PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 18 August 2015

(Extract from book 11)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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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 Elasmar, Mr Finn, Ms Hartland, Mr Morris, Mr Ondarchie and Ms Tierney.

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

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

participating members

Legislative Council select committees

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

Joint committees

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

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

Economic, Education, Jobs and Skills Committee — (*Council*): Mr Elasmar, 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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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The Hon. M. WOOLDRIDGE

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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
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Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
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Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

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

PARTY ABBREVIATIONS

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

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TUESDAY, 18 AUGUST 2015

Tuesday, 18 August 2015

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.05 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 11 August to:

Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Act 2015
Energy Legislation Amendment (Publication of Retail Offers) Act 2015
Judicial Entitlements Act 2015
Planning and Environment Amendment (Recognising Objectors) Act 2015
Victoria Police Amendment (Validation) Act 2015.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Allegations against Auditor-General

Ms SHING (Eastern Victoria), by leave, presented report on terms of reference.

Laid on table.

Ordered to be published.

Reference

Message from Assembly seeking concurrence with resolution:

Assembly's resolution:

That the Public Accounts and Estimates Committee is requested to inquire into and report no later than 20 October 2015 on allegations made against the Auditor-General, Mr John Doyle, in a formal grievance dated 12 August 2015, by a member of his staff; and

(a) whether, in light of any findings that the committee may make in relation to the allegations, the Parliament should give consideration to the removal of the Auditor-General from office; and

(b) the committee is requested to conduct this inquiry having regard to the need to afford procedural fairness to all parties, and to protect the privacy of individuals.

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

That the Council concurs with the Assembly and resolves:

That the Public Accounts and Estimates Committee is requested to inquire into and report no later than 20 October 2015 on allegations made against the Auditor-General, Mr John Doyle, in a formal grievance dated 12 August 2015, by a member of his staff; and

(a) whether, in light of any findings that the committee may make in relation to the allegations, the Parliament should give consideration to the removal of the Auditor-General from office; and

(b) the committee is requested to conduct this inquiry having regard to the need to afford procedural fairness to all parties, and to protect the privacy of individuals.

In so moving I make it very clear that the government fully supports the resolution of the Assembly, which is before the chamber today. It supports the determination of the Public Accounts and Estimates Committee when receiving allegations to make sure that they are dealt with in an expeditious and appropriate fashion and that it commits to procedural fairness, which is in the terms of the report that has been tabled in the Parliament. I note that the government has been informed that all parties within the Parliament and members of the Parliament accept and recognise the gravity of these issues and the appropriate manner in which they should be examined and auspiced by the Parliament in a way which, as much as possible, protects not only natural justice and procedural fairness but also the interests of all those who are involved in these situations. With those few words, I commend my motion to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Earlier today in the other place and this afternoon in this place the Public Accounts and Estimates Committee presented to the Parliament a report following receipt yesterday by the Presiding Officers of allegations with respect to the Auditor-General from a member of his staff. The report sets out that, accordingly, the Presiding Officers then referred the matter to the Public Accounts and Estimates Committee, which resolved to seek the agreement of each house of Parliament to a resolution in a form materially the same as that moved by the Leader of the Government this afternoon.

Last night the Public Accounts and Estimates Committee jointly with the Presiding Officers released a statement indicating it was the Public Accounts and Estimates Committee's intention to seek this resolution of each house of Parliament to undertake this inquiry into the matters set out in its report and further stating it was the committee's intention to seek the Parliament's

approval to commission the Honourable Justice Ken Hayne, formerly of the High Court of Australia, to undertake this investigation. I note that while that does not form part of the formal resolution, we would assume from that statement made by the committee yesterday that it is the committee's intention to engage Justice Hayne in that way.

This morning I had the opportunity on behalf of the opposition to be briefed by the Secretary of the Department of Premier and Cabinet in respect of this matter — that was facilitated by the Leader of the Government, and I thank him for that — to understand not the nature of the allegations but the process which led to this matter being referred to the Presiding Officers and in due course to the Public Accounts and Estimates Committee.

It is the nature of the office of all auditors-general in all parliaments that their role at times is adversarial with government, and it is for that reason that the Victorian Auditor-General's Office is enshrined in the Constitution Act 1975. The Victorian Auditor-General is one of the few offices enshrined in the Constitution Act, where the removal of the Auditor-General can only be performed by resolution of both houses of Parliament.

The resolution before the house this afternoon, proposed through the Public Accounts and Estimates Committee and moved by the Leader of the Government, contemplates this house asking that committee to consider whether that is an appropriate step in light of the allegations that have been made. This is the gravest form of action that can be asked of the committee with respect to the office of the Auditor-General, so the Parliament in considering this resolution needs to be mindful of the seriousness of the matter that we are asking the committee to look at and of the seriousness of any recommendations that may consequently flow from the report of the Auditor-General.

The second element of the resolution asks that the committee have regard to procedural fairness for all parties and the privacy of all parties. It is that element with respect to procedural fairness that will be critical to this undertaking. I note, as I said, from the statement last night that it is the committee's intention to engage Justice Ken Hayne to undertake this inquiry. It would be the view of the opposition that it is important that in engaging Justice Hayne or any other counsel that the committee deems necessary for this inquire that that be done and be seen to be done independently of the government, given the nature of the relationship which always exists between auditors-general and the government. In saying that, the coalition will support this motion and in doing so will trust in the good judgement of the Public Accounts and Estimates Committee in considering this matter and in ultimately considering recommendations to the Parliament.

Mr BARBER (Northern Metropolitan) — The Greens will not oppose this motion. However, we are concerned that we are being asked to vote on a matter about which we have very little information. We understand the matter could be serious, and we understand the desire to protect those involved. However, we are uncomfortable about the precedent this could set.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

Former Minister for Small Business, Innovation and Trade

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Deputy Leader of the Government. I refer to Mr Allen's investigation into the office of former minister Adem Somyurek and note seven ministerial staff are named on pages 3 and 4 of his report as being employed at the former minister's office. Since the Premier released the Allen report, has the minister spoken with any of those staff regarding their ministerial staff positions within the Andrews Labor government and, if so, who and when?

Ms PULFORD (Minister for Agriculture) — Without being familiar with the seven names that the member is referring to it is a little difficult to say, but I have not had any discussions along those lines.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I put it to the minister that on Thursday, 6 August, at a local restaurant, the minister met with some of former minister Somyurek's staff, and I ask: who instructed the minister to speak to them and what was the message the minister was told to give?

Ms Shing — How is that a supplementary question?

Honourable members interjecting.

The PRESIDENT — Order! I hear the interjections from the government side in respect of how the question is related to the minister's portfolio, and I have some sympathy with that proposition. However, in this circumstance, where it is suggested that the minister met with people who had been employed in

Mr Somyurek's office at that time and that that may have been part of government discussions, I think the minister is capable of responding to that question. However, I am a little uneasy about the question as well.

Ms PULFORD (Minister for Agriculture) — I thank the member for her further question. I have had an opportunity to check my diary, and there is certainly nothing in there other than that I spent the evening with the Leader of the Opposition at a Procedure Committee meeting. If my memory is correct, I then went home to Ballarat that evening.

Former Minister for Small Business, Innovation and Trade

Mr DALLA-RIVA (Eastern Metropolitan) — My question is to the Leader of the Government. Has the minister seen or been provided with an unredacted version of the Strong investigation into former minister Adem Somyurek?

Mr JENNINGS (Special Minister of State) — Yes.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — Other than former minister Somyurek, are there any other government backbench MPs named in the Strong report, and if so, who are they?

Mr JENNINGS (Special Minister of State) — I was trying to work through the circumstances by which there may have been references to other members of Parliament within the report. They do not come instantly to mind. I have not looked at the report for a number of weeks. I am happy to have a look at the report again. If there is any relevant information beyond the fact that I do not recall any backbenchers being named in that report, I will then inform the house.

Level crossings

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade and relates to a constituent of both his and mine. Kat at the Academy of Scuba on Burke Road, Glen Iris, has advised the minister regarding the level crossing removal:

> The reality of my situation is that if I keep my shop in its current location, the resultant loss in sales may very well lead to an untenable situation whereby I am forced to close the business.

What actions has the minister taken to ensure that the level crossing removal works at Burke Road will not drive nearby small businesses out of business, costing jobs and destroying livelihoods?

The PRESIDENT — Order! I will allow the minister to answer, but again this is not really his portfolio responsibility; he is not responsible for the level crossings situation.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for her question. In relation to the opposition's attempt to have a lucky dip and hope that something relates to my portfolio, and in relation to the very specific example the member gave, on the very night in question that I received that email — to my parliamentary email address, by the way — I forwarded that email on to the Level Crossing Removal Authority and asked it to investigate the veracity of the claims made by the shop owner, in my capacity as both a local member and the Minister for Small Business, Innovation and Trade. I have left that with the Level Crossing Removal Authority to have those discussions with the shop owner and see what it can do to alleviate the concerns raised in that correspondence.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister, but noting that he was appointed by the Acting Premier on 6 July as leading the community engagement program for the Burke Road level crossing removal, I do think my substantive question had some relevance to the minister's portfolio areas. My supplementary question therefore is: what will the minister do to ensure that Kat and other local small business owners do not go broke while this level crossing removal is underway, understanding that the minister is questioning the veracity of the claims Kat has made? She has a small business there, so if the minister would not mind answering that, I ask him to do so.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — On a point of order, President, I will raise that, firstly, that was a point in debate, not a question; secondly, there is no relevance to the actual answer, given that I answered the very nature of that question in the substantive answer.

Prison smoking ban

Mr O'DONOHUE (Eastern Victoria) — My question is to the Leader of the Government representing the Premier. I note that last Monday the New South Wales corrections system became smoke free and that this ban has been implemented without

riot or major incident, unlike here in Victoria. It is seven weeks since the riot at the Metropolitan Remand Centre. What advice has the Andrews government received to date regarding the cost to taxpayers of this outrageous riot?

Mr JENNINGS (Special Minister of State) — Without necessarily attributing any political assessment to the way Mr O'Donohue has described this incident, I will answer the question by saying that I have not been informed, within my responsibilities, of that financial cost or the efforts to remedy whatever damage was caused during the course of the event in question. I will take advice on that matter and inform the house accordingly.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I thank the Leader of the Government for his answer and for taking the substantive question on notice to provide additional information. In that context, as a result of the riot and the subsequent closure of beds at the Metropolitan Remand Centre a number of prisoners were transported between prisons and the police cell system, hundreds of Victoria Police members were deployed to the scene and injuries were sustained by Corrections Victoria staff, and it has been reported that staff have been forced to relocate from their homes due to personal and private information being accessed by prisoners. I therefore ask the minister: in addition to the costs of the repair work at the Metropolitan Remand Centre itself, what is the breakdown of costs to the Victorian taxpayer of each of these issues that I have identified as a result of the prison riot that took place seven weeks ago?

The PRESIDENT — Order! I would suggest in terms of that supplementary question that it provides guidance as to some of those other areas of costs. The member is seeking the total cost of other related aspects, and he has provided some guidance in the supplementary question. It is the total cost.

Mr JENNINGS (Special Minister of State) — Yes, President, it is the cumulative costs that are known or unknown costs. The ability of the government to apportion the unknown costs might be limited, but I will take advice on the matters the member has raised.

Ms Crozier — On a point of order, President, I seek some clarification from you, because I did not hear a ruling on Mr Dalidakis's point of order.

The PRESIDENT — Order! I took his point of order as being a response to the question.

Fire services property levy

Mr DAVIS (Southern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. In relation to the impact of taxes on small businesses and noting the government's small business policy and its reference to the cost of running a business, does the minister stand by the Premier's statement as broadcast on Channel 7 news with Peter Mitchell on 28 November 2014, when in response to Peter Mitchell asking, 'Do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?', the Premier responded, 'I make that promise, Peter, to every single Victorian'. Does the minister stand by that statement of the Premier in relation to small business?

Mr Dalidakis — On a point of order, President, there is absolutely nothing in my portfolio that deals with taxes or otherwise, and the member should probably address this to the minister representing the Treasurer and/or the Minister for Finance.

Mr Ondarchie — On a point of order, President, the minister wants to have a bet both ways. In his substantive answer to Ms Crozier's earlier question about the rail crossing removal authority he said, 'I responded to the rail crossing removal authority in my capacity as a member of Parliament and as the minister for small business'. He cannot have a bet each way on this.

Mr Davis — On the point of order, President, it is very clear that taxes impact on small business, and the small business minister has a role in advocating for and putting the position of small business, and that was outlined in the government's small business policy. In that context I am asking the minister whether he stands by commitments given which are applicable to small business.

The PRESIDENT — Order! It is interesting that today's questions are in some ways quite oblique, and therefore we have this situation where I am giving ministers a little tolerance because I think the questions are skirting their portfolios rather than being directly related to their primary responsibilities. Nonetheless, taking up Mr Dalidakis's point of order at a very early stage in this, I accept that small businesses are affected by taxes.

I think the nub of Mr Davis's question, as I understood it — notwithstanding the preamble, which I can understand Mr Dalidakis would well have had concerns about in relation to the relevance of some of the matters raised to his responsibilities — was whether or not

Mr Dalidakis as minister had a view that accorded with the Premier's in terms of new tax imposts on small business. I think that was the nub of the question. I understand concerns about the preamble, but that is the question that I invite the minister to respond to.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Let me say that I was not aware of that statement prior to Mr Davis reading it out. Should the statement in fact be 100 per cent accurate, as Mr Davis represents, then of course I stand by the Premier's statement 100 per cent.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I thank the minister for his Shortenesque response. My supplementary question to the minister is: how does that accord with this year's massive fire services levy increases for small businesses, and country small businesses in particular, given the Premier's promise to every single Victorian?

The PRESIDENT — Order! I am advised that the member has reworded his question from what I have received. I am in a bit of a quandary in terms of assessing that response.

Ms Wooldridge — Can he re-ask it?

The PRESIDENT — Order! Yes, it might be helpful to me if he re-asked it.

Mr DAVIS — Given the Shortenesque response, I will seek to restate my question. How does this year's massive fire services levy increase for small businesses, and country small businesses in particular, accord with the Premier's promise to every single Victorian business and individual?

Honourable members interjecting.

Mr DAVIS — To assist, *Labor's Plan for Small Business* referred directly to businesses paying more for — —

The PRESIDENT — Order! It is a question, not a debate.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I was not a member of the 57th Parliament, but as a member of the public I recall the changes to the fire services levy, which were the result of the tragic consequences of the Black Saturday fire and which — I was the chief executive of the forestry association at the time — I believe were bipartisan policy. Also, if my memory serves me correctly, one of the reasons that there have been changes to the fire services levy this year is that those opposite when in government in the last Parliament withheld the increases to the fire services levy that were required because they were coming into an election year — and it did not work. If this government has somehow had to improve circumstances across Victoria, either in metropolitan Melbourne or in country Victoria, it is as a direct result of the work members opposite did not do in government, which is probably why they are in opposition now.

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

VicForests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. I refer to the minister's answer to a question I asked on 26 May regarding an investigation of the citizen science group that exposed the destruction of rainforest species by VicForests on the Errinundra Plateau. I note that three members of that group have now been fined $440 each for their efforts in undertaking citizen science work to help VicForests comply with its own legal obligations. On 26 May in this place the minister described VicForests's conduct on the Errinundra Plateau as 'short of best practice' and she said that 'improvements are being made'. My question is: what improvements have been made or when will they be implemented?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question. For the benefit of the house, the matters to which the member referred have been investigated. Regarding the claims of illegal logging made earlier this year, the investigations have found that VicForests did not breach the code of practice for timber production. In early May VicForests was found to be fully compliant, protecting an identified area of rainforest and ensuring no impact on waterways. The third allegation was unable to be conclusively determined, and last month in relation to the fourth allegation it was confirmed that VicForests did not illegally harvest cool temperate mixed forest.

Following a review of the environmental regulatory framework in East Gippsland I understand the Department of Environment, Land, Water and Planning is adjusting its regulations to address some apparent ambiguities, but claiming something is illegal does not necessarily make it so.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. It is my recollection that in fact it was inconclusive because the evidence was it was unable to be ascertained whether it was intact rainforest because it was already logged and on the ground — it is very difficult to measure canopy when it is logged. However, my supplementary question is: how many fines relating to breaches of timber harvesting safety zones have ever been issued?

Ms PULFORD (Minister for Agriculture) — I will take the member's question on notice. The fines that have clearly led to the member asking this question relate to three individuals who were issued with infringement notices. They did not respond to offers to attend an investigation as part of the investigation. Timber harvesting safety zones exist to keep the community and people who work in the forestry industry safe, and it is this government's expectation that all members of the community will obey the law.

Native forests

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. I refer once again to the minister's repeated answer regarding the number of employees in the timber industry as 21 000. I also refer to VicForests's own document from June 2014 titled *FSC Forest Management and Controlled Wood Preliminary Assessment Report*. Page 7 of that particular report reads:

> Number of forest workers (including contractors) working in forest within scope of certificate … 447 male workers … 38 female workers.

My question is: will the minister finally admit that the number of workers directly involved in native forest harvesting lies somewhere between VicForests's own 2014 figure of 485 and the 2011 census figure of 559 but is certainly nothing at all like 21 000?

Ms PULFORD (Minister for Agriculture) — Again for the benefit of everybody who is not Ms Dunn or me, a response was provided to Ms Dunn's question without notice earlier today. It was a question asked on 6 August, and the answer breaks down the 21 000. I am not sure whether Ms Dunn has received that or not, but that has been provided. It outlines the breakdown of 21 000 jobs, not by electorate, as Ms Dunn wanted last week, but it does break the jobs into growing, forestry support services, primary processing and secondary processing. There are around 380 Victorian businesses that are directly involved in the growing and primary processing that support these jobs. There is $1.5 billion of expenditure and there are 21 000 jobs in the forest and forest products industry in Victoria, which I am sure everybody in this room is well aware of now. The native forest timber industry in Victoria employs around 11 000 people; around 1000 are in rural Victoria growing, harvesting or sawmilling timber from state forests. While a further breakdown does not exist, further processing of the native forest resources is estimated to account for around 7000 of the more than 14 000 people employed in secondary processing of timber in Victoria. I look forward to the supplementary question.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. I did receive that response earlier, so I thank the minister for that. However, given that it did not go to the breakdown of jobs that are quite specifically reliant on native forest, my supplementary question is: will the minister advise how many jobs in Victoria rely on wood sourced by VicForests?

Ms PULFORD (Minister for Agriculture) — In my substantive answer I indicated that the native forest timber industry in Victoria employs around 11 000 people. I think that might be today's bit of this ongoing conversation that we have.

Feral animal control

Mr BOURMAN (Eastern Victoria) — My question today is to the Special Minister of State in his capacity representing the Minister for Environment, Climate Change and Water. Can the minister tell me the total amount spent on professional shooting, including any aerial culls, by the state of Victoria over the last 12 months?

Mr JENNINGS (Special Minister of State) — President, I am going to disappoint you, but I am going to make Mr Bourman happy. The reason I am going to disappoint you is that when I was asked a question by Mr Young when I was acting minister for the environment, I was able to extricate from my memory bank an amount in the ballpark of about how much money was spent on scouts. I did that much to the amazement of the chamber.

Honourable members interjecting.

Mr JENNINGS — I amazed myself, and it seemed that I was not alone. Today I may feel very alone, but I can say that I have been advised by the Minister for

Environment, Climate Change and Water, who may have had a heads-up about this question. The minister has provided me with information that I can now share with the chamber: $50 000 has been spent on professional shooters who have been engaged to undertake an aerial culling of the goat population in the Mallee. That was the one occasion in the last 12 months when professional shooters have been engaged across Victoria.

It was a relatively modest program compared to a more wideranging engagement where an allocation of $400 000 has been provided across public land right across the state in partnership arrangements with various shooting organisations to provide support for culling of feral pest animals across the parks estate across Victoria. That is a large, well-established, well-recognised program that has been undertaken on a sustained basis across the community. In order of magnitude there was $50 000 for a professional shooting regime involving aerial culling of goats in the Mallee and $400 000 across a community engagement volunteer participation program across all public land in Victoria.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for his very detailed answer. Can the minister list how many animals were culled by these shooters, sorted by species?

Mr JENNINGS (Special Minister of State) — I can furnish the house with that advice by goat. By goat, I can report to him that that number is 459.

Drug driving

Ms PATTEN (Northern Metropolitan) — My question is to the minister representing the Minister for Police. Recent media hysteria and inflated figures have led to the illusion that thousands of Victorians are driving under the influence of drugs every day. Current testing regimes ignore the fact that the much larger problem is actually people misusing and driving under strong prescription pharmaceuticals rather than illegal ones. At present there is no limit set on the maximum tetrahydrocannabinol (THC) blood-level content for driving like the maximum we have set for alcohol. This is a serious problem and I believe one for which we need an across-the-board inquiry on roadside testing. My question is: is the government working with appropriate academics, health professionals and Victoria Police to set a THC blood-level limit so that members of the public are not being arrested for driving offences as a result of tests that have no set limit and are therefore not testing for impairment?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. Unlike my colleague the Special Minister of State, I do not think I can provide a detailed answer on that. It is fair to say that it is a concern to everybody that people are driving under the influence, whether it is of alcohol or of drugs. It is a blight on our society. It is a blight on the lives of very young people and their families. It is a very serious issue, and we are often reminded about just how devastating it can be — the mix of cars and stimulants or drugs — when we look in the newspapers and see the tragedy in front of us. On the actual issue of levels of THC and impairment, I do not have those details and I do not have the details of whether we have an expert panel advising Victoria Police or the government on that, but I shall seek an answer and get back to the member with that answer.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I thank the minister; I look forward to that. I agree with the minister: we are concerned about it. But given that there has been no assessment whatsoever of the success or otherwise of roadside drug testing, will the government acknowledge that cannabis as a recreational drug is widely used and move to take it off the currently listed drugs it tests for until a THC blood-level limit can be established — a move that will also have significance when medical cannabis becomes a reality in Victoria?

Mr HERBERT (Minister for Training and Skills) — I surmise that the answer is no, but I am not going to speak for the entire government. I think the answer is clearly no, but if I can give any further information on that, I shall get back to the member. But I think the answer is a big no to that one.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 488, 543, 564, 570–2, 580, 581, 591–3, 602–4, 606–10, 612, 617, 619, 632–4, 636, 639–41, 644, 646, 648, 654, 682, 714, 716–8, 735, 748, 750, 756, 757, 776, 794–6, 801 and 843–6.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In respect of questions posed by members today, I indicate that the Leader of the Government, Mr Jennings, has undertaken to check on any backbenchers who might have been mentioned in the report, which is in respect of the supplementary question asked by Mr Dalla-Riva. He is also to seek an answer in respect of damage associated with the prison riot, including additional run-on costs that might have been associated with the protection of individuals and so forth. That covers both the substantive and supplementary questions. For both of those the answer will be provided in two days.

In respect of Ms Dunn's supplementary question on breach notices, the minister will follow that up within one day.

In respect of Ms Patten's substantive question as to whether or not the government has any current consideration of a regime to test for tetrahydrocannabinol impairment, or any research that it is party to, the minister will follow that up within two days. That is for the substantive question; I think the supplementary question was disposed of.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Public Transport. I was recently contacted by a constituent concerned about the 6.30 a.m. V/Line service from Shepparton to Melbourne. He is concerned about cancellations of train services which are replaced by bus services, as food and drink are not permitted on board the bus service, which causes particular concern for diabetic passengers. On the occasion my constituent has complained about he said that no prior notification of the replacement service was given and that the bus driver should have shown some flexibility and some common sense with the diabetic passengers. Instead, diabetics were embarrassed by having to raise their medical conditions in front of other passengers. I ask the minister: will she work with V/Line to ensure that the health of my constituents travelling on the Shepparton line is not put at risk by sudden bus replacement services that prohibit the consumption of food and drink?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Local Government. I refer to news reports regarding the possible closure of Illoura Early Childhood Intervention Services, which is a service currently operated by the Knox City Council. I understand that this service is highly valued in the local community for providing essential services to children with special needs and their families. The council has indicated that it is considering the closure of this and a number of other children's and community services to consolidate resources. I am informed that council is due to make a final decision on the matter on 10 September. Will the Minister for Local Government write to Knox City Council to raise concerns about the standard and process of consultation on this issue and seeking a full and proper assessment of the need for the service and the alternatives to simply closing this important service?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to the Minister for Training and Skills, Steve Herbert. There has been a great deal of interest in the far end of Eastern Metropolitan Region in the potential reopening of the Lilydale TAFE. Understandably, people are enthusiastic in their desire to find out how the minister is tracking in relation to finding potential providers for the TAFE given the government's commitment to reopen this facility at the start of next year, which will be a fantastic outcome. The question I ask of the minister is: could he give me and the community an update in the near future about how the reopening is tracking?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My constituency question is to the Minister for Local Government. It relates to the Bunyip hall, which is a distinctive asset and one of the most used of Cardinia Shire's public hall facilities. I have been contacted by Mr Chris Kelly, the president of the Bunyip Hall Committee of Management, who wrote on behalf of the committee seeking assistance for its proposed project. In brief, the committee intends to extend the hall to include new toilets, demolish the existing 1960 toilet block, which leaks and is unsanitary, and restore the original 1942 facade. To date the committee has engaged a local architect, who has produced plans for the project. Quantity surveyors have priced the work at around $340 000. Several local tradespeople have

committed time and equipment to the project. The question I have for the minister is: what will the Andrews government do to support local communities such as Bunyip to enable them to update and improve their local halls?

The PRESIDENT — Order! The question cannot be generalised — the question is about the Bunyip hall.

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Public Transport, and it relates to Labor's failed new regional rail link timetable. Eight weeks after the disastrous launch of Labor's illogical and ineffective timetable, punctuality on the Ballarat line has dropped from 95 per cent in May to a pitiful 82.8 per cent in July. The sheer magnitude of the Labor incompetence that has facilitated this plummet in service is truly breathtaking. My question is: what is the minister going to do to fix the problems she has created on the Ballarat railway line?

Western Victoria Region

Mr RAMSAY (Western Victoria) — On 25 June I raised with the Minister for Agriculture, Jaala Pulford, my concerns regarding recommendations by the committee investigating the Fiskville training facility site in relation to how farmers would be supported in the event of market failure when and if they provided testimony to the committee. As I understand it, the Lloyd family has had problems with selling livestock since providing testimony to the committee about possible contamination of their farmland. I have provided advice to the minister on this matter and was promised that the minister would ask the department to visit the family and provide some guidance and support. However, I understand that no such visitation from the department has occurred, and the Lloyd family is extremely anxious about their business becoming untenable and unprofitable due to restrictions placed on them which mean they are not able to sell into the market. In fact Landmark has indicated that it will not purchase livestock from that farm. As a matter of urgency, I ask the minister to get her department down there to work with the Lloyd family on this issue.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Environment, Climate Change and Water. I refer to this morning's public hearing by the Legislative Council's Standing Committee on the Economy and Infrastructure, in which the CEO of the Melbourne Metro Rail Authority, Mr Evan Tattersall, indicated that vast quantities of landfill from the Melbourne Metro rail project would be dumped somewhere in the vicinity of Melbourne Airport. At the same time Mr Tattersall would not rule out that the landfill mentioned would be contaminated. Will the minister give the people of Melbourne's north-west a guarantee that she will prevent the dumping of possibly contaminated material from this project in their area?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the attention of the Minister for Public Transport, Jacinta Allan, who as I understand it has carriage of Labor's Homesafe policy, which promises 24-hour public transport on weekends. The question I ask is: how will people who are travelling by train and alighting at the Hallam, Lynbrook and Merinda Park railway stations, which are not premium stations, get home safely? Given that the government has branded this as a policy that will offer safety and security to commuters, in particular young people, I believe it is very ill-thought-out policy, and consideration needs to be given to stations that are not premium stations.

PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS) BILL 2015

Introduction and first reading

Ms PATTEN (Northern Metropolitan) introduced a bill for an act to amend the Public Health and Wellbeing Act 2008 to provide for safe access zones around premises offering reproductive health services and for other purposes.

Read first time.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 9 of 2015, including appendices.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 19 July 2015 giving approval to the granting of a lease at Victoria Park Reserve.

Occupational Health and Safety Act 2004 — Report of requests for approval of persons or bodies under section 11(1)(d)(v) of the Act, pursuant to section 11(2).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Schemes — Amendments C34 and C50.

Ballarat Planning Scheme — Amendment C182.

Banyule Planning Scheme — Amendment C109.

Boroondara, Darebin and Hobsons Bay Planning Scheme — Amendment GC32.

Brimbank Planning Schemes — Amendments C174 and C175.

Colac Otway Planning Scheme — Amendment C73.

Darebin Planning Scheme — Amendment C133 (Part 1).

Glen Eira Planning Scheme — Amendment C135.

Glenelg Planning Scheme — Amendment C83.

Golden Plains Planning Scheme — Amendment C71.

Greater Bendigo Planning Scheme — Amendment C175.

Greater Dandenong Planning Scheme — Amendment C192.

Greater Shepparton Planning Scheme — Amendment C98 (Part 1).

Maribyrnong Planning Scheme — Amendment C131.

Moonee Valley Planning Scheme — Amendment C143.

Stonnington Planning Scheme — Amendment C208 (Part 2).

Surf Coast Planning Scheme — Amendment C101.

Yarra Ranges Planning Scheme — Amendment C152.

Statutory Rule under the Subordinate Legislation Act 1994 — No. 92.

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under 16B in respect of the Amendment to the Racing Victoria Bookmakers' Licence Levy Rules 2012, 6 August 2015, under the Racing Act 1958.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2014–15.

Victorian Inspectorate —

Report 2014–15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Department of Economic Development, Jobs, Transport and Resources.

Report 2014–15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Department of Environment, Land, Water and Planning.

Report 2014–15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Game Management Authority.

Report 2014–15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Independent Broad-based Anti-corruption Commission.

Report 2014–15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Victoria Police.

Workplace Injury Rehabilitation and Compensation Act 2013 — Report of requests for approval of persons or bodies under section 595(2)(d) of the Act, pursuant to section 595(4).

PRODUCTION OF DOCUMENTS

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

I refer to the Legislative Council's resolution of 5 August 2015 seeking the production of a copy of all documents in relation to the establishment of the Peter MacCallum private hospital on the site of the Victorian Comprehensive Cancer Centre.

The Council's deadline of 17 August 2015 does not allow sufficient time for the government to respond to the Council's resolution. The government will endeavour to respond as soon as possible.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 19 August 2015:

(1) the order of the day standing in the name of Ms Patten to move the second reading of the Public Health and Wellbeing Amendment (Safe Access) Bill 2015;

(2) order of the day 22 standing in the name of Mr Rich-Phillips in relation to the production of documents from the Department of Economic Development, Jobs, Transport and Resources relating to two government contracts;

(3) order of the day 12 standing in the name of Mr Rich-Phillips relating to the failure of the government to produce various documents;

(4) the notice of motion given this day by Mr Bourman in relation to a joint committee reference into Victorian gun laws;

(5) notice of motion 127 standing in the name of Mr Davis in relation to the production of documents relating to South Yarra station; and

(6) notice of motion 144 standing in my name relating to bullying and capabilities inquiries involving the former Minister for Small Business, Innovation and Trade.

Motion agreed to.

MINISTERS STATEMENTS

Victorian Premier's Volunteer Champions Awards

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house about a proud initiative of the Andrews Labor government which recognises the incalculable contribution made by volunteers to Victoria. Yesterday I was joined by the Parliamentary Secretary for Carers and Volunteers, Gabrielle Williams, the member for Dandenong in the other place, to open nominations for the Victorian Premier's Volunteer Champions Awards for 2015. This year the awards will grow to recognise the increasing number and breadth of volunteers and volunteer organisations in Victoria.

The pinnacle of these awards will be the Dame Elisabeth Murdoch Award, to be chosen from amongst our more inspiring volunteer nominees. An additional five categories will recognise outstanding youth volunteers, outstanding adult volunteers, outstanding volunteer managers and outstanding volunteer teams in both rural and regional Victoria and metropolitan areas. It is intended that we will recognise up to 50 volunteers through these awards annually.

Our volunteers are the backbone of our community. They perform an invaluable role on the sidelines of children's sporting clubs, carting oranges or washing jerseys. Many thousands of volunteers fight bushfires annually. Many volunteers administer first aid, conserve the environment, assist in our public schools and hospitals or visit the elderly in our nursing homes. This is an opportunity for members of Parliament to encourage members of their community to nominate someone who is a volunteer champion for these awards.

The awards will be judged by the Ministerial Advisory Council for Volunteers, which will be chaired by the parliamentary secretary, Gabrielle Williams. The establishment of that council delivers on another Andrews Labor government election commitment. The nominations can be entered through the Department of Health and Human Services website. I look forward to seeing the award recipients being awarded their prizes at a special ceremony to be held in early December.

Registered training organisations

Mr HERBERT (Minister for Training and Skills) — I rise to inform the house of action taken by the Andrews Labor government to clean up Victoria's vocational education and training sector. Early this year I ordered an urgent external review of quality assurance in Victoria's vocational education and training system after many failures by the previous government to clean up the rorting that was happening. In June I released the recommendations and the government's response to the review.

The Andrews government's first step was to launch a $9 million blitz targeting high-risk areas and registered training organisations (RTOs) suspected of poor performance and unscrupulous behaviour. I am pleased to announce that this action is already netting results. Since 1 July three provider contracts have been terminated, with termination intention notices issued to a further four RTOs.

I can also announce that for the first time the Department of Education and Training will release the names of training providers who have had their government contracts terminated. This is in line with recommendations from the quality review and with the information I provided to the chamber at the last sitting. In this case the providers whose government contracts were terminated were Management Institute of Australia No. 2, Imperial College and MWT Institute.

Importantly the blitz is continuing, and a further 17 RTOs are being case managed, with some just under $15 million of Victorian government training guarantee payments being withheld. Furthermore, as a result of the action since 1 July over $6 million in funding has been recovered from providers who have been breaking the rules.

ln terms of the providers, the blitz has found that many of the issues were about fraudulent claims for training that did not occur, unauthorised subcontracting of training, offering incentives to students who really did not want to do the training but wanted the incentive, which is strictly prohibited under the contracts, and engaging with an entity that had previously had its contract terminated.

When it comes to training in Victoria, through these and other efforts the days of rogue operators who take taxpayers funding for little effort and leave a trail of despair, both for students and for industries that rely on skills to increase their productivity, are rapidly coming to an end.

MEMBERS STATEMENTS

Graffiti

Mr ELASMAR (Northern Metropolitan) — On Tuesday, 11 August, I attended the City of Banyule's launch of its graffiti management strategy program at the city's offices in Ivanhoe. Graffiti is a massive problem across my electorate and has been for several years, so it is wonderful to see a local council being proactive by formulating a robust plan to clean up its city and a strategy to combat graffiti in the community. I congratulate the mayor, Cr Langdon, and council officers for their initiative and their prioritisation of ridding their beautiful city of ugly graffiti.

Joan Kirner Women's and Children's Hospital

Mr ELASMAR — On another matter — and with your permission, President — I place on the record my absolute delight in hearing that there will be a new women's and children's hospital built in Sunshine and that it will be dedicated to the memory of the Honourable Joan Kirner, a great lady and former Premier of Victoria. It is a fitting tribute to a woman of immense intelligence and strength. I congratulate the Honourable Daniel Andrews on this worthy initiative, and I am sure the people of Melbourne's west will be delighted too.

Vietnam War commemoration

Mr DRUM (Northern Victoria) — Yesterday I had the opportunity of attending the 49th anniversary commemoration of the battle of Long Tan, the 50th anniversary of the deployment of the first Royal Australian Regiment group to Vietnam and the 50th anniversary of the first national service ballot at a commemorative service at the Shrine of Remembrance in Melbourne.

The battle of Long Tan was fought on 18 August in 1966 in monsoonal rain conditions. An Australian battalion was pinned down by the Viet Cong. It was a situation where the Australians were in immense trouble and were saved effectively by a small division from New Zealand and also by the helicopters supplied by the Royal Air Force and the US Air Force dropping ammunition to this group of Australian soldiers who were pinned down. When they went to inspect the casualties the following day we had lost 18 men. However, 245 enemy soldiers had been killed. It was an amazing battle. It stimulates our memory of the Vietnam War.

Peter Walsh, the Leader of The Nationals in the Assembly; Matthew Guy, the Leader of the Opposition in the Assembly; and the Premier and I were pleased to be able to represent all parliamentarians at that event joining with 400 Vietnam War veterans and over 200 of their family members, as we acknowledged the honour and the service of our Vietnam veterans.

Gambling regulation

Ms HARTLAND (Western Metropolitan) — The figures are out, and poker machine losses again rose during the 2014–15 financial year. Brimbank, located in my electorate, once again recorded the greatest losses of any municipality in the state. Brimbank gamers lost $141.6 million last year, an increase of 2.2 per cent from 2013–14. Losses in other councils in my electorate, such as Wyndham, Moonee Valley, Melton, Maribyrnong and Hobsons Bay, also grew, with $325 million lost by pokie gamers across these municipalities.

These figures are shocking. They show the need for meaningful action at a time when we have the government out and about promoting its voluntary precommitment rollout as progress on problem gambling. This is quite ridiculous. As the budget papers reveal, the government does not expect any reduction in losses as a result of the initiative; in fact it expects losses to increase in coming financial years.

We know that a disproportionate amount of losses from pokies come from problem gamblers. The government needs to get on with action, stop ignoring the problems and look at effective solutions — such as mandatory precommitment and $1 bet limits — that would not impact on recreational gamblers but would limit the losses of problem gamblers. An effective solution would reduce revenue from pokies by 10 per cent — —

The ACTING PRESIDENT (**Mr Elasmar**) — Time.

Vegco

Ms BATH (Eastern Victoria) — Today in my members statement I wish to congratulate Vegco, a local company based in Bairnsdale in my electorate which is continuing to expand and provide a large range of employment opportunities in the Gippsland region. Vegco supplies OneHarvest, a third-generation

Australian-owned company celebrating its 40th anniversary this year.

I visited the Bairnsdale site recently, which is the largest fresh-cuts factory in Australia, employing around 300 people. Vegco pumps around $13 million in wages into the local East Gippsland economy each year, making it one of the top employers in the region. It sources more than 50 different vegetables, such as spinach and cos lettuce, from around 40 local suppliers, contributing another $30 million-plus to the local economy.

Vegco recently spent more than $3 million developing its beetroot plant and a new salad processing line, along with specialised drying equipment. Of course I taste tested the Love Beets baby beetroot, which the company is now exporting into New Zealand, Singapore and Hong Kong. It is a fantastic company, creating healthy products and boosting our local economy. I congratulate Vegco on its commitment to East Gippsland and remind everyone that we should be supporting Australian owned and operated businesses such as Vegco.

Paramedics

Mr MELHEM (Western Metropolitan) — When Victorians voted to put people first on 29 November last year they were voting to do a lot of things — to make Victoria the education state, to remove the 50 most dangerous level crossings and, perhaps most importantly, to end the war on our paramedics. It was not just the pay packets of our paramedics that were under attack by the Liberal government but also their working conditions, like a decent gap between shifts and fair rostering.

These conditions, along with the job these paramedics do, are very stressful and can have a real effect on the mental health of the professionals whose role it is to help us when we need it most. The Coroners Court of Victoria recently wrote to the government and advised that the suicide rate among paramedics is approximately four times higher than the average among currently employed Victorians and approximately three times higher than the rates for police officers and fire and emergency workers.

Every single suicide is one too many, and the trends emerging within our ambulance staff are deeply concerning. That is why the Andrews Labor government is working with Ambulance Victoria and the Ambulance Employees Association to improve all aspects of paramedics' wellbeing and to expand programs that provide support to paramedics and manage suicide risk. Not only has this government set up the Ambulance Performance and Policy Consultative Committee but in our first budget we allocated $1.3 million to double the number of peer support coordinators and fund an additional chaplain. The government will continue to work with Ambulance Victoria staff and management — —

The ACTING PRESIDENT (**Mr Elasmar**) — Time.

Regional rail link

Mr MORRIS (Western Victoria) — I was pleased to be able to join David Hodgett, the shadow Minister for Public Transport and member for Croydon in the Assembly; Simon Ramsay, a fellow member for Western Victoria Region; and Andrew Katos, the member for South Barwon in the Assembly, at Southern Cross railway station yesterday afternoon to meet hundreds of Ballarat and Geelong commuters and discuss Labor's failed regional rail link timetable.

I must say that commuters were angry. That was clear from commuters who are sick and tired of standing not only on their way to work but also on their return journey home. Just yesterday afternoon we witnessed commuters having to sit in the luggage compartments of Ballarat V/Line services because of Labor's incompetence with regard to the rollout of the regional rail link timetable. We have had the Premier come to Ballarat to apologise for the incompetence of his Minister for Public Transport, but they were empty words. Nothing has changed. When the minister came to Ballarat all she was interested in was a 30-year plan for public transport, ignoring the fact that under her watch punctuality on the Ballarat line has dropped from 95 per cent in May to 82.8 per cent in July.

What needs to happen now? It is quite simple really. We need to go back to the way the line was run before the minister mucked it up. A simple fix I have heard over and over when speaking with commuters on the platforms of stations all the way along the Ballarat line is that the peak services need to run express to Ballan in the afternoons to ensure that overcrowding is not the problem that it is now. Simple! It was done just eight weeks ago. C'mon, Jacinta, use some common sense! Just fix this mess.

Family Access Network

Ms DUNN (Eastern Metropolitan) — I recently met with the Family Access Network (FAN), based in Box Hill, an amazing organisation which works with homeless young people across the east of Melbourne.

FAN has been working in the community since 1981, providing a range of services for young people and young families and their children who are experiencing or are at risk of homelessness. It focuses on homeless support services, including transitional support and private rental brokerage; children's programs focusing on the early years; a same-sex-attracted, transgender and intersex young people's program, a housing establishment fund; a homeless youth dual diagnosis initiative; life skills and volunteer programs; and an equity support program.

The Family Access Network's mission is to provide support in the form of access to accommodation, therapeutic interventions, developing resources and providing social skill development opportunities for at-risk young people and to engage in high-quality research while conducting in-house research on best practice and innovation. It is to be commended for the work it does with young people at risk of homelessness or who are experiencing homelessness.

FAN's vision is underpinned by a commitment to housing as a basic human right, and I could not agree more. It highlights a key issue in the east of Melbourne, which is the lack of public housing. Because of the lack of public housing we are seeing people spending more time in transitional housing, and rather than being able to transition out of that housing they are living in transitional arrangements for more than 12 months. The lack of suitable accommodation options for people — —

The ACTING PRESIDENT (**Mr Elasmar**) — Time!

Vietnam Veterans Day

Mr BOURMAN (Eastern Victoria) — On Sunday I visited the National Vietnam Veterans Museum at Phillip Island and met with its CEO, John Methven. I also had the opportunity to watch a play called *Minefields and Miniskirts*, which is about the women who served and suffered during the Vietnam War. During the course of the play it became evident that the whole country fought that war in their own way, even if they were not actually there. That brings me to today, which is Vietnam Veterans Day. This is the anniversary of the battle of Long Tan in 1966. We lost 18 soldiers from 6RAR, the Royal Australian Regiment, amongst a total of 500 soldiers killed during that war. But the war did not end in Vietnam and neither is it the last war we fought in. Since then we have had soldiers in Timor, Iraq and Afghanistan.

That leads me to the problem of post-traumatic stress disorder. There is no way of telling where or when you might get it. Some people never suffer it, others get it pretty well straightaway, and that can contribute to our problem with homeless veterans and the worthy cause of Exercise Stone Pillow, which is about trying to find homeless veterans somewhere to sleep at night. Before I run out of time, I would like to thank all soldiers past and present and those in the future for fighting for this country. In particular I thank my uncle, Maxwell Knight of 9RAR, who fought from 1968 to 1969.

Fire services property levy

Mr DAVIS (Southern Metropolitan) — My contribution today relates to the decision of the Andrew government to slug families and business with a massive increase in the fire services property levy. There has been a huge increase, which is a direct breach of the promise the Premier repeatedly made during the last election campaign, most spectacularly in the Sky News debate at Frankston and elsewhere where repeatedly he said that there would be no increase in tax, no levies and that no charges would be increased above CPI.

Mr Morris interjected.

Mr DAVIS — Exactly, Mr Morris — lies, lies, lies. Today the Minister for Small Business, Innovation and Trade failed to justify his position with respect to the fire services levy and small business. Small business taxpayers across the state are going to be slugged very hard with this fire services levy, and the minister did not appear to be concerned about it. Despite promises in the small business policy, this is a desertion of small business and a misunderstanding by this minister, who appears to be out of touch with the constituency he should be serving in small business. Small business is the engine room of our state. It is about jobs and employment, and the government is delivering hits to small business with the fire services levy, rate increases and a public holiday which will cost this state billions and hurt small businesses and jobs. And out of — —

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

Joan Kirner Women's and Children's Hospital

Mr EIDEH (Western Metropolitan) — I am thrilled to speak on the government's recent announcement to name the new women's and children's hospital to be built in Sunshine in honour of the late Joan Kirner. Joan Kirner was a very proud and passionate advocate for Melbourne's west and for the needs of women and

children, so it is a perfect fit for this new and vital piece of infrastructure in the western suburbs to be named in her honour.

During her time in office Joan worked tirelessly as a dedicated ambassador for Melbourne's west, particularly focusing on the community's social, health and economic disadvantage. She left her mark on the western suburbs, and this is our way of saying thank you. The Joan Kirner Women's and Children's Hospital will cater to the growing needs of the people in Melbourne's west, which is something I have spoken of many times in this chamber. This hospital will ensure that all women and children will have access to the health care they deserve regardless of their background, and I am proud to be a part of the government that has made this a priority. By 2026 the number of births at Sunshine Hospital is projected to exceed 7000 a year. The Joan Kirner Women's and Children's Hospital will have 20 maternity delivery rooms, 237 beds, 39 special care nursery cots, 4 theatres and additional clinics.

Sir Edward 'Weary' Dunlop commemoration

Ms FITZHERBERT (Southern Metropolitan) — I want to share with the house two commemorative events I have attended at the Shrine of Remembrance in recent weeks while representing the opposition. The first was the Sir Edward 'Weary' Dunlop commemorative service on 12 July. This annual event commemorates the contribution Weary Dunlop made to our country both during war and afterwards. It is also the occasion on which the annual Sir Edward 'Weary' Dunlop Scholarship winner is announced. This year it went to Swinburne University of Technology student Danielle Brown. The award recognises both academic and community achievement, and I congratulate her on her win.

Battle of Fromelles commemoration

Ms FITZHERBERT — The other event I wish to acknowledge is the 99th anniversary of the battle of Fromelles on 19 July. Hundreds of people attended an event at the Cobbers memorial in the grounds of the Shrine of Remembrance to commemorate the events in France on one of the worst nights of loss in war in our nation's history, when 5533 men of the 5th Australian division were killed, wounded or went missing. A number of descendants and family members were present at this moving occasion, which took place beside the Cobbers statute. It commemorates the words recorded by Sergeant Simon Fraser, 'Don't forget me, cobber'. The hundreds of people who attended shows that we have indeed not forgotten.

World War II commemoration

Ms TIERNEY (Western Victoria) — This afternoon I would like to acknowledge the service organised by the Geelong RSL last Saturday at the Geelong RSL cenotaph to commemorate the 70th anniversary of the end of World War II in the Pacific. It was a touching occasion that brought people together, including those who have served in a range of conflicts, family members and local support service providers. Brian Dunn, Andrew Smitten, Fr Dillon, Jeff Hansen, Barry Abley, Christine Bowden and the Geelong RSL Pipes and Drums all made powerful contributions which enabled all assembled to reflect on the past and our future.

Barwon Downs community hub

Ms TIERNEY — On another matter, I thank the Barwon Downs community for again making me most welcome last Sunday morning. I wish to congratulate the community for its steadfast determination in securing a new community hub. The government provided $180 000, the Colac Otway Shire Council provided $25 000 and the community put in approximately $45 000 in cash and in kind. Now the town has a warm, comfortable meeting place for Country Fire Authority brigade meetings and courses, tennis club get-togethers and general community activities.

Sheepvention

Ms TIERNEY — On a further matter, on 3 and 4 August tens of thousands of people from across the state converged on Hamilton for the 37th annual Sheepvention agricultural show. It was my 10th Sheepvention and, along with meeting many constituents who stop by each year, this year I had the pleasure of speaking with numerous people about the Andrews Labor government's $200 million Agriculture Infrastructure and Jobs Fund, which was announced the weekend before. It is fair to say that everyone was absolutely delighted.

Lunchtime Rumours Feast

Ms CROZIER (Southern Metropolitan) — Last Friday I had the pleasure of attending the 10th Lunchtime Rumours Feast as a guest of the Children's Protection Society. It was a tremendous event with hundreds of people in attendance. The program notes all the sponsors who are involved in supporting this great organisation. In particular I acknowledge a number of people who were involved in the organisation of the event, including Margaret

Robinson, Leonie McNicol and Elaine Marriner. The event was held at the Regent Theatre, and I thank the Marriners for an extraordinary amount of work and philanthropy and for giving to so many organisations.

This event was particularly terrific in the way it was supported by so many organisations. The Children's Protection Society is one of our oldest independent child welfare organisations in Victoria and has units right across the state. One of those was based in Hamilton — something I knew very well from my childhood because on many occasions my mother raised funds for that Hamilton unit. I would like to congratulate all involved in the 10th Lunchtime Rumours Feast and urge them to support this event in coming years.

Lemnos Gallipoli Memorial

Ms MIKAKOS (Minister for Families and Children) — I am pleased to inform the house that I had the honour of attending the *Lemnos Gallipoli Memorial* sculpture unveiling on Saturday, 8 August, at Foote Street Square in Albert Park. Almost 300 people gathered to witness the unveiling of the sculpture by renowned sculptor Peter Corlett, OAM, which consists of a statue of a nurse and a sick or wounded digger. I understand that the nurse was modelled on Matron Grace Wilson, who served in Lemnos in 1915. It was wonderful to see many relatives of Matron Wilson and diggers who had a Lemnos connection attend this event. The event was also well attended by many members of Parliament, including the Special Minister of State, Mr Jennings, who spoke on behalf of the Premier; the local member and Minister for Housing, Disability and Ageing, Martin Foley; and the federal member for Melbourne Ports, Michael Danby, amongst many others.

Many Australians may be unaware of the significance of Lemnos as the forward base for the Gallipoli campaign. I understand that John Simpson's donkey is believed to have come from Lemnos. It was on the island of Lemnos that Australian nurses and medical staff cared for wounded soldiers brought there in great numbers from the Gallipoli peninsula. At Lemnos 148 soldiers remain buried in two Commonwealth War Grave Commission cemeteries — a heavy sacrifice and a sad part of our nation's toll in this historic theatre of war.

I was honoured to attend the event and to congratulate the Lemnos Gallipoli Commemorative Committee and in particular its president, our former colleague and friend Lee Tarlamis, for this significant memorial honouring the 133 nurses who served on Lemnos.

Vietnam Veterans Day

Mr FINN (Western Metropolitan) — As we have heard, 18 August is Vietnam Veterans Day, and today I pay tribute to those brave men and women who served their nation in that theatre of war. Last Sunday morning I joined the president of the Keilor East RSL, Bill Laker; Moonee Valley mayor Narelle Sharpe; other councillors; and local MPs to show our gratitude to those residents of the Essendon-Niddrie area who paid the ultimate sacrifice in Vietnam and to lay wreaths in their memory. It was an emotional gathering as we remembered those young men who lost their lives — the oldest being just 24 and most only 21 or 22.

Australians who fought in Vietnam are as much heroes as those who served in World War I, World War II, the Korean War and the Borneo campaign before them as well as those conflicts we have seen since. Some have not always given Vietnam veterans the respect that is their due. The disgraceful treatment our returning soldiers received from some people will live forever in the national memory as a stain on Australia's history. I salute our Vietnam veterans, and I thank them for their courage, their commitment and their service. We honour them and their sacrifice. God bless them all. Lest we forget.

ADOPTION AMENDMENT BILL 2015

Second reading

Debate resumed from 25 June; motion of Ms MIKAKOS (Minister for Families and Children).

Ms BATH (Eastern Victoria) — I am pleased to speak in the debate on the Adoption Amendment Bill 2015, but in doing so I realise this is a very sensitive issue, the impacts of which only people affected by it can truly understand. I wish to acknowledge the depth of feeling in the community regarding this issue and the lifelong pain that former forced adoption policies and practices caused many, many mothers.

On Thursday, 25 October 2012 the Victorian Parliament formally apologised to the mothers, fathers, sons and daughters who were profoundly harmed by past adoption practices in Victoria. The apology acknowledged that thousands of Victorian babies were taken from their mothers without informed consent and that this loss caused immense grief to them all.

I recently met with a spokesperson for Independent Regional Mothers, Ms Brenda Coughlan, who told me that on the day of the apology she walked up the steps

of Parliament House as a mother of two children, but after the formal apology she walked back down the steps as a mother of three children. To me this was a powerful statement of what acknowledgement and respect can do for a person's wellbeing. Brenda's story is heartbreaking, as are the stories of many other young Australian women who, through former forced adoption policies and practices, had their babies removed against their will.

Brenda recalled being what she described as 'barbarically and criminally' treated. She felt 'defenceless, petrified and frightened'. In her own words Brenda experienced a 'life sentence', but having met her for a very short time I saw what a courageous and beautiful woman she is and what an inspiration she is to mothers like her and friends. She has grieved for the loss of her firstborn, never having had the opportunity to care for this child. As a mother I can only imagine the gut-wrenching anguish of this happening to me and the hole it would leave in a mother's heart.

Following on from the parliamentary apology made in October 2012, the Victorian government announced a number of additional measures to better respond to the needs of people who were affected by former forced adoption policies and practices, including some amendments to the Adoption Act 1984. For the first time in almost 30 years adopted children could be contacted by their natural parents. The government also made a decision to amend the act to allow adopted children the right to lodge a contact statement, stating the person's wishes about being contacted by their natural parent, including — in very few cases — a wish for no contact.

The 'no contact' statements are something that I understand are very sensitive to many people, and in many respects there is no right or wrong solution or answer for people in these situations. People will always have differing views, but the amendment gave those who wanted to make a contact statement the right to do so. While I cannot imagine the trauma of not knowing your own child, I also believe the adult child should have the right to say, 'At this time in my life, with my family or my particular circumstances, I don't think I can cope with contact from a parent who wishes to contact me'. However, I have also spoken with people who believe that if an adult adoptee has the right to proclaim that they do not wish to be contacted, this provision should work both ways. What if a natural mother felt they could not cope with being contacted by their child? The suggestion made to me by one of my constituents was that there should be the right for natural parents to lodge a contact statement, also allowing them the right to veto contact from the adult adoptee. It is food for thought and, as I said earlier, a difficult and sensitive issue on which each individual would have their own views.

I understand that 16 contact statements have been lodged since the amendments were introduced and that only 9 of these expressed a wish for there to be no contact with their natural parents. While this is not a large number, to the people involved the right to issue a 'no contact' statement must mean a great deal to them. I also acknowledge that for many natural mothers a statement from their child which asked for no contact would be heartbreaking beyond belief; however, it would be a wish the adult child had made to protect their own health, and I think in most cases a mother would respect their child's wishes.

While I respect the government's position and understand why it is bringing in this bill, the coalition is still of the belief that these contact statements allow some sort of protection for adult adoptees who feel they need it. As I said earlier when reflecting upon comments made to me, this same provision could be afforded to the parent, so that if either side did not feel emotionally strong enough to cope with contact, it could be addressed.

I wish to again acknowledge the deep feelings many in the community have with regard to this bill. Brenda and other mothers like her have already been through so much pain and trauma. I think it is important that we respect their views. Those affected by this state's forced adoption practices have experienced trauma, pain and loss the likes of which most of us could not imagine.

I am a new member of Parliament so was not present during the making of the government's apology in 2012, but I have spoken with Ms Crozier and Ms Wooldridge and understand that it was a very powerful event. I again wish to acknowledge the devastating and ongoing impacts of these past practices and offer my sincerest apologies to all the mothers and children affected by these disgraceful and heartless practices. I acknowledge this is a sensitive matter, and I respect the views of all involved.

Ms TIERNEY (Western Victoria) — I rise to speak on the Adoption Amendment Bill 2015, which amends the Adoption Act 1984. This is a very important bill before the house this afternoon. It removes an area of discrimination from our statute and is an election commitment delivered by the Andrews Labor government.

The history of adoption in this state has been a fraught one. Our past adoption practices have taken an enormous human toll. Over 19 000 Victorian children have been forcibly removed from their parents. The bond between mother and child is the most primal of bonds, and to have it forcibly severed by the state tears apart a person's soul. The long years wracked with the uncertainty of never knowing one's children is something that those of us who have not lived it can only contemplate and attempt to understand. Fortunately we live in more enlightened times, but the human toll is generational.

When legislating on these matters it is of the utmost importance that our laws reflect the society we want to live in and that we act with a consideration and compassion that was sadly absent in the past. We need to be cognisant of the emotions of all parties involved in an adoption.

In this place three years ago an important step was taken to realise these lofty goals. This Parliament made a formal apology for past practices of forced adoptions. I remember that day very clearly. I, along with a number of other MPs and people affected, was over at the Windsor, where we had a screening of what was happening. It was a very emotional and powerful day for everyone involved. Though well intentioned, the legislative follow-up was deficient; it was not sensitive. This bill sets about rectifying that situation.

The bill repeals the one-sided provisions of the Adoption Act 1984 in relation to contact statements. A contact statement is a form on which an adult adopted person may nominate the type of contact they wish to have with a parent. This includes the wish that there be no contact. Contact statements cannot be lodged by parents. The current Adoption Act makes it an offence for a parent to contact, attempt to contact or procure another person to contact or attempt to contact the adult adopted person if their contact statement specifies no contact. The threat that hangs over the natural parent is an $8000 fine. That is like using a sledgehammer to crack a walnut. It creates a law for only one class of people on top of existing laws.

The state secretary of the Association of Relinquishing Mothers, Ms Jo Fraser, summed up the situation most succinctly when she said, as reported in the *Age* of 7 June this year:

> If you stalk or harass someone in Victoria, there's already legislation to say you're not allowed to do that, so why create another law specifically for us?

It is legislative overkill, it is discriminatory and it is cruel. We can and must be more sensitive to the raw emotions of those involved in these situations. I believe this bill strikes a fairer balance for all parties. It will respect all existing contact statements. There have only been 16 contact statements lodged since these punitive laws came into effect; 9 of these specified no contact. There have been no known breaches of a contact statement since their introduction in 2013. All the people who lodged these contact statements have been contacted by the Department of Health and Human Services to have these changes explained to them and be offered counselling if desired. Adult adoptees and parents will still be able to express their wishes in regard to contact through the Adoption Information Register.

I will set out what the amendments will do. Once these amendments commence, contact statements in place prior to commencement will continue in effect but will not be capable of extension. It will no longer be an offence for a parent to 'breach' a contact statement. New contact statements will no longer be able to be made. This is a far more sensitive approach than criminalising a section of our society, and the safeguards that apply to the rest of society in regard to stalking and harassment will apply to parents as they would to anyone else.

In conclusion, while the data on adoption is sketchy, it is believed that over 200 000 Australians are adopted. As I said before, we know that over 19 000 Victorians were forcibly adopted. Every case of adoption is unique. There are different emotions and feelings in each case that must be treated with respect. There are moments of love, happiness, tears and guilt; new lives and new chances; new families created and old bonds rebuilt. It is far too complex a situation for the blunt instrument of criminalising the behaviour of one party.

The parliamentary apology in 2012 was a moment of great opportunity. We just did not get it right then, but we can now. This bill renews and fulfils that opportunity. It will ensure that parents and adult adopted children are equal before the law. This was an election commitment, and I am proud that the Andrews Labor government has seen this issue as a priority. It removes another element of discrimination from the law. I commend the bill to the house.

Ms CROZIER (Southern Metropolitan) — It is an important piece of legislation that we are debating today. At the outset I acknowledge the mothers, fathers and adopted persons who will be impacted by this bill. For some, it will not be and has not been an easy debate. I have been fortunate enough to speak with many people who hold views, sometimes very strong views, about the two areas which this legislation seeks

to address — namely, contact statements and penalties applied to breaches of contact vetoes. I thank each and every one of those who have made an effort to contact me. They have given me their time to allow me to understand the reasons for either their support for this piece of legislation or their strong opposition to it. I understand that many affected people may have also made contact with my colleagues since this legislation was introduced and debated in the other house. While it is difficult for some to understand or support the coalition's position, I thank all those concerned for the respect they have shown during this debate.

While the government made repealing certain aspects of the legislation an election commitment, I think we need to fully understand the position of all those affected by what the government is proposing. The bill effectively repeals provisions which relate to contact statements made by adult persons and repeals the associated defence provision should a contact statement be breached.

Let us reflect on the events of just a few years ago and the circumstances around why we are debating this legislation today. It was only a few years ago that the Senate Community Affairs References Committee undertook an inquiry into past adoption practices. Its report highlighted to the Australian community the forced adoption policies and practices that were undertaken from the 1950s to the 1970s. It was a heartfelt inquiry. The recommendations and the testimony of all those people who came before the committee were heartfelt.

In its response to the Senate inquiry the commonwealth government made 20 recommendations. One of the recommendations was for the commonwealth government to issue a formal statement of apology. Another was for the state and territory governments and non-government institutions that administered adoptions to issue formal statements of apology. In 2012 the Victorian Parliament made a historic apology for past adoption practices. I am pleased that Ms Wooldridge, the former Minister for Community Services, is in the house today, because along with the Premier of the time she led that important apology on behalf of the Victorian Parliament.

Those of us who were in the 57th Parliament witnessed an extremely moving event, as was highlighted by Ms Tierney. Hundreds of people came to Parliament to witness the apology. They sat in the gallery in the Legislative Assembly, they sat in Queen's Hall and, because there were so many people, the overflow went to the Windsor hotel. Like Ms Tierney, that is where I witnessed the apology. Despite my not being in the chamber or even Parliament, the emotion was still evident in the Windsor. The relief after years of action to ensure that an apology was forthcoming was met with many emotions for so many people. Tears quite literally flowed from men and women of all ages. It was one of those moments of the previous Parliament that I remember well. I was proud to be a member of the government that led the way to give such an apology.

It was then Premier Ted Baillieu who moved the motion:

> That this Parliament expresses our formal and sincere apology to the mothers, fathers, sons and daughters who were profoundly harmed by past adoption practices in Victoria.
>
> We acknowledge that many thousands of Victorian babies were taken from their mothers, without informed consent, and that this loss caused immense grief.
>
> We express our sincere sorrow and regret for the health and welfare policies that condoned the practice of forced separations.
>
> These were misguided and unwarranted, and they caused immeasurable pain.
>
> To the mothers and fathers who were denied the opportunity to love and care for your children, and the pain and trauma you experienced, we are deeply sorry.
>
> To the sons and daughters for whom adoption meant continual anxiety, uncertainty and the deprivation of a natural family connection — we offer our sincere apology.
>
> Today, with all members of the Parliament of Victoria gathered in this house, we acknowledge the devastating and ongoing impacts of these practices of the past.
>
> To all those harmed we offer our heartfelt sympathy and apologise unreservedly.
>
> We undertake to never forget what happened and to never repeat these practices.

Those words from three years ago are still so strong and profound today.

As I said, it was a moving moment, but the action of the government did not stop with the apology, and what followed from the apology was further reform through the Adoption Amendment Act 2013, led by Minister Wooldridge. The coalition's bill amended the Adoption Act 1984 to allow for natural parents of an adopted child to receive identifying information about their adopted adult sons and daughters. It was for the very first time something that would allow that identifying information to be made available to natural parents. It was a very significant part of the legislation and a huge part of the reform. Men and women who relinquished their children were allowed to receive that information for the very first time. For some it had been a process they had been working on for their entire lives.

Forced adoptions — and I know that some people do not like that term — are a practice of a past era. As a community and as members of this chamber I think we all agree that we have acknowledged the harsh wrongs of past forced adoptions. The loss felt by so many of those affected can never be underestimated. I acknowledge the heartfelt grief and lifelong guilt felt by many. I also acknowledge the women who felt they had been violated or abused and felt stigmatised and disempowered. I cannot possibly understand the pain they experienced at the time or that which they have carried throughout their entire lives.

Those adopted persons also have many strong feelings and emotions. For some it is loss, abandonment, guilt and anger, while others question why. Many have suffered pain and suffering, with consequential lifelong implications. Some adopted persons seek to find their natural parents. For them it is important that they make contact to understand where they come from, who their parents are, whether they have siblings and all the inevitable questions that will follow. However, others simply do not want to have contact with their natural parents. One must take into consideration the issues raised by everybody: the relinquishing mothers, the natural parents, the children who want to seek out their natural parents and the children who do not want to make contact.

I know a number of adopted children; all are wonderful contributors to our community and are in loving relationships with families of their own. They feel deeply about this debate too. Some, for reasons of their own, just want to get on with their lives. They are happy, they have been brought up in loving adopted families and their families have given them unconditional love and support. Whatever reasons they have to seek their natural parents or to not make contact, it is their choice, and I think it is one that must be respected. If they have expressed the wish to not be contacted by their natural parents, I think it is a wish that must be respected. I will not judge them for that wish, and I respect their right to make that choice.

When the previous government formulated its legislation it based its bill partly on the recommendations of the Senate inquiry, as I have mentioned, and also took into consideration the views of natural parents of adopted persons and others. One part of that legislation that is now being repealed by the bill before the house relates to contact statements. The contact statements allow adopted persons to regulate contact if that is what they want, allowing those persons to have a choice. Those people may not necessarily have put in vetoes, and they may never need to, but they certainly want the right to choose to not have contact from their natural parents. Surely we must respect their rights, just as we must respect the rights of those natural parents who are seeking to find identifying information about the children they gave up.

People have put in contact vetoes — I understand nine statements of no contact have been lodged. The coalition provided a mechanism that gives people that ability, just as there is a mechanism for natural parents to find identifying information about those children they gave up. It was the coalition government that enabled that to occur through the previous legislation. I know it is difficult for some to understand the coalition's position — I can see that — but it is a difficult balance to strike when we are considering the interests of all the people who are affected by this legislation. As I said, I believe we must respect the views of adopted persons who want to have the right to not be contacted. We should allow them to feel secure that they will not be contacted once a decision has been made, knowing that there will be consequences should that veto be breached.

I want to mention this next point because it was brought up by Ms Tierney. If you look at the various vetoes in place in other jurisdictions, there are varying positions on how they are managed. There are some very severe penalties for breaching vetoes, including fines and jail terms, and I think that needs to be acknowledged in this debate. I know she also referred to stalking provisions, but stalking is a criminal act, and to put to a natural parent or mother that they are committing a criminal act by breaching a veto is surely worse than a fine or other deterrent.

The contact statements introduced by the coalition's bill were similar to those being used in other parts of the country, allowing adopted persons to regulate contact by their natural parents. They did not allow adopted persons to prevent the release of identifying information to the natural parent, but there was an ability for the adopted person to indicate whether or not they wanted to be contacted. In addition, those contact statements needed to be renewed every five years should changing circumstances be applied to the adopted person. While I acknowledge the rights of natural parents to make contact with their sons or daughters, even if just to know that their child is safe, how they are and whether they have a family, and while I could never imagine the circumstances they were put through all those years ago when they were subjected to the forced adoption of their child, I do think we need to be looking at all persons who are affected by this legislation.

It is important that in a very respectful way — and I think this debate has been very respectful in understanding these issues — we understand from the perspective of the natural parents and the perspective of the adopted persons whether they want contact or not. As I said, these are difficult and complex issues. For many people there have been lifelong implications as a result of what was forced upon them, whether they were the child or the parent.

In the time I have remaining I express my gratitude to my colleague who took the lead in this debate. Other colleagues will agree that this is a difficult but important debate and one in which we need to consider all affected parties. I would like to thank all the people I have met with and those who have emailed me, written to me or spoken to me and given me their perspective on this legislation. It has given me a much greater understanding, and I really appreciate their doing that. There are varying views and positions in this debate. There are genuine and deep concerns, and we have teased them out during this and the previous debates.

All the positions that have been put to me are important, but for the reasons highlighted in previous debates the coalition believes the right balance was struck with the previous legislation. Having taken into account all affected parties, the coalition opposes the bill before us. I know this is a sensitive subject for many people, and I thank them for the respect they have shown all of us.

Ms SPRINGLE (South Eastern Metropolitan) — Firstly, I would like to acknowledge all the people in the gallery who have come to watch the debate today and who have been touched by this issue in some capacity. Many are advocates who have been working on this issue for a long time, and I applaud their commitment. I hope the debate is respectful and fulfilling in regard to your reasons for coming here today.

As has been acknowledged by other speakers, this is really important legislation. Any legislation that goes to the heart of a person's identity is more emotive and deeply felt than other sorts of legislation, and this bill falls within that category. As has also been pointed out by other speakers, the Adoption Amendment Bill 2015 will get rid of the instruments known as contact statements which were introduced two years ago by the previous government. This was obviously before my time as a parliamentarian, but my colleague Sue Pennicuik argued strongly against the contact statement regime, and the Greens voted solidly against the amendment bill that brought it in. Indeed I am indebted to Sue for the groundwork that she did in 2012 and 2013 on this issue and for the work she has done since.

In February 2012 the Senate Standing Committee on Community Affairs released the report on its inquiry into the commonwealth's contribution to former forced adoption policies and practices. On behalf of the Victorian Greens Ms Pennicuik put on notice a motion calling for the Victorian government to apologise to everyone affected by the practice of forced adoption which was in place for the better part of two decades — between the 1950s and the 1970s — and split apart many families. Western Australia had already apologised, and at the beginning of 2012 the South Australian Parliament announced it was also going to apologise.

The Victorian apology finally came in October of 2012, and we have heard firsthand accounts of how powerful and moving it was. The Victorian Greens were very pleased to participate in that apology which was offered by the Victorian Parliament to everyone affected by the practice of forced adoption. Those affected included mothers whose babies were taken away from them, sometimes forcibly, though sometimes quite simply because their society did not offer them any realistic alternative. Those affected also included the children themselves, too many of whom grew up in institutions where abuse and neglect happened. However, many of the children who were raised according to the fantasies of the architect of this policy — that is, in good environments with love, care and opportunities — grew up, in many cases, with crippling doubts about their own identities.

Separating a baby from its mother against her will when, with a bit of support, she could easily keep the child in a loving home often has ripple effects that reach far beyond mother and child. Siblings, grandparents and children of adoptees are all affected. The true number of people affected by two decades of forced adoption is impossible to estimate. It is plausible to say it could affect the whole of our society. We know the consequences now, but we should have anticipated the consequences then. The society of Victoria and of Australia is still a very long way from being perfect, but I am glad that we have come at least this far. I am glad that my own children are not being brought up in a world where the powers that be consider it their duty to remove a baby from its mother because she happens to be unmarried.

I know many people prefer the term 'abduction' to describe the practice of forced adoption. Indeed in many cases it is very difficult to see the legal differences between the crime of abduction and the

practice of forced adoption. In many cases abduction is precisely what it must have felt like. Importantly the Victorian apology, led by then Premier Baillieu, was accompanied by a range of measures intended to better respond to the needs of people affected by forced adoption practices. Qualified counsellors were trained in specialist competencies in forced adoption psychotherapy. People affected by forced adoption were provided with free access to Family Information Networks and Discovery (FIND), a service run by the Department of Health and Human Services that helps people locate and contact family members from whom they have been separated by an act of adoption.

Former Prime Minister Julia Gillard made a heartfelt apology on behalf of the Australian government in March 2013. It seemed things were finally going in the right direction. Past practices can never be undone, but we in this place should be doing everything in our power to prevent future foreseeable harms and to assist people through their recovery from or journey in coming to terms with past trauma, especially when that trauma was inflicted on them by past policies under the authority of this place.

The contact statement regime landed inexplicably in Parliament in 2013. It is not clear whether anyone was calling for contact statements. Since the Adoption Act 1984 was first legislated there has been an adoption information register that has allowed people affected by adoptions to record their contact preferences with respect to other family members. The contact statements give adults who were adopted as children — but only adults — the right to register their contact preferences using instruments that are separate from the information register. The adoption information register has continued to operate alongside the contact statements.

It is not entirely clear, but it seems that the register works like this: if I have been affected by an adoption, I can place my contact details and contact preferences on the register. When someone tries to access my information on the register, I am advised that the FIND agency within the Department of Health and Human Services will then contact me to make sure that I am okay with my contact information being provided to the person who is trying to contact me. I am also advised that there are counselling and mediation services available through FIND. For 30 years the register has been one of the tools people affected by adoptions have used to locate and contact each other. It is probably not perfect from everyone's perspective. No doubt it could be improved, like everything, with additional resources and better services. By contrast, the contact statement regime allows only adult children who were adopted out to place effective vetos on contact by anyone else.

The new regime provides for a criminal penalty should anyone breach a contact statement by, for instance, contacting a person who has registered a contact veto. The rationale for this is unclear. The explanatory memorandum to the 2013 amendment bill makes reference to the Senate standing committee's report of its inquiry into forced adoption, recommendation 15 of which suggests in part that:

> All parties have an ability to regulate contact, but that there be an upper limit on how long restrictions on contact can be in place without renewal …

This cannot be the justification for contact statements by any stretch of the imagination. I have no doubt that the former government believed there to be very good reasons for bringing in the contact statement regime, but I struggle to see the rationale for it. Nor could Ms Pennicuik when she worked on this issue in 2013. At that time she attempted to send the amendment bill off to a committee so that the Parliament might benefit from input from those who may be affected by the new contact statement regime, but the then government denied the Parliament that opportunity, which I also cannot understand. What I see is a very real potential for harm that contact statements might create.

Hypothetically, let us imagine a woman who as a 20-year-old in 1960 gave birth to a child who was subsequently taken from her. On numerous occasions since, that woman has tried to find out what happened to her child. As we know, there can be many reasons why those attempts have faltered and failed. Now that woman is 75 and ailing, and she believes she has one last chance to try to find her son who, if he is still alive, will be 55 years old. She embarks on her last search for him, but then she learns about contact statements. She may even learn that her son has filed a contact statement, not one that vetos contact but one that merely seeks to regulate it, and when she learns about the criminal penalties she may suffer for breaching the contact statement, she may be discouraged and dissuaded yet again from the quest that has ultimately defined her life.

There is a very real risk that that discouragement will be one of the main effects of the contact statement regime. That is certainly what some of the mothers groups have said to us. That would put contact statements squarely in conflict with the spirit of the apology the Victorian Parliament offered in 2012. We think the information register is a far better, fairer, more effective and more balanced way of brokering contact between people affected by adoption than the contact

statement regime. The register does not guarantee that unwanted contact will not occur, but FIND does seem to regularly broker contact between parties, and we already have laws that aim to prevent serious unwanted contact between adults.

In voting against the contact statement regime I do not want in any way to denigrate or offend any of the 16 adult adoptees who have filed such statements, but I do think that as a matter of public policy — which is ultimately about balancing competing desires in what we see as the common good — that the contact statements strike the wrong balance, so I welcomed the minister's resolve to bring this bill to Parliament in the first year of her government.

I should say that while I have not been able to find anybody who is in favour of the contact statement regime, I have been approached by some stakeholders who believe that it contains some worthwhile elements. One such element is the provision requiring a contact statement to be renewed every five years. The information register contains no such provision, and it is no doubt very common for people to change their contact information or indeed change their mind about their contact preferences over time. But I have been advised that the way the register works in practice, whereby people who have placed information on the register are contacted by FIND whenever someone tries to access that information, means that out-of-date information is most often updated when it needs to be anyway.

At any rate I am not aware of any actual problem with the quality of the information on the register, at least no problem that requires legislative intervention. We should avoid the temptation to make a law just because we can make a law. Having said that, I encourage anyone who has experience of a problem of this nature, or indeed with any aspect of the adoption information register or the Adoption Act more broadly, to contact me.

There is of course much unfinished business in the Adoption Act, but before I get to that I want to remark on an anomaly in this bill. The government is removing contact statements from the Adoption Act and the criminal penalties associated with them, and that is good, but at the same time the same government is seeking to introduce a regime that looks very similar to contact statements, with respect to sperm donors.

I quote from *A Right to Know your Identity*, a government discussion paper in advance of laws the government hopes to introduce that will aim to create much greater equality between donor-conceived people. It states:

> A key component of the government's proposal is to include 'contact preferences' for donors to enable them to choose and manage what contact they have with their offspring.

And:

> Further, breaches of an undertaking to abide by a 'no contact' preference will be an offence and will incur a fine of up to 60 penalty units.

I know that donor conceptions and forced adoptions are not at all the same thing, and I realise that the proposed contact preferences in the case of donor conceptions go in the opposite direction to the contact statements in the case of adoptions. The proposed contact preferences would aim to protect donor fathers, especially men who donated prior to 1998 and who would have done so with the expectation that they would remain anonymous. It may be that these differences justify the imposition of a criminal penalty, although I am generally loathe to believe that a criminal penalty is the best way of regulating such things. In any case, I know the government is calling for submissions on this and other points in relation to its proposed donor conception laws, so I encourage people who have a view or evidence they would like to strongly put forward to do so by 4 September.

Finally, I want to make some closing remarks about some of the unfinished business in relation to the Adoption Act. The current bill makes, after all this, only a very discrete amendment to the Adoption Act. There are other concerns about the act's current operation — for instance, within the LGBTIQ community — and also about the availability of birth certificates for children who were adopted overseas. Indeed the Greens sought to have the latter issue examined in greater detail by a committee before it was legislated in 2012. I understand that the government is considering changes to the act in relation to same-sex adoption, and the Greens very much look forward to those changes. The Greens will certainly be advocating very strongly that same-sex adoption be part of the next reform, but today the Greens will be voting in favour of the current bill.

Mr ELASMAR (Northern Metropolitan) — I rise to make a brief contribution to the bill before the house, the Adoption Amendment Bill 2015. All of the previous speakers, including my colleague Ms Tierney, have covered the important points with regard to this important bill. We are all painfully aware that forced adoptions were routinely conducted in the early to middle part of the 20th century. Unwed mothers had their children forcefully removed and placed with

families who were seeking to adopt a child. One assumes that the authorities responsible for these decisions believed they were doing the right thing, both for the mother — who was usually a single mum — and the baby. While it is said that the road to hell is paved with good intentions, the forced adoption system caused pain, trauma and immeasurable suffering to both mothers and children. At the time of the enforcement of these adoptions it was decided that both adopted children and their birth mothers should be denied access to any knowledge that would allow them to make contact with each other.

Thankfully times have changed, and legislation has changed with them. In 1984 new adoption laws gave forcibly adopted children the right to be given information about their birth mothers and to make contact with them, but it was not a two-way street. Mothers were not able to contact their children who had been adopted. A system evolved that allowed birth mothers to identify where their children were, and it provided a mechanism for exchanges between the two parties. However, it was totally biased in favour of the children. Children were able to indicate their wishes to contact their natural parents, but birth mothers were denied the same rights.

Today, in 2015, we in Parliament are seeking to reflect the community's change of attitude and its compassion by acknowledging that the system of forced adoptions was cruel and harsh and by supporting this amendment, which allows contact to be reciprocal. The bill amends previous legislation by allowing birth mothers to make contact with their children without fear of punitive action being taken against them. Accordingly, the bill seeks to amend the Adoption Act 1984 by removing provisions that discriminate against natural parents wishing to make contact with their forcibly adopted kids. This is a delicate and sensitive issue, and there are always two sides to consider. Some of the children are happy to be oblivious as to the location of their natural parents, and a small number of those kids, who are now adults, have indicated they do not wish any contact. They were very harsh times, but that does not alter the sadness and trauma suffered by single mothers of a bygone era who had their children taken by a system that sought to provide a stable family environment, in which authorities of the time believed were in the best interests of the child. I commend the bill to the house.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased to be able to speak on the Adoption Amendment Bill 2015. In doing so, I want to acknowledge my colleagues in this chamber, who are engaging in this important discussion in such a respectful and thoughtful way, and also in the other chamber, where the debate was also very thoughtful. I also wish to acknowledge the visitors to the gallery, many of whom I have met and spoken with and/or emailed over a number of years. I am pleased that they can be here today as they were in 2012 and 2013. They are regular visitors to the Parliament during debate on these matters.

As some other members have done, I will start with a bit of history and context. In 1984, when the Adoption Bill was passed, Victoria was the first state to reform adoption laws to allow natural parents and adopted people to be able to request information about each other. Back then we were very proud as a state to have taken those early steps. The issue was that for adoptions made prior to 1984 no identifying information was permitted to be provided. Everything was prospective from the date of the Adoption Act 1984 — not retrospective. Natural parents were only permitted to receive identifying information when they had the consent of the adopted person or evidence that the adopted person had died.

In 1999, on coming to government, the then Labor opposition made a commitment that it would change those laws. Interestingly though, 11 years later, when I became Minister for Community Services and reflected back on that time, no progress had been made on that commitment. So it became very clear to me and the then coalition government that this inability to access information needed to be changed. The work then commenced, and I was pleased that over a period of less than two years the apology was made and there was a commitment to legislation and that legislation was subsequently introduced.

It was a significant time of engagement, debate, consultation and input from so many in terms of how that would proceed in all the different areas. I have to say that the apology made on 25 October 2012 was probably one of the most poignant times for me, having been in this Parliament for nine years now. A lot of thought and consultation went into the wording and the way the apology occurred and how people were included. A number of members have mentioned being at the Windsor Hotel, and many of those who were affected by forced adoption practices were in the chamber and in Queen's Hall as well as at the Windsor. I have to say it was an incredibly moving experience. I was very proud as minister to be one of the six speakers as part of that apology. An important element — and Ms Crozier has read the motion into *Hansard* in today's debate — was the concept that women were now believed. They had been given no choice, and on behalf of the people of Victoria the Parliament was genuinely and truly sorry and apologised for what had occurred.

Also on that day I was pleased as the minister to announce with the Premier that not only would action on the apology occur but also further actions would follow. At the time I announced that there would be enhanced support for access to specialised counselling and support, including in both rural and metropolitan areas, and that this would include a new professional development program for qualified counsellors to build specialist competencies in post-adoption psychotherapy. Subsequently $500 000 was provided to the organisation VANISH to undertake that work, which it did very diligently and comprehensively.

We also announced that, effective immediately, we would remove all fees to enable free access to personal and family information through the Family Information Networks and Discovery — FIND — service for people affected by past adoptions. That happened immediately, and I know many utilised those services and the free services that they then became. A third thing I announced on the day was that an amendment to the Adoption Act 1984, which would allow birth parents to receive identifying information about their adopted adult sons and daughters, would be brought to the Parliament. I quote from a press release of October 2012, which states:

> In line with other Australian jurisdictions, this will be accompanied by the introduction of a contact statement which will allow adopted persons to regulate contact if desired …

So on the day of the apology we foreshadowed very clearly the intent in terms of the legislation. That was based on the Senate inquiry into former forced adoption practices, the report on which was handed down in February of 2012. At that time the Senate inquiry, firstly, criticised Victoria for not allowing natural parents access to the information, as there had not been action during the decade before, and it also recommended that all parties to an adoption be permitted to access identifying information but that the parties have the ability to regulate contact. The point has been made that that happens in different ways in different states, and I certainly take that on board.

The work was then done over an extended period to develop the bill — what it would look like and what it would include. There were a number of important things in the bill, but most importantly it allowed natural parents to access identifying information about their adopted adult sons and daughters. In conjunction with that it introduced a contact statement to enable an adopted person to either regulate contact or refuse to allow another party to the adoption to make contact with them, but not preventing the release of identifying information to parents. At its heart was the fact that for the first time ever mothers — perhaps occasionally a father, but mothers particularly — could get that identifying information for pre-1984 adoptions. That was a very significant step forward and a very significant change.

But the challenge was that there were a wide variety of views, as there always are on these issues. It was very reasonable for people to have different views about how to balance the rights of all the parties who were involved and make sure that all parties were included in a thoughtful way in terms of how they were reflected in the legislation. It was not straightforward. There was a lot of discussion and debate, but effectively what came out of that and what was in the legislation was that for people who had been adopted this was a very significant change. They would no longer have any control over their personal information because natural parents were to be entitled to have that information.

In terms of balancing that significant shift that had occurred in terms of their rights, the view was that that could be balanced with two things: further counselling and support, so that all parties to that process could be supported in what could be a dramatic and life-changing experience; but also the inclusion of a contact statement, which would enable them to have a choice, not about the information which was to be provided but in relation to whether or not they wished to have contact. After thinking through all aspects of this, the view of the coalition government was that it would be able to achieve a balance of everyone's rights and entitlements by allowing the provision of information which had never been provided before but giving people who had been adopted a choice in relation to it. I still stand by that position.

I think the fact that 16 people have exercised their right to make a contact statement, some of whom have made the choice that they just wish to provide some advice or guidance, if contact is made, as to how that might occur, but 9 of whom have chosen to not have contact, actually supports the position that was taken that people did want to have that choice. One of the things I was reassured of in the process of discussions with FIND was that the counselling is quite comprehensive, as Ms Springle has mentioned, and that its starting point with adopted persons is to encourage and provide the backup and support for contact to occur. Obviously some people choose otherwise.

These are very difficult and complex issues, and there is no doubt that there is a wide variety of views about them. I take the opportunity to thank the women who are mothers and the men and women who are adoptees who have experienced these adoption practices and have lived with them all their lives but have also

incredibly advocated, many for decades, for the changes that have subsequently occurred and may continue to occur into the future. It is a significant effort that they have undertaken, and the progress is a credit to them, with their advocacy for the changes they have seen have needed to happen.

I am proud of what the coalition government achieved. We took some very significant steps forward in recognition of the inequity of not having access to identifying information and of the experiences of people who have been subject to the practices of forced adoption. I do stand by the balance that we struck, but I want to acknowledge that the government obviously has a different view and that its members made a commitment to this legislation which has been brought forward, as is their right.

What is good is that Parliament is at its best when we acknowledge different views, we debate those perspectives, we respectfully listen to each other and engage in that debate and ultimately we put the matter to a vote. Although I thank everyone for their contribution and participation in this important process, importantly I want to acknowledge all those who have been affected by the issue of adoption and the work that they have done over many years. Those people will know that they will continue to have support in their advocacy of the issues and they will have ongoing support they deserve in addressing the experiences of their past.

Mr EIDEH (Western Metropolitan) — I am delighted to make a contribution to the debate on the Adoption Amendment Bill 2015, which contains a very important amendment for so many Victorians and for our Parliament. Former adoption practices forcibly removed at least 19 000 Victorian children from their mothers, and it was only in 2012 that the former government introduced its harsh legislation that alienated mothers and fathers from contacting those children if they lodged a contact statement which outlined no contact. Currently it is a criminal offence in Victoria to breach a 'no contact' statement. It is abhorrent to think that such discriminatory laws were passed in this Parliament.

The bill before the house implements an election commitment made by Labor to remove provisions in the Adoption Act 1984 relating to contact statements and is another commitment on which the Labor government has delivered for Victorians, a record which speaks for itself. I am proud that we on this side of the house have brought this bill to the Parliament as it gives so many parents in Victoria, in particular mothers, the opportunity to reconnect with their children. Specifically this bill repeals the one-sided provisions of the Adoption Act 1984 in relation to contact statements that entitle an adult adopted person to lodge a contact statement to specify the contact they wish to have with their natural parents.

This is an important amendment for victims and parents, in particular mothers, which is why I urge the opposition to support the bill. We should think about the women, some of whom may be listening to this debate, who have carried this burden for their entire lives. They deserve to be free and to be able to attempt to know who their children are. I encourage members to consider that a bill such as this should receive bipartisan support because it is the right and human thing to do for the thousands of mothers who suffer every day. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order! We are dealing with the Adoption Amendment Bill 2015, a bill for an act to amend the Adoption Act 1984 by repealing provisions relating to contact statements and for other purposes. As I understand it, no amendments are being proposed, but there are questions that members would like to ask the minister.

Ms CROZIER (Southern Metropolitan) — There are a couple of questions I would like to ask the Minister for Families and Children. The first concerns information about the number of contact statements. I appreciate that the minister may not have the numbers with her, but would she be able to provide the chamber with the latest figures on the number of contact statements because the information we have was provided some months ago?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I am advised that since the introduction of contact statements in 2013 a total of 16 contact statements have been lodged and 9 of the contact statements lodged have specified no contact. I am further advised that there have been no known breaches of contact statements since the mechanism's introduction in 2013. I have given the member some additional information in anticipation of further questions that she may have.

Ms CROZIER (Southern Metropolitan) — I thank the minister because she has anticipated a number of areas I was going to ask her about. I thank her for that clarification. How many people has FIND connected with? Would the minister have those figures?

Ms MIKAKOS (Minister for Families and Children) — I am advised that no individual has been fined in response to — —

Ms Crozier interjected.

Ms MIKAKOS — Sorry. I thought Ms Crozier meant 'fined'.

Ms Crozier interjected.

Ms MIKAKOS — I now understand what Ms Crozier meant.

Ms Crozier — No breaches, no fines?

Ms MIKAKOS — No breaches, no fines.

Ms CROZIER (Southern Metropolitan) — To assist the minister, my question is: how many people has FIND, or Family Information Networks and Discovery, connected with?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Crozier for that clarification of the question. I have been advised that FIND has received 81 applications for identifying information from parents in the 2014 calendar year, and I do not have any information that relates to the 2015 calendar year.

Ms WOOLDRIDGE (Eastern Metropolitan) — I have one question about counselling and support. During the second-reading debate it was very clear that the counselling and support services that are offered are a vital part of successfully connecting natural parents and adopted people. As I mentioned in my contribution, there was funding of $500 000 to the Victorian Adoption Network for Information and Self Help (VANISH) over a two-year period. VANISH's newsletter of March 2015 states:

> Well, we are in the last six months of our workforce development project which was funded by the Department of Human Services for two years. We are currently looking for ways to continue this valuable work and have had discussions with Minister Jenny Mikakos.

Can the minister outline whether that funding commitment for the workforce development project — to make sure that we have good people who are experienced in counselling for past adoption practices — has continued? Has the funding been continued or cut?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for that question. There is obviously a legislative requirement for counselling and support services to be offered to individuals, and I understand that that support is offered through the department and contracted agencies. In relation to the specifics of the member's question about particular programs and funding that was provided by the previous government, I need to seek further advice on that matter and respond to the member. I will attempt to do that as quickly as possible.

Ms SPRINGLE (South Eastern Metropolitan) — I hope this is not too far outside the scope of the bill, but my question pertains to the adoption information register and how it works in practice, because I understand that the register would once again be the only place that people affected by adoption can register their contact preferences. As I understand it, the adoption register that is provided for in section 103 of the Adoption Act 1984 has been there since the commencement of the act in 1984. It allows people who are affected by an adoption — and this includes adopted persons and their relatives, their natural children, their natural parents and their adoptive parents — to request in writing that their names and addresses be placed on the register. It also allows people who are affected by an adoption to place on the register their wishes about contact by another person affected by an adoption.

The register would seem to have already been doing the job of contact statements without the criminal penalties and without the automatic renewal periods. Could the minister perhaps add to the understanding of how the information register works? For instance, is there any mechanism in practice that keeps the information on the register up to date, and what happens in practice when someone tries to contact a person who has placed their details on the information register?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. Just to give a little bit of context, firstly, FIND, which is Family Information Networks and Discovery, is a service provided by the Department of Health and Human Services to provide access to information about past adoptions connected to Victoria. As well as accessing documents, FIND can help adopted people and their families make contact with each other. FIND works in partnership with other adoption information service providers and agencies to provide services to the adoption community.

FIND administers the adoption information register. The Adoption Act 1984 requires the Secretary of the Department of Health and Human Services to maintain an adoption information register, and FIND maintains that on behalf of the secretary. The register records the information about an adoption, including contact details and desires about providing information, obtaining information or meeting other people involved in an adoption. All information on the register is confidential and is only released in accordance with the Adoption Act 1984. For example, adult adopted people are entitled to receive information about their origins, including the names of their parents, if available, and parents may similarly receive information in relation to their adult adopted child. Other parties may only receive non-identifying information initially. The search and intermediary support that the service provides may facilitate identifying information being exchanged between parties, and registered applicants can update or cancel their details on the register at any time.

The member is correct in the premise of the question in that the contact statements introduced in 2013 were unnecessary because there has been this vehicle whereby information can be provided and people can express their wishes — and it is not just one sided; both adult adopted children and parents can similarly express their preferences through the register.

Ms CROZIER (Southern Metropolitan) — In relation to my previous question about how many people FIND had connected, I think the minister referred to the year 2014 and said 81 people had been connected during that period. The legislation came into effect on 1 July 2013. Would the minister have figures for the six months prior to 2014, or is that inclusive?

Ms MIKAKOS (Minister for Families and Children) — I only have the information in relation to the 2014 calendar year, but I am happy to see if we are able to provide information that goes back to when the 2013 amendments commenced. I do not have that information at hand, but if that information is available, I am happy to make it available to the member.

Ms CROZIER (Southern Metropolitan) — I thank the minister; I appreciate that. I also ask that the numbers for 2015 to date be included in those figures the minister will take on notice.

Ms MIKAKOS (Minister for Families and Children) — We will certainly endeavour to obtain the information. It will obviously need to be to today's debate, but I cannot exactly give the member an indication about how quickly we can get that information together. We will be providing that information as soon as it is available.

I add that further in relation to the matter Ms Wooldridge raised earlier I am advised that VANISH was provided with additional funding of $100 000 for this financial year to continue other projects that the member referred to earlier.

Clause agreed to; clauses 2 to 11 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a third time.

I thank members for the respectful way the debate has been conducted. I would like to note the passionate advocacy of a number of organisations and individuals in recent years. In particular I acknowledge Origins, the Association of Relinquishing Mothers, VANISH, the Independent Regional Mothers and the members of those organisations for contacting all members of Parliament about these important issues. I am very proud that we are today debating a bill that is in the spirit of the apology given by this Parliament in 2012.

Motion agreed to.

Read third time.

PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015

Second reading

Debate resumed from 25 June; motion of Ms MIKAKOS (Minister for Families and Children).

Mr DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015. The opposition will not oppose the bill, and it does not oppose it on a number of levels. In principle we support the general direction of the bill. We support a systematisation of infrastructure contributions across the state. Members of this chamber who were here in the previous Parliament will be aware that a bill similar to this was introduced into the Assembly on behalf of the then

Minister for Planning, Matthew Guy, who is now the Leader of the Opposition in the Assembly. At the time the government faced some difficulties in the Parliament. There were shenanigans on a number of levels in the lower house and the bill did not proceed, although I think in essence it was broadly supported across the Parliament.

We are at a point where our city is growing rapidly and there is a need to have better planning. I note the layer that goes across the top of our planning arrangements, the *Plan Melbourne* arrangements, and the Minister for Planning has indicated there will be a review of those planning arrangements. Importantly, the bill deals with infrastructure contributions statewide. I accept the points made by the government in the briefings, and I thank the minister for those briefings. It is clear the government intends to apply the bill not only to greenfield sites on the edge of the city, as has traditionally been the case, but also to key infill sites in metropolitan Melbourne and potentially elsewhere as well. The second-reading speech points to the fact that this legislation can be applied anywhere in Victoria, and in the briefing the government noted that 'anywhere in Victoria' means precisely what it says. We are cautious about aspects of the bill, not the principle but its application.

The government has indicated that a standard levy charge will be struck across the metropolitan area, and in the committee stage I will seek — although a government member may wish to put this on the record prior to the committee stage — the size of the contribution that will be asked of developers. Ultimately of course development contributions feed through to the cost of housing and the cost of development, and in the end those development arrangements are paid for by consumers. At this early point in the debate I note the opposition's focus on seeing housing affordability and housing affordability outcomes protected.

An excessive ramp-up of development contributions can see the cost of housing increase, and younger families, particularly those on the edge of the city, frozen out of the housing market. A delicate balance needs to be struck, one which balances the requirement for councils and communities on the edge of the city, in this case, to build needed community infrastructure and infrastructure relevant to particular developments.

I pay tribute to my colleague Matthew Guy, who as planning minister enabled contributions in kind to occur, seeing it as an important mechanism not only for closely tying the development contribution to a development but actually seeing the developer able to make a contribution that enhances the value of a whole project. These are important things, and I am pleased that those matters are to be preserved, as I understand it. I will seek commitments on those points in committee, but my understanding is that those reforms will remain in place and are not affected by the bill.

Industry is naturally cautious about the size of development contributions. I understand that; that is absolutely legitimate. Equally government and local government have legitimate matters that they wish to see focused on in terms of the strengthening of infrastructure at the edge of the city. I will tell a story to the chamber. When I was a young person my family moved to Croydon West at a time when there was very little in the way of schools and infrastructure. As with many of my age and younger in metropolitan Melbourne, I saw the development of infrastructure around properties in the suburbs after people had moved in. *Plan Melbourne* and other forward planning documents have been about getting ahead of the curve on planning and having infrastructure in place at an early point.

I have consulted quite widely on the bill, certainly with those in the development industry and in the building industry and also, importantly, with a number of municipal councils and others about the format for development contributions. While the opposition will not oppose the bill in any way, we will seek to make a number of amendments which fall into two specific categories. I am happy to circulate the amendments at this point so people know what the opposition is intending.

Opposition amendments circulated by Mr DAVIS (Southern Metropolitan) pursuant to standing orders.

Mr DAVIS — I have had discussions with the minister's office and with the minister, and it is the government's intention to see the end of the second-reading debate today and then to await a detailed committee stage on Thursday, with some discussion about the specific amendments proposed by the opposition.

The amendments fall into two main categories. The first category relates to transparency and to ensuring that contributions made by councils across the state are able to be reported to Parliament in a clear way. Those collected and held by the Metropolitan Planning Authority (MPA) — or indeed any other relevant authority that might from time to time or in the future collect those development or infrastructure contributions — are also reported. I note the change in

terminology in the act. Obviously development contributions are still flowing in to respective coffers at council and MPA level, but at the same time the bill will rename these infrastructure contributions and define them in a certain way.

The amendments which have been circulated in my name, as I have said, will have two key aims. One is to improve transparency for those contributions and levies paid by developers to councils and other agencies. Where those development contributions from the MPA find their way into consolidated revenue, as they do from time to time, we seek to have that reported in consolidated revenue. It will be possible to track where the contributions are at a particular time and to see the size of the contributions and indeed the purpose for which they are made. We think that transparency will assist.

From talking to the Municipal Association of Victoria and other similar organisations it is clear that councils are already required to report to the department the holdings and the size of holdings of infrastructure development contributions. This is no additional burden to councils because that information is already being reported. All this will require is an annual report to Parliament to bring that information together in a systematic way so that Parliament and the community can see what is held where and the purpose for which it is held. As I have laid out in these amendments, if for example money finds its way from the MPA to consolidated revenue but is tagged as a development contribution or an infrastructure contribution, it would also be reported in the quarterly reporting that applies to the Consolidated Fund in the normal way. That would enable those contributions to be tracked.

The second category of the opposition's amendments relates to the fact that obviously this legislation is going to see a new rate set for general infrastructure contributions, particularly as it relates to contributions from municipalities around the edge of the city in our growth areas — Casey, Cardinia, Nillumbik, Whittlesea, Hume, Wyndham and Surf Coast. In relation to those key areas around the city where there is massive growth occurring, where there is significant need for additional infrastructure and where development or infrastructure contributions are appropriately being levied, we are saying, 'We want to know the figure that is likely to be struck at the start'. In the committee stage I will seek some information from the government as to what it proposes for those initial rates that will be struck.

I know what had been proposed in the term of the previous government, and I understand that there is some movement forward. I understand that there is also a process with industry, and I understand that the advisory committee that is looking at these matters has recently met twice. It is looking at how this rate should be struck, how it should be indexed and those arrangements. I am certainly prepared to engage with government in a discussion around these matters. But to put on the record our caution on this, we do not want to see a particular rate struck and then see that rate ramped up year after year in big licks of 5, 10, 15, 20 or whatever number per cent increases in a year. We are seeking some surety, some certainty, that those increases will not be excessively large. Hence in amendment 2 to clause 4 we have made the point that:

> 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.

The minister has certainly put to me that he does not believe the consumer price index is the relevant index. We think it is probably the appropriate index. It is an index that is well understood by the broad community. It cannot be fudged or manipulated in any way. It is announced by the Australian Bureau of Statistics in the normal way, and we think it has the advantage of clarity and simplicity. We think it has the advantage that the community will understand that, whatever the number that is struck, the CPI increase will apply into the future — and that will in no way prevent the government from coming back to the Parliament at a future point and saying, 'Actually, we think a different adjustment needs to be made, and these are the purposes of the adjustment'. I do not think the Parliament itself will have a problem with infrastructure contributions. I think they are broadly supported across the Parliament as a part of our system and a part of our way of paying for infrastructure that is needed on the edge of the city.

Increments that are far beyond the CPI would frighten people and potentially have a significant effect on housing affordability. My concern is to seek some mechanism to hold the government to account. I am not in any way pointing the finger at the current minister. He might with the best will in the world not be the minister at a future point, but the ability to ramp up infrastructure or development charges will exist into the future unless there is some method of capping and managing that growth.

We have to be extraordinarily careful to balance the need for infrastructure, particularly on the edge of the city and in those large redevelopment locations, with the need to not ramp up the cost for families. This is the balance to be struck. We have said, 'Yes, strike the balance. Yes, put a cap on. The CPI is likely to be a

reasonable balance'. But this open-ended, no cap measure is no way to control the ramp-up by a future minister that could see ratchets of 5, 10 or 20 per cent per year, year on year, and consequently very significant lifts in development contributions. This is a sensible, balanced set of amendments that seeks better transparency and seeks to manage the situation.

As I said, we have consulted broadly with a number of key stakeholder groups, including the Property Council of Australia. The note I have from the property council says:

> Our main concern rests with the implementation of the bill as the legislation is generic. It currently grants the minister a great deal of discretion which creates uncertainty …
>
> While the bill does establish structures and processes, it fails to set out what developers will be charged during the operational phase.

We have already seen additional charges. I am not arguing or quibbling with those charges that were applied to the purchase of properties, such as stamp duty and the additional land tax, but we have already seen one blunder by the Treasurer with the State Taxation Act Amendment Bill 2015. I know the Minister for Planning walked a million miles from that at the Public Accounts and Estimates Committee. It was clear that the Treasurer had not been thoughtful enough; he had not inspected closely enough the impact that originally was going to occur with the state taxation bill that was presented to Parliament.

A little bit of research by my office uncovered the fact that you have to go back to the 1970s to see a state taxation bill presented with the budget amended by the Parliament. It is a long time between drinks in that respect and a situation where there was a set of errors in a bill introduced by the Treasurer which had to be corrected.

I pay tribute to the Law Institute of Victoria in particular and to Josh Morris's Standing Committee on the Economy and Infrastructure and its members for the work they did in uncovering some of the problems with the additional charge that would have been levied on greenfield developments around the edge of the city that were owned by foreign firms. That would have seen a ramp-up in costs for Australian families. Young couples that are seeking to buy properties on the edge of the city would have been hit as an unintended effect of Treasurer Pallas's bill.

I want to put on the record some points raised by the Housing Institute of Australia (HIA). HIA has a policy position on government charges and levies on development. I think it is true to say that of all the industry bodies the HIA is the one that is most tetchy about development and infrastructure charges. It wants to see a nexus established with the services necessary for the provision of the allotment or building whilst community, social and regional infrastructure establishes a nexus with the needs of the population who will occupy the premises from time to time. I am quoting from its government policy position on government charges and levies on development.

It also talks about the fact that an up-front charge against development is the least efficient manner in which infrastructure costs may be recovered. As I said, the HIA does not approve of infrastructure charges of this type and it makes a legitimate point. Given the need to balance appropriate infrastructure, I think all parties in this place understand the need for an infrastructure contribution regime.

HIA also says that up-front levies on new homebuyers is discriminatory, inflationary and erodes housing affordability. It states:

> Where up-front levies currently exist for broader community and social infrastructure and until such time as these levies are eradicated in line with dot points 1 to 4 above:
>
> > the establishment and calculation should be identified by the authority and be embedded within the planning schemes …
> >
> > the manner in which the up-front levies are costed and collected should be transparent and cover capital and implementation costs only. All ongoing and maintenance costs should be recovered by means of an annual rate or charge;
> >
> > any levies implemented should provide certainty and consistency for future development …

The HIA goes on to make a final point:

> Any funds which have been collected for proposals which are not subsequently provided within the planned time frames should be refunded to the occupiers either as soon as the decision is made to eliminate the proposal or at the expiry of the specified time period.

These are the sorts of points that the HIA and other industry groups are making. I am aware of those points. I understand that across the Parliament infrastructure contributions are accepted and supported, including by the opposition. The structure of this bill reflects one the previous government brought into the Parliament. There is a need for levies on development but there is also a need to balance them with appropriate controls and transparency. We need to know what is going where and what is acquitted for what and we need to understand the way that is operating, hence the transparency measures in our amendments.

We need to think carefully about the prospect that a future Minister for Planning or Treasurer may go for an open-ended ratchet, year on year, of development and infrastructure contributions and in so doing push up the cost of housing and thereby decrease housing affordability. There is a balance to be struck. We believe our proposals provide for a reasonable balance in the future.

The Building Designers Association of Victoria also made some sensible points which we have taken on board. The process around setting the charge is something that I think needs fleshing out. We need to understand how the government is going to set this initial charge and at what level it is going to be set.

We also need to be mindful of the contribution of the then Leader of the Opposition, now Premier, throughout the election period, during which time he was absolutely adamant that taxes, fees, charges and levies would not be increased above the CPI. I think it is worth putting this on the record. On 4 September 2014 Jon Faine asked Daniel Andrews the following:

> Are you going to put taxes up?

Daniel Andrews replied:

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

On the same program on 5 November 2014 a caller called David asked:

> Morning, Jon. Mr Andrews, if you don't get the 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.

Also on 5 November 2014 there was a question at a press conference:

> You've said that 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.

Another question:

> Besides indexation?

Daniel Andrews said:

> No, we're not interested in making it harder for Victorian families, we're about delivering common sense, fresh thinking, new ideas …

et cetera. Another question:

> 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.

On 19 November 2014 David Speers asked:

> So, any higher taxes, levies?

Daniel Andrews said:

> Absolutely not. We're not in the business of trying to solve problems in TAFE and schools … higher taxation will not fix those problems.

David Speers said:

> I just want to nail this down …

Daniel Andrews said:

> 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.

It goes on. On 19 November 2014 he said he would release his costings 'late next week', promised his plans would include 'no increases' to taxes and fees and said, 'I have no intention of introducing new charges'.

On 23 December last year Matthew Guy, the Leader of the Opposition, asked the Premier:

> 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?

The Premier replied:

> 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 28 November 2014, Peter Mitchell asked the now Premier:

> Do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

He responded:

> I make that promise, Peter, to every … Victorian.

We know that that promise has been broken spectacularly when it comes to the fire services levy, which is hitting Victorian families and businesses very hard and is far beyond the CPI increase. We know that despite Labor's promise that council rates would be capped at the CPI, in its first year it has failed, with council rates increasing by an average of 3.8 per cent statewide and some councils increasing rates by much more than that — —

Mr Eideh interjected.

Mr DAVIS — It never said that. It said, 'We will cap it at the CPI', and that has clearly not been the case. The now Treasurer made a similar promise, saying Labor's election commitments would not lead to a net increase in debt, with no impact on surpluses. We know that promise has not been kept either. He said on 10 December 2014:

> Our commitment to the Victorian people is that we'll deliver on all of our commitments without the need for an increase in taxes and charges.

The spectacular one is from the member for Monbulk in the Assembly, now Minister for Education, who was interviewed by Neil Mitchell on 14 November 2014:

> Mitchell: No new taxes?
>
> Merlino: Correct.
>
> Mitchell: No new fees?
>
> Merlino: Yep.
>
> Mitchell: No new bills, nothing going to sneak in on us?
>
> Merlino: Nope.
>
> Mitchell: Okay, promise?
>
> Merlino: Yes.

I would say taxes and charges have increased substantially under this government, in breach of its promises. In this case, the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015, we are not opposing the bill — —

Mr Dalidakis interjected.

Mr DAVIS — No, I have said that all the way through, but what I am trying to say here is let us be clear: the CPI limitation is a good measure that will test the government as to whether it is going to keep its commitments. As I have said repeatedly in this contribution, the infrastructure charges are supported appropriately across the Parliament, but what is not supported across the Parliament is a massive surge in fees and charges. What is not supported is the ramping up — —

Mr Dalidakis interjected.

Mr DAVIS — We said we will not oppose the bill; that is what we said. We said we support the principle of infrastructure charges, but we do not support open-ended charges. We know Minister Dalidakis supports open-ended charges. The small business minister is already looking very shoddy. We know he supported large increases in council rates on small businesses. We know he has already supported large increases in the fire services levy on small businesses. These are the facts that the minister will have to confront.

Mr Dalidakis interjected.

Mr DAVIS — They are the facts. You have been weak in supporting your constituency. The government will need to demonstrate that it is serious about its points and its commitments on taxes and charges.

Ms Shing — But you don't oppose?

Mr DAVIS — We have always said we do not oppose.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I thank Ms Shing. I do not see her on the speakers list, but I am sure she will have an opportunity to speak on some other bill this afternoon.

Ms DUNN (Eastern Metropolitan) — I rise to speak on the Planning and Environment Act Amendment (Infrastructure Contributions) Bill 2015. The bill arises from concerns about a lack of transparency and consistency in the operation of the existing scheme for levying contributions from land developers. The underlying scheme requires land developers to pass on a proportion of infrastructure costs that would otherwise be imposed on local and state government as a result of land development. This has occurred in a somewhat ad hoc and inefficient manner in the past, without clear provisions governing the categories of infrastructure, costing techniques and the contributions which local and/or state government can collect.

It is my understanding that the bill has been developed from the recommendations of an advisory committee that consulted widely and reported in 2013. In essence the bill allows for an infrastructure contributions plan to be included in a local planning scheme in the same way a planning scheme amendment process would run. The infrastructure contributions plans will specify the levy amount for the different categories of land use and the

allowable infrastructure items. There are three elements to the new scheme: the provision for standard and supplementary levies, a preset list of allowable infrastructure items and an infrastructure contributions plan that details the levy and the items being funded.

The bill proposes that ministerial guidelines will be used to prescribe the content of an infrastructure contributions plan, including the types of land to which a plan may or may not apply, the classes of development to which a plan may apply, the types of plan preparation costs that may be included in the levy, the method and criteria for deciding whether to impose a supplementary levy, the methods used for estimating the cost of works to which the plan applies and any other information that may be included in the scheme. The bill attempts to address uncertainty for developers and government in that the stated purpose of the bill is to introduce a new system for levying contributions towards the provision of works, services, facilities and plan preparation costs in relation to the development of land in areas where an infrastructure contribution plan applies.

From our reading of it, the bill appears to be generally uncontroversial. There is an absence of objections from local government peak bodies, and there is broad support from academic and industry stakeholders. The progress of the bill through the other place was largely unimpeded.

The bill creates a legal framework that will give local councils and developers certainty in terms of the methods, powers, limitations and enforcement arrangements surrounding developer contributions to infrastructure. The framework gives legal certainty to the effect and enforcement of the infrastructure contribution agreements. However, the prescribed structure and limitations on the content of infrastructure contribution plans will be determined by ministerial decree in the form of a ministerial direction. This raises concerns that the bill in its current form could give legal effect to ministerial directions that might have the overall effect of systematically shifting infrastructure costs onto local government or include or not include allowable items for the application of levies. The Greens would not want to see such things as land for public transport, libraries, bicycle infrastructure, renewable energy infrastructure, water recycling or waste recycling, for example, being applied in that way or not being included.

The bill misses an opportunity to incentivise land development that delivers sustainable environmental outcomes, integration of infrastructure planning and social housing. The bill establishes land development categories that are exempt from infrastructure contribution plans to advance minority interests over local community interests as determined by the government of the day.

Justification is required for proposed section 46GF of the Planning and Environment Act 1987, which is being inserted by clause 4 of the bill. It provides for the issuing of ministerial directions. What is the justification for establishing such broad discretionary power in the minister? Where is the option of creating regulations that would be subject to parliamentary scrutiny and accountability? In terms of the bill, it is what local government has been calling for for some time. It does give that sector some clarity about how to apply this across the board, and that is certainly a good thing. As is the case in many things, the devil is always in the detail, and our concerns relate to the widening of the scope of ministerial discretion.

I turn my attention now to the amendments Mr Davis presented to the house earlier today, and I go first to the amendment that seeks to cap indexation at CPI. Members are most likely aware that CPI is a common measure used to imagine what a basket of goods and services would cost. I quote the Australian Bureau of Statistics' description of CPI:

> The consumer price index (CPI) is a measure of changes, over time, in retail prices of a constant basket of goods and services representative of consumption expenditure by resident households in Australian metropolitan areas.
>
> The simplest way of thinking about the CPI is to imagine a basket of goods and services comprising items typically acquired by Australian households.

It goes on to talk about what that basket of goods may include and says:

> The total basket is divided into a number of major commodity groups, subgroups and expenditure classes. It covers items such as food, alcohol and tobacco, clothing and footwear, housing, household contents and services, health, transportation, communication, recreation, education and financial and insurance services.

CPI is an excellent measure of household costs, but it is a very poor measure of local government costs and a very poor measure for the building and construction industry. The reality is that those industries and local government do not purchase baskets of goods, making use of the CPI completely inappropriate for an infrastructure contributions levy that is clearly in the business of providing infrastructure for communities. A far better index would be the building construction index or the construction index itself, which simply looks at labour and materials and is far more relevant to what this bill seeks to achieve.

In terms of the transparency and reporting arrangements proposed by Mr Davis, the Greens do not have any issue with increasing the transparency of government — or local government for that matter — in relation to business. We do not have any problems with what the amendments seek to do in terms of the annual reporting requirements of the various bodies in the bill. Certainly if we have more openness and transparency, it is a better deal all round for democracy. We do not take any issue with those amendments at all.

Ultimately the Greens will not be opposing nor amending this bill. In terms of some of the issues I have raised, I understand that the bill is going to a committee of the whole where we will explore those issues further.

Mr MELHEM (Western Metropolitan) — I rise to speak on the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015. In doing so I note that the existing development contributions system has been in place since 1995 and has collected an estimated $3.5 billion for the provision of local infrastructure.

The actual development contribution itself plays a major role in delivering essential local infrastructure to new and growing communities, so it is very important to ensure that we have a good system in place that is efficient and transparent. The sort of infrastructure this money can deliver for new communities, whether it is drainage, roads or various other services, is very important. Given the costs of this infrastructure, we should be making sure that we have a good system in place to provide it. That is why the government has looked at the current legislation and gone through a process to consider how we can improve the current system.

The Standard Development Contribution Advisory Committee was established in 2012 to review the system. The committee consulted extensively with local government, the development industry and peak organisations. In addition to the submission process, the advisory committee convened a number of briefings, industry forums and presentations, and it reviewed interstate experiences as well.

The advisory committee recommended the introduction of a new system based on preset standard levies that can be applied to different land uses and development settings within and outside metropolitan Melbourne. The new infrastructure contributions system will provide a simple, standardised and transparent system for levying development contributions in growth and strategic development areas. A similar bill was introduced by the previous government in 2014, but it lapsed when that Parliament reached its end date. The new Parliament was formed after 29 November.

I will go on to talk about some of the concerns expressed by developers and local governments in relation to the current system. This bill is before the house to address these concerns. For example, developers have become increasingly concerned about the rising costs and length of time involved in preparing a development contributions plan (DCP) and the time this adds to the development process. They are also concerned about the high level of work required to prepare a DCP and the progressive creep in the standard and quantum of infrastructure that developers are expected to contribute to. Similarly councils have become concerned about the substantial resources, time and costs required to prepare a DCP. These factors have put a DCP out of reach of many rural and regional councils. There is also concern about the high level of justification required for each DCP, which has led to their inconsistent application between areas and exposed every DCP to challenge. There can be difficulty in accurately projecting infrastructure costs and demands, and concerns exist about the inability of a DCP to respond to changing infrastructure priorities. Concerns have also been expressed about the significant financial burden and risk that can result from funding shortfalls, cash flow issues, escalating land costs and the lack of flexibility to pool funds.

The advisory committee comprehensively reviewed the DCP system in 2012–13 and found that it had become uncertain, costly and a significant barrier to new urban development. It recommended the introduction of a new system based on standard levies with an optional supplementary levy. What we are talking about here is an infrastructure contributions system to cater for future growth areas where no existing development contributions plan is in place. The bill carries forward legislation that was introduced into the Parliament in August last year.

Going back to Mr Davis's earlier comments, I remind members that the new infrastructure contribution system is not a tax; it is simply a contribution to the provision of essential services needed for newly developing areas, such as roads, drainage, local parks and sporting facilities. The new system will be simpler, fairer and more consistent than the existing DCP system. It will provide certainty to developers and councils about the levy amounts and infrastructure that may be funded. It will reduce the time it takes to obtain development approval and make it easier for regional councils to prepare contributions plans for regional growth areas. The bill sets out the essential components and processes for the new system. The standard levies

and indexation mechanisms will be set out in a ministerial direction.

Preset standard levies are central to the new system. Standard levies are proposed for residential, retail, industrial and commercial developments. The plan is for standard levies to be first introduced for greenfield growth areas in early 2016 followed by strategic development areas and then the Melbourne CBD. The proposed levy rates will be different for metropolitan and non-metropolitan areas. The advisory committee recommended that standard levy rates be indexed to 2012 dollar amounts. Those rates were based on infrastructure costs in DCPs that were prepared between 2008 and 2012 and are now out of date.

The new system will also include an optional supplementary levy. This is designed to fund infrastructure that cannot be adequately funded from the standard levy but is essential to the development of an area — for example, outlier transport projects, such as bridges, and essential infrastructure required for out-of-sequence development. Guidelines for using the supplementary levy will also be set out in a ministerial direction.

Mr Davis proposed some amendments, but I will not make any specific comments on those as I believe the minister will be addressing them.

In conclusion, the details of the new system — the levy rates, indexation mechanisms and criteria for where the new rates will apply — will be worked out in consultation with stakeholders. The Department of Environment, Land, Water and Planning will work with an implementation reference group to finalise these details before the new systems are implemented. Obviously the minister will have a major say in this and will make sure that all consultation with stakeholders is taken into account before any system is implemented. With these comments, I commend the bill to the house.

Debate adjourned on motion of Mr DRUM (Northern Victoria).

Debate adjourned until later this day.

ROAD SAFETY AMENDMENT (PRIVATE CAR PARKS) BILL 2015

Second reading

Debate resumed from 25 June; motion of Ms MIKAKOS (Minister for Families and Children).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the coalition in relation to the Road Safety Amendment (Private Car Parks) Bill 2015, and I indicate to the house that the coalition will not be opposing this legislation. This legislation is relatively straightforward. It seeks to simplify or change the process by which car park operators can seek discovery through the Magistrates Court. It would appear that there has been some activity by some car park operators to use this system to demand payment for overstaying parking periods in quite an aggressive way, although it must be said that it is used by only by a small number of operators. Car parking is obviously an issue for most members of the community, and accessing car parking can be more and more challenging as areas grow and develop and the population increases. In the second-reading speech for the bill in the Assembly, the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett, said:

> The actions of these car park operators amount to an abuse of court process … some car park operators are using the preliminary discovery process not as a genuine preliminary to a potential court proceeding, but instead to support a business model of posting mass demands to customers and relying on a proportion of them paying.

The details of approximately 50 000 vehicles per year are requested by car park operators. The minister further said:

> … there is a risk that the uncontrolled release of information under preliminary discovery could undermine the community's confidence in the ability of the government to protect their personal information.

The bill seeks to amend the Road Safety Act 1986 to restrict the ability of private car park operators to obtain the names and addresses of vehicle owners from the VicRoads registration database.

In a legislative sense the bill is relatively straightforward, having just four clauses, but the opposition is concerned that whilst attempting to fix one issue the bill may be creating another. I state again that the opposition will not be opposing the bill, but its principal concern with this legislation is that in attempting to address this issue there has been no consultation with the car parking industry. I refer

members to a Parking Australia media release of Wednesday, 10 June, which is headed 'Parking industry seeks consultation on legislation impacting retailers'. It states:

> Parking Australia, the association for the parking industry, has today expressed its concern around the lack of consultation regarding the policy and introduction of legislation by the Andrews government, which removes the ability of a private property owner and manager to reasonably identify and seek to recover a fee from motorists who may have breached their terms and conditions at the parking facility.
>
> This shift in policy direction without consultation does not pave the way for alternate considerations for the operation of private parking facilities and has the ability to impact on other business such as retailers.

I refer also to an email from the chief executive of Parking Australia to the shadow minister for consumer affairs and member for Morwell in the Assembly, Mr Russell Northe, which says:

> There has been no formal consultation process by the government on this matter … The industry is aware that reform is required to stamp out the 'rogue' operators and we want to work with government to ensure we get the regulation right.

She concluded by saying:

> We would like to have seen Victoria be the first to endorse the accredited operator scheme and demonstrate that the state is committed to the protection of consumers through the adoption of such a scheme, and work in tandem with this association to roll this (the accredited operator scheme) out.

I quote that not necessarily to endorse the scheme that Parking Australia is seeking to work with government on but simply to make the point that the government has not engaged with the parking industry at all. I would seek from government members some advice about whether there has indeed been some consultation with the industry since this legislation was introduced, because as I understand it — again from the briefing that Mr Northe had with Minister Garrett's office — this bill is in part modelled on New South Wales legislation that was introduced several years ago. It has been brought to my attention that the Institute for Sustainable Futures at the University of Technology, Sydney, has developed a paper entitled *The Impacts of Legislative Changes to Parking Operations in New South Wales*, which in summary highlights some of the issues associated with those reforms that took place in New South Wales.

I suppose my concerns, the concerns of the opposition and the concerns that were voiced by Mr Northe in the other place are about the impact the bill may have on small business. If potential car park users are aware that time limits are unlikely to be enforced or are unenforceable in many ways, what is to stop rail commuters parking at a nearby shopping centre car park and thereby taking those car parks away from potential shoppers at small business retailers? What is to stop people from parking for extended periods of the day while undertaking activities that are not related to the operation of the small business, and again making it difficult for other customers to access those small businesses at a particular location because of the absence of car parking?

The opposition does not oppose this legislation, but I reiterate that it is most regrettable that the government has brought this legislation in without any consultation whatsoever. The industry says that alternatives that many have identified, such as boom gates, are not practical or feasible on many sites. This legislation could potentially compromise more sustainable transport options such as public transport, and I invite government members to articulate what consultation has taken place with the industry since this legislation was introduced and since Parking Australia issued its media release on 10 June. With those words, the opposition does not oppose this legislation.

Ms SPRINGLE (South Eastern Metropolitan) — The Greens are proud to support this bill. There is no question that the Greens would support this bill, because of course the Greens were the first champions of this reform in the Parliament. It was in September 2014 that my colleague Greg Barber, the Leader of the Greens, held a press conference with Gerard Brody, the CEO of the Consumer Action Law Centre, in the Barkly Street car park in Brunswick. At that press conference Greg and Gerard spoke about private car park operators and their practice of what amounts to a scam — a widespread scam that underpins the business model of so many private car parks. There are a number of elements to the scam. The first was exposed in April 2012 — —

Ms Shing — Exposed — for the scam that it is.

Ms SPRINGLE — That is exactly right.

The ACTING PRESIDENT (**Mr Ramsay**) — Ms Shing will allow Ms Springle to continue without interference.

Ms SPRINGLE — The first was exposed in April 2012 when the Supreme Court of Victoria held that one car park operator had engaged in misleading and deceptive conduct. What had that car park operator done? It had left what looked like tickets on car windscreens, and those tickets were designed to

deliberately mislead people into thinking that the car park operator had some kind of connection to authorities. These so-called payment notices looked very official. They looked very similar to parking tickets issued by government authorities. They used terms such as 'offence', 'breach' and 'fine'. They included the shape of the state of Victoria in their heading. They were issued in the name of an organisation called Parking Infringements Victoria. They included references to both VicRoads and the Road Safety Act 1986. Subsequent letters that were sent to vehicle owners demanding payment included threats of court action.

For their part, the car park operators argued that these payment notices were only intended to pursue compliance with what the operators called the vehicle owners' contractual obligations. The Supreme Court did not agree. Justice Gardiner held that:

> … the threat of taking customers of the car parks to court was not a remedy available to the defendants.

Therefore, the threats of court action amounted to undue coercion, which is illegal. Justice Gardiner also held that the design of the payment notices themselves amounted to misleading and deceptive conduct.

The issuing of unlawful payment notices is only the beginning of the scam that will be stopped by this bill. The business model of many of the private car park operators goes like this: a driver parks their car in a private car park and allegedly breaches its terms and conditions — for example, by overstaying the time limit, not paying the required fee or displaying their ticket incorrectly. The car park operator leaves a payment notice on the car's windscreen that looks very much like an infringement notice that might be issued by a council. If this payment is not made, the car park operator then applies to the Magistrates Court for a preliminary discovery order, which requires VicRoads to hand over the contact details of the car's registered owner.

Discovery orders are routine features in the pursuit of damages through the courts. But after getting hold of drivers' contact details, the car park operators more often than not discontinue their court action. It turns out that very often the discovery order is just a ruse to get drivers' names and addresses so that the car park operators can sell these details on to debt collectors. In anyone's understanding, that is an abuse of court procedure. Essentially what is going on is that the courts are being used as tools in a scam that sees VicRoads ordered to hand over the contact details of hundreds of thousands of Victorians to private companies. That is a truly massive breach of privacy.

Also in 2012 the New South Wales Parliament passed legislation prohibiting private car park operators from using the courts for this purpose. In December 2012 the Consumer Action Law Centre alerted the then Minister for Consumer Affairs in Victoria to the problem and to the huge breaches of privacy at the heart of it, but the former minister refused to act. He appeared to support the car park operators' business model, which in practice often involved unlawful activity and massive breaches of privacy for hundreds of thousands of ordinary citizens.

When Greg Barber introduced a similar bill in the previous Parliament, in September 2013, it was quickly co-sponsored by the Labor opposition, as it then was, but for some reason the former government opposed it. On 18 September 2013 the former government actually used its numbers to defeat the bill. For some reason the former government was comfortable with the scamming — the unlawful activity — and the breaches of privacy that are so often at the core of the business model for private car park operators.

Then on 2 May 2014, the Victorian Civil and Administrative Tribunal (VCAT) provided another reminder of the illegitimacy of this business model. On that date VCAT decided that the claim of $88 damages by a particular private car park operator was a penalty and therefore unenforceable. It is worth reading the judgement of *Vico v. Care Park Pty Ltd* (Civil Claims) [2014] VCAT 565, in which VCAT member Wilson held that the car park operator could not justify the $88 amount as a true reflection of the loss it had supposedly suffered. Member Wilson said that the car park operator's loss was 'overstated'. The $88 amount was 'wholly unexplained'. It had 'no forensic veracity' and 'no legal or factual providence' — in other words, it was totally made up.

How many times have vehicle owners been slugged for amounts like this by private car park operators? How many have then paid them because they thought they had to? How many of these fraudulent notices have been issued since the former government was effectively placed on notice by the Supreme Court decision of April 2012, or since the New South Wales Parliament's amendment later in 2012, or since the Consumer Action Law Centre alerted the former minister directly in December 2012 or even since the VCAT decision in May last year? Is this government aware of how many of these notices have been issued over the two years, or at least since 2012? That would be a very enlightening statistic.

In a *Herald Sun* article of September 2013 Karen Collier reported that VicRoads had in fact been ordered

to hand over 165 793 records of the names and addresses of registered vehicle owners to private car park operators in the previous three years alone. Perhaps one of the government's speakers can provide an up-to-date statistic in one of their contributions today.

Yes, the Greens are very pleased to support this bill, and I congratulate the government and the minister on following through with this sensible and much-needed reform. Of course there has been lobbying against this bill. We have been lobbied, as I am sure everyone in this place has. The Shopping Centre Council of Australia has graciously offered us a briefing, as has the Labor Party's own lobbyist-for-hire Hawker Britton, representing some other self-interested player called Parking Australia. I must say that I thought it was a bit strange to be lobbied against a Labor Party reform by Hawker Britton, but I suppose that reflects the business model of the professional lobbyist.

That professional lobbyists lobby on behalf of corporations is a huge problem in our democracy. Do individuals get to employ professional lobbyists? Do community sector organisations get to employ professional lobbyists? I think the best response to approaches by professional lobbyists generally is to say, 'Thank you, but no thank you'.

The self-interested claims by these various private interests can safely be ignored in this case, I think. It is now three years since New South Wales banned these dodgy and unlawful practices by private car park operators. There are still private car parks and private car park operators in New South Wales; they just had to adapt to find a business model that was lawful as opposed to unlawful. It cannot be that hard.

We in the Greens have great faith in the capacity of private entrepreneurs, motivated by the pursuit of profit in an open marketplace, to adapt to changing circumstances and to come up with a business model that does not mislead and deceive consumers, that does not abuse court procedures and that will be upheld if challenged in a court or a tribunal. In the wake of the 2012 Supreme Court decision and the 2014 VCAT decision, I imagine that private car park operators are already doing this.

What this bill will do is provide certainty in this market by sending a firm signal to car park operators that they should abandon any idea that they can hold onto a dodgy business model and switch to more aboveboard models without worrying that they will be in any way disadvantaged if a competitor does not shift as well. It would be remiss of this Parliament to not pass this bill. It will protect the privacy of vehicle owners. It will protect consumers. It will protect the integrity of court procedures. It will enshrine in legislation recent decisions of the Victorian Supreme Court and VCAT. The Greens were proud to have championed this reform in 2013, and we are proud to support this bill.

Ms TIERNEY (Western Victoria) — I am pleased to speak on the Road Safety Amendment (Private Car Parks) Bill 2015. It is yet another commitment from the Victorian Labor platform that it took to the people in last year's election. That is two election commitments fulfilled by this government just this afternoon.

This election commitment was to protect consumers from the unfair and misleading practices that have become the business model of some private car park operators. In short, the business model was an abuse of the court's discovery process. The next step of the business model was predicated on the harassment and confusion of consumers. This bill addresses those issues.

Before I go into how the bill deals with those issues I will take a minute to outline how the business model of some of the dodgy operators functioned. Some private car park operators — and I emphasise some but not all — have taken to placing payment notices on windscreens of cars alleged to have breached the terms and conditions of the car park. This may not seem much of a problem, except that the payment notices look very similar to infringement notices. They are not infringement notices; they are actually claims for liquidated damages.

Some operators are seeking up to $100 in liquidated damages, which I am sure everyone in this place will agree is a hefty price to pay for a 15-minute overstay in a suburban car park. This is where the business model is dodgy. If the owner of the vehicle pays the payment notice, then the operator has made a fair whack of money for 5 minutes work. If the vehicle owner does not pay the claim for the liquidated damages, the car park operator will apply to the Magistrates Court for a preliminary discovery order requiring VicRoads to disclose the vehicle owner's name and address. When the name and address is supplied, the harassment starts. The car park operator will then send a series of letters of demand that have additional late fees and further liquidated damages. If that does not work, the putative debt is then onsold to a debt collector, who commences a whole new round of harassment.

One of the worst things about this whole process is that the Supreme Court and the Victorian Civil and

Administrative Tribunal have found that the liquidated damages are unenforceable. Some might use the word 'scam', but I will use the words of tribunal member Wilson in the case of *Vico v. Care Park Pty Ltd* when finding that the plaintiff did not have to pay $88 of liquidated damages in a case last year. Member Wilson said that Care Park's claim for the loss was 'overstated'. The member went on to say the amount was 'wholly unexplained' with 'no forensic veracity' and 'no legal or factual providence'. In other words, the operator tried to shake down as much from a ticket as they could. The liquidated damages bore no relation to the actual losses suffered by the operator; they were more in the nature of a penalty. A private operator has no power to levy a penalty.

If this were just one or two cases like those we saw on *Today Tonight* every now and then, maybe it would not be so much of a concern. But that is not the case. Some operators are lodging single applications for over a thousand vehicles. Sometimes cases are being lodged for breaches of terms and conditions as trivial as the ticket being placed on the wrong side of the dashboard. Sometimes customers have not received letters of demand for over two years after an alleged breach; and even worse, there have been cases of incorrect vehicle registration information being provided to VicRoads. This has resulted in owners of vehicles not even involved in an alleged breach receiving letters of demand from car park operators.

There are people I know and people other members know who have been in those situations. No fair-minded person thinks that any of these things are fair. They are especially not fair when they are on such an industrial scale. On average, car park operators are requesting the details of over 50 000 vehicles a year.

We all know that financial stress is amongst the worst stress a person can face. Financial stress combined with legal stress is even worse, and that is what some of these car park operators are creating — very stressful situations for Victorian consumers up to 50 000 times a year — for a fee that has no basis in law. That is just not good enough. There is enough stress in modern life without dealing with shakedown rackets. Labor promised to do something about the situation before the last election, and as I said, this bill is about delivering on that promise.

This bill disrupts the business model I have just outlined. It amends the Road Safety Act 1986 to restrict the ability of private car park operators to obtain the names and addresses of vehicle owners from the VicRoads registration database. It abrogates the right of a person to obtain a preliminary discovery order from a court for the purposes of recovering private car park fees, which is a good thing. The business model of overstating liquidated damages and then undertaking preliminary discovery is an abuse of the court's processes, and this bill will put a stop to this procedural abuse.

The bill will give confidence to Victorians that their private details will not be handed out by statutory authorities. As Mr Gerard Brody, the CEO of Consumer Action Victoria, said:

> It's a breach of trust and we congratulate the Andrews government for stamping this out at long last.
>
> This reform will put a stop to an unfair business model that has stung hundreds of thousands of Victorians.

It is expected that this bill will shift the business practices of some private car park operators from pay and display. Pay and display is the entry way to the harassment business model and not to alternative revenue protection solutions, such as the installation of boom gates.

It is important to note that there are safeguards in this bill for long-term commercial operators. Preliminary discovery for the purposes of recovering private car park fees under a written contract signed by both parties will be exempt from the restrictions I outlined earlier. The purpose of this exemption is to enable private car park operators to commence legal proceedings in relation to breaches of long-term commercial parking agreements. Proceedings in these cases may involve legitimate claims for significant sums of money and are not the target of this bill. This bill is about disrupting a corrupt business model. It should be noted that New South Wales introduced similar legislation in 2012 with a great deal of success, and I fully anticipate that this legislation will be successful in Victoria as well.

This bill delivers on an election promise made by the government and is aimed at stamping out predatory behaviour by unscrupulous private car park operators and preventing abuse of our court systems. The bill will also protect Victorians' privacy by enhancing consumer rights while not inhibiting the legal rights of legitimate commercial car park operators. This is a sensible, simple and overdue reform. I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — I too rise to speak to the Road Safety Amendment (Private Cark Parks) Bill 2015. At the outset I say that government members are beating their chests over this one. They call it a road safety bill, but frankly I do not know what it has to do with road safety.

On that matter, I reflect on the tragedy that occurred in Yarra Glen at 3.00 a.m. on Sunday. I have a personal connection to those events, and my thoughts and prayers go to the Ratten family on the passing of Cooper. It is a good and timely reminder for all Victorians, for all parents, to be mindful of their children, to know where they are, to care about them and to remind their children as they go about their daily activities, be it at home or while socialising, to make good decisions when they are going out.

This bill is about private car parks, and private car park operators are strongly opposed to some of its measures. They have raised concerns that drivers will essentially be able to do whatever they like without penalty — potentially block emergency exits, park without paying, park incorrectly and park in disabled spots or in parent bays. People in the industry are somewhat disappointed that the government has not sought to consult them on this legislation, particularly when the industry itself is developing an industry policy and regulations so it can self-regulate these matters. If operators are not able to identify the owners of cars who have breached the rules of a private car park, the industry says that some car parks might have to close altogether, costing jobs in Victoria. Industry groups have also expressed concern that many adjoining businesses will suffer further. If there is no private car parking available and no on-street parking, then traders will be hurt by this and it will cost Victorian jobs.

The coalition understands the intention of this bill, but it has some concerns about particular aspects of it. As other speakers have outlined, the bill amends the Road Safety Act 1986 to abrogate any entitlement to a preliminary discovery order against the Roads Corporation for the purpose of recovering private car park fees. I suspect the rationale for this bill is a response to suggestions and many media reports — we know that government policy is led by things in the *Age*, the *Australian* and the *Herald Sun* every morning, and that is how government members develop policy. But nonetheless, it is a reaction to many media articles that propose that quite a few private car park operators have been — according to the media — ripping off motorists over a period of time.

With the present scenario, where you have to pay and display a ticket in car parking situations, a car park operator believes that if a motorist breaches the terms and conditions of that private car park, the operator should be able to apply to the Magistrates Court to get the owner's details through VicRoads so it can pursue the motorist for recompense for using the private car park.

The coalition supports any legislation and any measures that ensure that consumers are protected and are not ripped off. As you know, Acting President, whether you are in metropolitan Melbourne or in regional Victoria — and I know you are a great advocate for Geelong, Ballarat and other places — car parking is always a challenge. Trying to find appropriate car parking in strip shopping centres, in major commercial areas or at the workplace is always tough. Whether that car park is run privately or by a council or whether you are trying to park at the airport, it has always been very contentious.

In strip shopping centres, where car parking is limited, the rotation of cars is very important to ensure trade and activity. I know this is an issue in our regional communities, particularly the ones represented by Mr Morris and by you, Acting President. This is always an important issue in our regional towns. Many car parks are managed or run by councils which will be able to get access to the information, but private car park operators will not have that access.

The chief executive of Parking Australia, Lorraine Duffy, has said that she is concerned about the lack of consultation on the part of the government. Nobody sat down with Parking Australia and said, 'How is this going to affect your industry? How is it going to affect jobs in your industry? How is it going to affect commerce? How is it going to affect trade in local areas?'. Ms Duffy says that there is now no deterrent for motorists blocking emergency exits, parking in disabled bays or in the parents and pram bays that are vitally important — no deterrent whatsoever.

There is a broad range of views about this legislation and about what should or should not be done. Members of the coalition have approached a number of different groups and received feedback. There has been consistency in opposition to this bill by parts of the industry and business groups. Whether they be Parking Australia, Care Park, Ace Parking or the Shopping Centre Council of Australia, they have been consistent in their concerns about the proposed legislation. However, I repeat that from the coalition's perspective we want to ensure that all consumers get a fair hearing and are not ripped off by anybody, be it parking operators or anybody else.

As I have said, industry and business have raised a number of issues. First and foremost, Parking Australia has repeated to us — and we have heard this today — that this legislation is going through the Parliament without any consultation with the industry or with business or, as the Premier calls them, 'these business types'.

Small business is the lifeblood of the Australian economy. Small business is the greatest employer in this country, yet this government has pressed ahead without any consultation with business and industry on this. I have to say that I am not surprised, because we know that Labor Party policy is created somewhere other than in its parliamentary party. It is created down at Trades Hall. The people down there determine what happens. Government members are bereft of policy and bereft of ideas, and they take their lead from Trades Hall Council.

Ms Shing — On a point of order, Acting President, we have heard for some time about the way the policy ostensibly infringes upon the right of businesses to conduct their operations, but Mr Ondarchie is now straying into the area of being irrelevant.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I ask Ms Shing to get to the point of order.

Ms Shing — I seek that you — —

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I do not see a point of order on relevance.

Mr ONDARCHIE — To take up the interjection and the point of order, if we want to talk about irrelevance in this state, we could talk about the $20 million spent on a brand-new logo that is an upside-down triangle while we are not focusing on jobs. That is irrelevance in this state.

The industry suggested that one of the initiatives or opportunities that could be explored further is to initiate an accredited operator scheme that would be supported by a code of practice — the industry self-regulating; the industry trying to work it out for itself. That is not a bad idea, but no, it did not get the opportunity to provide this feedback to the government for one simple reason: no-one asked. There was no consultation, and we are seeing more and more of that from this government.

By way of example, on multiple occasions private car park operators have raised with the coalition their lack of any recourse in situations where there has been a breach of terms and conditions for car park fees. Let me give you an example, Acting President, if I can. Let us say, for example, that Mr Dalidakis is the owner of a private car park, and he charges $30 a day for car parking. Then what happens is that Ms Shing decides to park her car in there for the day. However, subsequently she decides to stay for five days instead of one day, thereby owing $120 in fees to Mr Dalidakis's car park.

Do you know what? There is no recourse under this legislation for Mr Dalidakis as the car park operator to get the other $120 he is owed by Ms Shing. She can just take off, leave Mr Dalidakis $120 shy and not pay it all up. I know Mr Dalidakis has a newfound love for small business, so he of all people should be recognising the pressures this is going to put on a small business operator. Ms Shing might be a nice person and come back and pay the $120, to be fair, but do you know what? There could be others who do not, leaving the private small business operator short on their day's takings with no recourse whatsoever.

Do you know what is interesting? In this scenario, will Mr Dalidakis, as the car park operator, ever have the opportunity to find out who owes him money under this legislation? No! As business gets tougher for his small business, and he cannot get the revenue he is entitled to, he may have to lay off staff. People might lose their job as a result of this, and if his car park closes down, the surrounding shops might not get the trade and commercial support they desire. Families who put their mortgages on the line to run their small businesses alongside Mr Dalidakis's car park are now going to lose business as well, and do you know why, Acting President? Because they are 'these business types', and the state government has no regard for business, no regard for jobs, no regard for supporting the lifeblood of the Australian economy — small business.

It is a shame. It is a shame that the Premier of the state of Victoria refers to businesspeople — dare I say employers — as 'these business types' because they dared to speak out about an additional public holiday that Victoria did not want.

Ms Shing — On a point of order, Acting President — I will keep it pithy — again on relevance.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I have to say to Ms Shing that I do have some sympathy. Mr Ondarchie was straying appreciably away from a quite narrow bill in relation to car parks. While I do not uphold the point of order, I ask Mr Ondarchie to perhaps return to the narrowness of the bill before us in the 2 minutes or so that he has left.

Mr ONDARCHIE — The question that needs to be answered on this bill is, 'Why didn't the government take industry and businesses' perspectives into account in making the decision?'. Why did it not take the view of industry and businesses into account? I will tell you why: because it does not care. Those opposite do not care about business at all. We implore the government, if this bill proceeds through the house, to at the very least have discussions with industry and businesses to

hear their views, because despite what the Australian Labor Party thinks, there are alternate views in this country, and we should listen to those views and form our decision around that. But do you know what? Those opposite would call them 'these business types'.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr ELASMAR (Northern Metropolitan) — I am pleased to contribute to the debate on the Road Safety Amendment (Private Car Parks) Bill 2015. The bill amends the Road Safety Act 1986 to revoke any entitlement to a preliminary discovery order obtained by private car park owners utilising the Magistrates Court system to obtain motorists' private details in order to chase them for the alleged non-payment of car parking fees.

This is a contentious issue that has been around for a few years now. I remember a private car park in Preston that constantly issued fines to motorists either for overstaying their parking time or for failing to display an appropriate ticket. My good friend the member for Preston in the other house, who is the Minister for Finance, took up this matter on behalf of a number of his constituents who were being hounded by debt collection agencies for the so-called non-payment of parking infringement notices. As I recall, the member succeeded in his crusade to expose the illegality of this practice. He exposed their cunning way of operating and challenged their right to obtain personal information and their lawful entitlement to issue fines.

The amendment is timely and clarifies to all car park operators their rights and responsibilities in running a private car park business. Clause 3 inserts new section 90R, headed 'Discovery for purpose of recovery of private car park fees', which states:

> (1) Any entitlement to a preliminary discovery order against the Corporation for the purpose of the recovery of private car park fees is abrogated by this section.
>
> (2) A preliminary discovery order is considered to be for the purpose of the recovery of private car park fees if the order is sought to assist the applicant to ascertain the identity or whereabouts of a person sufficiently for the purpose of commencing a proceeding against the person for the recovery of private car park fees.

There are some written agreements between entities or parties who are exempt from the legislation. These include local council parking agreements with private car park owners. Usually these are in shopping strips where limited car parking is available and the rotation of cars is essential for shoppers and traders alike.

Public hospitals charging high car parking fees is also a hot issue. People are becoming very angry at being charged unaffordable parking fees when visiting family or friends in hospital. Some of the parking fees are so expensive that they are becoming an inhibiting factor for pensioners visiting their hospitalised elderly spouses or relatives. I think public hospitals should begin to address this issue.

In conclusion, private car park owners need to get their act together. This amendment will protect motorists from bogus fines and unfair harassment from debt collectors. I commend the bill to the house.

Mr RAMSAY (Western Victoria) — It gives me great pleasure tonight to speak briefly on the Road Safety Amendment (Private Car Parks) Bill 2015. I thank Mr Ondarchie for his wonderful contribution, which allows me the opportunity to canvass a fairly broad range of issues. I am sure, Acting President, that you will allow me the luxury of talking about some of the work that is happening in my electorate of Western Victoria Region — —

The ACTING PRESIDENT (**Ms Patten**) — Order! I advise Mr Ramsay that this is a car park bill.

Mr RAMSAY — I appreciate that, Acting President. I am going to get to car parks shortly. I will identify what the bill is about. Primarily the bill amends the Road Safety Act 1986 to abrogate any entitlement to a preliminary discovery order against the corporation — that is, VicRoads — to obtain details of vehicle owners for the purpose of recovering private car park fees.

This is a very narrow and fairly simple bill. It is an amendment to a bill that the coalition introduced in the previous Parliament. From the contributions made by members on the other side, you would think it was all doom and gloom in the industry in relation to the operators of private car parks. That is not the case. Ms Shing used quite emotive words such as 'dodgy car park owners' and 'unscrupulous, bullying, coercive and threatening operators' to describe those operating in an industry that is doing whatever it can to draw out every last cent from poor consumers who go onto private car park land, put their cars in an allotted space and then go off, never to return until such time as they have finished doing their business. God forbid that a private car park owner would want to get some payment for providing a piece of land for the consumer to use during the term of a contractual arrangement — and such contractual arrangements are clearly signposted in those private car parks.

I am reminded of my very good friend Mr Frank Costa, who owns the Cunningham Pier and a car park on that pier. On many occasions I have been subjected to fairly late dinners and meetings after which I found that unfortunately my parking time had expired and consequently a penalty notice had been applied to my car. No doubt Mr Costa is very good at being able to track the ownership of my vehicle. I have mustered a number of fines for overstaying my welcome there, but I have paid them because the contract said one could park at a certain place at a certain time under a certain contractual agreement and obviously if one defaulted there would be an expectation of some recompense to the owner. To government members, with their hysterical contributions about dodgy car park owners trying to extract penalties from or inflate penalties for those who use their business, I say there is no doubt that that has happened — and there is evidence to suggest it has — but I suggest that such operators are in the minority.

I also commend the mayor of the City of Greater Geelong, Darryn Lyons, who has been proactive in providing free car parking on weekends to those who live in the Geelong area. This has been widely accepted and appreciated not only by the consumers who use those public car parks but also by the shopping precincts which now have extended trading hours. The government has used the argument, 'This was an election commitment and we're here to honour it and pat ourselves on the back in doing so'.

I might remind government members that the gazetted public holidays, particularly the grand final parade public holiday, might be an election commitment but come at a significant cost to traders and businesses. The Geelong Chamber of Commerce has estimated there will be a loss of trade of over $20 million in the Geelong precinct. Despite the good efforts of the mayor in providing free car parks to allow greater trade in the city of greater Geelong on weekends, the government's election commitment of another new proposed gazetted holiday will unfortunately have the reverse effect and come at considerable cost to traders not only in Geelong but also right across Victoria.

That brings me to the point that with the proposed rate capping — another election commitment — councils right across my constituency in Western Victoria Region do not have the capacity to impose parking fees on those consumers who wish to stay. Colac Otway Shire Council has no parking meters at all, so it does not have the capacity to charge any fees, whether private or public, and of course the rate capping further strangles its opportunity to raise revenue. While the government of the day says, 'We must meet election commitments' — which seems to be the singular theme of some of its outrageous policies — this is quite detrimental to the people it wants to serve and says it is serving.

I am looking forward to one of the election commitments that has not yet been fulfilled: the breathalyser for MPs and the judiciary. I see that Mr Leane is here, and he might be able to provide some advice. I cannot wait for that bill to come forward, Mr Leane, because I have just seen plenty of activity in the Strangers Corridor! I look forward to seeing that bill come through because I am going to put my name on top of the speaking list when we start talking about the Andrews election commitment of having breathalysers for MPs whilst Parliament is in session, as well as breathalysers for courts right across Victoria. That will be an interesting one to come forward. But I am digressing; I appreciate that.

This bill is very narrow. It restricts the ability of private car operators to obtain names and addresses of vehicle owners from VicRoads, a discovery tool. I have sympathy with private car park owners. They have invested in land and are entering into an agreement for consumers to use that land with the knowledge that a payment is required and that if customers overstay the time allotted in that agreement there will be a penalty. How can private car park operators reclaim that penalty if they do not have the means of discovery? We are trying to balance consumer interest and consumer protection against those small businesses that are just trying to earn a profitable living by providing their assets, their land, for use for private car parking under agreements that are undertaken when vehicle owners park on that site.

Mr Ondarchie has elaborated on the impact on private car park operators of not being able to claim a cost for cars overstaying their time allotments in those car parks. They will have absolutely no recourse in relation to payments if they are not able to discover who the owners of the vehicles are. I have been assured that the Victorian Civil and Administrative Tribunal (VCAT) would not be excited about having private car park operators wanting to use the legal system to get some recourse to payments for fines. We do not want to tie up the courts. We do not want to tie up VCAT. We do not want to have motor vehicle owners acting illegally by dumping their cars in causeways, on freeways and outside businesses for long periods of time.

Many small businesses require a quick turnover of vehicles in spaces in front of their shops so that they can have a quick turnover of customers. As we know, customers are quite picky about being able to shop

where they drop — that is, they drop the car, shop and get back in the car. They do not like travelling on public transport or walking. I think it was suggested that in Ballarat, where my colleague Josh Morris has an office, most shoppers want to get as close to the shopping precinct as possible because of Ballarat's quite variable climatic conditions — and in fact right now.

I have covered most of what I wanted to say in my contribution. I talked about members of the government being somewhat hysterical in their use of emotive language in their contributions. Some industry players have acted unlawfully, but it is not the majority. Why then penalise the majority who have conducted themselves, as they should, as small businesses that provide land for payment?

I will make three key points in closing. My parliamentary colleague Ed O'Donohue raised the fact that there has been no consultation with the industry — certainly not with the major stakeholders — in relation to this amendment. This may fix one issue but create another. If parking time limits are not enforced, then some drivers may park all day, as I said, thus reducing the number of parks available for small businesses and retailers. The success of small businesses that are centred around car parks is based on quick turnover. If people using those carparks are not encouraged to keep to the time allotted to them rather than extending their time, then obviously business will drop. Consequently that will mean jobs are at risk as owners suddenly see depleting profits.

There is a catch 22 in relation to this bill. It is true that it tries to weed out those unlawful operators — the minority — but in doing so it slaps hard those lawful car park operators. This, in effect, will mean it will have a reverse outcome. Having said that, as indicated by Mr O'Donohue, we are not opposing the bill.

Mr MELHEM (Western Metropolitan) — I rise to speak on the Road Safety Amendment (Private Car Parks) Bill 2015. From the outset it is fair to say that no-one would disagree that if a person uses a private car park, they need to pay the appropriate fee. I do not think any member would disagree with that proposition. In fact we all support it, and it is important to make that point. For any citizen in Victoria who enters a privately operated car park terms and conditions apply, and they should pay those fees. The law supports that approach. No Victorian should try to abrogate their responsibility in meeting that obligation.

However, this legislation is trying to take away the shonky arrangements put in place by some car park operators who find ways to impose unnecessary or exaggerated fees. In a typical car park you might pay $4 or $5 an hour outside the CBD. If you overstay by an hour, for example, you could finish up with an invoice that looks like it is a city council infringement or a police infringement notice and end up paying something like $80 or $150. That is an abuse of power, in my view, and it ought to be stopped. This bill seeks to inhibit private car park operators from making various demands for liquidated damages from car park customers by restricting their ability to obtain customer information from VicRoads through a preliminary discovery.

The bill also meets the government's commitment, which is in the Victorian Labor Platform 2014, to protect Victorians from the unfair and misleading practices of some private car park operators by amending the Road Safety Act 1986. As I said earlier, no-one wants to see car park operators out of pocket, but we also do not want to see them abusing their position and slugging Victorians with unnecessary fees and charges.

Currently there are two models for paid car parks. One is pay and display, where customers are required to estimate the amount of time they will stay on entry, purchase a ticket for the operative period and display it on their dashboards. The other model is payment on departure, where a driver is provided with a ticket on entry and on exit provides the ticket to an attendant or machine and a fee is charged based on their time in the car park.

For a number of car park operators the pay and display model is causing most of the problems. I sympathise with them. They are entitled to their fees; there is no argument about that. But maybe the only model that will work for them is a boom gate. That may be the only model that should be used in some car parks if operators are really worried. You still need to have a ticketing machine, and drivers still need to buy a ticket. You can either buy a ticket and display it or you can buy a ticket and the same ticket is used when you exit after it has been validated. It is my understanding most carparks use this anyhow.

Basically we are not against the right of car park owners to charge what is fair and reasonable. What we are against is for them to try to take the place of, or in some cases even disguise themselves as, a proper authority and send infringement notices to citizens. When most people see an infringement notice they pay it. Most Australians are law-abiding citizens. They do not question things. They see it and they pay it.

Mr Ondarchie — Just like union fees.

Mr MELHEM — They are. You're so smart, aren't you.

Mr Dalla-Riva — Get in the cage!

Mr MELHEM — I will leave the cage for you, mate. That is good. I will see you two in there. What we object to is car park operators abusing their position and charging the citizens of Victoria exorbitant amounts to park their cars.

The other thing the bill does is stop car park operators applying to the Magistrates Court for access to the VicRoads database to obtain the names and addresses of individuals so that they can then send a letter to the person saying, 'If you don't pay X, then we are going to sue you and recover the costs'. That is another pressure point applied to people. Most people will end up paying it; they will probably pay administration fees as well. The bill will stop that process. It will prevent car park operators from being able to apply to the court to obtain the names and addresses of individuals.

There are some other practical ways of fixing this problem. As I said, boom gates are a good option. The majority of car park operators could use the boom gates system; that is something that should be looked at very seriously. The passing of this bill will lead to consumers benefitting from a reduction in the unfair and misleading practices identified in the private car park industry. That is why I say that the house should support the bill. I am pleased the opposition is supportive of it. With those comments, I commend the bill to the house.

Mr LEANE (Eastern Metropolitan) — I am happy to speak on this piece of legislation, particularly given my experience in a previous Parliament when I was a member of the then Road Safety Committee, which had a reference around car parking and especially around safety. As a committee we got to look at a number of different car parks and how they operated. We were lucky enough to visit Doncaster Shoppingtown when it introduced the system that indicated whether or not a car park was available, with a green light above the space when it was empty and a red light when it was full. It was a fantastic bit of technology. As in many car parks, as you drove in you pulled a ticket out of a machine and the boom gate opened. On the way out, if you did not have that ticket, the boom gates did not come up, and you thought to yourself, 'What am I going to do now?', but you worked through it.

To touch on Mr Ramsay's criticism, the bottom line is that this bill is not aimed at car park owners as a whole, as he sees it. Basically it is aimed at where empty lots have become car parks overnight and practices have been used at a later date to confuse the people who have parked there about fines they should not have to pay. To take up Mr Ramsay's concern, this is far from a bill to paint all car park proprietors in a bad light. It is just to make sure that — —

Ms Shing — Bad eggs.

Mr LEANE — Yes, the bad eggs, as Ms Shing said — not from her place, which is unparliamentary, but which I appreciate very much. In fairness to the debate, I take up a few of the points Mr Ramsay made in his contribution to the debate. He mentioned the mayor of Geelong, Darryn Lyons, introducing free car parking. I am not too sure if a mayor on their own can actually deliver that. As Mr Ramsay knows, I travelled down his way last week to spend two days in Torquay — —

Mr Ramsay interjected.

Mr LEANE — It was fantastic, and thanks for having us. It is a beautiful part of the world, Torquay. I travelled from my region to Torquay, and as I drove into Geelong I noticed a big billboard that just had a photo of the mayor. There he was, doing the jazz hands and wearing a 15-year-old's hair. Driving at speed on the freeway, I could not tell if the billboard said anything about the free weekend parking. I could not reconcile that, given Geelong is a place of many great assets — it has a great bay, great night-life, great shopping — —

Mr Herbert interjected.

Mr LEANE — The footy team is well known too. There are all these great aspects of Geelong, and for some reason the billboard is covered with an image of one person. I do not understand why that sort of approach would be embraced rather than that of highlighting the town's aspects, but if that is what has been decided, that is fantastic — and good for him!

To take up another of Mr Ramsay's points, he brought a discussion of rate capping into the debate on this bill. I am not too sure how he managed to introduce it in the debate on a car parking bill, but good for him. He said there are regional councils that do not have the facility to charge for car parking and that therefore when rate capping comes in they will not have the facility to charge for car parking — —

Ms Shing interjected.

Mr LEANE — It is. I am not too sure how rate capping inhibits the ability of a particular shire to

charge for parking based on the nature of its geographic location. There will not be any change as to whether car parking is charged for or not because of geographic location, but I give Mr Ramsay credit for finding a way to introduce that topic into this debate.

Honourable members interjecting.

Mr LEANE — Yes, it was good and it was helpful. I do not know if it was helpful to the debate to pull in the aspects about this side of the chamber implementing an election commitment. This was not an election commitment; it is something that was identified by the Minister for Consumer Affairs, Gaming and Liquor Regulation in recent times. When you identify a way in which consumers are being ripped off, it is up to the minister and the government to implement ways and means to stop that happening. I commend the minister for introducing this amendment bill. It is not something that is going to change the world a great deal, but it may stop some concerned consumers feeling anxious about notices that are not even real notices and whether they should pay them or not. If they do pay them, they are being disadvantaged, because they are not real notices. Any piece of legislation we bring to the Parliament to protect consumers in any way is a great thing. I commend the minister, I commend the government and I commend this bill to the house.

Mr MULINO (Eastern Victoria) — This is a very important bill. The Road Safety Amendment (Private Car Parks) Bill 2015 will amend the Road Safety Act 1986 to restrict the ability of private car park operators to obtain the names and addresses of vehicle owners from the VicRoads registration database. This is part of what one might consider to be a broader suite of consumer protections across a raft of service delivery areas in which consumers can be befuddled by complexity and can be taken advantage of because they are not fully aware of their rights — and in this day and age, with the complexity of the legal system and the complexity of the goods and services that we buy so often, who is aware of all of their rights? We need legal protections that are robust and capable of protecting people in situations in which they often have only a cursory relationship with a service provider and in which there is a real risk of them being taken advantage of.

I remember way back in the dark mists of time when I was doing first-year law — I did not do it well, but I did manage to just get through contract law — —

Mr Melhem — In 2014!

Mr MULINO — No, it was the previous millennium. One of the cases we looked at was whether or not entering a car park involved the formation of a contract. I remember that we had all these bright young sparks debating the pros and cons of whether seeing this sign with 5000 words on it constituted a contract offer and acceptance, consideration and so forth. I cannot remember whether it did, and I do not think anybody who drove through that car park knew whether they were entering into a contract or not. The point is that it is one of a classic number of situations in which people are exposed because of their misunderstanding of the situation. What is happening at the moment is we have a number of car park operators taking advantage of people's lack of understanding of their rights by putting in place a contrived business model that is based upon making people feel as though they have been subjected to an infringement process when in fact they have been subjected to a misuse of an entirely different process. This bill is about protecting consumers from harassment from private car park operators that are using unfair and inappropriate practices.

At the heart of it is a dubious business model, because the car park operators are not just using this model on one or two consumers — they have made this an art form that they can roll out in a mass production model. They find a raft of people who have either overstayed slightly or maybe even put their ticket on the wrong side of the dashboard or committed some other form of breach, and as a way of defraying their costs they mail out hundreds of thousands of these infringement notices in a really inappropriate way. It is almost as if they are a quasi car park with a dodgy business model on the side that is trying to get people to give money when they really do not have to. This bill will stop private car park operators from relying upon this side business model and instead force them to rely upon their car parks for profits. They cannot abuse consumers and take advantage of their misunderstanding of their rights.

It is worth noting that a similar amendment to legislation in New South Wales in 2012 was successful in reducing complaints against private car park operators by 75 per cent. This kind of reform and this kind of simple, effective communication can work, and we are confident that it will work here and that it will make a material difference to a situation that is evolving in the wrong way.

By way of some context, it is worth noting that this problem comes from the fact that there are a couple of different car park models. One is the pay-and-display model, which requires consumers to estimate in advance the amount of time they will stay on entry.

They purchase a ticket for the appropriate time and then display it on their dashboard or in some other manner required. The other model is payment on departure, whereby you are issued a ticket that indicates when you entered the car park on entry and then you leave through some kind of boom gate. In the second model there is no chance you can underpay, because you get the ticket validated on departure. The sort of model whereby there is an entry point and a boom gate upon departure where you validate the ticket is fine; it is the model that requires you to estimate in advance how long you will be there that is the problem.

The risk is that you will slightly underestimate your stay. Maybe you have estimated 3 hours but stay for 3½ hours, but that gap is a breach of what you should have paid. That half an hour gap might be an underpayment of only $2 or $5, and yet in a ridiculous overreaction that underestimation by the well-meaning consumer, which is a tiny gap in what they technically owe the car park operator, is used as a means of setting in place very complicated sledgehammer tactics to recover completely disproportionate fees. If the customer does not pay the claim, what often happens is that the car park operator will apply to the Magistrates Court for preliminary discovery to require VicRoads to disclose the name and address of the registered owner of the vehicle in question. Once they have your name and address they can use them as the mechanism to instigate quite an intimidating series of processes. The car park operator will write a series of letters of demand to the customer demanding that they pay the amount owed. They will often instigate this process through something that looks like an infringement notice, even though it is not an infringement notice. They make it look like it is something that is perhaps government issued, but it is not at all.

These businesses are trying to claim that the consumer has breached the contract with the parking station. They are claiming this so they can then, through the breach, claim liquidated damages. Liquidated damages provisions in contracts are designed to compensate one party for losses caused by the breach of a contract. In the situation I mentioned we need to ask whether we really had a contract, and if so, what terms and considerations were agreed upon. If we do have a contract, this notion of paying to park for 3 hours, staying for 3.5 hours and then getting some letter in the mail from some shonky outfit claiming to be issuing you an $88 or $150 infringement notice is completely ridiculous. It is completely disproportionate to what could be claimed in any reasonable way to be 'losses' incurred by the car park operator.

One can imagine the kinds of situations that often arise. It is not even just about situations where somebody might have slightly misestimated. One can imagine situations where this half-hour gap could happen, and it is clearly ridiculous to send out a notice for $88 or $150 or whatever amount they demand. Correlation is an important concept. There are situations where there is not even an incorrect amount paid. There are situations where somebody has breached a technical provision. Perhaps they did not display their ticket properly. There have been instances where people have not put the ticket on the right side of the dashboard. They have then found out that they are in breach of contract. I am surprised that in some instances there are not attempts to drag them off to jail, put them in the stocks and throw tomatoes at them or something. It is that kind of disproportionate response that my analogy was making reference to. I certainly would not claim that that has actually been done by car park operators in this city; however, one does not know where these trends might go.

Clearly this is an outrageous situation. I have been involved in law reform in the financial services sector, and I have seen a lot of parallels with what we see here. There are many instances where consumers find the complexity of transactions overwhelming, and it is very easy to take advantage of them in those situations. This is clearly one of those situations.

There are a number of recent cases that have highlighted the dubious nature of these practices. In May 2014 the Victorian Civil and Administrative Tribunal ordered that a particular car park's claim of $88 in liquidated damages in relation to a breach of a car park contract was a penalty and was therefore unenforceable. The reason it was a penalty was that it was completely disproportionate to any claimed possible loss. That is one example of the kind of situation we are in. It is a good example of how this has absolutely nothing to do with what the person is receiving in the mail. They are one of 1000 people receiving these notices en masse. These operators are writing to VicRoads, harvesting names and then sending off thousands of letters. It is outrageous.

In 2012 the Supreme Court ordered officers of Ace Parking — a name I would claim in this instance to be inappropriate for a car park — to stop using misleading tactics. It fined the company $14 500. We have the Victorian Civil and Administrative Tribunal precedent and the Supreme Court precedent that these practices have nothing to do with the underlying claims that are being made. These car park operators are representing that they are recovering liquidated damages when they are doing absolutely nothing of the sort. The subterfuge

and the misrepresentation is reinforced by the way in which they undertake these practices. They will go out of their way to confuse customers by the very mechanisms that they use to instigate the process, making them look like officially issued parking tickets.

This is an important reform. We are talking about hundreds of people who have been tricked into paying amounts of money to businesses that they need not have paid. Many of the payments made by such people are unlikely to have been enforceable. We have seen a couple of instances where claims have been tested and found very wanting. Instead of forcing people to constantly test these claims in court, we are basically limiting the number of instances where these dodgy car park operators can use these practices. I recommend this reform. It is part of an important series of reforms across a number of industries where we see that people are being taken advantage of because they are not able to keep up with the complexity of the kinds of transactions they are involved in. I commend this bill. I congratulate the minister on an important reform which has succeeded in significantly reducing this practice in other jurisdictions. I hope the house supports this legislation.

Mr EIDEH (Western Metropolitan) — I rise to make a brief contribution to the debate on the Road Safety Amendment (Private Car Parks) Bill 2015. This bill delivers on the commitment made in the 2014 Victorian Labor platform to protect Victorians from the unfair and misleading practices of some private car park operators. Amending the Road Safety Act 1986 will restrict the ability of private car park operators to obtain the names and addresses of vehicle owners from VicRoads to recover private car park fees. This bill is another example of the Andrews government's commitment to delivering on its promises to Victorians.

Currently Victorian private car parks operate under two major business models. In the pay-and-display model consumers purchase a ticket on entry based on their estimation of the amount of time they will stay. They then display that ticket on their car's dashboard. In the payment-on-departure model the driver is given a ticket upon entry to the carpark. They provide that ticket to an attendant or machine upon exiting the car park, and the fee is calculated based on the time the car was parked in the car park. A large number of private car park operators have been exploiting Victorians' lack of understanding of consumer protection laws.

The government has seen many private car park operators operating under the pay-and-display model developing a dubious business model whereby, if a customer breaches the terms and conditions of the car park, an inspector employed by the car park will place a notice on the vehicle's windscreen. The notice looks similar to an infringement notice but is actually a claim for liquidated damages. Many Victorians assume it is a fine. Examples of breaches include placing the parking ticket on the wrong side of the vehicle's dashboard and having the vehicle parked across a line in the car park. This is absolutely absurd and unfair.

If the customer does not pay the claim, the car park operator applies to the Magistrates Court for preliminary discovery to require VicRoads to disclose the name and address of the registered owner of the vehicle in question. In practice car park operators are lodging bulk requests to access up to 1000 names and addresses at a time from the VicRoads database. Following the initial notice the car park operator will proceed to write a series of letters of demand to the customer demanding that the customer pay the amount owed plus an additional amount of liquidated damages, or they will sell the debt to a debt collector.

Most disconcerting about this process is that the conduct I have just outlined in so many instances exposes Victorians to harassment, threatening demands and misleading and deceptive conduct. We do not allow this behaviour to occur in Victoria. It is illegal to harass and threaten another person. Private car park operators have gotten away with harassing consumers for far too long. This bill will severely disrupt the business model of some private car park operators. It will stop them from abusing court processes to post mass demands for liquidated damages that have been found to be unenforceable. I commend this bill to the house and wish it a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

ASSOCIATIONS INCORPORATION REFORM AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2015

Second reading

Debate resumed from 25 June; motion of Ms MIKAKOS (Minister for Families and Children).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to lead the debate for the opposition on the

Associations Incorporation Reform Amendment (Electronic Transactions) Bill 2015.

Let me start by acknowledging all the volunteer organisations that do such a fantastic job in our community. In my electorate of Eastern Victoria Region we have so many wonderful volunteer organisations that do so much in so many different parts of our community. We have sporting clubs, surf lifesaving clubs and the State Emergency Service (SES) brigades. Emerald has one of the busiest SES brigades in Victoria; it does a remarkable job. We also have the amazing Country Fire Authority volunteers throughout the Eastern Victoria Region who go into fire-prone, at-risk areas such as the Dandenongs, the Mornington Peninsula, Gippsland and elsewhere, doing a terrific job protecting our community. There are the carers groups — the Mornington Peninsula carers group and the Gippsland carers group. We also have the U3As, and I have had the great pleasure of working with the Cardinia U3A over the years. We have the Peninsula Home Hospice and a range of other volunteer organisations that make our communities what they are.

These volunteers give their time freely for no other gain than to help the broader community. Sitting behind this bill is the regulation of these volunteer organisations and the way in which they are organised under this legislation. There are approximately 38 000 incorporated associations throughout Victoria.

The bill before us is a simple and straightforward bill. The reforms that sit behind this amendment bill are the reforms that were introduced in 2012 by the then Minister for Consumer Affairs, Michael O'Brien. In his press release of 9 October 2012 he said:

> Since the previous Associations Incorporation Act 1981 commenced there have been more than 30 amendments made to the legislation. The introduction of the Associations Incorporation Reform Act 2012 involves a thorough rewrite and consolidation of incorporated association legislation to make it more user friendly and consistent.

This is the legislation that is now being amended. The legislation that the then consumer affairs minister, Michael O'Brien, brought in was a very good piece of work that transformed this area. It consolidated and rewrote the legislation that so many volunteer organisations rely upon and are regulated by. As legislators we must always remember the need to make the regulatory burden for volunteer organisations as small and as light as possible so that they are not bogged down filling out and lodging forms and complying with onerous and burdensome regulatory requirements. Let them do what they do. We need to make the regulation as light as possible and understand that the driving force of so many of these organisations is the community good. That must be considered whenever we look to regulate or change the regulations that affect these organisations.

This is a relatively straightforward piece of legislation. The explanatory memorandum succinctly summarises it when it says on the first page:

> This bill amends the Associations Incorporation Reform Act 2012 to —
>
> > facilitate the making of applications and other transactions under that act through the use of electronic (digital and online) media; and
> >
> > reduce the reporting requirements of smaller associations.

There have been some issues with the way in which this government has rolled out some of these reforms. The myCAV website has had a number of teething problems, shall we say, which have caused some issues and problems for some organisations and people. I note that my colleague the member for Gippsland South in the other place, Mr Danny O'Brien, raised some of the issues associated with the myCAV website with the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett, at the Public Accounts and Estimates Committee hearings in May following the release of the budget. I trust and hope that Minister Garrett has been attending to those issues so that the myCAV website can work as it is intended to, which is to make it easy for these organisations to lodge documents and comply with their regulatory obligations.

As the second dot point of the explanatory memorandum states, the bill seeks to:

> … reduce the reporting requirements of smaller associations.

It will simplify the annual reporting requirements for in excess of 30 000 small tier 1 incorporated associations by removing the requirement that they attach a paper copy of their financial statement when they lodge their annual statement with the register. However, tier 1 associations will still be required to prepare annual financial statements and submit them to members at their annual meeting, and they will continue to be required to have copies of those statements for a period of seven years. The minister covered that in her second-reading speech.

In summary, this is an uncontroversial piece of legislation. It seeks to make better use of modern technology, such as through the use of electronic transactions and the ability of the secretaries of community organisations to access and facilitate

information and documentation online. It introduces sensible yet relatively modest reforms. The opposition will not be opposing this legislation. As I say, what sits behind it is the complete rewrite of the previous act by the then Minister for Consumer Affairs, Michael O'Brien, who did a terrific job. The opposition will not be opposing this bill, and it looks forward to these modest reforms becoming law.

Ms SPRINGLE (South Eastern Metropolitan) — The Greens support this sensible reform, which is intended to make things easier for incorporated community organisations and the thousands of volunteers who give up so much of their free time to keep these organisations running. Community associations are really the backbone of our civil society, and civil society is so often what makes social life enjoyable and what gives it substance and meaning. Civil society is the space between the state and our families, and community associations — be they sporting clubs, cultural societies or any number of different associations — often allow us to be more of who we like to be.

As a former manager of a community centre in Noble Park, which is in the middle of the south-east, I can testify that within the reserve where that community centre sits there are scores of incorporated associations, including sporting clubs — such as the soccer club, the football club, the Girl Guides and the Little Athletics club — and many others that really create the social fabric of that community. Those clubs, associations and organisations, both formal and informal, are really what make our communities vibrant and resilient and promote social cohesion.

Incorporation is often an important option for those volunteer organisations because it creates certain legal protections that are really critical for them. It also creates obligations. What this bill will do, as I understand it, is make those obligations a little bit easier to meet by simplifying and reducing reporting obligations for thousands of smaller associations, such as by allowing associations to perform many of their bureaucratic tasks online instead of filling out unwieldy paper forms. In the year 2015 this seems self-evidently sensible.

I would also put it to the chamber that, from my perspective as a former community services worker and community development worker, that paperwork can be onerous. It can be very challenging to store such paperwork for many such associations, which often have very limited space available to them. It also can be a challenge when some of these organisations do not have large numbers of professional staff, which would otherwise enable them to have that organisational corporate knowledge available when completing their paperwork. It can be unwieldy. It can be very difficult to manage if they do not have their systems in order, which is often the way.

We are told that Consumer Affairs Victoria has what looks like a comprehensive plan to assist incorporated associations to get themselves online if they have not been online before now. We are a bit concerned that incorporated associations will effectively be forced to get online. We know of course that not everyone is confident about using computers. We have been advised that paper registration forms will still be available but that associations will need to specifically request them from Consumer Affairs Victoria. I would probably be much more comfortable if the paper registration forms were made more readily available, but I also understand that associations will be able to nominate an accountant to manage their online activities.

As the Greens spokesperson on multicultural affairs, I am particularly encouraged by the plan to deliver tailored presentations to culturally and linguistically diverse community groups, which make up so much of our rich fabric of multicultural Australia. The Greens support this bill and congratulate the minister on what is largely a sensible, practical reform that will very likely make a substantial difference to thousands of dedicated volunteers who are in the business of making Victorian society great.

Ms SYMES (Northern Victoria) — I am pleased to rise this evening to speak on the Associations Incorporation Reform Amendment (Electronic Transactions) Bill 2015. This bill is another example of the Andrews Labor government making life easier for Victorians, in this case by cutting red tape and introducing practical and indeed sensible measures to ease the burden on incorporated associations.

My electorate of Northern Victoria Region is awash with incorporated associations, many of them tier 1, the majority of which are small, volunteer-run community groups whose members give of their time to add value and provide services within their local towns. I think there are more than 30 000 incorporated associations across Victoria. They cover a range of volunteer organisations such as sporting clubs and Rotary and Lions club-type associations. The U3A and even the Local Learning and Employment Networks are incorporated associations. Astronomy clubs can be incorporated associations.

Ms Shing — Not astrology?

Ms SYMES — Possibly astrology as well, but I found an astronomy club that operates outside of Benalla recently and discovered it is an incorporated association.

The impact of this small piece of legislation will be enormous. When we consider that there are so many incorporated associations, it is pleasing to be able to make the lives of their members just a little bit easier. I have mentioned some examples, but I think that as part of their parliamentary and electorate duties everybody in this chamber has met members of incorporated associations, and I think all would agree that we are in awe of the work they do, the commitment it takes to contribute to the communities in the way they do and the passion they show. As I said, this bill will make their work easier and lessen the burden of regulatory requirements that too often divert their energy and resources away from what they want to spend their time doing and what they may need to be doing.

This bill to amend the Associations Incorporation Reform Act 2012 will enable the majority of transactions and notifications required by incorporated associations to be conducted electronically. The vast majority of paper-based forms and processes will be replaced by online electronic smart forms. The bill also reduces the compliance burden on small incorporated associations by removing the requirement that they attach paper copies of their annual financial statements when they lodge them with the registrar of incorporated associations. Instead they will now be able to enter amounts from their financial statements into a smart form that will record for them necessary financial information such as revenue and expenses.

The more effectively we can arm incorporated associations with the tools that will help them complete their work, the more we can free them up from the lengthy and onerous processes which may be preventing some people from participating fully in incorporated associations. This bill will help existing incorporated associations and those who are part of them by enabling the associations to grow, as it will encourage other people to participate in the knowledge that they will not have to do the problematic, onerous things that people really do not like doing. I do not know about anyone else in the house, but I have not done my tax yet. That is one of those things that bank up; I think it is a bit similar for incorporated associations.

This bill introduces a logical change and a timely evolution of process and procedures that will take away the cumbersome duties of incorporated associations, a lot of which are outdated. If you can get online, it can make your life easier.

The myCAV website details the benefits that the new myCAV system will create. I will run through some of those. They include immediate acknowledgement of registration for new associations; instant emails with attached documents, such as a certificate of incorporation, which will help if someone loses their certificate of incorporation, as it will be easily available to access; free downloads of additional copies of a certificate of incorporation and information on an association's rules; greater self-sufficiency for associations to update and change details; simple processes designed to help associations meet their obligations; and the ability to have everything in one place, which will make it easier to transfer responsibilities from one secretary to a new secretary.

All you need to use myCAV is the internet and an email address. We have made allowances for the fact that not everybody has access to the internet. It is important that we have provided a range of options to support these associations. Organisations may appoint up to three delegates who will then have access online to lodge documents with the registrar on behalf of the secretary, widening the scope for having the necessary skills to do this online. An example would be that an elderly or non-English-speaking secretary could nominate a son, daughter, trusted friend or even an accountant to do this for them. Secretaries can also call the Consumer Affairs Victoria (CAV) hotline for assistance in using the myCAV system, including the interpreter service. The secretaries of associations can also visit regional Department of Justice and Regulation offices to obtain assistance in lodging their annual statements online in those offices, and Consumer Affairs Victoria staff will be ready and willing to help in that process.

I understand that CAV has produced detailed information in 23 languages, providing step-by-step instructions on how to use myCAV. These translations are available on the website. There are also video tutorials that walk users through all aspects of the new system, and I would encourage all incorporated associations to look at that in the first instance. There is still the option for an organisation to use a paper-based system if they like. They can just contact the CAV helpline, and it will mail hard copies out to them. Consumer Affairs Victoria will also be running free information sessions about the new system around Victoria.

I would like to finish by saying that, yes, it is a relatively small bill and it is relatively straightforward,

but it is about enhancement, improvement and streamlining. At its heart is a desire and willingness to make things better for those thousands of Victorians who generously give of their time in a whole host of ways to make our state a better place. I commend the bill to the house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Ms MIKAKOS (Minister for Families and Children) — I move:

That the house do now adjourn.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health and is regarding the results of a recently released health study of greater Shepparton residents which gave further evidence of the state of ill health in the community. This year the state of the greater Shepparton community's health has been consistently reported as being poor. My request of the minister is that she provide Goulburn Valley Health (GV Health) with the funding and support necessary to improve health outcomes in the Shepparton community by funding prevention programs to improve the health of greater Shepparton residents and also by commencing the redevelopment of GV Health, which is straining to meet increasing demand.

Earlier this year during the adjournment debate I referred to the National Health Performance Authority report which found that the Goulburn Valley is the sickest spot in Victoria, with more than one in six residents seeing a GP more than 12 times a year — twice the national average. I spoke about these figures being similar to the highest figures across Australia and being on a par with some major metropolitan areas.

A new study, conducted by the Rural Health Academic Centre at Melbourne University, confirmed the trends reported in the National Health Performance Authority report and found more of the same, with data confirming that the greater Shepparton community is chronically unwell. As part of the study, 650 patients were surveyed and asked to self-report on their health and their access to health services, among other things. Of these respondents, 46 per cent said they experienced high blood pressure or high cholesterol, 31 per cent said they suffered arthritis, 22 per cent said they had asthma, 16 per cent said they had heart disease, 13 per cent were cancer sufferers, 25 per cent were diagnosed with depression and 16 per cent had suffered anxiety at some point.

The evidence continues to pile up that greater Shepparton has significant health challenges that need addressing. The region desperately needs government action to prevent ill health and government investment in infrastructure to make sure that our residents receive the high-quality health services they both need and deserve.

I recently started a Facebook page to give Shepparton residents a platform on which to voice their concerns about local health services and particularly the need for the redevelopment of GV Health. Many residents shared their stories on the page and many more through private messages, emails and contact with my office. Many of these stories are from patients who had not received the services they needed within the required waiting period. Some are stories of despair at the state of the infrastructure that our health professionals are expected to deliver services in, and many are of patients who were forced to travel to Melbourne or other regional hospitals to access the care they needed.

One thing is clear: our health services need to be improved. The minister is well aware that the former Liberal government had prioritised the GV Health campus in Graham Street, Shepparton, for redevelopment and that had the former government been re-elected the funding to commence that redevelopment would have been in this year's budget. Unfortunately Labor chose not to allocate that funding this year, and the enormous strain on the already inadequate facilities at GV Health is showing.

My request of the minister is that she provide GV Health with the funding and support necessary to improve health outcomes in the Shepparton community, both through prevention programs to improve the health — —

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

Leadbeater's possum

Ms DUNN (Eastern Metropolitan) — I rise to draw the attention of the Minister for Environment, Climate

Change and Water to the delays in establishing the timber industry task force and to seek immediate action to protect the habitat of the Leadbeater's possum while the task force is doing its work. It is now over eight months since the election, and the task force has only met twice. In that eight months we have seen the up-listing of the Leadbeater's possum as critically endangered; the release of a further 300 logging coupes by VicForests for harvesting, including 170 coupes in the Central Highlands, home of the endangered possum; VicForests postponing its application for Forest Stewardship Council certification, thereby signposting its intention to abandon best practice; revelations that the logging operations of VicForests in East Gippsland are not financially viable; the inclusion of native forest burning for energy in the federal renewable energy target; the commencement of logging of the Skinny Jim coupe in Toolangi State Forest, despite much community outrage; and the announcement of details of the Emissions Reduction Fund, which will make between $40 million and $70 million available to protect Victoria's native forests as carbon stores.

The action I request is for the minister for the environment to issue an interim conservation order under section 26 of the Flora and Fauna Guarantee Act 1988 to protect a list of the highest conservation value logging coupes while the task force is establishing itself. That list is available from my office.

Mornington Peninsula police numbers

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Police. It flows from correspondence I have received from a constituent of Mornington, Mr Fred Crump, who is concerned about police numbers on the Mornington Peninsula. While noting that the allocation of police resources is a matter for the Chief Commissioner of Police, I also note that this government has failed to make any commitment for additional police in its first budget. Indeed from the figures that have been made public, the March quarter data being the most recent that is available, the number of police officers in Victoria — sworn members — has gone backwards since Labor came to office.

The other recent revelation that is of concern to me and impacts on my constituent's concerns is that the government's answer to the police numbers issue has been the deployment of custody officers, and in a press release on the budget Minister Noonan said that the custody officers would be rolled out this year. In correspondence I have received recently, and indeed in a recent tweet, the minister has revealed that the first custody officers will not be deployed until next year. So before the legislation has been introduced and before the training has commenced the deployment is already delayed. Given that the population of the Mornington Peninsula is growing and Victoria's population is growing, what is the minister going to do to address the concerns that are being raised with me by my constituent, Mr Crump?

Noise pollution

Mr MELHEM (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Roads and Road Safety, the Honourable Luke Donnellan. A great many people in my electorate of Western Metropolitan Region reside next to some of Melbourne's largest traffic arteries and busiest highways.

Mr Finn — The east–west link would be handy!

Mr MELHEM — The west link would be good. Many of my constituents live near noisy roads like the Western Ring Road and the West Gate Bridge. VicRoads is in the process of reviewing its policy on noise pollution, including a public consultation process. The last update to VicRoads's noise policy occurred in 2005. In the decade since we have seen more trucks and heavy vehicles on our roads and greater population growth, especially in the western suburbs. Reducing noise pollution is vital for livability in the western suburbs. Noise pollution is deeply unpleasant for residents and drives down house prices.

The action I seek is for the minister to ensure as much as possible that the needs of local residents in my electorate be taken into consideration by VicRoads in the formulation of its new policy. I also ask the minister to ensure that everything possible is done to address this problem.

Stonehaven roads

Mr MORRIS (Western Victoria) — My adjournment matter is for the attention of the Minister for Roads and Road Safety. I wish to raise an issue concerning Friend In Hand Road in Stonehaven and an issue concerning the intersection of the Hamilton Highway and Friend In Hand Road in Stonehaven. These roads are within the municipality of Golden Plains shire but are VicRoads-controlled roads, and I have heard grave concerns expressed about them. My first concern is with the condition of Friend In Hand Road itself, which is best described as deplorable, but I also raise the issue of the intersection of Friend In Hand Road and the Hamilton Highway.

The issue with this intersection is there is no protection for westbound drivers on the Hamilton Highway who are turning right into Friend In Hand Road, so much so that I have spoken to constituents who describe the road as an accident waiting to happen. Unfortunately on Thursday, 23 July, a serious accident at the intersection of the Hamilton Highway and Friend In Hand Road involving three vehicles saw four people taken to hospital, including one woman who needed to be transferred to the Alfred hospital due to the significance of her injuries. This accident was caused by the scenario I have just described. A stationary car waiting to turn right into Friend In Hand Road was slammed into from behind by a car travelling westbound on the Hamilton Highway. The previously stationary vehicle was then shunted into the path of an oncoming car, which was a very serious and dangerous scenario but also one that had been foreshadowed by residents.

Can the minister see to it that VicRoads takes immediate action to remediate the dangerous situation we find with both the intersection of the Hamilton Highway and Friend In Hand Road and the hazardous condition of Friend In Hand Road and ensure that it is remediated?

Weed management

Mr MULINO (Eastern Victoria) — I raise a matter for the attention of the Minister for Local Government. Many of my constituents, and particularly the councils in my area, were very pleased to see secured in Labor's first budget funding for the roadside weeds and pests management program. They were certainly not pleased about the uncertainty about that program under the previous government. That is one thing I can say I am hearing from people in my electorate.

Latrobe City Council, for example, relies on this funding to treat weeds such as Scotch broom. Scotch broom was first brought to Australia in the 1800s by the then New South Wales Governor Philip King. It was meant to be grown as a substitute for hops but has proved to be far less useful. Scotch broom forms dense thickets that exclude native species, impede access and can increase the risk of bushfires. Yarra Ranges relies on the funding to treat weeds such as St Peter's wort, which is believed to be poisonous to stock.

Controlling these weeds is essential to our economy. Many are a risk to Victoria's agricultural industries, which are worth more than $11 billion. Agricultural industries are of course one of the six priority industries identified by the government that are receiving significant funding from various pools of funding we have talked about many times in this place and that will be significant export earners and job creators for our state. Many of these weeds also pose a risk to some of the beautiful natural assets of the state, such as the Yarra Ranges National Park, that are an important part of our economy and our culture. Can the minister detail what the Andrews Labor government's funding means for local councils in my electorate and any changes to that funding?

Drysdale bypass

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Roads and Road Safety, and it is in relation to the Drysdale bypass, which I am very supportive of. Both the now government and the coalition committed $109 million for the bypass at the election. Certainly the Drysdale community is looking forward to the works that are to start in 2017, as has been foreshadowed by VicRoads.

The matter I raise tonight was brought to me by Ms Kate Lockhart, who approached me at one of my Bellarine listening posts last week. She raised a number of issues around the proposed ring, if you like, of the road. It has had considerable changes made to it over a period of years, but lately there has been a change in relation to the consultation process that the community is engaged in. Ms Lockhart's concern is particularly about the Drysdale sports precinct. The state government has committed $3.5 million for stage 1, but unfortunately that is only half the funding required for the project. Nevertheless, that precinct is outside the ring, as is Drysdale Primary School, which has over 300 students, and Christian College, which has over 500 students. So you have this foot traffic of children walking in and out of the proposed ring, both for access to schools, with parents dropping them off, and also with activities such as bike riding and for those who are playing sport on a regular basis.

My request is for the Minister for Roads and Road Safety to look again at the routes proposed by VicRoads after the community consultation and take into consideration the concerns raised by Ms Lockhart and perhaps meet with me and her to discuss her concerns about the proposed ring-road as it stands today, given those potential impacts I have identified in this adjournment speech.

Homelessness

Mr PURCELL (Western Victoria) — My adjournment matter tonight is for the Minister for Housing, Disability and Ageing. Victoria is a wealthy state in one of the wealthiest countries in the world, yet

homelessness is evident on every street in central Melbourne tonight. It is evident across the road from Parliament, around the corner, up the street and in the next suburbs. It is everywhere. This situation is not acceptable, and action needs to be taken to help overcome homelessness. As a bare minimum every person deserves a roof over their head and a good feed in their belly.

This is a new issue for me and one that has become painfully obvious since my election and my having subsequently spent more time in Melbourne. While there are associated employment issues, I am not raising this issue as part of our election platform; I am raising it as a human rights issue. While we are comfortable in here, it is time we looked after all people in our society. I urge the government to do more to look after people and create sustainable support for those who are unfortunate enough to be homeless.

The PRESIDENT — Order! Whilst on a very important issue and the comments of the member were well put, the matter is fairly vague in terms of the action sought from the minister. I will leave it to the minister to deal with tonight, but it is important to have a fairly specific action or matter that members bring to the minister's attention, really seeking some sort of response. That was a difficult one for the minister to respond to in terms of an actual outcome for the member's item tonight.

Fire services property levy

Mr DAVIS (Southern Metropolitan) — My matter tonight is for the urgent attention of the Treasurer, and it concerns the government's election commitment not to increase taxes and what has occurred particularly with respect to the fire services levy. It is worth reviewing this issue. The CPI for the year to 30 June was 1.1 per cent in the metropolitan area, but on 4 September 2014 Daniel Andrews, now the Premier, when asked on the Jon Faine program if Labor would put up taxes, said:

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

Later, on 5 November, Mr Andrews spoke to David, a caller to the Faine program. 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?

Mr Andrews said:

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

On 5 November the Premier was asked this question at a tax press conference:

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

Mr Andrews said:

> There is an indexation arrangement …

The questioner said:

> Besides indexation?

Daniel Andrews said:

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

David Speers asked the Premier on 19 November 2014:

> So, any higher taxes, levies?

Daniel Andrews said:

> Absolutely not.

But the fact is that what will occur in this financial year as we go forward is that the fire services levy will hit my electorate of Southern Metropolitan Region and the municipalities will see a rise, with 12.5 per cent in Bayside, 12.7 per cent in Boroondara, 10.2 per cent in Glen Eira, 9 per cent in Kingston, 9.4 per cent in Melbourne, 9.7 per cent in Monash, 10 per cent in Port Phillip, 12.2 per cent in Stonnington and 9.5 per cent in Whitehorse — the lowest at 9 per cent and the highest at 12.7 per cent. That means they are all at least 900 per cent greater than the CPI of 1.1 per cent.

This is a clear breach of an election promise — a clear breach by Daniel Andrews and his Treasurer, Tim Pallas, of their election commitment not to raise taxes. This increase in the fire services levy will be a huge hit on families. Not only are families going to feel the rate rise of, on average, 3.8 per cent by councils — although that was promised to be capped from this year — but they will feel this levy increase too. In fact this is a significant rise: 7.2 per cent on average statewide, and between 9 per cent and 12.7 per cent in my electorate. What I seek as a matter of urgency is that the Premier keep his promises and review these extraordinary increases and release a checklist.

Northern Hospital

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Health, and it concerns support for the Northern Hospital, my local hospital, which in an

average week sees 5000 patients, including 1028 who receive treatment as inpatients.

Forty-four babies are born at Northern Hospital each week, and 40 children receive treatment in the child and adolescent health unit. Three hundred and fifty-six patients come to the emergency department at Northern Health by ambulance and another 1300 are treated in the emergency department. The hospital treats in excess of 3600 outpatients per week, and the hospital home service visits 13 patients in their home. Almost 100 emergency operations are performed per week, as are more than 220 elective procedures. The hospital helps people from more than 130 different countries and provides assistance to more than 750 patients for whom English is not their first language.

I know how busy this hospital is. I am a regular visitor to that hospital. I have done shifts on the ward and in the emergency department in a volunteer capacity so I understand more about what it does. It is my local hospital.

Just recently the chair of Northern Health, the former federal secretary of the Australian Nursing Federation, Marilyn Beaumont, was not reappointed as chair by the government, and just in the last week the Northern Hospital's chief executive, Janet Compton, has resigned.

Demand for this hospital keeps growing and growing. The current expansion at the hospital was funded by the coalition government in the 2013–14 budget, and before the election the coalition promised a $98 million expansion of the hospital, which was not matched by the Labor Party. This hospital is underfunded, under-recognised, underappreciated.

Just recently, with the resignation of the Northern Health chief executive and the departure of the chair — one of the government's own was not reappointed — the member for Thomastown in the other place, Bronwyn Halfpenny, told the local paper that she was happy that the chief executive, Janet Compton, had resigned and that the people and culture manager, Zemeel Saba, had also left.

Ms Halfpenny, I am told, would only have visited the Northern Hospital, which is in her electorate, three times in five years. I find it highly unusual that a government MP makes comments about her happiness that people have lost their jobs. The lack of care for the Northern Hospital and the lack of funding for the Northern Hospital is a case of politics over people.

The action I am asking the minister for is to advise me if it is now policy that the government makes public disparaging comments via the press about departing public servants.

The PRESIDENT — Order! That is not an adjournment matter. I rule it out. The matter the member raised was okay, but what he asked the government to do was not a fair proposition.

Fishermans Bend development

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Planning, and it concerns the master plan for Fishermans Bend and how schools and public transport will be included. We did have a master plan for Fishermans Bend, but unfortunately the action of the current government has been to say that we do not need that plan and to start the process again.

What this amounts to is a delay, and that is unfortunate. The government has decided not to proceed with the Montague railway station. To my knowledge this is the only time that a local MP, in this case the member for Albert Park in the other place, who is also the Minister for Housing, Disability and Ageing, has supported getting rid of a train station in their electorate. This affects amenity for residents as well as job and employment prospects within that precinct.

Albert Park schools are under pressure. There is no primary school in South Melbourne, and the work on the primary school site in Ferrars Street that was begun by the previous government has been halted. Similarly there has been no movement on the South Melbourne Primary School proposed by this government. It has all ground to a halt. Meanwhile Port Melbourne Primary School is getting enrolment queries from people in Docklands and the CBD because the nearest primary school to them is in North Melbourne. Right now the Minister for Planning is approving buildings in Fishermans Bend, but the committee that he appointed is not due to report on the overall master plan for the precinct for another year or so. The time to plan the kinds of services and amenities that people need at Fishermans Bend is now. It is not good enough to try to retrofit them later.

The action I seek is for the minister to clarify how, if at all, he will ensure that the 80 000 future residents of Fishermans Bend have adequate access to primary and secondary education so that South Melbourne and Port Melbourne do not continue to feel the brunt of the squeeze on their services, and how he will ensure that there is any public transport in the precinct through the process he has imposed.

Western suburbs youth workers

Mr FINN (Western Metropolitan) — I raise a matter this evening for the Minister for Youth Affairs, and I am delighted to see the minister is in the chamber. Last week it was my very happy duty to welcome the shadow Attorney-General, the member for Hawthorn in the other place, to the western suburbs. The reason for the visit was to meet a legendary youth worker in the western suburbs, 'Sir' Les Twentyman. With us were two representatives from Victoria Police. Les was at the wheel and took us around some of the hotspots for youth problems in the western suburbs, from Footscray through to Braybrook and Sunshine. It was illuminating to me, and I think it was an education for all of us who went on the tour.

Of course Sir Les has been very concerned about the ice epidemic for a long time and has been warning about its impact. It is quite horrific to see what it is doing to young people and their families. It is not something that affects just one person; it has a ripple effect throughout families and the community. The 20th Man Fund is doing a tremendous job in helping young people to stay away from ice and to get off it if they find themselves on the wrong side of the drug. We saw some appalling living conditions, even a teenager who had set up camp and was living under a pedestrian overpass about 100 metres from my office on Ballarat Road. That shocked me; I had not noticed that before. This young fellow had a mattress and had hung up his clothes on a spike in the wall. It was something you would not expect to see in Melbourne.

The 20th Man Fund and Les Twentyman have been doing a great job for young people in the western suburbs and indeed throughout Victoria for a very long time. Les Twentyman has changed many lives for the better, and I believe he has saved a good number of lives as well. He is more than capable of turning these young people's lives around, but he needs help — there is no doubt about that — and that is where my request to the minister comes in tonight. What Les Twentyman and the 20th Man Fund need more than anything else to continue their good work is youth workers. They desperately need more youth workers. I know they can turn around many lives, and I ask the minister to provide youth workers as soon as possible.

Beach Road truck curfew

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Roads and Road Safety. Beach Road is one of Melbourne's iconic roads. Running parallel to the bay along the bayside Assembly districts within my electorate of Southern Metropolitan Region, which encompasses Sandringham, Brighton and Albert Park, it provides access for millions of Victorians to the magnificent Port Philip Bay. Beach Road is also known for the cyclists who each week ride along it in their hundreds. Every day of the week runners jog along the pathways that line the coast, and Victorians and international visitors have to cross Beach Road to get to the bayside beaches.

We all know that road congestion is increasing across the city, and Beach Road is now a major access point to the port of Melbourne. What is also evident is that more and more trucks are using Beach Road as a major thoroughfare to get to the port. As a consequence there are increasing safety concerns around trucks speeding and using back roads which are close to schools. There is also an increase in air pollution as they sit in traffic along Beach Road. As the port of Melbourne expands — if this government gets its way, there will only be one major port for the state — this congestion will only increase. The amenity of those living close to Beach Road needs to be protected, and the health and safety concerns related to more trucks on Beach Road need to be addressed.

Currently a truck curfew exists for Beaconsfield Parade, Jacka Boulevard, Marine Parade, the Ormond Esplanade, the St Kilda Esplanade and Beach Road from 8.00 p.m. to 6.00 a.m. Monday to Saturday and from 1.00 p.m. to 6.00 a.m. Saturday to Monday. According to the VicRoads website, there are currently 24-hour, 7-day-a-week truck curfews for roads in suburbs including Knoxfield, The Basin, Rowville, Ferntree Gully, Wantirna South, Bayswater, Sunshine, North Melbourne, Scoresby, Boronia, Oakleigh, Yarraville and Lilydale. The councils of Kingston. Bayside and Port Phillip are united in their position to have a further curfew applied along Beach Road. Therefore the action I seek from the minister is that he apply a 24-hour, 7-day-a-week truck curfew along Beach Road.

Responses

Ms MIKAKOS (Minister for Families and Children) — I am very pleased to have received a number of adjournment matters this evening.

I received a matter from Ms Lovell for the Minister for Health.

I received a matter from Ms Dunn for the Minister for Environment, Climate Change and Water.

I received a matter from Mr O'Donohue for the Minister for Police.

I received a matter from Mr Melhem for the Minister for Roads and Road Safety.

I received a matter from Mr Morris, again for the Minister for Roads and Road Safety.

I received a matter from Mr Mulino for the Minister for Local Government.

I received a matter from Mr Ramsay for the Minister for Roads and Road Safety.

I received a matter from Mr Purcell for the Minister for Housing, Disability and Ageing. In respect of Mr Purcell, I think he made it clear in his adjournment item that he was seeking greater support for people experiencing homelessness, and I believe the minister will be able to respond to the member's adjournment item.

I also received adjournment matters from Mr Davis for the Treasurer, from Ms Fitzherbert for the Minister for Planning and from Ms Crozier for the Minister for Roads and Road Safety. I will refer all of those matters to the relevant ministers for response.

In respect of the matter raised by Mr Finn for me in my capacity as the Minister for Youth Affairs, I can advise Mr Finn that in our first budget we have invested new funding of $8 million over four years for programs which provide greater social and economic inclusion for young people. There are a range of new programs, including programs for various advocacy organisations that support young people, such as the Youth Affairs Council of Victoria, which is the peak body for young people in this state, the Centre for Multicultural Youth, Scouts Victoria and Girl Guides Victoria.

The point I want to make to the member is that some funding has not yet been allocated. It is my intention to look at refocusing the portfolio so that we provide additional support to disengaged and disadvantaged young people. It is very important to me as minister to hear from a range of organisations and also from young people directly. We will soon be embarking on some consultations which will involve talking to young people and youth advocacy organisations about how we can best target that support for young people.

In fact I met with Mr Twentyman earlier this year at one of the meetings I had as the incoming minister and we had a very productive discussion. I know he has a longstanding commitment to supporting some of the most disengaged and disadvantaged young people in our state, and I am familiar with the important work that the 20th Man Fund does in our community.

I point out that traditionally youth workers have been funded by local councils, and I do not recall the previous government providing dedicated support or funding for youth workers specifically. I would be happy for the member to correct me if I am wrong in that regard, but the last time that I recall youth workers being funded in the western suburbs was through an initiative of the previous Labor government, with dedicated funding for staff to work with young people particularly to address the issue of violent offending and knife crime in the community.

As I have indicated to the member, we are embarking on some consultations shortly to look at how we can best focus greater support for the most disadvantaged young people in our community. I noted that some members of the opposition thought it was amusing that I was proposing that we have discussions with young people; in fact I think it is a critically important part of my role as Minister for Youth Affairs that we actually talk to young people directly about their particular needs.

As I indicated to the member, I have met with Mr Twentyman. I am happy to receive from him any specific proposals that he has in terms of the needs of the western suburbs or other parts of Victoria, and I look forward to receiving that information from him.

President, on behalf of the Leader of the Government, I have written responses this evening to a number of adjournment debate matters. The first two are for Mr Finn, in fact, for matters raised by him on 17 March and 7 May. I also have written responses to adjournment debate matters raised by Mr Bourman on 28 May, Mr Davis on 10 June, Ms Crozier on 10 June, Mr Finn on 23 June, Mr Rich-Phillips on 25 June, Mr Finn on 25 June and Mr Davis on 5 August.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 9.53 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Religious institution tax exemptions

Question asked by: **Ms Patten**
Directed to: **Treasurer**
Asked on: **5 August 2015**

RESPONSE:

Of the taxes mentioned by the Member, the State of Victoria is responsible for the collection of only Land Tax. The Commonwealth government is responsible for taxes on investment earnings and capital gains taxes, while local councils are responsible for rate payments. Further information on this matter can be found on page 193 in Budget Paper 5, Chapter 5 of Victoria 's 2015-16 Budget, and in the Commonwealth Treasury's Tax Expenditures Statement 2014 and from individual councils and municipal associations.

Native forests

Question asked by: **Ms Dunn**
Directed to: **Minister for Agriculture**
Asked on: **6 August 2015**

RESPONSE:

Victoria's timber industry generates more than $1.5 billion of expenditure each year and supports over 21,000 jobs, in Melbourne and across regional and rural Victoria. I can advise the Member of the following employment numbers, as at December 2012, for the sub-sectors of the timber industry:

Sector	**Number of jobs**
Growing (grows and manages native forests and plantations)	385
Forestry support services (provides specialist services to the industry such as harvest and haulage of timber, silvicultural activities, roading, nursery, consulting, research, representation and regulatory services)	1,973
Primary processing (processes harvested timber into initial wood products - e.g. sawn timber, woodchips and pulp)	4,478
Secondary processing (transforms initial wood and paper products into further processed wood and paper products)	14,384
Total in Victoria	**21,220**

I am advised that the Department of Economic Development, Jobs, Transport and Resources does not collect or possess employment data by electorate.