

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 20 August 2015

(Extract from book 11)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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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 — Dr Carling-Jenkins, Mr Eideh, Mr Elasmarr, 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 Elasmarr, Mr Melhem and Mr Purcell. (*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*): Mr Dalla-Riva. (*Assembly*): Mr J. Bull, Ms Blandthorn, Mr Dimopoulos, Ms Kealy, 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**

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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 Jaelyn	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

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Thursday, 20 August 2015

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

BUSINESS OF THE HOUSE

Adjournment

Mr JENNINGS (Special Minister of State) — I move:

That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 1 September 2015.

Motion agreed to.

MINISTERS STATEMENTS

Child protection

Ms MIKAKOS (Minister for Families and Children) — Recently I announced the Roadmap for Reform — Strong Families, Safe Children, a project that will drive systemic reform in the child protection and family services system so that we can effectively address demand and ultimately lower the number of children in residential care. This project builds on the government's record \$257 million funding boost to child protection and family services in this year's budget — including funding for early intervention services, more child protection workers and improvements to the out-of-home care system. A key task of the project is about intervening before children experience trauma and abuse so they do not enter the child protection system. It is also about finding ways to achieve the reunification of children with their parents where it is safe to do so and for as many children as possible to live with relatives or foster carers. This is where we invested in our first budget.

This work will be done in partnership with the sector; our government believes in consultation and engagement, which will be a key aspect of this important Roadmap work. Consultation with service partners and users of the service system is planned to take place in September, with additional opportunities for input available throughout the process. In response to recommendations in the Auditor-General's recent report entitled *Early Intervention Services for Vulnerable Children and Families*, the Roadmap project will include a review of services for vulnerable children and families. There is no quick fix. This is a system under immense pressure. It is a complex and challenging issue that cannot be solved by politicians alone. This is why it is important that we have more

members of the community stepping up to be foster carers.

I have spoken many times about how foster carers are heroes and that they are critically important to providing a loving, caring and supportive home to some of the most vulnerable children in our community. Deloitte has been appointed to resource the Roadmap project, bringing significant social policy and economic modelling expertise. The project will be guided by an expert advisory group comprising leaders of the early childhood sector, child and family support services, academia and commerce. We will continue to work closely with the sector to ensure that we make the children and family services system as robust and sustainable as possible to achieve better outcomes for vulnerable children.

International student welfare grants

Mr HERBERT (Minister for Training and Skills) — Earlier this year I was pleased to announce that in November 2014 Melbourne was ranked second in the world in the QS Best Student Cities list, outranking cities such as London, Sydney and Hong Kong. To maintain this ranking we must ensure the welfare of the international students who make the decision to study in our great state. Today I am pleased to inform the chamber of a new initiative to support the welfare of international students studying here. I am delighted to provide information on the implementation of the Andrews Labor government's election commitment to support international students with a \$4 million international student welfare grants program.

We are providing this extra support to those facing welfare issues such as those related to social isolation, consumer affairs and housing, and other issues related to the quality of their education. The new international student welfare grants will make up to \$50 000 available to international student associations and partner organisations to support international students while they study in Victoria. On 6 August I released the grant guidelines for the program, and we are currently receiving expressions of interest for those grants. Later this week I will also be hosting a workshop to encourage student associations and other groups in partnership with student associations to develop innovative projects that can be considered for funding through this program, which will make a difference to those international students who are doing it a bit tough.

In delivering this \$4 million election commitment, the government is offering international students a helping hand — not just because it is economically smart but because it is the right thing to do. The international

student welfare grants will complement the existing services available through the Study Melbourne Student Centre, which offers support for students, including a 24-hour crisis phone line, a drop-in centre in Little Bourke Street staffed by five case workers and an outreach campaign to ensure that international students who are struggling get a helping hand from the government.

Brand Victoria

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I rise to inform the house of the boost to trade in Victoria that will arise from the Andrews Labor government's recently unveiled Brand Victoria — The Best of Everything. Last week I had the pleasure of joining the Premier in making that announcement. The brand creates a strong brand identity that will help to promote Victoria's economic strengths, cultural diversity, world-class events and diverse regions to the rest of Australia and the world. It will be a key feature as we continue our successful inbound and outbound trade mission program.

This is central to Victoria's international engagement efforts because it provides a platform for Victorian organisations to explore key overseas markets and connect with potential buyers, investors and trading partners. As we look to connect with other major economies around the world through our trade programs, Brand Victoria's flexibility will provide us with a modern, consistent brand across government, making us far more identifiable as potential buyers and investors.

Brand Victoria characterises Victoria's many strengths: its status as the world's most livable city, a title we won again this week; the best sports and major events program; the best artists and creative minds; the best universities and schools; the best entrepreneurs and ideas; and the best regions and natural wonders — all in one place.

The Andrews Labor government understands the importance of international trade to Victoria's ongoing prosperity. As a result of Brand Victoria the Andrews government is set to bolster our already impressive trade reputation and cement our state as a world-class venue for investment opportunities.

MEMBERS STATEMENTS

Road safety

Mr ONDARCHIE (Northern Metropolitan) — Last Sunday in Yarra Glen there was another tragedy on Victorian roads; 16-year-old Cooper Ratten was a back-seat passenger in a car that rolled over at 3 o'clock in the morning, and he was killed. I have a personal connection to that accident, and my heart, my thoughts and my prayers go to the Ratten family as they grieve at this time, as they do to all Victorian families and friends who have lost loved ones, friends or workmates in road accidents.

Today I am asking MPs in Victoria, their staffers and those who follow politics through social media to use their social media accounts to do us all a favour over the coming days. I ask them to use their Facebook, Twitter and YouTube accounts — whatever form of social media they have — to send a message to our younger Victorians, who are the biggest users of social media in our society, that they need to make good decisions when it comes to travelling on our roads. They need to not get in a car if they feel unsafe. They need to get out of the car if they feel unsafe, and they need to understand that a motor vehicle is a weapon that can be turned into something quite dangerous. I implore those of us who use social media for political purposes, and I am as guilty as most, to use it today and throughout the weekend to send a message to our young people to make good decisions when it comes to our roads. We lose too many young people on our roads. It is a tragedy.

Senator Penny Wright

Ms PENNICUIK (Southern Metropolitan) — This morning I pay tribute to Greens senator for South Australia Penny Wright. Some weeks ago Senator Wright announced her intention to resign from the Senate due to illness in her family. This is very sad not only for Penny and her family but also for everyone who has worked with her and benefitted from her work as a senator. During her four years in the Senate Penny has held the portfolios of education, justice, mental health and veterans affairs, and she is a passionate advocate for her home state.

In education Penny has fought tirelessly for fairer funding of our schools to address the growing inequity in income and resources, and the discrepancy in funding increases between public and private schools. It is clear that more money needs to be directed to public schools to address disadvantage. Penny was a rare politician who deeply understood her mental health

portfolio from her work in the mental health division of the South Australian Guardianship Board. She has also been a strong advocate for justice reinvestment strategies and how they can be used to prevent crime, address poverty and exclusion, and turn lives around.

These are but a few of Penny's achievements.

Ms Hartland and I in particular have worked closely with Penny over the last four years in our portfolio areas, and we pay tribute to her hard work, passion and commitment. The Victorian Greens wish Penny and her family all the very best for the future.

Excellence in Workplace Rehabilitation Awards

Mr MULINO (Eastern Victoria) — I rise to make a statement in relation to an event I attended recently on behalf of the Minister for Finance, the Australian Rehabilitation Providers Association Excellence in Workplace Rehabilitation Awards. Occupational rehabilitation is a critically important and worthwhile sector. I pay tribute to the winners of awards in all segments, including best new starter, original employer, Leanne Sher from WorkFocus Australia; best new starter, new employer, Anita Cox from Recovre Group; outstanding return-to-work achievement, psychological claim, Greg Cameron from Carfi — I think it is worth noting that psychological claims are now being treated with far more importance in the workforce rehabilitation sector.

The outstanding return-to-work achievement, physical claim, went to Christina Abufhele from Converge International; outstanding consultant, original employer, Naomi Smith from CAC; outstanding consultant, new employer, Margaret Cozzolino from WorkAble Consulting; exceptional leadership, David Sagar from IPAR; innovation in return to work, Jacqui Main from Nabenet; and the president's award went to Anthony Zalakos. Accidents in the workplace and in transport situations can have a devastating impact on individuals and their families. The work that professionals do in this space is so important in getting people back to a normal life.

Police numbers

Mr O'DONOHUE (Eastern Victoria) — Earlier this week the new police force numbers to June this year were released. They show that as at the end of June this year there were 13 151 equivalent full-time sworn police members. That is exactly the same number as it was when the coalition left office in November last year. So here we are nine months into the term of the Andrews government and we have

issues with ice and family violence, we have the Police Association saying it needs more resources to respond to these issues and we have the government finding \$20 million for a new logo, but as of June this year it had not found the resources for one additional police officer.

Victoria is growing by 100 000 people a year, which is the population of Ballarat, and the Andrews Labor government and the Minister for Police, Wade Noonan, expect Victoria Police to deal with all these issues — terrorism, new operating procedures, no more one-up patrols — with exactly the same number of police officers. Labor has its priorities all wrong. It is spending \$20 million for a new logo — \$20 million! — and yet there was not one new police officer appointed in the first seven months of the Andrews government. It is an absolute disgrace.

Fitzroy Football Club

Ms PATTEN (Northern Metropolitan) — I was lucky enough last week to speak at my favourite football club, the Fitzroy Football Club. I was joined by the Minister for Emergency Services, Ms Garrett, and federal Senator Scott Ryan, and the event was organised by the Age's Richard Willingham. We spoke about women in football. On that same weekend I was lucky enough to see the brilliant game between the Demons and the Bulldogs on television, which was quite remarkable to see for the first time since women have been playing AFL football. It has been 100 years since the game was founded, and we have just had our first women's football game on television. We spoke about the need for more women in sport, and I was very proud that the Fitzroy Football Club has a female president and that half of its board members are female. We were joined on the day by a number of female football players, including Lauren Arnell, who has been quite a champion for women in sport.

The event really showed the need for more women in sport but also the need for more community sport. I have been a beneficiary of community sport over the years, as has my family. The way in which it brings together families and community enables you to link up with your community. My family moved around the country and around the world, and community sport was the one way that we could really link into our communities and make friends. That applied across our family, whether we children were playing or our parents were. Community sport is sometimes the unsung hero. It is linked to reductions in illness, it is linked to lower absenteeism in schools and it is linked to better results in schools, and we really need to

recognise the heroes of community sport. I for one will be supporting community sport.

John Clarence House

Ms SHING (Eastern Victoria) — It was my great pleasure to attend a tribute to John Clarence on Friday, 7 August, at the Australian Workers Union (AWU) office in Sale. This office was renamed John Clarence House in honour of a very long term dedicated member, organiser, delegate and committee of management member. John Clarence made significant contributions over decades to make sure that terms and conditions of employment were fairer, safer and more equitable. He provided positive role modelling and mentoring to the many people who worked with him and around him. He was a gentleman, he was well respected and well regarded in the enterprise negotiations he conducted and he proved an able advocate in relation to making sure that employers who sat across the table from him in the duration of his time as a representative were well aware of the issues that workers faced in maintaining safety and fair minimum terms and conditions.

This office was renamed in honour of Mr Clarence, and it was great to meet his family, colleagues and friends to celebrate the contribution he made and the way in which he approached his work and made a very positive difference. With that in mind, it was a great honour to cut the ribbon on the renamed and relaunched Sale office along with AWU state secretary Ben Davis. I pay tribute to everyone who helped facilitate the relaunch of this office.

ICT industry

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Earlier this month I was pleased to attend the Australian Information Industry Association's (AIIA) Innovation or Incubation — Women in Technology Driving for Change dinner. The event was organised by the AIIA to highlight the opportunities for and achievements of women in the Australian ICT industry, and included presentations by many women entrepreneurs who have achieved substantial success in start-up ventures, driving new innovation, and now seeding venture capital into the sector. The event also highlighted the opportunity for government to support the growth and diversification of the ICT industry.

In the last nine months we have seen a significant erosion of that support from the Victorian government. The whole-of-government focus on ICT championed by the Liberal-Nationals government, which integrated

whole-of-government ICT policy alongside internal government ICT functions and external industry support, has been decimated, with those functions unwound and split into three separate departments.

The holding of the CenITex reform agenda, Project Atlas, has severely undermined confidence among major ICT players and diminished Victoria's standing as a national ICT leader. The departure of much senior public sector talent in the ICT policy area has also diminished capability within the public service. All of this has been compounded by the fact that for the last two months the ICT sector has been without a portfolio minister. Meanwhile New South Wales is driving ahead with its agenda of integrating government and private sector ICT strategy. This has meant that that jurisdiction is now seen as one of the key leaders here in Australia.

The message from the dinner two weeks ago was that the AIIA and the industry in Victoria are looking for leadership from the Victorian government. We have a new minister, and I now call on that minister to provide the sector with the support and leadership that it needs.

Moonee Valley Lone Pine

Mr EIDEH (Western Metropolitan) — I am delighted to rise to speak in this chamber on the planting of the Lone Pine tree in Moonee Valley, which I was honoured to be present at. I thank the City of Moonee Valley and the Anzac centenary coordinating committee for warmly extending their invitation to me for this very important event. Most importantly I thank the 58/32 Infantry Battalion Association, which generously provided the Aleppo pine tree. The tree is a descendant of the original 'lonesome pine' from the battlefields of Lone Pine. It was grown from a seed from the Australian War Memorial in our nation's capital.

I was joined by the federal Leader of the Opposition, Mr Bill Shorten, and my parliamentary colleagues Mr Kelvin Thompson, federal member for Wills; Mr Danny Pearson, member for Essendon in the Assembly; Mr Ben Carroll, member for Niddrie in the Assembly; and Ms Colleen Hartland and Mr Bernie Finn, members for Western Metropolitan Region from this house, for the planting event.

The planting coincided to the day with the 100th anniversary of the Battle of Lone Pine. I congratulate the mayor, Cr Narelle Sharpe, all Moonee Valley councillors and all others who contributed to making the day such a glowing success.

Indian and Sri Lankan communities

Mrs PEULICH (South Eastern Metropolitan) — I wish to congratulate the many Indian and Sri Lankan organisations that have staged functions in recent times and thank them for the kind invitations to MPs to attend these events to support these organisations' activities. One such event was the Miss Sri Lanka Australia pageant, which I attended and which was a wonderful event.

Mr Ondarchie — Hear, hear!

Mrs PEULICH — Yes, and it involved women with beauty and brains. It was organised by Dilkie Perera. Congratulations to her.

I also attended the Burgher Association (Australia) function, honouring the contributions of Benjamin Blaze, who was one of the founding members. I had the privilege of sitting with the Blaze family and talking about the many achievements of that organisation, which includes owning its own facility.

The Melbourne University Indian Club and the Monash University Sri Lankan Cultural Club put on a wonderful performance at the Alexander Theatre. There was so much talent involved in that production that I am sure that there will be many potential winners of the voice competition amongst the performers.

There was also the Federation of Indian Associations of Victoria dinner for Independence Day, as well as Dr Aurora's Independence Day event involving the Australian Indian Society of Victoria. I thank them all very much. However, it is regrettable that the government has not come good on the promises it made to some of these organisations. That includes funding for the Holi Festival for The Australian Indian Innovations Incorporated (AIII), whose function I also had the pleasure of attending recently at the Clayton town hall. The government promised \$30 000 for each of three years, but the AIII is yet to receive a penny, and I call on the minister to expedite that election promise.

Troy Firebrace

Ms LOVELL (Northern Victoria) — I rise to congratulate Troy Firebrace, a young Indigenous artist from Shepparton, whose work was recently recognised at the 10th Victorian Indigenous Art Awards, which were held this month. His painting, *A Galaxy Swirl*, won the Federation University Acquisitive Award for Work by a Victorian Regional Artist. This award is well deserved. I know Troy's work very well, and he is

a fantastic artist. *A Galaxy Swirl* was described by judges as:

... a vibrant and dynamic painting that as, the artist explains, epitomises a bringing together of modernism and Aboriginal arts.

It will be displayed at the Art Gallery of Ballarat until November. Members can see Troy's work a little bit closer to Parliament House at the Bunjilaka Aboriginal Cultural Centre at Melbourne Museum. His work is on display as part of the Nitet Yapeneyepuk exhibition, an exhibition of work by artists from Gallery Kaiela, an Indigenous art gallery in Shepparton. I would encourage everyone to go along and see that.

Public holidays

Ms LOVELL — I also wish to raise the extreme concern of Shepparton small businesses about the government's plan to introduce a public holiday on grand final eve. The Shepparton Chamber of Commerce ran a survey of its members, and 89 per cent of Shepparton businesses have said that they are against this public holiday.

PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015

Second reading

Debate resumed from 18 August; motion of Ms MIKAKOS (Minister for Families and Children).

Mr RAMSAY (Western Victoria) — I am pleased to be able to make a contribution to the debate on the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015. I have been involved in a number of schemes where developers have paid funds for infrastructure needs in relation to the development of greenfield sites around metropolitan Melbourne. That was done through a process when I was working with the Victorian Farmers Federation. It particularly related to the concerns of farmers who held land fairly close to the green wedge, as it was known then, and the potential impact of developers seeking land but also how the levy, as the infrastructure contribution was known at that time, was arrived at in relation to the price those developers were willing to pay for that land.

There has been quite a lot of history in relation to different governments at different times trying to put in place systems whereby prior to establishing developments developers contribute funds to be

available for infrastructure for those communities that will live within the developments.

I am pleased to have the opportunity today to speak on this bill. I congratulate the shadow Minister for Planning, David Davis, on his efforts in relation to the amendments he circulated in the chamber on Tuesday which seek greater transparency and accountability for the funds that are collected through the contribution levy. The second part of the amendments relate to trying to contain the increasing costs of those levies so they relate to the consumer price index. I will deal with that a bit further on.

Having congratulated Mr Davis, I would also like to congratulate the previous Minister for Planning, Matthew Guy, now the Leader of the Opposition in the Assembly, who in the previous Parliament introduced a similar contributions bill. I am pleased to see that the current government has basically taken that bill, refined it a bit more and put it before this house. A lot of the work on this bill was done by the previous Minister for Planning and the review process he instigated with the Standard Development Contributions Advisory Committee, which made a number of recommendations. Its charter was to review the current system and provide advice on a new reform system. So the work done by Matthew Guy in the previous government in relation to setting up that advisory committee and the recommendations that came out of that committee have been transferred to the detail of this bill. That is why the opposition is not opposing the bill. In fact it happily supports the reforms identified and detailed in the bill, but it wants to improve it. That is why Mr Davis has seen fit to bring amendments to this house, which I am sure will be open for discussion later on, whether in committee or somewhere else.

As part of the recognition of the reforms that were required, the previous Minister for Planning, Matthew Guy, was able to put a works-in-kind instrument into the legislation, which is a mechanism to allow developers to forward contribute an in-kind payment for works that are about to commence. That provided some stability in the contribution levy regime and also enabled some planning to be done prior to development in relation to infrastructure needs and is probably recognised by most local municipalities.

The system for development contributions needed reforming. Both bills — the one of the previous government and the one of the current government — are consistent with the recommendations of the Standard Development Contributions Advisory Committee. That committee was charged with reviewing the existing system and providing advice on

a new reform system. These reforms set out to introduce a new scheme that will be fair and transparent and reduce costs in preparing and implementing a contributions plan.

I want to go into a bit of detail about what the benefits will be in relation to this new contribution plan. Firstly, the time and costs involved in preparing a contributions plan will be significantly reduced. By presetting standard levies, councils will no longer need to cost and provide detailed justification in the plan for levied amounts, and there will be a defined list of allowable infrastructure items, which will provide certainty about what constitutes basic and essential infrastructure. The new contribution plan will also reduce the need for detailed justification about why particular infrastructure items are needed.

The new regime will set two standard levies — a standard levy and a supplementary levy — which will provide for priority growth areas. The new regime will also be available to regional councils, which often do not have the strategic planning capabilities or the budgets to prepare lengthy development contributions plans under the current system. This bill provides clarity and certainty for the industry and is part of a harmonised system across the country. It will also reduce red tape.

I have some concerns about proposed new section 46GF of the Planning and Environment Act 1987, which will allow the minister to issue written directions to planning authorities in relation to the preparation and content of infrastructure contributions plans. My concern is not so much about the plans themselves but about the minister having significant powers in relation to land classification and whether a standard or supplementary levy applies. I am also concerned about the criteria on which it would impose a supplementary levy, but more importantly the amount of the levy. This is where people in the industry are a little bit nervous about the basis on which the minister would set a charge and whether it will be the standard levy or the supplementary levy.

I think Mr Davis's amendments are about trying to provide not only transparency and accountability in relation to funds received from the contributions but also about funds that are set aside in the Consolidated Fund. Clearly this is not only for the purpose of developing infrastructure but also about trying to rein in the increasing costs of a contributions plan through the CPI. I understand that the government has supported the first part of the amendments, and I have no doubt that there will be some discussion, most likely in

committee, in relation to the second part of the amendments, which relates to the CPI.

As I said, standard levy rates will be set so that they provide an appropriate contribution to basic and essential infrastructure. I have raised concerns around the fact that the rates will be set through a ministerial direction under proposed section 46GF. As I said, I am pleased to see that Mr Davis, the shadow Minister for Planning, has provided amendments which will give greater accountability and transparency in relation to the funds that are raised through the contribution levy.

The second-reading speech states:

The standard levies are preset levy rates that may be used to fund transport, community and recreation infrastructure and public land provision. The rates will be set so they provide an appropriate contribution for basic and essential infrastructure. There will be different standard levy rates for different types of development in metropolitan and non-metropolitan areas.

Interestingly it also states:

In particular circumstances, the infrastructure levy may also include a supplementary levy to fund infrastructure that cannot be adequately funded from the standard levy. The use of a supplementary levy, and the rate at which it is set, will need to be justified in each case. A ministerial direction will set out when supplementary levies may be used and the level of justification required.

I hope a question will be asked of the minister during the committee stage about the basis on which supplementary levies might apply, what the criteria are and how they will be charged so developers have some knowledge of the basis on which the minister might apply those charges.

I have talked about the presetting of levies and the justification for why particular infrastructure items are required. I am pleased to see that local municipalities have a role in identifying community needs in relation to the infrastructure components of either a greenfield or an infill site, because I understand the bill covers both, as it does with development right across Victoria.

In closing I wish to identify a couple of issues. The concern raised about ministerial direction in relation to rates set hopefully will not compromise the opportunity for home owners to enter the market and purchase homes, particularly on greenfield sites where we are seeing significant development. In my area of Greater Geelong we have seen the development of a new greenfield site to accommodate 60 000 people at Armstrong Creek. While there have been significant house sales and building and housing affordability has been retained, unfortunately there is no infrastructure. There is no railway station and there are limited green

parks. There was a quest to sell land but not appropriately to provide for the infrastructure needs of the growing community. I hope that councils are fully engaged at the planning stage with the infrastructure needs of communities, both now and in the future. Those greenfield sites will become growth areas, and we need to make sure that infrastructure needs are satisfied in the developer contribution model.

We also have Plan Melbourne, which is an overarching planning strategy for the city and future greenfield sites. When there is planning for new developments and when contributions are derived from new development works it is important that they are consistent with the planning strategy for Melbourne and outer Melbourne.

The bill adds to the significant work that was done by the previous government and certainly the work done by the previous planning minister, Matthew Guy, the Leader of the Opposition in the other place. Mr Davis's amendments add to the transparency and accountability of the new reforms. It is important that developers have some stability and the knowledge and faith that their contributions will be secured in and for infrastructure around the sites, and it is important for communities to have confidence that those contributions are spent in the way in which they were intended. Developers will want to make sure there is some control of the rates that are set and also the possible increase in rates over time in relation to their development work. I am sure local councils want to be comforted by the fact that they have a significant role to play in the formation of the plans and the infrastructure needs of their communities.

Lastly, the community want to be sure that where there are housing shortages and where there is ongoing development in greenfield sites, and in fact in infill sites, around Melbourne they are still able to enter the market and purchase houses that are affordable to them. There is potential with these contributions for them to be priced out of the market if the developers set the house and land sales too high.

On that basis I look forward to the discussion around the amendments, and I congratulate both the previous government in moving forward on these reforms, which as I said were born out of the Standard Development Contributions Advisory Committee and its recommendations, and Mr Davis for bringing forward his amendments to the Council for debate, which seek to provide greater transparency and accountability for the contributions raised and, in the second part of the amendments, try to limit increases to the charges that will apply to the CPI.

Mr DRUM (Northern Victoria) — It gives me great pleasure to be able to talk to the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015. It is a very important bill because it brings to a head an issue that has been bubbling around in Victoria for many years. I was in this house when, going back two planning ministers, the then Minister for Planning, Justin Madden, attempted to introduce a system of Victorian development assessment committees, which was abbreviated down to DACs. In the end Justin Madden had to drop his DACs because the system was totally unacceptable to the people of Victoria.

It is really difficult to try to find the balance. I remember thinking that this is such a complex issue when you have major regional councils faced with very difficult decisions about when they get the funding to put in place a lot of the infrastructure needed to accommodate increased development. Certainly Bruce Anson from Warrnambool was a real leader in pushing the need for local councils to be able to get their hands on funds early enough so they could do some of the significant infrastructure work that needs to be done prior to residents moving into these estates in their hundreds and thousands.

However, the previous attempt to get this money in was seen to be so early in the process that it led to a whole raft of unfairness issues arising right around the state. What was previously put forward was that once a particular parcel of land was put into an urban growth zone, the very next time that land was sold it would, by very right, need to have a tax paid into the state to the tune of, I think, \$90 000 per hectare. This had the potential to break many family farms that may have been put into urban growth zones where the people who were trading on these lands simply had no intention at all of having that land developed in the foreseeable future. We had example after example of where it simply would have been a very unfair situation to have that land included in a growth zone and have that tax payable the next time that land was sold, especially if that land was going to be sold for the continued operation of a farm. Therefore it stalled.

There was considerable backlash within a raft of submissions from around Victoria, and as I said, that system was dropped. It re-emerged over the period when Matthew Guy was Minister for Planning. The Labor government has picked up this bill, which was formulated under the previous government, and to its credit it has introduced it to get this system in place and to give the development industry the security and surety that it needs to move forward.

It is a very complex issue. The balance seems to have been better struck now with this new system where the moneys will be payable upon the application for a permit to develop that land. This will give all the developers the comfort that they need. They will know the rates, they will be able to do their sums and they will be able to go to the bank or their financiers because they will have a more uniform level of expense across the state. That is something we will welcome and I am sure the development industry will welcome that as well. There is every expectation that when you give the development industry that understanding and knowledge about where its expenses are, it will lead to lower priced residential blocks being made available to the Victorian public. We hope this will have a downward pressure on housing and we think it will help in the long term.

It is interesting to look at the many scenarios that can happen regarding development contributions. As we know, these residential developments are often done in various stages, so who pays for what amenity is another very complex issue. If a roundabout and a turn-off lane need to be installed because there are going to be another 3000 people living in an adjoining residential development, does all that land get levied initially? There may be only 100 blocks in the initial development, but there might be 1000 blocks in the overall stages 2, 3, 4 and 5 of a residential development. Who pays for the initial infrastructure to go in when the future subdivisions are not yet in place? It seems there will always need to be an overarching body able to take responsibility for these amenities, facilities and infrastructure that people who move into these regions will expect. It is not fair that the first applicant be forced to pay for all of the infrastructure whether that be the drainage, the sewerage, the electricity, the communications, the roadways, the sporting facilities, the beautification of wetlands and so forth. All of these facilities, amenities and infrastructure are the types of investment that need to be made at some stage by the various developers in a given area, and that is why these contributions will be so important.

Mr Ramsay, in his contribution, raised concerns about the supplementary levy that is mentioned in the bill, and I agree with him. Hopefully we will have an opportunity to hear from government speakers about the supplementary levy, the controls around that levy, when it will be used, whether it will be purely at the discretion of the minister or whether there will be a range of other guidelines and restrictions around the implementation of a supplementary levy. Otherwise we will simply return to where we have been, with a whole range of uncertainty around not only the levy and developers contributions but also the supplementary

levy if it is not well managed. Hopefully we will be able to ask those questions in the committee stage.

I want to acknowledge David Davis for the work that he has done in putting together these amendments. I applaud the government for agreeing to accept the amendments, which will increase transparency. The money going into the Consolidated Fund from these levies will now need to be made public. It is important for everybody to be able to see where the money goes and that it becomes transparent across the state. It is also important for people to be able to see the money going out, including where and on what it is spent, and for people to be able to trace it to ensure that all transactions are above board and beyond reproach.

Many of the new urban growth areas and fringe areas around Melbourne have amazing facilities and amenities for their residents to enjoy, but because of the density of the population in these areas many are still short on sporting facilities. In fact there is an enormous backlog. This puts more and more pressure on development contributions to ensure that those facilities are built not only for today but that they also have the capacity to grow to meet the demands of tomorrow. That is something that is apparent throughout areas like Wyndham, which we became acutely aware of last year.

Whilst we have some amazing facilities in the northern suburbs of Melbourne, there are some real pressures on some of the newer estates. We have to be aware of the pressures the people of today face. They expect to have the very best of facilities. They expect indoor stadiums, they expect synthetic pitches for their hockey and soccer and they expect proper clubrooms and changing rooms for their sporting clubs and facilities. Female facilities are now being included in all of the traditional male sportsgrounds, which is a fantastic initiative picked up by nearly every council. It ensures that whenever facilities are built, upgraded or changed, female change facilities are also included in the capital build.

The levy will help with the ongoing development of all these facilities around the state. It will also ensure that as we plan for the future developers will know exactly where the costs are going to be, subject to the supplementary levy that will be at the discretion of the minister. This will hopefully lead to a situation where developer time lines, finances and the processes through councils will be streamlined because of the reduction in red tape that we have been working so hard to make a reality, not just a talkfest. If that then leads to downward pressure on housing prices and blocks of residential land around the state becoming more

affordable because of what we do in this chamber, that will be a good thing. We will also end up building residential facilities with greater amenity.

Mr Ramsay talked about the example of Armstrong Creek being developed holus-bolus, without some of these facilities. There is absolutely no excuse for that residential development being built without every amenity possible, because it has been in the planning stage for 10, 15 or 20 years. We have been hearing about how Armstrong Creek is going to be a city on the edge of the city of Greater Geelong and how it is going to be complete and have everything. There is no excuse for not getting that development right because we have all known about the levels of growth expected in that area. There is extreme pressure on the government to get this right. It needs to follow through very carefully to make sure that the balance that we think may be right at the moment continues to be so.

Due credit needs to be given to Matthew Guy for the work that he did in government towards bringing the plan to this stage. Credit also needs to be given to the current government for bringing this legislation to the Parliament. Hopefully we will get this right and the government will manage the supplementary levy properly and fairly. We will then hopefully be in a situation where this simply becomes more of a matter of fact issue, one without the sensationalism of the unfair system that was previously put up to this chamber.

Ms FITZHERBERT (Southern Metropolitan) — I am very pleased to rise to speak on the Planning and Environment Infrastructure Amendment (Infrastructure Contributions) Bill 2015. I listened with great interest to the contributions of members, particularly that of Mr Davis, who foreshadowed some substitute amendments, which I believe have been the subject of discussion and which will be circulated at some point during the debate this morning. I look forward to seeing them.

The bill is in a very similar form to one foreshadowed by the previous government. It is about trying to ensure that the system is clearer, more straightforward and, above all else, fair to everybody who is involved. It is about reducing the time and costs involved in administering a contributions plan. Reducing the cost is a critically important thing because that ideally translates into lower costs for homebuyers, creates a more affordable land supply and makes buying a house cheaper for everybody.

New section 46GB establishes a new regime for the preparation of infrastructure contribution plans. The

member for Box Hill in the other place made some comments on this section, which I would like to repeat for the benefit of this chamber. He said:

It provides that a planning scheme may provide one or more infrastructure contributions plans for the purpose of levying contributions to fund the provision of works, services and facilities in relation to the development of land in the area to which the plan applies as well as the reasonable costs of preparing the plan.

Putting the infrastructure contributions plans in the planning scheme will provide certainty. People need to know what sorts of costs are involved. They need to know what kind of infrastructure is able to be funded through this mechanism. They will be able to tell that by reference to the plan that is part of the planning scheme. An additional feature, section 46GF, enables the minister to issue written directions to planning authorities regarding preparing infrastructure contributions plans and their content.

I will speak briefly about the amendments which Mr Davis has proposed. They can be described in broadly two ways. The first aspect is about transparency, and I think that is particularly important. It is clear that the community expects there to be transparency in these sorts of transactions. That makes for a better system that we can all respect. It makes for a more honest system. It makes for a system that offers protection to everybody who is involved by allowing them to have a clear understanding of who is doing what and when.

As I understand it, Mr Davis's substitute amendments address the situation where a developer contribution goes into consolidated revenue. In the absence of this change there is the potential for a developer contribution to quietly and anonymously disappear into government coffers, without an opportunity to scrutinise what had been contributed by whom and the context and environment in which the contribution was made. As I understand the substitute amendments — they have not been circulated yet — they require these contributions to be reported annually to the Parliament. This change will make it clear that anybody can follow the money.

The issue of developer contributions is especially relevant to part of my electorate, Fishermans Bend, which is a huge development site. It is one of the largest areas of urban development in the country. Let me explain through this example why developers and development contributions are especially relevant. Most of the land at Fishermans Bend is privately owned. Compared to other areas of significant urban renewal, there is relatively little land that is publicly owned and

could reasonably be expected to be used for public facilities. I am thinking of things like parks, schools or child and maternal health centres. There is some park space in Fishermans Bend at the moment — some of it, I note, is owned by a private school — but there are certainly no schools and there are no other provisions like child and maternal health services. The framework planning phase therefore becomes all the more critical.

In July 2014 the Napthine government released the *Fishermans Bend Strategic Framework Plan*. The current government, when in opposition, said this needed to be dramatically overhauled. The work that had gone before — the consultation, the planning and the work with urban planners, architects and the relevant local councils, the City of Melbourne and the City of Port Phillip — all had to be put aside. In April the government announced a review of the *Fishermans Bend Strategic Framework Plan*. What this does is basically put all the planning for the everyday stuff that people will need, which is at the very heart of what we are talking about with this bill, off well into the future. The review will be completed in about a year, and then there will be a formal exhibition process. We are looking quite some way away. It will be a good 18 months before we have any sense of clarity about what is going to happen in this space in terms of the infrastructure, which is so directly relevant to developer contributions. All that has been put off into the future.

There is also a new committee. As I understand it, the role of the Fishermans Bend Advisory Committee in what we call the 'recasting' of the precinct is to provide independent advice to the Minister for Planning on the preparation of detailed strategic plans for Fishermans Bend. This includes 'transport infrastructure, community infrastructure and open space, environment and water sensitive urban design responses and development contributions'.

In opposition the member for Albert Park in the other place criticised the government for approving apartment buildings in Fishermans Bend and talked about the need to identify and plan for open space and other community infrastructure. I note that he has been very quiet on this issue lately. There is one bit of action that has taken place regarding Fishermans Bend as a result of decisions of this government, which has put most of the planning off to one side — that is, the train station has been dumped by the government. There is no answer on what the public transport solution will be.

In relation to public transport, the Minister for Planning told the *Age*:

I don't want to be prescriptive about that.

That is interesting. We have a planning minister — a senior minister in the government — who does not want to be prescriptive about public transport. Forgive me if I am mistaken on this, but I would have thought public transport is a pretty fundamental thing for a state government to be a bit prescriptive about. The minister went on to say:

If you are going to have 80 000 people living here, clearly a public transport link is going to be necessary and I don't want to presuppose what that might look like.

If the planning minister does not have a view and does not decide, who will?

I will interrupt my contribution briefly to ask that Mr Davis's substituted amendments be circulated.

Opposition substituted amendments circulated for Mr DAVIS (Southern Metropolitan) by Ms Fitzherbert pursuant to standing orders.

Ms FITZHERBERT — As I mentioned earlier, the amendments essentially fall into two categories. There are those that address the issue of transparency, and I am told these have been the subject of discussion with the government and are agreed. Then there is an additional set of amendments which go to the issue of capping growth to CPI, and I understand that this is not agreed. Mr Morris will be dealing in more detail with the amendments being circulated at the moment. While my fellow members enjoy reading those, I will continue with my commentary.

Mr Ondarchie — We are.

Ms FITZHERBERT — I can tell Mr Ondarchie is enjoying them.

Mr Ondarchie — I cannot contain my enthusiasm.

Ms FITZHERBERT — I hope Mr Ondarchie tries to contain his enthusiasm. I am going to continue with some comments about Fishermans Bend. I was just speaking about why it is unusual, in my view, that the Minister for Planning does not want to be prescriptive about public transport in that area when he has made some decisions about other things. In April the planning minister approved seven new apartment towers for Fishermans Bend: four towers of up to 51 storeys on South Melbourne's Johnson Street; two towers, one of 39 storeys and another of 49 storeys, on Normanby Road, and a 12-storey tower on Salmon Street. The minister said at the time:

These are very big projects, they will take time to construct, but I am conscious of the need to resolve the transport question in this precinct.

Residents in the Assembly electorate of Albert Park are also very keen to see that issue resolved, because they are the ones who will need to deal with the issue of increasing numbers of people in the precinct. They want to know how this will be handled when things are already very tight in terms of access to public transport and schools. This goes to the heart of the problem with what is happening at Fishermans Bend. The planning process for the facilities that people, both residents and workers, need in this area are being pushed back while apartment blocks are being approved.

The issue of schools is fundamental. It seems to me that it would be ideal to plan things like schools and public space before we have buildings going in. We had an opportunity to do that through the work done by the previous government, but that has been put to one side. I have spoken previously in this place about overcrowding in schools in Albert Park and in particular about the need for a primary school in South Melbourne. The previous government worked to progress this: it identified the land and bought it, cleared it and prepared it as it went through the planning process with local council. I drove past that block last week, and it remains untouched. There has been no work since the change of government.

Similarly I drove past the proposed site the government has in Albert Park. Parks Victoria is still in that building, as is Orchestra Victoria, and neither show any sign of leaving. There will be no new primary school being built there anytime soon, let alone a secondary school. There is an excellent secondary school in Albert Park — Albert Park College — but if we have 80 000 people in Fishermans Bend, I put it to the minister that we might need to consider additional schools as well.

Port Phillip City Council recently made some announcements about money it wants to spend and the role it needs to play in putting in place some of these community facilities. It has asked for some financial assistance from the government to do this, but I do not believe there has been any response — there has certainly been no public response — to this request. The council is on the right track with this. The time to plan the infrastructure is before we have buildings going up and have valuable space being taken up when it could be used in a better way for the community. I call on the Minister for Planning to fix this mess, particularly in relation to public transport, and to show some leadership within the government and the community to provide the kinds of infrastructure and community amenities, facilities and resources that are so very badly needed in that area.

I return briefly to the central themes of the bill we are debating at the moment. I particularly endorse the transparency issue. This is a critical issue for government. We need to do the right thing and we need to be seen to be doing the right thing; people need to be able to scrutinise what is happening and when. I mentioned earlier the phrase 'follow the money' — I suppose it might be a bit unwise to say that in this place, but that is fundamentally what it comes down to. Given these kinds of developments — we are all familiar with these sorts of events in a variety of places around our state, though there is no need to name names or identify anyone in particular, where there are competing ends, where there is a lot of money at stake and where there are communities that reasonably have an interest in what is happening in their local area — it is reasonable to allow everybody to understand what is happening, see what is being paid to whom and decide whether the outcome is sufficient for their community.

I join my fellow members in supporting this bill. I strongly endorse Mr Davis's amendments, and I congratulate him on the time he has taken in addressing this issue, which is a deficiency in the bill, to ensure that it is better and more responsive to what people want. He went to the government and to some extent sought to do its work for it in order to make this a much better piece of legislation for all Victorians.

Mr MORRIS (Western Victoria) — I rise to make my contribution to the debate on the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015. I begin by noting that this bill is similar in many ways to a bill that was introduced by the previous Minister for Planning, the Honourable Matthew Guy, who is now the Leader of the Opposition in the Assembly. We as a party certainly support a systematic approach to ensuring that infrastructure contributions are made in a way that makes them well known in advance to developers, councils, people purchasing residences and the like.

It is important to note the importance of certainty. There is one thing that shakes business confidence and confidence in the economy, and that is uncertainty. In the opportunity to propose some systematic approaches to infrastructure contributions we certainly see the capacity to create more certainty. This ensures that we all know what a project will cost developers and what money will be available to councils. The flow-on effect is going to be the certainty created for new homebuyers by ensuring that they know what it is going to cost to purchase their land, just as developers know what that land will cost them.

It is important to note that Victoria is a state that is growing rapidly. Melbourne, our capital, is certainly growing rapidly, and other large regional centres, such as Ballarat and Geelong, are also growing exceptionally rapidly. In the case of Ballarat we have a city that is growing at a rate of 2 per cent per annum. Its population reached 100 000 last year, and it needs to plan for its growth.

The type of facilities planned using these developer contributions will certainly make the developed areas much more attractive to people who are moving into those areas. My electorate office is in Ballarat, and I see that the Ballarat West growth area has certainly been well planned. I congratulate Ballarat City Council on the work it has done there. That is not self-praise, Acting President; it is praise for the council that developed the plan and your good self as an advocate for the importance of that area in Ballarat. In Ballarat West we have seen a precinct structure plan for the growth area of Ballarat that will provide for the amenities that are going to be needed in that area. Schools, medical facilities and activity centres have been planned for. It is also critically important that other areas, particularly those for which councils are responsible, are planned well in advance and that councils know when those facilities will come to fruition.

Football ovals and other sporting facilities are critically important, and it is important that councils have the capacity to ensure that there are sporting facilities for not only men but women as well. That is something on which councils have gone backwards in the recent past. There has been a lack of facilities for women. Under the last government, however, we saw acknowledgement that there is a great need for women's sporting facilities. We are certainly seeing such facilities being provided now. In the past women have had to change their clothes for games of netball, cricket, football or whatever in shipping containers or, in worst-case scenarios, their cars. However, there is now the capacity to ensure that facilities exist so that women have the same opportunities to participate in sport as their male counterparts. It is critically important that we see that occur.

I noted before that certainty is a necessity. Certainty is what we see when we take a systemic approach to infrastructure contributions. Within Western Victoria Region it is not just Ballarat that has developed precinct structure plans to ensure that developments occur with all the right facilities. I congratulate the City of Greater Geelong for its work on a series of precinct structure plans that will facilitate the growth of the Armstrong Creek growth area in the great city of Geelong. There is

a need for schools, medical facilities, activity centres and the like. There are also needs in areas that councils are more directly responsible for, being sporting facilities and the like, and these infrastructure contributions will go directly towards those.

I will take this opportunity to make some comments around the amendments that have been drafted by Mr Davis and circulated amongst members in the last little while. I note that there are two main themes behind these amendments. Amendment 2 reads:

Clause 4, page 11, after line 31 insert—

“(6) Directions issued under this section cannot provide for annual indexation that exceeds the movement in the consumer price index over the period to which the indexation relates.”.

I congratulate Mr Davis on that amendment because he is doing the government a great favour in ensuring that it keeps its election commitments. We hear a lot in this place about the election commitments of the government, and it espouses that it keeps every single one of them. I am not going to make a comment at this point on whether that is true or not, but I note that on 4 September 2014 when he was on 774 ABC’s *Mornings with Jon Faine* radio program, the Premier, Daniel Andrews, spoke on this point. He was asked, ‘Are you going to put up taxes?’. He replied:

Of course we’re not. We’re not going to tax our way into — we reduce taxes, John. We reduce WorkCover premiums. We ran a AAA budget. That’s the fact of the matter.

On the same program he was repeatedly asked the same question, and he said he was not going to raise taxes above CPI. Mr Davis has quite rightly, and for the benefit of the government, drafted an amendment that will facilitate the government’s keeping of its election commitment. I would struggle to see why the government could not accept this particular amendment, because it is going to facilitate its keeping of its election commitments. I congratulate Mr Davis on these amendments.

Amendment 8 is a second broad-scheme amendment, which reads:

Clause 4, page 19, after line 6 insert—

‘46GN Minister to report annually

The Minister must cause to be tabled in each House of Parliament at intervals not exceeding 12 months a report setting out—

- (a) the total amount of infrastructure levies and development contribution levies paid to a municipal council as a collecting agency or development

agency during the period covered by the report; and

- (b) the total amount of infrastructure levies and development contribution levies paid to a collecting agency that is not a municipal council during the period covered by the report; and
- (c) the total amount of infrastructure levies and development contribution levies paid to the Consolidated Fund during the period covered by the report; and
- (d) the total amount of infrastructure levies and development contribution levies paid out of the Consolidated Fund during the period covered by the report; and
- (e) the total amount of infrastructure levies and development contribution levies paid during the period covered by the report.”.

They are very sensible amendments. They go to the issue of transparency and ensuring that we as members of Parliament and the community at large have access to information about the amount paid in developer contributions and where those developer contributions have gone. I believe it is very important that we all understand exactly where the funds are going so that residents know where those funds are going in terms of infrastructure within their local communities and understand what those funds are going to be spent on — whether that be for outdoor recreation space, indoor recreation space, parklands or the like. It is important that we all understand that.

This reminds me of an amendment that was recently agreed to in the State Taxation Acts Amendment Bill 2015. That was the first taxation bill to amend the legislation since the 1970s. Transparency measures were added to that bill to ensure that tax breaks given to developers are reported to the Parliament. That was a very important amendment to the legislation. It was something proposed by the opposition that will ensure transparency in the legislation. The government agreed that it needs to be more transparent. The government did not want to be seen to be hiding this information. Indeed the developers who came before an inquiry into the State Taxation Acts Amendment Bill agreed that transparency is needed in these types of dealings to ensure that everything is entirely aboveboard so that everybody has confidence that developers, the government, Treasury and the like — in fact everybody — are making available appropriate levels of information.

I suppose at times developers are viewed with suspicion, as sometimes politicians are. We could be seen in the same light there, but if we ensure transparency and if everything is in the public domain and is aboveboard, then we all know that everybody is doing the right thing and that everybody has the best interests of the community at heart. That is really what developer contributions are about, and that is what this bill is about. It is about ensuring that our community has the appropriate infrastructure as we move forward. As a growing state with growing cities, it is important that we do.

I will digress for a moment and go back to some of the amendments Mr Davis has had circulated. I note the importance of the amendment to ensure that the indexation of developer contributions and the like will not rise above the consumer price index. It is critically important to understand that this government made a commitment that taxes, levies and the like would not rise above CPI. Unfortunately in the case of the fire services property levy we have seen that that levy has risen well above CPI. In certain instances it has risen well above 10 per cent. Certainly in the city of Ballarat there has been a rise of over 8 per cent in that levy. It is a great concern to me personally and to many of my constituents that these funds will not be going to infrastructure. These funds are not going towards the Country Fire Authority to ensure that sheds and the like are built. Rather they will be going to fund Peter Marshall and the United Firefighters Union of Australia's pay claims. That is of great concern. If this amendment is agreed to, the government can be held to account for its election commitment to ensure that rises in these developer contributions will not be above CPI.

It is important to note that these rises in developer contributions do not just stay with developers. If there are rises in these contributions, they flow on to people who buy homes — to young families who are purchasing their homes in areas such as Lucas and Armstrong Creek. This is where these costs flow through to. We cannot think for a moment that these costs are going to be borne by developers — developers need to pass on these costs. If these contributions rise above CPI, that is going to make houses in these growth areas less and less affordable. It is an important point and has been a topic of discussion just about everywhere I go — the cost of housing is a critically important matter. This amendment circulated on behalf of Mr Davis would give certainty to residents, particularly new homebuyers, that the cost of their properties will not skyrocket as a result of a broken promise by this Labor government. At that point, I thank the Acting President and conclude my contribution.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak briefly on the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015. This bill amends the Planning and Environment Act 1987 to introduce a new system for leveraging contributions towards the provision of works and service facilities, and plan preparation costs in relation to land development. Contribution levies, as has been stated, are part of a system for providing appropriate facilities and works in areas that need those services. This bill looks at amending the Planning and Environment Act to provide for a new system.

A lot of this work, as has been previously stated, was undertaken under the former government by the former Minister for Planning, Matthew Guy, now the Leader of the Opposition in the Assembly. The Standard Development Contributions Advisory Committee was established in 2012 to look at what needed to be undertaken to provide a fairer system and more certainty in terms of community expectations, and also to provide certainty to developers and others in new development areas.

As we know, at the time the minister established that advisory committee to look at a new system that would consider those areas, which include amenities that need support to be provided for any proposed new development. These amenities could include anything from open space to the community facilities already spoken about, such as schools, public transport and medical facilities, and could even include aspects of the planning process such as appropriate water supply and stormwater drainage — all the issues that need to be considered when new developments are being undertaken. This contributions tax was a way to enable those amenities to be provided. The reforms introduced by the previous government under the then Minister for Planning were intended to make this possible. This bill is very much a work in progress when compared to what the former planning minister had achieved. The bill attempts to simplify and standardise the contributions tax. For a long time there has been a need for developers and the community to understand what these contributions taxes go towards.

As my colleague Ms Fitzherbert — who is not in the house — mentioned, a contributions tax was to be applied to the development of Fishermans Bend. At the time this was announced by the former planning minister Fishermans Bend was a huge urban development — in fact the largest in the nation. It included 250 hectares of land. Other areas close to the city have been developed over a number of years, including Southbank and Docklands, but urbanisation and redevelopment was planned for Fishermans Bend.

A contributions tax could provide important amenities for that area. The minister made clear the amenities that were required for Fishermans Bend. As we know, our population is increasing and urban areas are becoming more dense in population. Improvements to amenities are needed for these areas, and more amenities also need to be built. It is disappointing that the current government has not taken the lead that the former government took in providing that necessary infrastructure.

The current government put out a media release earlier this year in relation to Fishermans Bend in which it divided the area into five distinct neighbourhoods. However, this division still does not go to the heart of the amenities that need to be provided for those five distinct neighbourhoods. Despite the fact that the government has said that the community will be involved at every step in an open and transparent way, I do not think that has been the case so far, because many of the services that were to be provided for the area, such as a school near Ferrars Street, have been scrapped. The current government is not planning for an increase in population.

I have to congratulate Ms Fitzherbert for her advocacy on behalf of the Port Melbourne and South Melbourne communities to address the shortcomings of the current government in planning for more schools and public transport needs. This is a good example of when there is urban renewal and a contributions levy can be applied to give the community greater certainty in relation to what is proposed. We need to make sure that the current government has the ability to enable the community to have confidence in it providing these amenities.

Mr Davis's amendments draw attention to the fact that we need greater transparency and accountability. The amendments would enhance this bill to provide the community with certainty and confidence that the contributions levy is being applied in the right areas rather than being sucked into other areas or not being made available for the appropriate services.

Overall, the opposition agrees that this bill will provide greater certainty and clarification and also a reduction in red tape. Our concerns about the need for greater transparency and accountability are addressed by Mr Davis's amendments.

Mr ONDARCHIE (Northern Metropolitan) — I rise to also speak on the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015. This bill amends the Planning and Environment Act 1987 to introduce a new system for levying

contributions towards the provision of works, services and facilities and the planned preparation costs in relation to the development of land in areas where infrastructure contributions to the plan apply. The bill aims to reduce the complexity, costs and delays involved in planning for and levying development contributions towards infrastructure provision. For example, it presets a list of allowable infrastructure items that may be funded through the levy, and the infrastructure contributions plan details the levy payable and the infrastructure items being funded. In theory it makes things clearer and reduces scope creep.

The levy has two parts: a standard levy and, where appropriate and justified, a supplementary levy. Standard levies may be used to fund transport, community and recreational infrastructure and public land provision. It is claimed that simplifications will help regional councils access this funding source. I have some scepticism about that. I will talk more about it in today's contribution and perhaps in the committee stage as well.

Much of the bill, however, follows the previous government's work in seeking to simplify and standardise infrastructure and development contributions in the development contributions plan but outline the actual infrastructure to be provided. Simplification and standardisation will help reduce costs, and the coalition is always about trying to reduce costs in this state to make it easier for business to do business and for people across Victoria to benefit from those business activities.

The bill preserves achievements of the previous government, including the in-kind development contributions. However, the coalition and I have some legitimate concerns around the issues of transparency and the many development charges levied by relevant authorities — local councils, the Metropolitan Planning Authority and others. We also have some concerns about contributions that are made to the Consolidated Fund. All these payments should be very closely tracked and monitored, and they should be transparent, in full, to the people of Victoria. The bill requires that councils and collecting agencies must report to the minister when asked by the minister. To date there has been no consistent reporting mechanism by councils and other collecting agencies. It will be interesting to see how the government intends to monitor a program about levies and contributions by councils and other authorities, when and if they are ever asked by the minister.

The opposition proposes moving some substituted amendments to the bill, which were circulated this

morning. They go to the tens of millions of dollars of funds that have been held as development and infrastructure contributions and to ensuring they are visible to the Parliament and the Victorian community so that their purpose and intended ultimate destination are very clear to everybody. Yesterday we spent a bit of time in this place talking about transparency, and we are hopeful — nay, we are optimistic — that the government will agree to our amendments around transparency.

The title of the bill is very important because it suggests it will increase the levies and charges on development. In fact the bill makes likely an increase in contributions in the west and the north, especially in places like the Wyndham and Hume municipalities. I know that the northern metropolitan area of Melbourne is dear to your heart, Acting President, as it is to mine. It is a very important subregion of metropolitan Melbourne. A key focus for that northern subregion will be to continue to develop a diverse industry base linked to its key transport infrastructure and education technology and research capabilities.

We will need to grow those outer areas into vibrant, well-serviced communities through the development of the north-east link and maybe a new La Trobe employment cluster — I know that is also very dear to your heart, Acting President. That is because the current population of the north — including in municipalities like Banyule, Darebin, Hume, part of Mitchell, Moreland, Nillumbik, Whittlesea and others — is around 869 000. I know that you, Acting President, and I have been working very hard to try to meet every single one of those people, and we are working our way down the list.

The future population growth to 2031 is predicted to be 470 000. Currently there are about 231 000 jobs in that area, and we know, Acting President, that jobs are probably the most important things affecting the northern suburbs right now. Potentially future jobs growth could grow to 140 000 by 2031, but there is lots of work to be done. We know the small business and development industry is part of that economic cycle to make sure that opportunities exist. It is important that through this legislation people recognise that opportunity for employment.

There are major metropolitan activity centres, like at Broadmeadows and Epping and the interestingly named Lockerbie development just beyond Melbourne Airport. Melbourne Airport is in the centre of the key gateway for transport in that area. There are also key health and education precincts, like the Austin Hospital, the Northern Hospital, the Craigieburn Health Service,

the newly repatriated La Trobe University Medical Centre and also University Hill, which includes the RMIT Bundoora campus. There are key activity centres in Beveridge, Brunswick, Coburg, Craigieburn — in the Craigieburn town centre; there is enormous growth around Craigieburn — Diamond Creek, Eltham, Gladstone Park, Glenroy, Greensborough, Heidelberg, Ivanhoe and, with its growing population, Mernda, which is just beyond our electorate, Acting President. The people of Mernda are awaiting a long-promised railway service that they think the government will deliver for \$9 million. That will be interesting; the people of Mernda are waiting anxiously to see if there will ever be any further commitment.

Mr Herbert interjected.

Mr ONDARCHIE — What is interesting, as the government members get back on their toes this morning in defence mode, is that they know and we know that 9 million bucks to build the Mernda rail is never going to cut it. We know that. What is interesting is that they said it will be done sometime in the future, yet anybody taking a glance at the forward estimates in the recently released state budget will see it shows there is no money — —

Mr Davis interjected.

Mr ONDARCHIE — There is no money. The Disneyland government that we have is saying that sometime, in Frontierland or Futureland, it will be built. But who knows? The people of Mernda wait to see if there will ever be a genuine commitment. Places like Mickleham, Northcote, Preston — and you know very well, Acting President, about the sort of population around High Street, Preston, and job opportunities — the Northland area, Roxburgh Park and South Morang, and a bit beyond to Sunbury, Wallan and Wollert are all important places.

There are some important future initiatives that the opposition seeks the government to consider. We think a Melbourne rail link which includes the airport rail link is vital for the commuters in the north.

Mr Herbert interjected.

Mr ONDARCHIE — It is vital for the northern area. Mr Herbert seeks to interject by way of defence. He knows, as the former lower house member for Eltham apparently, that that area has long been rejected by the Labor Party.

An honourable member — He has fled Eltham.

Mr ONDARCHIE — We do not know where he is now — somewhere up north, somewhere beyond Eltham — as he passed up the opportunity to hand over to some union connection that did not quite work out for him. Nonetheless, what he did not talk about was the potential north-east link. He was silent on that for a long time as the member for Eltham, and we wonder why. But then again, he was silent on a number of other things as the member for Eltham.

I could talk about the potential transport corridor through the north of Melbourne and about potential opportunities for jobs and economic development to meet the aspirations of current and future workers, issues on which the government is silent. Members of the opposition wonder if government members will ever return to focusing on one of the most important issues in this state — that is, jobs. We wonder if they will ever do that.

We know from the very title of this bill that it is a smoke-and-mirrors opportunity to introduce a new government tax. In this place we are reminded so often by Mr Dalidakis that the government said it would deliver on every one of its election commitments. He has said the government will deliver on every one of them, including that there will be no new taxes. The government has failed on this one. Put a red line through it. It is a failed election commitment. It is just like Start-Up Victoria. Those opposite said, ‘We will start that’, but it has had no start.

Open-ended charges, levies and taxes will affect housing affordability. That sensible contributions are linked properly to necessary local infrastructure is tolerated by industry and supported by this coalition, but open-ended increases beyond CPI —

Honourable members interjecting.

Mr ONDARCHIE — Acting President, you will pardon the other conversation happening in this place, if that is okay. Maybe there is a sub-house within the house today. I am not really sure.

The ACTING PRESIDENT (Ms Patten) — Order! Mr Davis and Mr Dalidakis will keep it down a little bit.

Mr ONDARCHIE — Open-ended charges, levies and taxes are going to directly affect the affordability of houses. Opposition members worry about young people being able to afford houses; and this legislation will directly affect them. We think sensible contributions linked to local infrastructure will be supported by the industry, and the coalition supports that, but a free-for-all system that goes beyond CPI will put

Victoria’s advantages at risk and would negatively affect housing affordability. Ultimately all those costs, levies and taxes will be passed down to the homebuyer and will affect housing affordability, but government members are silent on that today. Mr Davis’s amendments, tabled today by Mr Morris, are a clear indication that the government is looking to put some sort of cap on this.

Industry is also very nervous about issues surrounding preparation costs, which are going to impact developers and ultimately housing affordability. The bill currently refers to ‘reasonable costs and expenses’ incurred as part of the preparation of the plan, but how are these going to be capped? How are we going to put a sensible regime in place to ensure that the government does not just use this as another method to siphon off taxes to pay for its ever-increasing labour bill? I think there was a 7.1 per cent increase in public service wages in the current budget, yet there is no link to how the government is going to generate revenue to support that. Maybe government members are going to do over homebuyers in order to do that, and that is why the amendments the coalition has brought in today are vitally important in making sure that we protect those who need that support.

The bill and the government are unclear about how implementation will be overseen. Will a relevant advisory committee be put in place to advise the minister? Who will be on that advisory committee? Opposition members are not sure about that. We are looking for some commitments and clarification around this, and hopefully as we explore these issues in the committee stage Mr Dalidakis will be able to answer those questions.

The bill opens the way to imposing new development charges through levies and taxes to support the government’s level crossings program. Government members are hunting, fishing and swimming around to source new revenue. They are flailing in the ocean of revenue sourcing because they do not know how to pay for their commitments. I suspect that government members will find this legislation is another way to siphon more money from taxpayers in order to support the government’s unfunded promises. Government members come to this place saying they will deliver on every one of their election commitments, one of which was that there will be no new taxes and charges in Victoria. Opposition members are hopeful that the minister, either in summing up or maybe in the committee stage, will stand in front of Victorians and say, ‘We said no new taxes or charges, and we are not going to deliver any new taxes or charges’. Let us wait and see.

Mr Dalidakis interjected.

Mr ONDARCHIE — Pinocchio over there will not be able to deal with it, because every time he opens his mouth, his nose gets bigger and bigger. The fact is that this legislation is fundamentally at odds with the Premier's commitment that there will be no more taxes or charges and no increases in the current ones beyond CPI.

Prior to the state election Labor claimed that its 50 level crossings program was fully funded, but now its members are looking to come back and siphon off from the homebuyers key ways to pay for their election commitments. It is all about saying one thing and doing another for this mob. It is all smoke and mirrors, and tragically that is the Labor way. Labor members are unapologetic for the ruse they perpetrated on Victorian voters just before the 2014 state election, but Mr Dalidakis should not fear and should not worry, because during the committee stage opposition members will give him ample opportunity to address these issues.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! On Tuesday Mr Davis circulated amendments to clause 4 and proposed a new clause to follow clause 12. As I understand it, earlier today Ms Fitzherbert on behalf of Mr Davis circulated a substituted set of amendments to replace those previously circulated.

Clause 1

Mr DAVIS (Southern Metropolitan) — I am pleased to speak on clause 1. I will lay out the opposition's position briefly and explain the negotiations that have occurred between the government, the opposition and the other parties in the chamber. The opposition has no objection in principle to the bill; indeed much of the bill is similar to a bill that was prepared last year by the then planning minister, Matthew Guy, who is now the Leader of the Opposition in the other place, but for a range of reasons the lower house did not proceed with the bill.

A similar bill has been introduced with some changes, and the opposition does not oppose it in principle. We support the principle of developer contributions, the infrastructure contributions, in the broad. We see the

need for this, particularly with the significant growth of Melbourne. We see the need to restructure the arrangements to put them on a more stable and clear footing and to see additional arrangements in place that will standardise and systematise the arrangements for infrastructure and development contributions. In briefings with the government the opposition sought information about where these would be applied. We understand the government's intention is to initially apply them to the edge of the city where the growth areas of Melbourne are in particular and also to large development infill sites in a number of places across the city.

The bill includes a phrase that indicates that this set of arrangements can be applied anywhere in Victoria. In briefings we asked the government what 'anywhere in Victoria' meant, and it was very clear that it means everywhere in Victoria potentially.

Mr Dalidakis — That would be anywhere in Victoria.

Mr DAVIS — Yes, that is exactly right. It is important for the community to understand precisely what we are dealing with here. In the initial phase the government intends to apply this to a range of areas around the edge of the city. The levies to be put in place will vary around the city. This will put a more systematic arrangement in place.

In committee I will seek information from the Minister for Small Business, Innovation and Trade, who is at the table, regarding the level at which the levies will initially be struck. It is important that the public understands what the levy is and what is proposed. Parts of the amendments that have been circulated will deal with how that can grow over time. In effect we seek to put a cap on the growth that can occur by ministerial activity, given the bill sets up an arrangement for ministerial directions and ministerial actions that set the levy. We think that is excessively open-ended and that in fact a minister — and I am not necessarily pointing the finger at this minister; I am saying a future minister — could through planning scheme amendments and ministerial directions strike significant increases in development levies and contributions. That carries a significant risk of an untoward impact on housing affordability.

Obviously all costs generated through the development process are ultimately fed back into the price of land and the price of land for housing in the growth areas, in particular of Melbourne. We know this is a very price-sensitive group and that housing affordability is a very significant matter for Victorian families,

particularly around the edge of the city, where many young families are purchasing homes. We are cautious about open-ended arrangements.

The second-reading speech states:

The bill enables the new system to be used anywhere in Victoria.

It claims that:

... initially the new system will be used in greenfield growth areas and strategic development areas, in both metropolitan and non-metropolitan areas, followed by Melbourne's CBD.

It also indicates, and it is important to note this in the committee stage, that:

Strategic development areas are sites or precincts that provide development opportunities close to public transport and other infrastructure.

During the briefing — and I thank the minister for the fulsome briefing that was provided — it was indicated to us that this would include level crossing redevelopments and other railway-related redevelopments. We are cautious about how this will be applied. If it is used appropriately, it is something the coalition supports. If it used inappropriately to garner additional money for government, it is something the coalition would be cautious about.

The coalition has some transparency amendments that will see better reporting by councils and various authorities, including the Metropolitan Planning Authority or any such future authority, and the movement of moneys in and out of the Consolidated Fund. This ability to track development or infrastructure contributions is quite important. At the moment the system is ramshackle and it is not possible to easily track these movements as a member of the public or an interested relevant group. Some reporting occurs at the council level, and we know that in fact there is reporting to the department. So that is already in place, and this need not put any greater burden on councils, but that information is not shared publicly in a way that is accessible and that enables somebody to track what is occurring.

I want to put on the record at this point my thanks to the Minister for Planning, Mr Wynne, and his staff for the negotiations.

Mr Dalidakis — And the minister representing.

Mr DAVIS — And the minister representing too — there you are. He may have had a more peripheral role, if I can put it that way. My point is that the minister was very prepared to have that discussion, and changes were

made to our proposed amendments with the agreement of the minister. I want to thank also the non-government parties beyond the coalition for their discussions and input on this. This has been a very useful collaboration, and the bill will be a better bill for the community on that basis.

The amendments that have been circulated subsequently by Ms Fitzherbert seek to incorporate the points made by the minister, and they replace clause 8 with a new clause 8. Essentially the amendments really fall under two principles. One is around the transparency matters, and I paid tribute to the process by which we have discussed that across the parties and particularly with the minister.

Amendment 2 amends clause 4 of the bill:

Clause 4, page 11, after line 31 insert—

“(6) Directions issued under this section cannot provide for annual indexation that exceeds the movement in the consumer price index over the period to which the indexation relates.”.

This is an attempt by the coalition to put some sort of cap on how these sorts of levies, these charges, might increase. I understand points made by the department in discussion that this would require a sequence of matters between planning amendments and ministerial directions, but I can see a time when a minister, whoever that may be, may misuse the powers and capacities this bill would give them, and this is a useful protection to amend and put a cap on that.

We see this as very consistent with the commitments made by the then Leader of the Opposition and now Premier, Daniel Andrews, and the Treasurer, then the opposition Treasury spokesperson, Tim Pallas, in the lead-up to the state election. It is worth putting a number of quotes on the record. On 5 November 2014 on the ABC morning show, a caller, David, said:

Morning Jon. Mr Andrews, if you don't get federal funds, will you either cut your infrastructure program for public transport or will you raise taxes?

Daniel Andrews said:

Well, David, we're not — thank you for your call, firstly, David. I'm not interested in raising taxes.

Mr Dalidakis — Was that David Davis?

Mr DAVIS — I have to say it was not; there are many Davids. On 4 September 2014 Jon Faine said:

Are you going to put taxes up?

Daniel Andrews said:

Of course we're not. We're not going to tax our way into — we reduce taxes ...

He went on with further discussion, but the essence of it was: no taxes. On 5 November 2014 at a press conference a questioner said:

You've said there won't be any new fees or fines. What about changes to new fines, fees, what about increases?

Daniel Andrews said:

There is an indexation arrangement for that.

The questioner said:

Besides indexation?

Daniel Andrews said:

No, we're not interested in making it harder for Victorian families —

which is our point —

we're about delivering common sense, fresh thinking, new ideas, practical plans that will improve the services that are so important for families right across our state.

The questioner said:

So that's a rock-solid commitment that fees and fines, charges, none will go up other than indexation over four years?

Daniel Andrews said:

That's exactly right, and we will provide.

In another interview on 19 November, David Speers from Sky News asked at the election forum:

So, any higher taxes, levies?

The DEPUTY PRESIDENT — Order! I am just wondering what in particular Mr Davis is referring to in clause 1. It is starting to sound like a second-reading debate contribution as opposed to putting questions to the minister.

Mr DAVIS — I am referring to the amended arrangements that will be moved, and I was referring very specifically to the second amendment and the fact that that was not agreed, unlike the transparency amendments. I was indicating our rationale for moving that amendment.

The DEPUTY PRESIDENT — Order! I understand that, but it is starting to sound like a speech on the second reading, particularly given the number of quotes Mr Davis is giving over a series of media

interviews that may or may not have occurred over the last 12 months.

Mr DAVIS — I can raise those later if you wish, but it is absolutely sensible —

The DEPUTY PRESIDENT — Order! It would be preferable at this stage.

Mr DAVIS — to get those on the record, given that we are talking about a capping of the CPI.

The DEPUTY PRESIDENT — Order! Mr Davis will have ample opportunity as we go through.

Mr DAVIS — We will reiterate those points at that time.

Mr Ondarchie — On a point of order, Deputy President, it is not incumbent on a member to ask a question of the minister at the table during the committee stage. The member is entitled to make statements associated with and apposite to the bill before the house.

The DEPUTY PRESIDENT — Order! That is correct. However, it is usually questions or a statement; it is not a second-reading debate contribution.

Mr DAVIS — I will make those contributions further and reiterate the essential point about the CPI and the government's commitment to capping costs for families in such a way that the CPI would be that cap, not an open-ended increase in costs.

As I said, housing affordability is very much to the fore of the coalition's mind. We want to see those costs managed, and Matthew Guy as the former Minister for Planning was very successful in bringing down the cost of land on the edge of the city for families, bringing it down significantly over the four-year period of government. We are cautious about seeing anything that reverses that process.

Returning to the general principle of development or infrastructure levies, as I said in the second-reading debate and will reiterate briefly now, the coalition does support the principle but believes there has to be a close nexus, a close tie, between those development contributions and the services that are needed at the edge of the city or in a strategic development site. The levying of those development or infrastructure contributions needs to have that very tight nexus. I note that a number of industry organisations, the Housing Institute of Australia in particular, are determined to see that close nexus. We think the greater reporting will help strengthen that nexus and we think, when the

number is struck, the ensuring of arrangements around the capping of growth in the levy will also strengthen that nexus.

I will seek from Minister Dalidakis — and he may wish to give this at this early point — an indication, preferably a precise number, as to where the level of development or infrastructure contribution will be struck by the minister, what intention the minister has in terms of the size of these levies and the rate at which they will be put forward. I also want to hear from the minister how the government seeks to proceed in the future in terms of consultation. I understand that there is a reference group which I believe has met twice in the recent period. I would be interested to hear the detail of that committee, who is on that committee and what will be accorded to that committee in terms of advisory capacity — noting that it is an advisory committee and the minister could, if he or she chose, ignore that committee and proceed to various ministerial directions notwithstanding the views of the committee as a whole.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — In answer to Mr Davis's questions, the simple answer is that the figure to be set will be set by the minister after consultation, as I believe Mr Davis is aware and which we have discussed previously. I think the two questions that the member asked are: how will the original figure be set, and then how will it increase year upon year? Is that correct?

Mr Davis — And what is the figure going to be?

Mr DALIDAKIS — Yes. The first answer is that consultation around what the initial figure will be is going on already with the minister. In terms of its increase on an annual basis, again that will be up to the minister to set. The minister will take a range of factors into consideration, including but not limited to what figure is required in relation to contributions in the development area so that appropriate infrastructure can be provided to that new community.

Mr ONDARCHIE (Northern Metropolitan) — Speaking on clause 1 about the purpose of this bill for an act to amend the Planning and Environment Act 1987 gives me a chance to talk about that act and to set the context, which I will explore further, for the questions I will ask in the committee stage around planning.

Before settlement 179 years ago Aboriginal people had occupied the land that is now called Melbourne for at least 40 000 years. Since then Melbourne has undergone a series of growth-led transformations. Each

one of these transformations has left a lasting impact on the city's landscape, structure and identity. Melbourne's early structure and character was defined during the gold rush in the 1850s which saw the city's population triple within a decade. That era left the city a legacy of elegant Victorian buildings, the notable Hoddle grid, distinctive boulevards and high streets, civic recreational facilities and expansive inner city parks and gardens.

In the late 19th and early 20th centuries Melbourne expanded with the development of mass transit train and tram systems. Mechanised transport enabled Melburnians to escape the crowding and congestion of the city centre for the space and greenery of the suburbs. Melbourne's distinctive high street shopping strips were established around this time. The next period of major growth came after the Second World War as the rise in private car ownership, investment in road capacity, better access to housing finance and the shift in manufacturing to the outer fringes of the city — particularly to my electorate of Northern Metropolitan Region — led to Melbourne's geographic expansion and suburbanisation.

In the past two decades our city has undergone a significant period of growth-driven transformation, this time centred on a mix of city centre regeneration and outer suburban development. In this period the city has experienced a rapid growth in its residential population, led by the development of housing in places like Southbank and Docklands. At the same time Melbourne's outer suburbs have become some of the fastest growing municipalities in Australia. My electorate office is in the suburb of South Morang, postcode 3752, and I can say that postcode 3752 has been the fastest growing postcode in Australia, with 173 new residents arriving every single week.

The city we enjoy today did not come about by accident. It has been shaped by the foresight and planning of earlier generations. We can see the legacy of their vision in the vibrant places we value and the livable communities we participate in every day, but we cannot plan the city of the future with yesterday's thinking. As our city grows and develops we need to plan for and manage growth. We must do so in ways that respond to the long-term patterns of economic, social and environmental change in a way that enhances Melbourne's livability and affordability and capitalises on opportunities to strengthen our productivity and competitiveness.

I know the previous government developed something called *Plan Melbourne*, which is being reviewed by the current government in the context of the Planning and

Environment Act 1987. It was an evidence-based plan designed to guide Melbourne's housing, commercial and industrial development through to 2050. It sought to integrate long-term land use, infrastructure and transport planning to meet the population, housing and employment needs of the future. *Plan Melbourne* was about protecting the suburbs and developing in defined areas near services and infrastructure. It created a clearer and simpler planning system, with improved decision-making that rebalanced the growth between Melbourne and regional Victoria. It also identified an investment and infrastructure pipeline.

Melbourne today is a metropolis of 4.3 million people. It expands over nearly 10 000 square kilometres, includes 31 local government areas and is home to nearly three-quarters of all Victorians. Melbourne had the largest population growth to the end of June 2013 of any Australian city — about 95 000 people. That was followed by greater Sydney, with 81 000, and greater Perth, with 67 500 people.

Melbourne has a labour force of about 2.2 million people, with jobs widely distributed across the metropolitan area. On the most recent data, from 2011, 14 per cent were located in the CBD, Docklands and Southbank areas. The remainder of the jobs were located over a broad area, including in the suburbs. There were knowledge employment clusters anchored by things like tertiary education and medical institutions, and industrial precincts and areas around — —

The DEPUTY PRESIDENT — Order! I think I have been pretty reasonable to Mr Ondarchie. He has been going for 6 to 7 minutes. It has been a history lesson on the development of Melbourne. He has not made comments in relation to the matters that are before the committee. I have already raised this issue during Mr Davis's contribution, so I ask Mr Ondarchie to direct his comments to clause 1 in particular. I would not want the committee's time to be misused.

Mr ONDARCHIE — I concur, Deputy President. I would not want this committee's time to be misused; I would not want any time in Parliament to be misused. I am talking about clause 1. I started talking at 11.45 a.m., which means I have been talking for under 5 minutes. I am setting the context around clause 1 of the bill, the purpose of this bill, which is a bill to amend the Planning and Environment Act 1987. In that context I am talking about the wideranging planning reforms for Melbourne and beyond. I am setting a context which I have been talking about for under 5 minutes. May I continue?

The DEPUTY PRESIDENT — Order! I ask Mr Ondarchie to be more specific with his comments. This is not a second-reading opportunity; Mr Ondarchie has already expended his second-reading opportunity. This is the committee of the whole, and we need to deal with the matters before it.

Mr ONDARCHIE — I could not agree with you more, Deputy President. I put to you that I am setting the context for my questions further in the committee stage. Are you asking me to shut down the process of the committee? Is that what I am being asked?

The DEPUTY PRESIDENT — Order! No, I am stating that Mr Ondarchie has already had a second-reading opportunity, and I am now asking him to direct his comments towards the clauses before us. Mr Ondarchie has had sufficient time to create the context of what his further contributions are going to be in this committee.

Mr ONDARCHIE — Thank you, Deputy President. I pick up your advice and will direct my comments around clause 1 of the bill, being a bill to amend the Planning and Environment Act 1987. In that context, let me talk about the Planning and Environment Act 1987 by setting the context for the further questions that I will have and comments that I will make during the committee stage.

In that context I want to talk about the plan that is before the government right now for Melbourne's growth to the year 2050. This is a plan that sought to define what kind of city Melbourne will be and identify the infrastructure, services and major projects that will need to be put in place to underpin the city's growth. It was a blueprint for Melbourne's future prosperity, livability and sustainability, and in the context of infrastructure contributions my opening comments go to how those development contributions will be widely used across Melbourne.

One of the messages we, as MPs, get from Victorians is that they very much value and enjoy their capital city. They support efforts to improve its efficiency and livability, particularly where it is related to public transport and traffic management systems. Government should respond to this as it seeks contributions from the development industry to match the needs, desires and aspirations of Melburnians because there can be, either directly through infrastructure contributions or by way of development in peri-urban and outer Melbourne, life-changing activities that increase livability for the residents of outer Melbourne.

In the last Parliament I sat on the committee that inquired into livability matters and discovered a number of things. One thing the committee discovered were comments, feedback and input from the development industry about contributions and how they are used. Those sorts of things support the opportunities that lay the foundations for future generations in terms of livability and affordability. During the committee stage of this bill we have to make sure that we allow for a situation in which we can accurately use development contributions to enhance the livability and affordability of people in Melbourne as it continues to grow to the west, the south-east and the north.

It is particularly important, we have learnt, to support growth as long as it is focused around areas of the city that have the necessary infrastructure and services in place. Should we choose to push Melbourne beyond its existing boundaries we need to ensure these developer contributions go to increasing the affordability and livability of all Victorians.

I know the previous government recognised those views in *Plan Melbourne* through the concept of things like 20-minute neighbourhoods, where developer contributions could be used to support the needs of 20-minute cities. This is where people choose to live closer to services. So any developer or infrastructure contributions that are made through this bill can be widely used. To set the context for where I am coming from, I am using my opening comments by way of preamble to the questions I will ask during the committee stage.

Productivity employment benefits can be supported by appropriate development around major employment precincts, transport interchanges and centres of activity, so when we talk about amendments to the Planning and Environment Act 1987, the Subdivision Act 1988 and other aspects of what this bill introduces, we want to make sure that infrastructure contributions go to those major employment and activity centres, opportunities for infrastructure and development ideas that support the livability, affordability, amenity and aspirations of many Victorians.

We talk about the concept of a polycentric city, an expanded central city surrounded and linked to other major centres of business, recreation and community activity distributed across the city. Infrastructure contributions can go some way towards supporting the growth of both a polycentric city and those activity centres dotted right around metropolitan Melbourne and, I suspect, even beyond to regional cities like Ballarat, Shepparton, Bendigo, Mildura, down to Gippsland, out to other places in the west and a whole

range of other places like Geelong. There are a whole lot of places this could go to.

As Melbourne grows, its future prosperity and livability will be heavily influenced by how well we use infrastructure contributions to support development and deliver on the aspirations and hopes for livability and affordability for all Victorians. We need a vision. This bill is critical to part of that vision. It contains important initiatives that will help shape our city over the coming decades. Those initiatives can be derived from good and detailed planning, consultation and technical advice.

The first thing we should be thinking about when we look at infrastructure contributions is the efficiency and connectivity of our transport networks and our local areas. We need to think about where traffic is moving and where our city is growing. That is why infrastructure contributions, by way of this bill, are so important as we go through this committee stage — I suspect over a significant period — to ensure that we analyse and identify all the opportunities for Victorians when it comes to affordability and prosperity. We also want to ensure — and I will touch more on this as we get further into the committee stage — that we are transparent in the way we use these infrastructure contributions.

The other part of using these infrastructure contributions is to make sure that we develop efficient means for people to get to work and other activities, particularly in Melbourne's growing city area and beyond to our outer suburbs and into our regions, where things like the regional rail link, which promised so much and delivered so little, need to be analysed. We need to transform our rail system to do what we said it was going to do. I know the people of Ballarat are constantly frustrated by the lack of V/Line services as a result of the regional rail project.

In the context of infrastructure contributions and the amendments to the Planning and Environment Act 1987 and any related amendments to the Subdivision Act 1988, the other area we need to consider in terms of contributions and planning is the capacity of our ports and airports to handle the volume of goods and people moving through those facilities. One of the things that ties into the Planning and Environment Act 1987 is the development under the previous government of *Victoria — The Freight State*. It outlines how we can ensure that Victoria retains its status as Australia's most important freight and logistics centre. We need to use the report to ensure that we optimise our opportunities.

The amendments to the Planning and Environment Act 1987 and the Subdivision Act 1988 will give us a chance to ensure that we respond to the changing economy and our growing city. We want to make sure that together as a community and as a Parliament we reshape the travel patterns, goods movements and accessibility of Melbourne and that we retain Melbourne's status as a prosperous, livable and competitive city. When it comes to the Planning and Environment Act 1987 and any amendments to the Subdivision Act 1988, this bill is a very important one. That is why we want to focus on this through the committee stage in great detail to ensure livability options, affordability options and transparency for all Victorians. But we need to develop long-term programs of investment that will transform — —

The DEPUTY PRESIDENT — Order! As we go into question time, can I have an indication from Mr Ondarchie as to whether he has concluded his comments in relation to clause 1?

Mr ONDARCHIE — No, Deputy President. You cut me off; I was still going. I still have more to say.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Freedom of Information Commissioner

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Special Minister of State. Section 6A(1)(b) of the Parliamentary Committees Act 2003 provides that a function of the Accountability and Oversight Committee is 'to consider and investigate complaints concerning the Freedom of Information Commissioner and the operation of the office of the Freedom of Information Commissioner'. Why then was it appropriate, as the minister informed the house yesterday, for the FOI commissioner and the Secretary of the Department of Premier and Cabinet to agree between themselves that the investigation would be conducted in house with the public sector commissioner and not referred to the parliamentary committee?

Mr JENNINGS (Special Minister of State) — I stand by the two answers I have given, which explained the circumstances. If the relevant parliamentary committee had either obtained information or pursued any matters of its inquiry, there would have been nothing to prevent it from undertaking that work and in fact there would have been no impediment to it. If there is a review that is being internally undertaken into the functioning of the office, which is commissioned by the

public service, that is quite within the entitlement of that engagement between the public service and the public servants who are employed within that office. If there are other matters that may be considered by a parliamentary committee, its powers have not been fettered by what has taken place — by the consideration of the public sector commissioner.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. The FOI act provides that the Freedom of Information Commissioner and the office of the Freedom of Information Commissioner are not subject to the majority of the Public Administration Act 2004, so I ask therefore: did the Department of Premier and Cabinet obtain legal advice before deciding to work out an inquiry scope between the commissioner and the secretary of the department in house?

Mr JENNINGS (Special Minister of State) — I believe that is the case.

Regional development

Mr DRUM (Northern Victoria) — My question is to the Minister for Regional Development. At the end of June the minister received John Brumby's Regional Economic Development and Services Review report, which was to identify priorities to drive jobs, investment and growth in regional Victoria. Why is the minister sitting on this report given that Australian Bureau of Statistics (ABS) data just released reveals that 6700 full-time regional jobs were lost last month alone? I ask: will the minister immediately release the review?

Ms PULFORD (Minister for Regional Development) — I thank Mr Drum for his question and his continued interest in this important piece of work that has had input from literally hundreds and hundreds of people across regional Victoria. Mr Drum knows that I received the report on 30 June, because John Brumby and I ran into him on the steps of Parliament House on that occasion. I indicated on that occasion, both publicly and privately, that the government was receiving the report, that there are 61 recommendations and that many of the matters canvassed in the report go to matters across all regions, some are region specific, some are project specific and some are matters that require engagement with other colleagues in government because of the nature of the things that affect regional communities. Mr Drum may have noticed that the Minister for Planning, Mr Wynne, and I made an announcement about planning and farming

matters earlier today. However, as I indicated then, and I will do it again, the report and the government's response to it will be released in October.

Supplementary question

Mr DRUM (Northern Victoria) — In the last month alone the ABS labour force survey has shown a regional breakdown of 600 jobs being lost from the Hume region, 800 jobs being lost from Warrnambool and south-west Victoria, 900 jobs being lost from Geelong, 1300 jobs lost from the Ballarat region, 1500 jobs lost from both Bendigo and the Latrobe-Gippsland regions, and 3700 jobs lost in the north-west. I ask: inside this Regional Economic Development and Services Review, does it specifically analyse and address the negative impacts on regional jobs and economic activity as a result of Andrews Labor government policies such as the grand final parade, rate capping on local governments, the 61 per cent cut to the trade portfolio and cuts to regional roads and bridges programs?

Ms PULFORD (Minister for Regional Development) — I note with interest The Nationals joining in on the Liberal Party's campaign on both grand final Friday and rate capping. We are a government that will be delivering on each and every one of our election commitments, and I would have thought that members of The Nationals would care about jobs in regional Victoria and would be embracing the idea of a long weekend for Melburnians in spring and the enormous opportunities that exist for regional communities.

The government has been, since day one — in stunning contrast to its predecessors — getting on with the job of getting Victorians back to work. We are employing numerous strategies to get regional Victorian economies moving again — the \$200 million Future Industries Fund, the \$500 million Regional Jobs and Infrastructure Fund and a number of projects members would be well aware of.

Mr Drum — On a point of order, President, the minister has not addressed the question at all.

The PRESIDENT — Order! The minister is answering the question. I do not have a problem with the minister's answer. The only thing I would hope she would come to is whether a range of issues that Mr Drum suggested have been taken into account as part of the consultation process.

Mr Drum — As part of the review — whether those issues were part of the review.

The PRESIDENT — Order! The minister to continue.

Ms PULFORD — I can indicate to Mr Drum that the matters that have been considered and the input provided to the review by many organisations and individuals across regional Victoria go to the heart of restoring the damage that Mr Drum's lot did to our regions.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I am very pleased on this occasion to welcome some international visitors to the chamber. May I be excused if my pronunciation is not as good as that of Mr Eideh or Mr Elasmarr, who are of Middle Eastern background and are valued members of our chamber. I would like to extend a very warm welcome on behalf of the members of the chamber to His Excellency Mr Nabil Mohammed Al Saleh, ambassador of the Royal Embassy of Saudi Arabia, and a delegation from the Saudi Arabian Parliament, which includes His Excellency Dr Abdulrahman bin Ahmed Heijan, His Excellency Dr Sultan Hasan Al-Sultan and His Excellency Dr Elham Mahjoob Ahmed Hassanain.

My pronunciation must have been close because they each knew who I was referring to and stood up. I extend a very warm welcome to Melbourne to them. It is a delight to have a delegation from Saudi Arabia joining us in our chamber.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Public holidays

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is again to the Special Minister of State. I refer to the minister's responsibilities for part 2A of the Subordinate Legislation Act 1994 regarding the conduct of regulatory impact statements (RISs). Can the minister advise whether disregarding 109 submissions to a regulatory impact statement on the basis that 3 million Victorians did not make submissions is consistent with the requirements of the guidelines for RISs under the act?

Mr JENNINGS (Special Minister of State) — I thank the member for his question and the desperate attempt to define what the provisions of that relevant act may be. I say to you, President, that all members of this chamber will know that the most important issue in

terms of the parliamentary process is to take notice of the people. In taking notice of the people in the first instance, was there a mandate for the policy that was announced by the incoming Andrews government? Yes, there was; there was a mandate. There was an expectation that that mandate would be delivered on. That is the first prerequisite for consideration in whatever other consultation took place.

In terms of the issue about what weight you give to individual submissions, the chamber recently had a discussion about it within the planning regime. It discussed the way in which you can incorporate legitimate community concern and aspirations relating to decisions that come through the planning scheme and the availability for the Victorian Civil and Administrative Tribunal to take into consideration the weight of evidence that comes before it. In fact the chamber is alive to the consideration of and the respect for community views.

The extraordinary thing about the regulatory impact process is that the opposition brings it into the divide of what might be a contested space on policy considerations in terms of protections for small business that the opposition may raise. One thing that we are determined to do is acquit our obligations as an incoming government to provide these public holidays. We have been prepared to assess the economic upside as well as the costs that may be associated with that. We have shared it with the public through the regulatory assessment process, and that is what I am obliged to ensure occurs. That has occurred, and now we will get on with implementing government policy, being mindful of what those processes tell us and being respectful of them, but not necessarily being bound by what is in 103 of them.

Honourable members interjecting.

The PRESIDENT — Order! Members will be aware that under our standing orders references to issues within individual political parties are not matters for the debate of the house unless a member were to raise a substantive motion which went to matters that were pertinent to the house's concerns.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response, but the response is like that of Dennis Denuto before the High Court in *The Castle*. It is the vibe of the thing — the feel of it. The minister has a responsibility under the Subordinate Legislation Act to ensure that RISs are conducted consistent with that act and

consistent with the guidelines issued under that act. I ask the minister: can he assure the house that the conduct and the evaluation of that RIS on the new public holidays that Mr Dalidakis spoke about yesterday were consistent with the requirements of those guidelines and the requirements of the Subordinate Legislation Act?

Mr JENNINGS (Special Minister of State) — I am confident that that is the case. In fact members will know that under a certain responsibility I released the original regulatory impact statement to open that consultation process. So I am familiar with our obligation to appropriately assess the costs and the benefits of introducing government policy associated with public holidays. I was happy to take responsibility to commence that process. I have not necessarily seen the paper trail that has been associated with the conclusion of the consultation process, but I am totally confident that the appropriate decision-making in accordance with the regulatory impact assessment was undertaken and that it fully acquits the government's obligation to implement government policy to act in a way which supports the community benefit derived from that holiday. The administrative practice, I am confident, was completed.

Vocational education and training

Mr RAMSAY (Western Victoria) — My question is to the Minister for Training and Skills. Noting that seven weeks have now passed since the end of the financial year, why has the minister failed to release the state's half-yearly training data?

Mr HERBERT (Minister for Training and Skills) — I thank the member for his question. Of course we all recall what happened with the previous government and what it did with what were quarterly reports, first-off market monitoring reports, and we all recall the fact that they were not one month, not two months, but months and months deliberately delayed by the previous government. Then it got an expensive spin merchant in to doctor them up and to give a pitch. Everyone in the press gallery saw them — —

Ms Wooldridge — On a point of order, President, I put it to you that the minister is not complying with the standing orders to not debate the question. I ask you to return him to answering the question which was asked, which he had a lot to say about in opposition but has been incredibly silent on as minister.

The PRESIDENT — Order! I might point out, Ms Wooldridge, that that last remark also constituted debating in a point of order.

Mr HERBERT — But it is true. I did have a lot to say, and I have a lot to say now.

The PRESIDENT — Order! Mr Herbert has got a little bit too much to say now, given I am on my feet.

Mr HERBERT — My apologies.

The PRESIDENT — Order! I accept that the minister is debating. I concur with the point of order. I take it that the minister has provided some context, but not wishing to hear further debate or reflections on the previous government in a partisan way, I would be hopeful that the minister will now address the question that has been put.

Mr HERBERT — The first report, which we put out for last year, I made sure was an analytical document without spin and with a whole new range of measures in there. The next one will be the same in terms of the results of the marketplace. It is normal practice that by the time you get in your documentation at the end of July, it often takes providers a month or so to put in their final end-of-year claims in terms of government-funded activity. The report goes into government-funded activity. There is usually a bit of a lag. That is then analysed with a whole heap of other information.

As Mr Ramsay will know, since these reports have been done, it usually takes a few months to get all that data and tick it through. They are usually reported two to three months after the final things are in. That will be done as quickly as possible. The department is doing it right now. I have absolutely no intention of delaying this report, unlike what happened under the previous government.

Supplementary question

Mr RAMSAY (Western Victoria) — I refer to the promise the minister made in a letter to private training providers last year:

We will make sure that Victoria's training system survives and grows not just next year, but flourishes for decades to come.

Is it not a fact that the reason the minister has not released this data is that under his government enrolments have significantly decreased?

Mr HERBERT (Minister for Training and Skills) — It is a very good question. No, it is not a fact that I have delayed it. Let us be clear on this. Let us be clear on the words. It is not a fact that there has been any delay in this report. It is not a fact. It is not true. It is not the case. Let us start with that.

Let us look at the second premise. It is absolutely correct: of course enrolments have dropped. They have dropped nationally. They have been sliding since we came into government. Everybody knows that. But I will say one thing on this: there has been more done in six months to restore confidence in the training sector under this government than would have been done in a decade the way we were going under the coalition. It just let confidence slide. Can I also say another thing: it is not just about numbers, and it never should be. Mr Ramsay and I both know there were tens of thousands of people getting training where there were never any jobs and where there was never any need for it.

Honourable members interjecting.

The PRESIDENT — Order! Question time is not commentary time for Mr Ondarchie. In other words, what happens in this process is that we put a question to a minister and the minister answers and then I call another question. I do not need a commentary in the middle from certain members, which includes Mr Ondarchie and very often Mr Drum.

Mr Leane interjected.

The PRESIDENT — Order! Thank you, Mr Leane, that is very helpful.

Mr Leane interjected.

The PRESIDENT — Order! No!

Mr Leane — It is my birthday, and I would appreciate it.

The PRESIDENT — Order! I was about to remark on the fact that it was Mr Leane's birthday and congratulate him on another milestone in his illustrious life. Nonetheless, he will pay the penance and he will stay here and with me will observe whether Mr Ondarchie continues.

Kindergarten funding

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. In June the minister said:

It will be up to each kinder to make a decision in respect of whether they keep the current enrolment numbers that they might have in place or whether they go up or whether they go down.

A kindergarten in the eastern suburbs has raised concerns about educator ratio funding and its inability to maintain current expected enrolment numbers with

current funding levels from the Andrews Labor government. What advice would the minister give to the many kindergartens across Victoria which are facing similar situations of being out of pocket due to the new ratio requirements?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. As I have indicated to the house on previous occasions, the introduction of the new ratios from 1 January is a very significant development for early childhood services. We are going to be moving from a ratio of 1 educator to 15 children to 1 educator to every 11 children. This is a very significant development, and I would hope that the opposition would in fact be supportive of the new ratios being implemented.

Ms Crozier — We are.

Ms MIKAKOS — It is important for Ms Crozier to make it clear that they are. It is a significant change and one I am very proud the Andrews Labor government has introduced. The government has made available up to \$83.7 million over four years for the additional funding that is needed to support kindergartens to transition to these new improved educator-to-child ratios. This is a significant change. I recognise that. In fact I recall full well that when we had another significant change — the rollout of the 15 hours of preschool for every child across Victoria — a number of kindergartens which contacted me and other members of Parliament were similarly experiencing some anxiety about that change. I recall that a number of kindergartens approached the then minister and the then government of the day seeking assistance with these issues, including applying for waivers as a transitional measure until they were able to introduce that change.

I can inform the member and the house that we take this change very seriously. We are working with the sector to support it in this transition. We have provided additional financial assistance to the peak body, Early Learning Association Australia, to work with the sector around these issues, and the Department of Education and Training is providing direct support and advice to kindergarten providers as well. I am happy to receive particular details that Ms Crozier might have about this particular kindergarten, and we can see what advice we can give to this particular kindergarten.

Ms Wooldridge interjected.

Ms MIKAKOS — I am very committed to ensuring that we can assist our kindergartens in this important change.

Ms Wooldridge — But what does that mean? Are you telling them to go and work it out for themselves?

Ms MIKAKOS — What it means is that services that cannot meet the new ratios for children immediately can apply for waivers from the new requirements. Alternatively services wanting to increase the number of children they are approved to educate or care for may seek advice from either the peak body or the department around their modelling, because what we are discovering in this process is that some kindergartens have wide variations in terms of the modelling they have been using. We are happy to work with kindergartens to assist them to make the transition. This is obviously going to be to the benefit of all young children in Victoria as we transition to the new ratios.

Supplementary question

Ms CROZIER (Southern Metropolitan) — The reality is that this same kindergarten will now have to pass on the funding shortfall to parents so it can maintain those enrolment numbers for 2016. Apart from the waivers the minister has just spoken about, what real measures has the Andrews Labor government got in place to ensure that this does not happen to every single Victorian kindergarten?

Ms MIKAKOS (Minister for Families and Children) — Ms Crozier has failed to understand that as part of the announcement of almost \$84 million that the government made earlier this year it is providing additional funding. There is an additional \$370 per enrolment and a further \$200 for every enrolment eligible for the kindergarten fee subsidy for sessional kindergartens that are eligible for the standard or rural per capita funding to implement these new ratios, where we have groups of 23 or more children. We wanted to ensure that we provided an incentive to kindergartens to actually take on more children. But what the member does not understand is that it has been a longstanding practice that parents do make a contribution towards the cost, including under the previous government. We are happy to work with kindergartens on these issues, and I am happy to receive the details from the member on this particular kindergarten.

Child protection

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children. I refer to recommendation 6 of "... as a good parent would ...", which is the report of the Commission for Children and Young People's inquiry into the sexual abuse and exploitation of young people in residential care. I welcome the minister's

commitment to implement all nine recommendations of that report, which she indicated yesterday. I note that the minister said yesterday that the department has announced yet another restructure, apparently in line with recommendation 6. Can the minister provide any details about this restructure and in particular inform the chamber how this particular restructure will stop the current system from actively enabling the sexual abuse of vulnerable children?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. It goes to further details of the matters that were canvassed in question time yesterday. As I said yesterday, I welcome this report. I thank the commissioner for children and young people, Mr Geary, for tabling in the Parliament this report, which has highlighted very concerning issues, very distressing issues, about abuse and exploitation of children in residential care. As I said to the house yesterday, I support all of these recommendations in principle. We have got many of the recommendations already underway. We started this work on coming into government because many of these issues had already been identified last year. So we did hit the ground running from day one and did not wait for the report to be tabled in the Parliament.

As I indicated to the house yesterday, the Secretary to the Department of Health and Human Services has recently announced a review of the structure of this department. We should understand that the merger of the departments of health and human services occurred on and took effect from 1 January 2015. It is very important that heads of departments do these reviews of their structures regularly. The review is designed to look at improving the clarity of function and responsibility of the department to ensure that services serve Victorians in the best possible way and also, in particular, to improve the safety and wellbeing of children and young people.

We had a lot of issues that arose because of the restructure of the department that occurred under the previous government. In fact in response to that restructure that occurred in 2012 the then government embarked on massive lay-offs. We had more than 600 staff lost from the Department of Human Services at that time, which has caused some significant issues.

This review of the departmental structure that has been announced will occur in consultation with staff, with stakeholders and with unions, as appropriate. We want to ensure that the review will focus on fostering greater collaboration; building new capabilities; having a more strategic focus in policy design, implementation and

performance; and bringing greater focus to the community that the department is intended to serve.

The report itself does not provide a lot of context for this particular recommendation. It does not express the commission's views as to the particular concerns — —

Ms Springle — On a point of order, President, my question was specifically relating to the enabling of sexual abuse of vulnerable children, and with all due respect, I do not think the minister is answering the question.

Ms MIKAKOS — On the point of order, President, the question went to recommendation 6, and I am giving an explanation of what the government is doing in response to recommendation 6, which is the issue of the structure in the department that looks after child protection services. I have explained that the secretary has announced the review of the structure, and I am giving further information to the member around that. As I was explaining — —

The PRESIDENT — Order! Is the member still on a point of order?

Ms MIKAKOS — Yes, on the point of order.

The PRESIDENT — Order! I am having trouble distinguishing between the line of debate and the point of order.

Ms MIKAKOS — The response is apposite, it is relevant, to the question that has been asked, which is specifically about recommendation 6 of the commission's report.

The PRESIDENT — Order! In the way I understood the question, the key element was: what is the restructure likely to deliver in terms of assurance for the safety of children? That is the nub of it. I think the minister's response in terms of talking about the restructuring and even discussions with stakeholders and so forth about how the department is to go forward does go to that point of the safety of children. I think there is a direct line in that line of argument. Perhaps on the basis of the point of order the minister might now make some specific comment as well on how she sees the structural changes delivering that safety for children.

Ms MIKAKOS — As I was explaining, the review of the structure is designed to provide greater strategic focus on policy design and implementation. That goes to the heart of the question that the member has asked, because it goes to how we can better deliver policies that relate to child protection — keeping children safe.

It goes to the issues of implementing policies, and they relate to other matters I referred to yesterday, such as overhauling the critical incident reporting system that has been identified as having significant problems by this particular report. There is a body of work underway to improve how the department responds to the issues and the concerns that have been referred to in this important report.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer. We have had 30 years of reports into Victoria's child protection system that emphasise the importance of independent oversight of the Department of Health and Human Services and its previous incarnations. The minister said yesterday that she is proud of the fact that she has restored the oversight of the Children's Court — the oversight role that was so diminished by last year's amendments to the Children, Youth and Families Act 2005 — but that simply is not true, because the minister's amendment this year only restored one of those powers. How will the minister prevent the system from creating — and I am quoting from the report — 'opportunities for the sexual abuse of children' without independent oversight of the system?

Ms Mikakos — On a point of order, President, the supplementary question is really a new question. It is relating to oversight issues rather than the department itself. I am seeking your guidance on this matter. It is introducing a new question, and it is not apposite to the substantive question that was asked.

Mr Barber — On the point of order, President, whether it is apposite depends on what the minister's intention is with this restructure, so we are asking for a bit more information about the restructure.

The PRESIDENT — Order! The minister does have a point in suggesting that oversight issues would seem to be different from the department structure. I guess the link that the member has made in posing her question is, again, coming back to the guarantee of safety of children. To that extent the supplementary question is querying whether oversight mechanisms are part of a check or balance on the restructuring system. I think that is the link that the member draws. The minister makes a good point, but on this occasion I invite the minister to provide a response.

Ms MIKAKOS (Minister for Families and Children) — Thank you, President, for your guidance. The member, in the preamble to her supplementary question, referred to the bill debate that we had a couple

of weeks ago now. I am very proud of the fact that we have restored the proper oversight role of the Children's Court in the child protection system. The section there was quite critical in a recent case that occurred last year. We canvassed all of these issues in that debate, and if the member wants to use question time to relitigate issues she has raised in a bill debate, that is her choice. But can I just say that I am committed to making sure that the department performs more effectively; the department secretary is as well. We have both made statements about the need for the department to do better in terms of oversighting the agencies that also run the residential care units. There are a number of initiatives that we have underway in terms of implementing recommendations in this report.

Registered training organisations

Ms PENNICUIK (Southern Metropolitan) — My question is to the Minister for Training and Skills. On 6 August I asked the minister whether he was aware of a private registered training organisation (RTO) that was allegedly exploiting students in its training and courier business. He indicated that he was not personally aware but that the department was working with the federal police on the matter. I also asked whether he had confidence in the system of federal and state regulation of vocational education and training (VET), given the ongoing reports of VET rorts over many years. He started to speak about a \$9 million crackdown, but I felt he had more to say to me. I note that he was interviewed on ABC radio about this on Tuesday this week. I am concerned that the minister was not aware of what was clearly a very serious issue in a Victorian RTO. Can he advise me what information-sharing arrangements are in place between federal and state regulators and federal and state ministers with regard to this issue?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. I will always try to answer her questions in as much detail as I possibly can; I can assure her of that. It is a very good question. In answering it can I just say that I do not believe the information sharing is anywhere near adequate between commonwealth authorities and either state authorities or the Department of Education and Training, particularly the higher education skills group that I have under my coverage.

In today's paper we saw an issue headed 'Childcare training debacle', where it is reported that the Australian Skills Quality Authority (ASQA), the federal regulator, finally released a report into its investigation into childcare providers. I have not seen the report, so I will say I think it is the one it did in

November, because despite getting assurances from the head of ASQA that the report would be provided to me prior to its release, that never occurred, to my knowledge.

The issue is very serious. We are cracking down — we are cracking down substantially — and as the member knows from what I said in the Parliament the other day, we are at the point where we will be putting on the department website providers that had Victorian funding contracts but lost them because of poor performance, inappropriate behaviour et cetera. I have written to ASQA and to the commonwealth government and have asked many times for them to provide Victorian authorities — either the Victorian Registration and Qualifications Authority or the Department of Education and Training — with information relating to their investigations of poor behaviour as it applies to Victorian providers so we can be assured and can check that we are not providing funding for training that the commonwealth has found to be inadequate, to be of low quality or to have had inappropriate practices.

I have not received that assurance to date, and I do not believe they are providing that information. I shall continue to urge them to provide that information as a priority so we can ensure that if they have found anyone to be providing poor-quality training, from their national inquiries, we can crack down on them in Victoria and make sure we are not having those providers continue to operate and provide low-quality training in Victoria.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — I refer to the \$9 million crackdown which the minister mentioned in answer to both of my questions and to his comments in the radio interview where he stated for the benefit of the public that \$1.2 billion of public money goes into VET training and around \$800 00 of that to private RTOs. The minister said that as a result of the \$9 million crackdown 3 RTOs have had their contracts suspended and their names are going to be put up on the department's website, 17 RTOs are being case managed and he has recovered \$6 million for subsidies that were claimed but for which no training was delivered. Can the minister give some indication as to what more we might expect from this \$9 million crackdown than just these few outcomes, given the widespread training rorts that have been going on for years?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her supplementary

question. Can I just clarify something, though? There have been more than three contracts terminated since we have come to government, and there has been a lot more than \$6 million reclaimed. I think we had about \$20 million earlier in the year. What I said — what it said in the media release and what I have told the Parliament — is that since we had the blitz on 1 July there have been three providers who have lost their contract. There are another four that have to show cause why they should not lose their contract — and that is a legal issue involving their right to come and give evidence et cetera. There are 17 on case management, and we are withholding about \$15 million worth of funds and we got \$6 million back. But that is since 1 July, so there are others.

I did not think it was right to do it retrospectively to before we had the quality review when I announced that we were going to publish them. We could go right back, I suppose, but that was the decision. You have to draw a line in the sand, and from that point on we will be publishing those providers. You can expect a lot more of this.

The PRESIDENT — Time!

Local government procurement policy

Dr CARLING-JENKINS (Western Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade, Mr Dalidakis, as the representative of the Minister for Local Government, and covers social procurement strategies by local councils. I note that the ministerial statement on local government released yesterday covered an action item aimed at 'supporting disadvantaged jobseekers and strengthening social procurement'. As the minister may well know, the first motion I brought to this house called on the government to implement a broader strategy around disability procurement in the area of social enterprises. This was in recognition that people with disabilities are amongst the most disadvantaged jobseekers in the state. My question is: what will the government do to ensure that councils recognise social enterprises which support people with disabilities as part of this push to strengthen social procurement strategies?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Dr Carling-Jenkins for her question. On behalf of the minister responsible let me say from the outset that I know that this issue is of great concern to the member and I certainly commend her for her passionate advocacy on this, not just today but obviously in the past as well.

The Andrews Labor government is doing a number of programs to assist in this area. In our first budget we delivered \$2.5 billion for the rollout of the national disability insurance scheme (NDIS), we contributed \$40.3 million for seven homelessness innovation action projects and we also delivered a \$6.8 million boost to cover the indexation of the home and community care services program.

I wish to relate that the Minister for Local Government — who is also the Minister for Industrial Relations and the Minister for Aboriginal Affairs — has been heavily involved in that rollout of the NDIS to which we have, as I said, committed a significant amount of funds. As most people in this chamber would know, the NDIS is a vital program that was a Labor initiative at the federal level and which has received bipartisan support —

Mr Finn interjected.

Mr DALIDAKIS — except for apparently Mr Finn. It is a serious policy issue and should be dealt with in such a way. It is troubling that when we are talking about the NDIS those opposite would rather hear themselves than hear information about a process and a policy that is going to deliver for a community that for so long has done without.

The minister recently visited the Cardinia Shire Council with a member for Eastern Victoria Region, my colleague Mr Mulino. I believe the meeting took place at Toomah Community Centre, which houses a lot of social services. The cafe at the centre, which is called On-Track Cafe, is run as a social enterprise. The cafe works and is for the benefit of the local community, and I am advised by the minister that the former member for Gembrook, Tammy Lobato, is running the centre. It is a fantastic example of the local community coming together.

As Dr Carling-Jenkins may know as a member for Western Metropolitan Region, the local government minister also runs a mayors advisory panel. I am informed by the minister that she would like to extend an invitation to Dr Carling-Jenkins to come and talk to those mayors about how state and local governments can support social enterprises, particularly those within her region.

May I say that it is a fantastic question today. Unlike members of the Liberal Party this week, who have previously engaged in a lucky dip and today have gone on a treasure hunt, Dr Carling-Jenkins's question is a very good one, and it was my pleasure to answer it.

Livestock biosecurity

Mr YOUNG (Northern Victoria) — My question is to the Minister for Agriculture. The recent Victorian Auditor-General's report entitled *Biosecurity — Livestock* has flagged some concerning issues for many of my constituents. A media release from the Premier yesterday suggests that the government is equally concerned and was quick to have a swipe at the former agriculture minister and Leader of The Nationals for cutting funding for core livestock biosecurity activities, but my question is: what is the government doing to address the recommendations made in the report?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his question on this very important matter and this very important report. I think anyone who has been wondering why the National Party is changing its name need look no further than what is contained in this report from the Victorian Auditor-General. It illustrates an exposure and a greater risk in our biosecurity protection for our livestock industries — a 49 per cent reduction in funding, a 42 per cent reduction in personnel and a 39 per cent reduction in surveillance.

Mrs Peulich — Don't spin it.

Ms PULFORD — There is no spin in this. This is not spin; this is scathing, and the member and her people ought be absolutely ashamed of themselves. This is an essential industry, and the report talks about a weakened system, reduced capacity, industries at greater risk and increased exposure to livestock disease threats, and these risks are real.

As the report indicates, we had a case of anthrax earlier this year. We had a foot and mouth disease scare in January. This report shows the weaknesses that have been allowed to occur in this system and these protections under the former government's watch.

Mr Young asked what are we doing. Rebuilding our capacity here is going to be incredibly important. We started to rebuild this capacity in the budget, with an additional \$9.4 million of funding. Since November eight new animal health and welfare staff have been employed by the department. We are currently recruiting two district veterinary officers. This represents a 30 per cent increase in capacity.

This is an essential part of the framework that supports our agricultural industries. What has occurred as a result of The Nationals rolling over with the Liberal Party's sustainable government initiative and the reduction in resource and support has posed a

significant risk. I was very concerned about it. I knew about the reductions in animal welfare staff that had occurred on the former government's watch, but this report leaves us in no doubt whatsoever about the risks, about the cause of the risks and about what we need to do. The report makes five recommendations, and the Department of Economic Development, Jobs, Transport and Resources has accepted all five of them.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister for her answer. The Auditor-General's report also mentions specific livestock disease events earlier this year, including a case of foot and mouth disease near Echuca and a sporadic case of anthrax in a dairy cow in the Tatura area of the Goulburn Valley. Both were just mentioned in the minister's answer. What was the department's response to these incidences, and what action was taken to prevent them?

Ms PULFORD (Minister for Agriculture) — The department has a range of measures in place, including relationships with the commonwealth government around notification in the event of these kinds of incidents. The report details the department's response, and members will be interested to see the testing process and the time lines in which this occurred.

Disturbingly the report also indicates that in the suspected case of foot and mouth disease there were a lot of people waiting anxiously by their phones for test results at 4 o'clock in the morning in the period just after the 28 January alert. What we had in both the anthrax case and the foot and mouth disease case was cattle, and we can plot a chart around the kinds of movements that occur in a short period of time.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 616, 618 and 807.

PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter from the Attorney-General dated 20 August:

I refer to the Legislative Council's resolution of yesterday, 19 August 2015, in respect of previous orders for documents to which the government has tabled either final or provisional responses. The order requires a response to be tabled by 12.00 p.m. today.

The order requires the production of all documents required to be tabled by the resolutions of the Council on:

- (a) 11 February 2015 in respect of port of Melbourne documents;
- (b) 25 February 2015 in respect of West Gate distributor documents;
- (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
- (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
- (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
- (f) 5 August 2015 in respect of Peter MacCallum private hospital documents.

I note that the government has produced documents in response to the orders at paragraphs (a), (b) and (d) above. I refer in particular to my letters to you dated 14 April 2015 and 23 June 2015 enclosing documents in response to the orders and explaining the basis of the government's claim for executive privilege over documents (or parts of documents). I also refer to my letter dated 15 April 2015 setting out this government's approach to claims of executive privilege. For the reasons outlined in our previous responses, the government will not be producing additional documents in response to these orders.

The government has previously provided responses to the orders noted at paragraphs (c), (e) and (f) above (on 17 March, 23 June and 18 August respectively) noting that the respective deadlines for those orders do not allow sufficient time for the government to respond to the Council's resolutions. As previously indicated, the government will endeavour to respond to these orders as soon as possible.

Ordered to be considered next day on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Sitting suspended 12.56 p.m. until 2.02 p.m.

CONSTITUENCY QUESTIONS

South Eastern Metropolitan Region

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. I refer to a matter of local concern in the Cranbourne district regarding the Andrews government's failure to fund its \$175 million promise to duplicate Thompsons Road. I note that on 30 January this year the duplication of Thompsons Road was reported in the *Herald Sun* as being one of 15 shovel-ready projects presented by the Andrews government in its funding bid to the federal government. The community of Cranbourne is concerned about the government providing only a paltry \$500 000 in 2014–15, \$5 million in 2015–16 and

\$10 million in 2016–17, with an additional \$5 million in 2017–18, for some planning and early works for this important local road project, well short of the funds that had been promised. Can the minister advise the people of Cranbourne when the promised Thompsons Road duplication will be funded and when it will be completed?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My question is for the Minister for Roads and Road Safety, who is also the Minister for Ports, the Honourable Luke Donnellan. Can the Minister for Roads and Road Safety update me on upgrades the government is currently undertaking at the Kings Road–Taylors Road intersection in Delahey?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Small Business, Innovation and Trade, and it is regarding the cost impost on small businesses of the Andrews Labor government's new public holidays. A number of my constituents who are concerned business owners have contacted me to express concerns about the numerous adverse impacts the additional public holidays will have on their businesses. The public holiday regulatory impact statement (RIS) clearly states that the cost of Labor's public holidays will be up to \$1.2 billion, and even with the listed possible benefits the additional holidays would still deliver a significant negative net cost-benefit — in other words, a significant loss to the state.

In Shepparton, where a number of businesses are really struggling, the chamber of commerce recently conducted a survey of its members, resulting in 89 per cent of businesses stating they are opposed to the new public holidays. My question for the minister is: will the minister join me at a meeting of the Shepparton Chamber of Commerce and Industry to explain to its members why the government has pushed ahead with these holidays despite the RIS finding that they will have a significant negative cost — —

The DEPUTY PRESIDENT — Order! Time.

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Industrial Relations. Many of my constituents, particularly young and low-skill workers, rely on penalty rates to support themselves. In early August the Prime Minister's Productivity Commission

report into industrial relations recommended cutting Sunday penalty rates for some workers down to the same level as current Saturday penalty rates, creating a so-called weekend penalty rate. There are 39 000 retail workers and 23 000 hospitality workers in the western suburbs who would be affected by this policy. I ask the minister to explain to my constituents and the house what effect the recommendations of Tony Abbott's Productivity Commission report would have and what the Andrews Labor government is doing to protect workers rights.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the attention of the Minister for Education, and it is in relation to the Marnebek special school in Cranbourne. Marnebek School Cranbourne has outgrown its present location and the present site, and I am asking the minister to investigate, through discussions with the school, the need for relocation to a larger site and a rebuild of Marnebek in order to better cater for students with disabilities across the Casey area.

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Emergency Services. I speak on behalf of the Country Fire Authority (CFA) volunteers in my region of western Victoria who have raised concerns about having only three weeks to write and lodge their submissions with the Andrews government fire services review. CFA volunteers are concerned that the short time frame of the submission period is a deliberate strategy of the government to suppress the views of volunteers and create a means to an end for a unionised career-based fire service. The question asked by our volunteers is: why is the time frame so short? I ask the minister whether it is possible to extend the period to allow CFA volunteers the opportunity to have time to engage in the review process and put their views forward.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. I am sure that the minister is aware of the longstanding need for a diamond interchange on the Princes Freeway at Duncans Road in Werribee South. The nearby K Road houses the Werribee tourism precinct with Werribee Open Range Zoo, National Equestrian Centre, Victoria State Rose Garden and Werribee Park and mansion. As things stand there is no direct route to any of those attractions from Geelong,

Avalon Airport or the west of the state — a situation that most certainly needs to be rectified. I ask: will the minister fast-track plans to build an interchange at Duncans Road, Werribee South?

Northern Victoria Region

Mr YOUNG (Northern Victoria) — My constituency question is to the Minister for Education. In 2011 construction began on phase 1 of a three-phase project for the Seymour College P-12 campus — a fantastic thought bubble, given that in 1999 Seymour was listed in the top 10 disadvantaged communities in Victoria. Phase 2, which was to bring years 5 and 6 into the new learning centre, has not yet been started, let alone the final stage to revamp Seymour High School, which is in dire need of repair. The minister has recently visited the school and will now surely know firsthand how important this project is to the local community. He was even quoted in the *Seymour Telegraph* as saying ‘you step back into the 1950s’ about the buildings. My question is: when will the government commit to funding stages 2 and 3 of this project?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question is to the Minister for Public Transport. It concerns Hawksburn, Toorak, Windsor and Prahran and relates to the government’s so-called Homesafe trial. I have put on the record a number of times my concerns about the risks to people of late-night travelling without protective services officers (PSOs) on those stations. My concern is that without PSOs there will be risk of violence and threats, and there is a need to ensure that PSOs are put on those stations. What I seek from the minister today is information about how many people the government’s planning model envisaged would pass through those stations on any given night of the trial.

PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015

Committee

Resumed; further discussion of clause 1.

The DEPUTY PRESIDENT — Order! I say from the outset that Mr Ondarchie has indicated that he will continue to speak in relation to clause 1. I wish to advise him that during the lunchtime break I sought advice in terms of the operation of clause 1 and how it is dealt with in this house. Again I encourage him to be

more specific in his comments and not repeat them, and we will see how we go.

Mr ONDARCHIE (Northern Metropolitan) — Continuing on clause 1 in relation to the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015, I want to talk further about the Planning and Environment Act 1987 as it relates to planning for the Melbourne metropolitan area and beyond.

This week Melbourne has been confirmed as one of the world’s most livable cities. It is a city of quiet neighbourhoods, busy activity areas and a vibrant central core. Our population continues to grow strongly, maintaining our status as a great international destination for livability, but this will become more challenging if we do not ensure that our infrastructure contributions relate to the livability, affordability and prosperity of our great city. That is why we need to look to the future to ensure that our planning scheme meets those requirements.

The planning strategy that is in place, *Plan Melbourne*, directs the way our city is planned, grows and changes over time. It is a document that is central to our capacity to steer our city’s progression and ensure that, while our city grows, its features are protected and enhanced. It also goes to our planning scheme by way of our infrastructure contributions ensuring that communities have clear directions about the future of their neighbourhoods, what will be protected in their areas and what will change. It will identify areas that can accommodate future growth, including activity centres and urban renewal precincts and sites. It will take some of the pressure off population growth in our existing suburbs.

We want to build an active, vibrant central city core for Melbourne — a true 24-hour city, and I note the government has talked about that this week with its Homesafe program. We want to make sure there are shops available for people, there is a vibrant central city that integrates the CBD with Docklands, Southbank and Fishermans Bend — —

Mr Melhem — On a point of order, Acting President, Mr Ondarchie has totally ignored your advice. My understanding is that going into the committee of the whole gives the opportunity to members to ask questions of the minister or seek clarification in relation to a particular clause or subclause. Mr Ondarchie has been ranting on since before question time and is still ranting. He has already made his contribution in the second-reading debate, and now he thinks he can make speeches. If he does not

have a point for clarification, he should be ordered to sit down and let other members ask questions.

Mr ONDARCHIE — On the point of order, Deputy President, I remind Mr Melhem of the standing orders of this place that relate to the committee of the whole. They do not actually say that members have to ask a question. They can make a statement pursuant to clauses in the bill, which is what I am now doing. Mr Melhem will note that in the last 4 minutes I have talked about the Planning and Environment Act 1987 and the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015 in my contribution thus far.

The DEPUTY PRESIDENT — Order! I am going to uphold Mr Melhem's point of order, and I do so on the following basis. Firstly, what is before us in terms of clause 1 is quite specific. The clause sets out the main purposes of the bill, which include:

to provide for a new system for levying and collecting contributions towards the provision of infrastructure ...

That has not been dealt with. Instead we have had a history of the planning of Melbourne from its inception until now.

Secondly, I rely on previous rulings which deal with the committee of the whole and the consideration of clause 1. Page 29 of *Rulings from the Chair 1979–2013* states:

... clause 1 is not to be used to continue the second-reading debate. However, if a member wishes to raise issues during debate on the purposes clause, rather than doing so during later clauses, in order to expedite the process, this may be acceptable.

I certainly do not believe that the tack taken by Mr Ondarchie is about expediting matters. A further ruling on page 30 states:

Debate on the purposes clause (clause 1) was not intended to be a reinvention of the second-reading debate.

I uphold Mr Melhem's point of order.

Mr ONDARCHIE — Thank you very much, Deputy President. I have just re-read the standing orders myself, and I must say they leave one confused.

I am speaking to clause 1 of the bill, specifically relating to the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015. The context of the bill is that it is a bill for an act to amend the Planning and Environment Act 1987 — the act that I am speaking to right now — and its relationship to how infrastructure contributions will be used in the context

of planning for Melbourne to ensure livability and affordability for all Victorians. I ask the minister, by way of working my way through phase 1 of my contributions to clause 1 of the bill: in terms of the infrastructure contributions, how do they flow into the review of *Plan Melbourne*, which is currently being undertaken by the government?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Clause 1 is not being amended. I think there is probably some confusion by Mr Ondarchie in relation to the legislation before us. Let me also point out that there is largely bipartisan agreement for the bill. In fact Mr Clark, the member for Box Hill, opened his contribution in the other place by saying:

The opposition does not have any concerns with the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015 and what it sets out to do.

Yet here we see what can only be considered grandstanding by those opposite as a result of some kind of relevance deprivation syndrome relating to them being here in Parliament. I suggest that unless the member has some kind of substantive question to clause 1 — —

Ms Wooldridge — It is a substantive question.

Mr DALIDAKIS — It is not a substantive question. We should actually get on with the business of Parliament in looking at the legislation before the chamber and dealing with the amendments those opposite are wanting to put forward, which we on this side of the chamber believe have been undertaken in good faith between Mr Davis and the Minister for Planning, and we should probably be moving forward.

Ms Wooldridge — On a point of order, Deputy President, I know the minister is very new to being at the table for the committee stage, but it is entirely legitimate to ask questions in relation to clause 1. In fact the practice is to ask a wide range of questions, which we did earlier in the week on clause 1, and the question asked by Mr Ondarchie was very relevant, very direct and specific to the bill. It is legitimate. I ask the minister to answer the question that was asked.

Mr DALIDAKIS — On the point of order, Deputy President, I remind Ms Wooldridge that she and I both came into this place at the same time. This is now the second time I have had responsibility for a bill in the committee stage, which is two more times than she has taken a bill through committee in this term. The question put by Mr Ondarchie bore absolutely no relevance to the bill at hand — none whatsoever.

Mr ONDARCHIE (Northern Metropolitan) — Just to clarify the minister's obvious confusion with this when he said we are not amending clause 1, I did not say that we were amending it. In fact if he chooses to read the amendments put forward by the coalition, he will see that they start at clause 4. Unless he is mistaken — maybe he had too many reds over the lunchbreak — he does not understand that we are still on clause 1 of the bill, and that is what my question related to. My question related to the purpose of this bill and how it fits into the Planning and Environment Act 1987 — in the context of this bill, the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015 — and if the government has taken note of that in relation to *Plan Melbourne* and its review of that plan.

The DEPUTY PRESIDENT — Order! Before I call on the minister, I indicate to Mr Ondarchie that I certainly do not have any problems with a robust debate or robust questioning. However, I do think that his reference to drinking at lunchtime was quite unparliamentary.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I stand by my original answer. The question bears no relevance to this part of the legislation and I will not answer it.

Mr ONDARCHIE (Northern Metropolitan) — In relation to clause 1 of the bill and the bill's purpose, which relates to the Planning and Environment Act 1987, I ask the minister: has the government completed its review of *Plan Melbourne*?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Mr Ondarchie should settle in for a long time, because if he wishes me to be here at midnight tonight answering this same question over and over again, I will do it. This question has nothing to do with the legislation at hand, nor does it have anything to do with us going through the committee stage of this bill, and it is certainly not going to be an answer that I will give him.

Mr Ondarchie — On a point of order, Deputy President, I remind the house of your previous rulings on relevance. This is actually part of the Planning and Environment Act 1987. I asked the member a direct question as to how the infrastructure contributions fit into the affordability and livability of Melbourne and the bill's relationship with *Plan Melbourne*. I asked him a direct question about the government's review of *Plan Melbourne* and how it fits in contextually, and he is refusing to answer it. I ask you to direct him to answer the question.

Mr DALIDAKIS — I stand by my original assertion that this bears absolutely no relationship to the legislation before us. However, in the spirit of trying to move things along, let me say that it will assist with *Plan Melbourne* in terms of the work that this bill does. However, in terms of what the legislation before this chamber seeks to do, and possibly the amendments — if we actually get there — proposed by the opposition, they do not actually do anything directly, but they will work together; one works off the other. However, there is no direct relationship that will mean this legislation will somehow come over the top of *Plan Melbourne*.

Mr ONDARCHIE (Northern Metropolitan) — I thank the minister for his answer. The current Minister for Planning undertook to review and either confirm or amend the previous government's *Plan Melbourne*. Is the minister able to advise us, in relation to the Planning and Environment Act 1987, which this bill goes to, when the review of *Plan Melbourne* will be completed?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I definitely will not answer that question. It has nothing to do with the legislation whatsoever.

Mr Ondarchie — On a point of order, Deputy President, I would like you to note that the minister is refusing to answer a question that directly relates to this bill as it looks to amend the Planning and Environment Act 1987. I would like the house to take note that this bill looks to amend the Planning and Environment Act 1987, and the minister at the table — a minister of the Crown — has stood before the Parliament today and said, 'I refuse to answer'.

Mr Dalidakis — On the point of order, Deputy President, let me make it abundantly clear: the question Mr Ondarchie just posed to me was specifically about *Plan Melbourne*. It had nothing to do with the legislation. If he wishes to get up and grandstand, he can be my guest — we will be here all night. If we have to sit here until 3.00 a.m., and he does not see his children or I do not see mine, I will sit here until 3.00 a.m. answering this question. There is nothing to do with *Plan Melbourne* in this legislation. The question that Mr Ondarchie asked was a question specifically about *Plan Melbourne*, not the legislation before us.

Mr Ondarchie — Further on the point of order, Deputy President, I remind the minister of his answer to my previous question where he related the infrastructure amendments to *Plan Melbourne* and went on to talk about *Plan Melbourne*. He is now saying *Plan Melbourne* has nothing to do with the bill. Either

he misled the house in his previous answer when he talked about *Plan Melbourne*, or he is doing so now when he is absolutely denying it exists. He cannot have a bet both ways. I ask you, Deputy President, to ask the minister to answer the question.

Mr Dalidakis interjected.

The DEPUTY PRESIDENT — Order! Minister! I uphold Minister Dalidakis’s point in that we have looked at the documentation and we cannot find references to *Plan Melbourne*. Indeed the amendment that is being dealt with is very specific and it —

Mr Ondarchie — There is no amendment. We are not on an amendment; we are on clause 1.

The DEPUTY PRESIDENT — Order! But the purpose is very specific in relation to the Planning and Environment Act 1987.

Mr ONDARCHIE (Northern Metropolitan) — In relation to the bill, the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015, and how it looks to amend the Planning and Environment Act 1987, and in relation to previously documented planning schemes and planning strategies adopted by governments in this state, will this infrastructure contributions bill have any effect on those plans that have already been tabled before the people of Victoria?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I am happy to provide an answer to Mr Ondarchie. There is nothing in this legislation that changes any existing plans.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

The DEPUTY PRESIDENT — Order! I call on Mr Davis to move his amendment 1, which seeks to insert a new definition into the bill. I note that this is a test for his amendment 8 in relation to development contribution levies.

Mr DAVIS (Southern Metropolitan) — I move:

1. Clause 4, page 4, after line 8 insert —

“*development contribution levy* means a development infrastructure levy or community infrastructure levy that is payable under Part 3B;”

As you correctly outlined, Deputy President, my amendment 1 seeks to insert a definition and is regarded as a test for my amendment 8, which relates to development levies. These replacement amendments,

which have been agreed to by the government, the opposition and the other non-government parties, are not controversial. They enhance transparency and accountability. They enable the more satisfactory tracking of infrastructure levies and development contribution levies both in terms of council collections and collections by other agencies such as the Metropolitan Planning Authority. They also enable the movement of funds in and out of the Consolidated Fund to be more closely followed.

I think this is an improved model, and I thank the minister for the discussions that I, he, his staff and my staff had on this matter. I reiterate my thanks to the other non-government parties for their input into this matter as well. In moving this amendment, I indicate that as there is not likely to be opposition to it we will have a better situation, and in effect the minister will report annually. As I indicated earlier, councils already provide much of this information to the department. This will enable it to be done in a systematic way. It will enable the reporting to occur, and that will enhance transparency.

Ms DUNN (Eastern Metropolitan) — In terms of the contribution by Mr Davis, I am interested, in relation to the proposed amendment, whether it is the minister’s view that it maintains the integrity of the amendment to the Planning and Environment Act we are contemplating today.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Dunn for her question. I am happy to advise her that the government is so prepared to accept this amendment.

Amendment agreed to.

The DEPUTY PRESIDENT — Order! I call Mr Davis to move amendment 2, which deals with indexation.

Mr DAVIS (Southern Metropolitan) — As you correctly point out, amendment 2 seeks to amend clause 4. I move:

2. Clause 4, page 11, after line 31 insert—

“(6) Directions issued under this section cannot provide for annual indexation that exceeds the movement in the consumer price index over the period to which the indexation relates.”

As has been pointed out both in the second-reading debate and in my commentary on the previous amendment, the opposition is seeking to insert a paragraph that will enable indexation to occur in an orderly way that is not uncapped and unchecked. I

accept that the minister could, through ministerial direction, impose very substantial increases and do that in conjunction with planning scheme changes to make them operative. That is a risk in terms of housing affordability, particularly in those new and growing areas.

As I have outlined, the coalition is also concerned to hold the government to account for its promise in the election not to increase taxes, fees, charges, levies and debt, or to put new ones on or increase them above the CPI. I did read some of those instances into the record, and I want to add another couple into the record at this point, which is when we are dealing with the CPI very directly and are attempting by this amendment to cap growth in levies at the CPI.

On 19 November 2014, David Speers from Sky News asked:

So, any higher taxes, levies?

Daniel Andrews replied:

Absolutely not.

David Speers went on:

I just want to nail this down.

The reply was:

The answer is a very simple one: no increases. And the question also related to new charges: I have no intention of introducing new charges.

At a further point, on 24 November 2014, the following analysis was reported:

Mr Andrews said he would release his costings 'late next week' but promised his plans would include 'no increases' to taxes and fees and 'I have no intention of introducing new charges'.

Even in this Parliament the Premier has reiterated a number of these points. Mr Guy, the Leader of the Opposition in the lower house, asked him:

Does the government stand by its pre-election promise that, apart from CPI indexation, there will be no increase in taxes, fees, charges or levies and no increase in debt under this Labor government — yes or no?

Mr Andrews said:

I thank the Leader of the Opposition for his question. I again make it very clear to him, to his colleagues, to all members of this house and to all Victorians that we intend to honour each and every one of the commitments we have made.

On 5 November 2014 in a press conference Mr Andrews was asked:

You've said there won't be any new fees or fines. What about changes to new fines, fees, what about increases?

He replied:

There is an indexation arrangement ...

The next question was:

So that's a rock-solid commitment that fees and fines, charges, none will go up other than indexation over four years?

The reply was:

That's exactly right, and we will provide ...

and so forth.

On 19 November 2014 Mr Andrews said no particular problem — and he went through a list of them — would be fixed by higher taxation. On 5 November he said to a caller on Jon Faine's show:

I'm not interested in raising taxes.

There are more instances, and I could go on, but the point is made that the election commitment was very much that there would be no new taxes, charges and levies and that increases in taxes, charges and levies would be capped at the CPI.

This is a reasonable cap. Others say that there should be a different indexation measure, that it should be some measure that relates to construction and building or to the different purposes for which the development or infrastructure levies would be applied, whether they be for community purposes, roads or bridges or for other sorts of purposes, like open space. That is a legitimate argument about how those levy increases should be calculated. However, the state government ruled out those approaches before the election. It indicated that it would not be introducing these new matters and that it would be capping any increases at the CPI.

That is the purpose of this amendment; it is about protecting the affordability of houses and making sure that houses and developments meet those housing affordability targets and approaches that we think are so important for young families, and it is about holding the government to account. I have had good discussions with the minister on this matter. I think he has a different view, and he is entitled to that view, but that was not the view of the government before the election. The Premier, the then Leader of the Opposition, and the then shadow Treasurer — —

Mr Dalidakis — Do you have a question?

Mr DAVIS — No. I am putting on the record why we are moving an amendment to this clause. We are moving it very specifically to hold the government to account for its election commitment to cap tax, levy and charge increases at the CPI. We see that as an important objective. It was laid out before the election, and we are directly putting it into this particular amendment.

Some have suggested that the CPI is not relevant in this area, and I want to be quite clear that in the Planning and Environment Act 1987, as amended, there are a number of places in which the CPI is used. I draw the attention of the house to section 96R of that act, which deals with CPI adjustment and is used for the adjustment of the growth areas infrastructure contribution (GAIC). In the same act the CPI is used as an indexation for GAIC, applying to many of the same matters that are being discussed in this very bill and many of the same bits of geography at the edge of the city. The GAIC is hooked on and linked to the CPI. We think it is a very reasonable measure in that sense. We see it as consistent with what is already in the act. We see it as a government election commitment — we are holding the government to account — but most importantly we see this as a way to ensure housing affordability.

If this amendment passes, the government will be absolutely free at any point to come back to the house to seek further changes if there is some particular objective it wants to achieve. This in no way rules out future changes or the government introducing another bill to make further changes. The opportunity is there. This does not change it for all time, but it puts a reasonable, sensible brake on what a planning minister — and I am not particularly pointing at this one; I am saying any future planning minister — may be tempted to do owing to financial challenges, including finding ways to jack up the infrastructure levies way above the CPI as a way of funding a series of items. He or she may be tempted to jack up that levy sharply over time in different areas. With those words, I support the amendment.

Ms DUNN (Eastern Metropolitan) — My question is for the minister and relates to this amendment. Should this amendment proceed, what is the view of the government on having a limitation of the consumer price index over the levy?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Dunn for her question. Let me say from the outset that I wish to

reiterate some of the comments that Mr Davis made. Discussions between all parties — the Liberal-Nationals coalition, the Greens and the government — on this bill and the set of amendments put forward by Mr Davis on behalf of the coalition have been undertaken in good spirit and in good faith. However, it is the government's intention to vote against this particular amendment.

Mr ONDARCHIE (Northern Metropolitan) — I rise in support of Mr Davis's amendment to clause 4, at page 11, relating to the CPI. In light of the minister's comments in this house — both by way of interjection and since becoming a minister — to the effect of, 'We will deliver on all of our election commitments', I ask him whether the government, if it votes against this amendment which relates to there being no increases in taxes, charges or levies for the people of Victoria, will be breaking one of its election commitments.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — No.

Mr ONDARCHIE (Northern Metropolitan) — Again on this matter I remind the minister that development contributions provide for much-needed bits of infrastructure, such as schools, child-care centres and health centres. For very good reasons we do not want to shock the development community into making things unaffordable and not supporting livability, particularly in the outer suburbs. My electorate of Northern Metropolitan Region has seen significant growth in towns like Epping North, Mernda and South Morang, Whittlesea and even infill areas like Northcote, Coburg and further up in Craigieburn et cetera. These towns rely on appropriate infrastructure contributions to support community livability.

In relation to comments the Premier made in the media during the election campaign — and my colleague Mr Davis ran through some of those today — was the Premier misleading the people of Victoria in relation to development contributions and rises in taxes and charges by saying to them that there would be no further increases? Today the minister is saying that he will not support this. Was the Premier therefore misleading the people of Victoria?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I do enjoy questions from Mr Ondarchie. There is a short answer and a long answer, and I am probably going to give him one in between. The short answer is, of course, no, the Premier was not misleading anybody. In terms of contextual understanding of the clause as it exists in the bill versus the changes that Mr Davis is proposing with his

amendment, it does nothing of the sort in terms of advocating the percentage of increase in the levy. It does not identify a figure or a number. I appreciate that Mr Davis, through the amendment, is trying to provide, from his perspective, a degree of certainty around that figure. That is what this amendment chooses to do. However, I suggest that it would actually constrain future planning ministers as well as the current one, Minister Wynne, from looking at what percentage increase should be applied in regions, shires or councils where infrastructure is required and is costly — for example, in rural and regional Victoria.

In a range of consultations shires and councils such as Melton and Surf Coast, which are located in the rural and regional areas of Victoria, have indicated that they would support applying the Rawlinsons building price index for project construction costs as a way of ensuring that appropriate infrastructure is provided in those communities. If we were to pass the amendment before the house at the moment, it would significantly limit the ability of those shires and councils to provide the very necessary infrastructure that those communities are calling out for. That is why we are not proposing to support Mr Davis's amendment to limit what the planning minister can do, but I wish to clearly put on the record — that is, indicate in *Hansard* — that what is before this house is not a specific figure, so there are no broken promises whatsoever.

Mr ONDARCHIE (Northern Metropolitan) — In relation to Mr Davis's amendment 2, I go to the Premier's emphatic promises that there would be no more taxes or charges and no increases in the current ones beyond the CPI. Can the minister guarantee to this committee, despite his opposition to Mr Davis's amendment, that Victorians will incur no more taxes or charges or no increases to the current ones beyond the CPI, confirming Mr Andrews's commitment?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — What I can confirm is that in the bill before us there is no specific figure that is identified as breaching that promise.

Mr DAVIS (Southern Metropolitan) — The minister mentioned a specific index. I wonder if he might explain that index to the chamber and indicate by how much it has gone up in the last 12 months.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Let me start by saying that I will seek some advice to provide the member with an answer about the last 12-month component.

The index tries to take a part of the CPI plus a part of construction and land increase in valuation cost and combine them to get to a figure that means, for example, that a council or shire has the appropriate money it needs to spend on infrastructure. For example, a flat CPI rate does not necessarily maintain a real value of standard levies over time when we are talking specifically about infrastructure spend and build.

In relation to the second part of the question, about what the percentage has been over the last 12 months, I will seek some advice now.

There are two things I will say in response to that part of Mr Davis's question. The first is that the recommendation in relation to the Rawlinsons building price index is not something that the government has put forward but is something that was put forward by the advisory committee through submissions made to it. I think it is important to clarify that point straightaway. The second thing is that the document before me shows that the Rawlinsons building price index increased at 3.3 per cent per annum while the CPI increase tracked very closely at 2.8 per cent as a comparative for the same period. I believe that is for the period from 2007 to 2014. My understanding is that this document, which I am happy to share with members across the chamber, shows a 3.3 per cent increase for the Rawlinsons and 2.8 per cent for the CPI over that period of time.

Mr DAVIS (Southern Metropolitan) — I thank the minister for the information, but this is precisely my concern and the concern of the opposition. Whilst these compound indices may have a role, they are in many cases greater than the CPI. The difference outlined between 2007 and 2014 is significant — it is at least 0.5 per cent — but if you think about the CPI, which is now at 1.1 per cent to 30 June, if this index was anywhere near 3.3 per cent, that would be a massive difference. That could compound over time and allow the minister to strike levies at a level far beyond the CPI. That inevitably feeds straight back into the cost of housing, particularly in those growth suburbs around the edge of the city, and directly affects housing affordability for young Australian families seeking their first homes. My concern is that over time the use of indices which the community will not particularly understand — they do understand the CPI — could have a perverse effect in making these properties much more expensive, affecting housing affordability and thereby affecting the ability of people to buy homes. My concerns are increased, and we will certainly persist with the amendment.

Committee interrupted.

DISTINGUISHED VISITORS

The DEPUTY PRESIDENT — Order! I welcome the Consul General of India Melbourne, Ms Manika Jain, to the gallery, and also the High Commissioner from Canberra. Welcome.

PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015

Committee

Resumed; further discussion of clause 4 and Mr DAVIS's amendment:

2. Clause 4, page 11, after line 31 insert—

“(6) Directions issued under this section cannot provide for annual indexation that exceeds the movement in the consumer price index over the period to which the indexation relates.”.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I wish to reiterate a number of points to Mr Davis. The first is that I used the Rawlinsons building price index to illustrate that that has been brought forward as a result of the consultation the government has undertaken. The second is that I appreciate the member's sentiments in terms of areas needing to have a level of housing affordability — I do not contest that — but we also need to make sure that people who buy in these areas do so with the understanding that they are not then going to suffer from a lack of infrastructure.

If councils and shires, particularly in rural and regional Victoria, need to provide greater amounts of infrastructure in these areas to enable those residents to have a quality of life they can enjoy, then surely it is not necessarily up to the member or me to determine that but is something the council or shire can request of the minister. By voting against Mr Davis's amendment to this clause, we are seeking to allow the planning minister room to move to determine a figure that is in keeping with the requirements of the infrastructure in the area that we are potentially talking about.

Mr DAVIS (Southern Metropolitan) — I appreciate the minister's points and his frankness, and I can see that from time to time municipalities will request a whole manner of different arrangements and ministers will seek to accommodate them and the legitimate objectives of municipalities. This could equally work the other way, where a minister — not necessarily this current one, but a minister at some future point — may seek to jack up these levies and arrangements and do so

in conjunction with planning scheme changes in order to defray costs that the state government might otherwise have met. That is one of the concerns that we are very live to.

Mr ONDARCHIE (Northern Metropolitan) — In relation to Mr Davis's amendment 2, the coalition notes the minister's objection to this amendment. As a result of the minister not supporting this, and the potential for open-ended increases beyond the CPI, is the minister able to assure Victorians that there will not be any negative impact on housing affordability as a result of his objection?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — What I can assure Victorians is that if Mr Davis's amendment were successful, it would potentially limit the infrastructure that is able to be provided in the communities where developments will occur. Perhaps Mr Ondarchie is putting forward a view that people do not deserve to have infrastructure around them. However, if people are to have what we would call a reasonable quality of life, then the proposition that the opposition is putting forward will constrain the vast majority of development applications that would ensure this. By the way, in the majority of instances where this application is made the money will be spent by councils, not the state government — not every single one, but in the majority of instances — and that point needs to be reflected upon. But the fact remains that where Victorians build a house we need to ensure that they are not left with a lack of infrastructure.

I will take up one of Mr Ondarchie's earlier points. He identified places like Mernda in the northern metropolitan area, where new housing developments have struggled with a lack of infrastructure across the terms of a number of governments. We need to make sure that we continue to address this issue. By not constraining the Minister for Planning with this amendment we are trying to provide the minister with a degree of flexibility so that he can allow councils and shires to provide sufficient increases in infrastructure to ensure that residents have a quality of life that means they are not left behind.

Mr ONDARCHIE (Northern Metropolitan) — I want to remind the minister that, although he was perhaps busy not listening to my contributions today, I absolutely support affordability and livability for people right around Victoria, particularly in those fastest growing suburbs. I remind the minister — I know he knows this — that my family home is in the fastest growing postcode area in Australia, so I of all people understand that we need amenity and livability options in our own neighbourhoods. I ask him to reconsider his

opening comments, in which he said I did not think residents need such options. In fact I think they do.

But that was not my point. My point was: that if the government rejects this amendment, can the minister assure the people of Victoria that there will not be a negative impact on housing affordability, particularly for those areas he mentioned in his response just now? In places like Mernda, residents have their first mortgages and have lots of obligations and liabilities, and people in the house are working all the time to try to meet their family's requirements. This is occurring in growing outer suburbs like Mernda, where people are still waiting on any significant contribution to a rail line that we know is not going to cost just \$9 million, which the government put forward. What I am asking the minister very specifically is: if he rejects this amendment, can he guarantee Victorians there will not be a negative effect on housing affordability?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I can say that if we reject this amendment, we are affording people the right to have the appropriate infrastructure in their areas, as deemed by the councils and shires that need to provide that infrastructure in those housing developments. That is a very important point that apparently continues to be lost on those opposite.

Mr ONDARCHIE (Northern Metropolitan) — Do I take from the minister's answer that he is not going to guarantee that there will be no negative effect on housing affordability as a result of his decision on this amendment?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — No, I do not believe the member can read into my answer the statement he just made.

Mr ONDARCHIE (Northern Metropolitan) — To provide clarity for other people who are listening — and perhaps even myself — will the minister guarantee that there will be no negative effect on housing affordability as a result of his opposition to this amendment?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I feel like I am in the movie *Groundhog Day*. What I will guarantee is that people who live in development areas will have access to infrastructure as deemed appropriate by the councils or shires that will receive money to develop and implement that infrastructure in and around those developments.

Mr ONDARCHIE (Northern Metropolitan) — To follow up the minister's response: was that an assurance that communities that need those amenities to improve their lives and livability in the area will get the required amount of money to support their needs in the local area?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I now wish to come back to the amendment before the house, which is whether or not the planning minister has the ability to set the percentage rate. The comments by Mr Ondarchie seem to have strayed significantly from the amendment that we are debating at the moment, which I have indicated the government does not support. The government does not support it because it constrains the planning minister from being able to approve a rate as requested by the appropriate infrastructure development authority, which, as I have indicated, in the majority of occurrences is a council or shire. In rural and regional Victoria in particular the cost of infrastructure spend is one that is of serious concern so that people can have access to infrastructure in places where developments occur. As I have said from the outset, whilst there have been good-faith negotiations by Mr Davis with Minister Wynne, the fact remains that we will not support this amendment.

Committee divided on amendment:

Ayes, 17

Bath, Ms	Morris, Mr
Bourman, Mr	O'Donohue, Mr
Crozier, Ms (<i>Teller</i>)	Ondarchie, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Drum, Mr	Rich-Phillips, Mr
Finn, Mr	Wooldridge, Ms
Fitzherbert, Ms	Young, Mr (<i>Teller</i>)
Lovell, Ms	

Noes, 22

Barber, Mr	Mikakos, Ms
Carling-Jenkins, Dr	Mulino, Mr
Dalidakis, Mr	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr (<i>Teller</i>)
Hartland, Ms	Shing, Ms
Herbert, Mr	Somyurek, Mr (<i>Teller</i>)
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms

Amendment negated.

Mr DAVIS (Southern Metropolitan) — I move:

3. Clause 4, page 18, lines 20 and 21, omit “if required by the Minister, relating to any one or more of the following” and insert “at the times required by the Minister, relating to”.

As already discussed.

The DEPUTY PRESIDENT — Order! As I understand it, amendment 3 is also a test for amendments 4 to 7.

Ms DUNN (Eastern Metropolitan) — My question to the minister in relation to this amendment, which is a test for those other amendments, is whether it maintains the integrity of the bill and the outcomes the government seeks in relation to the amendment to the Planning and Environment Act 1987.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — The government will not oppose these amendments.

Amendment agreed to.

Mr DAVIS (Southern Metropolitan) — I move:

4. Clause 4, page 18, line 23, after “Part;” insert “and”.
5. Clause 4, page 18, line 28, after “Part;” insert “and”.
6. Clause 4, page 18, line 31, after “Part;” insert “and”.
7. Clause 4, page 19, line 6, omit “Minister.” and insert “Minister.”.

Amendments agreed to.

Mr DAVIS (Southern Metropolitan) — I move:

8. Clause 4, page 19, after line 6 insert—

‘46GN Minister to report annually

The Minister must cause to be tabled in each House of Parliament at intervals not exceeding 12 months a report setting out—

- (a) the total amount of infrastructure levies and development contribution levies paid to a municipal council as a collecting agency or development agency during the period covered by the report; and
- (b) the total amount of infrastructure levies and development contribution levies paid to a collecting agency that is not a municipal council during the period covered by the report; and
- (c) the total amount of infrastructure levies and development contribution levies paid to the

Consolidated Fund during the period covered by the report; and

- (d) the total amount of infrastructure levies and development contribution levies paid out of the Consolidated Fund during the period covered by the report; and
- (e) the total amount of infrastructure levies and development contribution levies paid during the period covered by the report.”.

Ms DUNN (Eastern Metropolitan) — My question to the minister — although I probably could pre-empt his answer, I would like to have it on the record — is: will the government be supporting this amendment?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I would like to indicate to Ms Dunn that the government will not be opposing this amendment.

Amendment agreed to; amended clause agreed to; clauses 5 to 12 agreed to.

New clause

Mr DAVIS (Southern Metropolitan) — I move:

9. Insert the following New Clause to follow clause 12—

‘A New section 46QD inserted

After section 46QC of the **Planning and Environment Act 1987** insert—

“46QD Reporting requirements of collecting agencies and development agencies

- (1) A collecting agency or development agency must prepare and give a report to the Minister, at the times required by the Minister, relating to—
 - (a) any amount of levy paid to it as a collecting agency under this Part; and
 - (b) any land, works, services or facilities accepted by it as a collecting agency in part or full satisfaction of an amount of levy payable under this Part; and
 - (c) the use of any amount of levy paid to it as a development agency under this Part; and
 - (d) the use made by it as a development agency of any land, works, services or facilities referred to in paragraph (b).
- (2) A report required under subsection (1) must be prepared in accordance with any requirements of the Minister.”.

I refer to the earlier discussion.

Ms DUNN (Eastern Metropolitan) — My question for the minister is: will the government be supporting this amendment?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — The government will not oppose this amendment.

New clause agreed to; clauses 13 to 16 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the bill be now read a third time.

I note that both the opposition and the Greens propose to support this bill, and I welcome that support. The government indicated that it would accept seven of the nine amendments moved by the opposition, and that an alternative amendment would be moved to satisfy the issue of annual reports to Parliament, which we have obviously just done.

I note that in the Assembly debate the member for Box Hill, on behalf of the shadow Minister for Planning, sought some clarification of which areas the development levies might apply to. He referred to some words in the former government's second-reading speech for the 2014 bill which he thought needed to be repeated. I am happy to make clear that the areas that may be declared under this bill would be those consistent with *Plan Melbourne*, as Mr Ondarchie was asking about earlier, the growth corridor plans and the regional growth plans, and these areas will be defined in the minister's directions.

The government does not intend to use these contributions to pay for things that were promised at the last election. Development contributions are required to be spent on specific types of allowed infrastructure such as roads, kindergartens, libraries, open space and community facilities that are required as a consequence of that development proceeding. They cannot be spent on state infrastructure in areas where the growth areas infrastructure contribution is charged.

The shadow minister has sought an indication from the government of the base rate to be set in the legislation. As I have already said, I am not in a position to nominate a specific amount as the implementation committee considering the matter is still deliberating on a range of technical issues. That committee includes

broad representation from the development industry and councils and will be a key part of the finalisation of the directions to come into effect progressively from early next year. However, I draw the attention of the house to the very detailed consultant reports that have been prepared which identify a range of values calculated for different growth corridors and compare these to the previous rates included in development contribution plans agreed already, and which I might say were endorsed by the previous government.

There are a number of matters to consider about where to strike the flat rate to apply across the board, and these figures need to be adjusted into 2016 dollars. However, I can assure the house that the final base will be consistent within this range. Moreover, the ministerial directions provided for under this bill are reviewable by the Scrutiny of Acts and Regulations Committee, which may recommend that an instrument be disallowed or amended. The directions are required to satisfy the principles of this bill in relation to need, nexus, fairness and equity. This serves as a check on the use of the minister's directions-making power.

The opposition has also raised the issue of the method of indexation and moved an amendment that proposed to use CPI as a flat cap on the increase in rates. That is not appropriate as these agreements cover a number of years, and it is crucial that the buying power of developer contributions be retained. If a developer is responsible for funding a road or kindergarten in year 1, then when this is needed in year 5 the amount of money set aside should be enough to cover the costs. That is why an index based on building costs and land values is critical to ensure these contributions retain their purchasing power. It is not open to the minister to arbitrarily use indexation to increase the amount by 10 or 20 per cent, as some people have suggested in their scare campaign. The legislation sets out the indexation process, and this will be followed. The formula for setting the indexation method in the directions is being discussed by the implementation committee, as already mentioned.

Once again, if the Parliament feels that the minister has strayed in the way that the directions are drafted, then the Scrutiny of Acts and Regulations Committee can recommend its disallowance and either house can strike out the direction. I believe those comments address the concerns that have been raised.

Motion agreed to.

Read third time.

INFRASTRUCTURE VICTORIA BILL 2015*Second reading***Debate resumed from 6 August; motion of Mr JENNINGS (Special Minister of State).**

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to make some remarks on the Infrastructure Victoria Bill 2015. According to clause 1 of the bill, the purpose of the bill is to establish Infrastructure Victoria, having the object and functions set out in the act, and to establish a new strategic infrastructure planning process in Victoria. The bill arises from an undertaking given by the now government in the lead-up to the 2014 election to establish an entity, ostensibly removed from government and removed from the considerations of the political cycle, to look at the infrastructure needs of the state of Victoria over a long-term horizon. It was part of a campaign run by the then Labor opposition to suggest that infrastructure planning in Victoria was somehow deficient and had somehow been deficient over an extended period of time. We see before the house today this piece of legislation to deliver upon that undertaking made by the then opposition, now sitting in the hands of the Special Minister of State as the minister responsible for the bill that we will be dealing with.

It is worth putting some context around the infrastructure investment in Victoria and the fallacy that was perpetrated by those opposite with respect to infrastructure development and planning in this state, and indeed the things that those opposite have done in their nine months in office that have undermined the issue of infrastructure planning and infrastructure development in Victoria.

As many members of the house would be aware, in the course of the 2014–15 Victorian budget, the last budget delivered by the Napthine Liberal-Nationals coalition government, an infrastructure plan was put in place to deliver some \$27 billion worth of new capital investment in Victoria. This was the largest infrastructure program in the state's history. It was to deliver the largest platform of infrastructure that Victoria had ever seen in terms of the number and value of projects and the horizon they covered. This was a comprehensive plan to address short-term and medium-term infrastructure needs as well as to provide grounding for long-term infrastructure development. It was a plan that was comprehensively supported by the business community in Victoria and by other sectors of the Victorian community when it was released in May last year.

I will recap some of the projects that were encompassed by the plan. One of the key projects, which I will come to in a second, was the first stage of the east–west link — a project to link the Eastern Freeway via a tunnel through to CityLink on the northern side of the city. This would have been a vital piece of infrastructure to complete a missing link in Melbourne's road network, to give a second east–west crossing and to provide redundancy for the current Monash Freeway–CityLink connection that provides our current east to west and south to north connectivity. The project was very strongly supported in the community. It was launched by the previous government in 2013, and its execution commenced over the course of 2014. In the last nine months the project has been abandoned by the government in such a way that it has fundamentally undermined the confidence of infrastructure investors in the state.

The fact that this government on coming to office was willing to go down the path of tearing up contracts that had been legitimately entered into by the previous government and threatening to legislate to void those contracts, and we had — —

Mr Barber — That was the Greens threatening that.

Mr RICH-PHILLIPS — Mr Barber says it was the Greens' threat to legislate to void those contracts.

Mr Barber interjected.

Mr RICH-PHILLIPS — Mr Barber says it was the threat of the Greens 18 months out from the election. One wonders whether the threat floated by Mr Barber 18 months before the election had quite the same impact as the Special Minister of State getting up in this place six months ago and saying that the government had issued drafting instructions for legislation to void the contracts. With due respect to Mr Barber and his party, I suspect that the idea he floated 18 months ago may not have had quite the same impact as having a minister, the Leader of the Government in this place, getting up and saying that the government had given instructions to the Office of Parliamentary Counsel to prepare legislation to void the contract.

The second project outlined in the \$27 billion infrastructure program was the construction of the western section of east–west link, recognising the need to provide duplication of the current West Gate Bridge to connect the western side of Melbourne through to the city. That is also recognised as an incredibly important piece of infrastructure. The state needed it at the time it was announced and it will continue to need it into the future.

In that program we also had the Melbourne rail link as a key project to deliver on the rail needs of Melbourne and Victoria, including the much-awaited connection to Melbourne Airport — a connection that would have put Melbourne on a par with Sydney in terms of its rail connection and on a par with many of the international cities we compete with, such as Singapore and Hong Kong, that already have rail links. These cities are recognised for their infrastructure and connectivity, and they have a substantial competitive advantage over us on those grounds.

The program included the Cranbourne-Pakenham rail corridor. This infrastructure is of great interest to my electorate, as the majority of it runs through the South Eastern Metropolitan Region. It recognised the growing demand for commuter rail services from the south-east. Over the last two decades we have seen a growing population in the south-east. When I first came to this place the city of Casey, which was at the heart of my then electorate, was experiencing growth, with around 40 dwellings being completed every week. The growth has continued at that rate and indeed has accelerated over the last 15 or 16 years. That wave of growth has now moved through the city of Casey largely into the shire of Cardinia, which is experiencing growth even faster than the city of Casey experienced at that time, with I understand upwards of 50 dwellings a week being completed in that area.

Without further growth in employment opportunities in the middle suburbs and to the east of the Casey-Cardinia area so much of the traffic and so many of those families living in that corridor need to travel west for employment opportunities. They rely on the Monash Freeway and the Pakenham bypass and of course on the Cranbourne-Pakenham rail corridor. That project was also absolutely critical to providing for the future infrastructure needs of the state.

One of the other projects listed was the CityLink–Tullamarine Freeway widening. This project has been undertaken as a private build by the CityLink operators and facilitated by the Victorian government to provide additional capacity on the Tullamarine Freeway, recognising the peak demand for that freeway, particularly in the morning peak outbound from the city to the airport. This issue has long been an area of concern for the operators of Melbourne Airport and for people commuting via the airport, particularly during the morning peak and particularly on Mondays and also on Friday mornings, when congestion on that section of the freeway leading out to the airport can bank back well beyond Essendon Airport towards the city.

The infrastructure considered by the previous government was not limited to transport infrastructure. Within the \$27 billion plan we also had substantial additional investment in health infrastructure. The plan committed to the Monash Children’s hospital development. It committed to the Box Hill Hospital redevelopment. It committed to the Royal Victorian Eye and Ear Hospital, and of course it committed to the new Bendigo Hospital, which was a project championed by the former Minister for Health, the Honourable David Davis, a project he got back on track during his time as Minister for Health. It was a project that was started under the previous Labor administration. It was a project which was poorly planned and ill conceived in the dying days of the Brumby administration, but it was a project that was put right by the previous health minister, and it is a \$629 million project that will deliver substantial dividends for regional Victoria as it comes into operation over the next two to three years.

One of the other major projects championed by the Minister for Health was the Victorian Comprehensive Cancer Centre (VCCC). This was also a project which was in need of rescuing when the coalition government came to office in 2010. It was a project where so much of the planning had not been adequately undertaken, where infrastructure fit-out considerations had not been properly scoped and where so much opportunity for further development and enhancement of that project had been left on the table. It was through the leadership of the then Baillieu government, which inherited it, and its Minister for Health, Mr Davis, that that project was expanded to reach its full potential.

Part of that was due to the provision of private capacity in the VCCC. The scoping of the tender allowed for an additional floor to be constructed at that centre for private patients to be treated. That had the benefit of providing ongoing revenue for the centre through the leasing of that additional floor and also the benefit of providing additional capacity for the treatment of cancer patients. This was a win-win for Victorian taxpayers. It ensured that there was additional capacity for delivery of cancer treatment services, and it provided a revenue stream for the public hospital component within that centre.

But as we saw with the east–west link project, with the change of government last November — and with the ideological bent of this government and that of its Premier in particular — we saw the private floor of the VCCC scrapped, and then we saw substantial changes on the board. There were resignations of board members in response to that decision by the government. Such was the ideological focus of that

decision that the government allowed its ideology — the Premier's ideology — to deliver a worse outcome for the people of Victoria and for the public health system by the elimination of that additional private floor at the VCCC.

Going back to the program that was outlined by the previous government, the Murray Basin rail project was also one of the key projects that was underway with the previous government. It was a project that was to be funded through the divestment of the Rural Finance Corporation, which was a successful privatisation undertaken by the previous government last year and an opportunity to take advantage of the asset recycling program announced by the federal Treasurer in 2013, whereby the state, through investing in the proceeds of asset divestments in new, genuine and productive infrastructure, was able to benefit from an additional 15 per cent payment from the commonwealth as an incentive for states to undertake the divestment. So the Murray Basin rail project was directly linked to the divestment of the Rural Finance Corporation and would have delivered substantial property benefits to the agricultural sector in the north-east of the state — the grain sector throughout Victoria.

One of the other projects the coalition delivered as part of its infrastructure program was the regional rail link. Again, this was a large-scale project that was commenced in the period of the Brumby government and largely completed during the tenure of the coalition government. It was a project that also required the intervention of the coalition government and the then Minister for Public Transport, the Honourable Terry Mulder, the member for Polwarth in the Assembly, and his senior departmental officers to ensure that that project was brought back on scope. It was ultimately delivered under budget and ahead of schedule; we saw the conclusion of that project earlier this year.

In addition to those projects, we had the project for Latrobe Regional Hospital, which was to commence in mid-2014, and the development would have run through to 2019. We had the development of additional prison capacity, and allocating that level of priority to prison capacity, even where it is appropriate, is always a controversial issue when it comes to state asset investment. However, in recognition of the fact that the coalition government was elected on a platform of being tough on crime, through the work of the former Attorney-General and the former Minister for Corrections the regime put in place legislative amendments which sent very clear messages as to how criminal activity would be treated in Victoria, along with changes to sentencing and parole, particularly with respect to suspended sentences.

A necessary part of that was investment in prison infrastructure. Again this is an area where the coalition inherited some projects from the previous Labor government and needed to make substantial interventions to get them back on track. The Ararat prison is one that immediately comes to mind — a project that was absolutely botched by the outgoing Brumby government, a project that required substantial intervention and restructuring to get back on track, a project that was successfully put back on track with a public-private partnership and a project that will now go on to deliver additional prison capacity for Victoria.

As part of that package from last year we also saw delivery of additional school infrastructure in recognition that new school capacity, particularly in our growth areas, is a vital function of state governments. That package involved the delivery of some 12 schools through a public-private partnership model. That was in recognition of the fact that the activities of schools and school principals should be about delivering education outcomes, not about managing infrastructure. The model put in place to deliver those 12 schools as public-private partnerships will ensure that as those schools are completed their staff and principals will be able to focus on the priority of delivering educational outcomes rather than having to devote resources to maintaining the buildings, fixing broken windows and the myriad other challenges that go with having responsibility for managing the asset as well as delivering the service.

The 2014–15 budget contained a \$27 billion program of state infrastructure to deliver rail infrastructure — both freight rail infrastructure and commuter passenger rail infrastructure — road infrastructure, health infrastructure in regional Victoria and metropolitan Melbourne, specialist health infrastructure with the Victorian Comprehensive Cancer Centre and of course educational infrastructure. That program is a demonstration of the way infrastructure programs can be and have been successfully delivered in Victoria with existing mechanisms over successive decades.

A further example of that is something that has been of interest to this house in recent times and will be into the future, and that is port infrastructure. As members would know from the second-reading debate on the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 some weeks ago, the current government has suddenly taken a different approach to the provision of port infrastructure for Victoria. For decades we had seen a consistent commitment to development of port infrastructure for Victoria. In the 1950s and 1960s the Bolte government took the view that Victoria would need additional port

capacity to that provided by the port of Melbourne. The view was that the long-term future of that additional container port capacity should be on Western Port Bay at Hastings, and the decision was taken to start providing the capability to deliver that infrastructure on Western Port Bay at the time it would be needed, decades into the future.

From that time we saw the acquisition of land in the Hastings area; that process was continued by successive governments for decades. Indeed the number of properties now held by the state in the Hastings area, including individual residential properties, is quite remarkable, but they have all been acquired over decades by successive governments recognising the long-term infrastructure needs of the state and recognising that decisions made with respect to infrastructure may have implications decades later — and indeed should be planned for decades later. The provision for the port of Hastings through the acquisition of land is a prime example of how that process has worked successfully over decades.

We have subsequently seen — and it is to an extent beyond the scope of the bill before the house — this government take a different position in respect of the port of Hastings. It briefly floated the thought bubble of a Bay West option for a port — an additional port within Port Phillip Bay with all the challenges that go with that. On coming to government Labor abandoned that Bay West option, along with the port of Hastings option. That is a break in what has been a long-term infrastructure approach for Victoria by successive governments.

The bill the house is being asked to consider today is about putting in place a long-term framework for infrastructure planning in Victoria, which this government says the state needs. The irony is that it is this government, more than any other government in recent memory in this state, which is destroying the work that was done by previous governments for long-term infrastructure needs planning, be it the east-west link, the Melbourne Airport rail or the port of Hastings. This government, more than any other, is actually destroying, in many cases for ideological reasons, infrastructure planning and preparation which has been undertaken by previous governments with a long-term view as to the infrastructure needs of this state.

In the first eight months of this government's administration we saw the unwinding of much of that infrastructure agenda and the cancellation of infrastructure projects. We saw the capital works budget in this year's state budget reduced. We saw a

new government in its first budget taking some \$6 billion out of the forward capital works program for the state. Then jump to August of the government's first year, and it is suddenly introducing legislation saying, 'We need a long-term planning framework for infrastructure in this state'. It smacks of gross hypocrisy for this government to tear up what had been a long-term approach to infrastructure planning in this state, to cancel specific projects, to rip \$6 billion out of the infrastructure budget which had been allocated by the previous government and to then turn around and say, 'We need to set up a new statutory authority to plan the long-term needs of infrastructure for Victoria'. That is what we have before us today.

I would now like to spend a bit of time going through the substance of the legislation and to foreshadow to the house the intention of the coalition to move a number of amendments with respect to this bill this afternoon. I ask that those amendments be formally circulated to the house.

**Opposition amendments circulated by
Mr RICH-PHILLIPS (South Eastern Metropolitan)
pursuant to standing orders.**

Mr RICH-PHILLIPS — I would like to run through the structure of the bill and some of the concerns that the coalition has with the legislation that is before the house this afternoon. As I said, clause 1 of the bill sets out that the purpose is to establish Infrastructure Victoria, which is to be a statutory authority, and to establish what is described as the new strategic infrastructure planning process in Victoria.

One of the interesting things about the legislation is that infrastructure is not defined. This is interesting for two reasons. In one sense there is an appropriateness in not constraining the definition of infrastructure and the way in which it applies to the Infrastructure Victoria processes, but on the opposite side of that issue is the potential for infrastructure to be defined at a low level.

One of the coalition's concerns with this legislation in the absence of a definition of infrastructure is the risk that Infrastructure Victoria as an entity, and the apparatus that will support it, will become bogged down with low-level, small infrastructure considerations rather than looking at the large strategic picture for the state and the significant infrastructure the state is going to need over coming decades.

An example of where that concern comes into play is what we previously saw happen with Major Projects Victoria under the auspices of the Bracks government. Major Projects Victoria, as many members of the house

would know, is the body that has been put in place by governments to manage the delivery of major projects — it is fairly self-explanatory — and major projects are often big infrastructure projects. One that comes to mind — which is probably unfortunate — is the Epping wholesale market redevelopment, the fruit and veg market, which is soon to open. The delivery of that type of project is the type of thing you would expect an entity like Major Projects Victoria to undertake. But in fact during the tenure of the Bracks government we actually saw Major Projects Victoria tasked with the job of overseeing the redevelopment of the kitchen here at Parliament House. A body set up to oversee large-scale infrastructure projects was tasked with a kitchen renovation. It was within the scope of the structure of Major Projects Victoria to be given a task like that.

Ms Crozier — They should have brought *The Block* in.

Mr RICH-PHILLIPS — Ms Crozier suggests an alternative way in which the renovation of the Parliament kitchen could have been undertaken other than by Major Projects Victoria. However, it highlights that in the absence of a definition of infrastructure for an entity tasked with simply looking at the infrastructure needs of the state it can actually become bogged down with projects at a very low level without giving consideration to the high-level strategic needs of the state.

One of the important issues around Infrastructure Victoria is how it will be constituted. The legislation sets out that Infrastructure Victoria is to consist of a board of seven. Three members of that board will be ex officio officers of the Victorian public service. One will be the Secretary of the Department of Premier and Cabinet, the chief bureaucrat of the state; one will be the Secretary of the Department of Treasury and Finance — I am sure Mr Martine would not mind me calling him the chief bean counter of the state; and the third will be the Secretary of the Department of Environment, Land, Water and Planning. Of course that piece of legislation typically moves around between departments, and I think it currently sits in the department that Mr Fennessy oversees. Those three officers will be ex officio members of the Infrastructure Victoria board. The capacity will then exist for the minister to appoint four other people to that board who are not currently employed in the public service or by public entities.

Our concern with this provision is that simply saying it will be someone who is not a current public servant does not ensure that Infrastructure Victoria will have

access to the broader set of skills that we believe it needs to undertake the task of delivering an infrastructure plan. We believe those skills include international experience in infrastructure delivery and experience outside the public sector, in recognition that the vast majority of infrastructure in modern times is delivered by the private sector. It may be commissioned in the public sector but designed and delivered by the private sector, and that type of experience is crucial.

The first amendment that we will be seeking to move in the committee stage of the bill is an amendment to require that the four independent directors appointed to the board must have gained their experience predominantly outside the public sector. So not only will they not currently be members of the public sector but they will also bring substantial non-public sector experience to the task.

The second area we seek to amend in respect of the membership of the board of Infrastructure Victoria is the skills base that the directors have. Clause 14 of the bill currently requires that the non-executive directors be, as I said, outside the public service and that they have appropriate knowledge or experience of one or more of the following: policy and strategy, infrastructure planning, infrastructure funding or infrastructure delivery. It is the intention of the next coalition amendment to require that the minister, in making a recommendation to the Governor in Council, because these are Governor in Council appointments, have regard, as far as is practicable, for the need for those appointed directors collectively — not each of them, but represented across the four — to have substantial international experience and qualifications that are recognised by one of the chartered professional bodies.

Those bodies issue qualifications to their senior members — be they chartered architects, chartered engineers or others — and recognise their experience and capability. These are people who are recognised as being leaders in their profession. It is not simply a case of someone who completed an engineering or architecture degree 30 years ago being held out as having the architectural or engineering experience on the board; it is about people who have continued to work in those professions, developing skills and qualifications in them and being recognised by their peers. That is the intention of the second amendment that the coalition will seek to move in the committee stage.

The third amendment goes to the fundamental infrastructure planning framework, which is the second purpose of the bill — the first being to set up

Infrastructure Victoria; the second being to lay down the planning framework for infrastructure. The basis of that framework is that Infrastructure Victoria must produce an infrastructure plan which covers a 30-year horizon, which can then be updated at least every five years. Once that plan is released by Infrastructure Victoria, the government will provide a response within 12 months and will also produce its own government plan of intentions in respect of infrastructure for the next five years. So we have the high-level, 30-year plan articulated by Infrastructure Victoria, a government response within 12 months and the government's own infrastructure priorities for a five-year time frame set out from there.

The third amendment that the coalition is seeking to make is in respect of the delivery of that first 30-year plan, because while the legislation requires the plan to be produced and then to be updated, it does not specify when Infrastructure Victoria is to produce that first 30-year plan. It is the intention of the coalition to move an amendment to require the inaugural 30-year plan to be published on or before 31 December 2016. That is in recognition of the need, firstly, to give Infrastructure Victoria an appropriate time frame in which to deliver that inaugural 30-year plan. The briefing received by the opposition from the Department of Premier and Cabinet officers suggested that 12 months would be the time frame required for that initial 30-year plan, and this allows some 18 months or thereabouts for its delivery. That will then allow the government, members of this Parliament and members of the Victorian community to consider that plan well before we get into the political environment leading up to the 2018 Victorian election.

One of the key reasons the government has articulated for establishing Infrastructure Victoria and one of the key strengths that many of the supporters of the concept of Infrastructure Victoria have highlighted is the need for it to be, and the view that it would be, an independent body — a body removed from the government and from day-to-day politics in Victoria. One of the ways in which we believe that independence can be enhanced is by requiring that Infrastructure Victoria, when it undertakes its work and produces its 30-year plan and subsequent updates, provide them to Parliament in the first instance in the same way as we see independent officers of the Parliament, such as the Auditor-General, present their reports to Parliament in the first instance.

The intention of the coalition's amendment 4 is to provide for the plan and subsequent updates to be tabled in Parliament in the first instance. The documents will not go to the executive government of

the day but to the people of Victoria through their representatives here in Parliament. They will be available for debate and consideration by the Parliament and the Victorian community at the same time as they go to the government for its consideration and response.

The amendments which follow — amendments 5 to 8 — also give effect to that same requirement in respect of the government's response.

Under the amendments I propose to move later today Infrastructure Victoria would in the first instance table its strategy in each house of Parliament by the mechanism of the Clerk of each house presenting it to the Parliament. Because Infrastructure Victoria as a body does not have the capacity to table a document in its own right, the clerks, by virtue of an amendment to clause 35 of the bill, would exercise that role. The government would then be required to, in response to the 30-year plan, produce its own 5-year strategy, which would also be tabled in the Parliament in the first instance. That is very much about getting this debate about infrastructure out of the political regime. This is what the government said it needed and wanted to do. It is very much our view that these amendments will go a long way towards enhancing that objective of making Infrastructure Victoria a non-partisan entity.

The ninth amendment we propose to move is to clause 45 of the bill. Division 3 in part 3 of the bill is headed 'Advice to the minister' and encompasses clauses 44 and 45 and, though it is not relevant here, clause 46. These provisions allow the responsible minister, in this case the Special Minister of State, to request advice from Infrastructure Victoria on matters laid down in the legislation. Surprisingly, the bill then seeks to insert by way of clause 45 a restriction on Infrastructure Victoria publishing any of the advice it provides to the minister. Clause 45(1) currently states:

Subject to subsection (2), Infrastructure Victoria must not publish details of any advice that it provides to the Minister under this Part.

'This Part' being in relation to a request from a minister. Subclause (2) talks about publishing in the annual report of Infrastructure Victoria a table setting out the fact that a request had been made on a certain date in relation to a certain area. This clause troubles the coalition. It seeks to insert in statute a prohibition on information release. The flow of information between government entities and the Parliament and between government entities and the community is now well established. It is something the Legislative Council deals with on a regular basis by way of production of documents motions, and the Council's capacity to do

this has been established over a long period of time and confirmed by decisions of the High Court. For the government to now seek to insert a statutory prohibition beyond the framework that currently exists is a curious step.

We have seen the way the release of information occurs under the freedom of information framework, a framework that was enhanced by the coalition government with the establishment of the FOI commissioner and other enhancements to the FOI legislation, which itself has been in place in Victoria since around 1982. It is now a well-established framework for the release of information, one that is parallel to and separate from the process we have through this Parliament. Both methods — the parliamentary process and the FOI process — are always iterative exercises, with claim and counterclaim as to the release of information and the basis on which information is not going to be released. What we see now with this legislation is a new approach of a blanket statutory prohibition on the release of information which would override the accepted frameworks of FOI and the capacity of Parliament. The ninth amendment proposed by the coalition seeks to address this provision and to remove that specific statutory prohibition.

It is the coalition's view that the current FOI framework and the current practices and procedures of this place have worked adequately with respect to the disclosure of information, and I look forward to, through the course of this debate, hearing the government articulate its reasons for believing that a statutory framework around the disclosure or non-disclosure of advice it seeks from Infrastructure Victoria is an appropriate framework.

In conclusion, this is —

Ms Shing — No, you have another 10 minutes left!

Mr RICH-PHILLIPS — I thank Ms Shing; she has reminded me that a further 10 minutes is allowed for this contribution. I will resist the temptation Ms Shing invited me to take up. I am not sure whether it had the endorsement of the Leader of the Government, but I will resist the temptation to take up Ms Shing's invitation to expand my contribution.

There is much irony in this legislation because many of the long-term infrastructure plans of this state which had spanned governments of different colours over decades have been voided and ripped up by this government, which now seeks to bring in what it says is a framework required for long-term infrastructure

planning. We have an inherent contradiction between the knee-jerk decisions of this government with respect to infrastructure activity in this state — ripping up the east-west link contract, ripping up the provision for the private floor in the VCCC and ripping up the contracts for Point Nepean, which we have not yet canvassed — and then saying that we need a long-term infrastructure plan and a considered infrastructure strategy. None of these decisions of the government are to be referred to Infrastructure Victoria; they are decisions that have already been made, before this entity has been put in place.

There is an inherent contradiction in what the government has done with infrastructure in this state in its first nine months, as opposed to a long-term approach to infrastructure in this state and what it is seeking to legislate today. The coalition is not going to oppose the introduction of Infrastructure Victoria. It is an entity that over time may add value to infrastructure planning in this state, depending on how it is inaugurated and how it proceeds with its initial work. As I indicated in my earlier contribution, we do have some concerns with particular mechanics of this legislation which we will be seeking to amend through the course of the committee stage, but the coalition will not be opposing the Infrastructure Victoria Bill 2015.

Mr MULINO (Eastern Victoria) — This is an extremely important bill, and I am pleased to speak in favour of it. I will not speak at great length, because the arguments in favour of this regime have been set out in the other place and also in public a number of times. However, I want to put on the public record the key elements of this new very important and much improved infrastructure regime. Well-planned infrastructure is one of the key underpinnings of Victoria's future productivity growth and one of the keys to maintaining our livability in the face of a number of challenges. Infrastructure in the economic sphere connects our economic regions to export markets through ports, airports and other connections. It reduces congestion, and it enables high-quality service provision through social infrastructure in areas like health and education.

Quality infrastructure also underpins livability — for example, by reducing travel times and increasing access to services in regional and rural areas. We know all of this. We also know Victoria faces a number of challenges, including a rapidly growing population. Statistics that came out a few weeks ago showed that Victoria accounted for almost one-third of the nation's population growth. We have been growing much faster than non-resource states for some time now. In addition, like a number of other jurisdictions, we face

fiscal constraints, so we cannot easily fund all the various worthwhile projects that we would like to. This means that we have to be more careful than ever in prioritisation.

Infrastructure Victoria is a key way in which this government will set up a better form of governance to address these challenges and opportunities. What are the key functions of Infrastructure Victoria? The first is strategic planning. Infrastructure Victoria will be responsible for a 30-year infrastructure strategy. This strategy will be long-term and holistic. It will take account of things like population growth, technological change, economic forecasts and the connections and interdependencies of different types of infrastructure. It will have a cross-sectoral approach. It will look at economics and social, civic and cultural infrastructure. The previous speaker mentioned that there was not a minimum, and this is important because Infrastructure Victoria should not be limited to a particular size of infrastructure. It is important that we have high-quality infrastructure, even if it is small in a global sense. Infrastructure is important and large in a particular economic context. It might be important in a particular regional sense, even if it is not large in terms of the overall budget.

In its strategic planning function Infrastructure Victoria will assess the state of our existing infrastructure, which is critical. We must have a rigorous means of assessing the state of our current infrastructure and ways in which we can use it to best effect before we try to think through what new infrastructure is needed. Of course we must also employ rigorous prioritisation based on a range of funding and financing options, and we must be able to draw a distinction between those. Infrastructure Victoria will build a central government capacity in modelling that will establish a critical mass. It will draw on government, universities and private sector experience. It is going to be a significant step forward in the government's capacity to undertake this type of analysis.

The second main function of Infrastructure Victoria will be to develop a 5-year infrastructure plan in light of its 30-year infrastructure strategy. Once Infrastructure Victoria has released its 30-year strategy the government will respond within 12 months. In its response the government will be required to provide a detailed rationale for projects, policies and reforms that it proposes in light of Infrastructure Victoria's strategy. In relation to those particular projects it will need to outline what funding commitments it will make.

Infrastructure Victoria will not take over the government's role in decision-making. That must

remain embedded in the democratic process. Indeed the last election was a good example of that. It was, as those opposite themselves characterised it, a referendum on the east–west link. The electorate must still be the ultimate arbiter, but we need to provide the electorate with more and better information.

The third function of Infrastructure Victoria will be to provide expert advice to the government as requested. There will be opportunities for the minister to request advice from Infrastructure Victoria at any time on specific projects, on the government's five-year plan and on sectoral infrastructure strategies.

Finally, Infrastructure Victoria may itself initiate, develop and publish research on a range of matters. I briefly note that Infrastructure Victoria will be an independent statutory authority subject to limited direction or control by the minister. It will have a board of directors with considerable expertise — a mix of public and private sector experience. The chair, the deputy chair and two members must come from the private or non-government sector.

This bill sets out a new regime for the selection, evaluation and assessment of infrastructure that will lengthen the government's horizon and deepen the expertise that will lead to greater independence. It is a step jump forward in one of the largest and most important areas of government expenditure. I recommend this bill to the Council.

Ms CROZIER (Southern Metropolitan) — I would like to make a few comments in relation to the Infrastructure Victoria Bill 2015 and note that the purpose of this bill is to establish Infrastructure Victoria, a statutory authority that will provide independent and expert advice to the government about Victoria's infrastructure needs and priorities and accordingly establish a new strategic infrastructure planning process. That encompasses a number of things that have been outlined by my colleague Mr Rich-Phillips, who articulated very clearly some of the differences between this government and the previous government in relation to infrastructure planning and what was on the agenda of the coalition government.

As has been said, there are many infrastructure projects that an expanding and ageing state requires. The second-reading speech on this bill states:

In the past 15 years, Melbourne's population has grown by a third, adding more than a million people. The city's population is now 4.5 million, and on current growth rates will reach 5 million by 2020 and 8 million by 2050.

I am certainly not disputing those figures. I think they are accurate in relation to where the state is and what is happening in Victoria, but it just goes to show what is required. As we have those projections, surely we need significant infrastructure to cater for that growing population. In a minute I will come back to the east–west link. The bill takes into account all the capital infrastructure put in place under the previous coalition government, and I note that the former Minister for Health, Mr Davis, understood very clearly that an ageing and increasing population needs more hospital capacity. The amount of health capital provided under the previous government for those infrastructure requirements in both metropolitan and regional areas should be commended.

Of course we need schools for our growing population as well, and we need transport infrastructure to increase our road and rail capacity. There were significant rail infrastructure improvements undertaken by the coalition government, but as we know, our state does not operate on one mode of transport alone. It requires road, rail and other forms of transport to get both people and produce around the state. And so it was that the coalition had a very clear undertaking to establish projects to serve the needs of this growing state, and the east–west link was certainly one of those projects. I find it somewhat curious that the Labor government had agreed to the east–west link project prior to the coalition coming into government and then for purely ideological reasons ripped up that contract and ripped up a road.

Mr Jennings interjected.

Ms CROZIER — It ripped up the contract that would build the road. I thank Mr Jennings for looking curious; I agree. It was not quite the phrase I was looking for. They ripped up the contract that would build that significant road that would assist in moving both people and produce from all parts of our state.

As I said, we cannot not just rely on rail and road infrastructure — there are airports and ports as well. The port of Melbourne, which lies in my electorate of Southern Metropolitan Region, is a critical piece of infrastructure and is certainly significant. It is alarming to know that New South Wales is taking over because it has increased its port capacity and port movements. I think that indicates the lack of confidence in what is happening here.

The coalition government had a plan to have a second port. The port of Hastings was a piece of infrastructure that was absolutely critical for this growing state. It bewilders me that the Labor Party went to the Victorian

electorate saying it would build a second port at Bay West and now has scrapped it. It is another example of Labor saying one thing before the election and doing another after. Yet the second-reading speech states:

Victorians know too well that some infrastructure decisions have been rushed, haphazard, and without any ability for the community to scrutinise the often grandiose claims of the governments that make them.

What an outlandish statement from this government. It is a government that did not take the West Gate distributor to the Victorian electorate.

Mr Finn — The shovel-ready West Gate distributor!

Ms CROZIER — Well, is it? Mr Finn raises a very good point. The term ‘shovel ready’ is bandied about by this government. This government has been in place for nine months. We are nearly a quarter of the way through this term — and I cannot wait until the end of the term to see the end of it — and there has been a lot of rhetoric, a lot of media statements and lots of words going out into the community, but no action.

Mr Ramsay — It is a lot of spin.

Ms CROZIER — It is, Mr Ramsay. There is a lot of spin and there are lots of reviews — it is a bit like being on a merry-go-round. There are lots of words but nothing is happening, and there is a lot of loss of confidence in the meantime. We have concerns about what this government is capable of doing. Of course we have the Metro rail tunnel, which virtually goes from Melbourne University to Melbourne Grammar School. It does not actually cater for a large part of this growing city; it caters for a very small part of our growing city. It was announced as a grand plan costing over \$11 billion but with only \$1.5 billion allocated. It again demonstrates a government that is very fluid with its words — it does not mind putting things out there, but it cannot back them up. That is very important when we are talking about infrastructure.

We have already got Infrastructure Australia, which looks at national projects and the infrastructure needs across the country. I therefore question why we need two authorities. Nevertheless, if we are looking purely at Victoria’s needs, I suppose that is acceptable, but we need to have a critical understanding of what those needs are, because we are dealing with Victorian taxpayers money. We know that this government has very little regard for Victorian taxpayers money. It is paying \$640 million in compensation for a road not to be built, which is a clear demonstration of a disregard for hardworking taxpayers money.

I note that Mr Rich-Phillips has proposed amendments to this bill. They go to the heart of ensuring, if this authority is going to be set up, that it has some significant checks and balances in place. I do not want this new authority to be just about giving a few jobs for a few mates behind a few desks. We need significant projects, and at the moment there are no significant projects in the pipeline, so again I wonder why we are setting up this authority. As I said, Mr Rich-Phillips's proposed amendments are sensible. They are safeguarding large amounts of Victorian taxpayers money, which is absolutely critical because we know the history of Labor governments. They are very good at blowing taxpayers money. They do not understand the critical aspect of good fiscal management. The amendments that have been proposed by Mr Rich-Phillips look at the skill sets of the authority, at its policy strategy and at the funding, planning and delivery of major projects. They are very sensible amendments and require that the plan, which has a 30-year time frame, be updated every five years. They also require that we be given an understanding of what the plans of this authority will be.

Mr Rich-Phillips has gone through the bill and foreshadowed his amendments in great detail. I think it is sensible that the directors of the authority be required to have the experience and necessary skill sets and to be people with international experience, so that it is not just made up of union mates or ex-politicians. We will go a long way if we can have people with those abilities and capacity in place. The proposed amendments should therefore be included in this bill. I urge government members to support Mr Rich-Phillips's proposed amendments. They improve this bill by a long way.

Mr BARBER (Northern Metropolitan) — As others have said, this is a bill to establish an advisory body that will give advice to the government. That advice for the most part will be available to members of the public, and the body will engage in a process of discussing with the community in various rounds what Victoria's infrastructure needs and plan might be for the next 30 years. For that reason I do not intend to stand here for the next 45 minutes and say what I think are the infrastructure needs of Victoria for the next 30 years, although tangential to the discussion of how this body is to be set up and the rules it will operate under it may be necessary to state the direction in which we ought be heading.

Initially what we knew about Infrastructure Victoria was based on a typically glossy, colourful and somewhat scanty government document — lots of pictures of infrastructure, a couple of pictures of the

relevant minister and perhaps an overly simplistic diagram of the powers of the body, with a comparison to other states. In any case, the government has sought to put forward that this will be the most independent, transparent, widely scoped and broadly engaging infrastructure advisory body in Australia.

I will be very interested to see how Infrastructure Australia interacts with Infrastructure Victoria, because Infrastructure Australia does work on behalf of the states as well as being governed by commonwealth law. If you read the Infrastructure Australia reports, they are reports to the Council of Australian Governments. When the feds are putting money into these projects — and it is my view that they certainly should be putting in a lot more money than they currently are — then it is appropriate to have not only the members of the Council of Australian Governments working together but also a high degree of transparency and coherence between the different types of projects that different states may be putting up.

Speaking of transparency, some time back I tried to get hold of a copy of the business case for what was then called WestLink. This was in 2008. It was basically Labor's western half of the east-west link. Labor was for WestLink before the project became the east-west link. That exercise with Martin Pakula as the then Minister for Public Transport cost me about \$13 000 in legal fees. It took 18 months to get a copy of the business case for WestLink, a document that had already been sent from Victoria to Infrastructure Australia for its analysis and, possibly at the end of the day, funding. People have been running round for years saying, 'Show me the business case for the east-west link', when the business case for WestLink has been out there for a very long time, but only after an extended legal battle in which the government's lawyers eventually handed me a copy of the document almost on the metaphorical courthouse steps.

Odd, is it not, that with states bidding for federal money through a body, Infrastructure Australia, which like Infrastructure Victoria is promoted to be the be-all and end-all for transparency and rigour, until I got hold of that particular document you could not get the comparative benefit-cost ratios of all the different projects that the states were putting in? In fact it is to the benefit of the taxpayer more broadly that we see the benefit-cost ratios and the quality of all the various state bids for federal funding. States should have to transparently compete against each other. No way will this bill or this body create transparency around which projects are to be supported.

Acting President, if you are following me on Twitter — and I suspect you are because you are barely ever off Twitter — you would have seen that I travelled to America to visit some of its transport authorities over the break this winter. At a meeting of Denver's transport authority — which is a democratically elected body, and its meetings are open to the public — it put up on the PowerPoint a copy of the four competing bids to construct a \$200 million rail extension, with the scores that each bid had obtained and the prices of the four contractors. With 70 people in the audience, the four bids were laid out up there for all to see. We are a hell of a long way from that in Victoria. Here this sort of information is guarded like the crown jewels.

It is for that reason that we are seeking to add to the degree of transparency that this bill promises but does not necessarily deliver. It is one thing to create an entity, it is another thing to give it a mission and it is yet another thing to require it to go through certain steps, but that is still a content-free exercise. In fact, as Mr Rich-Phillips pointed out in his contribution, some aspects of this bill attempt to introduce new types of statutory secrecy in relation to the advice that might go back and forth between the minister and the body. Everybody who writes a submission to the strategy will have their submission read by the minister, but if the government were to have its way, submissions from the body to the minister would remain secret forevermore, except for the bits that get published through the official strategy that is for public consumption.

Having had that experience of the radical transparency with which certain decisions around infrastructure are made by certain authorities in other countries and other states, which for them is not very radical at all, I am making some efforts here to ask the government to lift its game even further. I have a number of amendments — amendments 1 to 8 — and I am happy for those amendments to be circulated now.

Greens amendments circulated by Mr BARBER (Northern Metropolitan) pursuant to standing orders.

Mr BARBER — I gather these amendments were circulated at the regular get-together of all of the parties — the government business committee meeting — last Friday, and they have been the subject of some discussion between myself, the opposition and the government today.

I will not go into all of those amendments in great detail now because we will have to have further discussions about them during the committee stage. But in general terms they go to who needs to be consulted by this

body; the qualifications and eligibility of the members of the body; the information that is exposed in the process of them making their decisions — that is, transport modelling; and the requirement that they assess the broadest range of options to achieve the same result — that is, public transport and active transport up against road-based transport — when they are making certain decisions. We also want to see an assessment of the potential contribution of greenhouse gases created as a result of any of these options.

This body is, after all, an empty shell. If it comes up with a set of proposals for a string of nuclear-powered desalination plants along the coast, there is nothing in this bill to stop it from doing that, but without being too prescriptive, you would want to see that this body had to do certain comparisons against something simple — more than a social, environmental and economic tick-off, which of course to this day every decision-maker pays lip-service to.

We already have a Climate Change Act 2010 here in Victoria, which is meant to determine the way other decision-makers, including ministers, make their own decisions under that act, so why not ask this body to assess the climate change implications and greenhouse gas implications up-front when it does its own report, which is meant to and will hopefully be a 30-year, long-living document?

It is highly desirable that we have a clear understanding of where we are going with infrastructure over the longer time frame. Again harking back to the United States, where I was recently, many of its cities have long-term plans that are being approved and funded year after year after year, with minimal change. That is because in places like Minneapolis and Los Angeles they have introduced specific-purpose taxes that are then tied directly to the delivery of a pre-approved infrastructure program. The job of a politician in those jurisdictions is not to come in, scrap the last plan, rewrite one in their own image and then hopefully get to cut the ribbon on some of the projects. Dreaming up a project, funding it, initiating it and cutting the ribbon on it is the dream of any short-term politician who is operating around one political cycle. Over there the job of a politician is to be a steward and a wise facilitator of a plan that has already been worked out by the people and approved by the people — in that case, through a referendum mechanism that actually established the pool of funding that is dedicated to that very plan itself.

If it is at all possible to depoliticise these sorts of decisions, it will not be through a body like Infrastructure Victoria; it will be through a process like what is being done in many of those leading US cities.

Admittedly they are sprawling, car-dominated cities, but they have turned the corner towards public transport-based solutions, and that is what we need to be doing. There is nothing in the bill that guarantees that. One of my amendments at least does attempt to require that that be considered as one of the alternatives. I have also suggested in my amendments that the evidence relied on in preparing the strategy — the assumptions and the conclusions — all become transparent.

We have heard time and again from the Auditor-General, including just yesterday, that the business plans put together by the government are either not clear about the assumptions or, if they have the assumptions listed, are not clear enough about the benefits of the project, such that down the line someone can come along and see if those benefits are realised. We saw it again just yesterday in the Auditor-General's report on the Tullamarine Freeway widening. Federal and state road ministers Donnellan and Truss were out there launching it in a press release saying, 'This road will be safer for motorists when we have finished widening it'. The Auditor-General's report tabled yesterday said there was not enough evidence in the business case to actually ascertain that the road would be safer. That is exactly the type of problem I am talking about. That is why I am seeking to expand a section of the act that requires the government to show us it is working, if you like — not just to show us the conclusion and say, 'There it is', but show us how it was worked out and every input to the process.

That is the effort we have been making there. The Greens have made similar efforts at the federal level to improve the structure of Infrastructure Australia and how it operates. The government may believe its version, according to its matrix, is superior to Infrastructure Australia, but Infrastructure Australia is better because we have negotiated a number of amendments to be inserted up there at the federal level. It is the result of some of those efforts that we seek to insert through the amendments we are proposing.

Here we are, with a government that, last time it was in office, tried to build the WestLink half of the east–west link. Then eventually, in opposition, its members confirmed that they did not support it starting from the east; they were supporting it to start from the west. Then they were building the whole lot; then they were building none of it — but there was no compensation required to tear up the contract because the contract did not exist; it was a legal figment of the Liberals' imagination. Then it turned out that the contract was real, and they were going to have to get us out of it. While the members of the public were still scratching

their heads about what that was all about, the government then announced a dirty, great road tunnel from the west. It is sounding like WestLink all over again.

At the same time, they are going ahead and expanding Tullamarine Freeway. It is as if this zombie of a project never wants to die and just keeps coming back like a bad horror movie. When will we finally move the way those US cities have moved and start investing our money in a public transport solution? Nothing in this bill will force governments to see sense and stop throwing their money down holes in the ground and stop looking for the political sugar fix of dreaming up a project and launching it in the same term of government. But if we are lucky — if we are very lucky — this body, Infrastructure Victoria, may just provide us with a little bit more information about the decisions the government is foisting upon the public during its short term of temporary responsibility for Victoria.

Mr MELHEM (Western Metropolitan) — Thank you, Acting President.

Mr Finn interjected.

Mr MELHEM — Absolutely. We like infrastructure and infrastructure projects. They are pretty good for the state.

Mr Barber — You dig big holes and fill them in again. It's all the same to you.

The ACTING PRESIDENT (Mr Morris) — Order!

Mr MELHEM — Mr Barber does not like anything, does he? He just wants to turn the lights off and go back about 5000 years. That is what he would like to do.

I rise to speak in support of the Infrastructure Victoria Bill 2015, which should be a good debate. This bill has come about as a result of a commitment made at an ALP state conference by the Premier when he was the opposition leader. In his address to the state conference he spoke about Labor's key policies, including putting in place an independent body to oversee the infrastructure needs of the state of Victoria instead of, as is currently the case — and it is no criticism on any political party, but a fact — many infrastructure decisions being made on the run in reaction to polls rather than taking a long-term view. This Labor government wants to start looking at infrastructure policy in the medium to long term and to take the politics out of such decision-making. In order to do

that, we need to put in place an independent body to oversee planning. We know of the success Infrastructure Australia has been delivering by putting a plan to governments from both sides.

Infrastructure Victoria will take short-term politics out of planning and infrastructure and keep our pipeline of major projects flowing in order to grow our economy and create jobs. Infrastructure Victoria will put evidence and transparency front and centre of the infrastructure debate, will consult widely and will consider the needs of the whole state, not just metropolitan Melbourne. Infrastructure Victoria will prioritise the projects that deliver results and drive new jobs and, most importantly, will help governments plan our future and make better decisions.

I will name some organisations that have come out in support of this government's proposal to establish Infrastructure Victoria. The Victorian Employers Chamber of Commerce and Industry came out and said:

It is positive that Infrastructure Victoria will:

undertake clear and transparent analysis of potential key infrastructure projects.

develop a long-term and clear pipeline for Victoria's future infrastructure projects.

Infrastructure Partnerships Australia says:

Victoria must never repeat the east-west link experience, meaning long-term, stable and predictable planning is fundamental.

That is a reference to those opposite making a decision about a major project in the last 6 or 12 months of their term because they had been sitting and doing nothing for four years. This legislation will take the politics out of planning so we can have better long-term planning. For example, the Melbourne Metro rail project was endorsed by Infrastructure Australia some years ago but for political reasons the former state government decided not to go ahead with it.

The Property Council of Australia has also come out in support of the establishment of Infrastructure Victoria, and an Engineers Australia press release states:

The newly established role of Victorian chief engineer ... [will oversee] the registration of engineers in the state ... [and] will support Infrastructure Victoria's delivery of projects in a timely and cost-effective manner.

The Master Builders Association has also come out in support of the government's bill, as has Professionals Australia, and the list goes on. Everyone in the industry is coming out in support of what this government is doing. Last but not least, the Committee for Melbourne

came out in support of the Andrews government's introduction of this legislation to establish Infrastructure Victoria. It has put in place 10 principles for infrastructure prioritisation: independence, transparency, appropriate powers, accountability, evidence-based analysis, a cross-sector holistic approach, alignment, quality appointments, stakeholder engagement and flexibility. Those are some of the things the Committee for Melbourne is saying an organisation like Infrastructure Victoria should be looking at, and that is in line with what Infrastructure Victoria will look at doing.

I hear that the opposition and the Greens are looking at moving various amendments. Instead of supporting the legislation, they are coming up with such arguments as, 'It is not perfect legislation; we can do better' or 'We should be doing this or doing that'. I say to opposition members that they were in government for four years and did not do any of that stuff, so now we are putting a proposition on the table and we would be pleased if they supported it. We would be pleased if they could see how this legislation is going to work and then come up with some constructive ideas to improve the authority's functioning after it has been established. Members of this government look for continuous improvement, which I think is a good thing. We can always improve things so that we do not remain static, but those opposite can only criticise even before Infrastructure Victoria is up and running.

Mr Ondarchie interjected.

Mr MELHEM — If Mr Ondarchie wants to talk about that, I have plenty of time. Then we can talk about having a royal commission into Liberal Party affairs, including what has come out in the papers today. I would be happy to talk about that and about a royal commission, but I do not think he wants to go there.

Infrastructure Victoria will produce a 30-year infrastructure strategy for the state's infrastructure needs and priorities, and that strategy will be updated every three to five years. Infrastructure Victoria will release this strategy without the approval of the government of the day. No other Australian infrastructure advisory body has this level of independence enshrined in legislation. When preparing each 30-year infrastructure strategy, Infrastructure Victoria must first release a draft strategy for public consultation. No other Australian infrastructure advisory body is required to do this.

In response to the 30-year infrastructure strategy, the government will be required to develop a 5-year infrastructure plan outlining priority projects and funding commitments. Infrastructure Victoria will independently assess the government's progress against this plan and report publicly on that progress. The expert body will also support government decisions by assessing business cases for major projects and publish research on issues like financing and funding models.

Mr Barber made points about some of the projects such as the CityLink widening and various other projects. We want to have independent analysis of infrastructure projects before they go ahead. We propose to have those projects go through Infrastructure Victoria for final analysis before they are implemented.

Mr Barber — Hopefully they will give it the raspberry.

Mr MELHEM — You never know. You have to wait and see, Mr Barber. We are trying to get things done to your satisfaction, but I do not think that we will ever get you satisfied because you will always —

Mr Barber interjected.

Mr MELHEM — You read the legislation.

Mr Barber — Do you support a nuclear-powered desalination plant?

Mr MELHEM — There you go. No, we mean it in other areas. We might. You never know; we will see how we go. We will put it next door to Mr Barber.

Honourable members interjecting.

Mr MELHEM — Exactly. It is another desal plant that we can build. Infrastructure Victoria will also be required to consider the economic, social and environmental impacts of every project it considers and every function it undertakes. Infrastructure Victoria's recommendations will not only relate to new projects but also consider options for enhancing existing infrastructure through operational improvements, policy changes, new technology or regulatory reform.

Infrastructure Victoria will give the community and the private sector greater certainty about infrastructure needs and the Andrews Labor government's strong plan to meet those needs. The 2015–16 budget contains \$40 million over four years to establish Infrastructure Victoria, funded in the 2014–15 budget update, and \$10 million over four years to establish Projects Victoria.

I have 4 minutes left so I can talk about the east–west link, and we all know what happened there.

Honourable members interjecting.

Mr MELHEM — I thought that would get the opposition going. That is why I have left this matter to the end of my contribution.

Mr Dalidakis — On a point of order, Acting President, Mr Melhem is no more than a few metres away from me but I am struggling to hear him because of the bellowing from the other side of the chamber.

The ACTING PRESIDENT (Mr Morris) — Order! I believe there may have been an invitation for those interjections, but I ask members to allow Mr Melhem to continue in silence.

Mr MELHEM — Thank you, Acting President, I thought I would get a bit of excitement towards the end. The previous government was determined to sign the deal on the east–west link. It had done nothing for four years and so it decided that it had better sign the contract with no business case. It said to Victorians, 'Whether you like it or not we are going to sign the contract' four to six weeks out from the election, instead of going through the proper process. The previous government decided it would blackmail Victorians. It said, 'If you don't vote for us, we're going to cost you money', and sure enough, it made sure the state was nearly half a billion dollars worse off because it had signed a shonky contract.

But had there been an independent authority like Infrastructure Victoria to analyse and endorse the project, we would not have had the problem and an incoming government would have gone with it. That is what we are trying to put in place. We are trying to get an independent authority to start planning for the next 30 years. It will design for the needs of the state over the next 30 years so that projects are not subject to the political games of the various parties. If the opposition is fair dinkum about the future of the state and trying to take the politics out of it, it should support the legislation and stop moving amendments left, right and centre. The opposition does not believe in proper planning or putting the interests of the state first, and it is about time it did. I commend the bill to the house.

Mr RAMSAY (Western Victoria) — I always feel at 5 o'clock on Thursday afternoons, after Mr Barber and Mr Melhem have made their contributions, that it is almost like a Laurel and Hardy routine. Mr Barber lurches into an infrastructure bill and somehow gets to climate change policy, and Mr Melhem talks about

independence, accountability and transparency, which almost makes me laugh given his background and his flip-flopping position in relation to some significant key infrastructure projects like the east–west link.

Mr Dalidakis bored the house yesterday with a 1-hour contribution that filibustered — —

An honourable member interjected.

Mr RAMSAY — Was it 3 hours? He filibustered the day away without any real substance; in fact, I think most people left the chamber wondering what he was talking about. Consequently today we are having to work quickly through the bills that have accumulated while Mr Dalidakis wasted time yesterday.

The Infrastructure Victoria Bill 2015 is not opposed by the opposition. However, together with the Greens we will be moving amendments to it to make sure there is the independence that Mr Melhem talked about, but which has not been demonstrated by the government in any way in the last six months. Our amendments require an appropriate skill set in order for a person to be on the board of Infrastructure Victoria. Les Wielinga will have a job on his hands in managing the board, but I see he has experience in New South Wales with the North West Rail Link and the Sydney light rail project, as well as his being director-general of Transport for New South Wales. That will hold him in good stead in chairing the board.

Given the track record of the government on infrastructure projects in the past I cannot help but highlight, as many members on this side of the chamber have done, the waste of money when a Labor government invested in the desalination plant. I was reminded of that only the other day because the turbines had to be turned over for a maintenance check — not that any water went down the pipe — and to de-rust some of the propellers that have been lying idle since the installation of the plant.

In my previous role with the Victorian Farmers Federation I opposed the investment in the desalination plant during the drought. At the time the opposition, headed by former Premier Ted Baillieu, was advocating for a number of smaller desalination plants across Victoria, which would have helped to minimise the impact of the 10-year drought. But at the time the Brumby government went full bore into the most expensive desalination plant in the world, which, I might add, is sited in a swamp down at Wonthaggi where on many occasions it has been in danger of being flooded. It is a strange to think about the desalination plant being flooded during a drought, but that was the reality at the time. There is also the issue of the

significant waste discharge that will go into the ocean following the desalination process. Not only is the desalination plant costing Victorians \$1.8 million a day and increasing, but it is unlikely to be used, certainly in the foreseeable future, given the significant water catchment levels at the moment; I think they are at about 70 per cent.

I also find it quite amusing that Mr Melhem criticises the signing of the contracts for one of the largest infrastructure projects proposed by the previous government, the east–west link — and there has been some discussion around having the link as a priority infrastructure project — and the priority to deliver the project to allow east–west road connection. He supported the project, although he denies that. In government he is denouncing the project. It does not make sense to me that you would come into this place true to your ideals and true to the people you represent and do a total backflip in relation to the largest infrastructure project for Victoria.

I find it fascinating that Prime Minister Tony Abbott has been pleading with Victoria to take \$3 billion and put it into an infrastructure project, and yet at the moment Victoria cannot find one infrastructure project that it is willing to invest its money in as well as the federal government's money. It is extraordinary that Victoria is behind every other state in relation to the infrastructure projects that are currently being progressed. There is a lot of noise about infrastructure projects in Victoria, but I cannot think of one at the moment which the Andrews government has funded and which is being built.

Unfortunately for me, on the west side of the state the east–west link offered a strong west connection through to the ports and also to the east and the CBD, and an ability to capture some of the 7000 jobs that the project would have provided for the west. We have a reasonably high unemployment rate in the west, and there was a wonderful opportunity for some of our community to access jobs on that infrastructure project, but sadly it was an opportunity lost. Not only that, but the government has seen fit to throw away \$700 million and, according to some industry circles, up to \$1 billion on that project.

It is ironic that we are here today to support, or not oppose — and we will obviously allow discussion on amendments in committee — a bill on Infrastructure Victoria, which now will be the vehicle to hopefully drive infrastructure projects without political interference in the much longer term. I support that process, and it is actually a process that works very well for the federal government.

Of course we have a number of concerns about how the reporting process might be applied, particularly in relation to how Parliament might be informed of the progress and strategy of many of the projects that will come before Infrastructure Victoria. Mr Gordon Rich-Phillips has already foreshadowed in our amendments that we will be calling for tighter controls in relation to the independence, accountability and transparency skill base of the board and also the reporting mechanisms back to the Parliament.

I suppose my concern is that the Andrews government, or the Labor Party, does not have a good track record on infrastructure projects. My hope is — and Labor does have form on this — that there will be political intervention in relation to some of these projects where they might be independently assessed for good long-term investment in Victoria. However, no doubt the government might well use the priority listing to sandbag its own seats in an upcoming election. That is why independence, accountability and transparency are so important in relation to the ingredients of this bill.

I am reminded that not only are we talking about the desalination plant but also the port of Melbourne lease proposal. That is a classic example where the government just could not help but get its grubby fingerprints all over that lease, trying to puff up the stevedore rates to increase the price of the lease and making it a long-term lease that potentially does not allow a second port. As we know, the previous government favoured the Hastings proposal — a natural deep seawater port. Obviously on our side there was an opportunity to look at potentially a Bay West option down the track once Hastings was established.

Mr Jennings — On our side?

Mr RAMSAY — Not your side — my side. We have a beautiful port in the port of Portland, which is nearly at full capacity now and doing a roaring trade. In fact business is up, and we also have the Geelong port, which is coming along and also has tremendous opportunities. But no, all those opportunities are lost by the greediness of the Andrews government in trying to get a huge lease price from the port of Melbourne, excluding other competitors in the marketplace, applying quite stringent compensation clauses and stopping any opportunities there might be for others to enter into that marketplace. It is locking us in for 70 years, which will create huge congestion around the port — and not only the port but the whole CBD. I cannot believe that Labor would want to strangle the CBD by having a lease that is so long term it is going to cause huge confusion around the port.

Labor has the West Gate distributor. What a lemon that is! There is no business case. Not one industry group supports the West Gate distributor, yet I heard on the radio this morning that Labor is still waffling on about it. I thought we had killed it off. The RACV said it is the biggest lemon on earth, yet Labor is still prattling on about the West Gate distributor and off-ramps and on-ramps and all the other things attached to it. It is still talking about the West Gate distributor, and it is not putting in 1 cent. It is hoping that Transurban will pay for the whole project, and then of course it will just toll the living daylight out of anyone who uses CityLink and EastLink. So it is great for Transurban if you are a shareholder. It is fantastic!

Ms Shing interjected.

Mr RAMSAY — Ms Shing might be a shareholder in Transurban. She would be pumping up the shares now as the discussions roll on about how Transurban might be able to manage this project and collect the \$2 million extra per day of toll charges to pay for this project over about 30 years.

Big announcements have been made about the Murray Basin rail project over the past week. The government is going to put in \$416 million of new money. It actually left out the Murrayville leg in the business case, but we should not worry about that. It forgot to say that the coalition already had in the 2014–15 budget \$220 million for that project arising from the sale of the Rural Finance Corporation. Then the Minister for Agriculture, Ms Pulford, had the gall to say that she has pumped \$200 million into jobs and infrastructure from her department to pay for other regional projects, but that was the other \$200 million from the proceeds of the sale of the Rural Finance Corporation. Labor has not put one cent in, and now it has the gall to go back to Tony Abbott and say, ‘Can you pay for half of it? We don’t want your \$3 billion to pay for the east–west link, but we will grab your \$200 million to pay for the Murray Basin rail project’. What absolute cheek!

The former government took over the Ararat prison. That was another infrastructure project debacle. It is now called the Hopkins Correctional Centre. Only the other week Labor had that disaster at Deer Park where maximum security prisoners were burning the place down. Labor has sneakily moved those prisoners into a minimum security and medium security prison in Ararat and not told anyone. It has just pushed those maximum security prisoners out of Ravenhall into Ararat.

It is another public-private project which was badly managed. Fortunately the Baillieu government was able to come in and rescue it and find new financiers for it. What a great industry it is for jobs in western Victoria. I know that our very good member for Ripon in the Assembly, Louise Staley, has mentioned in contributions the important role that security is playing in her electorate in relation to jobs and economic value.

I have covered off Bay West, the West Gate distributor, the east-west link, the desalination plant and the Murray Basin rail project — all lemons that the Andrews government took on as infrastructure projects and could not manage properly or it tore up contracts for. The Princes Highway and Western Highway are good projects, and they are good projects because they are actually funded and managed by the federal Abbott government, and were funded by the Napthine government too. We had two Liberal-Nationals governments running very successful infrastructure projects like the duplication of the Princes Highway, the duplication of the Western Highway and the upgrade of the Great Ocean Road. They are all good infrastructure projects in western Victoria.

My time is nearly up. There are two projects the Andrews government has identified as its priority projects. They have no funding, of course. One is the metro rail project. Only yesterday Mr Finn identified that the government is more than happy to dump what it has cleaned out of that tunnel in Western Metropolitan Region and in Ballarat, in my area. Unfortunately Josh Morris is not here. Watch the trucks roll out to Ballarat as they dump all their contaminated soil and fillings from this project in our country areas! My hope is that Infrastructure Victoria will be able to provide some common sense in the way it builds this project.

The proceeds of the port lease are all to pay for metro investments in infrastructure and the railway crossing removals; there is not a cent for regional Victoria. But as I said, this side of the chamber does not oppose the Infrastructure Victoria Bill.

Mr Ondarchie — Acting President, I draw your attention to the state of the house. There is not a quorum present.

Quorum formed.

Mr DRUM (Northern Victoria) — It gives me great pleasure to speak in the debate on the Infrastructure Victoria Bill 2015. This proposal has supposedly been put in place to depoliticise infrastructure in this state, but that is not what is happening here. We know from past practices that the Labor Party in government in

Victoria always has been and always will be overtly political when it comes to every major project it undertakes. The north-south pipeline is one example. To look after seats in Melbourne, the Labor Party took water away from the farmers in the north, built a project for \$1 billion, disregarded due process, started digging the holes and the trenches and only then worried about any environmental effects, business case or cost-benefit analysis. All that was done as the pipes were going into the ground. It was amazing.

There was also the desalination plant, which has been mentioned. Again this was a political fix by a Labor Party that had previously taken a position against a smaller desalination plant. All of a sudden when it got into government, when it thought it was sexy and that it had a political advantage or benefit, the Brumby government rushed forward and built Australia's biggest desalination plant — a desalination plant that has never yet been needed. There is a \$5 billion debt around the users of Melbourne Water. The thought bubble that was the desalination plant at Wonthaggi effectively costs in the vicinity of \$2 million a day. Again it was a highly political decision to build that. Had Infrastructure Victoria been in place when the north-south pipeline was dreamt up or the desalination plant put forward, I think these projects might have been hidden in a drawer somewhere and maybe the government would have been encouraged to get on with other projects rather than wasting Victoria's money in the way that it did.

There is a concept in this bill of governments being able to keep submissions from the public secret. Projects that are put forward in goodwill and for the betterment of Victoria will effectively become the playthings of the Labor government. Governments should not be able to govern with that sort of lack of openness and accountability. This year we have seen politicisation of what Labor would call its flagship project here in Melbourne right now: getting rid of 50 level crossings. About 30 of those crossings were on the coalition's list to be gotten rid of in time; however, there were 10 that were not on the list. The government said to the Victorian people, 'We're going to get rid of the 50 worst and most dangerous level crossings', but that turned out to be a total lie. The government is going to get rid of the 50 most politically expedient and politically palatable level crossings.

Danger has nothing to do with it. Fatalities, crashes and congestion have nothing to do with it. It is a matter of whether a Labor member is in a marginal seat, can Labor help Labor people maintain their seats and can Labor stay in government. These seem to be the overarching themes when it comes to the Labor Party

and major projects. The speed with which Labor abandoned the most dangerous level crossings and went for those that were most politically expedient was nothing short of breathtaking, but we have seen that in the past when it comes to the Labor Party and major projects.

The Labor Party lied in relation to the east–west link. Mr Melhem went through some of this. Both parties are as guilty as each other in relation to the history surrounding the east–west link. When in government Mr Bracks and Mr Brumby were going to build the east–west link, but the coalition disagreed. Having come to government and having realised the levels of congestion that Melburnians face each and every day, the coalition changed its mind. I suppose parties are allowed to change their minds once they are in government and are presented with all of the facts.

Mr Barber — You changed your mind on Doncaster rail too.

Mr DRUM — Mr Barber, let me go on for a second, please. The then opposition changed its mind for no other reason than to be political. Labor members needed to be oppositionists so they changed their position on the east–west link. Even when we attempted to go to stages 1 and 2 of the project, which included the western link, we were faced with nothing but absolute opposition from the Labor Party.

We now find that the Labor Party, now it is in government, has transformed its West Gate distributor to a western distributor. I have studied the western distributor, and as far as I am concerned you cannot travel from the north over CityLink on your way towards the Bolte Bridge and veer off to Altona. If you want to get to Altona, you have to go the current way. What we have now with the western distributor is a road that will take off just prior to the bridge at Williamstown. It will then veer across or under the port and then lob you about halfway along CityLink. I do not know what you are supposed to do when you get there; maybe it helps you on your way to the north.

The most frustrating thing about the politics of the Labor Party and major projects is that having said before the election that the contracts were not worth the paper they were written on and that Victorians would not have to pay any compensation, both of those major statements — repeated time and again by the now Premier — turned out to be lies. It turned out to be a total lie that Victoria would not have to pay a cent in compensation. It turned out to be a lie that the contracts were not worth the paper they were written on. Apart

from paying \$640 million for nothing, we have to live with that.

Worse than that, we have to live with the fact that every morning and every night we still have the congestion, and we must put up with this congestion in the knowledge that some government at some stage in the future is going to have to build that tunnel. That project simply has to be done. The Labor government of the day might think that that is not its no. 1 priority — that is its prerogative — but to simply can the project for \$640 million and do nothing is totally irresponsible. The fact is that at some stage someone is going to have to build that link.

This is just like somebody is going to have to link up the eastern part of the Western Ring Road in the future. It currently extends into the north-eastern part of Melbourne and stops in the middle of nowhere, forcing people who are currently on the freeway to merge into suburban streets and roads, causing enormous congestion. You are approximately 10 kilometres away from the end of the Eastern Freeway, which is the obvious link up. Again, at some stage, a government in this state is going to have to build that road. However, it will not be done under this government because it is only interested in projects from which it can get political gain.

Those of us who have travelled around the world to other cities have had the experience of being able to travel from the airport into the city on a train. How many years are we in Victoria going to have to wait before there is a government like the last coalition government that actually puts that on the agenda? In Australia, Sydney and Brisbane have that capacity. Adelaide does not have that capacity, but Perth does. Here we are in Melbourne, which is considered the most livable city in the world, yet we still have no train service from the airport to the city. It is a joke. It is another example of a government putting a project on the books but when that government leaves office the incoming government just throwing it straight into the bin and saying, ‘We’ve got no issue with this; we have no issue with getting rail out to Tullamarine airport’. These are some of our issues.

We still have congestion at the end of the Eastern Freeway as you come into the city. We still have the problem out in the eastern suburbs where the eastern part of the Western Ring Road runs into nowhere. We still have no connection to the port, either under or over it. We are going to have a half-botched thing called the western distributor that is never going to be able to be fixed up. Once the Labor Party builds whatever it is it is going to build, we cannot simply add a couple of lanes

to it and say it is fixed. It will be a bastardised project that is only ever going to be half right. It will never be able to be fixed by future governments. It will just have to be left there and a proper project will have to be built subsequent to it at the cost of a total rebuild. This is the kind of half-baked project this government is putting on the table at the moment.

It is not just the big projects that are causing concern. There is also the Murray Basin rail project. Here is another project that has been done half right. We have the capacity to put proper loadings on this railroad to make sure that trains can transport heavy loads of wheat, grain and mineral sands from Mildura through to the port. The branch lines out to Murrayville have just been left out. The government is trumpeting that it is using money, but that is money that was put on the table by the previous government two budgets ago. The additional money that is needed to finish this project is apparently going to come from Canberra.

This is a half-baked way of doing things. Those opposite should be hanging their heads in shame. Those opposite should ask themselves at night, 'What do I actually stand for when it comes to major projects?'. It is not just the big stuff with infrastructure; it is also the smaller projects around the state. There was \$75 million on the table for a new hospital for Shepparton. That has just been abandoned. There was \$178 million for rail projects around the state. That has been abandoned. Money to build and improve infrastructure projects has been abandoned.

There was \$100 million for various councils via the Local Government Infrastructure Fund. That fund has been abandoned. These small projects are not billion-dollar infrastructure projects; they might be \$15 000 for a toilet block or a path around some wetlands in a small Victorian town. These infrastructure projects are critically important when built in conjunction with like-minded projects right around the state.

This government is just taking money away from regional Victoria. What has happened to the Echuca-Moama bridge? That was a \$96 million commitment that seems to be going nowhere; there seems to be no progress on this bridge. For the last 30 years people have spoken about how Echuca and Moama need a new bridge.

It does not matter how many times we push through, dissect and analyse it, it seems that every chance the Labor Party gets for infrastructure projects it either does them half right or it does not do them at all. More importantly, Labor governments only do those projects

that are politically palatable for the Labor Party. That is a crying shame.

It is very hard to accept that this government has the most honourable intentions when it comes to introducing Infrastructure Victoria in the hope that it can depoliticise infrastructure, because the greatest indicator of a political party's future behaviour is the way it has acted in the past.

Mr FINN (Western Metropolitan) — I have to say at the beginning it is a great pity Ms Shing is not in the chamber, because I know she was particularly looking forward to my contribution this evening — and it is getting on towards this evening. If she is listening, she might like to come up and join us. At the beginning of my contribution I am tempted to suggest another amendment to the bill — that is, to change the name. This should not be called the Infrastructure Victoria Bill, it should be called the What Infrastructure Bill, because under this government there is no infrastructure. Let us face facts: what infrastructure are we talking about? The Andrews government is exceptionally good at making announcements. As for funding projects and seeing them through, forget it — that is not an option for it.

We have seen from this government one of the more extraordinary acts in the history of this state: the cancellation of a road that Victoria so desperately needs — and I think everybody agrees, or most people agree, that it is desperately needed — at the cost of at least \$640 million. I remember back in the old days when we were building CityLink and people were putting forward projections as to how much that would cost. There was great shock and horror that it would cost \$2 billion, and there were a whole range of concerns. But I wonder: if people had been told then that we would one day have a government that would spend up to \$1 billion of taxpayers money not to build a road — —

Mr Drum — We were in Parliament when they did it.

Mr FINN — Indeed. CityLink was a matter of great consternation to so many people because it was going to cost so much money, but at the end of it we had a road. With this crowd over here, at the cost of \$1 billion, we will have absolutely nothing. I was driving down Alexandra Parade the other day. I was over the other side of town — —

Mr Drum interjected.

Mr FINN — No, I was greeting some people from the autism community on the other side of town. I was

driving down Alexandra Parade to get back to the west, which is what you do these days. I looked at those delightful little homes along Alexandra Parade and thought, 'God, they're worth a fortune — I wish I had one!'. I also thought to myself, 'These are the people who fought so hard against the east-west link', and I wondered, 'What genius decided that in order to make their life better they would keep Alexandra Parade packed in the way it is practically 24 hours a day?'. What absolute genius — whether it be Daniel Andrews and his Socialist Left colleagues, Mr Barber over there and the other Greens or whoever it might have been — decided that the people of the inner city of Melbourne, in North Fitzroy and Carlton, were going to be better off by keeping all the cars on Alexandra Parade? It is truly one of the great mysteries of our time.

When I travel on the Tullamarine or West Gate freeways, as I do on a very regular basis, it will take me up to an hour to get down the freeway. It would normally be a 5 or 10-minute trip — —

Mr Ondarchie — 15 maybe?

Mr FINN — I would not say 15 minutes, unless you get out and walk, but it would be a 5 or 10-minute journey generally, yet here we are, every morning, bumper to bumper with cars spewing out all sorts of emissions, but the Greens do not worry about that and nor does the Labor Party because they have stopped the road and they feel very proud of themselves, so to see this amendment introduced by Mr Barber about greenhouse gas emissions, fair dinkum I nearly — I laughed a lot. I thought to myself, 'These are the people who keep the traffic gridlock going. These are the people who, every day, have thousands of cars spewing all sorts of gunk into the air, yet they are the ones who come in here and tell us about climate change and greenhouse gases and emissions and all sorts of things'.

The government has made a name for itself on this issue, and you would have to say it has made a name for itself because both the government and the Premier are infamous around Australia as the government and the Premier who spent a billion dollars of taxpayers money to build nothing, and I do not think that has ever been done before. It has to be a first. Wherever you go in this country people know who Daniel Andrews is. They say to you, 'That's that idiot from Melbourne!', and I say, 'That's right — that is that idiot from Melbourne'. And you can go anywhere in Melbourne and they will agree with you — he is that idiot from Melbourne, and that is what we are known for in Victoria — the state that spends money to do nothing.

Mr Ondarchie — Apart from the logo!

Mr FINN — Apart from the logo; I will get to that in a minute. Fair dinkum, have you ever seen such a shameful waste of money in all your born days? Just remind me about the logo later as I have not got it written down here.

If we are serious about infrastructure, the very first thing we should be doing is looking at an airport rail link. The one thing you have to say about the Labor Party is that it is consistent because this is the second time that it has shelved the airport rail link. I remember back in 1999 when Steve Bracks, then the opposition leader, promised the people of Victoria that if he was elected Premier he would build the airport rail link. I can say — as I have in this chamber before and quite possibly will again — that the first broken promise of the Bracks government way back in 1999 was the scrapping of the airport rail link, and of course Labor recently did it again.

The Napthine coalition government, before the last election, was all set to go with the rail link to the airport, which is desperately needed. But then the Labor Party won the election, and it was turfed out the window. So here we have a government that is opposed to roads and opposed to rail. You then have to ask: how exactly does it expect us to get around? Are we all going to be issued with Shetland ponies? Is that how it expects us to get around? This is a government that does not have a clue what it is doing.

Mr Barber interjected.

Mr FINN — Mr Barber says that he is going to bring his pony, and I look forward to that, but Mr Barber should beware, because that pony may produce emissions. He should not be standing behind that pony when it emits those emissions, because it could get very nasty indeed. Then we have the Labor government's prize pre-election announcement — the West Gate distributor. According to the then opposition leader and now Premier, this project was 'shovel ready'. We know what was shovel ready because we know what was being shovelled at the time, but here it was — it was shovel ready, until he was elected and then he said, 'Mmm, perhaps it is not quite so shovel ready'.

Ms Fitzherbert — Shovel unready?

Mr FINN — Shovel unready it may well be, Ms Fitzherbert. Then it all went very quiet for a while, until Transurban said, 'Hey, we've got an idea!'. Transurban went to the Premier and said, 'Have we got a deal for you!'. It is a great deal for Transurban. It is a lousy deal for anybody else but a great deal for

Transurban. I do not blame Transurban for doing what it has done. There is a mug born every minute, and it would be doing itself a grave disservice if it did not take advantage of the one over there. That is what it is trying to do. Here we have this half-cocked tunnel going somewhere — or so we think — and possibly ending at a T-intersection somewhere near Etihad Stadium, which will complement the car park at Etihad Stadium. You can spend an hour or two getting out of the car park and then get stuck at the T-intersection just to make your night complete. Here we have this project being promoted as the answer to our problems, and the only people who will benefit from it are the people at Transurban, who will get another 100 years worth of tolls or something similar. It is all quite extraordinary.

As for that shovel-ready West Gate distributor that we heard about before the election, we are still waiting.

Mr Ondarchie — For the shovel.

Mr FINN — No, I assure Mr Ondarchie that the shovel has been put to good use. We are still waiting to see where the Premier has put that West Gate distributor.

We then move on to Bay West. We all remember Bay West. This was something heavily promoted by the Labor Party prior to the election, and I thought to myself at the time that it was a bit mad. It went the same way as the West Gate distributor plans. We do not know where it has gone.

We will show the map of Tasmania in a minute. It is not very often that you see it in here, but it is something I think we should have a look at. I am of course talking about the \$20 million logo that this government has imposed upon us. I really do not know how much government members had had to drink when they came up with this, because if anybody came to me and said, 'I have a logo to sell you', and after asking them how much they said, '\$20 million', I would turf them onto the street to begin with.

Ms Fitzherbert — Ask them if they have a bridge.

Mr FINN — They would have a bridge. I would ask them if they had a bridge. These people have come up to the Premier and said they have a great logo for him — and for only \$20 million. I have a deal for the Premier: I will do it for \$10 million! Out of the generosity of my heart, I will do a better logo than the one he has, and I will charge only \$10 million — and then he will never see me again. Fair dinkum, what is going on at 1 Treasury Place? Is the place inhabited by complete lunatics? It is just amazing.

Then we have the metro tunnel, which I gather is some sort of train tunnel that the government is talking about. It is talking about it, but it has not actually paid for it because this government does not actually pay for anything. The government announces a lot of things, but it never pays for them. There are a lot of costings but not much funding. We are told that if the metro tunnel is ever dug, all the dirt, as Mr Ramsay alluded to, will be dumped in my electorate or in Ballarat, which I have to say does not do a great deal for me. We in the west of Melbourne have been the dumping ground of Victoria for decades. Let me tell you, we have had a gutful. We have had enough.

Ms Lovell — Labor's dumping ground.

Mr FINN — Labor's dumping ground, indeed. I know the problems we have had with the Tullamarine landfill — the one opposite the airport where visitors to this great city are greeted with the stench of it. The stench of Labor we have to put up with anyway, but we do not want a repeat performance of that landfill now.

The other day at a hearing of the economy and infrastructure committee, chaired so well by Mr Morris, we had the CEO of the Melbourne Metro Rail Authority telling us that he has a great spot picked out near Melbourne Airport to dump all the soil. I was thrilled to hear that — I cannot begin to tell you! I suggest to Mr Tattersall that he might like to take his soil and dump it out in Mulgrave. That would be a great spot. I think some of the locals would appreciate it every bit as much, and perhaps even more, than we would in the west of Melbourne.

I was going to go on to talk about the Greens, climate change, greenhouse gas emissions and other fairy stories, but I will have to come to that another day. I do not oppose this bill and the opposition does not oppose this bill, but we do hope that one day very soon there will actually be some infrastructure in this state.

Mr MORRIS (Western Victoria) — It is with delight that I rise to make a contribution to the debate on the Infrastructure Victoria Bill 2015, a bill that establishes Infrastructure Victoria to provide independent expert advice about Victoria's current and future infrastructure needs and support improved social, economic and environmental outcomes for the good state of Victoria. There have been some significant points raised so far, and I think it is important to continue to explore some of them. One thing that has certainly been raised is Labor's recent history in terms of infrastructure.

Last time Labor was in government we saw a \$1.4 billion blowout on myki. Its arrival was delayed and the costs were increased. We saw the north–south pipeline, which resulted in \$750 million being wasted throughout the project. We saw the desalination plant — how could we ever forget it? — which is going to be costing Victorians upwards of \$2 million every day for 27 years. We have not yet seen a drop of water from the desalination plant, but all Victorians are going to be forking out for it.

This is of great concern, as are more recent events around the east–west link. Prior to the election the Labor Party supported the east–west link. It said it was a great idea and something that we needed to implement to ensure that Victoria could move forward. A couple of months before the election I think some polling might have come in and there was a change in position and attitude, perhaps to save some inner suburban seats. Now we see \$640 million has been paid out. It is going to cost over \$1 billion in total not to build a road. Instead we have the western distributor, which is best described as the poor cousin of the east–west link. The irony of this is that we all know that one day the east–west link is going to be built. It has to be built. But at what cost?

I want to take the opportunity to talk about the airport rail link. That other city to the north of us, Sydney, has an airport rail link, and I am quite sure when my colleagues travel to Sydney they readily use it.

Mr Barber — And Brisbane.

Mr MORRIS — And Brisbane; I thank Mr Barber. The Premier of our cousins north of the border, Mike Baird, not so long ago posted what could be described as quite a humorous tweet in relation to something Mr Finn referred to in his contribution — the Victorian logo. He tweeted a picture of the logo with an asterisk next to the slogan ‘Best of everything’, and he added ‘offer excludes harbour, infrastructure and sunshine’. I do not concur with the exclusion of ‘harbour’ and ‘sunshine’ — we do of course have sunshine here in Victoria.

Mr Finn interjected.

Mr MORRIS — Mr Finn indeed represents Sunshine, so I think Mr Baird was a little confused when he sent out that tweet. But I agree with him about infrastructure. That is what we are missing in Victoria at the moment. You can pass a bill to establish Infrastructure Victoria, but that does not mean we are going to have infrastructure in this state.

Infrastructure is not just about those larger projects; it is also about the smaller projects. I note that this Labor government has cut funding to the country roads and bridges program. It has cut \$160 million that goes to ensuring that councils can maintain their roads and bridges, their local infrastructure. I hear regularly of councils that are unable to maintain their roads and bridges. Sealed roads are not being maintained and are in a dilapidated condition as a result of this funding cut.

Mr Barber — Rate capping.

Mr MORRIS — I thank Mr Barber. I nearly forgot; rate capping has the same impact on local councils being able to maintain their infrastructure. It is something we see. I know Mr Barber recently visited the United States, and he would have noted the infrastructure renewal gap that is being experienced over there, which is something that we are going to be seeing in the not-too-distant future. We have significant gaps. We have infrastructure that needs to be maintained and invested in, but with rate capping and funding cuts to the country roads and bridges program this is not going to be able to happen. Our councils are going to have assets that will fall into a parlous state of repair as a result of the irresponsible decisions of this government.

I now move to another key piece of infrastructure, the port of Melbourne. This government intends to have a 70-year monopoly over the port of Melbourne despite knowing that by 2031 that port is going to be at capacity. Before the election we were told Bay West was the solution to the world’s ills. The then opposition was going to blast the heads and dredge and destroy the bay, washing away all the beaches, but it was going to deliver jobs to Geelong. However, the people of Geelong were deceived. The people of Geelong were told, ‘This is going to be the solution. We are going to have Bay West’. But after the election we saw an entirely different approach from this government. It tried to dud the Victorian people by signing a 70-year lease.

I believe it is important that we take a systemic approach to infrastructure in Victoria, but it is also important that we have good decision-making about where infrastructure investment is going to go in the future. I certainly hope that what we see here is a better deal for Victorians than what we have previously seen under this Labor government. I will conclude there. I thank the house for the opportunity to make a contribution. My colleagues and I will certainly not oppose this bill. I thank members for their time.

Mr JENNINGS (Special Minister of State) — I am exercising my right of reply to respond to a range of issues that have been raised in the second-reading debate. I thank the members who have indicated, notwithstanding the political framing and the argy-bargy that might have been put on the public record in the second-reading debate, that we could anticipate, subject to some amendments in the committee stage, that the Infrastructure Victoria Bill 2015 will pass the chamber today. We do not want to get too far ahead of ourselves; we will work our way through the amendments.

On behalf of the government I put on the record our recognition of the importance of providing infrastructure to the Victorian community in years to come in a stable, predictable and reliable way so that the community, businesses, various stakeholders and public institutions across Victoria — and ultimately our citizens — can have confidence that there will be a more reliable and steady pipeline of infrastructure investments supported by the state of Victoria. Hopefully this will be augmented by the support of the commonwealth government and other opportunities that may be led by the market or private sector augmentation of Victoria's public infrastructure to provide better services.

Most of the conversations that have taken place in the chamber have been around transport and logistics infrastructure, but people should be alive to the fact that we are talking about a broader remit of infrastructure. It may involve broader health, education, civic, community and precinct development opportunities that may apply across the state. It may also involve how we account for the social, demographic and economic needs of our state into the future and make sure that we have a timely and appropriate response to that. That is the logic that underpins Infrastructure Victoria.

Infrastructure Victoria will be charged under law as a comparatively independent body, and I say comparatively because some people are concerned that there is a significant representation of the Victorian public sector through the heads of three government agencies being on the board of Infrastructure Victoria. Some people may think that limits the ability of Infrastructure Victoria to operate as an independent body, but I assert that from the government's perspective it recognises the enduring responsibility of the public sector to protect the interests of Victoria and to develop an approach to public policy values and considerations that would extend far beyond the life span of the electoral cycle. Certainly within that it is our expectation that the public service would operate — in terms of its planning regime, in terms of the analytics

that actually enable it to understand the social and community needs now and into the future and in terms of its ability to anticipate not only the logistical impacts of productivity investments that may be associated with infrastructure expenditure but also their environmental and social consequences in a proactive, long-term, strategic way — to make sure that Victoria's needs are addressed into the future.

The representation of the public servants on the board of Infrastructure Victoria will be augmented by expertise derived from the non-government sector, and we have the expectation that would be expertise in relation to infrastructure, engineering, the commercial elements, the planning considerations associated with assessing the value and appropriateness of the infrastructure, the cost and benefits of that infrastructure expenditure and the various leveraging that may apply from the sequencing of those investments into the future. We will have expertise on the board charged with an establishment of personnel and advisers that can create the analytical basis to enable a predictable, stable and certain program of infrastructure priorities for the state to be established over a 30-year time frame, which then would be responded to by government.

The government would then be charged with prioritising, within that longer term horizon, its projects and its funding envelope to roll out infrastructure and to basically provide a check in the public and the parliamentary scrutiny sense that the priorities that would come through the five-year plans of government would be constructed within the budget settings that underpin the forward estimates of infrastructure spending to, I would hope, bring them into line in a far more predictable and stable fashion beyond the electoral cycle. It does not mean that the government gives up its prerogative to be able to choose its priorities and to amend and fund them in a way which may not, in a linear sense, align with the recommendations of Infrastructure Victoria. But there would need to be an extremely valid set of political, social and economic reasons why you would vary what would be validated within the strategic directions established by Infrastructure Victoria.

I, on behalf of government members, express our willingness to embark upon what has involved some degree of courage in other jurisdictions in other parts of the world: a process of taking out of the hands of the political class the structure and settings for infrastructure needs into the future and then accepting as part of the executive that it is our responsibility to do our best to try to acquit the delivery of those needs for our community and to account for any variations of the

political priorities that may be brought by the government of the day.

From our vantage point in designing this system, which was committed to by the Andrews government prior to our coming to office, we recognised that it was incumbent upon us to make sure that this body was structured in such a way that it could act as much as possible independently of the government of the day, so as to be able to be accountable in a public setting. There were a range of expectations for processes to be in the public domain. These included the authority's strategic directions, the interim profile of infrastructure programs on the 10-year horizon, the 5-year interlocking nature of government responses and the forward estimates that would be associated with government funding these projects. It was very clear that the dynamic of reporting — creating a predictable and stable pipeline of investments — would be open for all to see. That is the bill that has been provided to the house.

A number of issues have been raised across the debate in the other place and here today, and members from various vantage points are seeking to amend the bill to give, in some instances, additional elements that would add rigour to the legislation. The government has been mindful of those amendments, and I will run through a list of amendments that are currently winging their way from the Office of the Chief Parliamentary Counsel to the chamber. They cover the areas I am about to volunteer and account for the vast majority of the amendments proposed by Mr Rich-Phillips and Mr Barber. The government recognises the validity of many of the issues that have been raised in the debate. We do not think it is incompatible that some of the amendments proposed be incorporated in the government's legislation, and we appreciate that the nature of those amendments is to improve the legislation and make sure that in its first pass of the Parliament it is seen to be representative of a broad cross-section of the Parliament, as well as of the stakeholders, interests and disciplines that have been mentioned in the second-reading debate.

In order to outline them to the chamber, I will run through the amendments I will move in committee stage. I will be moving an amendment to acknowledge that the government accepts the argument mounted by Mr Barber that not only should the benefits of infrastructure be analysed and be part of the objectives and the work program of Infrastructure Victoria but the costs and benefits should be incorporated within that framework. That is hardly surprising, but we do accept that proposition. We also accept an issue that I am sure Mr Finn — who is making eye contact with me at this moment — will wholeheartedly support, which is

recognising the environmental consequences of infrastructure. We appreciate having the ability to incorporate that recognition in the bill.

Mr Finn interjected.

Mr JENNINGS — Mr Finn is encouraging me to make sure that we are apprised of greenhouse gas emissions. By way of interjection he has provided me with another opportunity to think about how greenhouse gas emissions may be able to be part of the analytical model that underpins the objectives of infrastructure policy that will be incorporated in the bill.

In terms of the board make-up of Infrastructure Victoria we accept that the advice from Infrastructure Victoria should incorporate the thoughts of various professional bodies that are relevant to infrastructure and also of academics who may have a view on various elements, ranging from the economics to the environmental to the engineering elements of infrastructure. We recognise the value of adding those viewpoints to the structure and the thinking of Infrastructure Victoria.

We accept that a point has been made by the coalition that it expects that members of the board will have a significant profile, experience beyond the government sector, international expertise and exposure to the issues that underpin infrastructure delivery. The government accepts that additional consideration should be given by the minister to ensure that the professional standing of those who are board members collectively have a range of attributes that include non-government and international experience.

We also understand that in terms of the tabling requirements — the laying of Infrastructure Victoria reports before the Parliament — from the government's perspective it will be useful to harmonise the mechanisms by which the strategy and now the reports of Infrastructure Victoria would be laid before or transmitted in some form to the Parliament to enable the Parliament to be aware in a timely way of the significant reports published by Infrastructure Victoria.

The issue which is currently being teased out, as I have advised, and which will be resolved within what would now be 5 minutes, as I understand from parliamentary counsel — 5 minutes is what I would anticipate — is the alignment of reporting elements to mirror other parts of Victorian legislative frameworks that provide for reports to be tabled within the Parliament. The model will replicate those that apply in other statutes. The last model I saw that was in draft form related to the Audit Act 1994. There may also be consideration of whether the Financial Management Act 1994 might be

a mechanism. That currently may be the preferred model of the parliamentary counsel, but I am yet to be advised of that. I offer that to the chamber. That is currently a work in progress that I expect to be resolved very shortly, and when it is, that will enable me to provide that to the house.

One of Mr Barber's suggested amendments is to make sure that when the strategy that underpins the work of Infrastructure Victoria is in the public domain, Infrastructure Victoria accounts for the analytical framework and the analysis that underpins its strategic direction.

The good news for the people of Victoria is that the amendments have been transmitted to me, and — —

Ms Wooldridge — With 0 seconds left!

Mr JENNINGS — We believe in real-time advice to the house! I would be very grateful if we could now move to the committee stage so that we can confirm the scope of these amendments. We are in a good place to commence the committee stage because I think there is now a well-rounded understanding of the intent of the amendments that I have outlined to the house. There is a high degree of goodwill between the government and the non-government members of the chamber to support these amendments and to see the passage of this legislation this evening.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Mr Jennings 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 Crimes Amendment (Child Pornography and Other Matters) Bill 2015 ('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 bill will strengthen child pornography laws by creating new offences relating to the operation of child pornography websites, allowing for 'random sample evidence' to be used in child pornography trials and allowing an informant to refuse disclosure of child pornography evidence to an accused personally. The bill also empowers police to direct a person to assist them in the execution of a search warrant in relation to a computer or computer network, in relation to suspected child pornography offences and other offences.

Human rights issues

Protection of children

The production, distribution and consumption of child pornography are a significant form of child abuse. The bill's reforms will make the investigation and prosecution of these offences more effective and thereby enable police to disrupt the activities of those who engage in them. By doing so, the bill will promote a number of the charter rights of children, in particular the child's right to protection (section 17(2)), the right not to be treated in an inhuman and degrading way (section 10(b)), and the right to privacy (section 13(a)).

Restricting an accused from personally inspecting child pornography material

Right to be informed of the nature and reasons for the charge

Section 25(2)(a) of the charter provides that a person charged with a criminal offence has the right to be informed promptly and in detail of the nature and reason for the charge. Because it may not be appropriate to allow a person accused of child pornography offences to view the pornography for his or her gratification, the bill will enable an informant to refuse to disclose evidence that is child pornography to an accused personally. This will not limit the accused's right to be informed of the nature and reason for the charge because the right of the accused's lawyer to inspect that evidence on the accused's behalf is unaffected and the accused can still obtain a court order for personal inspection of the evidence.

Right to a fair hearing

Section 24 of the charter provides for the right to a fair hearing. The bill engages with this right, because it regulates the procedures for disclosing material on which an informant relies to bring a charge for child pornography offences by creating a higher threshold for inspection of that material. This restriction may be imposed at pre-hearing and pre-trial disclosure stages. At both stages, the accused may obtain a court order to personally inspect the material. Section 24 will not be limited by these procedures, because the hearing overall will still be fair and appeal rights are maintained.

Requiring a person to assist in the execution of a warrant*Right not to be compelled to testify against oneself or to confess guilt*

Section 25(2)(k) of the charter provides that a person charged with a criminal offence has the right 'not to be compelled to testify against himself or herself or to confess guilt'. The bill will enable magistrates to issue search warrants that allow the executing police officer to direct a specified person with knowledge of a computer or computer network to assist police in the execution of the warrant. This will allow police to require assistance from people to gain access to computer files that may contain evidence of child pornography offences but which would otherwise remain inaccessible. The bill provides that a person is not excused from complying with the request for assistance on the ground that complying with it may result in information being provided that might incriminate the person.

The bill does not limit section 25(2)(k), because the person required to assist police is not a person who has been charged with a criminal offence. The execution of the warrant occurs before charges, if any, are filed. In addition, the person is not being required to testify against himself or herself because they are not giving evidence in court. Finally, the person is not being required to confess guilt. While the information the person provides may enable police to obtain evidence that incriminates the person, the giving of that information, such as a computer password or similar, is not in itself a confession of guilt.

Even if the bill could be said to limit s 25(2)(k), the limitations are reasonable and justified because of the serious nature of the crimes being investigated (such as child pornography offences) and the fact that the police investigation could be blocked by non-disclosure of the relevant information (such as a password to access a computer). If a person has locked hard-copy child pornography in a cupboard, the police do not need the person's assistance in breaking into the cupboard, under warrant, to seize that evidence and the person has no right to try to block the police breaking into that cupboard. If the person has also 'locked' electronic child pornography inside a computer through encryption, the person should not, simply because of their use of more sophisticated technology, now be empowered to stymie police investigations by refusing to divulge the electronic key to that evidence. Moreover, such information can assist police in identifying children being abused and preventing further abuse of such children in Victoria. There is also the safeguard that the magistrate issuing the search warrant will have discretion not to include such a power in the warrant where the police officer applying for the warrant has not made out an adequate case for the need for such a power.

Right to privacy and reputation

This part of the bill engages the right to privacy and reputation under section 13(a) because a person might be required to divulge private information in the process of complying with a police direction. For instance, where the relevant information is a password, it may allow police to access personal information on a computer. There may also be other data to which a person is required to provide access that contain personal information.

Furthermore, persons other than the accused (including, for example, the accused's employer or an employee) might be required to provide this information or assistance upon authorised police direction. In these circumstances, the right to privacy and reputation (s 13) might be engaged.

Section 13 provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The bill's new powers are lawful, as the conditions for the creation and exercise of such powers are clearly laid out. Further, the powers are not arbitrary, because they are reasonable in the particular circumstances and are for an important purpose.

Right to property

The right to property (s 20) provides that 'a person must not be deprived of his or her property other than in accordance with law'. This right might also be engaged by these provisions as a person (under direction from police authorised by warrant) may be required to give access to data, which might be their property. It may also include allowing police to make copies of the property.

These powers do not limit a person's property rights because the interventions do not permanently deprive the person of their property and in any case, the interference with the person's free enjoyment of his or her property will be in accordance with the law.

It is important to note that the execution of such a warrant may protect the rights of children in Victoria, as is in their best interests under s 17(2), their right not to be treated in a cruel, inhuman or degrading way under s 10, and their right to privacy under s 13 of the charter.

Random sample evidence*Right to a fair hearing*

Section 24(1) of the charter provides that a person charged with a criminal offence has the right to have the charge 'decided by a competent, independent and impartial court or tribunal after a fair and public hearing'. The bill allows expert evidence to be given by way of a certificate attesting to the nature of a collection of child pornography images based on a random sample taken from that collection. Investigators and judges will thus be spared having to view every image that is subject to the charge, and depicted children will be protected from further violation by repeated viewing of the images.

This reform does not limit a right to a fair hearing because the prosecution must still prove the charge against the accused, the evidence may be challenged in the same way as other expert evidence, and random sample evidence will only be admissible if the court is satisfied that the accused or the accused's lawyer has been given a reasonable opportunity to inspect all of the material.

The random sample provisions carefully balance the rights of the accused with the right of (child) victims to protection under s 17(2) and the right not to be degraded under s 10, by limiting the volume of the material exposed and the number of people who must view it.

The Hon. Steven Herbert, MP
Minister for Training and Skills

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).**

Mr JENNINGS (Special Minister of State) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The proliferation of child pornography is a significant issue confronting law enforcement agencies worldwide. Due to advances in technology, the amount of child pornography available online has increased exponentially in recent years. This bill will modernise Victorian laws to make the investigation and prosecution of child pornography offences in this state more effective.

This bill constitutes the first stage of reforms to child pornography offences. A second stage of reforms is currently under consideration, including changes to existing child pornography offences to cover a broader spectrum of child abuse material and new offences to address new ways of distributing and accessing this material.

New child pornography offences

While there are a number of ways in which child pornography can be viewed and exchanged online, research shows that websites are the easiest and most visible way of accessing child pornography. The bill will introduce new child pornography offences into the Crimes Act 1958 ('Crimes Act'), which are designed to discourage the creation of child pornography websites, the promotion of those websites and the use of those websites.

The first offence will target administrators of child pornography websites, such as those who create child pornography websites, regulate membership or monitor traffic on such websites. It will apply to administrators who intend that their website be used for dealing with child pornography, or are aware that their website is being so used. These website administrators contribute to the proliferation of child pornography online and facilitate child pornography offences by others. However, existing Victorian child pornography laws apply to some, but not all, of the activities of these administrators.

To ensure that the new offence does not criminalise website administrators acting in good faith, a defence will apply if an administrator becomes aware that their website is being used for child pornography and takes all reasonable steps in the circumstances to prevent access to the pornography. This may include notifying police or taking down the website. This new offence will also not apply to websites being used for a legitimate purpose, such as by courts or Victoria Police. It will also not apply where the material on the website has or would be classified as other than RC or X18+ under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995.

To further disrupt the operations of child pornography websites, a second new offence will criminalise encouraging others to use a website to deal with child pornography. For

instance, this offence will target those who promote or advertise a child pornography website. To establish this offence, it will not be necessary to show that a particular person was actually encouraged by the person. Instead, it will be sufficient if a person encourages another person with the intention that that person use a child pornography website.

Unlike the other two new offences in the bill, this offence will only apply to persons over 18 years. This will ensure that innocent sexual exploration by teenagers and their peers will not be inappropriately criminalised.

The bill will also introduce a third offence, which will criminalise providing information to another person about ways to evade apprehension for a child pornography offence (including existing offences in the Crimes Act or one of the new child pornography website offences). For instance, this new offence may apply to a person who provides advice to others about how to use a child pornography website anonymously or how to encrypt files containing child pornography. This offence is designed to discourage people from assisting others to deal with child pornography online, including on child pornography websites.

This new package of offences will make it easier to prosecute online-related activities that facilitate the commission of child pornography offences, and ensure that offenders can be prosecuted for their crimes. Each of the new offences will carry a maximum penalty of 10 years imprisonment, which is the same penalty that applies to producing child pornography.

Increasing the maximum penalty for possessing child pornography

The bill will increase the maximum penalty for the offence of possessing child pornography to 10 years imprisonment. Currently, the maximum penalty for this offence is five years imprisonment. This is the lowest penalty for possessing child pornography in Australia. Increasing the maximum penalty for this offence will better reflect the potential seriousness of this conduct. It will send a clear message to the community, and anyone considering committing this offence, that possession of child pornography is a serious offence.

Random sample evidence

During the investigation and prosecution of child pornography offences, the child pornography must be viewed to assess its gravity and quantity. This ensures that the seriousness of the offender's conduct is reflected in the charges laid against them, and in any sentence imposed on them. As a result, many people involved in the investigation and prosecution process (such as police, lawyers and judges) must view the child pornography material, which can number in the tens of thousands.

There are a number of difficulties with this process. For instance, it can be highly traumatic for people to view so many of these disturbing images. Studies have found that prolonged exposure to such disturbing material can have negative psychological effects. It also compounds the violation and exposure of the child victims depicted in the child pornography material when that material is viewed repeatedly. Further, the amount of time required to process and view such voluminous evidence can significantly extend the length of investigations and trials.

The bill will address these issues by amending the Crimes Act to allow for the use of 'random sample evidence' in

proceedings for a child pornography offence. Under this process, a random sample of material may be taken from material seized from an accused. The nature and content of child pornography images within that sample will be assessed and certified by a trained expert. The court may then conclude that the nature and content of the material in the sample exist in the same proportion in the material as a whole.

The accused may challenge this evidence if they wish. Under the bill, random sample evidence will only be admissible if the accused's lawyer has had a reasonable opportunity to view all the material. This will allow the accused to challenge the use of the random sample evidence.

Random sample evidence will be particularly useful in cases involving a high volume of child pornography, where thousands of child pornography images would otherwise need to be analysed. This process will allow the material to be analysed in a much shorter time frame. This reform will also reduce the significant occupational health and safety risks associated with viewing large numbers of disturbing images, and will avoid compounding the violation of the child victims through repeated viewing of the material.

Restricting an accused from personally inspecting evidence that is child pornography

The bill will amend the Criminal Procedure Act 2009 to restrict when an accused may personally inspect evidence that is child pornography. The accused's lawyer will continue to be able to inspect the evidence in accordance with existing practices. The accused may also apply to court for an order allowing them to personally inspect the evidence.

This reform recognises the interest of the children depicted in child pornography and the community interest in limiting access to child pornography, so that the accused's personal inspection of such material only occurs where it is clearly necessary. This new process will also minimise the risk of an accused obtaining sexual gratification by looking at the child pornography evidence. At the same time, the bill will preserve the ability of the accused's lawyer to inspect the child pornography evidence, and allow the court to make an order granting personal inspection by the accused subject to certain conditions.

Power under warrant to direct a person to assist police

The bill will amend the Crimes Act to allow a magistrate to include in a search warrant an authorisation allowing police to direct a specified person to assist them to access data on a computer. For instance, where evidence is held on a computer and is password protected, police will be able to direct the owner of the computer to give them the computer password. It will be a summary offence to refuse to comply with such a direction without a reasonable excuse. A maximum penalty of two years imprisonment will apply.

A more serious version of this offence already exists in the Crimes Act in relation to refusing to comply with a court order to assist police. The order must be obtained in open court (separately from the warrant process) and a five-year maximum penalty applies for refusing to comply with the order. In contrast, the new process will provide a simple and easy to use process for police to use in urgent cases. This will assist police in their investigations into serious offences, including child pornography.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Thursday, 27 August.

EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2015

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Mr Jennings 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 act), I make this statement of compatibility with respect to the Education and Training Reform Amendment (Miscellaneous) Bill 2015.

In my opinion, the Education and Training Reform Amendment (Miscellaneous) Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill will amend the Education and Training Reform Act 2006 (ETR act) to enhance the ability of the Victorian Registration and Qualifications Authority (VRQA) to protect the interests of school students as consumers.

The bill will enhance school council powers and functions, and provide more flexibility to, and better reflect the role of, adult, community and further education regional councils.

The bill will enable the Secretary to the Department of Education and Training (DET) to disclose to the Victorian Institute of Teaching (VIT) any information the secretary has about, or arising from, an application for an exemption for an early childhood service to employ an unregistered early childhood teacher and an application for a temporary approval to be employed as an early childhood teacher.

The bill will give the VRQA power to disclose any information obtained in performing its functions or exercising its powers regarding apprentices to the secretary, a public sector body or a commonwealth department, if the information relates to the entity's functions.

The bill will also clarify false representation offence provisions in section 79 of the Education and Training Reform Amendment (Registration of Early Childhood

Teachers and Victorian Institute of Teaching) Act 2014 (ECT and VIT act).

Human rights issues

Human rights protected by the charter that are relevant to the bill

The following charter rights are relevant to the bill:

the right to privacy and reputation in section 13 of the charter act;

the right to freedom of expression in section 15 of the charter act; and

the right to protection of families and children in section 17 of the charter act.

Are the relevant charter rights actually limited by the bill?

Privacy and reputation

Section 13 of the charter act is relevant to clause 23 of the bill. Section 13 of the charter act provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 23 will give the VRQA power to disclose any information obtained in performing its functions or exercising its powers under part 5.5 of the ETR act regarding apprentices, to the secretary, a public sector body or a commonwealth department, if the information relates to the entity's functions.

Section 4.9.4 of the ETR act allows the VRQA to share information with the secretary and other government agencies. The Education and Training Reform Amendment (Child Safe Schools) Act 2015 substitutes section 4.9.4(1) with new provisions that will allow the VRQA to disclose information it obtains in performing its functions or exercising its powers under chapter 4 in certain circumstances.

Chapter 5 of the ETR act does not currently allow the VRQA to share information that it obtains as a result of its apprenticeship regulation functions in a similar fashion to the information currently covered by section 4.9.4, or that will be covered by section 4.9.4 when substituted section 4.9.4(1) commences. This might include, for example, information about an employer who is assessed as not being fit and proper in accordance with section 5.5.7.

The ETR act does not currently enable the VRQA to share information it obtains as a result of its apprenticeship regulation functions with the secretary and other government agencies. The Victorian Skills Commission used to have some of the functions that now sit with the VRQA and the DET. When the previous government ceased the operations of the Victorian Skills Commission and transferred its functions to the VRQA, some operational aspects were not transferred in the consequential and transitional amendments. The VRQA has specifically raised this issue with DET as a problem for them.

Clause 23 enables the VRQA to share information with regulatory bodies and government agencies, and to the extent that it will enable the VRQA to disclose personal information,

it will engage the right to privacy in section 13 of the charter act.

I consider that the proposed information-sharing powers in clause 23 are neither unlawful nor arbitrary. The bill specifies the circumstances in which the VRQA will be empowered to disclose information relating to its apprenticeship functions and powers, and entities to which such information may be disclosed. The bill provides that disclosure may only occur if the information relates to the recipient entity's functions.

The VRQA and the recipient entities are subject to the Privacy and Data Protection Act 2014 (Vic) or the Privacy Act 1988 (clth). The VRQA also enters into memoranda of understanding with entities with which it requires more regular exchange of information. The memoranda of understanding are available on the VRQA's website.

Clause 10 will enable the secretary to disclose to the VIT any information the secretary has about, or arising from, an application for an exemption for an early childhood service to employ an unregistered early childhood teacher and an application for a temporary approval to be employed as an early childhood teacher.

The ECT and VIT act will give the secretary power to grant an exemption to an early childhood service to employ an unregistered person as an early childhood teacher, with a corresponding approval for that person to teach in the approved centre.

Currently, the secretary does not have the power to share information with the VIT. The VIT will be the registration body for early childhood teachers and will be responsible for prosecuting cases of unregistered persons being employed as early childhood teachers. It would be problematic if the VIT did not have access to information that the secretary holds regarding such applications because approval from the secretary is a valid defence to the requirement to be registered and such information sharing will avoid unnecessary prosecutions.

Clause 10 will enable the secretary to disclose information to the VIT, and to the extent that it enables the secretary to disclose personal information, it will engage the right to privacy in section 13 of the charter act.

I consider that the proposed information-sharing powers in clause 10 are neither unlawful nor arbitrary. The bill specifies the circumstances in which the secretary will be empowered to provide the VIT with information about, or arising from, an application. Clause 10 provides that the secretary may only disclose information to the VIT in limited circumstances where the information is about, or arising from, an application for an exemption for an early childhood service to employ an unregistered early childhood teacher or an application for a temporary approval to be employed as an early childhood teacher. The VIT needs access to this information to properly discharge its registration functions, in particular, when prosecuting cases of unregistered early childhood teachers.

Both the secretary and the VIT are subject to the Privacy and Data Protection Act 2014 (Vic) and will manage the information in accordance with this act.

In my opinion, the proposed information-sharing powers in clauses 23 and 10 are compatible with the right to privacy in section 13 of the charter act.

Freedom of expression

Section 15 of the charter act is relevant to clause 29 of the bill. Section 15 of the charter act provides that a person has the right to freedom of expression, that special duties and responsibilities are attached to the right, and that the right may be subject to some lawful restrictions.

Clause 29 will clarify false representation offence provisions in section 79 of the ECT and VIT act, and will engage the right to freedom of expression in section 15 of the charter act.

The Scrutiny of Acts and Regulations Committee (SARC) drew attention to the compatibility of clause 79 of the Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill with the right to freedom of expression in section 15 of the charter in *Alert Digest* No. 2 of 2014.

Section 79(1) of the ECT and VIT act provides that a person who is not registered as a teacher must not claim to be or to have been, or hold himself or herself out as being or having been, registered as a teacher. Section 79(1A) provides that a person who has not been granted permission to teach must not claim to be or to have been, or hold himself or herself out as being or having been, granted permission to teach. Section 79(1B) provides that a person who is not registered as an early childhood teacher must not claim to be or to have been, or hold himself or herself out as being or having been, registered as an early childhood teacher.

Clause 29 will clarify section 79 of the ECT and VIT act to make it clear that it applies to false claims about a person's previous or current registration or permission status. Clause 29 will amend the offences in sections 79(1), 79(1A) and 79(1B) so that they only capture false representations about a person's current status and a new offence will be inserted after section 79(1B) to deal with false representations about a person's previous status. This will ensure that a true claim about a person's previous status is not inadvertently captured by a false representation offence provision.

In my opinion, the proposed false representation offence provisions in clause 29 are compatible with the right to freedom of expression in section 15 of the charter act.

Protection of families and children

I consider that the bill promotes the right to protection of families and children. One of the bill's main purposes, set out in clause 1, is to enhance the functions and powers of the VRQA, which will help protect the interests of students and parents as consumers.

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 JENNINGS (Special Minister of State).**

Mr JENNINGS (Special Minister of State) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill proposes amendments to the Education and Training Reform Act 2006 (ETR act), primarily to the regulation of non-government schools, by enhancing the capabilities of the Victorian Registration and Qualifications Authority (VRQA). The bill also enhances the powers and functions of school councils.

The bill also proposes a number of minor and technical amendments, including clarification of mechanical and notification provisions.

Firstly, the bill will give the VRQA expanded powers to conduct periodic financial health assessments and take action to protect school students as consumers. The VRQA is the statutory body responsible for the registration of schools and ensures that schools comply with minimum standards for registration.

There have been concerns regarding the VRQA's ability to monitor the financial viability of non-government schools in light of the high-profile closure of several non-government schools and the scaling back of several others in recent years. The closures adversely impacted the students of the schools and the wider school community. Deficiencies identified in the current legislative framework include students and parents not being informed of the school's financial difficulties until insolvency was imminent, and following the school's closure, being unable to recover school fees paid in advance.

The bill will enable VRQA to assess the financial viability of registered non-government schools and to take action if the VRQA assesses the school as being financially unviable or at risk of becoming financially unviable. The VRQA may report to parents about the school's financial position or impose a condition on the school's registration requiring the school to establish a protection scheme for school fees, such as a trust.

It is important to note that the VRQA already has these functions and powers with respect to vocational education and training providers, and the bill will essentially extend the VRQA's existing mandate to schools.

Secondly, the bill will enhance the powers and functions of school councils relating to licensing arrangements.

The ETR act currently provides that a school council may only license or grant any interest in land, including school lands or buildings, if the school council is authorised to do so by or under the ETR act or the regulations under the ETR act, or under a ministerial order. The bill allows school councils to enter into appropriate licensing arrangements for the operation of the school. This includes granting a licence over school land and enabling a school to enter into a licensing arrangement in relation to any other land. For example, allowing a school to temporarily license land or buildings adjacent to the school from another party during renovations or to accommodate temporary increases in enrolment. This will allow for greater flexibility in school operations.

Thirdly, the bill aims to improve and simplify the governance for adult, community and further education (ACFE) regional councils. ACFE refers to secondary, further or vocational education for adults, provided by an adult education institution or a community-based organisation (other than TAFE). The role of ACFE regional councils is to provide

strategic advice and information to the ACFE board about adult vocational learning needs and issues for each region.

The current legislative framework is overly prescriptive with respect to the composition of ACFE regional councils and requirements for regional council meetings. In order to better reflect the advisory and voluntary nature of ACFE regional councils, the bill will allow broader scope for a regional council to determine the size and composition appropriate for its circumstances. The bill will also expand the skill mix for regional councils and provide regional councils with greater flexibility to determine meeting arrangements.

Finally, the bill will give effect to various minor amendments, including provisions relating to parents clubs, registration of teachers and early childhood teachers, and clarifying mechanical and notification provisions.

In conclusion, the bill will amend the ETR act to provide capacity for the VRQA to respond to any future financial issues or closures of non-government schools and for school councils to improve school governance. The bill will also implement reforms to the composition and procedures of ACFE regional councils to better reflect their advisory role, and allow for more effective functioning of and better outcomes for the adult, community and further education sector.

I commend the bill to the house.

Debate adjourned for Mrs PEULICH (South Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 27 August.

EMERGENCY MANAGEMENT (CONTROL OF RESPONSE ACTIVITIES AND OTHER MATTERS) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr JENNINGS (Special Minister of State) 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 Emergency Management (Control of Response Activities and Other Matters) Bill 2015.

In my opinion, the Emergency Management (Control of Response Activities and Other Matters) 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.

Human rights protected by the charter that are relevant to the bill

The charter rights that are relevant to the Emergency Management (Control of Response Activities and Other Matters) Bill 2015 (the bill) are the right to property and the right to privacy. These rights are engaged by the proposal conferring powers on the Victoria State Emergency Service (VicSES).

The bill amends the Victoria State Emergency Service Act 2005 to give VicSES the power to enter land or premises, without consent, if urgently necessary for the protection of life or property. The bill also gives VicSES the power to construct, alter or remove a levee, along with a power to remove debris. These powers are also conditioned on forming the reasonable belief that exercising the powers is required for the protection of life and property.

In addition, the bill also requires VicSES to replace, restore or remove a levee that it has removed, altered or constructed in the exercise of its new powers, but only to the extent that is reasonable. In line with the existing provisions in the Victoria State Emergency Service Act 2005, damage caused by VicSES is taken to be damage caused by the emergency that gave rise to the emergency for the purpose of insurance policies. This will extend to damage caused while exercising the proposed powers in the bill. Together, these provisions support individuals being able to seek to recover property losses that are incurred in the course of responding to a flood.

These provisions are compatible with the right to property and the right to privacy. None of the other provisions in the bill engages charter rights.

Are the relevant charter rights actually limited by the bill?

The bill does not limit the right to property or the right to privacy.

The charter provides that a person must not be deprived of his or her property rights except in accordance with the law. The amendments in the bill limit the circumstances in which VicSES may exercise the proposed powers, which requires the VicSES member to form the reasonable belief that exercising the power is necessary for the protection of life and property. Accordingly, the proposed powers are not arbitrary or general in nature, but are tailored to the specific purpose of responding to an emergency. As such, the amendments in the bill are compatible with the right to property.

The charter also provides that a person must not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Although the bill empowers VicSES to enter land or premises without consent, it may only do so if urgently necessary for the protection of life and property in the course of responding to, or preparing for, a flood, earthquake or storm or providing rescue services. This does not constitute unlawful or arbitrary interference with the right to privacy. As such, the amendments in the bill are compatible with the right to privacy.

The Hon. Gavin Jennings, MLC
Special Minister of State

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).**

Mr JENNINGS (Special Minister of State) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Victoria's emergency management arrangements are vital in protecting the lives, property and livelihood of Victorians in emergency situations. The Victorian government is committed to ensuring Victoria's emergency management reforms are practical and effective.

The government's emergency management reform agenda will be implemented progressively in stages to ensure the state is best prepared for any, and all, forms of emergency. One of the benefits of undertaking these reforms through a staged approach is that the Victorian government can make responsive refinements as issues arise, ensuring continuous improvement with minimal disruption.

A key objective of the bill is to strengthen and enhance the state's emergency response arrangements. The amendments in the bill also bolster the statutory powers of the Victoria State Emergency Service to respond to floods, storms and other emergencies. Finally, the bill refines the functions and powers of the inspector-general for emergency management.

The key measure to strengthen emergency response arrangements is the introduction of an explicit statutory requirement for agencies with a role or responsibility under the state *Emergency Response Plan* to act in accordance with the plan. The plan sets out the arrangements for responding to all major emergencies in Victoria, including bushfires, pandemics, exotic animal diseases and essential service disruptions.

Up until now, it has been implicit that agencies will fulfil their roles and responsibilities under the plan. Making this obligation express will contribute to ensuring emergency management arrangements are clear and transparent, as well as recognising agencies' shared responsibility for responding to emergencies. Strengthening the role of the plan should mean the response to emergencies is more cohesive and coordinated and there is greater clarity about the roles and responsibilities of agencies.

This is critical for large and complex emergencies that create new and unique challenges. Due to the dynamic and often unpredictable nature of emergencies, these arrangements must be adaptable and flexible. The plan itself provides for a clear framework to underpin agencies' roles in responding to emergencies, rather than prescriptive operating procedures. However, to further support operational flexibility, the bill empowers the emergency management commissioner with the ability to change the plan in urgent circumstances if necessary to protect life or property.

The bill also strengthens the statutory powers of the Victoria State Emergency Service (VicSES). While VicSES is the primary agency in Victoria for responding to floods, storms and earthquakes and providing rescue services, its existing powers to perform these functions are lacking. The

shortcomings in VicSES's existing powers were highlighted by the Environment and Natural Resources Committee of Parliament in its Inquiry into flood mitigation infrastructure in Victoria (ENRC inquiry) and in the review of the 2010–11 flood warnings and response conducted by Mr Neil Comrie, AO, APM.

At present, VicSES's statutory powers are framed in general terms, and do not provide for powers to enter property to undertake its important functions. VicSES must instead rely on the consent and goodwill of property owners to build or remove levees or remove debris from storms.

The bill addresses this issue by giving VicSES a power to enter land or premises in urgent circumstances where necessary for the protection of life and property. Although VicSES will continue to seek consent whenever possible, the bill will ensure VicSES is not hampered in performing its functions if consent is unobtainable.

The bill will also give VicSES the specific power to construct, alter or remove a levee. Again, VicSES will only exercise this power if necessary for the protection of life and property. This will mean VicSES has the power to take action to reduce the overall harm to the community when faced with an impending flood. To perform this function, VicSES will continue to work with communities, businesses and agencies. It will rely on the best information available and would call on the knowledge and advice of experts so that it makes the best decisions possible. In implementing these new powers, sufficient time will be allowed for VicSES to develop supporting operating procedures, train its members and engage the community.

The final proposal in the bill concerns the inspector-general for emergency management, who is responsible for fostering continuous improvement in the sector and providing assurance to the community and the government. Authorities such as the inspector-general play an important part in ensuring that Victorians are receiving the highest standard of service from the government and its agencies.

The inspector-general began operation on 1 July 2014 and over the past year, the inspector-general has identified opportunities to refine and improve its statutory powers and functions. The bill expands the inspector-general's existing power to gather information so that it includes the ability to observe the operation of a system, procedure, thing or activity at an agency's premises. This will mean the inspector-general has access to more information to better inform the inspector-general's system-wide reviews and reports.

The bill also recognises and supports the role of the inspector-general in monitoring the government's implementation of recommendations arising from reports such as the Victorian bushfire royal commission final report. This important mechanism will mean the government is better informed about whether it is achieving the objectives underpinning the recommendations made in these reports.

Finally, the bill clarifies the expectation that the inspector-general works collaboratively and cooperatively with agencies, and that agencies should provide the inspector-general with reasonable assistance if requested.

Unfortunately, emergencies will continue to affect Victorian communities and it is likely that their frequency and severity will only increase. The amendments proposed in the bill focus on strengthening emergency response arrangements, which forms part of the broader reform agenda to address and

improve other aspects of Victoria's emergency management arrangements.

These changes have the ultimate objective of reducing the loss of life or property. Coupled with other legislative and non-legislative changes currently underway, the bill will improve the response to emergencies of any size or severity, but will be particularly important for large and complex emergencies where there is significant potential for tragic consequences.

I commend the bill to the house.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 27 August.

RESOURCES LEGISLATION AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Ms PULFORD (Minister for Agriculture) on motion of Mr Jennings; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Ms PULFORD (Minister for Agriculture), Mr Jennings 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 Resources Legislation Amendment Bill 2015.

In my opinion, the Resources Legislation 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 bill makes a number of amendments to the Mineral Resources (Sustainable Development) Act 1990 (the act), including amending current section 8AB of the act which contains offences relating to carrying out an extractive industry without, or not in compliance with, a current extractive industry work authority.

Human rights issues

Section 26 of the charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law. This right has been interpreted as applying only to punishments of a criminal nature, and does not preclude the imposition of civil consequences for the same conduct.

Clause 6(3) of the bill introduces a provision to replace current subsection 8AB(3). This subsection will now provide that it is an offence for a holder of an extractive industry work authority, or the manager of the place where the extractive industry is being carried out under a work authority, to fail to comply with the act or the regulations in doing any work under the work authority.

Where a person contravenes one of the other specific offence provisions in the act and is made subject to a penalty for that offence, their conduct could also fall within the scope of the new subsection 8AB(3). However, in my opinion, the new subsection 8AB(3) does not engage section 26 of the charter. This is because, even if a person's conduct falls within two offence provisions, they cannot be subjected to a second penalty for the same conduct. Pursuant to section 51 of the acts interpretation act 1984, where an act or omission constitutes an offence under two or more provisions, an offender is not liable to be punished more than once for the same act or omission, unless the contrary intention expressly appears. In this case, the new subsection 8AB(3) does not displace the presumption expressed in section 51 of the acts interpretation act 1984.

Clause 6(4) of the bill introduces a new subsection 8AB(4), which is a default penalty provision relating to the continuation of an offence under the act for which a person has been convicted.

Section 26 of the charter is not relevant to this provision, as the default penalties only arise in respect of continued conduct, rather than the conduct that constituted the original offence.

I therefore consider that these clauses are compatible with the right not to be tried or punished more than once for the same offence.

The Hon. Jaala Pulford, MLC,
Minister for Agriculture and Regional Development

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).

Mr JENNINGS (Special Minister of State) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to facilitate implementation of recommendation 4 of the Hazelwood mine fire inquiry report — namely, to bring forward the commencement of the requirement that work plans for mines be risk based and specifically address fire prevention, mitigation and suppression requirements for coalmines.

The bill amends the objectives of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA) to make them consistent with the risk-based approach; broadens the range of risks that must be addressed in work plans to include risks to infrastructure; and gives the Minister for Energy and Resources power to set, vary or add conditions on licences

and extractive industry work authorities in order to address elimination or minimisation of risks.

The bill also provides that authority holders can be directed to bring their existing approved work plans into compliance with the risk-based work plan provisions, on a case-by-case basis, where the operation poses an unacceptable risk.

The bill gives effect to the election commitment made by the Andrews government to require public reporting of activities on mines and quarries, including rehabilitation works, by giving the Minister for Energy and Resources the power to impose this requirement on licensees and extractive industry work authority holders.

Non-compliance with any reporting requirements would be in breach of the mine licence conditions and may incur up to 200 penalty units for an individual and up to 1000 penalty units for a corporation.

Finally, in order to improve compliance with extractive industry work authorities and work plans, the bill includes amendments that will drive improved compliance with extractive work authorities and work plans by increasing existing penalty units for carrying on extractive operations without an authority and by specifically requiring compliance with the approved work plan. The penalty for carrying on extractive operations without an authority will be up to a maximum of 1000 penalty units for a corporation. The increase in penalty will ensure consistency with the penalties for the equivalent offence in the mining framework.

I commend the bill to the house.

Debate adjourned for Mr DRUM (Northern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 27 August.

INFRASTRUCTURE VICTORIA BILL 2015

Committed.

Committee

The DEPUTY PRESIDENT — Order! As I understand it Mr Jennings, Mr Rich-Phillips and Mr Barber have circulated various separate amendments to the bill. In accordance with normal practice we will proceed through the bill in clause order, with Mr Jennings moving his amendments first where they relate to the same clause for which Mr Rich-Phillips or Mr Barber also have amendments. I call on Mr Rich-Phillips to, in the first instance, give an indication as to which amendments he will be proceeding with.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I would like to discuss my amendments as they are drafted — the first one I would like to speak to is on clause 14 — and to do so in the context of the minister's amendments when we get to clause 14.

Mr BARBER (Northern Metropolitan) — I will be continuing with my amendment 3 to clause 14, which I believe is also a test of amendment 4, and my amendment 5 to clause 33.

Mr JENNINGS (Special Minister of State) — I just want to put on the public record at this point in time that the government has endeavoured to address the vast majority of the intentions of the amendments from Mr Rich-Phillips and Mr Barber within the amendments that I have circulated, which I have outlined the logic of in my concluding comments to the second-reading debate.

Clause 1

Mr ONDARCHIE (Northern Metropolitan) — In relation to clause 1 and thereby the establishment of Infrastructure Victoria, the house has clearly outlined how important it is to get infrastructure happening in this state, to get new projects happening in this state, to develop new capital investment in this state but more importantly to create jobs for this state. I wonder if the minister could outline to the house why it took the government nine months to bring this bill to Parliament.

Mr JENNINGS (Special Minister of State) — I would hope that the question that Mr Ondarchie has raised with me is not necessarily in the sense of the combative environment that may have been associated with the last election and that may often exist between political parties about the contestability and the value of the various projects that we commit to do as political parties in terms of the priorities that we may set, because in fact the spirit of this initiative is to try as much as possible to create a dispassionate, considered environment by which infrastructure is assessed in its long-term trajectory for the needs of the state. To make sure that that has been undertaken, the legislative program of the incoming government has seen, I would estimate, somewhere in the order of 50 bills being introduced during the course of the current parliamentary session, in which we are a little bit over halfway through this year in terms of the legislative calendar.

An honourable member interjected.

Mr JENNINGS — Yes, exactly — 'Oh, joy', by interjection.

The government is virtually halfway through this year's legislative calendar, but nonetheless it hopes to have the integrity of a clearly structured and articulated framework in place for the future. We are looking at the various ways the independence of Infrastructure Victoria can be established in the quality of the

framework that underpins this bill — how it picks up models from other jurisdictions by picking up elements about the relative interdependence and interlocking nature of the terms of the strategic plan. There are interconnections between government budgetary processes and the dynamic established between the intermediate stages of a long-term infrastructure strategy and how governments may be expected to respond to them. As I say, a lot of policy considerations have been picked up from other jurisdictions about the best way we can do that and how we can embed them in the statute.

In my view the government has attempted to create something that has rigour and which will create confidence. That means that work on the bill has been done in a time frame commensurate with the gravity of creating a long-term infrastructure agenda. Work on creating the authority has not stood in the way of infrastructure projects commencing during the first half of this year. In fact many infrastructure projects have kicked into gear, and the government hopes that momentum continues to build into the future. At the moment we want to establish long-term frameworks of predictability. A pipeline of infrastructure needs to be addressed to take out some of the combative elements about the relative merits of these projects. That is what the bill does.

Mr ONDARCHIE (Northern Metropolitan) — I thank the minister for his answer and for the rigour put around the creation of Infrastructure Victoria. I note the importance the minister puts on projects that we know will deliver new capital investment into the state and of course most importantly, as I know the minister acknowledges, create jobs. Could the minister explain to the chamber why creating Infrastructure Victoria had a lesser priority than the introduction of new public holidays in the state?

Mr JENNINGS (Special Minister of State) — It did not have a lesser priority.

Mr ONDARCHIE (Northern Metropolitan) — Given the minister's answer, I am wondering why the government chose to head down the path of creating two new public holidays ahead of this job-creating Infrastructure Victoria project?

Mr JENNINGS (Special Minister of State) — The nature of Mr Ondarchie's first question is why the government has taken so long to pass this bill. In the spirit of Mr Ondarchie's question, my imperative is to pass the bill, not to waste our time.

Clause agreed to; clauses 2 to 7 agreed to.

Clause 8

Mr JENNINGS (Special Minister of State) — I move:

1. Clause 8, line 22, after "measurement of" insert "costs and".
2. Clause 8, after line 25 insert—
 - “() infrastructure policy issues arising from climate change, such as the measurement of greenhouse gas emissions produced by infrastructure; and”.

Amendment 1 accommodates an argument identified by Mr Barber — namely, that if you are doing the assessment of the benefits of infrastructure, you should have a look at the costs. The amendment completes the phrase ‘costs and benefits’.

With amendment 2, the logic of the inclusion of that paragraph recognises, within the important consideration of infrastructure issues, that we accept that it is totally appropriate to consider the impact of various approaches to infrastructure provision that may relate to environmental outcomes. In particular it identifies greenhouse gas emissions as part of our consideration.

The government has incorporated that within the objectives of the act to make sure they flow through in terms of the analytical framework and what would be expected of Infrastructure Victoria to apply to its work right through the various interlocking elements of its strategy, its advice to government and its reporting to the community.

Mr BARBER (Northern Metropolitan) — These amendments pick up almost the same issues that the Greens raised in our original amendments — that is, our amendments 1 and 6. Since the government has the privilege of going first, we are happy to support the government's amendments. There will be no need for me to move my amendments in those areas.

Amendments agreed to; amended clause agreed to; clause 9 agreed to.

Clause 10

Mr JENNINGS (Special Minister of State) — I move:

3. Clause 10, line 7, after "thinks fit" insert “, including academics and professional bodies”.

The intention of the government is to incorporate suggestions that Mr Barber had originally included in

his recommendation to make sure there is an engagement with academics and professional bodies.

Mr BARBER (Northern Metropolitan) — The Greens will support this amendment.

Amendment agreed to; amended clause agreed to; clauses 11 to 13 agreed to.

Clause 14

The DEPUTY PRESIDENT — Order! In relation to clause 14, both Mr Jennings and Mr Barber have circulated separate stand-alone amendments to clause 14. I call on Mr Jennings to move his amendment 4.

Mr JENNINGS (Special Minister of State) — I move:

4. Clause 14, after line 13 insert —

“(2) When making a recommendation under section 13(1), the Minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally.”.

I move this amendment to accommodate a point that had been raised by the opposition and moved in the form of amendments by Mr Rich-Phillips. He had moved those couple of amendments with the intention of trying to make sure that within the profile of the board there is a significant representation of those who have worked outside of government and who have expertise not only within Australia but internationally.

The DEPUTY PRESIDENT — Order! I indicate that Mr Rich-Phillips also has an amendment I have just become aware of.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In relation to amendments 1 and 2 circulated in my name, the amendment the minister has just moved is substantially similar in nature in terms of expanding the skills base the independent directors will require, including highlighting the need for predominantly private sector experience and also engaging international experience. On that basis the coalition will not persist with amendments 1 and 2 and will support the government’s amendment 4.

Amendment agreed to.

The DEPUTY PRESIDENT — Order! I call on Mr Barber to move his amendment 3, which is a test for amendment 4.

Mr BARBER (Northern Metropolitan) — I move:

3. Clause 14, line 13, omit “delivery.” and insert “delivery; or”.

The section of the bill we are dealing with relates to the qualifications of people appointed by the minister to take on the very important task of developing ongoing plans for infrastructure. Throughout the bill we will find reference to the triple bottom line — that is, the social or community, economic and environmental costs and benefits of various pieces of infrastructure; however, will the people appointed to this board have the qualifications to know exactly what those things are and what they mean?

The government has been willing to support the proposition from the Liberals that these Infrastructure Victoria people should have private sector experience. We know from a series of Auditor-General’s reports that there is almost no infrastructure experience left inside the public sector and that the first thing the public sector people have to do when they get a new project is go out and find private sector people and insource them back into the major projects department to tell the people there how to do things.

At the moment the government is running an infrastructure program of somewhere between \$49 billion and \$52 billion of total estimated investment, and this year it will be around \$6.5 billion. It is interesting that a number of speakers from the opposition side got up and said, ‘This government has no infrastructure program’, or even that the government has not initiated any new infrastructure projects since it has come in. That is perhaps because people over on that side think that for something to be infrastructure it has to be a great big tunnel or some sort of hole in the ground or a coal-fired power station.

In fact the government’s program of \$6.5 billion this year includes all sorts of infrastructure, some of which is community infrastructure. A neighbourhood house can be infrastructure; it is social infrastructure. Investments in maintaining parks and maintaining biodiversity are forms of capital investment in absolutely essential infrastructure — the infrastructure that is the life support system for everything on earth, including us humans. You can see from the way the debate has gone here today, however, that some people do not think that is real infrastructure, because it is not big, it is not made out of concrete and it does not produce any sort of pollution.

If we are going to have this body take on the very important task of telling us what our infrastructure needs are in the next 30 years and measuring those against social, economic and environmental criteria, it would be very helpful to know that the people who will

be doing that job have qualifications in the area. It is for that reason that the Greens have drafted amendments 3 and 4.

Mr JENNINGS (Special Minister of State) — I do not want to offend Mr Barber in any way, shape or form, because that is not — —

Mr Barber — I am incapable of being offended.

Mr JENNINGS — That is not my experience. Nonetheless — —

An honourable member interjected.

Mr JENNINGS — That is not a phrase I often use. At one level it is appreciated by the government. We have criteria for people who have expert policy and strategic expertise or knowledge of infrastructure planning. We would expect them to have the skill set that Mr Barber is calling for. We are hairsplitting here; we think Mr Barber has just overwritten an expectation. That is the only spirit in which we oppose Mr Barber's amendments today.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In a similar vein the coalition will not support Mr Barber's amendment. As the minister said, the bill as drafted covers policy, strategy planning, funding and delivery experience, and it is our view that the elements Mr Barber is seeking to insert are already covered as subsets of the other four categories.

Committee divided on amendment:

Ayes, 5

Barber, Mr	Pennicuik, Ms
Dunn, Ms (<i>Teller</i>)	Springle, Ms
Hartland, Ms (<i>Teller</i>)	

Noes, 35

Atkinson, Mr	Mikakos, Ms
Bath, Ms	Morris, Mr
Bourman, Mr (<i>Teller</i>)	Mulino, Mr
Carling-Jenkins, Dr	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr	Patten, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Drum, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Wooldridge, Ms
Lovell, Ms (<i>Teller</i>)	Young, Mr
Melhem, Mr	

Amendment negatived.

Amended clause agreed to; clause 15 agreed to.

Clause 16

Mr JENNINGS (Special Minister of State) — I move:

5. Clause 16, page 11, after line 14 insert —

“() When making an appointment under subsection (5), the minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally.”.

This is a mirror of the amendment I moved a few minutes ago that was accepted by the committee.

Amendment agreed to; amended clause agreed to; clauses 17 to 31 agreed to.

Clause 32

Mr JENNINGS (Special Minister of State) — I move:

6. Clause 32, after line 7 insert —

“(2) Infrastructure Victoria must transmit the 30-year infrastructure strategy to the Parliament on or before 31 December 2016.”.

I am happy to indicate that the government accepts the logic that was expressed in the second-reading debate. Mr Rich-Phillips would have sought to move that amendment himself. The government accepts the need to provide discipline and rigour within the reporting regime and is prepared to work assiduously to deliver on that.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The requirement for Infrastructure Victoria to produce a three-year report by a set date is an important one. We have nominated 31 December 2016 in our amendment. The government has now adopted that in the amendment Mr Jennings has moved, and therefore we will not pursue our amendment and will support the government's amendment.

Amendment agreed to; amended clause agreed to.

Clause 33

Mr BARBER (Northern Metropolitan) — I move:

5. Clause 33, line 26, after “land use plans,” insert “transport modelling that contains an assessment of the social, economic and environmental costs and benefits of public and active transport options compared to private road vehicle and road freight transport options,”.

Clause 33 and its associated division lay out in quite a bit of detail for us the 30-year infrastructure strategy, and they outline the content requirements. There is a whole series of objectives that need to be written up. There is an assessment of the current state of infrastructure. There is the identification of short, medium and long-term needs and also an assessment of options available to meet the identified infrastructure needs and priorities.

Options are what it is all about. If we just stop a minute and look at the recent history of transport infrastructure development here, what we see over the last five or six years is just a series of proposed and later aborted toll road, mega-tunnel projects. If at any stage a project for a new road had been compared to a project for a public transport system that would do the same job, that probably would have stopped those toll roads in their tracks fairly quickly. In fact as long ago as 2008, the last time Labor was in charge of this, the then government was assessing a rail project, the regional rail link, and a road project, WestLink, which became the east-west link, that were going to do the same job in the same corridor but actually were being measured by completely different criteria. If both had been built, they would have in fact competed with each other.

Mr Finn interjected.

Mr BARBER — Mr Finn is a big fan of competition, he says in my right earhole, but in fact when it comes to public transport or transport development we do not want redundant, competing and highly expensive infrastructure running side by side; we want the best option. With Mr Finn that is always a road, but with almost the remainder of the entire planet it is increasingly public transport, bicycles, walking and active transportation.

We have this horrible term that has been floating around now for the last 20 years, and it is 'integrated transport plan'. In fact there is nothing integrated about it. It is simply saying that if rail gets anything at all, road is going to want something as well, so we better do both. There is no integration at any planning level between roads and public transport here in Victoria. In fact roads just simply gobble up the money, and we continually ask ourselves why it is that there is not enough money left over to build the kind of public transport system we all aspire to because we have seen the way the system increasingly operates in other countries around the world.

It is for that reason that we have sought to give another specific instruction to the committee, along with all the others the government wants to give, and that is that the

options that should be considered contain 'an assessment of the social, economic and environmental costs and benefits of public and active transport options compared to private road vehicle and road freight transport options'. On the question of the transport modelling that Infrastructure Victoria ought to be assessing, the modelling itself has become a subject of controversy in all these different road projects and has really become another tool for the government of the day to pump up whichever road project the RACV or some other stakeholder has told it it had better get on with building. We ought to take that capacity out of the government of the day's hands and put it into the hands of Infrastructure Victoria. That is what this government says the bill is all about. For that reason we have proposed this amendment.

Mr JENNINGS (Special Minister of State) — I am not worried about Mr Barber's commentary and his concerns. In fact I share many of the concerns he has just put on the public record. What I do not think is very helpful is what he wants to insert into clause 33 to give effect to that. If you have a look at how the clause would read if you insert these words in the place that he intends them to be inserted, it becomes a very convoluted clause in its own right. His amendment is to clause 33(2)(c), which currently reads:

the identification of Victoria's short, medium and long term infrastructure needs and priorities to achieve the social, economic and environmental objectives referred to in paragraph (a) —

the clause already has subparagraphs —

on the basis of detailed, objective and quantitative evidence, including land use plans, population projections and economic data ...

In between the words 'land use plans' and 'population projections and economic data', which are already pinned to social, community and environmental outcomes, Mr Barber is seeking to insert the phrase 'transport modelling that contains an assessment of the social, economic and environmental costs and benefits of public and active transport options compared to private road vehicle and road freight transport options'.

The government rejects this amendment because in its logic these ideas would be incorporated in the words that are already there, and the clause would become almost incomprehensible by inserting those words, which include repeating within the clause the social, economic and environmental objectives and the application of them. Mr Barber's desired outcome is not opposed by the government. We believe it will be incorporated. We just think it would be confusing to add to the clause as he has recommended.

Mr BARBER (Northern Metropolitan) — Just three quick points: one, I am not trying to write Shakespeare; two, you have just got to work the commas and punctuation, as is so often the case in legislation; and three, Mr Jennings appears to be missing the essential element, and that is the requirement for the comparison of options. Mr Jennings says that that is all included in his list. In fact that has been the theme all along ‘Don’t worry about it. It’s all included’. But as I said, the very recent history, which is painful for Mr Jennings, that we have been through over the question of infrastructure suggests that it is going to be pretty handy to have in here a requirement for a comparison of public transport versus road options.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Just briefly, the coalition will not support this amendment of Mr Barber. While appreciating his intention, we share the concern expressed by the minister. Clause 33(2)(c) relates to the assessment of any infrastructure — for example, the development of a new education precinct. Mr Barber’s amendment would require that development of an education precinct be considered in the context of transport modelling, which we think does not give accurate effect to what Mr Barber is seeking to achieve. It would be a little unworkable with any infrastructure that was not in the nature of public transport.

Committee divided on amendment:

Ayes, 5

Barber, Mr	Pennicuik, Ms (<i>Teller</i>)
Dunn, Ms	Springle, Ms (<i>Teller</i>)
Hartland, Ms	

Noes, 35

Atkinson, Mr	Mikakos, Ms
Bath, Ms	Morris, Mr
Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	O’Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr	Patten, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Drum, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr (<i>Teller</i>)	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr (<i>Teller</i>)	Wooldridge, Ms
Lovell, Ms	Young, Mr
Melhem, Mr	

Amendment negated.

The DEPUTY PRESIDENT — Order! I seek clarification from Mr Barber in relation to his amendment 6 and whether or not he is proceeding with that amendment in relation to clause 33.

Mr BARBER (Northern Metropolitan) — No. I believe Mr Jennings’s amendment 2 picked it up in a similar format in an earlier clause.

Clause agreed to.

Clause 34

Mr JENNINGS (Special Minister of State) — The effect of the following amendments is to enable the appropriate transmission of documents from Infrastructure Victoria to enable parliamentary scrutiny.

I move:

7. Clause 34, line 24, omit “publishing” and insert “transmitting”.
8. Clause 34, line 26, after “(as the case may be)” insert “to the Parliament”.
9. Clause 34, line 28, omit all words and expressions on this line and insert—
 - “consultation on—
 - (a) a draft of the statement of social, economic and environmental objectives referred to in section 33(2)(a); and
 - (b) a draft of the strategy.”.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition will support the amendments moved by the minister. They give effect to our proposed amendment 5 with respect to the presentation of documents to the house, so we will not be pursuing our amendments to clause 35 and will support the government’s amendment to clause 34, which will have the effect of requiring these documents to be tabled in the house in the first instance.

Amendments agreed to; amended clause agreed to.

New clause

Mr JENNINGS (Special Minister of State) — I move:

NEW CLAUSE

10. Insert the following New Clause to follow clause 34—
 - “A Transmission of 30-year infrastructure strategy to Parliament

- (1) Infrastructure Victoria must cause the strategy or updated strategy (as the case may be) to be transmitted to each house of the Parliament as soon as is practicable after it has been completed.
- (2) The clerk of each house of the Parliament must cause the strategy or updated strategy (as the case may be) to be laid before the house on the day on which it is received or on the next sitting day of the house.
- (3) If Infrastructure Victoria proposes to transmit the strategy or updated strategy (as the case may be) to the Parliament on a day on which neither house of the Parliament is actually sitting, Infrastructure Victoria must—
 - (a) give one business day's notice of intention to do so to the clerk of each house of the Parliament; and
 - (b) give the strategy or updated strategy (as the case may be) to the clerk of each house on the day indicated in the notice; and
 - (c) publish the strategy or updated strategy (as the case may be) as soon as practicable after giving it to the clerks.
- (4) The clerk of each house must—
 - (a) notify each member of the house of the receipt of a notice under subsection (3)(a) on the same day that the clerk receives that notice; and
 - (b) give a copy of the strategy or updated strategy (as the case may be) to each member of the house as soon as practicable after the strategy or updated strategy (as the case may be) is received under subsection (3)(b); and
 - (c) cause the strategy or updated strategy (as the case may be) to be laid before the house on the next sitting day of the house.
- (5) Subject to section 25, upon the strategy or updated strategy (as the case may be) being laid before each house under subsection (4)(c), Infrastructure Victoria must publish, as far as is reasonably practicable, the evidence and analysis relied upon in preparing the strategy or updated strategy (as the case may be)."

The government has picked up a provision relating to the transmission of documents to mirror provisions most closely aligned to the Financial Management Act 1994.

New clause agreed to.

Clause 35

Mr JENNINGS (Special Minister of State) — In my amendment 11, I invite members to vote against this clause. The reason I suggest that we omit clause 35 is that what we have just adopted in the committee provides for the 30-year infrastructure strategy to be transmitted to the Parliament prior to its independent publishing in the community. The effect of the last two amendments is to provide for the transmission of the document to Parliament, as distinct from its independent public release through publication.

Clause negated.

Clause 36

Mr JENNINGS (Special Minister of State) — I move:

12. Clause 36, lines 11 to 12, omit "a notice is published under section 35(b)" and insert "the strategy or updated strategy (as the case may be) is laid before each House under section 35."

I do so wishing one of my amendments had been a test for the others.

Amendment agreed to; amended clause agreed to.

Clause 37

Mr JENNINGS (Special Minister of State) — I move:

13. Clause 37, lines 31 to 33, omit all words and expressions on these lines and insert —
 - "(3) The Minister must cause the Government response to be laid before each House on or before the date specified in subsection (4).
 - (4) For the purposes of subsection (3), the date is the first sitting day after the first anniversary of the sitting day on which the 30-year infrastructure strategy or updated 30-year infrastructure strategy (as the case may be) is laid before each House of the Parliament under section 35."

This is the flow-on consequence of the amendments that have just been agreed to by the Committee.

Amendment agreed to; amended clause agreed to.

Clause 38

Mr JENNINGS (Special Minister of State) — I move:

14. Clause 38, lines 4 to 6, omit all words and expressions on these lines.

This is a knock-on consequence of the transmission of the documents to Parliament rather than them being published independently. It is consistent with the other amendments.

Amendment agreed to; amended clause agreed to.

Clause 39

Mr JENNINGS (Special Minister of State) — I move:

- 15. Clause 39, line 20, after “priority projects” insert “, including an explanation of how the priority projects will achieve the social, economic and environmental objectives stated in the 30-year infrastructure strategy”.

I move that amendment to make sure that, consistent with the obligations and the undertakings that we have agreed to in the debate until now, when the strategy is released the analytical framework and the policy considerations that underpin it are actually published at the same time.

Amendment agreed to; amended clause agreed to; clause 40 agreed to.

Clause 41

Mr JENNINGS (Special Minister of State) — I move:

- 16. Clause 41, line 17, omit “publishing” and insert “laying”.
- 17. Clause 41, line 18, after “(as the case may be)” insert “before each House of the Parliament”.

These are again the consequences of transmission and laying documents before the Parliament rather than publishing them independently. They are consistent with what the Committee has already adopted.

Amendments agreed to; amended clause agreed to.

New clause

Mr JENNINGS (Special Minister of State) — I move:

NEW CLAUSE

- 18. After clause 41 insert —
 - “**A Laying of 5-year infrastructure plan before Parliament**
 - (1) Upon the preparation or amendment of the 5-year infrastructure plan under this Division, the Minister must cause the 5-year infrastructure plan or amended plan (as the case may be) to be laid

before each House of the Parliament by the date specified in subsection (2).

- (2) For the purposes of subsection (1), the date is the first sitting day after the first anniversary of the sitting day on which the 30-year infrastructure strategy or updated 30-year infrastructure strategy (as the case may be) is laid before each House of the Parliament under section 35.”.

This has the effect of again laying the five-year infrastructure plan before Parliament. It is a consequence of the variation between the transmission and the publication of documents, consistent with what the committee has adopted already.

New clause agreed to.

Clause 42

Mr JENNINGS (Special Minister of State) — Amendment 19 in my name has been tested by what we have just adopted, but we could not do it that way because it was under a different clause number. I invite members to vote against this clause.

Clause negated.

Clauses 43 to 44 agreed to.

Clause 45

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

- 9. Clause 45, lines 30 to 32, omit all words and expressions on these lines.

The intent of this amendment is to remove the proposed statutory prohibition on Infrastructure Victoria publishing details of any advice it provides to the minister in response to a request from the minister. The intention of moving this amendment and removing the statutory prohibition is so that information that is provided to the minister under this provision is treated in the same way that information held by any other statutory authority is handled in the sense of coverage under the Freedom of Information Act 1982 or under the practices and procedures of this place and the other place. This is to ensure that information held is dealt with on the same basis as information that is held by other statutory agencies.

Mr BARBER (Northern Metropolitan) — This is quite a serious undertaking that the government has inserted into its bill. Governments, both Labor and Liberal, have come into this chamber in my time and claimed this mysterious statutory secrecy which appears to wipe away all the powers of the Parliament

to seek documents and other things and even in some cases to compel persons to come and give evidence to the Parliament. Basically what the government argues is that if Parliament passes a bill that requires a minister or even another person to keep something secret, that is Parliament in fact cutting away another aspect of its own privilege.

There is a section of the constitution that says we inherit the powers, privileges and immunities of the House of Commons of 1855 until such time as we seek to codify those privileges. If we are codifying privileges, I think we should be doing that in quite a deliberate and explicit way, not just putting things about secrecy into this act, that act and the other act, waiting there as traps for ourselves possibly decades into the future.

Therefore first of all I do not accept the government's argument that a statutory secrecy provision somehow overrides the Parliament, nor would I agree to insert into a piece of legislation something that purported to do that. Unless every single time a secrecy provision is included in a bill we sit here and decide whether we are or are not limiting our own privilege, then the government's argument has to be put to one side and we have to go back to the fact that Parliament — and in fact both houses separately, by necessity — must have the ability to scrutinise all aspects of government. Otherwise we would very quickly be in a morass.

On another theme, it is not at all clear how this would relate to freedom of information. I would be pretty confident that I would be using the usual procedures of freedom of information and that nothing here has necessarily created a new class of exemption under FOI, but that may be seen as time goes on. The confidential advice that Infrastructure Victoria gives is to be made public but not the actual content of the advice itself. It will not be long before someone seeks to request everything on the list under FOI just to test out this clause. It is for this reason that the Greens are voting to have this provision removed from the bill.

Mr JENNINGS (Special Minister of State) — I will start by responding to Mr Barber's last point, which was that if he were to seek information using FOI law, he was unclear how that would apply in the scope of this act in terms of the operation of Infrastructure Victoria. He was a bit cautious, but I believe he might have been advised that if he sought access to information under freedom of information, there would be provision to certainly apply for that under the scope of the Freedom of Information Act both directly to Infrastructure Victoria or through the departmental structures of the Victorian public service in the usual

way. The same test would apply to the availability of material.

That is a starting point. It is not the intention to shield Infrastructure Victoria from FOI scrutiny, and in fact before the bill was considered by the committee today it was, in my view, a very transparent approach both to the decision-making and strategy making of Infrastructure Victoria and in terms of making government accountable in the future in relation to infrastructure priorities and funding arrangements and the way in which the policy development of infrastructure needs of our community would be assessed, measured and complied with over time. Therefore in relative terms this is a very transparent piece of legislation because there are many interlocking elements of the reporting requirements that will now be transmitted to Parliament one by one. Whether it be the 30-year strategy or the five-year plan, there is an expectation that they will be published, and there is also the publishing of information papers and other advice that may be provided.

The work profile of Infrastructure Victoria not only is laid out within the terms of the legislation but also reflects the expectation that the community will become better informed about these matters into the future, and the government quite rightly wears this as a badge of honour. The government has said, in a transparent way, that there may be cases where we think there would be value in this independent body providing its advice to the minister on very strategic, important matters where that may add to the contestability of evidence and advice within the government's decision-making processes. It is only that specific advice which would be reported on in terms of the subject matter, but what that advice may be would be exempt from publication.

Interestingly, when I was listening to Mr Barber at one point in his line of argument he was almost suggesting that if this mechanism, when it is going to be used and applied, is actually brought to the Parliament on every single occasion, he may have some of his reservations removed. That seemed to be the logic of what he was saying, but he does not have the confidence that it would be dealt with in a transparent fashion. He believes that the benchmark of the legislative framework — the relationship between legislation, government and information being available to be scrutinised by the Parliament — has a patchwork and sorry history such that he can have no confidence in it. He does not believe he can have confidence in them in the future. At some point we have to build that confidence. At some time we have to reduce what might be debates that take place about the prerogative of advice being scrutinised by government that then

becomes a contested place between the executive, the people who advise the executive and the Parliament.

In terms of the government's response, the government supports the legislation before the house as it is. It will not be accepting the amendments today and will be voting against them. We understand the context and the different perspectives that may be brought to this debate, but for the reasons I have outlined we think there is value in the mechanisms being available to the minister in Infrastructure Victoria to establish a mature, reliable, rigorous and contestable source of advice that may assist better government decision-making that may not be contaminated by a debate about who owns it and to what purpose it is going to be put.

Committee divided on amendment:

Ayes, 26

Atkinson, Mr	Lovell, Ms
Barber, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Bourman, Mr	Ondarchie, Mr (<i>Teller</i>)
Carling-Jenkins, Dr	Patten, Ms
Crozier, Ms	Pennicuik, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Purcell, Mr
Drum, Mr	Ramsay, Mr (<i>Teller</i>)
Dunn, Ms	Rich-Phillips, Mr
Finn, Mr	Springle, Ms
Fitzherbert, Ms	Wooldridge, Ms
Hartland, Ms	Young, Mr

Noes, 14

Dalidakis, Mr	Mikakos, Ms
Eideh, Mr	Mulino, Mr (<i>Teller</i>)
Elasmar, Mr	Pulford, Ms
Herbert, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms
Melhem, Mr (<i>Teller</i>)	Tierney, Ms

Amendment agreed to.

Amended clause agreed to; clauses 46 to 49 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Mr JENNINGS (Special Minister of State) — I move:

That the house do now adjourn.

Kindergarten funding

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Families and Children. It regards concerns some early childhood services have raised with me about the minister's clumsy and incompetent handling of the implementation of new ratios for four-year-old children, to begin in January 2016. As the minister who oversaw the development of the regulations and the implementation of the national law and national quality agenda, I know these changes are about delivering quality early childhood programs. In my time as minister quality was my major focus. I am therefore particularly distressed that services are now contacting me to report that attention to quality seems to have been forgotten by the current minister, who is now trying to force services to move to larger class sizes. My request of the minister is that she ensure that early childhood services that wish to move to smaller groups of 22 are supported to achieve this and are not forced to increase staff and run groups in excess of 30 children.

I have recently been contacted by the director of a preschool in my electorate who is concerned that the way in which changes to the educator-to-student ratios are being implemented — they are going from 1 to 15 to 1 to 11 — will adversely impact the quality of education for children and place staff under undue pressure in what will become a difficult working environment.

The concept behind the ratio changes is sensible and positive. Educators will be working with fewer students with the aim of improving quality education and outcomes for the children. In practice, however, it appears that in order to implement these changes, instead of allowing preschools that have a room capacity of 30 to 33 to run a class of 22 with two educators, the minister is pushing preschools to move to groups in excess of 30 with three educators. The director who contacted me stated:

... this ... seems to be more about pushing as many children through ... preschools and avoiding building new facilities, rather than the provision of quality early childhood learning.

The former government, under my leadership as the Minister for Children and Early Childhood Development, prioritised infrastructure to ensure that a place would be available for every child and made available more than \$135 million in grants to support this. These grants supported the building of 48 new integrated children's centres, 37 new early learning centres, the major renovation and expansion of 182 existing centres and smaller renovations at 367 existing centres. Also supported were 1724 centres in the upgrade of their IT facilities.

We know the current minister has slashed more than \$85 million from the children's facilities capital program and in this year's budget made provision for a paltry \$5 million for this important program. In order to cover up this government's underinvestment in infrastructure the minister is forcing centres to offer larger class sizes. Some of the concerns centres have raised include the impact that increased student group sizes will have on autistic and other special needs children who require quiet and calm learning environments and the ability to manage such large groups on excursions. Indeed some facilities like hospitals — —

The PRESIDENT — Order! The member's time has expired. I indicate that in the next sitting week I am going to provide some guidance notes on the adjournment debate because I think we have again lost a bit of focus on what it should be about. One of the issues is that it should not be a setpiece speech. I would suggest that that was a setpiece speech. It was in support of a question and was seeking an action, but the idea is to provide context for the action, not to provide a setpiece speech. Given that many of the matters covered in that particular contribution referred to what had been done by a previous government and previous minister, it was very much a setpiece speech.

Mr Davis raised a point of order with me last night in respect of an item raised by Ms Shing which simply sought information. On reflection I think he was probably right that it was not in accord with our current standing order. For the benefit of new members and members who experienced a slightly different focus in the adjournment debates of the 57th Parliament I intend to put out some guidelines.

Wind energy

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Energy and Resources, who is also the Minister for Industry, Ms D' Ambrosio. My matter is in relation to the uncertainty in the renewable energy sector,

particularly in the south-west of Victoria. The action I seek is for the minister to join with me in the south-west of my electorate and sit down and hear the concerns of the renewable energy stakeholders in respect of the announcements made and the position taken by the Abbott government regarding the wind energy sector. I would like the minister to be able to do this sooner rather than later, because we know that the Andrews government is supportive of the wind energy sector. I ask the minister to outline how this government is supporting and promoting the wind energy sector in this state, in particular in Portland and the south-west of Western Victoria Region.

Swan Hill bridge

Mr YOUNG (Northern Victoria) — The matter I raise is for the attention of the Minister for Planning and relates to plans to build a replacement bridge in the township of Swan Hill. Several concerned locals have contacted me about the issue, which prompted a visit, and — wouldn't you know it — it seems that the locals are on the right track as to what is best for their town. The planning for the pending bridge started in the early 1970s, and land has been secured by the council to provide room for it in what seems to me to be the preferred location.

Some 35-odd years later VicRoads has proposed another site, which was, as I understand it, signed off by the former Minister for Planning. That proposal will put the bridge and road straight into the centre of town, causing not only congestion issues but obvious safety hazards when large vehicles need to stop in a hurry at an intersection. The new site is 150 metres upstream from the original option, which would allow heavy vehicles to avoid the town centre and connect to a possible future ring-road. The current bridge, which has heritage listing, will still be serviceable for light traffic and is a fine tourist attraction. I urge the minister to visit the residents of Swan Hill to hear their thoughts on the matter and to ensure that VicRoads reconsiders the proposed plan in favour of a more sensible location.

University Hospital Geelong

Mr RAMSAY (Western Victoria) — My adjournment matter is for the attention of the Minister for Health. The *Geelong Advertiser* reported on 18 July that a new 32-bed Geelong hospital ward is empty because of a lack of government funds to operate it. It was also reported that at least one other older ward is empty. We know University Hospital Geelong is one of the busiest hospitals in the state, and we also know the Liberal-Nationals government funded the \$125 million, 112-bed Baxter wing. It is also understood that Barwon

Health and the hospital itself are very well financially managed and meet key performance indicators on a regular basis, not unlike Ballarat Base Hospital, which is also recognised as a good financial performer and is recognised for its service and patient satisfaction.

Regional city health providers are trying to meet the increase in demand from population growth and the need to upgrade health technology and build new infrastructure to meet the growing demand for health services, as well as meeting the financial budgets required of them. Geelong and Ballarat do that well within their financial constraints.

It was somewhat surprising that the Travis report, produced from a review of the capacity of the Victorian public hospital system, did not see fit to recommend increased bed capacity at University Hospital Geelong and instead focused its attention on less well managed hospitals in metropolitan Melbourne. It seems strange then that with all the razzamatazz that accompanied the Andrews government's opening of the new Baxter wing, which was funded by the Liberal government and which will be a great asset to the city of greater Geelong — providing 112 extra beds as well as a supportive care centre and a rapid assessment unit — the whole top storey of that seven-storey wing, which has a 24-bed ward, is unfunded by the Andrews government and remains empty.

The member for Geelong in the other place, Christine Couzens, was more than happy to soak up the praise for the new Baxter wing announcement and went into some detail about her family connections, but she was not so forthcoming in admitting that the Andrews government has not provided sufficient funds to Barwon Health for the operating and management costs of the 24 palliative care beds and 8 acute care beds on the seventh floor. It is an empty ward in a brand-new seven-storey wing that cost \$125 million, but the whole top floor is unfunded and has empty beds.

While the new Baxter wing is a great testament to the philanthropic support of the Baxter family over 74 years, it is the Andrews government's legacy of unfunded beds on the top floor that I bring to the attention of the minister. The action I seek is for the minister to provide the necessary funding to staff and operate the 24 palliative care beds and the 8 acute care beds in that wing and also to investigate the use of another ward which is also empty in the older section of the hospital.

Rural drainage schemes

Mr PURCELL (Western Victoria) — The matter I raise is for the attention of the Minister for Environment, Climate Change and Water, and the issue I raise is Victorian rural drainage schemes. Drainage schemes have been in place in Victoria for in excess of 150 years, and up until 20 years ago they were always the responsibility of local government. Unfortunately with the amalgamation of local governments the rural drainage schemes fell between the cracks and were left without anybody to look after them. At the same time the catchment management authorities were set up. I believe it was the intention to have the catchment management authorities look after the rural drainage schemes, but unfortunately this never happened. There are over 100 drainage schemes in the state, and many of them have fallen out of use because they are not being managed.

As I understand it, the then Environment and Natural Resources Committee conducted an inquiry in 2013 and a number of recommendations were made in regard to the schemes. The government of the day accepted 7 of those recommendations, supported 18 in principle and did not support 7. The government response states that local government, not the catchment authorities, were to take over responsibility for the drainage schemes. In the main, everything hinges on the creation and implementation of the Victorian rural drainage strategy. I ask the minister to do the right thing and implement that strategy and, more importantly, make the catchment management authorities responsible for the drainage schemes rather than local councils.

Williams Landing school

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. It concerns representations that have been made to me by a significant number of constituents in Williams Landing. They are requesting that a school be built in the suburb of Williams Landing. As they say, it is one of the fastest growing suburbs in the city of Wyndham, and the city of Wyndham itself is one of the fastest growing municipalities in Australia. From time to time it is indeed the fastest growing municipality in Australia.

I am informed that research has shown that families in Williams Landing are facing serious schooling issues and that the situation will get worse in the very near future. A school is seriously needed in this fast-growing suburb. It is one of the most critical and essential needs for the future of the 3500-plus families and the 4000 to 5000 children living in the suburb. At this point in time

there are around 80 babies born a week to Wyndham mothers. This equates to almost four kindergarten groups per week.

There are 10 000 people a year moving to Wyndham, and the majority of the families who move to Williams Landing are young families with young children. Therefore when 3500-plus families settle in Williams Landing, the number of children who need to go to school or child care will easily reach 4000 or 5000 or more. Clearly when we have 4000 or 5000 children and no schools, we have a major problem. We are looking at the other prospect of the number of children, even just further down the track, 4000 to 5000 —

Mr Jennings — It is not a prepared speech.

Mr FINN — It is not a prepared speech, I can assure you.

Mr Jennings — I can tell.

Mr FINN — You can tell. I am picking points from the submission I received from my constituents, and I thank them for that. I am always very pleased to hear from my constituents, and I am very happy to pass their concerns on to the minister.

I point out to the minister that there are a number of schools in the area. The Alamanda estate in Point Cook is only half the size of Williams Landing and already has a school that is reaching its maximum enrolment capacity. The Saltwater Coast estate in Point Cook is slightly smaller than Williams Landing and has two schools planned. But as I said, Williams Landing has no school, and from what I understand there are no plans for a school there in the foreseeable future. I ask the minister to examine the facts, take into consideration the rapid growth of Williams Landing and the number of children we will soon have in Williams Landing and provide a proper school facility for these people.

Student disability funding

Mr MULINO (Eastern Victoria) — I raise a matter for the Minister for Education. The action I seek is for the minister to provide information about how parents, students, teachers, principals and school community members in my electorate of Eastern Victoria Region can contribute to the review of the program for students with disabilities (PSD). It is an issue of great interest to many parents, principals and schools in the area.

The program for students with disabilities is a targeted supplementary funding program for Victorian government schools. Currently there is a

comprehensive review underway of programs to support students with special needs. This is an issue of great importance throughout the area my electorate covers. Because my electorate is so diverse it is of great importance in the area in different ways. In the area directly surrounding my office in Pakenham, my community is rapidly growing and experiences many of the challenges in service delivery that outer urban areas that are rapidly growing experience.

Then there are other areas, like the Mornington Peninsula, which suffer from all sorts of transport and other service delivery challenges. Then of course there are also rural and regional areas. The comprehensive review will look at the needs of children with disabilities, it will look at how to improve PSD support and how to improve the transition from primary to secondary school. There are many in the community who would like to contribute to this review. During September the review will invite Victorians to have their say, and I ask the minister to undertake this action so that I can help those in my community with an interest in this issue to contribute to this important review.

Latrobe Valley Industry and Infrastructure Fund

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Regional Development, the Honourable Jaala Pulford. I wish to speak about Labor's decision to cut the highly successful \$15 million Latrobe Valley Industry and Infrastructure Fund. As members may know, the Latrobe Valley has a reasonably high level of unemployment. The \$15 million Latrobe Valley Industry and Infrastructure Fund was established by the coalition. It supported more than 40 industries and businesses and leveraged close to \$100 million worth of investment, creating 1200 jobs in our community.

This highly successful program not only created employment but also diversified our local economy. It has now been cut, and nothing has been put in its place that would have the same positive impact. With the axing of this growth fund came the loss of the coalition's Putting Locals First program, a \$100 million initiative designed to enable regional communities to devise and deliver service and infrastructure responses which reflected local priorities. This program funded some fantastic projects, including renovations at the Yallourn North town hall, the creation of the Gippsland Heritage Walk, support for the Yinnar Fiddlehead country music festival and the creation of a community barbecue in Morwell.

The Latrobe Valley business community has made it very clear to me that it is unhappy with this decision. One example of how this fund helped local businesses is that of Steeline Gippsland, located in Traralgon, which received \$250 000 for a new plant; it contributed \$4.5 million for this project. This fund was a great example of how people and businesses are prepared to invest when the government provides support and shows confidence in the local business community. I call on the minister to establish a fund specifically for the Latrobe Valley to boost employment, industry and infrastructure in the region, because people in the Latrobe Valley are feeling forgotten.

Northern Victoria Region schools

Ms SYMES (Northern Victoria) — The adjournment matter I raise tonight is also for the Minister for Education, and it follows on from a visit he and I made to my electorate last week. Minister Merlino and I enjoyed meeting with students, principals, teachers and school council members in the north-east of Victoria. We visited Benalla P-12 College, which also happens to be my former high school, Appin Park Primary School, Wangaratta District Specialist School, Wangaratta High School, Wangaratta Primary School, Yarrowonga College P-12, Cobram Secondary College and Seymour College.

The school communities were very welcoming, and the students were very proud to show us around. There were lots of great programs on show — lots of art and craft, community engagement and some really great things happening in these schools. Unfortunately it was not all positive, and what was starkly evident was that many of the buildings that our kids are being educated in are in disrepair — or worse. This is of course unsurprising, because the former Liberal-Nationals government cut the school building program in half during its term.

One eyesore which is a safety concern for Wangaratta Primary School is the decommissioned indoor pool on the school site. It is a hazard, it attracts vandals and those who spread graffiti, and it is something that the school just wants to see gone. So it was very pleasing to be able to give the principal a call a couple of days after our visit and report that the pool building will be demolished by the Department of Education and Training over Christmas.

The particular action that I ask for today is in the same vein as the good news for Wangaratta. I specifically request that the minister give further consideration to the school buildings at Cobram Secondary College.

When we visited there we saw a wing of classrooms plastered with warning stickers advising of the dangers of asbestos. I understand that the school's preference is not to spend money on maintaining these buildings but rather to see them demolished, so I ask that the school be given the support and guidance it needs to progress that request.

Emergency services first responders

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Police. I recently met with respected Victoria Police chaplains the Reverend Jim Pilmer, PSM, and the Reverend Dr John Broughton in relation to their submission to the police minister proposing the creation of a first responders support service pilot program. It is my understanding that these two gentlemen met with the Minister for Police and the Minister for Emergency Services on 22 April this year. While I understand a productive meeting was held, to date Dr Broughton and Reverend Pilmer are yet to receive a response to the submission they made to the ministers.

The first responders support service proposal, which would serve all Victorian emergency services across the state, is the result of the many years of experience of Reverend Pilmer and Reverend Broughton having often been called out in the middle of the night in their respective roles as Victoria Police chaplains, usually to provide immediate support to Victoria Police members but often also to support other emergency services personnel, grieving families, friends and others following traumatic and often tragic events. Their submission states:

Currently, there is no accredited or suitably skilled unit to which emergency services workers can refer members of the public in the aftermath of a wide range of traumatic events that occur on an almost daily basis.

Particularly at times of death, including road trauma, suicide or murder, the attending emergency services members need to focus on their role and then move on. In the process they inevitably relate professionally to next of kin or secondary victims but are not in a position to support them beyond the immediate task at hand. Members have often expressed their frustration and embarrassment at having to literally walk away from distressed individuals or families in such circumstances.

The types of support that it is envisaged such a service could provide include post-homicide next of kin support; support in the case of post-road death or life-threatening injury; post-suicide family support; support to victims of natural disasters such as bushfires, floods or other traumatic events; on-scene support of families in the early stage of searches for missing or lost persons; and a coronial services unit to accompany

individuals or families during identification procedures. Reverend Pilmer provided a number of examples in which in his experience such a service would have been very beneficial.

I understand there is strong support for this program proposal from Victoria Police, its members and others. I am also advised that the reverends have brought the program to the attention of the Chief Commissioner of Police and the Police Association Victoria.

I encourage and respectfully request the Minister for Police to seriously consider the first responders support service pilot program, which has been submitted to both ministers.

Responses

Mr JENNINGS (Special Minister of State) — I have one written response to an adjournment debate matter raised by Mr Finn on 4 August 2015. I am sure he will be very pleased to receive that.

This evening Ms Lovell raised a matter for the attention of the Minister for Families and Children in relation to the implementation of new ratios that will apply within kindergartens in Victoria.

Gayle Tierney raised a matter for the Minister for Energy and Resources, who is also the Minister for Industry, relating to the ongoing support of the Andrews government to drive the wind farm industry and opportunities for renewable energy, particularly in the south-west of Victoria.

Mr Young raised a matter for the attention of the Minister for Planning seeking his review of the circumstances of a bridge in Swan Hill to provide for a timely and appropriate development of that bridge for that community.

Mr Ramsay raised a matter for the attention of the Minister for Health relating to bed capacity at Barwon Health.

Mr Purcell raised a matter for the Minister for Environment, Climate Change and Water seeking her support for the implementation of the Victorian rural drainage strategy and in particular seeking the support of catchment management authorities, as distinct from local government, to undertake that work. He thinks that is an important aspect of the implementation of that strategy, and I will draw that to the minister's attention.

Mr Finn raised a matter for the Minister for Education and provided a lengthy demographic analysis of the growth pressures in Wyndham.

Mr Finn — Accurate, very accurate.

Mr JENNINGS — They were emerging numbers, but let us drill it down: 80 babies a week. That is probably a key indication of the growth in Wyndham and in particular in relation to Williams Landing. He had an extensive cross-reference with other suburbs within Wyndham and a comparison of the provision of their school facilities, so there is a lot of information that Mr Finn put on the record for the minister's attention to provide for his appraisal of the need for additional schools in Williams Landing in particular.

Mr Mulino raised a matter for the attention of the Minister for Education wanting his support to ensure that members of the community in eastern Victoria are apprised of greater opportunities to participate in programs to support students with disabilities and to ensure that the new policy framework is not only able to be provided with the needs assessment but also with community engagement to support better outcomes for students in his community.

Ms Bath raised a matter for the attention of the Minister for Regional Development reminding the minister of previous approaches to driving support for local businesses and drew attention to an outgoing program, the Latrobe Valley Industry and Infrastructure Fund, seeking that the minister ensure that similar emphasis is provided within the regional development framework and government programs to support her community.

Ms Symes raised a matter for the attention of the Minister for Education and gave us a review of her road trip with the minister, which was quite extensive. Obviously many school communities were very pleased to have the minister and Ms Symes visit them. She drew attention to important work being undertaken at Wangaratta Primary School and was encouraging the minister beyond that great work to assist in dealing with the disrepair of buildings and facilities in school communities, particularly focusing on the needs of Cobram Secondary College and the prevalence of asbestos in some of its school buildings. She sought the minister's commitment to work with that school community to demolish those asbestos-ridden facilities and replace them with new school facilities.

Mr O'Donohue raised a matter for the Minister for Police, separate to a meeting that took place in April with the Minister for Emergency Services, about the experiences of Reverend Pilmer and Dr Broughton, who have expertise in providing care to members of our community who experience trauma — that is, first responders. He would like their recommended approach to providing community support through a first

responders support service pilot program to be implemented.

The PRESIDENT — Order! One of the options at Williams Landing is to put the school in the railway station. It is the most extensive railway station I have ever seen outside Spencer Street. The house stands adjourned.

House adjourned 8.09 p.m. until Tuesday, 1 September.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Former Minister for Small Business, Innovation and Trade

Question asked by: Mr Dalla-Riva
Directed to: Special Minister of State
Asked on: 18 August 2015

RESPONSE:

Yes. Mr Tim Richardson.

The only reference to Mr Richardson in the report is in the context of acknowledging that he provided a statement to the inquiry, which detailed an account of Mr Somyurek's assessment on the competency of his staff before the 2014 State election.

No other government backbench MPs are named in the report.

Metropolitan Remand Centre

Question asked by: Mr O'Donohue
Directed to: Special Minister of State
Asked on: 18 August 2015

RESPONSE:

The cost of repairs and associated measures including those raised in the question are estimated to be within \$10m to \$12m as has been previously reported by the Government. Final costs will be finalised when invoices are submitted and other incurred costs are complete.

Drug driving

Question asked by: Ms Patten
Directed to: Minister for Training and Skills
Asked on: 18 August 2015

RESPONSE:

I am advised as follows:

The safety of road users is a key priority of government and I know the Minister for Roads and Road Safety and the Minister for Police are focused on reducing injury and death on our roads.

Ms Patten notes that an impaired driver may have taken a legal substance such as prescription medication. This is indeed correct, I am advised that a driver who is impaired by a legal substance, such as prescription medication, could be charged and convicted for such conduct, just as driver who has taken an illicit substance may.

However in response to Ms Patten's further question I can confirm the Government does not intend to introduce a legal limit for illicit drugs. The prescribed concentration of zero for an illicit drug (in which THC is included along with MOMA and ecstasy) is risk based, in the same way the alcohol concentration limit is 0.05. A person driving with THC or stimulant type drug such as methamphetamine at any level is at least twice the risk of being involved in a fatal collision than a drug free driver. In 2013, THC and stimulant type drugs were found present in 32% of the drivers killed on Victorian roads.

There are many local and international risk studies informing the decision to set illicit drug level being set at zero.

For example, in work undertaken by Monash University Accident Research Centre in 2004 it was noted that Victorian crash data suggested that the use of cannabis is associated with elevated culpability in crashes.

This Government is committed to reducing the impact of road trauma in Victoria. We therefore do not intend to make any changes to the current regime regarding the use of illicit drugs and driving.

Freedom of Information Commissioner

Question asked by: Mr Rich-Phillips
Directed to: Special Minister of State
Asked on: 19 August 2015

RESPONSE:

I can advise that a copy of the Victorian Public Sector Commission's report on the Office of the FOI Commissioner has been delivered to the Accountability and Oversight Committee today.