that the right to privacy encompasses the right of a donor-conceived individual to obtain information about his or her biological origins. The bill promotes this broader right to privacy by providing all donor-conceived people with the right to know their genetic identity.

This promotion of the right to privacy through knowing one's genetic identity is balanced against the potential interference with the privacy of donors and their families through the bill's extension of the right to obtain identifying information about pre-1998 donors from the central register without the donor's consent. Prior to 1 July 1988, some donors donated their gametes under the assumption that they would remain anonymous. Persons who donated their gametes between 1 July 1988 and 31 December 1997 did so on the statutory basis that their identity would not be disclosed unless they provided consent. The release of identifying information about a donor who donated gametes on the basis of anonymity or required consent will engage these donors' right to privacy and family life, and the right of their families to privacy and family life. However, the charter right to privacy will only be limited if the interference imposed by the new scheme is unlawful or arbitrary.

The interference with privacy occasioned by the bill is not unlawful, nor is it arbitrary. The interference with privacy is not unlawful because the bill is prescriptive as to the circumstances in which the identifying information of the donor may be released to the donor-conceived person. These conditions for the release of information are particularly necessary for pre-1988 donors as many of the records relating to pre-1988 donations may be incomplete and information gathered from those records will only be released where there is a clear link to the donor-conceived applicant.

The interference with privacy is not arbitrary as it is directed at achieving the purpose of the bill, and is sufficiently constrained. First, the bill prescribes criteria that VARTA must apply in determining whether the information of a person is linked to the applicant, and therefore can be released. VARTA may only disclose information on the central register to an applicant under section 56(1) or section 60A of the act if one of the criteria establishing the link between the applicant and the person who is the subject of the application is met; i.e. that there is a linking unique donor identifier, evidence from voluntary genetic testing, or VARTA otherwise reasonably believes that the person and the applicant are linked and there is no reasonable likelihood that any other person may be the subject of the application. As a further additional safeguard, VARTA will also be required to comply with any guidelines which have been issued by the Secretary to the Department of Health and Human Services when applying the criteria under the bill for the release of a person's information on the central register to an applicant in the absence of a unique donor identifier or results of genetic testing.

The bill also introduces a contact preference scheme which protects donors from unreasonable interference in their privacy and family life. The donor is able to regulate contact by lodging a contact preference specifying the type of contact, if any, they wish to have with the donor-conceived person. They may also lodge a contact preference on behalf of their children under the age of 18 years, which will enable donors to manage when and how they inform their children that they have donor-conceived offspring.

Contact preferences lodged by pre-1998 donors will last for a duration of five years, after which time a contact preference may be extended by written notice to VARTA. Before a contact preference is due to expire, VARTA must make all reasonable efforts to notify them that their contact preference will expire and the fact that they may extend the contact preference.

Prior to making the contact preference, a donor will have four months in which to decide whether or not to lodge a contact preference and the form of that contact preference, and to undergo counselling and discuss it with their family if necessary. Further, in recognition of the fact that a donor may have personal reasons to change their contact preference decision once made, the bill provides for the amendment or lodging of a contact preference after the donor's identifying information is disclosed provided there has been no contact with an applicant. However, so there is certainty for both parties in relation to the scope of a donor's contact wishes, once there has been some form of contact, the donor will not be able to lodge or amend a contact preference. This is consistent with the aims of the contact preference regime, which is to manage initial decisions about contact only, and is not intended to be an ongoing regime for managing adult relationships once contact has occurred.

Identifying information about the donor will not be released unless the donor-conceived person has signed an undertaking to the Secretary of the Department of Health and Human Services that they will comply with the conditions of the contact preference, whether or not the contact preference is lodged at the time of the undertaking. It will be an offence to breach a contact preference where no contact is specified. The donor's family is also protected from unreasonable interferences with their privacy through the requirement for the donor-conceived applicant to undergo compulsory counselling prior to the disclosure of the donor's identifying information. This counselling will deal with whether the donor has lodged a contact preference and will emphasise that any contact preference lodged will represent the broader wishes of the donor's family regarding contact with the donor-conceived person. In the adoption context, it has been shown that where a person is informed that their biological parent or child does not want contact with them, these wishes are generally respected.

The bill also protects the rights of a donor's family and their privacy by prohibiting VARTA from, on its own initiative, contacting the child of a donor unless the donor consents or the child initiates the contact with VARTA. The donor's children's information will not be released to the donor-conceived person and the release of information to the donor-conceived person is primarily a matter for the donor and donor-conceived person, leaving the donor to manage the process with their family in a manner that they consider appropriate. If a donor's child expresses different wishes to the donor in relation to the lodging of a contact preference which covers the child, the bill provides that VARTA may only follow the wishes of the donor if VARTA considers it reasonable in all of the circumstances.

Further, the interference with privacy and family life of a donor and their family is not arbitrary because it is balanced against the rights that the bill seeks to promote, namely the rights of the donor-conceived person to recognition and equality before the law, privacy (in the broader sense), protection of families and children, and cultural rights.

The Law Reform Committee inquiry found that 'while the release of identifying information to donor-conceived people may potentially cause discomfort and distress to donors (although this will not always be the case), it is certain that donor-conceived people are actually suffering from their lack of knowledge about their donors'. The committee noted that 'knowledge about parentage and heredity often forms a substantial part of the person's sense of identity, and donor-conceived people who want this information but are unable to obtain it, experience significant stress and frustration. Where people learn as youths or adults that they are donor conceived, and are consequently forced to evaluate who they are through newly perceived relationships, the stress and frustration of not being able to find out more about their donor can be exacerbated. Unlike their parents, their donor, or the treating physician, the children are passive participants in donor conception, and have no influence over agreements made between those parties, even though they are substantially affected by those agreements.

The recognition of the right of a donor-conceived person to have access to identifying information about their donor, despite the competing right of the donor to privacy, is consistent with the principle of the best interests of the child set out in section 17(2) of the charter. This best interest principle is also contained in the guiding principles of the Assisted Reproductive Treatment Act 2008 (the act) which provide that the welfare and interests of persons born or to be born as a result of treatment procedures are paramount, and children born as a result of the use of donated gametes have a right to information about their genetic parents (sections 5(a) and (c)).

For the reasons outlined above, in my opinion the rights to privacy and reputation are not limited by the bill. In the event that the bill does limit pre-1998 donors' right to privacy or reputation, I consider that that limitation would nevertheless be reasonable and justified in line with section 7(2) of the charter, for the reasons given above concerning the balancing of relevant rights.

Powers to make enquiries and request documents

The bill provides VARTA with powers to conduct enquiries and request records in an attempt to identify the donor of a person born as a result of donor treatment procedure.

When a donor-conceived person applies under section 56 of the act for identifying information about a donor relating to a pre-1998 donor treatment procedure and there is insufficient information on the central register to identify the donor, the bill empowers VARTA to request information from a person to attempt to identify the donor. VARTA must comply with the guidelines to be issued by the Secretary to the Department of Health and Human Services when requesting the information. Because regulations have been in place to govern the collection of donor conception treatment records since 1988, it is expected that these powers will largely be used in relation to entries on the central register relating to pre-1988 donor treatment. However, there is concern that there may be irregularities with some of the records created between 1 July 1988 and 31 December 1997 under the Infertility (Medical Procedures) Act 1984. In order to ensure that the register contains the most complete and accurate records for all donor treatments, these powers to request information where there are insufficient records on the central register will apply to pre-1998 donations.

The bill provides that VARTA may approach persons believed to be the donor of an applicant to ask them if they are willing to undergo DNA or genetic testing, in an attempt to identify the applicant's donor. In certain limited circumstances where the donor refuses or cannot be contacted, the bill provides for VARTA to approach blood relatives of a potential donor to request that they undergo DNA testing. VARTA may only approach the blood relative where the potential donor is known or suspected to be dead or a missing person, or VARTA determines that exceptional circumstances exist. However, any DNA testing is voluntary and VARTA does not have any power to compel a person to be tested.

The bill also provides for a procedure by which VARTA can request records relating to a pre-1988 donor treatment procedure from an entity or individual in response to a section 56 application if VARTA considers on reasonable grounds that the individual holds such records. If the individual or entity fails to provide the records, or their response is inadequate, the bill provides VARTA with the power to apply to the Magistrates Court for an order requiring the person to produce the requested records. Further, existing section 52B which presently authorises individuals to provide records voluntarily, is extended by the bill to also apply to entities.

The bill enables the secretary to authorise organisations to assist VARTA in locating persons who are the subject of a section 56 application. Whilst they will be authorised to assist in locating persons, the organisations will not be involved in conducting enquiries to attempt to identify a pre-1988 donor where a section 56 application has been made by a donor-conceived person.

The enquiry and production powers contained in the bill will engage the right of privacy of the donor, the donor's family and any other person whose information is disclosed as a result of the exercise of the powers by VARTA. However, the bill ensures that the interference is neither unlawful nor arbitrary by clearly setting out the procedures that will govern the disclosure of the information and providing appropriate safeguards which protect the privacy of personal and health information.

In the case of applications to the Magistrates Court for production orders, they must be supported by an affidavit which sets out the grounds on which VARTA holds the belief that the person against whom the order is sought holds the relevant records. The application and affidavit must be served on the person holding the records (the respondent) prior to the hearing, and the respondent will have an opportunity to attend court and present their case. It is the court, rather than VARTA, who will decide whether the records a person has refused to provide must be produced, and the court will make its decision having regard to the matters contained in VARTA's affidavit and any other evidence before it. Applications for production orders will be heard in closed court, given the sensitivity of the information involved.

In the case of approaching blood relatives to request that they undergo DNA testing where VARTA is satisfied exceptional circumstances exist, the bill provides for a procedure requiring VARTA to make reasonable efforts to provide donors with notice, and allow donors to apply to VCAT for a review of the decision to contact a blood relative to request that they undergo DNA testing.

The bill contains further safeguards in the form of confidentiality provisions which provide that it is an offence with a penalty of 50 penalty units for a person to disclose that they have received a request for documents or information under VARTA's powers of enquiry and production, except for disclosing the request to the person to whom the records relate or for the purpose of locating the records. The bill also contains confidentiality provisions in relation to the disclosure of information recorded on the central register and the disclosure of any other information provided to VARTA in the exercise of their enquiry powers. It is an offence with a penalty of 50 penalty units for VARTA or an organisation authorised by the secretary to disclose any information recorded on the central register or any information obtained by VARTA under their enquiry powers other than for the purpose of exercising a power or function under the act or for other limited purposes set out in the bill. It is also an offence with a penalty of 50 penalty units for a person to whom VARTA discloses information from the central register to disclose that information to any other person other than in the limited exceptions specified in the bill.

Accordingly, in my opinion, the enquiry and production powers under the bill constitute neither an unlawful nor an arbitrary interference with privacy, and therefore do not limit the right to privacy under the charter.

Protection of families and children (section 17)

Section 17(1) of the charter states that families are the fundamental group unit of society and are entitled to be protected by society and the state. Section 17(2) of the charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

The right to family life may extend to a person knowing the identity of his or her biological parent where he or she is born as a result of donor conception. This is supported by the United Kingdom case of *Re T (a child)* [2001] 2 FLR 1190 in which the court ordered DNA testing despite the mother's objection. The court relied on the right to family life in article 8 of the European Convention on Human Rights and stated that any interference with the rights of the mother and father was 'proportionate to the legitimate aim of providing the child with the possibility of certainty as to his real paternity'. The bill therefore promotes both the protection of families and children by providing all persons born as a result of donor conception with the right to know their genetic parentage.

However, the bill may also interfere with the rights of the families of donors and donor-conceived persons. Consultations conducted by VARTA found that some donors have not told their families about their donor status and are fearful that the release of their identifying information may impact adversely on their family relationships. Similarly, some parents of donor-conceived persons are in favour of donor anonymity as it was common practice before 1988 to be secretive about a child's donor insemination origins.

I consider that any interference with the right to protection of families and children is reasonable, proportionate and demonstrably justifiable in accordance with section 7(2) of the charter, given the purpose of the bill and the competing rights of donor-conceived persons to know the identity of their donor. In particular, the bill provides protective measures for families. The option of contact preferences allows donors to regulate the contact, if any, they and their children are to have with donor-conceived offspring. In addition, the act requires that a person receive counselling about the potential consequences of the disclosure of identifying information to them. In this way, the bill and act respect the importance of a family unit affected by the disclosure process and does not unjustifiably limit the rights of families to be protected by society and the state.

Cultural rights (section 19)

Section 19 of the charter provides that all persons have the right to practice their religion, enjoy their culture and use their language.

The bill may promote this right by providing all donor-conceived persons with the right to access information about their donor and potentially their heritage.

Presumption of innocence (section 25(1))

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. This right is relevant where a statutory provision shifts the burden of proof on to an accused in a criminal proceeding so that the accused is required to prove matters to establish, or raise evidence to suggest that he or she is not guilty of an offence.

Clause 24 of the bill introduces an offence in new sections 63G and 63N for a person to knowingly contact a donor or donor-conceived person in breach of an undertaking to comply with a contact preference, unless the contact is a continuation of, or of a similar kind to, contact that the accused person had with the donor or donor-conceived person before the accused person knew of the contact preference. In providing the defence for continued previous conduct, this provision places an evidential burden on the accused, requiring them to show that there is sufficient evidence to raise an issue as to fact of the existence of previous contact. As such, the presumption of innocence under section 25(1) of the charter is relevant.

However, I do not consider that an evidential onus limits the right to be presumed innocent. Courts in other jurisdictions have taken this approach. Once a person has adduced some relevant evidence as to previous continued contact, the burden shifts to the prosecution to prove the elements of the offence. The question of previous contact is a matter that is likely to be uniquely within the knowledge of the accused person and it is therefore reasonable for them to provide evidence on that issue. The prosecution will retain the legal burden of disproving the issue beyond reasonable doubt.

Conclusion

I consider that the bill is compatible with the charter because the rights that are engaged are unlikely to be limited. If any rights are limited by the bill, to the extent that those rights are limited, those limits are reasonably and demonstrably justified.

Jenny Mikakos, MP
Minister for Families and Children

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill will give all donor-conceived people equal rights to access available identifying information about their donor regardless of when the donation was made.

Victoria has always been a world leader in assisted reproductive treatment. We were pioneers in the development of in-vitro fertilisation and donor treatment procedures throughout the 1970s and 80s. Australia's first IVF baby was born in Victoria in 1980 and the Infertility (Medical Procedures) Act 1984, which came into operation on 1 July 1988, was the first legislation worldwide to regulate assisted reproductive treatment and associated human embryo research.

Without a full understanding of the long-term impact on people conceived in this way, conventional medical wisdom of the day dictated that gamete donations were collected with assurances of anonymity. Parents were generally encouraged not to tell their donor-conceived children about the nature of their conception.

By the mid-1980s, people had begun to question this approach and, over time, the statutory regime began to change in line with changing community values.

Between 1988 and 1998, the legislation prevented the release of any identifying information to a donor-conceived person without the donor's consent. In 1998 changes to the law took effect to prohibit anonymous donations. Then, in 2008, new legislation included a requirement that an addendum be attached to the birth certificates of babies born as a result of donor conception. This was designed to enable donor-conceived people to know that they were donor-conceived, and to encourage parents of donor-conceived people to inform their children about how they were conceived.

Today many donor-conceived children are adults. The impact of a policy from a time before many donor-conceived people were born which prevents their access to information about their genetic heritage is clear. In 2012, a parliamentary Law Reform Committee inquiry into access by donor-conceived people to information about donors found that donor-conceived people may suffer a fractured sense of identity when they cannot obtain identifying information about their biological parents.

The committee's report made 30 recommendations, the most significant of which was that legislation be introduced to allow all donor-conceived people to obtain available identifying information about their donor.

In 2014, legislation was passed to introduce some of the committee's recommendations, but not this key recommendation. At that time, the Labor Party made it clear that we believe that continuing a system involving different rights of access to information was inequitable, and we undertook to introduce a bill to ensure that all donor-conceived people have the same right to obtain available identifying information about their donors, irrespective of when their gametes were donated. This bill implements that commitment.

It will implement the remaining recommendations of the committee's report and in doing so will remedy a fundamental inequity of access to information. No longer will donor-conceived people be prevented from seeking information about their identity simply because of the year their donor made their donation.

These changes may have a significant impact on donors who were advised that they would remain anonymous at the time they made their donations. Donors acted altruistically — and their donor-conceived offspring, their parents and the community are extremely grateful for their actions. Over time, some donors have changed their views on the issue of anonymity, and would now be open to contact from their donor-conceived offspring.

The bill will limit the impact of the changes through the introduction of contact preferences. Contact preferences will allow donors either to prevent contact from their donor-conceived offspring, or to limit contact. This will allow donors to manage the impact of the release of their information.

The process of applying for and releasing identifying information can be a difficult and stressful time for all those

involved in donor conception. While this bill will establish rights to information, it is known that — particularly for those conceived prior to 1988 — there will be some significant practical obstacles in locating and accessing records.

Record-keeping practices in the early days of assisted reproductive treatment were not mandated, and evidence given to the Law Reform Committee during its inquiry suggests that these records may not stand up to today's standards. It is possible that some records were not retained at all, reflecting the prevailing thinking of the time that donor information would not be required following conception. It is also known that, to the extent to which records did exist, many will be incomplete, while others have since deteriorated, or have been destroyed.

While nothing can be done to recover records that do not exist, the bill does seek to strengthen the existing legislative safeguards to ensure that those records that do remain are preserved. This is achieved by creating an additional offence of tampering with donor conception records.

The bill also seeks to ensure that people are supported in their search for information and at the time when information about them is released. Key to this is the establishment of the Victorian Assisted Reproductive Treatment Authority as a 'one door in' service to ensure simplicity for those seeking information and coordination of support services. This approach was recommended by the Law Reform Committee, and will address concerns raised in a number of submissions to the committee that the current system is disjointed and can be confusing.

The system of counselling and support for donors when their information is to be released is a critical feature of this bill.

Around the world, advances in information and communication technology and social networking have already resulted in links being made regardless of applicable legislative frameworks. The advent of avenues such as direct-to-consumer genetic profiling — linked via the internet to ancestral tracing capacities and access to extensive databases of information — means that people may be able to be traced by those seeking information. Already there have been examples of donor-conceived people tracking down their donor through the use of online DNA testing and/or painstaking research based on little more than their knowledge of the timing of their parent's treatment and the location of the clinic.

The provisions contained in this bill aim to ensure that where donors are identified, they have access to a comprehensive system of information, support, counselling and opportunities to manage contact.

The bill amends the Assisted Reproductive Treatment Act 2008:

to enable people born as a result of a pre-1998 donor treatment procedure to obtain available identifying information about their donor, regardless of whether the donor consents;

to enable people who donated gametes on or before 31 December 1997 and people born as a result of donor treatment procedures to lodge a contact preference;

to give the Victorian Assisted Reproductive Treatment Authority responsibility for donor conception registers; and

to give the Victorian Assisted Reproductive Treatment Authority powers to obtain information about pre-1998 donations when there is insufficient information available.

The bill will remove the current distinction in the act between those born from gametes donated prior to 1998 and those born from gametes donated after this time. Instead, subject to provisions relating to contact preferences, all donor-conceived people will have the same legal right to available information identifying their donor.

When a person wishes to seek information about their donor they will make contact with the Victorian Assisted Reproductive Treatment Authority which will be established as a 'one door in' service. To allow the authority to undertake this role, the official donor conception register — the central register — and all functions associated with it will be transferred to the authority from its current location with the registrar of births, deaths and marriages.

In order to manage the release of information, and in recognition that some donors prior to 1998 believed that they would remain anonymous, the bill will introduce a scheme of contact preferences. If a donor-conceived person makes an application for identifying donor information about a donor who donated before 1998, the authority will contact the donor, offer them counselling and inform them that they may lodge a contact preference.

A donor may decide what type of contact they would like, or whether they would like no contact at all. For instance, this might entail an exchange of emails and photographs or a personal meeting. A donor may also decide that their contact preference should cover their non-donor-conceived children under the age of 18 to prevent contact from a donor-conceived sibling until they are an adult and can make their own decision.

The donor will have four months to consider their options. Before identifying information is released to a donor-conceived person, they will be required to undergo counselling and to give an undertaking that they will comply with the contact preference. It will be an offence for a donor-conceived person to contact their donor when the donor has lodged a no contact preference. This offence will attract a penalty of 50 penalty units.

As many of the records will be over 30 years old, it is anticipated that there may be difficulties in locating some donors.

These donors will not be deprived of their opportunity to receive counselling or lodge a contact preference. If a donor cannot be located in four months, the donor-conceived person will be required to sign an undertaking that, if new information comes to light that may lead to the location of the donor, they will provide this to the authority and not contact the donor personally. If the donor is located, the authority will then contact them and offer them counselling, and give them the opportunity to lodge a contact preference.

The bill will also allow donor-conceived people to lodge a contact preference. While the consent of a donor-conceived person will still be required prior to the release of their

information, contact preferences will give them an additional option in relation to engaging with their donor. If a donor-conceived person does not want to deprive a donor of information — but is nervous about initial contact — lodging a contact preference will enable them to manage this process.

These amendments will allow donor-conceived people to access more information about their donors. However, there are a number of other people who are less directly affected by donor conception who may wish to obtain information. A voluntary register already exists that allows donor-conceived people, donors, recipient parents or other relatives to lodge information they would like to share with others. Under the bill, this register will be transferred to the Victorian Assisted Reproductive Treatment Authority and will be expanded to enable people to lodge a broader range of materials, such as photographs and other information that a person may want to make available in reaching out to others.

To ensure that information is provided in a supportive environment, the bill enhances the authority's role in providing counselling to parties involved in donor conception. The authority has specialist counsellors who are able to provide counselling to donors, donor-conceived people, recipient parents and others directly impacted by donor conception in a sensitive and appropriate manner.

The Victorian Assisted Reproductive Treatment Authority will also have a new role undertaking searches to identify donors when records on the central register are not sufficient to respond to an application. Prior to 1988, there were no specific legislative requirements for doctors to maintain donor conception records. As a result, it is anticipated that a number of the records will not provide sufficient information to identify a donor. Further, despite the introduction of regulations prescribing record-keeping requirements in 1988, it is possible that the records may not have always been completed correctly in the early years of regulation, as there was a process of adjustment to the new laws.

The government believes a person should have access to available information critical to their sense of identity. The authority will be given new powers to seek a court order to require a person holding donor conception records to provide them to the central register where required in response to an application.

The bill includes provisions that are designed to mitigate the impact of searches on people's privacy. For example, the authority will be required to comply with statutory guidelines in undertaking searches. The bill also contains confidentiality provisions that prevent the disclosure of information provided to third parties, or improper disclosure of information by the authority.

In developing this bill, many stakeholders and members of the public provided thoughtful and heartfelt submissions. The government has heard from donor-conceived individuals who expressed in moving terms their fundamental need to know their genetic heritage and the frustrations they have faced in being denied this information.

We have heard from many donors, some of whom were comfortable with their information being released, and others who expressed profound disappointment and sometimes even anger that their identity may be disclosed.

The process of engagement also extended to the clinics who provide assisted reproductive treatment services, and some of the pioneers in assisted reproductive treatment whose work over the years has benefited thousands of people.

No-one underestimates how difficult and complex this issue is, and no-one denies that this legislation will be challenging for some members of our community. I assure you, however, that great care has been taken to ameliorate the impact on donors by establishing a comprehensive system of support and contact preferences scheme to allow them to have no contact with their donor-conceived offspring or — if they want contact — control over how it will proceed.

In the past, significant decisions were made when people had little understanding of the trauma that can result from an incomplete picture of where we come from. Decisions were made that impacted on people who had no say in the nature of their conception.

Subsequent legislation has recognised the importance of this information by making anonymous donations unlawful.

As a next step, this bill ensures that the same right to information is available to all donor-conceived people and that they will no longer be treated differently simply because of when the donation from which they were conceived was made.

I would like to take this opportunity to thank all of those who took the time to make submissions and the brave people who shared their stories.

In particular, I would like to thank individuals and organisations, including VANISH and MADmen, who gave their time and views generously to the committee and again in consultation on this bill.

I would like to recognise parliamentary colleagues Anthony Carbines, Jane Garrett, Russell Northe, and former members Clem Newton-Brown and Donna Petrovich for their commitment to this issue and their considered committee report, tabled in Parliament in March 2012.

I commend the bill to the house.

Debate adjourned for Ms WOOLDRIDGE (Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 17 December.

BAIL AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr HERBERT (Minister for Training and Skills); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr HERBERT (Minister for Training and Skills) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('the charter'), I make this statement of compatibility with respect to the Bail Amendment Bill 2015.

In my opinion, the Bail Amendment Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the Bail Amendment Bill 2015 (the bill) is to implement changes to bail laws arising out of the government's bail review. It does this by amending the Bail Act 1977 to, amongst other things:

create tailored bail provisions for children and exempt them from the offence of failing to comply with a condition of bail;

expand who can grant permission for the publication of the identity of those involved in Children's Court proceedings, from the President of the Children's Court to any Children's Court magistrate;

increase the penalty for the offence of failing to answer bail, and reversing the presumption in favour of bail for persons charged with a serious offence who have a prior failure to answer bail;

reverse the presumption in favour of bail for those charged with Victorian terrorism offences and insert a consideration relating to terrorism into the unacceptable risk test.

Consideration of the particular needs of children

Section 17(2) of the charter provides that children have the right to such protection as is in their best interests and needed by reason of being a child. Section 23 of the charter provides that children accused of crimes must be segregated from adults in custody, brought to trial as quickly as possible and treated in an age-appropriate manner. Section 25(3) provides that children have the right to procedures that take account of their age and the desirability of promoting their rehabilitation.

A number of clauses will enhance the rights of children by ensuring they are not unnecessarily remanded or otherwise criminalised.

Clause 10 of the bill inserts a new section 3B into the Bail Act that will ensure that the particular needs of children are taken into account in any bail decision relating to them. For example, it provides that custody for children should be a last resort and recognises the need to minimise the stigma associated with incarceration. The importance of preserving family relationships, living arrangements, education, employment etc. is recognised, as is the need to ensure that bail conditions are appropriate and proportionate.

Clause 16 amends section 30A of the Bail Act to provide that children are exempt from the offence of contravening certain conditions of bail. Children are often subjected to more prescriptive bail conditions than adults. Prior to these amendments children breaching the conditions of their bail could be charged with an offence, but also would be placed in a show-cause position in relation to any further bail application.

Clause 20 inserts a presumption into the Children, Youth and Families Act 2005 ('CYFA') that police proceed by way of summons if the accused is a child.

The proposed amendments enhance the rights of children in sections 17(2), 23 and 25(3) of the charter.

Publication of Children's Court proceedings

Section 13 of the charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with.

Clause 21 amends section 534(1) of the CYFA (which restricts the publication of Children's Court proceedings except with the permission of the president) to provide that any Children's Court magistrate may grant permission for the publication of details identifying a child involved in criminal proceedings in certain urgent circumstances.

Currently, only the President of the Children's Court is able to grant such permission. The purpose of this reform is to allow the Children's Court more flexibility to respond to emergency situations, for example to assist with the identification and arrest of young people who have escaped from a youth justice centre where the president is unavailable.

This engages the right to privacy. However, any limitations on the right to privacy will not be arbitrary or unlawful, as the power of Children's Court magistrates to order publication will be limited to emergency situations and the publication must be reasonably necessary for the safety of the community or an individual, including the child in question.

As such, clause 21 falls within the internal limitation on the right to privacy in s 13 of the charter.

Decisions about bail

The bill includes a number of provisions that impact on decisions about bail. These provisions engage sections 12, 21 and 25 of the charter. Section 12 of the charter provides that every person has the right to move freely and to choose where to live. Section 21 provides a right to liberty and security. Section 25(1) and (2) contain the right to be presumed innocent until proved guilty according to law and minimum guarantees in criminal proceedings. These provisions are closely related to each other.

The Bail Act 1977 contains a general presumption in favour of bail, but this presumption is displaced where an alleged offender comes within 'exceptional circumstances' or 'show cause'. This bill seeks to import additional categories of offenders into both of these exceptions to the general presumption.

<u>Exceptional circumstances</u>

Section 4(2) of the Bail Act provides that persons charged with certain serious offences must be refused bail unless they

are able to demonstrate that exceptional circumstances exist justifying the grant of bail.

This provision operates to reverse the presumption in favour of bail where the accused's alleged offending is categorised at the highest level of seriousness. Offences included in section 4(2) include murder, treason and serious drug and customs offences.

The test for exceptional circumstances is more onerous than the 'show cause' provisions contained in section 4(4) of the Bail Act.

Clause 4 inserts new subsection 4(2)(b) of the Bail Act which provides that bail must be refused to those charged with state terrorism offences unless exceptional circumstances can be demonstrated. The two relevant offences from the Terrorism (Community Protection) Act 2003 are intentionally providing documents or information to facilitate a terrorist act (section 4B) and obstructing or hindering the exercise of special police powers (section 21W).

This clause does not create a new regime under which bail must be refused, it works within the existing structure of the Bail Act and adds a further two serious offences to a provision under which the presumption in favour of bail is reversed. Most terrorism offences appear in the Commonwealth Crimes Act 1914 which provides that bail must be refused unless exceptional circumstances exist.

Clause 4 may limit the rights in sections 12, 21 and 25 of the charter, as it expands the exceptions to the general presumption in favour of bail, decreasing the likelihood of release on bail where individuals are charged with the offences specified in the amendments.

Right to liberty and security of the person

Section 21(6) of the charter provides that a person awaiting trial must not be automatically detained in custody. This section is engaged by the provision in this bill establishing a presumption against bail for a particular category of offence or offender.

It is recognised that pretrial detention may be necessary to ensure the presence of the accused at trial, but also to avert interference with witnesses and other evidence or to avert the commission of other offences. For example, in the recent case of *Woods v. DPP* [2014] VSC 1 (17 January 2014) Justice Bell recognised that ensuring the safety of the community is an important purpose of the criminal law and that 'members look to the government and the courts for protection against crime and the just punishment of offenders' [33].

The inclusion of terrorism-related offences in the list of offences that require an accused to show exceptional circumstances is a reasonable limitation on the right to liberty, as it is required to protect the community. Terrorism, by its very definition poses an increased risk to community safety.

Further, as with all offences that attract the exceptional circumstances exception the proposed insertion of this new category of offence into section 4(2) of the Bail Act will not result in an automatic refusal of bail. An accused person still has the ability to argue that exceptional circumstances exist, and if the court is convinced by such arguments, will be granted bail.

I note that a provision in the Bail Act 1992 (ACT) that reversed the presumption of bail (s 9C) was held to be incompatible with the ACT Human Rights Act 2004 in the Supreme Court decision of *In the Matter of an Application for Bail by Isa Islam* in 2010. However, the reasoning in that decision is not transferable to the Victorian Bail Act for two reasons.

Firstly, the court held that the underlying purpose of s 9C of the ACT Bail Act was not apparent, as it applied only to murder and not other serious crimes. In contrast, the Victorian exceptional circumstances provision applies to a number of very serious crimes.

Secondly, the right to liberty in the ACT Human Rights Act is drafted differently from section 21 of the charter. The relevant provision in the ACT Human Rights Act states that 'anyone who is awaiting trial must not be detained as a general rule'. In contrast, section 21 of the charter prohibits 'automatic' detention rather than a 'general rule'. Requiring certain classes of accused to establish exceptional circumstances in order to be granted bail may constitute a 'general rule', but does not mean that their detention is 'automatic'. Their circumstances must still be considered by the court in making a determination about bail and in every case the court retains the discretion to grant an accused bail. Further, the ACT Supreme Court acknowledged that the right to liberty in the ACT Human Rights Act is 'not protected in an equivalent form in any other human rights instrument'.

Show cause

Section 4(4) of the Bail Act provides that certain categories of accused persons should not be granted bail unless they are able to show cause why their continued detention is not justified. This provision also reverses the presumption in favour of bail but the threshold is intended to be lower than for exceptional circumstances and the offences listed under this provision, whilst serious are generally accepted as less serious than the exceptional circumstances offences.

Clause 7 inserts new section 4(4)(ab) into the Bail Act which provides that an accused charged with a serious offence who has a prior conviction for failing to answer bail within the last five years be refused bail unless they can show cause why their continued detention is not justified.

This provision creates an additional category of offenders who are required to justify their release on bail. The provision targets serious offenders who have a proven history of failing to comply with the obligations of their bail as an adult.

Clause 7 may limit the rights in sections 12, 21 and 25 of the charter, as it expands the exceptions to the general presumption in favour of bail, decreasing the likelihood of release on bail for individuals charged with a serious offence in specified circumstances.

However, any such limitation is justified for the following reasons. Firstly, as with all offences that attract the show cause exception, an accused person still has the ability to present reasons why they should be granted bail. Secondly, the purpose of clause 7 is to protect the community and prevent the obstruction of justice. Thirdly, clause 7 only applies in clearly defined, specific circumstances, where the offence is serious and where the accused has had a recent prior conviction for failing to answer bail.

Unacceptable risk

The general presumption in favour of bail is always subject to the accused not posing an unacceptable risk if released on bail. The unacceptable risk may relate to failure to appear on bail, committing further offences, interfering with witnesses or otherwise obstructing the administration of justice.

Clause 5 amends section 4(3) of the Bail Act. This section provides a non-exhaustive list of factors that may be taken into account by a bail decision-maker in assessing whether an individual poses an unacceptable risk of failing to appear on bail, committing further offences, endangering the public or obstructing the course of justice. The factors that may be taken into account include the nature and seriousness of the offence, the characteristics of the accused, the bail history of the accused and any conditions that might be imposed to mitigate the risks.

Clause 5 inserts an additional factor into the non-exhaustive list, specifying that a bail decision-maker may take into account any public expression of support for terrorism or any public expression of support for the provision of resources to a terrorist organisation in making a decision about unacceptable risk.

The unacceptable risk test aims to ensure the administration of justice is not obstructed by the non-appearance of the accused, or by the intimidation of witnesses. It also exists to protect the community. Section 4(3), as amended by the bill, does not directly limit a person's freedom of movement or liberty, but rather describes the factors that a decision-maker must take into account in making a bail decision.

Clause 5 does not create a new issue for decision-makers to take into consideration when assessing unacceptable risk. The explicit inclusion of this factor in section 4(3) of the act will ensure a decision-maker's attention is directed to any evidence relevant to the alleged offender's support for terrorism in assessing unacceptable risk.

For the above reasons, to the extent that clause 5 limits the sections 12, 21 and 25 of the charter, the limitation is reasonable.

Freedom of expression (section 15) and freedom of thought, conscience, religion and belief (section 14)

As clause 5 refers to expressions of support for a terrorist act or terrorist organisation, it may also engage section 15 of the charter, which provides that every person has the right to freedom of expression including the freedom to seek, receive and impart information of all kinds. To the extent to which support for a terrorist organisation may be formulated as a religious expression, section 14 of the charter (freedom of religion) may also be engaged.

Clause 5 does not limit the right to freedom of expression in section 15 or the right to freedom of thought, conscience, religion and belief (section 14), as it does not prohibit expressions of support for terrorism, but merely points to such expressions as a relevant consideration to take into account when assessing risk for the purposes of a bail decision.

Further, to the extent that clause 5 could be said to limit section 15, the limitation would fall within the internal limitation in section 15(3) that allows for lawful restrictions that are reasonably necessary for the protection of national security or public order. This limitation recognises that special duties and responsibilities are attached to the right of freedom of expression.

While there is no express internal limitation in section 14, the rationale for any limitation in relation to that right would be the same. That is, any limitation on the right of freedom of religion is reasonable in these circumstances as it is necessary to ensure the non-obstruction of the administration of justice and to protect the community.

For the above reasons, I consider that the bill is compatible with the charter as the amendments made by the bill provide an appropriate balance between the safety of the community, the smooth operation of the criminal justice system, and the protection of the rights and freedoms of all Victorians recognised under the charter.

The Hon. Steve Herbert, MP
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Bail Amendment Bill 2015 will introduce more effective bail laws, following a review of the Bail Act 1977.

Bail laws aim to strike a balance between the accused's right to be presumed innocent and to continue to live in the community until their matters are heard by a court, and the community's right to be protected from further offending.

In Victoria, there is a presumption that accused are entitled to bail, provided that they do not pose an unacceptable risk. This presumption is displaced in certain specified circumstances, and the accused then has to convince the court why bail should be granted.

It is not well understood that courts make only a small proportion of bail decisions and it is police and bail justices who make over 90 per cent of all bail decisions. Bail laws must be clear, accessible and coherent to non-lawyers to work effectively. Clear laws will also help the community understand how and why bail decisions are made.

Earlier this year I asked the Department of Justice and Regulation to review Victoria's bail laws to identify any gaps. The review has been on accused who are suspected of having links to terrorism and accused with a history of failing to appear on bail. In this bill, the government takes steps to tighten the Bail Act in both these regards.

This bill also ensures that we only remand in custody those who truly do pose an unacceptable risk to the community. The number of children on remand has grown dramatically in the last two years, and this bill takes steps to arrest this growth. Children are entitled to a system of bail that recognises their particular needs and vulnerabilities and this

bill will create new rules for children who may be facing a period of remand. Of course, some children do pose an unacceptable risk to the community, and nothing in this bill removes the power to remand a child in custody when this is the appropriate outcome.

Terrorism

The bill will provide additional safeguards to the community and promote consistency between Victorian and commonwealth bail schemes as they relate to terrorism charges.

Under the proposed changes, bail will be refused (unless there are exceptional circumstances) when the accused is charged with:

> intentionally providing documents or information to facilitate a terrorist act; or
>
> obstructing or hindering the exercise of special police powers to combat terrorism.

These changes will ensure individuals facing Victorian terrorism charges are required to demonstrate exceptional circumstances justifying the grant of bail. This reverses the presumption in favour of bail and aligns the test with that for people charged with commonwealth terrorism offences.

Not every accused who is suspected of having links to terrorism will be charged with a specific terrorist offence. This bill will ensure that any evidence of links to terrorism is taken into account in a bail decision — whatever offence the accused is facing.

'Any expression of support for a terrorist act or terrorist organisation or the provision of resources to a terrorist organisation' will be added to the list of matters to be taken into account in assessing unacceptable risk under section 4(3) of the Bail Act.

This bill makes it clear that links to terrorism may be taken into account by a bail decision-maker in assessing whether releasing the accused poses an unacceptable risk of failing to appear on bail, committing further offences or otherwise endangering the public or obstructing the course of justice. The inclusion of a terrorism-specific factor will make it clear that this heightens the risk of a person's release into the community and will prompt bail decision-makers to specifically consider this issue.

Failure to appear on bail

The primary purpose of bail is to ensure that people attend court for trial or sentencing. When a person deliberately absconds in breach of their bail, the community is rightly concerned. This bill aligns our laws with public expectation by increasing the consequences for failing to appear when on bail.

The maximum penalty for the offence of 'failure to appear' will be increased from 12 months to two years. This will afford greater flexibility to courts to impose higher sentences where this is warranted by the particular circumstances of the case.

The presumption in favour of bail will be reversed for people charged with serious offences who have also been convicted of failing to appear in the previous five years. These people will be required to show cause why their detention in custody is not justified.

The Bail Act will adopt the existing definition of serious offence in the Sentencing Act 1991 which includes manslaughter, gross violence offences, intentionally causing serious injury, rape, child sex offences, abduction and armed robbery. Murder, which is also a serious offence, will continue to be subject to the more stringent exceptional circumstances test in all cases.

Addressing children on remand

The bail review has also developed reforms to address concerns about the steep increase in the number of children arrested and held on remand.

The number of children remanded has increased considerably since 2012. For children aged 10–14 years, in particular, remand admissions have tripled and the number of children arrested and charged for Bail Act offences has significantly increased. Representation of Indigenous children within the criminal justice system is disproportionately high and the Children's Court and other stakeholders have called for this issue to be addressed as a matter of urgency. The Youth Parole Board annual report notes that the number of remandees held in youth detention often outnumbers sentenced children and young people, and a significant proportion are bailed within a short period. This runs counter to the principle that young people should not be held on remand unless it is necessary.

In all other areas of the criminal justice system children are treated differently from adults. We have a dedicated Children's Court, and a youth justice system that provides a range of responses to children — all of which are tailored to the special needs of children and the particular importance of rehabilitating children before they become adult offenders. This bill amends the Bail Act to bring the bail system into line with the special rules that apply to children elsewhere in criminal justice processes by:

> creating new child-specific factors that address the particular needs of children to be considered in bail decisions; and
>
> implementing child-specific recommendations in the 2007 Victorian Law Reform Commission *Review of the Bail Act — Final Report* ('the VLRC report').

The changes will also:

> exempt children from the offence of breaching a condition of bail; and
>
> create a presumption in favour of initiating criminal proceedings against children by summons, rather than arrest, to align with Victoria Police best practice.

This is a more appropriate response to offending by a child. Remanding children should be a last resort. Victoria does not want children to become entrenched in the criminal justice system.

The bill takes a measured approach to these reforms based on the recommendations of the Victorian Law Reform Commission. These changes will not prevent a court or police officer from remanding children in custody when this is the appropriate outcome, but they will ensure that remand is only used for children when there is no other reasonable option. A

breach of bail by a child will still trigger a power to bring the child back to court to have their bail reconsidered and potentially revoked.

The provisions requiring an accused charged with the most serious offences, such as murder, to demonstrate exceptional circumstances justifying the grant of bail will still apply to children. The offences of failure to appear and committing an indictable offence while on bail will also still continue to apply to children. The bill does not alter the exceptional circumstances or show cause tests which continue to apply to the most serious offences committed by either adult or child offenders.

This bill delivers on this government's commitment to review Victoria's bail laws to ensure that they are strong enough, but also smart and fair.

I commend the bill to the house.

Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 17 December.

CROWN LAND LEGISLATION AMENDMENT (CANADIAN REGIONAL PARK AND OTHER MATTERS) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Special Minister of State) on motion of Mr Herbert; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr JENNINGS (Special Minister of State), Mr Herbert tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Bill 2015 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill:

(a) amends the Crown Land (Reserves) Act 1978 and the National Parks Act 1975 to create Canadian Regional Park (640 ha), Hepburn Regional Park (3105 ha) and Kerang State Game Reserve (755 ha), to add approximately 205 hectares to six existing parks under those acts and to excise about 5 hectares from three existing parks under those acts;

(b) amends the Land Act 1958 by inserting new provisions relating to the licensing of bee sites on Crown land; and

(c) makes consequential or other, minor amendments to several acts.

Human rights issues

Section 12 — Freedom of movement

Section 12 of the charter provides for the right for every person to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live. It includes the freedom from physical barriers and procedural impediments.

The bill includes, in part 2, amendments to the Crown Land (Reserves) Act and, in part 4, amendments to the National Parks Act relating to the creation of new reserve and park areas and the closure of redundant government roads. In particular, the bill:

(a) creates new reserve areas under the Crown Land (Reserves) Act — see clauses 5 to 8;

(b) creates new park areas under the National Parks Act — see clauses 41(1) and (3), 42(1) and 43;

(c) provides that certain areas of land cease to be roads — see new clauses 10(1)(e), 12(1)(e) and 13(1)(e) of the second schedule to the Crown Land (Reserves) Act (as inserted by clause 4 of the bill) and new clauses 21 to 25 of schedule one AA to the National Parks Act (as inserted by clause 40 of the bill).

Those provisions could be perceived to affect the right to freedom of movement, to the extent that a person is able to move freely around Victoria by passing across the sites which are subject to these clauses. However, the provisions do not create any restrictions on a person moving freely within the new reserve or park areas or within Victoria. Therefore, the bill will not limit the right protected under section 12 of the charter.

Section 19 — Cultural rights

Section 19 of the charter provides for the rights of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

This right is particularly relevant to clause 6 of the bill which creates Hepburn Regional Park. The creation of the park will enable Aboriginal title over the land to be granted under the Traditional Owner Settlement Act 2010 to the Dja Dja Wurrung Traditional Owner Group in accordance with the recognition and settlement agreement between Dja Dja Wurrung Clans Aboriginal Corporation and the state of Victoria 2013. This will promote the cultural rights protected by the charter.

Section 20 — Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

Part 2 of the bill (in particular the provisions inserted by clauses 3 and 4 relating to the revocation of various Crown land reservations) provide for various areas of land to be freed from all property interests. Those provisions could be taken to engage the charter by limiting the property rights of individuals protected under section 20 of the charter. There are no known property rights affected by these clauses, therefore there are no known limitations of the right protected by section 20 of the charter.

Part 3 of the bill replaces the existing provisions in the Land Act, the Crown Land (Reserves) Act, the Forests Act 1958, the National Parks Act and the Wildlife Act 1975 with new provisions relating to the licensing of bee sites on certain Crown land. This could be perceived to affect the property rights of individuals holding existing licences or permits, to the extent, if any, that these are property rights.

The bill will not result in the cancellation of any of these licences or permits. Rather, the bill inserts new provisions into the Land Act (clause 17), into the Crown Land (Reserves) Act (clause 19), into the Forests Act (clause 26), into to the National Parks Act (clause 34) and into the Wildlife Act (clause 37) to continue any licence or permit existing immediately before the commencement of the new bee site licensing provisions under the same terms and conditions as existed before commencement date until such time as that licence or permit expires or is cancelled. New licences can be issued under the new regime inserted into the Land Act by clause 16.

Furthermore, while the bill introduces a cap on the size of the licence area for any new licence, the bill 'grandfathers' any existing licence or permit which has a greater licence or permit area (see proposed new section 142 of the Land Act, inserted by clause 16), thereby ensuring that the existing licence or permit area is not affected.

Accordingly, the bill contains no known limitation or restriction of the right protected by section 20 of the charter.

Hon. Gavin Jennings
Special Minister of State

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government is pleased to introduce the Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Bill 2015 (the bill) as part of further implementing its election commitments relating to the environment. It is also pleased to include in the bill several items relating to new park areas and the licensing of bee sites on Crown land that formed part of a bill introduced into Parliament in 2014 but which was not debated before the 2014 state election.

In summary, the bill amends several acts, but principally the Crown Land (Reserves) Act 1978, the Land Act 1958 and the National Parks Act 1975, to:

create Canadian Regional Park, Hepburn Regional Park and Kerang State Game Reserve;

add land to several existing parks;

reform the legislation governing bee site licensing on Crown land; and

make some consequential and other, minor amendments.

Canadian Regional Park — a new park for Ballarat

A key aspect of the bill is the creation of Canadian Regional Park under the Crown Land (Reserves) Act. This new park at Ballarat comprises the former plantation land at Mount Clear and adjoining state forest and will cover approximately 640 hectares.

The Friends of Canadian Corridor have been tireless in pursuing the goal of protecting this land in a park, a park which will permanently protect part of Ballarat's important open space and a north–south wildlife corridor. I would like to take this opportunity to pay tribute to the work of the friends and their strong commitment to this outcome.

It is acknowledged that the government's election commitment was for a state park. However, the government has consulted extensively with the community and key stakeholders and, as a result of community views, now considers that the park would be better classified as a regional park. This is strongly supported by the Friends of Canadian Corridor, who wrote to the Premier in July 2015 expressing a strong desire that the park be a regional park.

A regional park will provide opportunities for a wider range of recreational activities than would normally be accommodated in a state park, while still protecting and improving the environmental and landscape values of the area. Uses such as bushwalking, dog walking, mountain bike riding, horseriding and prospecting will all be able to be accommodated in the new park. Revegetation of areas of the former plantation land will boost the park's environmental value over time.

The government is keen to investigate a suitable Indigenous name for the park which acknowledges its location in Wadawurrung country. To this end, it will work with the Wadawurrung to identify a suitable name, and planning for the park's establishment will provide an opportunity to consult on the name with the community, stakeholders and the registrar of geographic names.

The government is confident that the park will be a lasting legacy for generations to come — a park which combines the opportunity for recreational enjoyment by lots of people with conservation outcomes — a 'people's park'.

Hepburn Regional Park — a park enabling Aboriginal title to be granted

The bill also creates Hepburn Regional Park under the Crown Land (Reserves) Act. The park covers approximately

3105 hectares and is located in the popular mineral springs country of central Victoria around Daylesford, Hepburn and Hepburn Springs. It also includes the extinct volcanic crater of Mount Franklin. The park provides enjoyment for many visitors, with opportunities for bushwalking, picnicking, camping, nature study, mountain bike riding, horseriding and fossicking.

This park is an important part of the country of the Dja Dja Wurrung Traditional Owner Group, and its formal creation will enable Aboriginal title to be granted over it to the Dja Dja Wurrung Clans Aboriginal Corporation in accordance with the 2013 recognition and settlement agreement between the Dja Dja Wurrung and the state. After Aboriginal title is granted, the park will continue to be managed under the Crown Land (Reserves) Act.

Kerang State Game Reserve — recognising the area's value for hunting

The creation of the Kerang State Game Reserve, east of Kerang, will recognise the area's value for hunting and will formally implement a decision of the previous Labor government on the Victorian Environmental Assessment Council's River Red Gum Forests Investigation.

The reserve covers some 755 hectares and includes Fosters Swamp and land along Pyramid Creek. Consistent with the final report of the Victorian Environmental Assessment Council's River Red Gum Forests Investigation, the bill provides for Lower Murray Water's ongoing use of Fosters Swamp for the discharge of treated wastewater, provided that this occurs in accordance with a licence issued under the Environment Protection Act 1970.

Alterations to existing parks

The bill adds approximately 205 hectares to six existing parks under the Crown Land (Reserves) Act (one park) or the National Parks Act (five parks). The additions include areas that have been acquired for inclusion in the parks as well as other areas such as redundant unmade government roads which will help consolidate the boundaries of the parks.

The main additions are as follows:

Macedon Regional Park (5 ha) under the Crown Land (Reserves) Act — a forested area adjoining the park which Western Water has transferred to the Crown;

Murray-Sunset National Park (182 ha) — two areas of purchased land (161 hectares) in the vicinity of Wallpolla Creek together with several dispersed sections of redundant unused government road (21 ha);

Warrandyte State Park (8 ha) — two areas (including an area of purchased land) and a redundant government road in the popular Pound Bend section of the park;

Cape Liptrap Coastal Park (8 ha) — Crown land in the headwaters of Cooks Creek east of the Walkerville-Fish Creek Road; and

Steiglitz Historic Park (3 ha) — four areas (three of which were previously acquired to include in the park) together with two sections of redundant unmade government road.

The bill also excises about 0.6 hectares from two parks under the National Parks Act. The National Parks Advisory Council was consulted over these proposed excisions and have advised that they are acceptable and should proceed. The two excisions are as follows:

Lake Tyers State Park — an area of 0.3 hectares of cleared land which was incorrectly included in the park when it was created in 2012; and

Steiglitz Historic Park — a narrow strip of land (0.3 ha) along Hay Track to enable the creation of a government road to provide legal access over the access route to adjoining freehold land. The excision is offset by the additions mentioned earlier.

In addition, the bill:

excises 4 hectares from Cobboboonee Forest Park under the Crown Land (Reserves) Act to enable the creation of a government road to provide legal access along Cut Out Dam Road to adjoining freehold land;

adds a short section of unmade government road to Dandenong Ranges National Park;

closes a redundant unmade government road in Port Campbell National Park;

realigns part of the boundary of Steiglitz Historic Park along a section of the Steiglitz-Durdidwarrah Road; and

makes several technical amendments or corrections to the plans of Dandenong Ranges and Great Otway national parks, Lake Tyers State Park, Gadsen Bend Park and Otway Forest Park.

Reforms to bee site licensing on Crown land — supporting Victoria's apiculture industry

A key aspect of the bill relates to reforming bee site licensing on Crown land. This implements the reforms commenced by the previous government in consultation with the apiculture industry, in particular the Victorian Apiarists Association and the Victorian Farmers Federation (beekeeper branch). The government acknowledges the work of these organisations in pursuing these reforms.

The bill reforms the legislation governing the licensing of bee sites on Crown land managed by the Department of Environment, Land, Water and Planning or Parks Victoria. It inserts a new set of licensing provisions into the Land Act which will apply uniformly to Crown land (other than wilderness parks, wilderness zones, natural catchment areas and reference areas) regardless of the act under which the land is managed.

In particular, the bill provides that:

the minister will be able to grant a bee site licence over an area of up to 800 metres radius for up to 10 years, subject to conditions;

at the expiry of a licence, a new licence will be taken to have been granted on the payment of the licence fee specified by the minister in the notice of offer of a new licence;

existing apiary rights will continue until they expire or a licence is granted under the new provisions; and

in relation to existing licences or permits which cover an area with a radius of greater than 800 metres, the minister will be able to grant a licence under the new provisions for up to 10 years to the holder of such a licence or permit over the existing licensed or permitted area; these licences will also be transferable.

The bill also makes consequential amendments to several acts relating to apiary licences as a result of the new provisions.

Conclusion

The bill will benefit the community and the environment through the creation of new parks and the addition of several areas to existing parks. Through the amendments to bee site licensing, the bill also acknowledges the importance of the apiculture industry to the state.

I commend the bill to the house.

Debate adjourned for Mr DAVIS (Southern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 17 December.

KARDINIA PARK STADIUM BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Special Minister of State) on motion of Mr Herbert; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr JENNINGS (Special Minister of State), Mr Herbert tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Kardinia Park Stadium Bill 2015.

In my opinion, the Kardinia Park Stadium Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will establish the Kardinia Park Stadium Trust to administer, plan, develop, promote, use, operate and manage areas of Kardinia Park (including the stadium) and other land and facilities.

The Greater Geelong City Council (council) is currently the committee of management of Kardinia Park, and is expected to remain as committee of management for the areas of Kardinia Park that do not form part of the trust land.

Clause 34 of the bill provides the Governor in Council with the power to make an 'event management declaration' (on the recommendation of the minister responsible for administering the bill), giving the trust control of the whole or any part of Kardinia Park (excluding Kardinia pool and the senior citizens centre) on the days specified in the event management declaration when major events are held on the trust land. Pursuant to subclause 34(2) of the bill, event management declarations may only be made where the minister is satisfied that the event is suitable to be held on the land and the event is of significance to the Geelong region or the state.

Human rights issues

Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

This is relevant because there are current leases, licences and other agreements between council and third parties with respect to:

(a) land that will become trust land under the bill; and

(b) other areas of Kardinia Park that the trust will have power to control on days when major events are held on the trust land.

Clause 43 of the bill provides for current leases and other agreements with respect to the trust land, of which the council has notified the state, to be transitioned to the trust.

In relation to the other areas of Kardinia Park that the trust will control on major event days pursuant to an event management declaration, there may be a temporary restriction of a person's ability under a lease or licence to hold other events in the relevant areas on those days. This is consistent with the council's current management of Kardinia Park, and in my opinion is reasonable and justified to enable the trust to facilitate appropriate event management, including safe and efficient traffic management, parking and pedestrian movement.

In light of the consistency between current arrangements and the proposed provisions, it is questionable whether any deprivation of property will occur under the bill. However, to the extent that a current or future lessee or licensee could be regarded as having a property right that is deprived by an event management declaration, that deprivation will be in accordance with law. It will be authorised under the bill and subject to the restrictions and procedures set out in it.

Right to privacy

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The touchstone for the right is a reasonable expectation of privacy.

Clause 13 of the bill requires a member of the trust to declare in a meeting of the trust any pecuniary interest or conflict of interest in relation to a matter being considered or about to be considered by the trust. Insofar as the provision requires disclosure of information about which a person might have a reasonable expectation of privacy, I consider that any interference with privacy is reasonable and not arbitrary. It is

essential for the maintenance of the integrity of the trust that conflicts of interest are declared.

I consider that the bill is compatible with the section 13 right.

Right to freedom of movement

Every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live under section 12 of the charter.

This right is relevant because subclause 42(1) of the bill provides the Governor in Council with the power to make regulations on a range of matters, in particular the exclusion or expulsion of persons found contravening the regulations from the trust land or any other land managed by the trust. These regulations have the potential to impact upon persons' freedom of movement in what are otherwise publicly accessible areas. However, I consider that such restrictions are appropriate in order to protect the land, facilities and services; protect public safety and facilitate property site management. The regulations themselves will be subject to the charter.

I consider therefore that the bill is compatible with the section 12 right.

Hon. Gavin Jennings
Special Minister of State

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Kardinia Park Stadium is an important sport venue in a great Victorian city — Geelong — and the home of an outstanding football club, the Geelong Football Club.

The government made a commitment to establish a state trust to manage and preserve the stadium, and elevate it to a more fitting status where it can officially stand alongside the Melbourne Cricket Ground as one of Australia's great sporting arenas.

The Kardinia Park Stadium Bill 2015 delivers on that commitment.

The creation of the Kardinia Park Stadium Trust, along with the government's $70 million investment in the stage 4 redevelopment of the stadium, will enable this great venue to host more major events.

The underlying purpose is to contribute to the economy, community and livability of the Geelong region and the state through improved use of the stadium.

The trust will ensure a more strategic approach to the development and use of the stadium, greater operational efficiencies and increased opportunities to attract events to the Geelong region, thereby maximising the return on the state's past and present investments in the stadium.

The trust will initially be responsible for Kardinia Park Stadium and land adjacent to the stadium, including car parking areas.

Further areas of the park may be added to the trust land in future, and the bill provides a process for that to take place. This will only be done with the agreement of the Greater Geelong City Council, unless unforeseen circumstances dictate otherwise, and should include an agreement on costs.

The bill also provides for the trust to take control of further areas of the park on days when major events are held on the land managed by the trust, to ensure that all aspects of events, including car parking, can be delivered in an efficient, integrated and safe way.

This is consistent with council's current management of Kardinia Park on event days and it is necessary to maintain this approach to facilitate appropriate event management, including safe and efficient traffic management, parking and pedestrian movement.

I now turn to the detail of the bill to highlight some key points.

Part 2 of the bill will establish the Kardinia Park Stadium Trust.

The functions of the trust are broadly to be responsible for the Kardinia Park trust land, which includes the stadium, with the objective of contributing to the economy, community and livability of the Geelong region and the state.

The trust will also provide for the planning, development, promotion, management, operation and use of other facilities for which it may be responsible, and for facilities and services for car parking and other necessary services to be used in conjunction with any of its facilities. The trust may also accept appointment and act as a committee of management of crown lands.

The trust will consist of a part-time chairperson and between four and eight other part-time members appointed by the Governor in Council on the recommendation of the minister.

The trust will be required to provide a business plan to the minister each year including information about how its planned activities are proposed or designed to contribute to the economy, community and livability of the Geelong region and the state.

It will also be required to prepare an annual report under part 7 of the Financial Management Act 1994.

Part 3 of the bill sets out financial provisions for the trust including a requirement to establish and maintain a Kardinia Park Trust Fund.

Part 4 of the bill provides for the management of the Kardinia Park trust land.

Kardinia Park trust land is defined as Kardinia Park Stadium land and any land set out in a Kardinia Park trust land order.

The bill provides for various existing reservations to be revoked to enable the Kardinia Park trust land to be established.

It will revoke the permanent reservations over all parcels of land in Kardinia Park that are permanently reserved, and temporarily re-reserve the land for the same purposes. This will facilitate an efficient process for adding to the Kardinia Park trust land in future.

This change will not make any difference to the use of the land. I can reassure the people of Geelong that the land will continue to be used as park land and facilities for community activities.

The Governor in Council, on the recommendation of the minister administering the Crown Land (Reserves) Act 1978, will be able to make a range of orders to create the Kardinia Park trust land.

This includes an order specifying that the land shown on the plan LEGL./15-504 is Kardinia Park Stadium land. This area comprises the stadium and adjacent land, including car parking areas.

The Governor in Council will also be able to make one or more Kardinia Park trust land orders specifying that further land in Kardinia Park is Kardinia Park trust land.

The land leased by the council to the senior citizens' centre near the stadium is not included in the land that may become Kardinia Park Stadium land. This is clearly shown on the plan LEGL./15-504. Further, it will not be possible for this land to become Kardinia Park trust land in future or be controlled by the trust on event days.

The land surrounding the senior citizens' centre will, however, become Kardinia Park Stadium land. The trust will ensure that convenient car parking facilities will continue to be available for users of the senior citizens' centre on this land. It will also pursue a cooperative approach to matters affecting the senior citizens' centre with the council through the proposed Kardinia Park advisory committee.

It is not intended that the Kardinia pool complex will be included in the trust land through a Kardinia Park trust land order, nor that it will be controlled by the trust on event days.

Part 4 will establish the Kardinia Park advisory committee to advise the trust in relation to the trust land, and to advise both the trust and the council in relation to the rest of Kardinia Park. The advisory committee will be appointed by the minister and will include representatives of the trust, the Geelong Football Club, lessees of Kardinia Park, and the council.

The trust will be able to grant a lease of the trust land, with the approval of the minister, for up to 50 years, and a licence to enter and use the land for up to 3 years, or up to 10 years with the approval of the minister.

Part 5 of the bill provides for event management declarations for Kardinia Park events.

This is an important feature of the bill which will enable the trust to take control of areas of the park that are not Kardinia Park trust land on days when major events are held on the trust land. This will ensure that all aspects of events, including car parking, can be delivered in an efficient, integrated and safe way.

The bill provides that on the recommendation of the minister, the Governor in Council, by order published in the *Government Gazette*, may declare an event to be a Kardinia Park event. An event management declaration may cover more than one event.

It is anticipated that all Australian Football League premiership season matches scheduled to be played at the stadium in a particular year will be covered by a single declaration, along with any other events that are already confirmed at the time when the declaration is prepared. One or more further declarations may be required each year for additional events.

The minister must not make a recommendation for an event management declaration unless satisfied that the event is suitable to be held on Kardinia Park trust land and the event is of significance to the Geelong region or the state.

The minister will be required to provide a copy of a declaration to the council within seven days after the declaration is published.

A range of information will be required to be specified in an event management declaration including the event to which it applies, the times and dates when the event is to take place, when the declaration would apply, the relevant area of land within Kardinia Park and the arrangements applying to the management of the land at the times and dates when the declaration is in force.

An event management declaration may provide that the trust is to have specified functions, duties and powers during a Kardinia Park event including powers to enter into agreements or arrangements with an event organiser, and undertake, organise or facilitate an event.

The bill provides that despite section 17E of the Crown Land (Reserves) Act 1978, car parking may be provided on land at Kardinia Park during a Kardinia Park event, reflecting current practice on event days. This may be arranged without ministerial approval.

An event management declaration may also provide for functions, duties and powers of the council as the committee of management of Kardinia Park, to be suspended for the relevant times. This may only occur, however, if the minister considers that this is necessary for the purposes of the event.

Local laws will continue to apply during a Kardinia Park event unless the declaration provides for suspension of those laws or they are inconsistent with the purposes of the declaration.

Importantly, the trust will have to restore, or ensure the restoration of, the relevant areas of Kardinia Park after an event.

Part 6 of the bill sets out that the Governor in Council may make regulations in relation to the Kardinia Park trust land.

Part 7 includes transitional provisions which provide that any specified lease, licence or other arrangement the council has entered into prior to the commencement of the bill is taken to be a lease, licence or other arrangement granted by the trust, from the day the section comes into operation.

It also provides for the Governor in Council to make regulations dealing with transitional matters arising from enactment of the bill, which may be retrospective to the day when the bill receives the royal assent.

Division 2 of part 7 sets out consequential amendments to the Geelong (Kardinia Park) Land Act 1950, the Filming Approval Act 2014, the Major Sporting Events Act 2009 and the Borrowing and Investment Powers Act 1987.

The amendments to the Major Sporting Events Act 2009 will make the Kardinia Park trust land an event venue for the purposes of that act, which means that the crowd management provisions of that act will apply there without a major sporting event order having to be made. The definition of major sporting event will also be amended to include any Australian Football League matches and international or interstate cricket matches played at the stadium.

The bill recognises the importance of Kardinia Park Stadium to the people of Geelong, the region and to the state. It marks the beginning of a new era in the management and use of this great stadium.

I commend the bill to the house.

Debate adjourned for Mr DRUM (Northern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 17 December.

LAND (REVOCATION OF RESERVATIONS) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Special Minister of State) on motion of Mr Herbert; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr JENNINGS (Special Minister of State), Mr Herbert tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Land (Revocation of Reservations) Bill 2015 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will:

(a) revoke the permanent reservations over three sites and re-reserve them for purposes that are consistent with the current use of two sites (Caulfield Park and Wedderburn Mechanics Institute) and the future use of the site at Albert Park; and

(b) revoke the permanent reservations over three sites to enable them to be sold to the current occupiers (North Ballarat Football Ground, Cobram and Waaia); and

(c) revoke the permanent reservation over one site to provide practical and legal access to freehold land (Main Ridge Nature Conservation Reserve).

Human rights issues

Section 12 — Freedom of movement

Clauses 5, 12 and 22 of the bill provide for the reservation of a number of Crown land sites for particular purposes.

These provisions could be perceived to limit a person's access to the relevant sites. However, the reservation of these sites for particular purposes does not create any restrictions on a person moving freely within the reserve areas or within Victoria. Therefore, the bill does not limit the right protected under section 12 of the charter.

Section 20 — Property rights

Clauses 4, 8, 11, 15, 17, 19 and 21 of the bill provide that, on revocation of the reservations, the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

These provisions could be perceived to operate to deprive persons of proprietary rights that are held in relation to the land that is the subject of these clauses. However, the provisions are not intended to abolish known rights, but, rather, give land the requisite characteristics of unalienated Crown land. There are known rights in relation to the land to which clauses 4 and 8 apply, but these are held by bodies corporate (to which the charter does not apply) and are, in any case, preserved by clauses 6 and 9 of the bill. As there are no proprietary rights held by individuals in land subject to the bill, the bill does not limit the right protected under section 20 of the charter.

Hon. Gavin Jennings
Special Minister of State

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).

Mr HERBERT (Minister for Training and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The proposed bill will provide for the revocation of permanent reservations over seven areas of Crown land and, where applicable, the re-reservation and appointment of

committees of management. This will enable the sites to be used for other purposes or be sold.

In Victoria, permanent reservations over Crown land may only be revoked under the provisions of an act of Parliament. Acts for the revocation of permanent reservations are a normal part of government business, and Parliament has passed many of these acts over the years. Indeed, four of the sites in this bill were included in a bill introduced by the former government in 2014, but which was not debated prior to the 2014 state election. These sites were Ballarat North, Caulfield, Waaia and Wedderburn.

Albert Park — preparing for the new South Melbourne Park Primary School

A key component of the bill is the revocation of a permanent reservation over Crown land at Albert Park and the subsequent re-reservation of that site for educational purposes. This will facilitate the government's election commitment to establish the new South Melbourne Park Primary School at Albert Park.

The development of the South Melbourne Park Primary School at Albert Park is in response to enrolment pressures on existing schools in the Southbank, South Melbourne and Port Melbourne areas. The South Melbourne Park Primary School will help ensure that capacity for school places in the area is increased in a timely manner.

The proposed primary school will be developed within the footprint of the old Albert Park signal depot and drill hall. The existing buildings will be redeveloped to house the new school, giving a new life and purpose to this valuable site.

Once the land has been reserved for educational purposes, the Minister for Education will be responsible for administering the site under the provisions of the Education and Training Reform Act 2006.

Ballarat North — supporting the redevelopment of the North Ballarat Sports Club and Eureka Stadium

The bill also provides for the revocation of permanent reservations over two Crown allotments, totalling 0.1 hectares, situated at the North Ballarat Football Ground, also known as Eureka Stadium. The revocation of these reservations will support the proposed redevelopment of facilities at that site.

The two Crown allotments are situated immediately to the north of the oval. These Crown allotments, along with adjoining freehold land, are legally occupied by the North Ballarat Football Club and constitute the site of the North Ballarat Sports Club building. The sports club incorporates a bar, restaurant, clubrooms and other facilities.

Upon revocation of the permanent reservation, the land will be deemed to be unalienated Crown land. It is then proposed to sell the two Crown land allotments to the football club at market value. This will consolidate ownership and management of the sports club.

This change of land status is timely, given the government's $15 million commitment to redevelop the Eureka Stadium precinct.

Caulfield — updating the reservation purposes of Crown land at Caulfield Park

The bill provides for the revocation of a permanent reservation over a Crown allotment of approximately 2 hectares that forms the south-west corner of Caulfield Park, and its re-reservation for purposes consistent with the current use of the park.

The site was permanently reserved in 1966 for a swimming pool, and associated facilities and car parking, which was never developed. The land is now occupied by a children's playground and is indistinguishable from the rest of the Caulfield Park. As such, the current reservation does not reflect the current or future use of the site, or the purposes for which it is managed.

The bill will revoke the current reservation purpose, and subsequently permanently reserve the land for the purposes of a public park, gardens and recreation. This will better align the reservation purposes with the existing use of the site and the rest of Caulfield Park.

The bill will also deem Glen Eira City Council to be the committee of management for the land under the Crown Land (Reserves) Act 1978.

While the bill does not make any substantive change to the management of the site, it does provide clarity to the local community and park users as to the purposes for which the site is managed.

Cobram — addressing an inadvertent encroachment

The bill provides for the revocation of a permanent reservation over a small area of land (0.03 hectare) on the Murray River near Cobram to facilitate the sale of that land.

Upon revocation of the permanent reservation, the land will be deemed to be unalienated Crown land, and the land may be sold. This is being done to address a longstanding and inadvertent encroachment of part of a private dwelling.

The dwelling was built primarily on adjoining freehold land, with the north-east wall of the building encroaching on the Crown land. The current owner of the house was unaware of this encroachment when the property was purchased in 1996. The error was subsequently discovered in 2010 when survey work revealed the error.

After discovery of the error, the owner was granted a lease to lawfully occupy the land. This represents a short-term solution and inhibits the current owner's ability to deal with the adjoining freehold land. Furthermore, a private dwelling is incompatible with the current permanent Crown land reservation for public purposes.

The government considers that, in this particular situation, the appropriate long-term solution to this matter is to remove the permanent reservation over the affected land, and to subsequently sell that land to the owner at market value. In making this decision, it was considered salient that the encroachment was over land not normally accessed by the public, it was not intentional and that there was evidence of a genuine error, and that the owner upon discovering the error made every effort to rectify the issue. It is also considered that in this particular situation, any other course of action would result in undue hardship to the owner of the dwelling.

Flinders — providing access to freehold land

The bill also provides for the revocation of a small part of the Main Ridge Nature Conservation Reserve at Flinders, totalling 0.115 hectares.

This is being done to provide practical and legal access to adjoining freehold land. This will resolve a longstanding issue where a vehicle track providing practical access to the freehold land is situated in the reserve, rather than on the designated (but unmade) government road adjoining the reserve that provides the legal access to the property.

However, construction of practical access on the unmade government road would involve clearing vegetation and construction of a creek crossing. This would have a greater adverse environmental impact than the works required for practical access along the proposed access track. Any works would be subject to the necessary planning approvals relating to clearance of native vegetation. The Mornington Peninsula Shire Council will be responsible for maintenance of the access track on the government road.

To offset the excision from the reserve, it is proposed, after the bill is passed, to add to the reserve a section of the existing unmade government road and adjoining freehold land, totalling approximately 1.5 hectares, and containing high-quality native vegetation.

The owner of the adjoining freehold land has written to the Minister for Environment, Climate Change and Water confirming her intention to transfer approximately 0.7 hectares of her land to the Crown for inclusion into the Main Ridge Nature Conservation Reserve. The addition of the unmade government road and the freehold land, totalling approximately 1.5 hectares, will offset any loss of vegetation and land associated with providing practical access to the freehold site, and will result in a net gain to both the size and environmental quality of the reserve.

Waaia — addressing an inadvertent encroachment

The bill provides for the revocation of a permanent reservation over a small area of land (0.2 hectare) on the Broken Creek, east of Nathalia, to facilitate the sale of that land.

Upon revocation of the permanent reservation, the land will be deemed to be unalienated Crown land, and the land may be sold. This is being done to address a longstanding and inadvertent encroachment of part of a private dwelling.

The Crown land abuts a freehold site, and contains a longstanding encroachment of part of a house and other buildings. The house was built about 1930, and encroaches on the adjoining Crown land. The current owner of the house was unaware of this encroachment when the property was purchased in 2007. This error was subsequently discovered in 2011, when survey work revealed the error.

After discovery of the error, the owner was granted a lease to lawfully occupy the land. This represents a short-term solution and inhibits the current owner's ability to deal with the adjoining freehold land. Furthermore, a private dwelling is incompatible with the current permanent Crown land reservation for public purposes.

The government considers that, in this particular situation, the appropriate long-term solution to this matter is to remove the permanent reservation over the affected land, and to subsequently sell that land to the owner at market value. In making this decision, it was considered salient that the encroachment was over land not normally accessed by the public, it was not intentional and that there was evidence of a genuine error, and that the owner upon discovering the error made every effort to rectify the issue. It is also considered that in this particular situation, any other course of action would result in undue hardship to the owner of the dwelling.

Wedderburn — providing for the management of the Wedderburn Mechanics Institute

The bill also provides for the revocation of the permanent reservation over a Crown allotment, totalling approximately 0.2 hectares, at Wedderburn. The site is the location of the Wedderburn Mechanics Institute. The bill will subsequently temporarily re-reserve the site for public purposes. This will provide flexibility for the future use of the site.

The bill will also deem Loddon Shire Council to be the committee of management for the land under the Crown Land (Reserves) Act 1978.

The site of the Wedderburn Mechanics Institute was originally reserved for the purposes of a mechanics institute and vested to trustees by a restricted Crown grant in 1862. The Mt Korong Miners Literary Institute building was subsequently constructed in 1863.

Originating in Scotland around the beginning of the 19th century, the mechanics institutes movement provided free libraries and lectures, primarily with a focus on the development of technical or engineering skills of workers and artisans. By the mid-19th century mechanics institutes were operating in many Victorian townships and communities. More than 900 mechanics institutes were established in Victoria. Many of these sites continue to benefit local communities as local halls, public libraries and other community facilities. A small number have been in continuous operation to this day, including the Melbourne Athenaeum (previously the Melbourne Mechanics Institute) and the Ballarat Mechanics Institute.

The site has been informally managed, since the 1970s, by local community groups and the local council. The last known trustee, by succession, formally surrendered the restricted Crown grant to the Crown in 2011.

Revoking the existing reservation for a mechanics institute at Wedderburn does no disrespect to the history of this site, or the movement it represents. Rather, this bill seeks to ensure that the Wedderburn Mechanics Institute is formally managed, and continues to benefit the community of Wedderburn into the future.

Conclusion

The bill provides for the revocation of seven Crown land reservations which will enable future and appropriate uses of those lands, providing certainty to communities and affected individuals.

I commend the bill to the house.

Debate adjourned for Mr DAVIS (Southern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 17 December.

ADJOURNMENT

Ms MIKAKOS (Minister for Families and Children) — I move:

That the house do now adjourn.

Greater Shepparton public transport

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Public Transport. It is regarding her ongoing disregard for Shepparton public transport services, including passenger rail, bus services as well as communications infrastructure investments. My request of the minister is that she announce when the Assembly electorate of Shepparton will receive the improvements so desperately needed to, one, increase and improve the frequency and standard of rail services between Shepparton and Melbourne; two, provide better options for Numurkah and Cobram V/Line passengers; three, improve bus travel within the City of Greater Shepparton; and four, improve mobile phone black spots.

Government media releases issued in the past fortnight prove once again that the Andrews Labor government has no regard for public transport services for residents of the Shepparton electorate, particularly compared to metropolitan and outer metro transport users. In the past two weeks alone the government has issued releases trumpeting announcements for communities in the south of the state or for 'key government seat' communities. It has praised itself for providing a 'bigger, better bus network' for Bendigo when Greater Shepparton cannot get a single Sunday bus service.

The government has patted its own back for providing more than 80 extra train services for Sunbury and Diggers Rest communities, when Shepparton services consist of only four trains daily from Shepparton to Melbourne and three return services from Melbourne to Shepparton, with two return services on Saturdays and Sundays. It has given itself kudos for spending $18 million on mobile coverage black spot reduction for services that are predominantly within an hour of Melbourne, or in the south of the state in places such as Ballarat, Geelong and Traralgon. In September the government announced improvements to the Ballarat line, including a new passing loop at Rowsley. But what has the Andrews Labor government done to improve public transport for communities in the Shepparton electorate? It has done nothing.

Under the coalition a review of the Shepparton rail line identified several short, medium and long-term options for improvements to the line. The department is aware of these, and the government should get on with the job of delivering them. Instead the government has lumped Shepparton in with a statewide review of all lines, and now we are seeing that other areas are obviously more important to Labor than Shepparton, with so many announcements being made for Labor electorates ahead of the review being released. As the Shepparton RAILS president has said, it is of concern to Greater Shepparton residents that other areas get something before the Victoria-wide review has even been released. The Andrews Labor government continually disappoints communities in the Shepparton electorate with its blatant disregard for the district's public transport needs.

I repeat: my request of the minister is that she announce when the Shepparton electorate will receive the improvements so desperately needed to, one, increase and improve the frequency and standard of rail services between Shepparton and Melbourne; two, provide better options for Numurkah and Cobram V/Line passengers; three, improve bus travel within Greater Shepparton; and four, improve mobile phone black spots.

Bimbadeen Heights Primary School

Mr MULINO (Eastern Victoria) — My adjournment matter is for the Minister for Education and relates to Bimbadeen Heights Primary School in my electorate. I seek from the minister an update as to how the capital improvement of that primary school will proceed over the course of the next year. In the last budget funding was allocated to Bimbadeen Heights Primary School for an upgrade of the main school building. That of course was part of a record capital spend. I am keen for an update from the minister as to what next steps are likely to occur over the coming months.

Bimbadeen primary school has an enrolment of around 600 students, and they are educated in specialist areas in 25 classrooms. It is worth noting that there are a lot of special characteristics to Bimbadeen Heights in terms of what it offers to its students. It has a number of specialised extracurricular services — for example, in the performing arts and instrumental music. It has a very strong professional development arrangement for teachers. It is also very committed to Asia literacy and has a sister school relationship with a school in China.

As important as all of those aspects of the school are — and what really makes a school is the people, the programs it is committed to and the relationship between teachers and students — the bricks and mortar are also important. It is important that we provide

students, teachers and the school community with appropriate infrastructure. The school has been fighting for additional funding for many years. It very much welcomed the commitment in the previous budget for an upgrade of its facilities. I look forward to hearing from the minister as to what next steps can be expected in relation to that school.

West Papua

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter is for the Premier and concerns West Papua. As members of the chamber may be aware, there are some shocking things going on in West Papua, the Indonesian western half of the island of New Guinea. Massacres, tortures, the burning of villages, economic and political marginalisation and cultural suppression — all these things are being inflicted upon people in a land situated only about 250 kilometres from our soil. There is much history in this. In the late 1940s and early 1950s the Dutch prepared West Papua for independence. A national legislature was formed, the first Papuan Congress was held and 'West Papua' was adopted as the name of the country.

The PRESIDENT — Order! I am reluctant to interrupt Dr Carling-Jenkins's adjournment matter, but I ask her to assure me that this is going to be a state administration matter.

Dr CARLING-JENKINS — I can explain what I am aiming to achieve. I will be asking for a solidarity day with the West Papuans.

The PRESIDENT — Order! I certainly have no quibble at all with the very genuine call for support for the people of West Papua, but this needs to come back to a government administration matter. A solidarity day is close to the edge of the envelope, but I will allow it.

Dr CARLING-JENKINS — Thank you very much, President, for your indulgence. I appreciate it. I will come very quickly to the point. Many atrocities have taken place in this land. In my view and that of many others — including a number of West Papuans I have spoken to who have been attempting to settle or who have settled in Victoria — the atrocities are continuing. There is an ongoing genocide in the country.

All West Papuans want is to be free from oppression and to be free to associate. These are freedoms we in Victoria enjoy. They want to be free to move around, to speak and even just to express their culture in their songs, which they can freely do in Victoria but not, unfortunately, in their own country. West Papuans feel that for many years Australia has been ignoring the plea for help of people who risk their own lives with outstanding bravery to save our own. Consecutive governments have remained very silent, and the West Papuans are now calling on Victorians to help them.

While I understand that foreign affairs and international diplomacy are very much the jurisdiction of the federal government, I urge the Premier to consider all means possible through which the Victorian government can support the plight of West Papuans. More concretely, I ask the Premier to enact a solidarity day to support the West Papuans. This would be welcomed by all Victorians who care about human rights, freedom, fairness and compassion.

Edgars Road, Epping

Mr ONDARCHIE (Northern Metropolitan) — Merry Christmas, President. My adjournment matter is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan. It concerns the missing link of Edgars Road in Epping, about which developers and landowners have been talking to successive Labor governments since 2007. Edgars Road has been dubbed the Road to Nowhere. In fact its not being completed is getting in the way of new opportunities for investment, for jobs and for trade. The 800-metre section of Edgars Road that is awaiting construction will complete that missing link to connect Cooper Street to O'Herns Road. Locals wrote to the minister on 16 June and have not yet had a response, let alone an acknowledgment.

Through chatting to local people at VicRoads, we have heard that a business case is underway which is due to be completed by the end of this year. That deadline is rapidly approaching, so the action I ask of the minister is that he advise me of when the business case will be completed and when the funding will be available to complete this much-needed piece of road that will create investment, jobs and trade for Melbourne's north.

Playgroup funding

Mr EIDEH (Western Metropolitan) — My adjournment matter is for the Minister for Families and Children, the Honourable Jenny Mikakos. Earlier this year the minister announced an investment of $50 000 to support new community playgroups in Victoria both to aid in the development of children and to nurture parental development. Some 41 playgroups in Victoria have been the beneficiaries of these much-needed grants. The funding was designed to enable new playgroups across Victoria to apply for seed funding so

they could get established and buy much-needed equipment, such as play equipment and books.

Playgroups are very important to local communities. They help new parents make social connections in their local communities, enabling them to learn from and support each other as their children grow, which can be beneficial — especially for first-time parents. Playgroups also provide an opportunity for children to learn and to socialise with each other, which for some children may be the first opportunity they have had to do so. Each year in Victoria more than 40 000 children and 25 000 families participate in playgroups. It is very important that every family in Victoria have access to a playgroup in their local community.

I was pleased to see that a number of playgroups in my electorate were successful in obtaining grants, including playgroups at Altona, Ascot Vale, Essendon, Strathmore, Footscray, Melton West, Melton South, Brookfield, Sunbury and Werribee. Many of these suburbs have young families, and some are experiencing unprecedented growth, which highlights the demand that will be placed on these playgroups in the future. I ask the minister to outline how these grants have been of benefit to playgroups in my electorate and to advise what other steps the government is taking to support playgroups in the Western Metropolitan Region.

Victoria Legal Aid

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Attorney-General and concerns Victoria Legal Aid (VLA) and the recent PricewaterhouseCoopers report on the services delivery model that is used by Victoria Legal Aid to engage criminal and family law practitioners to deliver legal assistance services. That report was made in the context of significant cuts to grants of legal aid over the past five years while the demand for legal assistance has been growing. The number of criminal matters at court has increased by 29 per cent in that time, and the number of self-represented litigants is also increasing.

The report is very valuable in highlighting the reforms needed and those worthy of exploration to ensure that limited legal aid funds are distributed in the most effective manner. Key aspects of the report include the need for VLA to provide data showing the relative, if not actual, costs of using in-house lawyers as opposed to private practitioners, to monitor access to legal aid practitioners, to provide for regular and independent reviews of the fee structures for solicitors and barristers on the panels, to investigate a self-representative litigant service and to explore different procurement models for using legal services from private practitioners.

Significantly the report highlights the need for the VLA to consult more with the Law Institute of Victoria, the Victorian Bar and other key stakeholders, particularly in relation to the eligibility guidelines for legal aid as well as the other aspects of its service delivery. Reference was made to Legal Aid New South Wales having a range of key organisations on its board, such as the Law Society of New South Wales, the New South Wales Bar Association, welfare groups and a representative from the community legal sector. Representatives from the law society and bar association also sit on the selection committee for private practitioner panels.

While the report also suggests that consideration be given to adopting a reference group for consultation with the legal profession by the VLA board, the Victorian Bar Association has called for a further review of the governance model of the VLA and notes that unlike the board of Legal Aid New South Wales, the board of the VLA does not include any representative with practical criminal trial and/or appellate court experience. I am of the understanding that the recommendations of the report will feed into the government's Access to Justice review, which was announced in October and which the Greens welcome.

However, my request of the Attorney-General is that he advise whether this particular issue of the governance of and the representation on the VLA board will be part of that review or whether the government will itself review the governance model of the VLA with particular reference to the model of the board of Legal Aid New South Wales.

Community correction orders

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Corrections, and it relates to the community correction system in Victoria. As the house may be aware, in June I raised with the Attorney-General the fact that the *Boulton v. The Queen* decision has significantly expanded the scope of those who may be the subject of a community correction order (CCO) as opposed to going to jail. At paragraph 131 of the judgement the court said:

> … a CCO may be suitable even in cases of relatively serious offences which might previously have attracted a medium term of imprisonment (such as, for example, aggravated burglary, intentionally causing serious injury, some forms of sexual offences involving minors, some kinds of rape and some categories of homicide).

I said at the time and I maintain that the suggestion this paragraph apparently makes that rapists, child abusers and those convicted of homicide or violent attacks may not serve a period of incarceration would surprise and deeply concern most members of the Victorian community.

The response I received from the Attorney-General to my adjournment matter was to the effect that the government, together with the Sentencing Advisory Council, will monitor the CCOs to make sure they are working effectively. Given that the Attorney-General was not prepared to act following the Court of Appeal decision, my attention now turns to the management of the — —

Ms Mikakos interjected.

Mr O'DONOHUE — Let me just clarify it for the minister, President. The decision of *Boulton v. The Queen* significantly expanded the scope of the use of community correction orders to include many criminals who previously would have gone to jail, including, as I noted in paragraph 131, rapists, some convicted of homicide et cetera.

I have heard concerning reports of criminals on a community correction order — which is the responsibility of and managed by the Minister for Corrections — committing further crimes whilst on that order. I do not have access to data. I do not have access to this information, but I have heard some very concerning reports about crimes committed by those on a community correction order, some of which, I suspect, would have attracted a jail sentence before this judgement was made.

My concerns are about the management of the community correction system and the time it takes to bring an offender who is suspected of further offending back into custody. The action I seek is a guarantee from the minister that community safety is not being compromised as a result of this decision.

The PRESIDENT — Order! It is Christmas, and I am feeling benevolent, because a couple of the adjournment matters have been framed more or less as questions tonight rather than requests for action. In this one Mr O'Donohue did his best to convince me it was an action; I am not convinced.

Mr O'DONOHUE — May I clarify the action?

The PRESIDENT — Order! Very quickly, because Mr O'Donohue did exhaust his time. I was going to allow it on the basis of my benevolence, but to suggest that asking for a guarantee is requesting an action is pretty tenuous.

Mr O'DONOHUE — Let me just clarify. In light of the fact that there are now different classes of criminals on CCOs, the action I seek is advice from the minister about what precautions have been taken to make sure that community safety is not compromised now that there are offenders who would previously have gone to jail who are in the community on a CCO.

The PRESIDENT — That is so much better.

Moonee Ponds Creek

Mr FINN (Western Metropolitan) — I raise a matter this evening for the attention of the Minister for Environment, Climate Change and Water. I am sure that this is something that even the Greens will agree with me on, so this is a red-letter day for us all. Even Mr Jennings may go along with this. It concerns Moonee Ponds Creek and in particular that section of Moonee Ponds Creek near the exit of the Tullamarine Freeway at Flemington Road. It is somewhat of a misnomer to refer to it as Moonee Ponds Creek, because that part is in fact a particularly ugly concrete drain. My view has long been that it is about time we did something about that.

I attended the annual general meeting of the Footscray Historical Society in the last couple of weeks, and I discussed with a number of locals this very plan. They suggested to me that I should raise this in the house, and I am doing that now as a result. They have quite detailed plans of what they would like to see involved in the repatriation of the creek to its natural state. Given that this is one of the major arrival points of people to our city, and sometimes to our country, it would be a very good thing indeed if we were to get rid of the concrete drain, replace it with the natural waterway that it once was and appropriately line it with trees and other vegetation. It would be a delight instead of the eyesore it currently is.

In asking the minister to put in place plans to restore the creek to its natural beauty, I take this opportunity to wish you, President — as well as members and staff and their families — a very happy Christmas. I am hopeful that on future Christmases many of us will be able to go down to the banks of the newly restored Moonee Ponds Creek and enjoy a barbecue or a picnic, something that at the moment is quite impossible — not that you would want to do it anyway.

I ask the minister to take this on board and to put in place a plan to return the Moonee Ponds Creek to something that we can all be proud of, something of beauty and something that nature intended it to be.

Public transport accessibility

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Public Transport, and it is in regard to an event I was lucky enough to attend last week, the V/Line accessibility forum, which V/Line puts on regularly to bring together people with different disabilities, whether they be sight impaired or whether their disability means that they rely on a wheelchair for their mobility. This is a great forum where people with disabilities tell V/Line about the concerns they have had in recent times with accessing V/Line services.

The action I am seeking from the minister is, if this type of forum is not being used in relation to other forms of transport in Victoria — for example, our metropolitan trains or our regional and metropolitan bus systems — to ask that the authorities in charge of those modes of transport embrace the idea of a forum such as V/Line has been running for quite a while to learn from the people facing these challenges how their networks can be improved and made as accessible as possible for everyone.

Lake Connewarre aquaculture

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Environment, Climate Change and Water. It concerns a constituent of mine, Mr Ben Osbourne, a commercial eel fisherman. Mr Osbourne has been using parts of Lake Connewarre, specifically Reedy Lake and Hospital Swamp, to grow his eel stocks to a point where they are cultivated in a natural environment.

Mr Osbourne is dependent on those waterways for the growth of his eel stocks, but the catchment management authority (CMA) has seen fit to reduce the water levels, particularly in Hospital Swamp and Reedy Lake, to remove some of the reeds that are starting to fester and contaminate parts of the lake itself. That has had the impact of creating significant problems associated with the eel stocks. Added to that, Hospital Swamp currently has only about 40 centimetres of water. Mr Osbourne has been in ill health lately and has been seeking a resolution to this problem for a number of years now.

I know that the minister, Ms Neville, is aware of the matter, but it has become critical now that the CMA has seen fit to reduce the water levels to a point where Mr Osbourne is not able to continue keeping his eel stocks in Hospital Swamp and is seeking other refuges for them.

The action I seek in my adjournment matter tonight is to call on the minister to find a resolution to Mr Osbourne's problem so that either he can sell his entitlements to the water authority or the CMA can provide a catchment close to Reedy Lake and Hospital Swamp so that he is able to continue his eel stocking. It is important, given the deterioration of Mr Osbourne's health and the concern the family has for the ongoing business — the eels are processed in Skipton but grown down towards Barwon Heads — to find a resolution so that Mr Osbourne and his family have some certainty about the business itself or the compensation that could be paid for him to remove the entitlements he has to both of those areas and allow the CMA to do remediation works.

Like Mr Finn, and in another action — but one the minister does not need to respond to — I wish all members of Parliament in the chamber and the staff a very happy and safe Christmas.

Traralgon swimming pool

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Sport, the Honourable John Eren. It relates to the situation of an aquatic centre in Traralgon and its need for an upgrade. The Traralgon swimming pool is quite old; it was born in 1957, and the toilets are still circa 1957. It is outdated, it is antiquated and it needs rejuvenation. The Latrobe City Council has plans for a new aquatic centre — a competition-style indoor heated pool with eight lanes and a toddler pool, which would be a tremendous asset to the community. The community of Traralgon comprises some 28 000 people, and a short time ago they signed a petition which was delivered to the lower house by Mr Russell Northe, the member for Morwell.

We live on an island continent, and swimming is a vital skill to learn. Having an aquatic centre in the town of Traralgon is so important. It could be an economic driver by holding competitions, which would have an economic benefit for the whole town. People could learn to swim again, which is important, and it could be used for hydrotherapy by the hospital and the like. It is a given how important it is. The coalition pledged to provide $9 million to support the council in its efforts to raise money for the aquatic centre. I think it is so important that we get on board. My request of the minister this evening is that he provide funding for this vital facility to ensure that the people of Traralgon do not feel left out or forgotten and that they feel valued. I ask the minister to provide some funding.

Child protection

Ms CROZIER (Southern Metropolitan) — Before I raise my adjournment matter, I would also like to take this opportunity to wish all the parliamentary staff and my colleagues a very happy and safe Christmas, as other members have done.

My adjournment matter this evening is for the Minister for Families and Children, and I am glad she is here in the chamber. It relates to the current $241 000 review being undertaken into the department's external reporting processes of objectives, indicators and state budget outputs — measures for which the minister is responsible. I have repeatedly asked for information on a number of areas of public interest that should be made available.

In particular I refer to issues including the number of category 1 incidents, the number of Aboriginal and Torres Strait Islander children attending three and four-year-old kindergarten in each Victorian local government area, the list of new community playgroups that have received government funding, the cost of the ministerial advisory committee providing advice on foster care, the number of children in child protection who were not allocated to a child protection worker, the total number of child protection reports received each month, the number of children who were the subject of a child protection report requiring an immediate response visited within two days, and the number of personnel employed by the Department of Health and Human Services in child protection services.

The action I seek is that the review currently being undertaken by the minister's office address the parliamentary reporting shortfalls for which she has responsibility.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening a number of adjournment matters have been raised: by Ms Lovell to the Minister for Public Transport; by Mr Mulino to the Minister for Education; by Dr Carling-Jenkins to the Premier; by Mr Ondarchie to the Minister for Roads and Road Safety; by Ms Pennicuik to the Attorney-General; by Mr O'Donohue to the Minister for Corrections; by Mr Finn to the Minister for Environment, Climate Change and Water; by Mr Leane to the Minister for Public Transport; by Mr Ramsay to the Minister for Environment, Climate Change and Water; and by Ms Bath to the Minister for Sport. I intend to forward all of those adjournment matters to the appropriate ministers for direct response.

In respect of the matter raised by Mr Eideh for me, I propose to respond and discharge it now. Mr Eideh referred to the government's undertakings and various actions in support of playgroups, particularly those in his electorate. It is correct that the Andrews Labor government has established a $50 000 fund called the Great Start Community Playgroup Fund, which is providing seed funding for new playgroups and funding to existing playgroups to put on more sessions. I have been very pleased that Playgroup Victoria has administered this fund on the government's behalf.

In October I announced that there were 41 new playgroups that have been supported, but I can now report to the member and to the house that there have been 43 new stand-alone playgroups and 15 new sessions at existing playgroups supported through this particular grants program.

As Mr Eideh identified in his adjournment matter, many of those playgroups are in the western suburbs. But there have been many playgroups funded through this program right across Victoria. Regional Victoria has done particularly well in respect of the establishment of new playgroups. Just last Friday I had the opportunity to visit the Riviera Playgroup with the member for Carrum in the other place, Sonya Kilkenny, to present the support package for the new playgroup session that will be established in that community.

The grants are providing very practical support to parents to get new playgroups off the ground, in response to Mr Eideh's question about what the benefits have been. We know that getting parents involved in playgroups is very beneficial because it means they have the ability to socialise and share parenting skills and information with each other, and of course the children have the opportunity to socialise. They learn through playing and that has to be beneficial to them. These are usually very young children before they attend kindergarten programs and go on to their formal school education.

The program offers many practical benefits to parents, families and children. For the playgroups, the seed funding they get provides a voucher to purchase craft materials — things like a hamper of Crayola products for children to play with — so they can get the new group off the ground. It is also providing mentoring support from Playgroup Victoria to help volunteer parent committees with the smooth running and recruitment of new playgroups.

We are also doing a lot more to support supported playgroups to help families in need, particularly vulnerable families. We are looking at increasing the

quality and the focus of supported playgroups for disadvantaged families by lifting qualifications and supporting facilitators to upskill with scholarships and training in the evidence-based Smalltalk approach. I also point out to Mr Eideh that we are supportive of playgroups right across our state, whether they are community playgroups or supported playgroups.

I also propose to respond to Ms Crozier's adjournment. I have to say that her adjournment was a rather odd one in that she referred to a range of issues. I understood from her adjournment that she was referring to a number of questions on notice that she has lodged and, I would assume, have been responded to by me.

Ms Crozier interjected.

Ms MIKAKOS — I have actually responded to very many questions on notice during the course of the year. In fact I would hazard a guess that it would number in the many hundreds. I point out to the member that at the time of the last election I had questions on notice outstanding that went back as far as two years.

We have made a very considerable effort to increase our transparency and accountability in relation to providing information to the house and to members around these particular issues, including through improved reporting measures that were included in the annual reports of both of my departments, the Department of Health and Human Services, and the Department of Education and Training. Both reports have been tabled in the Parliament in recent weeks.

I know Ms Crozier does not want to go off and look at annual reports and at various data that is available on my various departmental websites. Essentially she wants departmental staff to do all the work for her and to provide her with answers to a series of questions.

In terms of her specific question today, she has reeled off a whole lot of performance measures. I can assure her and the house that I am absolutely committed to ensuring that we provide the best services that we can to vulnerable children and families. That is why we have got on with investing, with a record budget this year — a 17 per cent increase on last year.

If you look at our record of achievements throughout the year in this portfolio, you will see there have been many, many things to build upon a system that we inherited that was in crisis, that was the subject of a scathing Auditor-General's report last year and that has been the subject of a very critical report from the Commission for Children and Young People that related to the time of the previous government's administration.

Ms Crozier can come in here and grandstand about these issues, but I am providing information to her on a very regular basis in response to her questions on notice. She can make these political points, but the point I make to her is that we are a government that is committed to transparency and accountability. Look at the bill we introduced into Parliament just this week about additional accountability and transparency in relation to ambulance data, and there is a whole range of other indicators. I make the contrast between the approach of this government in relation to these matters and the approach of the previous government, which would not respond to these questions whether it was in question time or through questions on notice.

I conclude by providing written responses to adjournment debate matters raised by Mr Bourman and Ms Shing on 25 November.

I too take this opportunity to thank all of our staff — Parliament staff, particularly in the table office and Hansard; and our very hardworking attendants — for all their support throughout the year, and you, President, as well. I wish all members a very safe and happy Christmas and a safe and happy new year.

Mr Ondarchie — On a point of order, President, I remind you of an answer that was given in this chamber where a minister at the time responded to a question with, 'Well, if you want the answer to that, look it up on Google'. Today in discharging — so she thinks — the matter associated with Ms Crozier's adjournment matter, the minister advised Ms Crozier to either look it up in the annual report or check the website. I suggest to her that in terms of her ministerial responsibilities, if she does not have the capacity to answer today, she might like to take that on notice and respond in a more fulsome manner in writing to Ms Crozier.

The PRESIDENT — Order! That is not a point of order.

Felicitations

The PRESIDENT — Before declaring this session closed I extend my best wishes to everyone for a safe and happy Christmas. I particularly record my appreciation to the party leaders; to the whips, who do a fabulous job in supporting me in my work as President; and particularly also to the Deputy President, Gayle Tierney, for the outstanding work that she has done throughout the year. The committee processes — and I have completed that job myself in a previous

Parliament — are very demanding, and her stewardship of that part of our procedure has been outstanding. She has also represented me at a number of functions. I would be remiss if I did not extend my appreciation for the work that the Deputy President has done, along with those other office-bearers within the Parliament.

I was reflecting with Mr Jennings, and indeed earlier with Mr Barber, on this year in Parliament. I guess in many ways at this time last year we were perhaps even apprehensive about what the outcome might be in terms of the proceedings of this Parliament in 2015, given that we were in very new territory with the changed composition of the house. I think we have had a year of significant achievement, as can be seen when you look at the number of reports that have been prepared — and significant reports, reports of great quality — and when you look at some of the milestone debates we have had in the house through the year.

By and large, notwithstanding the very last item of the adjournment debate, there has been between members a level of respect and approach in this place that might well be recognised by other parliaments. A considerable amount has been done here very constructively, despite the fact that people are coming to some of these issues and some of the legislation we have dealt with from very different perspectives. Members ought therefore be very proud of the contribution they have made this year. Certainly I am appreciative of the support I have had throughout the year and the deference to my judgement, which might not always be right. Yes, I know, Mr Finn! No doubt Mrs Peulich would agree with you, and so would probably some of the ministers, Whilst my judgement might not always be right, I have certainly enjoyed the confidence of the chamber, and I appreciate that.

On behalf of all members of the chamber — and some members have taken an opportunity within the confines of the various processes we have to convey similar messages — I express appreciation to the clerks of this house for the work they have done, particularly to those who have not necessarily come into the chamber for duties here but have been so heavily involved in those committee proceedings throughout the year. Their advice, their integrity and their work ethic has been such that I think it has certainly been a foundation of the achievements of this house and this Parliament this year.

I extend my gratitude also to the redcoats. The attendants have done a tremendous job in supporting members, and I know their work is appreciated and I thank them for it. I extend further our felicitations to all of the other members of our staff, including those in the dining rooms and catering, the library, Hansard, IT, the properties and securities unit, and organisational development and the other support staff for our chamber and indeed those people who support the dark side — —

Ms Patten interjected.

The PRESIDENT — Order! Not security; I was going to come to them positively! I also obviously include in our thanks and our best wishes all of the security staff — the protective services officers and the Wilson Security people — who also have done such a fine job this year. Particularly in a year when perhaps there is a heightened level of apprehensiveness about some of these security matters, they have discharged their duties in a way that has made people feel very comfortable and has ensured that the accessibility of this building to visitors and members of the public has been able to be maintained whilst assuring us of a high level of public safety for members, staff and visitors to this place.

As we come to the end of the year, as I said, I indicate my thanks and best wishes to all. In saving one person to last, I thank Natalie Tyler for her work as my assistant this year — the gatekeeper. As members know, Jessica Pattison is currently on maternity leave. She sent me a photo of the baby the other day with Father Christmas, so they are all travelling well.

Mr Ondarchie — How's the baby?

The PRESIDENT — The baby is doing very well, as is Jessica.

Natalie stepped in this year, and really it was a seamless transition, which is really terrific and shows the skills of both people, because clearly Jessica handed over the job in good shape and with the procedures and so forth in place that made it easy for Natalie to step in — or relatively easy for Natalie to step in — and she has certainly acquitted herself very well. I would certainly be remiss if I did not recognise the great contribution that she has made in supporting me this year.

Everybody, have a happy, healthy, safe Christmas. Enjoy it with your friends and family, and I sincerely look forward to seeing each and every one of you next year.

The house stands adjourned.

House adjourned 6.36 p.m. until Tuesday, 9 February 2016.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses are incorporated in the form provided to Hansard

Victorian Comprehensive Cancer Centre

Question asked by: **Ms Wooldridge**
Directed to: **Special Minister of State**
Asked on: **8 December 2015**

RESPONSE:

No additional costs to Government have been incurred to date as a result of the decision not to proceed with the flawed and misguided idea of the former Government to privatise services on level 13 of the Victorian Comprehensive Cancer Centre.

It is also unknown at this stage the true costs that would be incurred had this proposal been progressed, given the failure of the previous Government to include the costs required to retrofit lifts to the facility to appropriately connect patients on level 13 to the rest of the hospital.

Under the former Government's plan, without additional investment by the Government or the private operator that was not identified or publicly announced as part of its plan, bed based patients in the private facility were to be transported to diagnostic services and the ICU in a goods lift shared with animals, animal waste and laboratory supplies.

In contrast, the current Government's proposal will ensure every square metre of the VCCC including the 13th floor is dedicated to services, education and research that will benefit all Victorians.