

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Friday, 20 October 2017

(Extract from book 17)

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The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 16 October 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 13 September 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence (until 23 August 2017)	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — Ms Hartland, Ms Mikakos, Mr O’Sullivan, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

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

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, #Ms Hartland, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

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

Fire Services Bill Select Committee — Ms Hartland, Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

Accountability and Oversight Committee — (*Council*): Mr O’Sullivan, 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, Ms Hutchins, Mr Merlino, Mr M. O’Brien, Mr Pakula and Mr Walsh.

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

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

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

Family and Community Development Committee — (*Council*): Dr Carling-Jenkins and Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish.

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 Gepp and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Patten, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward.

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

Ms Dunn, Mr Elasmr, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John ¹	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	SFFP	O'Brien, Mr Daniel David ⁷	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ³	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew ⁸	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ⁴	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini ⁹	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark ⁵	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁶	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 25 February 2015

⁸ Appointed 12 October 2016

⁹ Appointed 18 October 2017

PARTY ABBREVIATIONS

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

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Friday, 20 October 2017

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

BUSINESS OF THE HOUSE

Adjournment

Mr JENNINGS (Special Minister of State) (09:36) — I move:

That the Council, at its rising, adjourn until 12.00 p.m. on Tuesday, 31 October 2017.

Motion agreed to.

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Reporting date

Mr FINN (Western Metropolitan) (09:36) — By leave, I move:

That the resolution of the Council of 8 February 2017 requiring the Economy and Infrastructure Committee to inquire into and report by 14 December 2017 on electric vehicles be amended so as to now require the committee to present its report by 29 March 2018.

Motion agreed to.

MINISTERS STATEMENTS

Aboriginal maternal and child health services

Ms MIKAKOS (Minister for Families and Children) (09:37) — I rise to update the house on the Andrews Labor government's commitment to improving outcomes for Aboriginal children and families. This is part of our vision for both the Education State and the Roadmap for Reform. Last year's state budget included \$1.6 million over two years to work with Koori communities to deliver a more culturally responsive and high-quality maternal and child health (MCH) service for Aboriginal families. The Aboriginal maternal and child health initiative is about empowering Aboriginal families to choose where and how they access universal maternal child health services and ensuring the service they receive is high quality, tailored to their preferences and well-connected to other services.

I was pleased to announce the 10 successful recipients at the Aboriginal Children's Forum in August —

Ms Crozier — You announced it in Darebin, in Northcote — pork-barrelling.

Ms MIKAKOS — approximately a month before the member for Northcote passed away. The successful areas where this model will be trialled across Victoria include Latrobe, Swan Hill, Campaspe, Geelong, East Gippsland, Warrnambool, Wyndham, Whittlesea, Mitchell and Darebin. I advise the house that the Victorian Aboriginal Child Care Agency in the City of Darebin was one such successful —

Honourable members interjecting.

The PRESIDENT — Minister, I have had trouble hearing parts of your contribution. Could you take it from the top?

Ms MIKAKOS — Thank you. With pleasure, President. I rise to update the house on the Andrews Labor government's commitment to improving outcomes for Aboriginal children and families. This is part of our vision for both the Education State and the Roadmap for Reform. Last year's state budget included \$1.6 million over two years to work with Koori communities to deliver a more culturally responsive and high-quality MCH service for Aboriginal families. The Aboriginal maternal and child health initiative is about empowering Aboriginal families to choose where and how they access universal maternal and child health services —

Ms Lovell interjected.

The PRESIDENT — Order! Ms Lovell, there was a reason why I asked the minister to reread her contribution. Please!

Ms MIKAKOS — Are you sure that they actually applied?

The PRESIDENT — The minister to continue, without interference.

Ms MIKAKOS — Thank you. The Aboriginal maternal and child health initiative is about empowering Aboriginal families to choose where and how they access universal maternal child health services and ensure the service they receive is high quality, tailored to their preferences and well-connected to other services.

I was pleased to announce the 10 successful recipients at the Aboriginal Children's Forum in August, several weeks before the late member for Northcote in fact passed away. The model will be trialled across a number of locations in Victoria, including Latrobe, Swan Hill, Campaspe, Geelong, East Gippsland, Warrnambool, Wyndham, Whittlesea, Mitchell and Darebin. The Victorian Aboriginal Child Care Agency

in the City of Darebin was one such successful integrated partnership to be funded.

It is outrageous but frankly not surprising to see Georgie Crozier attack such an important organisation, suggesting that they do not deserve a grant because they were awarded —

The PRESIDENT — Minister, ministers statements, as defined in standing orders and by the process which we put in place, are designed for the government to announce new initiatives. They are not designed or required or expected to have criticism of the opposition or other people and other entities. They are about new initiatives by the government. You have clearly put a new initiative and that is obviously well within the bounds of a ministerial statement, but I will not entertain the criticism aspect.

Ms MIKAKOS — On a point of order, President, Ms Crozier made certain assertions around the process of this initiative earlier this week, and in the course of informing the house about the funding allocated here I think it is important that I do provide information to the house about the process and the timing in which these announcements were made, because in fact they do predate the late member for Northcote passing away. In fact I notified the successful groups in late August, several weeks prior to the late member for Northcote passing away. Ms Crozier has sought to cast aspersions on a very credible organisation that has been funded and suggested somehow that this process has been pork-barrelled —

Ms Crozier — No, I didn't. On a point of order, President —

The PRESIDENT — I am in the middle of a point of order.

Ms MIKAKOS — an assertion that I absolutely reject. It is an outrageous assertion —

The PRESIDENT — Ms Mikakos, I was perhaps a little expansive in saying I was in the middle of a point of order, because it is not a point of order. You are debating, and what is more, you are debating my ruling, my instruction. I do not care what anybody said in the course of this week or at any previous time. The fact is that a ministers statement is designed to clarify new initiatives, and some of the points that you were just putting in your debating a so-called point of order are in fact relevant to the new initiative, but references to Ms Crozier are not relevant to the ministers statement.

Ms Crozier? And make sure it is a point of order. I do not want further debate.

Ms Crozier — No, no. On a point of order, President, I would seek your guidance because the minister stated that she made this announcement in August, so —

The PRESIDENT — It is debate. Contest it in another way. Do not contest it by way of a point of order because it is not a point of order. Minister, to complete.

Ms MIKAKOS — Thank you, President. It is important that members understand that the City of Darebin is in fact an area with one of the largest Indigenous populations in metropolitan Melbourne. These grants were independently assessed and approved by a panel of experts. The grants were signed off by me before the late member for Northcote, Fiona Richardson, passed away. I did in fact advise the successful recipients by letter prior to the member for Northcote passing away. All the organisations were funded on their merits because they demonstrated innovative ways of delivering the maternal and child health service to be fully inclusive of the needs of Aboriginal families. I think it is important that we do have some bipartisanship around an issue that seeks to address the gap that exists in relation to Aboriginal families and is addressing our maternal and child health service — demonstrate a bit of class.

PORTS AND MARINE LEGISLATION AMENDMENT BILL 2017

Second reading

**Debate resumed from 2 May; motion of
Ms PULFORD (Minister for Agriculture).**

Mr O'DONOHUE (Eastern Victoria) (09:44) — I am pleased to speak on behalf of the opposition in relation to the Ports and Marine Legislation Amendment Bill 2017, the purpose of which is to remove the ability of children between the ages of 12 and 16 to apply for a personal watercraft endorsement on their marine licence and to restrict children aged 12 to 16 to only use a personal watercraft with adult supervision and not by themselves. This bill is yet another bill that has been clogged in the legislative system for many, many months after the government has failed to manage its legislative agenda. Interestingly, despite this bill being in the Parliament for such an extended time, we now have house amendments from the government picking up a number of the issues that the shadow minister, the member for Croydon in the other place, Mr Hodgett, identified in his speech many, many months ago.

Belatedly yet again we see the government making changes to their own bills after they failed to properly consult. It was clear that the consultation with various stakeholders was insufficient before the bill was introduced. I look forward to the minister moving those house amendments, and we can discuss those in due course once they are circulated as part of the committee stage.

As I say, the main provisions of the bill remove the ability of children aged 12 to 16 to drive a personal watercraft such as a jet ski by themselves without an adult being on board. It permits waterway managers, such as Gippsland Ports in my electorate, to relocate, seize and dispose of things abandoned on waterways under the waterways manager's control and recover all associated costs of relocating, seizing and disposing of abandoned things; to apply safety duties to local port managers and to persons who manage boating activities; and to provide for the maintenance of knowledge, skills and the medical fitness of vessel pilots.

This is obviously an important issue. As Melbourne and Victoria's population grows, as more and more people buy these personal watercraft, the competition for space on the water, amenity through noise and risk through people driving jet skis and other fast personal watercraft become issues. It is clear that there is some change required. So we welcome the general direction of this bill, but again, as I say, there are issues which my colleague Mr Hodgett identified in the other place. The government's amendments I believe will address some of those issues.

Victoria Police, the water police and Transport Safety Victoria safety officers will enforce any agreed new regulations and sanctions, including fines, that in many cases parents will pay. The opposition will not be opposing this bill.

Ms Crozier — On a point of order, President, I am just wondering: Minister Mikakos stated in her ministers statement that in fact the City of Darebin had the largest Indigenous population. In actual fact the latest Australian Bureau of Statistics census data —

The PRESIDENT — It is not a point of order.

Ms Crozier — Well, I am just asking that she correct the record, because she has in fact misled the house in —

Ms Mikakos interjected.

The PRESIDENT — So am I. Fifteen minutes, Minister. You can leave as soon as you find another minister.

Ms Mikakos withdrew from chamber.

The PRESIDENT — Ms Crozier, that is not a point of order, again. We are in the middle of a bill now, and the fact is, yes, if she has made an error in terms of a description of a population statistic, then in fact she may have an opportunity reflect on that or indeed you can bring it the house in other forms at other times — with 90-second statements and so forth on another day or as an adjournment item. But the fact is that it is not a point of order.

Ms SHING (Eastern Victoria) (09:50) — It is a good opportunity to rise when talking to the Ports and Marine Legislation Amendment Bill 2017 this morning to go over a number of the safety issues that have arisen as policy challenges and as regulatory challenges and as resourcing challenges in the areas of the use of personal watercraft. It is interesting and easy to paint a picture of receiving a jet ski or a personal watercraft for Christmas and thinking that it is going to be exciting and new and just like *The Love Boat* — 'Come aboard, we're expecting you' — where things will go seamlessly well and everyone can have a whale of a time. In fact as I recall from having watched a number of episodes of *The Love Boat* growing up, the line at the end of the credits refers to the fact that love does not hurt anyone — well, that is true perhaps for love in *The Love Boat*; it is definitely not true for personal watercraft.

Personal watercraft are in fact responsible for so many horrific injuries, collisions, near misses, long-lasting trauma and incidents. It stops being exciting and new when you do not have the skills to be able to manage a powerful piece of equipment without having the education or the training necessary in order to make sure that you can safely avoid obstacles, that you can safely manoeuvre a personal watercraft through areas that are often not able to be readily understood by people with limited or no knowledge of waterways. It stops being exciting and new when you are left with a legacy of broken bones and constant pain.

The overall objective of this particular bill and its amendment is to facilitate improvement in safety. I did start out with a degree of levity, but the points to be addressed in this particular piece of legislation could not be more serious. In addressing the gaps in the scope and the coverage of safety duties under the Marine Safety Act 2010, we are tackling directly and assertively a risk which has existed on our waterways

for far too long despite the fact they are also a source of great joy and despite the recreational benefits they bring not just to children, families and people from Victoria but also to those who come to our waterways and our seas and our coastal environments to holiday from elsewhere. The overall objectives also include a requirement to reduce public safety risks through the making of specific changes to licensing requirements for pilots and masters of recreational vehicles aged between 12 and 16 years.

It is also about enabling more efficient and effective management of state waters by amending the waterway rule-making powers and providing powers to local ports and waterway management to deal with abandoned vessels. As Mr O'Donohue indicated in his opening remarks, Gippsland Ports is in fact one of the areas where this is covered.

There are many, many waterways throughout Gippsland, the area I also represent, which are frequented by people using personal watercraft, and they are enjoyed. We do have some of the very best waterways in the state and indeed in the nation, and they include Ramsar-protected areas, wetlands and coastal areas that are exciting and new and are wonderful for people to come together to build family memories and holidays around. However, they are often very, very dangerous, and if you add to that a piece of equipment which in the wrong hands or in inexperienced hands is extraordinarily dangerous, what you have is the potential for tragedy.

In supporting more effective cross-portfolio enforcement and in facilitating cost savings by removing unnecessary limitations on the disclosure of marine-licensing and registration information to enforcement authorities, there is also a better capacity for the bill to address information sharing and collaboration while also reducing red tape and enabling cost savings to be achieved by making minor technical and miscellaneous amendments.

We have done an awful lot in recent years to invest in safety education and the delineation of boating zones in Port Phillip Bay. In addition to this we have worked very hard in the community. But despite these investments safety incidents involving personal watercraft — so jet skis — continue to occur near swimmers and other water users. The investments are making a positive impact, but we have more to do. So there is a related measure in the bill aimed at reducing injuries to minors and avoiding the loss of life. Minors between the ages of 12 and 16 years may currently apply for and obtain a restricted marine licence. The restrictions imposed are that licence-holders must not

operate at a speed greater than 10 knots; must not operate between sunset and sunrise because visibility is critical for the purposes of safe operation, particularly where we are dealing with minors; and must not tow persons or other vessels.

Making sure that people have these restrictions imposed until such time as they have the requisite level of experience and a greater level of maturity will in fact reduce overall the risks associated with serious injury because of the use of these personal watercraft in a way which is unsafe. It means that we can also encourage minors to get involved in recreational boating in a very controlled way without exposing them to significant risk. We have seen numerous calls for change to what has been described as 'horribly dangerous' in relation to jet ski licensing rules, and the hooning issue in relation to watercraft has been something which has aggrieved communities, families and victims of this sort of behaviour for many, many years.

It is not uncommon to hear people bemoan 'bloody jet skiers' when they are trying to enjoy a day on the water. By actually imposing these rules in relation to the use by minors of these craft we are encouraging better behaviour to be developed from the start, so that when we do have people out using watercraft with fewer restrictions because they are no longer minors they will be demonstrating better behaviour for the benefit of the community as a whole.

Making sure that we can actually address these challenges is a big part of this bill, along with making sure that the bill ensures that pilotage service providers have an obligation to minimise the risk of operations and that abandoned vessels, which pose safety risks and may occupy moorings, berths and other facilities at the expense of other users, can in fact be coordinated through a number of agency collaborations to be located, seized and disposed of abandoned vessels and if necessary the cost of disposal can be recovered from the vessel owners.

What we do have with this bill is further work done to make sure that we provide better safety measures on the water; to make sure that we provide better opportunities for young operators of these craft to learn, practise and embed good habits; to make sure that we have the starting point of a broader package of compliance monitoring and enforcement measures; and also to provide for the best ways possible in practical terms to reduce the number of incidents that occur, which currently set out a disproportionate representation of persons between the ages of 12 and 16 years being injured on personal watercraft when compared with the rate of injury observed in other age groups.

Making sure that we actually address those gaps means that we will be in a position to take care of young watercraft users and their families. It is incumbent upon us to take this with the same level of seriousness that we do the operation of any other heavy machinery. In this regard looking at the work that has been done across the operation of motorcycles, cars and heavy vehicles is a good example of a greater sense of awareness by governments of all colours and persuasions to address these issues and these concerns proactively, whether that is through getting 120 hours in a log as it relates to driving experience before getting a licence; being required to be on restrictions as far as the power of a vehicle that you can operate, whether it is a motorcycle or a car; or better training and educational opportunities for people in our farming and agricultural sectors.

The quad bike is another very, very dangerous piece of equipment that is a disproportionately high part of fatalities and serious injuries on our farms in Victoria. That is something which is felt around Australia and globally. Making sure that we can understand the risks as they apply in an everyday sense gives people the best tools possible to be educated about proper use of heavy vehicles, equipment and machinery, and this is one further example of that.

Making sure that we are extending marine safety duties to local port managers and providing Marine Safety Victoria, which is now Transport Safety Victoria (TSV), with the authority to regulate and ensure that consistency in safety standards applies to all Victorian port waters means that again there will be a very keen local interface, whether it is the Gippsland Ports or whether it is other local waterways around the state, to have that direct oversight and control, and to have that responsibility made abundantly clear. Because again when we do have enforcement, education and compliance measures being exercised at a local level, we are making sure that we do get the best consistency and responsibility for the rollout of safety measures which will benefit everybody, as well as making sure that we can understand where and how local waterways and port operators need additional assistance or resourcing to cope with challenges that might be very specific to their situation.

We have a number of other challenges, though, that will continue to operate to test the will and resolve of people on the ground, and removing red tape is a big part of this. Exclusion zones on state waters are sometimes needed to facilitate and enable certain activities to be undertaken in or on state waters. It was envisaged that under the relevant provisions the establishment of exclusion zones for certain types of boating activities

would accompany the requirement to gain exemptions from requirements that otherwise apply, but as currently drafted the law requires applicants to seek to establish an exclusion zone to also seek a boating activity exemption. However, clause 20 of the bill removes the unnecessary link between the establishment of exclusion zones and the application process for exemptions.

We do need to make sure that we have also a better capacity for TSV to cancel pilot licences due to concerns about medical fitness. Clauses 23 to 26 of the bill enable licence conditions to be imposed which require medical fitness to be maintained and assessed periodically. That is also consistent with requirements that apply when a person first applies to become a pilot, and disclosure of information is another significant component of the bill set out in clauses 28 and 29.

It is unfortunate that I do not have further time available to me today to talk through the broader policy and practical implications of this bill and what it means as part of a broader suite of compliance measures to enhance and improve safety in and on our waters, because this is, despite the earlier gaffes that I made in the opening remarks, actually very, very serious. We need to take this issue and continue to tackle it in the way that we have tackled and tackle road safety, in the way that we have tackled and continue to tackle farm safety, in the way that we encourage better understanding of risks by those in our communities, particularly minors, who do not necessarily have a full understanding of the dangers associated with what is otherwise a wonderfully fun activity.

With those few comments, and suspecting that there would not be an indulgence to give me additional time, I would commend this bill to the house on the basis that it does a number of things to improve safety and that it does represent a further step in acknowledging the issues that have been associated with personal watercraft risk, collision and serious injury in the past and looks towards being able to prevent further injuries or collisions from occurring, often with tragic results, into the future. I commend this bill to the house.

Ms SYMES (Northern Victoria) (10:04) — I too wish to make a contribution on the Ports and Marine Legislation Amendment Bill 2017. This is a very important bill for those that enjoy time on the water, and particularly those that —

An honourable member interjected.

Ms SYMES — That is right. Marine safety is an important matter. I am going to have less puns than

Ms Shing, I am sure, but I will have a crack throughout the process of my contribution. The primary purpose of the bill is to address identified safety problems and facilitate improved public safety outcomes in the future. So this is really a bill that is designed not only to address immediate safety issues but also to bring about some cultural change on the use of the lovely waterways that we have here in the state.

I have a very large electorate. It covers half the state, and therefore it is very various in its offerings. I have, I reckon, the best part of Victoria, but one of the things I do not have are any oceans, no beaches — something that many of my colleagues enjoy. I actually do not miss not having any beaches. I find the water a bit cold down here. Give me a tropical beach anytime. But we do have other lovely, lovely large waterways in my electorate, including Lake Nagambie, of course, which I know many people will be quite familiar with. Boating, fishing, waterskiing, jet skiing — there are ample opportunities for water pursuits in the electorate of Northern Victoria Region.

This is an important bill for all Victorians because there are obviously lots and lots of constituents that enjoy entertainment on the waterways. This bill really is about removing red tape to enable administrative cost savings to be achieved. Some of the miscellaneous, minor and technical changes that the bill proposes to make are considered long overdue, so it is good that we have the opportunity to complete this bill today, I think. Aside from the legislation needed to support the port of Melbourne transaction, the ports bill, this is the first legislation addressing water issues in terms of the ports portfolio since 2012–13.

There has been much talk and public concern about jet skis and the safety issues around the use of that particular water vehicle. Despite significant investment in safety and education and the delineation of boating zones, a small group of jet ski users continue to engage in unsafe conduct. That is of significant concern to local communities where jet ski operations are concentrated. This conduct threatens the safety of swimmers and other water users. Certainly as a mother of small children I would not allow my children to be too far out in the water when there are jet skis around. It is one of those things. If there are jet skis around, you want to make sure that the rules are very clear, communicated well and indeed enforced.

The government of course is responding to those community concerns by investing in a targeted package of compliance monitoring and enforcement activities. The bill includes a related measure aimed at reducing injuries to minors and avoiding the loss of life. Minors

aged between 12 and 16 years that hold restricted licences are currently able to have those licences endorsed so that they can operate jet skis. The available evidence indicates that a disproportionate number of minors are being injured on jet skis when compared to the rate of users of jet skis in other age categories. The data and anecdotal evidence made available by the water police, Transport Safety Victoria and local waterways managers support the view that there is a genuine safety problem that needs to be addressed, and that is being done through this bill.

The bill makes an amendment that prohibits persons less than 16 years of age from having their licences endorsed, so they are not able to operate a jet ski without supervision. Supervised operation of jet skis by minors is still possible, so there will continue to be avenues available to minors to learn responsible jet ski operation. In effect, what the bill is seeking to do is to require that there is adequate adult supervision at all times. This is expected to reduce observed injury rates and potentially save lives, and we certainly hope that that is the case.

The Marine Safety Act 2010 imposes duty on a range of different parties to identify risks and implement measures that minimise safety risks so far as that is reasonably practicable. The bill will address gaps in safety duties and safety requirements that have been identified as a consequence of incidents on state waters in recent years. The bill applies safety duties to managers of events held wholly or partly on state waters, and it will ensure that Transport Safety Victoria has the capacity to ensure risks are minimised. I would just like to take the opportunity to give a shout-out to Transport Safety Victoria and thank them for the work they do on behalf of the government.

Similarly, to enable the good people at Transport Safety Victoria to more effectively oversight safety risk management in local ports, the bill extends the safety duties currently applied to commercial port management bodies to the managers of local ports. The bill also ensures that pilotage service providers have clear and unambiguous safety duties irrespective of the type of vessel under the pilotage.

There are several other miscellaneous minor and technical changes in this bill. The Victorian Ports Corporation already has powers to deal with abandoned things left on port land or on port waters. Amendments made by the bill ensure that all other port and waterway managers have the power to locate, seize and dispose of abandoned vessels and things.

The capacity of Transport Safety Victoria to make waterway rules is currently limited in a number of ways, and this bill seeks to address that. Specifically those limitations are unnecessary, and we would say they impede Transport Safety Victoria's ability to take timely action to manage identified safety risks. The bill removes all of these unnecessary limitations.

The bill establishes a new regime for the use and disclosure of information that is modelled on information disclosure provisions in the Road Safety Act 1986. It is good to have some consistency between our road safety legislative instruments, including those that now apply on the water. This will assist cross-portfolio coordination with fishery regulators, customs, quarantine and Victoria Police and enable administrative cost savings to be achieved through that streamlining of those organisations and the information that they deal with.

The bill also implements a number of changes to legislation in the ports portfolio that is consequential to other reforms that have been approved by this Parliament. An example of that would be in part 3 of the bill, where there are changes to drug and alcohol testing requirements that are consequential to changes to the road safety drug and alcohol scheme made by the Road Legislation Further Amendment Act 2016. It implements direct liability provisions that are consistent with formulations that have been agreed to at the national level and which are being progressively implemented across all Victorian statutes.

I think probably the attention that this bill will receive certainly comes back to the jet ski changes, and obviously it responds to the community concern and call for improvements in that space. It is only prudent to just go through that in a little bit more detail. Of course at the beginning I explained that the bill prohibits the unsupervised operation of jet skis by minors, and that is persons aged between 12 and 16. They will still have the opportunity to enjoy being in control of a jet ski, but we are just making sure that there is a little bit more provision around that to ensure that those important safety measures are paramount, because the evidence, as I have indicated, is showing that it is a safety concern that we as a government have an opportunity to address, and therefore that is our obligation.

Persons that are between 12 and 16 may apply for and obtain a restricted marine licence. Licence-holders may not operate at a speed greater than 10 knots. I actually do not know how fast 10 knots is.

An honourable member — Quick.

Ms SYMES — Quick? Pretty quick. I am not a boating —

An honourable member — It is similar to 10 miles an hour.

Ms SYMES — It is similar to 10 miles an hour. Now, that is pretty quick on the water. We are not the fun police. We are not taking the fun out of these things. We are just making sure that there are appropriate measures to ensure the best safety outcomes.

Licence-holders may not operate between sunset and sunrise, which I think is a very commonsense approach, and they also must not tow persons or other vessels. Of course I have seen those tyre things that go behind jet skis. It is not my choice of recreational activity on a weekend, but I certainly know that many people enjoy that pursuit. I think it is important that 12 to 16-year-olds are not towing other people, but of course adults will still be able to do such things, so that is a sensible limitation for this age group.

People using vessels on the water generally do so with the intention of operating at speeds significantly in excess of 10 knots, so restricted licences are seen by many as being inconsistent with the restrictions imposed on those licences.

Just to back up the anecdotal evidence about some of the safety concerns of this age group, there is actual incident data that indicates a disproportionate number of persons between 12 and 16 are being injured when compared with the rate of injury of other age groups. I think this will be a welcome reform by many parents as well as the general boating community. As I said, it does not prohibit the use of these vehicles by young people; it is just making sure that there are some stringent rules around it.

I certainly welcome this bill. I welcome continued safe, fun recreational pursuits on our waterways. This bill goes a long way to reminding people that there are probably some safer ways to do things. I think this will bring about a cultural change and make it safer for users now and users into the future. I am certainly happy to commend this bill to the house.

Ms PENNICUIK (Southern Metropolitan) (10:17) — I am pleased to rise to speak on the Ports and Marine Legislation Amendment Bill 2017. The bill does a number of things which are aimed at improving safety on Victorian waterways, including our bays, rivers and lakes et cetera, and particularly where boating activities occur. But it also goes to strengthening the ability of port authorities, particularly

regional ports and smaller ports, to deal with safety risks as they may present themselves.

The bill amends some of the waterway rule-making powers and facilitates the disclosure of marine licensing registration information to enforcement authorities. As I said, it provides more powers to local ports and waterway managers to deal with safety issues, including with regard to abandoned vessels, and changes licensing requirements with regard to children on vessels, particularly in relation to the ability of children — or minors, people under 16 — to be in charge of a jet ski. I will talk about some of these a bit later in my contribution. I note that the bill was debated in the lower house in March this year, so quite a long time ago, and has been sitting on the notice paper for a very long time.

In detail, part 2 of the bill makes amendments to the Marine Safety Act 2010, part 3 makes amendments to the Marine (Drug, Alcohol and Pollution Control) Act 1988, part 4 makes amendments to the Port Management Act 1995 and there is an amendment to the Road Safety Act 1986, which is consequential to the changes included in part 2 specified in part 5.

Clauses 7 and 9 of the bill extend the safety duties that currently apply to commercial ports management bodies and the managers of local ports to enable Transport Safety Victoria (TSV) to more effectively oversee safety risk management in local ports. It is interesting that in 2016 the Victorian Auditor-General's Office did a follow-up on recreational maritime safety. Just reading from the Auditor-General's comments on that bill, in fact it was the acting Auditor-General at the time, Dr Peter Frost, who made the comment that this report was one of three follow-up audits that he would table in the years 2015–16 — this report was tabled in June 2016 — to provide Parliament and the community with information about the improvements that Transport Safety Victoria and the Department of Economic Development, Jobs, Transport and Resources have or have not made in relation to the audit recommendations in 2014 in *Recreational Marine Safety*. That audit found:

... that the state's regulatory framework was not being effectively or efficiently implemented. Shortcomings included the absence of arrangements within TSV for assuring the effectiveness of its regulatory approach as well as the competence and ongoing suitability of waterway managers. In addition longstanding waterway rules were not fit for purpose and did not support the efficient management of safety risks. The audit made 14 recommendations to improve recreational maritime safety.

... As Victoria's transport safety regulator, TSV must ensure that designated waterway managers are meeting their

legislative obligations in helping to maintain public confidence in the marine safety system.

The Auditor-General found that:

In spite of this responsibility, TSV has no explicit function under the maritime safety act 2010 to oversee waterway managers. The safety director is reliant on the cooperation and capability of waterway managers in taking action on identified deficiencies. This limits the action TSV is able to take and this situation needs to be addressed.

This was back in 2014.

In January 2016 the department commenced a review of the governance of waterways in Victoria. This creates an opportunity to critically examine the legislative framework and address fundamental deficiencies in the regulatory scheme that were identified in our 2014 audit ...

and which at the time of this report in June 2016 still remained unresolved.

Despite the commitment of the department and TSV given to the Auditor-General to action the recommendations made in 2014, the Auditor-General found in 2016 that progress had been slow and both agencies needed to continue to drive and closely monitor actions taken and planned to ensure their intended impact on improving recreational maritime safety in Victoria is achieved.

Some of the issues identified by the Auditor-General are being addressed in this bill. As I said, clauses 7 and 9 extend the safety duties that currently apply to commercial ports to the managers of local ports to effectively oversee safety risk management in local ports. Clause 8 of the bill applies to the safety duties of managers that hold events wholly or partly on state waters. I note that that particular clause as it was originally written in the bill has invited quite a lot of public comment about the duties imposed on the managers or coordinators of water-related events such as boating races and swimming carnivals et cetera held on Victorian waters. Certainly the original wording of that clause was quite vague as to who the duty holders were and what their actual duties were as the person or persons managing an event on Victorian waterways.

Overnight I received a set of amendments from the government, which I have had the opportunity to look through, and we will spend some time on this in committee, I presume. They do look to me to have significantly improved clause 8 because, as I have said, it is quite vague as to, firstly, who was meant to be the duty holder, and what they are required to do. For example, part of the wording is 'ensure ... that rescue services and first aid ... services are available to participants'.

Of course if you are in charge of a boating activity such as a kayaking activity or a boat race, particularly if that involves young people, or if you are organising a swimming carnival or swimming event in open waters, then definitely you need to have first aid and rescue services available. But all the clause says is 'ensure ... that rescue services and first aid ... services are available to participants'. It is an extremely broad provision that is originally in the bill, leaving those people who may be held liable if something had gone wrong with not much guidance as to what they are actually meant to be doing.

Mr Bourman — Which is never a good thing.

Ms PENNICUIK — Never a good thing, no. Thank you, Mr Bourman. Just the words used, 'Safety duties of persons who manage boating activity events', are also very broad. I note that the new provisions that the government is wishing to insert in the bill by way of the amendments circulated last night talk about duty holders and duty holder as defined under the WorkSafe act, for example. That narrows it down to the person who actually holds the duty and excludes people who are employees of the person who holds the duty and people who are volunteers. The first iteration did not do that, so it was unclear as to whether if you were a volunteer organising a swimming activity you were going to be held liable under the act. It is good to see that the government has moved in relation to clause 8 and completely rewritten that clause.

There are a number of other amendments to the bill that the government has circulated. One is with regard to the definitions of vessels to which duties would apply for piloting of vessels, as I understand it, on my first reading of that amendment. Again, no doubt we will spend some time in committee on that.

Clause 11 of the bill makes an amendment that prohibits persons less than 16 years of age from having their licences endorsed so that they are not able to operate a jet ski without supervision. That is a welcome development. Certainly as a person who represents the Southern Metropolitan Region that includes suburbs that are adjacent to the bay, I know that some of those areas in my electorate are designated jet ski areas, and this has been a longstanding problem. I think if we were to do a survey of the population of Victoria we would find that a vast majority of Victorians hate jet skis and hate them being on the bay during the summer months when people are trying to enjoy themselves there and swim and enjoy the waterways with their children. I am one of those people. I love to go to the beach. I love to swim in the bay. If you are down in the Brighton area, for example, where there is a designated jet ski area,

you can be down there for hours and all you will hear all day are jet skis at full volume.

Mr Young — How dare they?

Ms PENNICUIK — I will pick up Mr Young's interjection, 'How dare they?'. Mr Young is always in favour of minority rights, which is a good thing — we are all in favour of minority rights — but he is in favour of the minority of Victorians who like to shoot our native waterbirds, and now he seems to be in favour of the minority of Victorians who like to spoil the amenity and ambience for the majority of Victorians who are trying to enjoy some peace and quiet at the beach where they can hardly hear themselves talk over the sound of the jet skis going up and down endlessly, all day.

But back to the provision. The fact that hitherto someone as young as 12 has been able to be in charge of a jet ski unsupervised is unbelievable. Jet skis are very powerful water vessels, and they are very dangerous if operated at speed. To think that up until when this bill comes into force children between the ages of 12 and 16 have been allowed to be in charge of a jet ski unsupervised is unbelievable. Of course we all know that people have been injured and killed by the operation of jet skis. The injury rate of children between the ages of 12 and 16 is particularly high, and not only do they injure themselves but they injure other people as well. Personally I think no-one who is under 18 years should be in charge of a jet ski. I do not know why the age of 16 has been chosen, but certainly it is better than 12. With this provision, anyone under the age of 16 will have to be supervised by an adult if they are going to be on a jet ski, and that is a good thing.

I have to say that, for example, in one of these designated areas in my electorate, in order to actually go out into the designated area, the jet ski operator is meant to be going — I could not quote you the exact rate of knots, but it is supposed to be a very low rate of knots — let us say very slowly. Can I say if you take an hour of time out of your day to stand next to that designated area and check how many of them are going out slowly, I think you would find there are not many. They are all racing out and racing back in again, and there are very rarely any compliance officers there to deal with that issue. It is an issue that causes danger to members of the public who are in those areas.

If I had my personal way, there would not be any jet skis except for use by lifesavers. They are certainly a great tool for that because they can get out very fast and the lifesavers can pull up a swimmer who could be in trouble in the water. I think they are fantastic for that. But in terms of the small minority of people spoiling

the amenity of our waterways for everybody else by zooming up and down endlessly at a great rate of knots and very loudly, I am not in favour of that. It is good to see some action taken on the control of jet skis by young people.

Clauses 14 and 15 make some amendments to ensure that TSV has the authority to act when needed. I am presuming that some of these amendments go to the issues that were raised by the Auditor-General as to some of the gaps that were in the law allowing TSV to act in certain instances.

The issue with regard to abandoned vessels I found quite interesting, because it appeared to me quite strange that up until now there were gaps in the ability, particularly in local ports, to deal with abandoned vessels. Of course abandoned vessels can be a health and safety hazard as well, especially if they are floating around untethered or if they are upturned in a waterway, and they create a hazard to other boating vessels. I was surprised to know that was in fact the case and that it has to be ameliorated by this legislation. So it is good to see that happening.

Also, I presume by following the licence number of a vessel, the particular port authority that has to deal with the removal and disposal of abandoned vessels is able to track down the owner of a vessel and recover the costs incurred to remove and dispose of that vessel. Just looking through this legislation, there have been quite a few surprises for me in terms of things that previously could not actually be done under the Marine Safety Act, and some of the amendments in this legislation go towards fixing that.

Clauses 24 and 25 of the bill include amendments that enable Transport Safety Victoria to impose conditions on pilot licences relating to competency and medical fitness and to ensure that the competency and medical fitness of pilots are tested periodically. I noticed that amongst the amendments circulated last night there are some that go towards that issue: making sure that a pilot provided to an owner of a vessel is not impaired by fatigue, alcohol or other drugs; that the pilot is medically fit and able to carry out the activity for which that pilot has been provided and is qualified and competent to carry out that activity; and also, so far as reasonably practicable, that such information, instruction, training or supervision is provided to a pilot provided by the person to an owner of a vessel as is necessary to enable the pilot to carry out an activity mentioned in the definition of marine safety work.

I know my colleague Ms Hartland will have some remarks to make about this issue because it is

something she has had a lot to do with over the years, but if I could make some general remarks, pilots that board vessels, in particular those that are coming in through Port Phillip Heads, perform a very important function. They are very essential to marine safety in getting vessels in and out of the port of Melbourne but also in other ports where there can be hazardous conditions that may arise from time to time due to weather conditions, wind changes, swell et cetera that can alter the local conditions.

I would like to take this opportunity to go back to an issue I pursued in this Parliament for some years, and that is the issue of the channel deepening of Port Phillip Bay, which occurred some eight years ago now and which I was an opponent of. Many scientists and others who are very familiar with the geography of Port Phillip Bay, with the bathymetry of Port Phillip Bay and with the hazards and the particular characteristics of Port Phillip Heads warned against the channel deepening project. There were two main aspects to it. There was the issue of the effects on Port Phillip Bay, which I will talk about in a moment, and there was the issue of the government of the day, which of course was the Brumby government, asserting that we just had to have channel deepening to allow the bigger ships — Panamax ships et cetera — to enter Port Phillip Bay. As far as I know, not one of those ships has ever entered the bay or come near Port Phillip Bay, and there are a lot of reasons for that.

At the time I pointed out that if people were paying attention to the shipping news and the missives put out by the major shipping companies, they would know that that was never going to happen. They had no intention of ever coming down to Melbourne with those large ships. Firstly, for economic reasons they were never going to do it. They have not done it in the eight years since channel deepening occurred. None of those ships has ever come down here. None of them has ever come into the bay, and another of the reasons they cannot is because of the geography of the bay. We are talking about a very shallow bay, and the channels have to be maintained by constant dredging. I can remember saying at the time to Mr Jennings, 'What keeps me awake at night is what's going to happen once you remove 5 metres of rock from Port Phillip Heads', because all the scientists said that is a very dangerous thing to do. Once you take it away, you cannot put it back. What they said was the main problems will be felt in the south of the bay because of the way the water moves in the bay. It moves in and out of the south of the bay, and it swells around in the south of the bay. It does not necessarily go up to the north where the actual port of Melbourne is or around the suburbs that surround the entrance of the Yarra River and the

Maribyrnong River to Port Phillip Bay, but most of the effects will be felt in the south of the bay, and that is exactly what has happened.

We have completely lost Portsea beach. That has been washed away by ocean swell that comes into that bay every single day. It has never happened before. It has never happened in the history of Port Phillip Bay that ocean swell would be coming in. Again if you want to take an hour of your time to head down to Portsea and stand on the pier — if you can, if it is not being washed over with water — you will see this swell coming in and washing onto the now disappeared beach that is being propped up with sandbags. There is now water reaching the actual land of that area and in other places along the south of the bay as well. Only last year I was walking along the areas around Mount Martha et cetera, and you can see massive erosion happening on those beaches and all of the beaches along the south of the bay. This is going to continue on forever. It is never going to stop because the 5 metres is gone, the swell is coming in and the erosion will keep happening. In some areas it is going to really start impacting on the infrastructure along those beaches. Irreparable damage has been done. Millions of dollars were spent and all for no point whatsoever.

But there is a point to this in relation to the bill, and that is about pilots. It was the pilots that were piloting the ships in and out of Port Phillip Heads at the time who also warned against it, saying it would make the access and egress to Port Phillip Heads more dangerous, and that is what has occurred. I do not do it so much now, but I did watch the missives from the port of Melbourne and the notices to mariners. For all my sins I would look at the notice to mariners and I would read the port of Melbourne's notice to mariners: 'Please do not try to enter Port Phillip Bay in the next 8 hours'. So we have now got ships lined up outside in Bass Strait and we have got ships lined up inside Port Phillip Bay waiting for tides and weather conditions to change to a suitable time when the pilot can get on and get them out safely or get them in safely because Port Phillip Heads is so much more dangerous than it ever was.

The other issue with the larger ships is that they are of course not only longer but wider and deeper, and the reason they do not come in is that if a mistake is made on entering through the narrow channel — it is not very wide — and all of a sudden there is a change in the weather, which anyone who is familiar with Port Phillip Heads would know can happen pretty quickly, and one of those ships actually turns around, it will find itself embanked on the very shallow areas that are adjacent to the shipping channel and will have a major incident there. That is why they do not come down. It is another

reason why they do not come down. They are never going to come. They do not come; they are never coming.

So we have just done irreparable damage to our bay. Scientists warned against it, but there it is. Not to mention that we have also still got the toxic dump in between Mordialloc and the western suburbs for the millions of tonnes of toxic sludge that were dug up from the Yarra River — Ms Hartland might want to talk about this; she has got a long history with this issue — alongside Coode Island et cetera, where even some nuclear or radioactive waste was buried in the sludge. That was all dug up and buried in the bay under layers of sand. I tried to stop that with a bill in this Parliament to prevent the dumping of toxic waste in our Port Phillip Bay by the government of the day, the Brumby government, against the provisions of the Environment Protection Act 1970.

Mr Dalidakis interjected.

Ms PENNICUIK — We were like that! That is the history of port and marine safety in Port Phillip Bay. Perhaps some people new to the chamber might not have been aware of that and how we have arrived at the situation of the shoreline on the south of the bay, not only on the Portsea-Mount Martha side but also on the other side of the bay, where parts of the landscape along there are only inches above sea level, so water is now coming up at high tide and running across the roads. It is all down to the Brumby government and its terrible channel deepening project. It was a terrible waste of taxpayers money.

Mr Dalidakis — Were there any environmental outcomes that you were unhappy with?

Ms PENNICUIK — They were the ones that I have just been talking about — through you, Acting President. There were terrible environmental outcomes with regard to Port Phillip Bay.

There is a little bit of joviality happening, but this is the seriousness of having a toxic dump in the middle of our bay, which is surrounded by suburbs with people using the bay all the time. As far as I know, the Brumby government put in place an organisation called the environmental monitor, which did not do too much monitoring and then was disbanded. As far as I know, there is now no monitoring of the toxic dump in the middle of the bay. The government has basically thrown up its hands as to what to do with the ongoing erosion down in the south of the bay and has also refused to acknowledge that this had anything to do with channel deepening, even though it happened just

after channel deepening. It had never happened before channel deepening and it has been happening ever since. The government tried to deny there was any link between the two, but of course they were directly linked and it was subsequently demonstrated by the CSIRO, which did a study into it, that the channel deepening was responsible for the damage to the south of the bay. In terms of pilots who help ships navigate in and out of Port Phillip Heads, their job has been made much more difficult by the channel deepening.

I would not like to let this opportunity go without going back to one of the local ports, which is a Gippsland port. Another issue that I fought quite strongly over in this place was the Bastian Point boat ramp, which was put in to make a 'safe' boat harbour and which the independent panel at the time strongly advised against because the conditions at Bastian Point near Mallacoota mean it could never be made into a safe boat harbour. And that is exactly what has come to pass. It has come to pass that very rarely can anyone safely get in and out of that area because of the conditions. In the process of putting in the boat ramp there, a beautiful beach was destroyed and completely changed forever and no safe boat harbour actually eventuated, as predicted by the independent panel that looked closely into it. But that was overridden by the minister. As I said, it is good that this bill is looking at making it easier for local ports to deal with safety issues in their areas.

Getting back to the issue of clause 8, which is in regard to —

Mr Dalidakis interjected.

Ms PENNICUIK — Through the Chair! I was of course giving a wider context to the issue of the challenges that face our pilots who need to safely get container ships in and out of the port of Melbourne.

I go back to clause 8 because it is the one that has attracted the most public comment. I mentioned before the amendments to clause 8 that were circulated by the government last night. As I said, I was very glad to see them because I thought, 'Well, I'm going to have to spend quite a lot of time in committee on clause 8 and find out from the government how they are going to actually implement this particular clause', which was so wide and vague and unspecific in imposing duties and liabilities on organisers of boating activities. As the clause still says, an example of a boating activity event could be a boat race — of course that could be a boat race involving kayaks or sailboats, which happen on the bay on a daily basis — water sports competitions or exhibitions or open water swimming races. It includes filming or promotional events, so I would be interested

to know what filming and promotional events might actually be covered by this. It could mean filming part of a film or a TV show, for example, that involves boats on the water; it could be that.

I noticed that in the amendments circulated by the government the insertion into the new clause of the phrase 'so far as is reasonably practicable'. That is a phrase I know well from the occupational health and safety legislation. I know it very well from legislation around the country that the duties imposed on employers to provide a safe workplace are 'so far as is reasonably practicable'. Of course when incidents occur in a workplace, be they death or serious injury, that end up going to court where there is a prosecution by WorkSafe of an employer, that phrase there can come to be quite —

Mr Dalidakis — Challenging.

Ms PENNICUIK — Well, it could be the fulcrum of the debate — what was reasonably practicable for the employer to do. It is a phrase that is inherent in the occupational health and safety legislation around the country, and one would have to say it was put in there at the behest of employers because they did not want a strict liability for occupational health and safety; they wanted to be able to say, 'Well, we did what was reasonably practicable to do', so that is throughout all the occupational health and safety legislation and it is now creeping into the marine safety legislation as well.

However, in terms of what I was saying before, the original clause was so open-ended and vague that it would have been difficult for anybody to know what they were meant to comply with unless there were very explicit regulations. But you cannot always overcome the faults of vaguely written legislation by trying to compensate with specific regulations. The regulations are always better if they follow on from good legislation in the first place and are not there trying to overcome legislation which could be better written. I think clause 8 is better written, but certainly we will have some questions about that when we get into the committee stage and the government moves those amendments. As I say, I will go back to the issue of the age of children on jet skis as well during the committee stage, but generally, particularly with the newly rewritten clause 8, the Greens will not be opposing this bill.

Mr MULINO (Eastern Victoria) (10:59) — This is an important bill that deals with safety on our waterways and also with a number of important regulatory matters relating to the port and other aspects of the use of our various harbours and ports. In relation

to safety in the use of jet skis, I want to make a couple of opening observations. My electorate includes the Mornington Peninsula and of course many other areas in which jet skis and other recreational water vehicles are used. Indeed it has been reported in the press that there are over 230 000 people with a licence to operate a jet ski in Victoria, which is more than in Queensland or New South Wales. This is a very significant number, and this shows the degree of interest —

An honourable member interjected.

Mr MULINO — Indeed, without taking up the interjection, I have confirmation from elsewhere in the chamber that there are some within the chamber at the moment who have one. This is a significant number, and indeed it has also been reported that that number is increasing. One only need visit many parts of the peninsula, for example, to see the number of vehicles on the water.

This is an activity that people are enjoying — it is an activity that many people are enjoying — and it is an activity that is growing. But as previous speakers have indicated, it is an activity that is in a lot of ways deceptively dangerous. It is an activity that has caused serious injuries and indeed death in this state and in other states, and as speakers on this side have said, we are not trying to be the party poopers — we support people's rights to undertake this activity — but when an activity has certain inherent dangers, the regulation of that activity is a matter of considerable public importance.

There are a number of aspects of the use of jet skis that warrant policy consideration. Noise pollution, for example, is clearly a matter that many people have raised in a number of contexts, and that is a serious matter, but of course it is in my opinion the far more serious matter of the potential use of jet skis in swimming areas that is a significant matter, and then of course you couple that with the fact that a number of minors are now using jet skis.

This in many ways reminds me of a regulatory issue that I grappled with in a previous life, and that was quad bikes. Quad bikes are a vehicle that many people consider semi-recreational. They are of course used in many regional settings for work, but they are also used in some settings as a semi-recreational vehicle. They are used by many minors in many situations. Quad bikes, as many people in the chamber would know, are a cause of a large number of serious injuries and indeed a large number of deaths in this country. For too long the regulation of the safe use of quad bikes was not prioritised. It is relevant, I think, in that with jet skis we

again have a vehicle that can be much more dangerous than people would imagine at first blush. As I said, we have had deaths in this state and of course other jurisdictions as well. The safety and the use of these vehicles is very important.

Currently minors aged between 12 and 16 years that hold restricted licences are able to have those licences endorsed so that they can operate jet skis. The available evidence indicates that a disproportionate number of minors are being injured on jet skis when compared with the injury rates across the population as a whole. This should not be surprising. The judgement of minors in a number of respects is not fully developed — we know this in many, many contexts — so it is highly appropriate that there be stronger regulation when it comes to the use by minors of vehicles such as this.

This bill makes an amendment that prohibits persons less than 16 years of age from having their licences endorsed so that they are not able to operate a jet ski without supervision. Supervised operation of a jet ski is still possible so that they will continue to be able to enjoy jet ski operation, but this is going to fill a significant gap in the regulatory framework when it comes to minors, and that is a very significant change.

The Marine Safety Act 2010 imposes duties on a range of different parties to identify risks and implement measures that minimise safety risks as far as is practicable. This bill will address the gaps in safety duties and safety requirements that have been identified as a consequence of incidents on state waters in recent years. The bill applies the safety duties to managers of events held wholly or partly on state waters. This is a gap in an area of the regulatory framework in relation to events that are held wholly or partly on state waters that this bill will strengthen. The bill also ensures that pilotage service providers have clear and unambiguous safety duties, irrespective of the type of duty under pilotage.

The bill also makes a number of other minor and technical, but nonetheless important, changes. The Victorian Ports Corporation already has powers to deal with abandoned items left on port land or in port waters, but this bill contains a number of amendments that will ensure that all other port and waterway managers have the power to relocate, seize and dispose of abandoned vessels and things. The capacity of Transport Safety Victoria (TSV) to make waterway rules is currently limited in a number of ways. A number of these limitations are unnecessary, and they impede TSV in taking timely action to manage a number of identified safety risks. This bill will remove a number of those unnecessary impediments. Finally,

the bill will implement a number of changes to legislation in the ports portfolio that are consequential to other reforms already approved by the Parliament.

I might just say that as a side point I was on the select committee that examined the lease of the port. That was clearly a very important commercial transaction for this state that generated significant revenue, which has been deployed to much-needed infrastructure across the state. But what it did highlight, and this was something that came out in the report arising from that select committee, is that the regulation of our port is absolutely critical. The economic regulation of the port was something that was a real focus of that select committee, but of course it is vitally important to strengthen the regulation of all aspects of the port, whether it is pilotage, whether it is safety or whether it is the way in which the ports corporation can deal with abandoned things left on port land or in port waters.

This is an extremely important area, and this chamber spent a great deal of time considering that transaction. We debated a lot of aspects of that particular transaction, but one thing that came out that I think everybody in this place would agree with is that the regulatory arrangements surrounding the port, the powers of the Victorian Ports Corporation and the powers of Transport Safety Victoria are vitally important to the use of our waterways and to one of our great economic gateways.

I want to touch on a couple of the particular aspects of the item that I opened with, which is the prohibition of unsupervised operation of personal watercraft (PWC) by minors. As I said, I see this as a first-order safety issue. People between the ages of 12 and 16 years should be able to enjoy the use of personal watercraft, but the safety risks are so great for people who do not have experience and who do not have potentially well-developed judgement that it is important that we have appropriately strong regulation of their use.

I want to spell out a couple of the specifics, and in particular that licence-holders may not operate at a speed greater than 10 knots, they may not operate between sunset and sunrise and they may not tow persons on other vehicles if aged between 12 and 16 years. Again, if we think about this in the context of using other vehicles, it is quite common for us to impose restrictions on the way in which people can use motor vehicles if they do not have sufficient experience. The risk of accidents causing injury — and potentially worse — to others is sufficient that the imposition of some restrictions is appropriate. In this case the restrictions of speed and when a minor can operate and whether or not they can tow are all

proportionate and reasonable restrictions on their operation of such vehicles.

People using personal watercraft generally do so — I should not say ‘generally’ but often do so — with the intention of operating at speeds in excess of 10 knots. It is important that there be speed restrictions appropriate to a person’s experience and capacity, given the damage that these craft can cause, particularly to swimmers, people who may not be easily visible to the operator of the craft, people who are of course unprotected if they are just swimming recreationally in the water.

I think it is important to note that hospital admissions and emergency presentation data for the period 2007–08 to 2014–15 indicate that a disproportionate number of people between 12 and 16 are being injured on these craft when compared with the rate of injury in other groups. Of course that probably does not surprise, but it is important when changing regulation of this nature to back it up, to justify it with data, and this has been developed on the back of data and is informed by that data.

Minors with an endorsement for operating a PWC are approximately seven times more at risk of sustaining an injury in all age groups, and importantly more than three times more at risk than young adults aged between 17 and 25 years of age. I do not have the data in front of me, but I would not be surprised if we saw something similar with cars and with quad bikes. Indeed in the case of cars we do have restrictions imposed based upon age and upon experience. I think that is an important point to make — that these restrictions are proportionate, they are reasonable and they are justified on the basis of the impact on the broader society, on swimmers and on other members of the community that could potentially be at risk.

Importantly, consultation has been undertaken, and it has confirmed broad support for making the change. The Minister for Ports is proposing to proceed with a broader package of compliance monitoring and enforcement measures. That for me is one of the key provisions of this bill.

I also want to flag some of the specifics of this bill in relation to addressing gaps in safety duties. The Marine Safety Act 2010 places a duty on port management bodies — so the managers of commercial ports at Melbourne, Geelong, Hastings and Portland — to ensure the safety of marine safety infrastructure operations carried out by or supplied to them. This is to put beyond doubt the OH&S duty of care owed by port

management bodies, and it enables TSV to monitor and enforce compliance.

Clause 7 of this bill extends marine safety duties to local port managers to provide TSV with the authority to regulate and ensure consistency in safety standards that are applied to all Victorian port waters, and clause 9 makes a number of consequential but important changes. So this is an important bill. As I said, it deals with personal watercraft but also a number of port arrangements, and I commend it to the house.

Mr DALIDAKIS (Minister for Trade and Investment) (11:14) — The changing of the guard has occurred. It is something that is usually ascribed to London or indeed outside the Parliament in Athens. We have had it here with Mr Ramsay taking the acting presidency. Acting President Ramsay, what I would like to do just before I take the opportunity to sum up is ask that the amendments the government will move be distributed at this stage.

Government amendments circulated by Mr DALIDAKIS (Minister for Trade and Investment) pursuant to standing orders.

Mr DALIDAKIS — The bill before us, the Ports and Marine Legislation Amendment Bill 2017, is of course a bill that facilitates improvements in safety by addressing gaps in the scope and coverage of safety duties under the Marine Safety Act 2010. Indeed we have had a wide range of contributions before this place over the last period of time. Those contributions have been at times very broad, by Ms Pennicuik, to far more focused, by my colleague Dr Mulino, but at all times those contributions have been in good faith. There has been a positive, good spirit in this place in relation to the legislation that is before us.

I was talking a little bit about what the legislation before us is attempting to do. Another objective of the legislation is looking to enable more efficient and effective management of state waters by amending the waterway rule, making powers and providing powers to local ports and waterway managers to deal with abandoned vessels. That is very different from what we have been experiencing recently with oBikes, when we have found them in our waterways too. Fortunately the City of Melbourne has seen fit to deal with that problem, and of course that is outside the remit of the legislation before us.

Ms Dunn — Not known as watercraft.

Mr DALIDAKIS — I will take up that interjection. They are not known as watercraft, oBikes. They have a distinctly different attempt in terms of getting people

from one place to another. It has been something that we have had to deal with, and fortunately the City of Melbourne has.

We are also looking to reduce public safety risk by making specific changes to licensing requirements for pilots and masters of recreational vessels aged between 12 and 16 years of age. These are all so far very important changes. These are changes that some people outside this place may think are common sense, and indeed they would be right in that thought.

We also support more effective cross-portfolio enforcement and look to try and facilitate cost savings. Acting President Ramsay, I know that you very strongly agree with trying to achieve cost savings wherever we can to try and reduce the punitive impact of costs on people within the community, so I know that you in particular would strongly support removing the unnecessary limitations on licensing, making it cheaper and more accessible and indeed improving registration information for enforcement for our authorities.

We only have a limited number of members of the opposition in the chamber at this time, but I know —

Mr O'Donohue — And two members of the government, I might add.

Mr DALIDAKIS — Yes, but two wonderful members of the government, Mr O'Donohue.

The ACTING PRESIDENT (Mr Ramsay) — Order! Through the Chair.

Mr DALIDAKIS — What I was wanting to say was that in fact I am sure that they support the reduction in red tape that this bill is attempting to deliver and provide benefit from. The bill provides for a reduction of red tape and enables cost savings to be achieved by making some minor and at times technical and miscellaneous amendments through this legislation. Again, I think the reduction of red tape is a policy pursuit that we should all be very favourably disposed to. To try and make life and regulatory processes easier and to reduce the cost burden is, as I was saying just moments ago, something that we should always attempt to do.

Obviously we have a number of amendments that I have now provided to the chamber and that the government will move through the course of the committee stage of the bill. What you will see is what I believe are again commonsense amendments that will further enshrine the integrity of this bill in this place and in the community, of course, which the legislation

is ultimately looking to work with. Of course it is not just the community today that this legislation is looking to make changes for but generations to come, and so we need to make sure that we get it right. We believe that these amendments strike the right balance in getting it right, in making sure that this bill is workable for generations to come.

Can I just at this point praise — and I do use that word very deliberately — my ministerial colleague the Minister for Ports in the other place, the Honourable Luke Donnellan. I believe that the minister has undertaken his work in relation to this legislation with the dedication and verve that you would associate with somebody that is completely across his portfolio and somebody that understands the needs of the waterways and of our stakeholders, the need to reduce red tape and the need to reduce the cost burden. I believe, knowing Mr Donnellan as I do, that these are all fine attributes that I am very confident that I can ascribe to him in *Hansard* so that future generations can see the depth of professional affection that I have for the work that he has done in this portfolio. Of course the Honourable Luke Donnellan is a colourful character and he is someone that I enjoy spending a lot of time with, but I think what we can see here is another side to him — one that is dedicated to the pursuit of good public policy and one that has attempted, even at times in the most minimalist of ways, to try and find that right balance between cost burden on our community and cost savings.

The reduction in red tape also is one that I follow very, very closely. Of course, as many members in this chamber would be aware, the reduction of red tape is indeed a pursuit of this government. The Treasurer has made it a priority and asked me when I was the Minister for Small Business, Innovation and Trade to look at red tape reduction for small businesses very specifically. Can I say that this legislation and the red tape that it is looking at will have a positive impact on some small businesses as well. So whilst I do not have carriage of this legislative process ordinarily, it is still something that I very strongly support, along with the policy pursuit that the Honourable Luke Donnellan has ensured that we debate in this place.

We will get to these amendments very soon. As I have got a few more minutes of summing up before we move into the committee stage, what I would like to do is take you through some of the details of the legislation that we have before us. I have of course talked a little bit about the objectives — objectives that I believe everybody in this house aspires to achieve in all of the policy before us.

In terms of the detail, of course the bill does indeed make amendments to the Marine Safety Act 2010. What it does is look to apply safety duties to local port managers and to persons who manage boating activity events. It looks to extend the safety duties that apply to pilotage service providers so that duties apply irrespective of the type of vessel pilotage services are provided to.

We are looking to remove the ability for minors between the ages of 12 and 16 to apply for a personal watercraft endorsement on their marine licence. What we refer to as a personal watercraft is of course a jet ski. We have of course seen tragedy befall a range of people, including, sadly, some deaths as a result of misadventures on our waterways by jet skis. We think this is an important amendment to try and provide a degree of regulatory oversight to ensure that those people that have carriage of such water vehicles, for want of a better term, understand that there is a huge responsibility that comes with the use of such watercraft and appreciate that life is at times very fragile. If you do not undertake the right activities, then you can suffer very tragic outcomes and events from those misadventures.

There are other details of the proposal that I would like to take you through in the remaining few minutes that I have to sum up this legislation. We are looking to make the dangerous operation of a vessel offence apply in circumstances where the vessel is either at anchor or made fast to the shore so that it is consistent with the offence of culpable driving under the Crimes Act 1958. I think this is a very sensible amendment, and one that so far speakers on all sides of the chamber have seen fit to endorse.

We are also looking to permit waterway managers to relocate, seize and dispose of things abandoned on waterways under their control and recover all associated costs of relocating, seizing and disposing of abandoned things. I think those oBikes that we were talking about may actually well be covered under this provision, even though, as I said, the City of Melbourne has moved very promptly to assist us in the removal of these abandoned bikes in our waterways.

We are looking to provide for the maintenance of the knowledge, skills and medical fitness of ship pilots. As I said and as I have spent some time on — and, Acting President, I do appreciate the leeway you have provided me in focusing on the red tape reduction — we are indeed reducing red tape. We are enabling administrative cost savings. Acting President Ramsay, I know that you like to reduce the cost burden, the regulatory burden, associated with legislation across a

multitude of portfolios, so it is very pleasing while you are in the chair, Acting President, to be able to note that cost reduction, that regulatory burden reduction and the red tape reduction at the same time to enable administrative cost savings. The bill makes other minor and technical amendments as well.

This bill beyond that allows amendments to the Marine (Drug, Alcohol and Pollution Control) Act 1988 — this is also important, Acting President, and I know you will be a strong supporter of this — to permit approved health professionals to take blood samples, to make provision for criminal liability of officers of bodies corporate for contraventions of certain specific offences under the act and of course to make some other minor and technical amendments. Whilst those other minor and technical amendments are not necessarily what get you up in the morning, Acting President, or indeed get all of us up in the morning, distributing that cost burden is something that no doubt drives us all in this place, as well as making our waterways much safer. We all want to be able to get home to our families safely, irrespective of the sporting and recreational pursuits that we undertake, whether in fact it be duck shooting that our colleagues from the Shooters, Fishers and Farmers Party undertake or whether it be waterway activities that the Shooters, Fishers and Farmers Party —

The ACTING PRESIDENT (Mr Ramsay) —
And the Sex Party.

Mr DALIDAKIS — I am going to leave that one alone, Acting President. I thank you for that interjection, but alas that is a step too far for even me. But again, to have people be able to get home following their pursuit of recreational activities is very important.

There are two more things that I just want to note. The bill makes amendments to the Port Management Act of 1995 to permit port managers to relocate, seize and dispose of things abandoned at ports and recover all associated costs. Finally, the bill makes an amendment to the Road Safety Act 1986 that is consequential to the new information disclosure provisions in the Marine Safety Act 2010.

With that, I think it is important that I commend this bill to the house so we can proceed to the committee stage of this piece of great legislation by my colleague the Honourable Luke Donnellan, the Minister for Ports in the other place.

The ACTING PRESIDENT (Mr Ramsay) —
Thank you Mr Dalidakis, for that very expansive summing up and quite lengthy explanation of the amendments as proposed by Ms Pulford. I am sure she would be very proud of your diligence in giving us quite an expansive insight into those committee amendments.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Mr DALIDAKIS (Minister for Trade and Investment) (11:31) — I move:

1. Clause 2, line 28, omit “1 March” and insert “30 June”.

Amendment agreed to; amended clause agreed to; clauses 3 to 7 agreed to.

Clause 8

Ms PENNICUIK (Southern Metropolitan) (11:32) — The amendments foreshadowed by the government with regard to clause 8 are a complete rewriting of that clause, as I mentioned in the second-reading debate, to narrow it down from the very broad provision that it was earlier. I have two questions. Who has been consulted with regard to the changing of the clauses, or has the government done that off its own bat? Will there be more specific regulations and guidelines to support these provisions, because they have caused quite a deal of consternation in the community?

Mr DALIDAKIS — I thank Ms Pennicuik for her questions. I think the questions are absolutely in good faith, and I think they will elicit a response that I am confident she will be able to understand and agree with.

Let me deal with the first part of the question, which was: who was, I guess, effectively consulted in the course of the progression of this legislation? It is always worth pointing out that I and my colleagues always enjoy this part of the legislative process — the ability to engage with stakeholders — and that is no different for the Honourable Luke Donnellan, who of course gets out and about as much as any of my ministerial colleagues in terms of stakeholder consultation.

So in terms of the consultation, Ms Pennicuik, let me tell you that the following entities — the following organisations — and representatives of the following constituencies were consulted in relation to the preparation of the legislation before us. They include Outdoor Education Victoria; Sailing Australia — which of course, given their own constituency, consulted with individual clubs within their own relationships; Canoeing Victoria; Life Saving Victoria — a wonderful institution; the Australian Power Boating Association, Victorian council; Ski Racing Australia; Ski Racing Victoria; Rowing Victoria; Kiteboarding Victoria; and Triathlon Victoria. Can I just point out that standing before you is a fine, fit, physical specimen of a man. I was involved in triathlons as a younger man. Triathlon Victoria do an amazing job looking after the sport, and I pay tribute to them. Others consulted include Scouts Victoria; Girl Guides Victoria; the Victorian Water Ski Association; the Boating Industry Association of Victoria and of course VRFish. A very, very extensive group of stakeholders were consulted, and I believe that list is quite exhaustive.

Ms Pennicuik also raised the issue about the amendment to clause 8. Of course that follows on from the change of date. It is important to note that when we proposed that the default commencement date for the bill be changed from 1 March 2018 to 30 June 2018, the reason for that was to enable more time to work with our stakeholder groups to develop codes of practice for particular types of boating activity events before the new safety duty under the Marine Safety Act 2010 came into effect. So, as I said, we have had extensive consultation with stakeholders about the changes that are being made through this legislation, but what we are doing through enhanced stakeholder negotiation and discussion is getting those codes of practice — I am going to use a term that I believe the Honourable Luke Donnellan would support — cherry ripe. I think he would support the use of that term, and I think that that is a great way of explaining what we are trying to do.

Of course there are other parts that are required in this, not just the development of codes of practice. The proposed change in the default commencement date also provides additional time to support effective implementation of the other measures included in this bill, which is required due to the delay in the consideration and passage of the bill itself. We are late in the year — it is late in October as we have this discussion — and before we know it Christmas will be upon us, and as we know, people will be looking to take holidays in January, so we need to extend the date out to ensure that appropriate and adequate time is available for supportive and effective implementation.

The last point that I would like to make is about the second question Ms Pennicuik raised. Consequential to the proposed change to the default commencement date in amendment 1, amendment 5 to clause 53 of the bill simply changes the date on which the Ports and Marine Legislation Amendment Act 2017 will be repealed from 1 March 2019 to 30 June 2019. We believe that this reflects the usual legislative procedure.

Ms PENNICUIK — Thank you for the response, Minister. While I see that the foreshadowed amendment is certainly better formulated than the original clause 8 — and I refer to the use of the phrase ‘so far as is reasonably practicable’ in new section 25A(3)(a), (b) and (c), particularly in terms of rescue and first aid capabilities or services available to participants in boating activity events under subsection 3(c) — that still remains quite broad. The rescue and first aid services available for perhaps a kayaking activity close to shore would be different from those for something being held out in the middle of the bay or, for example, outside the bay in the open waters. What sort of guidance is going to be given to those various organisers of different sized activities with totally different risks associated with them?

Mr DALIDAKIS — I thank Ms Pennicuik for her question. It is a good question again, and I think that is largely because Ms Pennicuik and I are both from the Southern Metropolitan Region. Good questions and good answers always come from the Southern Metropolitan Region, Ms Pennicuik, and I hope that this answer will be no different.

The question goes to the ability to respond to accidents predominantly. Of course we hope that there is nothing further to an accident, because that of course would be malicious. Part of being able to put together the codes of practice will allow us to discuss that with stakeholders — what do they need to do and what do they need to implement according to whatever event they are holding? I think you will see that we will be able to have that discussion with them, and of course we would be very happy for you to support that enhanced stakeholder consultation as those codes of practice are put together to ensure that we strike the right balance between prescriptions and safety and the ability to respond when accidents do inevitably occur.

Ms PENNICUIK — Thank you, Minister. I only have one other question. You are talking about the codes of practice; however, I was referring to the Auditor-General’s report of 2016, which did say that there was a lack of enforcement of some of whatever already exists. What I am concerned about is that, as the minister referred to, we actually are coming to the

Christmas season, and the issue is that open water swimming events, boating activities et cetera will be occurring prior to this act coming into effect. Will there be some enhanced enforcement activities by Transport Safety Victoria on Victorian waterways this coming summer in the absence of this act actually coming into effect?

Mr DALIDAKIS — I thank Ms Pennicuik for her question. What I can say is that as we enter this summer of course we all want to ensure that safety is not diminished by the codes of practice being developed over this period of time. What I can advise you is that Transport Safety Victoria will continue to work with event organisers to ensure that adequate safety and the ability to respond is provided through not just this summer of course but as our waterways are used year-round. Whilst those codes of practice are prescribed, we would want to make sure that Transport Safety Victoria are having that adequate consultation, which they already do, and we will try to ensure that they are mindful of the fact that the codes of practice are yet to be locked down and yet to be finalised. Until that time of course Transport Safety Victoria will be responsible for working with event managers to make sure that safety is always the paramount responsibility of event organisers, that they are aware of it and that they have got an adequate response capability should an incident or an accident occur as a result of their event.

I move:

2. Clause 8, lines 13 to 29, page 6, lines 1 to 29 and page 7, lines 1 to 8, omit all words and expressions on these lines and insert—

‘25A Duty of a person who manages a boating activity event to ensure safety of participants and other affected persons

- (1) A duty holder who manages a boating activity event must, so far as is reasonably practicable, ensure the safety of participants in the boating activity event or persons affected by the boating activity event.

Penalty: In the case of a natural person,
1800 penalty units;

In the case of a body corporate,
9000 penalty units.

- (2) An offence against subsection (1) is an indictable offence.
- (3) Without limiting subsection (1), a duty holder contravenes that subsection if the duty holder fails to do any of the following—
 - (a) provide, so far as is reasonably practicable, participants with

information to enable those participants to participate in the boating activity event safely;

- (b) comply, so far as is reasonably practicable, with accepted safety standards or manuals that are specific to the type of boating activity event being undertaken;
- (c) ensure, so far as is reasonably practicable, that rescue and first aid capabilities or services are available to participants in boating activity events.

- (4) For the purposes of this section, a duty holder manages a boating activity event if that duty holder organises, facilitates or controls a boating activity event.

- (5) In this section—

boating activity event—

- (a) means an event on State waters that directly or indirectly involves vessel operations; and

Examples

Boat race, open water swimming race, water sports competition or exhibition, filming or promotional event, school kayak excursion.

- (b) does not include—

- (i) a pyrotechnic display or show on State waters; or
- (ii) groups of people cruising together in vessels on State waters in an informal manner;

duty holder means an employer or self-employed person (within the meaning of the **Occupational Health and Safety Act 2004**) but does not include—

- (a) an employee (within the meaning of that Act) of a duty holder who manages a boating activity event; or
- (b) a volunteer (within the meaning of that Act).

Note

This section applies irrespective of whether a duty holder who manages the boating activity event has applied for or obtained an exemption or the establishment of an exclusion zone under Part 5.3.’’.

Amendment agreed to; amended clause agreed to; clause 9 agreed to.

Clause 10

Mr DALIDAKIS — I move:

3. Clause 10, lines 23 to 31 and page 8, lines 1 to 12, omit all words and expressions on these lines and insert—
 - ‘(3) For section 29(2) of the Principal Act **substitute**—
 - “(2) Without limiting subsection (1), a person contravenes that subsection if the person fails to do any of the following—
 - (a) ensure, so far as is reasonably practicable, that a pilot provided by the person to an owner of a vessel is not impaired by fatigue, alcohol or other drug;
 - (b) ensure, so far as is reasonably practicable, that a pilot provided by the person to an owner of a vessel to carry out an activity mentioned in paragraph (a) or (b) of the definition of *marine safety work*—
 - (i) is medically fit and able to carry out the activity for which the pilot has been provided; and
 - (ii) is qualified and competent to carry out the activity for which the pilot has been provided;
 - (c) provide, so far as is reasonably practicable, such information, instruction, training or supervision to a pilot provided by the person to an owner of a vessel as is necessary to enable the pilot to safely carry out an activity mentioned in paragraph (a) or (b) of the definition of *marine safety work*.”’.

Amendment agreed to; amended clause agreed to; clauses 11 to 22 agreed to.

Clause 23

Mr DALIDAKIS — As previously explained, I move:

4. Clause 23, lines 13 to 16, omit all words and expressions on these lines and insert—
 - ‘(1) For section 248(2)(c) of the Principal Act **substitute**—
 - “(c) a master of a vessel that is less than 35 metres long.”’.

This was circulated by the government prior to the committee stage of this bill beginning.

Amendment agreed to; amended clause agreed to; clauses 24 to 52 agreed to.

Clause 53

Mr DALIDAKIS — I again thank the house for its indulgence for allowing the amendments of the government to be circulated prior to the committee stage beginning. I move:

5. Clause 53, line 3, omit “1 March” and insert “30 June”.

Mr O’DONOHUE (Eastern Victoria) (11:48) — The opposition does not oppose these amendments moved by the government, this tranche of amendments, but we do note that this bill has been on the notice paper now for many, many months, but these amendments were only received last night.

Mr DALIDAKIS — Can I apologise to the house, can I apologise to Mr O’Donohue, for that delay in circulating the amendments. It was not done out of any deliberate mischief on our behalf. Certainly I appreciate the indulgence of the chamber and the goodwill displayed by all parties in this place in relation to the amendments that have been before this place.

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017

Second reading

Debate resumed from 21 September; motion of Mr JENNINGS (Special Minister of State).

Mrs PEULICH (South Eastern Metropolitan) (11:46) — I wish to speak very briefly today on the Renewable Energy (Jobs and Investment) Bill 2017 on behalf of the coalition, and I indicate from the outset that the coalition will be opposing this bill. The bill establishes a target of 25 per cent of electricity generated in Victoria to be generated from renewable energy sources by 2020 and a target — an unbelievable

target — of 40 per cent by 2025. Clearly this legislation has been conceived by someone who has still got their head well and truly buried in the sand. Secondly, it requires the minister to report annually to the Parliament on the progress towards meeting the renewable energy targets, and thirdly, it requires the minister to determine the minimum amounts of generation capacity required to meet the targets under the bill.

The sands have shifted, however, on the debate, especially given the closure of Hazelwood and the impact that that is having on both the energy supply and cost. For those who still have not caught up with the shifts in attitudes, they only need to look to South Australia to appreciate the seriousness of the situation that we are in. This serious situation that we are in was reported in an article by Robert Gottlieb in the *Australian* entitled 'MPs shocked' — into action — 'by energy threat'.

Clearly the exposé of a report by the Australian Energy Market Operator, which signals a very serious threat to our energy supply and a shortfall as a result of a reduction in, I think they call it, dispatchable capacity, is something that obviously even Bill Shorten, the federal Labor leader, has been convinced by. It seems indeed that perhaps nationally we may have some hope to actually adopt and embrace policies which increase our dispatchable capacity as well as lower prices — something that is of enormous concern to Victorians.

The Victorian coalition is focused on delivering affordable, reliable and secure electricity to the state and supporting a national framework in the transition to cleaner energy, and as far as the coalition is concerned, we are agnostic as to how this is to be achieved. The Victorian government has announced a Victorian renewable energy target (RET). Under the target Labor wants 25 per cent of the electricity generated in the state to come from renewable energy by 2020, and 40 per cent by 2025. This is also a position that the Queensland Labor government has adopted — it has adopted a target of 50 per cent by 2030. The South Australian Labor government has a target of 50 per cent by 2025. The Victorian RET scheme is a go-it-alone scheme in addition to the national renewable energy target of 23.5 per cent by 2025.

Australia and Victoria are industrially or economically challenged by three facts. Number one is the cost of transport. It is a large country; the cost of moving goods around is expensive and the cost of exporting internationally is expensive. We have also enjoyed high wages, which means that the cost of production of goods and services is certainly also a challenge that we

must address. Previously, however, the cost of energy and the inputs of lower energy costs into the production of goods, in particular, have been a huge advantage. The Labor Party, supported by the Greens, are obviously very keen to see that trashed and to allow Victoria and Australia to become an economic basket case, with the loss of jobs and the loss of industry that accompanies it.

The Liberal coalition believes that it is important for us to actually maintain accessible energy at the lowest possible price. When Engie announced that the Hazelwood power station would close its eighth generation unit by 31 March 2017, it was forecast that electricity prices would increase by roughly 10 per cent in Victoria from 1 January 2017 to a \$200 increase on power bills per annum, according to the St Vincent de Paul Society.

Victoria was a net exporter of electricity. Now Hazelwood has stopped generating, Victoria will have an increased number of times when it will need to buy electricity from New South Wales and Tasmania during peak periods. In the past we have provided I think 14 per cent of South Australia's operational consumption, 6 per cent of the New South Wales operational consumption and 6 per cent of Tasmania's operational consumption.

Since the closure of Hazelwood was announced, due to what was essentially an ideological attack by Daniel Andrews and his government's reckless energy policies, including a \$252 million increase in the coal royalty levy and the Victorian renewable energy target of 40 per cent by 2025, the policies have caused power prices to soar, jobs to be lost and Victoria's power security to be placed in jeopardy. They are the reasons why the Victorian coalition is opposing this legislation. According to the Labor government's own modelling, which the government refuses to release, publically citing cabinet confidentiality, the RET will cost households approximately \$520 on their power bills or \$1.2 billion in total. Already, not including Labor's RET, the average household, according to the Australian Energy Market Commission's price trends review, is paying \$81 per annum for federal and state government environmental policies to cut greenhouse gas emissions and promote wind and solar power.

Victorian household electricity bills are skyrocketing because of the Andrews government's obsession with renewable energy targets. The RET aims to create 5400 megawatts of capacity of renewable energy generation by 2025. This is intermittent energy which is dependent on the level of wind and sun that is available at the time, and there is no requirement for battery

storage in these projects, which remain extremely expensive. As the RET creates more intermittent energy, the cost will either be additional to the investment required to upgrade baseload power or the cost will be borne without delivering energy security. In addition, power prices are soaring. Victorian households and businesses are desperate for affordable energy to ease cost-of-living pressures and to create jobs.

We are already seeing the consequences of the removal of baseload power due to Hazelwood closing: the Portland smelter was unable to negotiate an affordable power deal. This has cost taxpayers \$230 million to keep the smelter operating. Other businesses are seeing electricity prices increase by 50 to 70 per cent and higher. I am sure that each member in this chamber will have local examples of the devastating impact that this has on businesses and jobs — contrary to the stated purposes of this bill — as a result of increases of 50 to 70 per cent in new contracts due to the wholesale price of electricity jumping.

There are a range of stakeholders who are on the record in relation to this particular piece of legislation. Let me just quote some who provided feedback to our shadow minister, Mr David Southwick, a member in the other place —

Mr Dalidakis — Who?

Mrs PEULICH — the guy who is trying to keep you honest — in relation to the consultation process on this legislation. Matthew Warren of the Australian Energy Council states, and I quote:

Victoria's energy system is interconnected to other states as part of a national grid. Decisions made here affect other states. That's why major policy measures to reduce emissions should be implemented at a national level.

He goes on to say:

We are yet to see the modelling that the Victorian government has used for its cost projections.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Corrections system

Mr O'DONOHUE (Eastern Victoria) (12:01) — My question is to the Minister for Corrections. Minister, another prisoner has escaped while undertaking community work this morning. How did this occur?

Ms TIERNEY (Minister for Corrections) (12:01) — I thank the member for his question. I have been advised that there has been an escape, and I have asked Corrections Victoria to provide me with a briefing as soon as possible on this matter. The police are involved, and I understand that they have put out a media release in the last 40-odd minutes or so. I will not be providing any further details as this is unfolding, other than to say that any escape from custody is unacceptable and the government treats every incident very seriously. We are committed to ensuring the safety of the community, and of course prisoners are carefully assessed prior to their placement. This is an operational matter for Corrections Victoria.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (12:02) — Minister, thank you for that answer. In the preliminary information you have received from Corrections Victoria, have any failures in the security vetting that led to this prisoner being approved for work outside the prison been identified?

Ms TIERNEY (Minister for Corrections) (12:02) — As I said, I am awaiting a briefing from Corrections Victoria. I have not been briefed on that matter or any other, apart from that there has been a prisoner that has escaped.

Questions interrupted.

ABSENCE OF MINISTER

The PRESIDENT — Leader of the Government, it has been brought to my attention that Ms Pulford is not here.

Mr JENNINGS (Special Minister of State) (12:02) — Yes. In fact I had intended to make eye contact with you, President, before you called Mr O'Donohue. Ms Pulford is not in the Parliament today, and I will be taking any questions that may be directed to her.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Parole reform

Ms LOVELL (Northern Victoria) (12:03) — My question is for the Minister for Corrections. Minister, there was a review undertaken, following the tragic murder of Karen Chetcuti, into the management of Michael Cardamone's parole. What did the review recommend?

Ms TIERNEY (Minister for Corrections) (12:03) — Thank you for the question, Ms Lovell. This is a matter that is very important, and my advice is that I am not in a position to comment on this matter.

Supplementary question

Ms LOVELL (Northern Victoria) (12:03) — I guess the minister will not be able to answer the supplementary either. My supplementary is: what changes have been implemented as a result of the review and will it be released publically? Minister, I would ask you a little bit further, if you cannot answer this question as well, if you would undertake to provide an answer to the opposition on what the review's recommendations have been and what has been implemented in response to that review, and also advise us whether it will be released publicly.

Ms TIERNEY (Minister for Corrections) (12:04) — I thank Ms Lovell for her question. Again, I wish to reiterate the answer that I gave in respect of the substantive question that was presented to me: I am unable to comment at this stage.

The PRESIDENT — Minister, it might actually be helpful and a courtesy to the house if you were able to explain why you are unable to release that information. Is it sub judice, or is there some other prevailing issue?

Ms TIERNEY — It is the usual practice, and it was the practice of the former government as well, that justice assurance and review office reports are not released to the public.

Mr O'Donohue — On a point of order, President, Ms Lovell in her question did not actually ask for the release of the report. I think what she was seeking was information about changes to the parole management system following this tragic murder to prevent this sort of thing happening in the future. That is the information I think Ms Lovell was seeking, and I think that is the sort of information that would be of benefit to the house and the community. Of course the opposition understands that security-confidential matters should not be disclosed, but within those parameters surely the minister can give us an answer other than nothing.

The PRESIDENT — The minister has completed her answer at this point, including the supplementary question, and I will take this into consideration in terms of a written response.

Parole reform

Mr RAMSAY (Western Victoria) (12:06) — My question is also to the Minister for Corrections. Minister, the Centre for Forensic Behavioural Science assisted in the development of guidelines to determine 'satisfactory behaviour' when applying Callinan recommendation 13 to parole applications. Minister, what did those guidelines say and were they adopted by the Andrews government?

Ms TIERNEY (Minister for Corrections) (12:07) — I thank Mr Ramsay for his question. It does give me an opportunity to indeed highlight the work of Forensicare. Forensicare I think universally is regarded as a significant contributor to the wellbeing of our prison community. Indeed I did praise them in terms of their activities leading up to the development of what I think is going to be a very important facility at the new correctional centre, Ravenhall. They do provide a number of services at Thomas Embling Hospital as well, and of course they are at the cutting edge in terms of managing prisoners as well as people with mental health issues. Can I say that I believe that they are an outstanding organisation that make contributions right across this state. Indeed when I went to Thomas Embling last week they allowed me to have access to all of the facilities that exist on that site. Every opportunity was provided to me to determine what areas I wanted to visit and in fact what facilities I could see. I hold Forensicare in high regard, and I absolutely hold their —

Mr O'Donohue — On a point of order, President, I join the minister in acknowledging the great work that Forensicare does. The minister has now for 1 minute and 40 seconds outlined that. Mr Ramsay's question was very specific about the recommendations made by Forensicare on measure 13 of the Callinan report. As you are aware, President, measure 13 is a matter of significant public interest following the Brighton siege incident, so I would ask you, President, to draw the minister, after that expansive opening about the benefits of Forensicare, to the question Mr Ramsay posed.

The PRESIDENT — I do uphold the point of order to the extent that, while the minister has provided information that is relevant to the question in terms of the agency, the specific question is yet to be addressed. No doubt the minister will bear that in mind as she completes the answer.

Ms TIERNEY — Thank you, President. Again I reiterate the enormous work and the major contribution that Forensicare makes across our corrections system across this state. In respect of recommendation 13, as I

have said, the Callinan report handed down in August 2013 had 23 principal recommendations, or 23 measures as they are commonly referred to. Recommendation 13 was accepted in full by the previous government, and it was considered to be fully implemented in 2015. Indeed the Auditor-General in February 2016 found that this recommendation had been implemented as per the recommendation and that it was an appropriate response.

Mr Ramsay — On a point of order, President, on the same line as Mr O’Donohue’s point of order, I specifically asked: what were the guidelines, what did they say and were they adopted by the Andrews government? We had a lot of waffle about the science centre and the visit that Ms Tierney might have made, but we did not actually hear what the guidelines were in relation to the forensic behavioural science or about the determination and development of the guidelines, nor did we hear from Ms Tierney whether in fact the Andrews government adopted those guidelines. It was just a lot of waffle.

The PRESIDENT — Thank you. Mr Ramsay, I will take the matter into consideration as to whether or not I seek a written response.

Supplementary question

Mr RAMSAY (Western Victoria) (12:11) — Minister, the *Annual Research Report* for the Centre for Forensic Behavioural Science details that the centre recommended:

... using the satisfactory behaviour rating scale as a measure of behaviour change, in release decision-making.

Minister, can you confirm that the rating scale is currently being used to assist in parole determinations and, if so, how its accuracy has been reviewed since its introduction?

Ms TIERNEY (Minister for Corrections) (12:12) — I thank Mr Ramsay for his question. I do not have that detail in front of me, but I will investigate whether I can provide that in writing to you, Mr Ramsay.

Members for Tarneit and Melton

Ms WOOLDRIDGE (Eastern Metropolitan) (12:12) — My question is to the Leader of the Government. In June the Chief Commissioner of Police advised the Public Accounts and Estimates Committee that Victoria Police was assessing the circumstances of the former Speaker and Deputy Speaker’s claims for the second residence allowance ahead of launching a

formal investigation. Have those matters now been the subject of a formal Victoria Police investigation?

Mr JENNINGS (Special Minister of State) (12:12) — I do not know the answer to that question. As the member would expect, the police operate independently of government, and in fact I have not been furnished with any advice about where their investigation may be at. I can make some inquiries, but the police commissioner may or may not choose to actually actively respond in relation to that matter. As the member knows, following those circumstances the members in question took action to repay moneys to the Parliament and recognised the gravity of their situation and their circumstances by removing themselves from office.

The government has responded by introducing a number of reforms instantly to apply to the second residence allowance, and it no longer will be in the same form. There is an enhanced degree of evidence that is now required to receive such a claim, and it is the government’s intention to use that as the prompt to introduce major and lasting reforms from the government’s perspective in relation to the way in which allowances should apply into the future. We will be introducing legislation to the Parliament during the course of this calendar year to try and prevent these circumstances occurring. As to the matter of the police investigation, I do not have that material before me.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:14) — I thank the Leader of the Government for agreeing to investigate that and come back to the house. I ask, then, that he also investigate if a brief has been forwarded to the Director of Public Prosecutions for consideration of prosecution or charges?

Mr JENNINGS (Special Minister of State) (12:14) — Ms Wooldridge has used the word ‘investigate’ on a couple of occasions in relation to this. I will ask the police commissioner about those matters, and it is up to the police commissioner whether in fact he believes it is appropriate to share that information with me, let alone share it with the chamber.

Australian Paper Maryvale mill

Ms SPRINGLE (South Eastern Metropolitan) (12:15) — My question is for the minister representing the Minister for Energy, Environment and Climate Change. Does the government classify burning tonnes of garbage every year at the proposed waste-to-energy incinerator at Marysville as renewable energy, as

implied by Australian Paper, the company that would operate the facility?

Mr JENNINGS (Special Minister of State) (12:15) — I thank Ms Springle for her question and for her concern about what may or may not be a proposal that may be coming to fruition through various considerations of its commercial viability, its logistical viability and ultimately its environmental integrity. She is making assumptions about whether that proposal is at a mature level to actually see that those matters have been adequately addressed. That would then underpin whether in fact it is not only a viable activity for the company but an appropriate one to take place in the state of Victoria. In relation to the contribution to Victoria's energy source and in fact to our supply in relation to acquitting our renewable energy targets, it has not been proposed to actually be of that form. It is not being considered, to the best of my knowledge, to be making a contribution to the renewable energy target within Victoria. I will take some further advice about whether any conversation has taken place about whether it would be considered in that light, but I have not been privy to any consideration which would indicate that it would be an aspect of our renewable energy targets and our commitment to renewable energy in this state.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (12:17) — I thank the minister for that answer. As part of those discussions it would be wonderful if you could find out what commitments the government has made to Australian Paper over the course of discussions to date on the feasibility study into this waste-to-energy proposal.

The PRESIDENT — That does not have a question mark at the end of it.

Ms SPRINGLE — Yes, it does. It does on my piece of paper.

The PRESIDENT — I do not wish to question your grammar; however, that was not a question. Can you please rephrase that as a question? It may well be wonderful to hear that further information, but I think you should pose it in a way that you seek that further information.

Ms SPRINGLE — I seek that the minister inform the chamber: what commitments has the government made to Australian Paper over the course of discussions on the feasibility study into the waste-to-energy proposal?

Mr JENNINGS (Special Minister of State) (12:18) — For any Victorian citizen who is watching in on the online Parliament today, it is not this chamber that has been up for 24 hours. It has not been us that have been up for 24 hours; however, it still may mean it is a long sitting week and indeed we may perhaps have to be understanding of our collective weariness in relation to the way in which we conduct our matters.

Whilst the proposal has been forwarded to the government, so there have been some discussions about its potential viability, I am certain that no commitments have been made in relation to the long-term delivery of this program, apart from the consideration of what, if any, support should be made to evaluate it in the terms I described in my substantive answer.

Animal Welfare Victoria

Ms PENNICUIK (Southern Metropolitan) (12:19) — My question is for the Leader of the Government representing Ms Pulford today. Yesterday Ms Pulford announced that she will establish a group called Animal Welfare Victoria, which she will oversee along with the department. She also announced a new animal welfare action plan, that was in fact announced in September last year. The minister said in her media release that:

Animal Welfare Victoria will ensure that wherever animals are, their wellbeing and welfare is a priority.

The media release also says:

Whether it's in our industries, in our communities, in our homes or in the wild, the community rightly expects we do the right thing by animals.

My question is: will the animal welfare plan start with banning duck shooting; banning jumps racing; banning intensive farming, such as battery hens and sow stalls; and banning greyhound racing?

Mr JENNINGS (Special Minister of State) (12:21) — I thank Ms Pennicuik for her question, and I will forward the question on to my colleague Ms Pulford to answer. And whilst Ms Pennicuik actually did construct her sentence in the form of a question, I can assure the house that she has just given us a policy statement.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) (12:21) — Thank you, Minister, for your answer. I am sure the policies that I have announced there of the Greens to ban duck shooting, to ban jumps racing, to ban battery hens, to ban sow stalls and to ban

greyhound racing is no surprise to the Leader of the Government, as I have certainly have been advocating for those things for many years in this place. As the minister said in her media release, ‘All Victorians are committed to good animal welfare’ and the community ‘rightly expects we do the right thing by animals’. So I am wondering how it is credible to have an animal welfare action plan and a group called Animal Welfare Victoria if duck shooting, jumps racing, intensive farming and greyhound racing are still allowed to continue in Victoria.

Mr Jennings — That was not a question.

The PRESIDENT — I have to agree. We seem to have lost some question marks. Ms Pennicuik, it was a statement of failing to see how this new body would have integrity if it did not address these matters, but it did not go to a question as such, so do you wish to rephrase the question?

Ms PENNICUIK — My question was: how could the community have faith that this new body will really take on the community’s expectation that we do the right thing by animals while these activities that I mentioned in my substantive question are still allowed to continue?

Mr JENNINGS (Special Minister of State) (12:23) — It is hope that is the answer. I hope the community can actually have faith that in fact that can be achieved, and I have confidence that my colleague will be committed to actually making sure that there is a full and appropriate consideration of these matters. Through that process we will give some hope to the community to have faith in the form that you are seeking.

Upfield rail line duplication

Ms PATTEN (Northern Metropolitan) (12:24) — My question is for the Minister for Public Transport represented by Mr Jennings, and it relates to the duplication of the Upfield railway line between Gowrie and Upfield stations. The state government’s Level Crossing Removal Authority will commence work later this year to grade separate the existing Upfield railway as part of the Camp Road level crossing works. The proximity of these works to this section of line could facilitate significant cost and time savings over future duplication works were the opportunity taken now to extend a second track between Gowrie and Upfield at the same time. As it stands the lack of a duplicated track means that each train service must travel from Gowrie to Upfield and return to Gowrie before the next train can go. Will the minister seize this opportunity to

duplicate the Gowrie to Upfield track, the cost of which will not be significant when compared to that of the crossing works themselves?

Mr JENNINGS (Special Minister of State) (12:25) — I thank the member for the question. I know that Ms Patten has actually spoken on this matter before, so she is demonstrating a residual commitment to it. The interest of the government is to make sure that we deliver on what we have committed to do and to do it in a timely and efficient way, and we continue to do this. The notion that in fact there is an incremental cost, if you take it in isolation, may be true, but if you actually consider that in the forward estimates there is something close to \$40 billion of expenditure in the transport portfolio, there is a significant pipeline of investment and expenditure that the Victorian government is committed to. I am sure that is a matter that my colleague will be very alive to. She never, from my experiences, misses an opportunity to look at the way in which we can augment the public transport infrastructure system in Victoria. She is as assiduous as any person I know on the planet in her attempts to add to our additional capacity to meet the needs of our community. I think she will be very responsive, but as to how she can commit in a specific way, I will leave that to her.

Victoria Police sex industry coordination unit

Dr CARLING-JENKINS (Western Metropolitan) (12:26) — My question is for the minister representing the Minister for Police, Minister Tierney. Recently in an answer to another question I was informed that the sex industry coordination unit, or SICU, is currently under review. While this review drags out councils are increasingly concerned about the growing number of illegal brothels in their local government areas and a lack of policing of them. In fact some councils, such as Kingston, are taking matters into their own hands and paying private investigators to police massage parlours to see if they are actually illegal brothels. This is simply not good enough. Councils should not be placed in a situation where they feel their only option to keep their community safe is to use ratepayers money to police their own areas. What is the police minister’s response to councils feeling the need to police their own areas in regard to illegal brothels, and when the review of SICU is completed will there be enough resources to pick up this essential police work so that councils no longer feel they have to take matters into their own hands?

Ms TIERNEY (Minister for Training and Skills) (12:27) — I thank Dr Rachel Carling-Jenkins for her question. These are serious matters that you raise that deal with councils getting involved in matters and

indeed the issue of resources that might be allocated to the unit after the review. They are definitely matters for the Minister for Police, and I look forward to her providing you with the relevant information.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) (12:28) — Thank you, Minister, for your answer and for your answers in this theme of questions that I have been asking. My supplementary is this simple: when will the review of the sex industry coordination unit be completed?

Ms TIERNEY (Minister for Training and Skills) (12:28) — I will pose that question and get a response from the minister.

Lake Boort

Mr YOUNG (Northern Victoria) (12:28) — My question today is for the Minister for Energy, Environment and Climate Change represented by the Leader of the Government. Minister, a draft management plan has been produced for the area around Lake Boort in the state's north-west, which includes some new zoning that would exclude a number of recreational activities on more than half of the lake — you may remember this from a previous question — with an imaginary line up the middle. Minister, who was consulted during the drafting of this plan?

Mr JENNINGS (Special Minister of State) (12:29) — This is the simplest way that I can answer Mr Young's question: I was not consulted on that matter, so I will check with my colleague, who would be better placed to actually inform him of who was consulted.

Supplementary question

Mr YOUNG (Northern Victoria) (12:29) — I thank the minister for his endeavour to do so. To point him in the right direction my supplementary may aid. Minister, given that the area in question is in fact a state game reserve, were any hunting organisations or relevant government authorities responsible for hunting consulted about the government's plan to ban hunting at Lake Boort?

Mr JENNINGS (Special Minister of State) (12:30) — I acknowledge that the supplementary will need to be answered as well.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:30) — There are 11 written responses to questions on notice today: 11 483, 11 506, 11 528, 11 550, 11 572, 11 591–2, 11 594–5, 11 731–2.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:30) — In respect of today's questions I require a written response to Mr O'Donohue's supplementary question to Ms Tierney within one day; Ms Lovell's substantive and supplementary questions to Ms Tierney, one day; Mr Ramsay's substantive and supplementary questions to Ms Tierney, one day; Ms Wooldridge's substantive and supplementary questions to Mr Jennings involve a minister in another place, two days; Ms Springle's substantive and supplementary questions to Mr Jennings involve a minister in another place, two days; Ms Pennicuik's substantive and supplementary questions to Mr Jennings on behalf of a minister in this house, one day; Ms Patten's question to Mr Jennings, substantive, two days; Dr Carling-Jenkins's substantive and supplementary questions to Ms Tierney, two days; and Mr Young's substantive and supplementary questions to Mr Jennings, two days, the last two involving ministers in another place.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (12:31) — I have some letters from Mr Rich-Phillips seeking to have some questions reinstated. In respect of question 11 584, which is for the Minister for Finance, I have had the question and answer perused and I am of the view that that question should be reinstated. So too with question 11 587; that one was also for the Minister for Finance.

In respect of a request for the reinstatement of question 11 590, which was for the Minister for Finance, I have taken the view that that question should not be reinstated — that the answer is sufficient in that case, albeit that it might not satisfy the member. But at least there has been an attempt to answer.

In respect of a request by Mr Rich-Phillips for the reinstatement of quite a series of other questions, I have perused those questions. I am concerned about a reliance in the responses on referring Mr Rich-Phillips

for answers to websites and annual reports or other mechanisms. I have had those mechanisms investigated to see if they actually do provide the sort of information that was sought in the question, and the answer is no. So on that basis I am seeking to reinstate the questions that Mr Rich-Phillips asked me to reinstate. They are — and this should get us to lunchtime: 11 474, 11 476, 11 477, 11 479, 11 480, 11 482, 11 492, 11 493, 11 496, 11 498, 11 499, 11 501, 11 502, 11 503, 11 504, 11 515, 11 516, 11 519, 11 521, 11 522, 11 524 and 11 525. Additionally, 11 526, 11 527, 11 537, 11 538, 11 541, 11 543, 11 544, 11 546, 11 547, 11 548, 11 549, 11 559, 11 560, 11 563, 11 565, 11 566, 11 568, 11 569, 11 570, 11 571, 11 572, 11 581 and 11 582.

Ms Wooldridge — On a point of order, President, just in terms of answers to questions without notice, I wonder if we can get some clarification from the Leader of the Government, who has given a written response to Mrs Peulich in relation to her question on Wednesday about Mr Eideh. The clarification we are seeking is that there were two questions, both a substantive and a supplementary, that required written responses, but there is only one response. The first question was whether Mr Eideh stood aside, and I want to know whether we can attribute the response at the bottom of the page, as in ‘Yes’, to that question. The supplementary question asked if it was appropriate for Mr Eideh to continue. There is still only one answer, which is ‘Yes’.

It seems that there is a conflict between the two questions, with only getting a one-word answer. Could Mr Jennings clarify if the answer of ‘Yes’ is to the first question, the second question or both?

Mr Jennings — On the point of order, President, the interpretation that the Leader of the Opposition has put on ‘Yes’ does relate to the fact that Mr Eideh has chosen to stand aside. The same logic and the reason that he offered to stand aside from that position is the same as he put in writing and as he communicated it to the chamber as the frame by which he thought it was appropriate to stand aside for an indefinite period of time pending the outcome of any investigations in relation to protecting the interests of the chamber and the standing of the house. He recognised that that should equally apply to his other responsibilities.

Ms Wooldridge — Further on the point of order, President, I appreciate the clarification from the Special Minister of State in relation to that. Can I just ask: the supplementary question asks if we can find out the precise nature of the role and activities in which Mr Eideh was involved domestically and

internationally during his tenure. I ask, President, whether you will consider reinstating that given there is not a response to that supplementary question.

The PRESIDENT — I did have the opportunity of looking at that response, and I am of the view that that matter was not touched upon in the response, so I would seek a further written response to that supplementary question.

Ms Wooldridge — On a further point of order, President, in relation to a response to a question, I wonder if Mr Jennings can give the house an update on the question asked yesterday in relation to the Aboriginal justice agreement and the now six-day outstanding written response?

Mr Jennings — On the point of order, President, I have to admit to the house that for the last 24 hours most of my waking moments have been dedicated to another task.

An honourable member interjected.

Mr Jennings — What was that? Perhaps not the most intuitive or aware interjection. I have been very engaged in another matter within the Parliament that has skewed my attention. I will return to acquitting my broader responsibilities in relation to this matter and get the best answer I can. The people I am relying on to get an answer have been involved in the Legislative Assembly, so their abilities to absorb and respond has been somewhat constrained because of their preoccupations as well.

CONSTITUENCY QUESTIONS

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (12:40) — My matter for a constituency question is a follow-on constituency question to the Minister for Public Transport that follows the earlier question this week about safety along the Caulfield to Dandenong line. I have as yet had no response from the minister, but this matter is now urgent.

It is very clear that people are at risk. It is very clear that there have now been three incidents on the line, and I therefore ask as a matter of urgency: will the minister respond to my earlier question and seek to ensure the safety of the community and particularly of the workers and commuters along that line. If one of those 420-tonne beams lands on a train, hits somebody’s car or comes onto the side of a house, it will cause devastation. We now know after three serious incidents

that there is every reason to be deeply concerned about safety on that line.

Southern Metropolitan Region

Ms PENNICUIK (Southern Metropolitan) (12:41) — My constituency question is for the Minister for Roads and Road Safety, and it is in regard to the recently announced truck curfew trial along Beach Road, which is going to commence on 4 November. I know Ms Fitzherbert has raised this issue a couple of times in the chamber, seeking information that has not necessarily been forthcoming, including the community surveys and the truck count done by VicRoads, which I believe still has not been released. I notice that VicRoads is setting up a consultative group this week while the curfew trial is in place. My question to the minister is: apart from stakeholders, how is he going to ensure that the community, which hitherto has been locked out of information regarding this extended curfew, will be included in those consultations?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:42) — My constituency question is to the Minister for Roads and Road Safety. The \$5.5 billion West Gate Tunnel project is still largely a mystery to the general community and in particular to the residents in the west directly impacted by this dog of a project. The role of Transurban, as the biggest and probably sole beneficiary of the project, is also one of the great mysteries of our time. In order to settle concerns expressed by locals, will the minister make public the role of Transurban in the West Gate Tunnel project and the time lines of any contracts or memoranda of understanding either already signed or under consideration?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) (12:43) — My constituency question is to the Minister for Roads and Road Safety, Luke Donnellan, and it is in a similar vein to the question from Ms Pennicuiik, who spoke about the Beach Road curfew that is occurring, as well as to the announcement by the member for Albert Park in the other place, Martin Foley, regarding a trial extending the truck curfew on Beach Road, which in his words is to improve safety and reduce traffic. The new curfew will extend the bans to include the times between 6.00 a.m. and 1.00 p.m. on Saturday. There are some community concerns in relation to this trial, as raised by Ms Pennicuiik. The question I ask of Mr Donnellan is: when is the evaluation of that trial going to be taking place? We know that is going to be

extended until next year somewhere close to the election, but when will the evaluation take place?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (12:44) — My constituency question is for the Minister for Emergency Services, and it is in relation to the upgrade of Edithvale Life Saving Club, which emerged unexpectedly for funding following the last state election, when it was anticipated that it would be Mentone and Aspendale that would be next in line. Nonetheless, the City of Kingston made adjustments to its budget in order to meet the required contribution. There was a lot of design work done, but that has now been overruled, I understand, by the Department of Environment, Land, Water and Planning. My question is: what grounds gave rise to this failure to obtain planning approval for the upgrade of the Edithvale Life Saving Club, and why is it that the lifesaving club has been required to be silent as to this reason?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:45) — My constituency question is for the Deputy Premier. I have been contacted by several constituents who are concerned at the tone of the text message that was sent by the Minister for Health to the Deputy Premier. On behalf of my constituents I would like to ask the Deputy Premier if he will be making a report to the Premier about workplace bullying against the Minister for Health?

The PRESIDENT — How does that affect your electorate?

Ms Lovell — My constituents are concerned about it and have contacted me.

The PRESIDENT — Constituents are concerned about all sorts of things, but that is not a matter related directly to your electorate. Are you able to pin it back to your electorate?

Ms Lovell — My constituents are concerned about the tone of the language that was used in that text message. They are concerned about harassment in the workforce.

The PRESIDENT — You may raise it in the adjournment debate if you like, but it is not a constituency question, and I rule it out.

RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017

Second reading

Debate resumed.

Mrs PEULICH (South Eastern Metropolitan) (12:46) — President, earlier I was speaking on the Renewable Energy (Jobs and Investment) Bill 2017 about the folly of the government setting its own state-based renewable energy target (RET) when clearly nationally — given the way that energy supplies are interconnected between the states and the severity of problems facing Australia, which were acknowledged yesterday in the article by Mr Gottlieb in the *Australian* and including, it seems, in Bill Shorten's sharing of this concern — we are looking at a very, very dramatic shortage of what we call baseload power. In the future this is going to be a massive problem facing Australia.

It seems odd that the state Labor government is pursuing this writ under the guise that somehow it is going to create more jobs and investment, when clearly the closure of Hazelwood has actually cost jobs and increases in prices are costing jobs on a daily basis. I was attending a function at the South East Melbourne Manufacturers Alliance just a few weeks ago, and I was speaking to one business owner who was telling me that their electricity cost had gone up from \$750 000 a year to — wait for this — \$1.5 million over the 12 months. That is an additional \$750 000 coming straight off the bottom line, and this costs jobs.

Multiply this many times over, especially across the manufacturing states such as Victoria, and this costs jobs, when clearly we are also not meeting the future electricity and energy needs of Australia, as well as the need for affordable inputs of energy into business, as well as alleviating the hardships experienced by families and householders. I was quoting some of the key stakeholders and what they said about the RET. Indeed I was quoting Matthew Warren, the Australian Energy Council CEO, who said — and continuing on with a quotation that I finished up on earlier:

We have learnt from South Australia that more renewables initially reduced prices, but as they push out traditional, firm generation without equivalent replacement supply wholesale prices have almost doubled.

Of course that means loss of jobs and loss of industry.

Tony Wood of the Grattan Institute — and it is not the bastion of conservatism that you say — said the policy was a 'nasty dog's breakfast' with dodgy modelling of

energy bills based only on wholesale prices. He went on to say:

No-one is debating the future need for more renewable energy in the system, but a national approach —

a national approach which is the Victorian coalition's policy —

would consider the most efficient place to source that from.

And:

It appears to me that the lesson from South Australia has been ignored by this policy.

Even the Victorian Council of Social Service, or Emma King on their behalf, said that a renewable energy target was 'important and welcome' but:

... we shouldn't pretend the VRET will magically drive down prices.

And:

We shouldn't be building a greener Victoria on the backs of people doing it tough.

And currently in Victoria there are too many people doing it tough. We announced that if elected in 2018 we would abolish the RET to stop energy prices from soaring further. The RET directly contradicts the Finkel review's recommendations for nationally consistent energy policy, a recommendation endorsed by all federal, state and territory energy ministers. The Victorian government, along with the South Australian government, is taking unilateral and uncoordinated action. The Victorian government claims its scheme will cut costs for customers, yet the calculations do not include the payments the government will make to generators, the additional costs of transmission to connect the proposed project to the grid or the costs associated with balancing the intermittency of wind and solar generation as proposed by the Finkel review.

Wind and solar power plants that are remunerated outside the wholesale market and have near zero marginal cost will displace coal and gas generation and lead to lower wholesale prices but only in the short term. However, over time the fossil fuel generators will become unsustainable and will close, resulting in wholesale prices increasing. Yallourn power station, which generates approximately 22 per cent of Victoria's electricity, has an estimated closure date of 2032. However, the RET may force its early closure, with no replacement base load generation. This will mean Victoria is at greater risk of blackouts and higher power prices, and this means of course also the loss of jobs.

Economic modelling has a very poor record of forecasting such closures or the price consequences, as we have seen in South Australia prior to the closure of the Northern Power Station and in Victoria prior to the closure of Hazelwood. It is hard to believe that forecasts of a better outcome as Victoria drives towards a 40 per cent renewable share by 2025 will hold water for any longer than one news cycle. The Liberal-Nationals are focused on supporting the delivery of affordable, reliable and secure energy to Victoria and supporting a national framework in the transition to cleaner energy and are, as I said earlier, technologically agnostic in how this is achieved. It is for this reason that the opposition is opposing this bill.

Ms DUNN (Eastern Metropolitan) (12:53) — I rise to speak on the Renewable Energy (Jobs and Investment) Bill 2017. My colleague in the other place, the member for Melbourne, has spoken at length as to the merits of this bill. The Greens are delighted that we finally have renewable energy target legislation before this Parliament. It is a necessary mechanism if this state is to do its part in reducing emissions from the emissions-intensive electricity sector. It is worth noting that as of September 2017, the amount of CO₂ in our atmosphere was 403.38 parts per million, already over what is the critical 400 parts per million and in fact the safe level of 350 parts per million. It is particularly telling — I know that I should not refer to the gallery — that we just had a primary school come through. When we think about the renewable energy target and climate change and what this is responding to, we do it for those children. We do it for intergenerational equity. If we do not do it, then those generations ahead of us are set to experience some very dark and dangerous times.

I note that this bill has only come into being due to sustained pressure from community and environmental groups, and I commend their efforts and congratulate them on their legislative success. They have worked long with the Greens to keep the Andrews government honest on making progress on establishing a renewable energy target mechanism. I was delighted this morning to in fact speak to some of those community campaigners, who once again have come out to the steps of Parliament to interact with democracy, as you can do in Victoria, and this time bringing cake with them to celebrate. We as the Greens were delighted to participate in that event.

Considering the short length of this bill, it is a wonder why it took so long, but better late than never. However, this bill needs to be a bit longer to address a potential perverse outcome because of the haste to develop novel energy sources in this state. There is a

place for resource recovery through taking biomass and converting it into energy. An example of such a process would be to take agricultural waste and process it through a biodigester to create biogas, which can then be used to power a turbine or boiler. There are many waste streams that can be considered for such processes, including food-processing waste and effluent.

However, the establishment of a waste-to-energy cycle under a renewable energy target cannot be allowed to include biomass from native forests. Victoria's forests store huge amounts of carbon that need to be protected. Logging forests releases huge amounts of greenhouse gases. The destruction of undergrowth, the burning of log coupes and the oxidation of soil carbon lead to major releases of both methane and carbon dioxide. This practice is a major source of greenhouse gases. Using native forest biomass to produce electricity supports an industry that causes massive forest carbon releases. It is not a net carbon sink.

This is important to note in relation to particularly the forests of the Central Highlands of Victoria. Those are the montane forests of our country. They are mainly populated by mountain ash — *Eucalyptus regnans*, the tallest flowering plant in the world; they are home to the state faunal emblem, the Leadbeater's possum; and they are in fact the most carbon-dense forests in the entire world. It is disturbing that, in terms of the bill before us, there is no specific mention of biomass not being included as a renewable energy source. It is concerning to the Greens that that matter has not been elevated to the level of being included in the bill, and I will talk about that a bit further as part of my contribution.

There have been accusations that Australian Paper, the mill in Maryvale that chips the largest amount of mountain ash trees, feeds those chips into boiler furnaces at its Maryvale pulp mill. This is the most wasteful use imaginable of these beautiful trees. Maryvale has been provided with a grant to build a waste-to-energy incinerator, which will have the potential to use native forest biomass as feedstock. The renewable energy target cannot be an opportunity to expand this destructive form of energy production.

The Greens will therefore move amendments to this bill that will ensure native forest biomass is not included as a renewable energy source, and I would ask, President, if I could, that those amendments be circulated, please.

Greens amendments circulated by Ms DUNN (Eastern Metropolitan) pursuant to standing orders.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Ms DUNN (Eastern Metropolitan) (14:03) — Before the break I did have my amendments circulated, so I will pick up where I left off. At that stage I was talking about native forest biomass. The government has given assurances in the contributions in the lower house that native forest biomass is not being considered as a renewable energy source; however, we do note that it is not incorporated in the bill, but will appear through regulations, I have been advised. We have not been given any assurances in relation to fossil fuels or materials derived from fossil fuels, yet again we are being asked to put our faith in the government that it will do the right thing, using a mechanism that precludes parliamentary scrutiny and therefore any genuine level of transparency.

Many Victorians will not be aware that, alongside the public debate on the Victorian renewable energy target, a huge amount of attention is being paid to the development of energy from waste technologies, including incineration, which generates energy. If any of the projects currently under consideration are approved, it is likely that some proportion of the energy generated will contribute to the renewable energy target. The question is: what will that proportion be, and on what basis will those decisions be made? The bill in its current form leaves open the way for plastic materials derived from fossil fuels to be burnt to create energy that contributes to a renewable energy target. Ultimately, depending on a number of factors, it could result in the creation of economic incentives to process waste that are entirely inconsistent with the waste management hierarchy already enshrined in Victorian law.

From next year Australia will be dealing with enormous amounts of plastic waste it can no longer export to China following that country's decision to ban certain waste products. Of course the Greens proposal to ban and phase out a range of plastics would have gone some way towards mitigating this plastics crisis, but the decision has been taken to tinker around the edges on plastic consumption rather than tackle the issue decisively.

It is unclear how these levels of plastic waste will be dealt with, though clearly many are regarding waste-to-energy facilities as at least part of the solution. Including the burning of plastic as a renewable form of energy would set a dangerous precedent, and it would fly in the face of both scientific consensus and best practice policy. We may well be hearing assurances from the government that fossil fuels and materials derived from fossil fuels will not be considered sources

of renewable energy, but this does not represent a cast-iron guarantee, nor does it futureproof the scheme in the event of a change of government.

The Greens amendments seek to do a number of things. They seek to insert some definitions in the bill around biomass, to define native forests and to define what a renewable energy source is. They also seek to include the following energy sources that are not renewable: native forest biomass, fossil fuels, materials or waste products derived from fossil fuels and a prescribed energy source. I would be happy to talk to that further once we proceed to committee of the whole.

Ms BATH (Eastern Victoria) (14:07) — I rise this afternoon to make my contribution on the Renewable Energy (Jobs and Investment) Bill 2017. For the sake of moving this bill on and through today, I will make my contribution relatively short.

What I would like to say is that the people of the Latrobe Valley and the people of Central Gippsland have a dark cloud hanging over them at the moment. In March this year we saw the loss of the Hazelwood power station due to the fact that the current Andrews Labor government installed in the budget last year \$252 million worth of coal royalties. That went straight into the costs of the power companies, and in effect Engie was unable to retain its stake and closed. With that closure 750 direct jobs were lost and downstream jobs of subcontractors were removed. The workers were no longer needed and are looking for work in Central Gippsland.

What we also know now is that with this renewable energy target of 40 per cent renewables by 2025, at the current state of play we have 17 per cent renewable energy in the market as a result of the Hazelwood closure, and we have 23 per cent of coal and gas coming from baseload power. So in only seven years we have to make a 23 per cent increase in renewable energy sources. That sounds wonderful. It sounds like a great thing to do, a great thing to aspire to, but the practical application of that will mean that this government is going to drive out another coal-fired power station. I know the Greens will be chucking up their hands saying, 'How fantastic!', but the reality is that that is more jobs lost to the community of Central Gippsland. If you want to get to 40 per cent by 2025, there will have to be a massive reduction in baseload power and a company will have to close. That is what is being spelt out in the subtext of this bill.

As a result of that, what further things will happen to those people in Central Gippsland? What will happen to people already experiencing huge power increases in

their homes, in their businesses and in their industry? Once upon a time Australia and Victoria had an amazing reputation across the world for developing industries and exporting industries. When I was a young girl we used to make clothes that mum and dad could afford. Now that has well gone and our car industry has gone. We can meet it in another way: we can just totally shut down all industry and pack up and go home and sit in a box.

I will give a couple of examples of some of the reasons that people are hurting. Burra Foods in Korumburra is a milk processing plant of fantastic quality. Its current gas bills have increased by 80 per cent in the last 12 months and they have had a 90 per cent increase in electricity costs. The local milk bar down on the corner that I frequent quite often has had a 55 per cent increase month on month of its electricity bills. Alba Cheese, which is a great local cheese manufacturer in Melbourne processing our good products, has gone up 150 per cent. I was just speaking with a lovely CEO of a hospital in Gippsland. Their power bills have gone up from \$2000 a month to \$6000 a month. So when you look at that \$24 000 for the next year, the CEO has said, 'What sorts of services will we have to close? Will we have to shut beds in order to meet our needs?'. This is a government that is coming out with statements that sound good on paper but in practice the ramifications for people down the track are quite serious.

There needs to be an important mix. There needs to be a mix of wind, solar, hydro and geothermal and a whole range of relatively new technologies. We want to see this come into the market but we want to see it in a practical and sustained way. Australia needs to be a good global citizen. I endorse that entirely. In fact through the Paris agreement the Australian government is committed to reduce Australia's greenhouse gas emissions by 26 to 28 per cent on 2005 levels by 2030. So this is important, and I endorse that. The federal government has come out only this week with a new plan to make that happen as part of incorporating I think 49 of the 50 recommendations from the Finkel review. The federal government has also come out with a National Energy Guarantee this week. It expects to be able to make electricity retailers have a certain amount of dispatchable power available at all times and also meet that Paris agreement.

The current government's own modelling for this ideologically driven Victorian renewable energy target, the Ernst & Young modelling, has come out to say only recently that in order to meet this market Victoria will need 25 times more gas supply for energy generation than it has at the current state of play. The Australian Energy Market Operator also talks about Victoria

facing a 50 per cent drop in gas supply by 2021. That is why the Liberal-Nationals new policy on encouraging and enabling onshore, conventional gas — and I state that again, conventional gas, not unconventional gas — to be extracted. The farmer has an opportunity, where the landholder can say yes — or can say no and that is accepted — where there is stringent regulation included and where that property owner has the capacity to receive a 10 per cent royalty from the commission that goes to the government.

As has been indicated on other occasions in my speeches, I entirely endorse the ban on fracking. It needs to stay. But where there is an opportunity to look at gas in the marketplace to help meet an appropriate energy mix I think this is a very positive policy moving forward. I will leave my brief comments there.

Just by way of finishing off, in comparison Australia has 1.3 per cent of the world's CO₂ emissions. Of that, if we take away the 0.3 per cent — because there have been other emissions in relation to cars, cattle and humans — about 1 per cent of CO₂ emissions in Australia is from coal-fired power stations and from gas. If we then take our part of that in Victoria, I am painting the picture that there needs to be a national approach to this; a going it alone study is not the best approach. There needs to be a national approach where there is responsibility for people (a) to be able to earn a living and be able to pay their electricity bills and (b) to retain jobs and keep to the Paris agreement. The Nationals will be opposing this bill.

Mr SOMYUREK (South Eastern Metropolitan) (14:15) — I rise to contribute to the Renewable Energy (Jobs and Investment) Bill 2017. This bill will legislate renewable energy generation targets for 2020 and 2025 in order to encourage investment, employment and technology development in renewable energy. This bill will also legislate renewable energy targets for Victoria — 25 per cent of electricity generated in Victoria will come from renewable energy sources by 2020 and 40 per cent by 2025.

This bill demonstrates Victoria's commitment to creating energy security and affordability for Victorians, facilitating industry and jobs growth and reducing our state's carbon footprint. This demonstration of leadership at state level is required in the absence of care and commitment towards these fundamental policy areas from our federal government. The way we function as a modern, civilised, First World nation relies upon the policies we create now in relation to energy and the environment. Our energy systems and resources provide for us our industry, our employment, our economy and our mobility. Our health

is completely reliant upon a consistent and reliable energy sector, without which the state of Victoria risks its viability and indeed sustainability.

In the absence of national leadership, Victoria needs to step in and lead the way. While the federal government does nothing, we must drive confidence for industry to invest in the state of Victoria, invest in our future energy sources and invest in the wellbeing of all Victorian residents. Australia's chief scientist, Dr Alan Finkel, in his investigation into the national electricity market, found overwhelmingly that it was the lack of a cohesive long-term innovative and progressive policy that was reducing investor and industry confidence in planning for the future. Several industry representatives made similar submissions, such as this one I am about to quote, from Origin:

There is a need to move the policy debate away from political ideology particularly as it relates to the diametrically opposed views on climate change, with renewed focus on the need for investment certainty in an industry where there are long lead times for the development of assets that last up to 40 years. Without timely investment the key objectives of reliability and security and consequently the delivery of cost-effective energy cannot be realised.

In calling for a cohesive national solution in the form of a clean energy target, Dr Finkel acknowledges that to do nothing is not an option; it is not a solution. Again I will quote:

Our electricity system is entering an era where it must deal with changing priorities and evolving technologies. If the world around us is changing, we have to change with it. More of the same is not an option, we need to aim higher ...

That was from Dr Finkel.

The bill will be the catalyst for a massive investment and construction boom in the state of Victoria that will attract billions of investment dollars and create up to 11 000 jobs, particularly in regional Victoria. Renewable industries will finally have the certainty they need and Victorians will have the security of reliable energy. Some current examples of industry's confidence in Victoria's way forward include the following: Kiata wind farm near Horsham and Mount Gellibrand wind farm near Colac, for example, that will be up and running next year, supplying enough electricity to power over 80 000 Victorian homes; and our two new solar farms to power Melbourne's entire fleet of 410 trams — the \$123 million 100-megawatt farm will be built at Bannerton Solar Park by Foresight Solar Australia, and the \$75 million, 38-megawatt Numurkah Solar Farm will be delivered by Neoen Australia. Together they will add 138 megawatts of generation capacity to the state as well as

325 construction jobs and \$198 million of investment into the state.

Renewable energy is fast establishing itself as the cheapest and cleanest source of electricity supply, and these initiatives will increase the supply of electricity generation in Victoria and lower wholesale electricity prices.

To support the achievement of the Victorian renewable energy targets, the government has established the Victorian renewable energy auction scheme. This month the first auction will be open for bids, and the government will award commercial contracts in support of up to 650 megawatts of new renewable energy generation. The format of the auction will be a reverse auction, with bids accepted for up to 550 megawatts of large-scale technology-neutral renewable energy and for up to 100 megawatts of large-scale solar-specific renewable energy. To put this into context, an auction of up to 650 megawatts will deliver enough electricity to power around 389 000 households every year, or the energy to power Geelong, Ballarat, Bendigo, the Latrobe Valley and more.

The targets and facilitation of investment have been widely celebrated throughout the sector. Kane Thornton, CEO of the Clean Energy Council, stated:

This announcement and these commitments will turbocharge the renewable energy industry in Victoria. It will deliver billions of dollars worth of investment and thousands of jobs to regional and rural parts of this state.

Tobias Geiger, managing director of WestWind Energy, said the following:

It's going to be beneficial for the Central Highlands region because there will be more energy generation and more jobs ...

In conclusion, this bill delivers so much more than simply a target to achieve. It delivers industry security from a committed and legislated strategy, providing the certainty required. By achieving that security, we facilitate the construction of renewable energy production. As a result of that, we create jobs, strengthen regional communities and ensure our livability through the provision of reliable power to our homes and businesses, and we create a more sustainable future through the reduction of carbon emissions. With that, I commend the bill to the house.

Mr BOURMAN (Eastern Victoria) (14:23) — I rise to speak on the Renewable Energy (Jobs and Investment) Bill 2017. Renewable energy is definitely the future. I remember as a young bloke when you could get a calculator that could barely run on solar

power, and look at what we can do now. The problem I have is base load. There was a joke going around recently: ‘What did South Australia use before candles? Electricity’. Obviously the object of that was that every time it got hot here and it got hot there and the interconnector went down, they had nothing. So whilst I have no issue with renewable energy, I am concerned about creating a target. Did you see what I did there? By setting a target when we do not know what the future brings, when we cannot get a base load now, what we could end up doing is having a similar situation where we are not able to have our modern conveniences or even turn the lights on in high-demand days, in both states at least.

We hear a lot about the cost of clean green energy. At the moment it is fairly heavily subsidised, so I think before we get too excited about that we need to be thinking about what the cost of that subsidy is. That cost does eventually get passed down to the other sources of power, and that increases the average household power bill. I think none of us can deny that power has gone up a lot in the last few years. We have got a lot of people of a lower socio-economic status, and the last thing they really need is a bigger electricity bill in light of already bigger electricity bills.

Obviously with the local bent in my region there is the loss of real jobs that are there, not may or may not be there, in the industry, plus the loss of the base load that comes with it. So whilst I am supportive of renewable energy, I am not supportive of setting a target that may or may not be achieved. Unless we just continually subsidise everything, it is just going to be more and more expensive.

Ms PATTEN (Northern Metropolitan) (14:26) — I am pleased to rise to speak to this bill. I think it is an important and very progressive piece of legislation, and I am pleased to support it. I am saddened and sometimes just a little bit embarrassed about what our federal government is doing at the expense of logic and the views of the community, the views of every leading scientist and the views of business heads and major authorities, who all agree that clean energy targets are a good way forward to tackle energy and climate policy. Unfortunately the likes of Mr Abbott do not agree, and therefore Mr Turnbull must toe the line of the Abbott climate-denying primitive primates. The Finkel review was pretty unequivocal about this. Our energy systems of the future will be based on renewable power backed up by storage. Andrew Stock from the Climate Council articulated this week that:

Any policy that doubles down on old polluting power at the expense of clean energy is a barrier to progress.

Just taking up Mr Bourman’s query about the cost, for example, I have a farm that uses renewable energy, and guess what my electricity bill is every year? Zero dollars. As well, I note that in an article in the *Australian* this week it noted that the federal government’s new plan is worse than business as usual — that is, in terms of the production of renewable energy — and that it will increase energy prices, not decrease them, and will of course increase pollution into the future.

I went to an All-Energy Australia conference at the convention centre last week. Stepping into that room was really quite inspiring — seeing the number of businesses that are moving forward with some amazing technology. There have been incredible advances in renewable technologies as well as storage technologies, but also this new sector is building in a very prosperous way: it is employing a lot of people and it is a bright future for us.

As I mentioned in my members statement yesterday, just last week I was given a tour of the world-winning Hawkers Beer brewery in Reservoir, which now raises 40 per cent of its energy on its roof. It has reduced its energy costs substantially. If legislation enabled it, it would create more power and it would be able to almost be self-sufficient energy-wise, and that is while producing 6 million litres of world-winning beer.

The energy targets in the bill are achievable, and I think they are the sorts of targets we should be having. Of course California has set its target at 50 per cent, and it looks like it is going to achieve that before the deadline for it. I think big business knows and understands this and our community knows and understands this. The only barrier from transitioning to a clean, affordable and reliable energy system is politics, and I think we have got the politics right here. The bill introduces the energy targets for 25 per cent by 2020 and 40 per cent by 2025. They are good targets, and I think the road map is good. I like the reporting that this bill will introduce so we can actually see if we are meeting those targets. We can see if we are increasing employment by this way, if we are improving our economy and if we are setting up new businesses in this state. I commend the bill to the house.

Mr RAMSAY (Western Victoria) (14:31) — I am happy to speak to the Renewable Energy (Jobs and Investment) Bill 2017. To start with, this is bad policy. We are going to oppose the bill, and we will most likely oppose the amendments that have only just recently been introduced by the Greens, in typical style, at the last minute. They come rampaging in with their documents — a flurry of amendments that no-one else

has had a chance to have a look at to see in fact what impact they will have on the bill. Then the government, after about seven months, makes up its mind that it also wants to have some amendments to a bill that has been sitting around for months, and all for us to be able to consume all this information in about 30 minutes. But that is typical.

Can I say: what is the point of a state having a renewable energy target (RET), when the ultimate aim — I am sure Ms Springle would agree — is to actually reduce greenhouse gas emissions? Greenhouse gas emissions reductions do not stop at state borders. We know Australia's greenhouse gas emissions are less than 2 per cent of world emissions. In some of the debates the Greens refer to what the Chinese are doing in relation to closing down their coal-fired power stations. It is just baloney. What they are actually doing is putting them out in Inner Mongolia so you cannot see them, and they are still puffing away their coal-fired generation unabated and unhindered by any Paris convention or any other agreements. They have just moved them out of sight and out of mind. The reality is there is very little consensus among our global partners in relation to putting in place mechanisms that will reduce greenhouse gas emissions that actually will not affect the cost of living within their countries or their economic growth.

But here we have in the state of Victoria a Premier who has decided he is going to go it alone with his Queensland mates in introducing a state RET. That will no doubt drive electricity prices up. It will provide a means for generators to invest with extraordinary subsidies. I heard this week in question time in the federal Parliament that up to \$6 billion in subsidies has been attributed to the renewable sector — Mount Gellibrand, I think. I am trying to remember who it was Mr Somyurek was talking about. I am very familiar with that wind farm project. In fact it was a project that was given a permit about eight years ago and has had two trades in generators, and only now has the original works plan of 115 turbines been reduced to 45 and the size of the turbines increased from 1.5 to 3 megawatts. In fact it was \$200 million — of taxpayers money, I might add — that encouraged in this case Acciona to actually start construction. It is not done voluntarily. Yet I note in the second-reading speech that the minister said, 'Affordability, reliability and emissions-intensity have become core concerns for household and businesses' — correct. So what do you think a RET is going to give them? It will give no sense of surety at all in relation to ongoing baseload power, no surety of a decrease in power prices or the cost of living in relation to use of energy and certainly no

surety or confidence in our processes for manufacturers of food products.

An abattoir in Geelong has looked at a million-dollar increase in its energy costs just in the last year — directly attributable to some of the harebrained schemes of the Andrews government in relation to closing down coal-fired power stations and stopping any potential gas onshore exploration in Victoria. The government has actually increased the cost of both gas and electricity to businesses. I know my colleague in the other house Richard Riordan will tell you there has been a significant increase in cost to the second-largest employer in Colac, AKD Softwoods. If I can also refer to CRF, which is now run by the Australian Lamb Company, it has had a significant \$1.5 million increase in energy costs due to this government's renewable schemes and its closure of Hazelwood, its potential closure of Loy Yang and its ongoing use of subsidies to prop up the renewable sector.

Having said all that, though, I am a bit like Mr Bourman, I certainly do support an appropriate balance of renewables to complement our baseload power generation in this state to make sure that we do have affordable and reliable energy. That certainly is all that is being asked of us by the manufacturers, processors and businesses across Victoria that have been coming into my office and saying, 'Look, we support the investment in renewables. We support the commonwealth taking a leadership role in advocating for reliability, affordability, investment in renewables, reducing our greenhouse gas emissions and meeting our Paris convention contracts'. It is pleasing to see this week that the federal Turnbull government has with the —

Ms Shing interjected.

Mr RAMSAY — Am I amusing, Ms Shing, or are you laughing about something else?

The ACTING PRESIDENT (Mr Melhem) — Order!

Mr RAMSAY — The Energy Security Board has said the guarantee that the Prime Minister announced this week will give certainty to investors in the longer term, so I think rather than being totally dependent on taxpayer subsidies, a policy like the Turnbull government has just announced — to give certainty for investors to invest in renewables to meet our global requirements and agreements and also to drive the cost of electricity and gas down — is a far more preferred option than what the Andrews government is

considering in this bill, which is really merely to introduce a RET of 40 per cent by 2025.

My understanding is that currently around about 11 to 12 per cent of total energy generation in this state is via renewables, so there is an expectation by the Andrews government that in fact that will increase in less than eight years to 40 per cent, which is, if I quickly do my maths, about 28 per cent more required of renewables. In a quick rule-of-thumb calculation in terms of current wind generation — and I think we generate about 98 per cent of renewable energy from wind as opposed to 3 or 4 per cent from solar — we actually in fact need another 3000 turbines across presumably western Victoria because it seems to be the preferred site of wind generators for investment, so you can imagine what the landscape will look like in western Victoria by the time the Andrews government finishes with it come 2025.

Then they talk about jobs in the same breath. I can tell you that the only jobs —

Mr Jennings interjected.

Mr RAMSAY — If Mr Jennings wants to have a bit of a stroll down to Macarthur — and I am sure he would not, because the worst roads in the state are actually around that wind farm in Macarthur — he would see that there is barely a farm left standing within 2 kilometres of that wind farm. Most of them are shut down. Nearly all the workman cottages that were there supporting those farming families are not lived in, and so many of those farming families have actually moved away.

And there is no job generation. There are a few mechanics that run around checking some of the wiring in between the turbines, but there are no long-term jobs associated with that wind farm; it is mainly just in the construction, and once the construction is completed there is a very small workforce that actually maintains that generation. The government run the argument that this is job creation. Yes, it is great for Korea; they produce the turbine masts. It is great for the Netherlands, who provide the generators. It is good for Keppel Prince Engineering in Portland to put the pieces together, but what happens when all that is done? And given the amount of concrete I am surprised the Greens have not given us an indication of the cost of energy for producing the concrete slabs on which these turbines sit, which consume an awful amount of energy and raw base material. But no, we will just blur over those greenhouse gas emissions in the construction of the slabs that support these turbines.

The point of this bill is to introduce a renewable energy target for Victoria. My argument is that this is bad policy. No state should be introducing a RET. We as an opposition will not be supporting a RET for Victoria. We are focused on delivery of affordable, reliable and secure electricity to the state, and we also are supporting a national framework in the transition to cleaner energy, as I said. As Mrs Peulich has said, we are technology agnostic in how this is achieved, so we are keeping our options open. As I have indicated, a Guy government will remove the Victorian renewable energy target that is going to be imposed presumably if this bill gets through under the Andrews Labor government.

The Victorian government has announced a RET of 25 per cent by 2020; that is only two years away. They have still got a bit of work to do there, and that is why we see ministerial interference in relation to call-in permits for wind farms and particularly when there are changes in work plans. The community is now totally disengaged with that process if they want to object. It is really just a flick of a pen by the minister now to authorise a change in work plans for these permits. He will have ministerial control of where and how these wind farm permits will be approved, and the RET as a go-alone scheme will apply in addition to the national renewable energy target of 23 per cent by 2020.

The RET translates to 5400 megawatts of capacity over the next decade, roughly equivalent to the current total installed renewable energy capacity right across Australia, so this is a big ask for the state of Victoria and those hosting these renewable projects to provide such a significant amount of renewable energy within a short space of time without any guarantee of certainty of power. I think many of our businesses right across Victoria are particularly concerned about the fact that once you remove the certainty of supply of baseload power and close some of our older power stations, in fact you put at risk that certainty of supply.

I am really pleased to see that the soon-to-be Guy government has seen fit to introduce a gas policy which actually makes much more sense than having a total moratorium on onshore conventional gas exploration in this state when we have got gas reserves. Lakes Oil tell us that they can tap into some of their exploratory work very easily and that they can provide gas to the domestic market which will ensure a dampening effect on the significant increase in gas prices we have seen in households right across Victoria, particularly in the last 12 months. That is a sensible policy. But what is not sensible policy is a state Labor government introducing a RET without any relativity to what is happening at a national level. As we know, you cannot reduce

greenhouse gas emissions from state borders. It has to be a national approach, and it is only in the last week that the Turnbull government has announced its energy policy for the whole of the country. It is just sheer stupidity for a state to go it alone and expect it will get any significant health benefits from a state-based renewable energy target.

As you know, we have enjoyed historically low electricity prices in Australia. That has created the economic boom that we have in this state. It is unfortunate that Engie was put under pressure by the state government in relation to the significant increase in royalties and had to close Hazelwood. We know that the Greens have got their eyes on closing Loy Yang B. Basically if you take those two generators out you are losing about 40 per cent of baseload power generation in this state. I do not believe that anyone would seriously think that the Andrews government could replace the loss of that power generation, that reliable low-cost generation, with renewables in eight years. It just defies any sort of common sense in respect of this proposed policy.

I will leave Mrs Peulich to respond to the amendments that have been brought forward by the government and the Greens.

Mr Leane — Time!

Mr RAMSAY — No, it is not time, Mr Leane. I have 6 minutes to go.

The ACTING PRESIDENT (Mr Melhem) — I think you have got about 3 seconds, Mr Ramsay.

Mr RAMSAY — In summary then — thank you, Mr Leane — we will be opposing this very poor policy, and I look forward to the committee stage in relation to raising issues around the amendments.

The ACTING PRESIDENT (Mr Melhem) — Thank you, Mr Ramsay, your time has elapsed. I gave you 3 seconds, and you did not use them wisely.

Mr JENNINGS (Special Minister of State) (14:47) — I know Mr Ramsay has a little bit of trouble with the time, because he actually does not know whether he is living in the past or living in the future. It is very symptomatic of his contribution to this debate. It is very symptomatic of the great problems that the Liberal and National parties are in in the state and federally. It is a monumental problem for the conservative side of politics because at the moment it is a question of how conservative they can become, how reactionary they can become and how defensive they can become about the future. It is about whether they

embrace a future that is actually sustainable and affordable and a future that is bright for the citizens of Victoria in relation to the appropriate balance between sustainability, economic development, opportunity for our state and the Victorian government's commitment to renewable energy.

Now, as it was during the course of the Bracks and Brumby administration, we recognise that there is a leadership role to be played within Victoria for getting out early in relation to what we had hoped would be a national momentum in terms of renewable energy and climate change policies that we hoped would have taken account of the need for us to be a participant in the global community in relation to the abatement of greenhouse gases and to drive a technological revolution so that we can make sure that our industries are competitive and viable and that we can create jobs.

Honourable members interjecting.

Mr JENNINGS — That is something that we clearly understood. We understood it more than 10 years ago — 15 years ago we understood it. What we are actually hearing today continually from those who want to interrupt me, but most importantly interrupt the future of this state, is that they are obsessed with protecting the past.

Honourable members interjecting.

Mr JENNINGS — They are obsessed with protecting the past. It is ironic that in terms of progressing this argument, in a few minutes Ms Dunn is going to say to me that I am not as defensive about fossil fuels as I might be. So that Ms Dunn will have no doubt about it, we actually recognise that our over-reliance on fossil fuels is a fundamental driver of why we have been embarked upon a reform agenda for the best part of 15 to 20 years as part of Labor administrations, interrupted by a coalition government, and unfortunately interrupted by a change of federal government policies on a variety of fronts. Most recently it was through the completely flagrant disregard for the quality piece of work that Alan Finkel provided to the federal government in relation to the energy future and the future needs of this community — a very detailed, very thorough consideration; it was a framework for the future.

In fact some people interestingly enough did not think it was quite as progressive as it might be. Some people, who were studying public policy in this endeavour, actually thought that Alan Finkel had gone out of his way to create a broad stream of policy opportunities to enable this nation to go ahead in a bipartisan fashion in

relation to an energy mix, an energy future and the various needs of conservative constituencies. Whether they be in the federal Parliament or state governments or whether they be in conservative parts of business, everybody had an opportunity to have a place in the sun.

But what has happened instead of that policy framework being embraced? The fundamental building blocks of a clean energy future have been dashed by the federal coalition government; they have been trodden on. In effect the quality of Alan Finkel's work has been treated with contempt in the pontification, the rewriting of history and the absolute denial that is associated with former Prime Minister Tony Abbott's political trajectory. He goes around the world to send a message back to his conservative constituency in the coalition government in Canberra to rewind any hope for the future.

This piece of legislation is associated with the future. It is associated with a positive trajectory for the future. It is associated with a sense of optimism that we can satisfy the energy needs of this state now and in the future in a renewable way, in a sustainable way and in a way that drives jobs and opportunities for our community. We are confident about embracing the future. We are not cringing and shirking from our responsibility as a government and as a legislature in relation to how we make sure —

Mr Ramsay interjected.

Mr JENNINGS — Every single day, Mr Ramsay, there is an opportunity in the national marketplace for Victoria to buy electricity from New South Wales, just as it is possible for them to buy electricity from us, because it is a national marketplace. So if you think the benchmark of your policy settings should be that we in fact deny the national grid, then we deny the national marketplace, and Victoria continues to this very day to be a net exporter of energy capacity. To this very day Victoria is a net exporter of energy requirements. We have surplus energy to our requirements every day of the year unless there is an extremely adverse series of events — extremely adverse weather events or other circumstances of events that may occur once on a 10-year horizon when we may be vulnerable.

The Australian Energy Market Operator is the national body that actually assesses the availability of electricity supply. It provides advice to government, to consumers and to industry. It knows that on 99 out of 100 days there is excess energy supply in this state and there will continue to be excess electricity generated in this state. What this piece of legislation is about is making sure

that in the energy mix in the future we not only set appropriate long-term aspirational targets but we also have interventions in place to try to support the important installation of renewable energy in the state.

I am very optimistic, as I am for the future, that even if this legislation did not pass, it would not stop Victoria from proceeding to an auction to generate the first up to 650 megawatts of renewable energy that is associated with our current policy settings as we look to install somewhere between 3000 and 5000 megawatts of renewable energy on the horizon associated with this piece of legislation. Indeed, depending upon whether that level of investment and that level of generation is generated, we will see somewhere in excess of \$5 billion worth of economic activity, maybe as high as \$7 billion of economic activity, generated within the renewable industry in Victoria. We will see somewhere in the order of 6000 to 9000 jobs in the construction industry being associated with the installation of this energy capacity and we will see somewhere in the order of 500 to 750 ongoing jobs in terms of making sure that the system is maintained and running in good working order and keeping the reliability of energy sources in our state secure into the future. That is at the heart of what this piece of legislation is about.

I am pleased to be part of a government that recognises we have obligations not only to Victoria but as global citizens and we have obligations to play a leadership role in this nation despite the lethargy and the abrogation of responsibility of the federal government. What an absolute irony in the way we have been criticised by the coalition in Victoria today when in fact the commonwealth policy settings, as we understand them — as expressed by press release and fiat by Tony Abbott via Malcolm Turnbull announcing those policy settings — are indicating that really at the end of the day, in terms of delivering renewable energy capacity, that will be basically led by the leadership, in the initiative and scale, of state governments. So we are responding virtually immediately.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Melhem) — Order! Mr Dalidakis and Mr Ondarchie, through the Chair. Minister, please continue.

Mr JENNINGS — Thank you, Acting President. In fact I was thankful for the contribution of my colleague because it demonstrates that from all vantage points within our government, within all the constellation of ministerial responsibilities within our government, we are committed and determined. Whether we are responsible for industry and trade and innovation,

whether we are responsible for the environment and climate change, whether we are responsible for whatever complexities of public policy administration there may be in this state, we are totally united. We are totally united in the now administration to make sure —

Mr Finn — Have you spoken to James Merlino about that?

Mr JENNINGS — In fact I have, and I know that in fact he is mindful, he is extremely mindful. The Deputy Premier is extremely mindful not only of what his policy settings are, but he is very, very mindful of the progressive policy settings of his Monbulk electorate and what it would be expecting. He is a local member of Parliament who knows that the Monbulk electorate knows that the future has to account for sustainability. It knows that in fact we have to protect environmental values. It knows that it actually has to be associated with renewable energy. On that basis, I confidently say, because I know the Deputy Premier's view on this subject, that he, like other members of this government, is determined to make sure that we make this investment happen, we start through the auction that we are about to have —

Mr Ramsay — It's our money you're using.

Mr JENNINGS — Mr Ramsay, I know that your time is nigh in relation to your ability to express your views on this subject. It is because when you carry the burden of the past and you carry it around with you each and every day, it is a terrible burden to carry. I would actually encourage you to let it go. Embrace the future. Get on board with actual commitments in relation to renewable energy. Make sure that it —

Mr Finn — If you want to embrace the future, we should turn off the lights.

Mr JENNINGS — Demand management is a very worthy thing, Mr Finn. Demand management plays its role in mitigating against the need for increasing energy supply. Demand management is important.

Ms Dunn interjected.

Mr JENNINGS — We are having a round robin. In a few minutes we will get into the committee stage to consider maybe a slightly broader range of concerns that people in this chamber actually may have, and that may lead to some very strange and unusual alliances in relation to how we deal with certain amendments. In that regard I may feel a little bit awkward in one or two of those moments. Nonetheless, I think the thing that should unite this community and what should unite this Parliament is in fact our recognition that we need to

grow jobs in our economy, we need to be sustainable, we need to be environmentally aware and we need to reduce the greenhouse gas emission profile of the state of Victoria as part of our contribution to the national emissions profile and part of our commitment to the global community.

It is all good and well that as a nation this government says, 'We are going to sign up to our Paris protocols and agreements' and then have no internal mechanisms to deliver on such outcomes. In fact it is abrogating the responsibility either to the energy sector itself or other industry sectors or the states to find the policy settings to implement it. Well, that is leadership. That is a quite remarkable abrogation of responsibility, I think.

But in the state of Victoria we are prepared to play our role. We are prepared to step up now in relation to the amendments that I will bring to the committee in a few minutes. What I am actually saying is: what is the contribution to the Victorian economy? What is the contribution to Victorian jobs? What is the impact upon the rate of scale and the implementation of our policies? This is an important undertaking that we make as we bring this bill to the Parliament, and that is the justification for the amendments that I am bringing.

We will have some policy debates about the relative merits of Ms Dunn's amendments, and I will be happy to respond to any implementation issues or matters of unresolved policy tensions between us and the non-government members of the chamber. But on the way through I just want to reiterate — it is very important — that this government is proud of its commitment to renewable energy. We are proud to embark upon these targets. We are proud to support industry development through the auction system that we will commence shortly. We look forward to great results for this and future generations in relation to our contributions.

For all of you who want to hold back the tide, tides can actually play a role in terms of wave power and in relation to renewable energy, but I reckon you will be standing on the shore watching as other people do the heavy lifting to address our economic, environmental and sustainability needs into the future.

House divided on motion:

Ayes, 20

Dalidakis, Mr
Dunn, Ms
Eideh, Mr
Elasmar, Mr
Gepp, Mr
Hartland, Ms

Mulino, Mr (*Teller*)
Patten, Ms
Pennicuik, Ms
Purcell, Mr
Ratnam, Dr (*Teller*)
Shing, Ms

Jennings, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms

Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms

Noes, 18

Atkinson, Mr
Bath, Ms (*Teller*)
Bourman, Mr (*Teller*)
Carling-Jenkins, Dr
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr
Finn, Mr
Fitzherbert, Ms

Lovell, Ms
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms
Young, Mr

Pairs

Pulford, Ms

Morris, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr JENNINGS (Special Minister of State)
(15:09) — As I foreshadowed in my contribution to the second-reading debate, there are a number of amendments that I would seek to move, and I ask that they be circulated.

Mrs PEULICH (South Eastern Metropolitan)
(15:11) — The opposition will not be supporting the government's recommendations because basically they do not do anything to make the bill better, as the target puts Victoria at a disadvantage from other states, and we certainly do not want to follow South Australia in putting government subsidy against affordability and security of power. So in terms of the amendments, we conceptually do not agree with the bill in terms of policy. It is not good policy.

The most pertinent comment was one made by the Grattan Institute, which said:

Renewable energy is generally highly popular and Victoria's new renewable energy target appears to be great politics. But in a national context it is anything but great policy.

It goes on to talk about two key reasons for this being the case. First of all, it is a policy aimed at increasing renewables, not reducing greenhouse gases. So whilst it measures the inputs, it is not measuring the outputs. Further:

To be clear, increased solar and wind power will be a direct result of Australia's actions to reduce emissions. But the opposite does not necessarily hold true.

The Grattan Institute goes on to say:

Second, climate change is not a Victorian-specific problem. It is a global problem and Australia, as a nation state within the global community, has made commitments and introduced — and will introduce in the future — national domestic policies to deliver on these commitments. Unilateral action by any state or territory will cut across these policies and may simply increase their cost without any net environmental benefit.

But the question I would like to ask the minister on clause 1 is: what will be the total cost of supporting all schemes to reach the targets?

Mr JENNINGS — A number of points in the commentary that Mrs Peulich has just made indicate an interesting reliance on the Grattan Institute to indicate —

Mrs Peulich — I thought it nailed it.

Mr JENNINGS — You may have thought it nailed it, and in fact under normal circumstances I am quite impressed by the work of the Grattan Institute. I fail to see that the Grattan Institute's critique of Victoria as a sovereign state — when in fact it is not the sole repository of concern about greenhouse gases — is an evident truth. It says nothing, because we are actually contributors to the global community and the global environment, and if every jurisdiction applied that logic that you outlined to us, then nothing would be done across the planet.

If we are actually interested in really global environmental outcomes, a real contribution to the global economy —

Mrs Peulich — We would not be exporting our coal.

Mr JENNINGS — That may be a fair and reasonable point you make. It may be a fair and reasonable point.

Mr Ondarchie — We are exporting coal.

Mr JENNINGS — Are we?

Mrs Peulich — Yes.

Mr JENNINGS — We are?

Mrs Peulich — Yes, from the state.

Mr JENNINGS — In terms of the export of raw coal, is that what we do? That is the assertion I responded to, and you assert that I got the wrong answer.

Mr Ondarchie — I just asked if you know.

Mr JENNINGS — The thing about it is that the issue that you have relied on in relation to the Grattan Institute, which again I will use as a segue to my answer that may not satisfy you in relation to the total cost structures, is that Victoria is bitterly disappointed that this nation does not have policy settings that interlock between state and commonwealth market and regulatory-based frameworks and responses to energy policy. If the state, and all states, and the commonwealth harmonised our approach to the appropriate regulatory environment — the legislative intent and the industry support processes — then the cost structures would be far less than they would be if the state goes it alone. So in relation to a state going it alone in relation to achieving the intended policy outcome of our renewable energy target (RET), it will always be dependent on the cost structures and the intersection of state-based policy settings and market opportunities and the commonwealth's ones.

Mrs Peulich — How about having a go at the question?

Mr JENNINGS — You do not fundamentally understand the concepts, and if you do not fundamentally understand the concepts, I am not going to necessarily just jump to —

Mrs Peulich — Would you like me to repeat the question?

Mr JENNINGS — I know what the question was, and the question had a preamble that provided me with ample scope to indicate to you that in fact we start from a very, very different place in relation to knowing what our contribution is to a national and a global community. We start from a very different place in relation to understanding the ways in which that industry may be developed now and into the future, the way that in fact the policy settings and the cost structures of interventions such as the ones that the Victorian government are undertaking at this moment would vary significantly upon the harmonisation of those market-based and regulatory environments, and at the moment the commonwealth is in the process of withdrawing from any mechanisms that it has in place, ignoring the recommendations of the Finkel report, and applying a very broad connection between the reliability of energy sources and its cost structures and keeping it separate from what its abatement issues may be.

The point that I can concede to you on your commentary is that the increase in renewable energy does not in its own right lead to greenhouse gas abatement. I agree with you, but it is a useful

displacement of other forms of energy that are more energy intensive and that make a greater contribution to greenhouse gas generation, and the policy settings are designed — as demand grows or is suppressed through demand-management strategies and other mechanisms that we can use to try to lower demand needs into the future — so that we would have an appropriate investment and a transition from dirty forms of electricity generation to more renewable forms and less emission-intensive generation capacity.

So I have agreed with you on one point — that is, renewable energy does not sit on its own. I have indicated to you in relation to the funding arrangements that the Victorian government has entered into in relation to supporting the first auction process that the cost of the scheme depends upon all of the factors that I have talked about and what it means for the wholesale price in the energy market. That price, depending upon all the issues that I have talked about, will vary. It will not be a constant price; there will not be a constant price over the profile of the forward intentions and meeting the targets. The Victorian government is about to go into a competitive environment where in fact we have an attributed value that we actually think will secure the investment of up to 650 megawatts.

We are not going to pre-empt how much money we are putting into the market because in fact the market will pretty much go to that glass ceiling straightaway. We are actually trying to make sure that it is efficient in the way in which the market operates, so we are not actually going to telegraph what price threshold the Victorian government is prepared to consider, but we will support it. We will drive that level of investment, and after we achieve that first tranche then we will successfully move through other tranches or through the name of whatever the mixture of market-based settings may be — the regulatory environment, industry support. We will actually be trying to do it in the cheapest way to consumers or to the public purse.

Mrs PEULICH — Minister, thank you for your answer. I note that as part of that answer you also were quite categorical that part of the objective of increasing the renewable energy target was also to displace — I think you were calling them dirty — other dirty energy generators, or something to that effect. The concept is there. That is what you said. We can check *Hansard* at a future time. In view of that, is there a missing purpose for the bill which would include closing an existing base load coal power station to reach a 40 per cent Victorian renewable energy target, as you did with Hazelwood power station?

Mr JENNINGS — Good on you, Mrs Peulich; there is no entrapment in any aspect of your summary of what I said initially or your subsequent question!

Mrs Peulich — You do not dispute it; you said it.

Mr JENNINGS — I can dispute quite a lot of what you say is what I said. I am happy to live by what I say. I would rather you not summarise what I say or actually reinterpret what I say.

Let's go back to the building blocks of the story. The building blocks of the story are that in the future, what good government across the nation should be trying to achieve are the mechanisms. If the Turnbull government is committed to achieving greenhouse gas abatement in relation to its international obligations, if it is interested in that, it will support the energy sector to make a transition. That is exactly the same terms as the way that I described it because in fact the reliance will be to drive the renewable energy sector, as the way in which the Victorian government is wedded to do and determined to do. It will be mindful of the way in which it can actually assist those energy-intensive and emissions-intensive aspects of the generation capacity — coal generators — to be more efficient into the future and to reduce their contribution to greenhouse gases. Through that combination of those mechanisms, the contribution overall to our target will be achieved.

That is the same for Victoria and it is the same for the commonwealth. The commonwealth is not actually prepared to be as fulsome as I have just been in the last 30 seconds in relation to trying to set those policy levers because in fact it is always — in the way in which I criticised some of you, you and your colleagues, in the second-reading debate — spending a lot of time looking in the rear-vision mirror rather than worrying about what the future for coal is or what the future for renewable energy is and the relative contribution to either the distributed energy capacity or indeed its cost structure. We need to embrace it and that is what we are doing.

On your assertion in relation to the policy settings that led to Engie's decision to close Hazelwood, I know that you and other members of the coalition are desperate to attribute the blame to the Victorian government.

An honourable member interjected.

Mr JENNINGS — It was. I do not deny that, and in 2010 there was no ongoing policy commitment either in the state of Victoria or national policies that made that an appropriate policy setting. In fact in a very ironic way during the course of 2010 to 2014 what

could have been the economic viability of Hazelwood went up because of the national decisions and the national framework that in fact made Hazelwood far more economically viable during that period of time. That was an irony because in 2010 with the introduction of the carbon pollution reduction scheme it was not looking to be very economically viable, but it became more economically viable.

What drove the closure of Hazelwood ultimately was fundamentally an international decision in the name of the profile of the business mix of Engie to actually get out of fossil fuels-based electricity generation. That is one driver. The second driver was the depreciation of the asset, of the generating capacity, and its occupational health and safety risk. It was actually the deterioration of the quality of it as an asset and as a safe energy generator, and by that stage the value proposition was not there for it to survive.

Mr Ondarchie interjected.

Mr JENNINGS — The tax, in terms of the order of magnitude of the issues that I am talking about, may have made that much difference.

Mr Ondarchie — Of course you would say that.

Mr JENNINGS — Of course I would, because that is the reality of it.

Mrs PEULICH — In May 2011 Labor described the then government's decision to keep Hazelwood fully operational as, and I quote:

... disgraceful ... Our state must be looking at ways to lower our dependence on brown coal and finding new ways to generate energy. Partially shutting Hazelwood was part of this process.

The following has also been said:

We have seen the government walk away from negotiations to partially close Hazelwood power and help Victoria move away from its dependence on brown coal.

Given your government's public support for closing coal power stations, will the RET in any way impact on the commercial viability of any of Victoria's coal power station, such as Yallourn, and as a result bring forward its closure date?

Mr JENNINGS — I am pretty disappointed in the response from the members of the committee on the other side in relation to my last answer because I acknowledged what our policy said it was in 2010. I acknowledged all of the competing factors in relation to it.

Mrs Peulich interjected.

Mr JENNINGS — You want answers that are convenient to you. You do not want the truth. You do not want a whole answer. You actually want a very superficial sliver of answers. In the scheme of things, of what I talked about, the financial consequences of that decision were minuscule in relation to the mentions of the other elements to it.

Mrs Peulich — Says who?

Mr JENNINGS — Says the facts. Says the dollars involved. Says the corporate business model of the owner of the assets.

The ACTING PRESIDENT (Mr Elasmr) — Order! That becomes a conversation. I am not going to allow that. Please, Minister.

Mr JENNINGS — I apologise, Acting President. I am relying on what was said by the company in question. I can rely on that as a fact. I do not actually have to assert anything apart from the fact that they actually put it on the public record themselves. In relation to this assertion that this will actually make any difference in relation to the corporate decision-making process of people who own brown coal-generating capacity in Victoria, it will be a very small factor in the mix of policy settings, considerations and commercial realities that they confront.

Mrs PEULICH — The government has flagged it will hold — or you have certainly indicated and confirmed that you will hold — a wind and solar option and spend between \$250 million and \$350 million, if not more. Will projects in other states be able to bid in this auction?

Mr JENNINGS — They will not be successful.

Mrs Peulich — They will not be successful?

Mr JENNINGS — No.

Mrs PEULICH — I take the answer to be no.

Mr Jennings — Correct.

Mrs PEULICH — At the bill briefing the officer who provided the briefing said that other states would be able to participate in the auction. So who is actually telling the truth?

Mr JENNINGS — All I anticipated was that it would not be successful. We were not going to stop them bidding.

Mrs Peulich — So that means they will be excluded?

Mr JENNINGS — No, they will not be excluded, but I am just anticipating what the result is going to be. That is my answer. That was my spontaneous answer, and I will try to resist being spontaneous and honest with you.

Mrs PEULICH — Is this another version of Labor's picking the winners?

Mr JENNINGS — No, no. Look, I have to admit that in fact my answer was not as judicious as it should have been in relation to the market-based structures and our obligations to be in a competitive marketplace, and I was being —

Mr Ondarchie interjected.

Mr JENNINGS — Well, I just cannot. If I need to be contrite, let me be contrite. Let me just say it will be open, it will satisfy our market obligations and it will actually be subject to probity considerations. If in fact I have pre-empted it in any shape or form, I apologise to the committee and I certainly apologise to my colleagues.

Mrs Peulich — Can you appreciate why we are a bit cynical about your response?

Mr JENNINGS — Are you still cynical?

Mrs Peulich — I am.

Mr RAMSAY (Western Victoria) (15:32) — I was, Minister, particularly interested in the definitions under renewable energy sources. I might help Ms Dunn out here because I think her amendments are seeking the same sort of answer I would be. You have identified solar and wind and, in (c), an 'energy source declared by the Minister under section 4'. You have really only identified two particular renewable energy sources, being the most popular — and we know wind is by far the most popular and then solar presumably — but not any others. I am sort of curious to know on what basis and why hydro, which has been a large part of the Prime Minister's investment in renewable energy mix, was not identified and why you have just picked the two most popular.

Mr JENNINGS — I think when this piece of legislation was drafted it wanted to be able to account for an appropriate regulatory environment that was flexible. It did quite possibly, as you have indicated, indicate the two most likely and dominant forms. I do not know about them being popular, because in fact you

will probably have a view about how popular windmills are, but in terms of the investment profile they are the dominant forms.

Then beyond that what is listed here is perhaps not as prescriptive as Ms Dunn would like it to be, and Ms Dunn is actually seeking to amend the legislation to make it extremely prescriptive and extremely lengthy but also ironically limiting at the same time. She wants to achieve a specific policy outcome which is more determinant in the first iteration than what the government would be seeking to do. But many of the items that appear on Ms Dunn's amendment we would not anticipate as falling within the potential for those energy sources.

We will not be supporting Ms Dunn's amendment when we get to it after clause 3, and I am sorry to pre-empt that. This is because Ms Dunn does two things. She is very specific and prescriptive in relation to what she likes and very prescriptive about what she does not like, and on the government policy settings the minister would prefer to have somewhat greater discretion in relation to that rather than it being overly prescribed within the clause of the bill.

The ACTING PRESIDENT (Mr Elasmr) — I am aware that Mr Ramsay spoke about your amendment, Ms Dunn, but you will have the right to move your amendment in clause 3. Back to clause 1. Any further questions? If not, I ask the minister to move his amendment 1 to clause 1.

Mr JENNINGS — Thank you, Acting President. It is possibly because I was in the mindset of this amendment that I may have said an inappropriate thing a few minutes ago, because in the purposes clause of the bill we seek to add a reference in relation to —

Mrs Peulich — So did you misspeak?

Mr JENNINGS — I did; that is what I volunteered.

Mrs Peulich interjected.

Mr JENNINGS — That is what I volunteered, and I did it pretty much in real time, did I not?

The ACTING PRESIDENT (Mr Elasmr) — You did well, Minister.

Mr JENNINGS — Thank you very much. I did it in real time. I move:

1. Clause 1, line 7, after "Act" insert "and to encourage investment and employment in Victoria".

This adds an additional concept to the purposes clause as a specific purpose of the legislation.

Ms DUNN (Eastern Metropolitan) (15:36) — I just rise to say the Greens will support this amendment.

Committee divided on amendment:

Ayes, 20

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms (<i>Teller</i>)
Eideh, Mr	Pennicuik, Ms
Elasmr, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Hartland, Ms	Shing, Ms
Jennings, Mr	Somyurek, Mr (<i>Teller</i>)
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

Noes, 18

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

Pairs

Pulford, Ms	Morris, Mr
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Amendment agreed to.

Amended clause agreed to; clause 2 agreed to.

Clause 3

Ms DUNN — I move:

1. Clause 3, after line 8 insert —

"biomass means organic matter other than fossilised biomass;

Note

Fossilised biomass includes coal and lignite."

2. Clause 3, after line 11 insert—

"native forest means a local indigenous plant community—

- (a) the dominant species of which are trees; and
- (b) containing throughout its growth the complement of native species and habitats normally associated with that forest type or having the potential to develop those characteristics; and

- (c) including a forest with those characteristics that has been regenerated with human assistance following disturbance; and
- (d) excluding a plantation of native species or previously logged native forest that has been regenerated with non-endemic native species;”.

3. Clause 3, lines 12 to 17, omit all words and expressions on these lines and insert—

“*renewable energy source* has the meaning given by section 4;”.

The amendments seek to insert into the bill definitions around biomass and also definitions in relation to native forests. Ultimately what the amendments do is create a definition around native forests and biomass because the Greens are concerned that the burning of native forests may well be considered as renewable energy into the future. We think the strongest way to ensure that does not happen — that we do not see our native forests being used for renewable energy — is to insert these provisions in the bill.

I understand the government’s intention is not to see our native forests burnt for renewable energy. In fact it is the government’s intention to seek to capture that element in relation to this bill through regulation, which of course is a disallowable instrument in this place. However, for the Greens, as members of this chamber will be aware, the removal and destruction of native forests is a threshold issue. We would not want to see those forests being compromised in any way or burnt for renewable energy and we feel the strongest protections possible are via insertion in the bill, so we certainly seek the support of members in relation to these amendments.

Mr JENNINGS — The government is not in a position to be able to support Ms Dunn’s amendments. Can I volunteer to you in a policy setting what you have outlined is that you understand that the government’s policy position is the same as my understanding — it happens to be my personal view — so we are not actually arguing in relation to the intent. We believe that the effect of your amendments are more prescriptive than we would like them to be. That is the reason why we would prefer to deal with it in the way that I suggested a few minutes ago.

Mrs PEULICH — As indicated earlier, the opposition will not be supporting these amendments either. We believe that we are trying to nut out detail on a concept that is deeply flawed and misguided. As I indicated earlier, the opposition will not be supportive.

Committee divided on amendments:

Ayes, 5

Dunn, Ms
Hartland, Ms (*Teller*)
Pennicuik, Ms

Ratnam, Dr
Springle, Ms (*Teller*)

Noes, 32

Atkinson, Mr
Bath, Ms
Bourman, Mr (*Teller*)
Carling-Jenkins, Dr
Crozier, Ms
Dalidakis, Mr
Dalla-Riva, Mr
Davis, Mr
Eideh, Mr
Elasmar, Mr
Finn, Mr
Fitzherbert, Ms
Gepp, Mr
Jennings, Mr
Leane, Mr
Lovell, Ms

Melhem, Mr (*Teller*)
Mikakos, Ms
Mulino, Mr
O’Donohue, Mr
Ondarchie, Mr
O’Sullivan, Mr
Peulich, Mrs
Purcell, Mr
Ramsay, Mr
Rich-Phillips, Mr
Shing, Ms
Somyurek, Mr
Symes, Ms
Tierney, Ms
Wooldridge, Ms
Young, Mr

Amendments negated.

Clause agreed to; clause 4 agreed to.

Clause 5

Mr RAMSAY — I am just wondering about clause 5 of the bill, which provides that one of the objects of the act is:

- (f) to contribute to the security of electricity supply in Victoria.

I ask the minister: is the view of the government that renewable energy will have to provide some baseload power in relation to ongoing supply of electricity 24 hours a day, seven days a week to fulfil that?

Mr JENNINGS — I know Mr Ramsay would actually hope that somehow there would be a degree of entrapment about whether it would be on the combination of —

An honourable member — That would never, ever be his style.

Mr Jennings — Never? Okay. Well, that is a good thing.

Mr Ramsay interjected.

Mr JENNINGS — I appreciate that, Mr Ramsay. Thank you. Let me actually just put that aside then and let me just say that you may or may not be aware that an assessment is made about the reliable, secure electricity supply in Victoria that is actually monitored each and every day by the Australian Energy Market

Operator. They are extremely conservative in relation to their estimation of renewable energy when they do their estimations of the reliability and security of supply and their projections for what might be the vulnerability of pressure points — those days when electricity supply may be caught short. In fact on wind they basically do not count any of that capacity towards their base supply estimations of the amount of electricity that is available to us.

Anybody would actually understand — and I know that you would — that wind has the potential to blow 24 hours a day; it actually has the potential to be generating electricity 24 hours a day. As far as the market regulator is concerned it is not counted in its totality as actually contributing to the reliability and security of supply, and in fact it is discounted in terms of those very conservative estimates. But, nonetheless, each and every day in terms of the capacity and what is delivered to the system and what is available then to be used it plays a significant contribution each and every day.

Mr RAMSAY — On the minister's response, the point I was trying to make is that the act is going to say in clause 5(f) the requirement will be to contribute to the security of electricity supply in Victoria. If you have got in the act a RET of 40 per cent renewable and to gain the 40 per cent you most likely will have to reduce some of the current coal-fired generation that there will be a requirement to have a certain amount of baseload power. I do not believe Mr Jennings is right in relation to in fact wind generation being able to provide ongoing supply of power, and he knows that is not right because we have seen in South Australia the experience has been that the dependency on wind generation has not provided that ongoing security of supply. My point is will there be a requirement under this act for all renewable energy projects to provide a certain amount of baseload power so that we have continuity of supply 24 hours a day, seven days a week so we do not get into the same situation as we saw South Australia get themselves into when there was a heavy draw of energy need for that state?

Mr JENNINGS — Mr Ramsay, you know that in your initial question to me you even referred to not only renewable sources; in fact earlier in your contribution you referred to hydropower and the federal government's interest; you mentioned their interest in that, hopefully it is not a fleeting interest, hopefully it is actually a sustained interest. They might actually achieve something — that would be good. Also earlier in your contribution you actually acknowledged technological change in relation to storage and storage technologies.

Mr Ramsay interjected.

Mr JENNINGS — No, they are not a long way off at all. So a combination of the factors that you already know — you already know that the wind can blow 24 hours a day; you know that yourself, that it actually contributes —

Mr Ramsay interjected.

Mr JENNINGS — I know that the reality is that it does not blow 24 hours a day to generate electricity; I also know that. But we are not in absolutes here. You and I both know it makes a significant contribution to how much capacity there is in the system each and every day. You know that technologies are emerging in terms of the cost structure and the availability of storage to maintain a reliability and consistency of the availability of supply. Right around the world that is occurring each and every day, and in the time frames that we are actually talking about we are very confident that the policy objectives in this bill — the technology and the market capacity — will enable this to be achieved in a way where security of supply will not be put at risk and in fact it will be enhanced through these policies.

I move:

2. Clause 5, page 3, line 5, after "development" insert "in Victoria".

Again this is because the Victorian government actually wants to continue a theme through the purposes clause, the objectives of the act and indeed through the aspects of the Victorian economy that are measured, which is in a subsequent clause amendment that I actually want to add. We are wanting to make sure that there is the appropriate momentum and support for the industry development and employment development that occurs within Victoria, and we have chosen to specify that within the purposes, objectives and the reporting requirements of the act.

Amendment agreed to; amended clause agreed to.

The ACTING PRESIDENT (Mr Elasmr) — It is 4 o'clock; I have to interrupt business.

Progress reported.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017

Committee

Resumed.

Clauses 6 and 7 agreed to.

Clause 8

Mr JENNINGS (Special Minister of State) (16:01) — I move:

3. Clause 8, line 27, omit “electricity.” and insert “electricity; and”.
4. Clause 8, after line 27 insert—

“(c) investment and employment in Victoria in relation to renewable electricity generation.”.

As I foreshadowed as I summed up, when talking about the last amendment and the last clause, we have amended this legislation to add an objective in relation to economic and investment opportunity in Victoria, both in the purposes and the objectives, and now in relation to the reportable requirements of the act in relation to responding to assess the effectiveness of the interlocking elements of the government’s investment policies, of this policy and of economic activity in the state and its impact upon the generating capacity of the state.

Mrs Peulich, before the committee started, you asked me a question about whether part of the report was to actually indicate how many megawatts were generated by this initiative and whether that is meant to be captured by subclause (1)(a), ‘the progress made towards meeting the renewable energy targets’. We would expect that to include what megawatt capacity is being generated through these initiatives.

Amendments agreed to; amended clause agreed to.

Clause 9

Mr RAMSAY (Western Victoria) (16:03) — I was interested, Minister, in relation to capacity determinations by the minister in relation to minimum amounts of renewable energy generation capacity. Just for an example, say Loy Yang B or a coal-fired generator was closed during the consideration or gazettal of a minimum renewable energy generation. Would that minimum amount then be amended to take note of the loss of the coal-fired power generation? How will the minister — if he will in fact — amend that minimum renewable generation capacity? If a determination has already been made and then the

coal-fired power station is closed, for whatever reason, will the minister amend that decision to try and balance the loss of non-renewables?

Mr JENNINGS — The critical issue — the mutual policy settings and policy intent that run in parallel with this piece of legislation — is that we should not rely on diminished capacity to achieve the target.

Mr Ramsay interjected.

Mr JENNINGS — Well, that would not be an extremely efficient way in terms of the transformation. The policy intent is it is designed to be a smooth transition, not a blunt instrument that will lead to a quantum step change through the renewable contribution being made in that way. That is not the policy intent. The policy intent would be to have a smooth transition. That is all the more reason why — going back to my contested views with Mrs Peulich earlier on in relation to clause 1 about what the Grattan Institute was saying and what the commonwealth policy settings may be — this nation would be very, very well served by a vertical integration of energy policy settings between state and federal jurisdictions, and then locking into an industry transition. That would best serve the interests of this nation. I acknowledge the risk that you are alive to. I am not denying it, but I am saying it is not our intention for it to be derived in that way. We would welcome the day for us to be able to work harmoniously and smooth out these issues.

Clause agreed to; clause 10 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Mr JENNINGS (Special Minister of State) (16:07) — I move:

That the bill be now read a third time.

House divided on motion:

Ayes, 20

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Purcell, Mr (<i>Teller</i>)
Gepp, Mr (<i>Teller</i>)	Ratnam, Dr
Hartland, Ms	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

Noes, 18

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

Pairs

Pulford, Ms	Morris, Mr
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Motion agreed to.**Read third time.****VOLUNTARY ASSISTED DYING BILL 2017***Introduction and first reading***Received from Assembly.**

Mr Davis — On a point of order, President, I wonder if you might enlighten the house as to what the advice is of the clerks and how you intend to manage the process in the house, particularly with respect to the order of speaking and the details of speaking lists and such matters. The standing orders make provision about apportionment of time and matters of that nature on a party basis, but this, as I understand it, is to be a bill that is a conscience vote, a free vote, for parties. In that sense I am interested to understand if the President has turned his mind to this.

Honourable members interjecting.

The PRESIDENT — Order! Mr Dalidakis! Minister! May I first say the bill is not before us yet. I simply read a message, so can I take as a first step the first reading.

Read first time on motion of Mr JENNINGS (Special Minister of State).

The PRESIDENT — In terms of standing orders, the standing orders do not provide specifically for a party-by-party arrangement in terms of debate. The standing orders provide entitlements to all members. There is a recognition, an extended recognition, to leaders of parties or first speakers on matters to enable them to present the broad argument, if you like, for a matter, and then subsequent speakers have a time limit restriction. But that arrangement is not applied on a party basis as much as on the entitlements of members and, as I said, in recognition of party leaders for the broad debate.

The point that Mr Davis makes of course is that the party leaders might have different views to some of their members, and we would anticipate that this is not going to be a conventional debate forthcoming of a government position and an opposition position. Indeed there may be members on all sides of the house who have quite different positions on this. Can I indicate that it is really in the hands of the house to determine the speaking time limits that might apply, and indeed in terms of who gets to speak, if the house decides to set some particular speaking time limits for this debate by way of a motion of the house, then obviously I will call speakers in turn as I normally do and they will be accorded the time limit provided.

Mr Jennings — On a point of order, President, to assist you and the chamber, it is the government's intention for debate on this bill to be undertaken in an orderly and appropriate fashion to give opportunities for all members to express their point of view in a fulsome way. It is not the intention of the government to truncate that debate in any way, within reasonable limits of human endurance and the processes of the Parliament. We are very happy to facilitate that through you, President, and amicable discussions between the parties. I have indicated to the Leader of the Opposition that I am prepared on behalf of the government to talk about those procedures. I issue that invitation to other members so that we have an understanding, perhaps consolidated through the business committee before the next sitting week, of how we might thoughtfully and appropriately deal with these issues.

Mr Davis — I have a further point of order, President. Thank you for your guidance on the first. My raising that earlier one was on advice on that order. In this second point of order I want to turn to a point about the freedom of the house to debate these matters. It is my understanding that at least one party in this chamber has a bound arrangement with respect to procedural matters around this debate. That may not be the case; I may be misinformed. But I would be concerned if one party had an arrangement where members, given the sensitive nature of this bill, were in fact bound in a procedural sense and were unable to consider potential amendments in committee, for example, at a later point in the debate. The charter of rights, the constitution and long practice say that members of Parliament are free to make comment in the chamber and not to be reviewed elsewhere and that parliamentary privilege is invoked if members are bound in any way or are under any threat or duress. I seek your guidance in how this could be best managed with respect to the different parties in the chamber.

The PRESIDENT — As Mr Davis would appreciate, I am not in any position to direct members on how they should vote and I am not in any position to suggest to political parties how they should conduct their affairs. It might be to the grief of the house that some members may feel that they are bound by their party rules to vote in a certain way on procedural matters as distinct from what I understand is the allowance of a conscience vote on the substantive matter, but I have no power under the standing orders to actually change that position or to provide any direction to members that they should ignore their party rules or a convention that they have arrived at. As far as the mightier words of the constitution or human rights, I would suggest that if members felt aggrieved by the position of being asked to vote in a certain way on procedural matters and they felt that their human rights were infringed or that their constitutional rights were infringed, then they may well stand according to that.

Leave refused for second reading forthwith.

Ordered that second reading be made order of the day for next day.

ADJOURNMENT

Mr JENNINGS (Special Minister of State) — On that cheery note, I move:

That the house do now adjourn.

WorkCover

Ms LOVELL (Northern Victoria) (16:22) — My adjournment matter is for the Minister for Finance, Robin Scott, in his capacity as the minister responsible for WorkCover. I have received an email from a constituent of mine, Mr Andrew Denham, who is on WorkCover and, as he puts it, confused. Mr Denham is seeking answers to two questions. The first question is: why is the WorkCover payment for travel in Victoria limited to only 31 cents per kilometre when in New South Wales the payment is 50 cents per kilometre? The second is: why does WorkCover not have to contribute to superannuation when employers are required to make this contribution? Mr Denham claims that WorkSafe's response to this question on superannuation was, 'Because we can'. The action I seek from the minister is for the minister to provide me with a detailed answer to Mr Denham's two questions.

CityLink-Tullamarine Freeway widening

Mr FINN (Western Metropolitan) (16:23) — I wish to raise a matter for the attention of the Minister for Roads and Road Safety, and it does concern the

ongoing widening process on the Tullamarine Freeway. By way of example, last night I was on my way home up the Tullamarine Freeway and for most of that trip we were travelling at a speed limit of 40 kilometres an hour. I have to say to you that I abided by the speed limit and was actively looking for anybody who was actually doing any roadworks. I failed to see anybody for the space of about 3 or 4 kilometres.

There were no roadworks going on on that occasion, and as I have explained to the house before, travellers on the Tullamarine Freeway are frequently faced with speed limit changes from 80 to 40 to 60 and back down to 40 again and so forth. This obviously has caused enormous disruption to traffic on the Tullamarine Freeway, and it would not at all surprise me to learn that there are people who have actually missed their planes as a result of having been caught on the freeway with these really weird speed change patterns.

It occurs to me that a good way of perhaps discouraging Transurban from conducting what may well be a strange social experiment is to ensure that the tolls on the Tullamarine Freeway are reduced by exactly the same amount as the speed limit. So if the speed limit is reduced by 60 per cent, the tolls should be reduced by 60 per cent; if it is reduced by 80 per cent, the tolls should be reduced by 80 per cent; and of course if the freeway is closed altogether, as we have seen, and it is after the tolling point, there should be no toll at all. I think that is a more than reasonable thing, and I think that it would be very, very popular. I know it probably does not affect the people of Northcote, but it certainly would affect the people of the north-western suburbs, and they would be very, very pleased if the minister were to take action to ensure that that regime was brought into play.

I ask the minister to use whatever influence he has with Transurban to ensure that that regime, the new regime of reducing the tolls in direct correlation with the reduction in the speed limit, is introduced as soon as is possible. I believe that it is long overdue, and I believe it would go some way towards reducing the inconvenience felt by many tens of thousands of people in the north-west of Melbourne.

Somerville Recreation & Community Centre

Mr MULINO (Eastern Victoria) (16:26) — My adjournment today is for the Minister for Sport in the other place, and it relates to the Somerville Recreation & Community Centre. The Somerville recreation centre was damaged in a serious fire last year. This fire involved more than 70 firefighters being called to the blaze. At the time the president of the Western Port

Basketball Association commented on it, saying that that stadium would have to be demolished. He also said how devastating it was and that indeed thousands of participants used that facility each week. It was a very important facility for that community and a tragic event. Of course many different clubs used that indoor stadium for basketball and for many other sports.

There is some work underway to devise a solution for a replacement. My understanding is that the Mornington Peninsula shire have already set aside some funds, which I congratulate them for. As I understand it, there is some consulting work underway. I ask the minister to have a look at what is possible as a replacement for that stadium and to commit some financial assistance to devising a solution.

Let's Feed

Mrs PEULICH (South Eastern Metropolitan) (16:28) — The matter I wish to raise is for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation. I get to do a lot of multicultural events, as you do, President, and many of the organisations do a wonderful job in supporting their local communities as well as often supporting their country of birth when it is affected by a catastrophe or some sort of mishap, whether it is floods or an earthquake or for other causes. Usually I am in enormous admiration for the work they do, but from time to time there are questions raised about the transparency and the operations of some of them. It is on a very rare occasion.

The reason why I raise this is that this particular issue has been raised with me on a number of occasions over some period of time. In particular it has been raised with me since attention has been raised in relation to the cash-for-stacks matter reported by the papers. It is in relation to an organisation that describes itself as a 'kind of charity'. It is called Let's Feed. It claims to be filling food-related gaps in existing services and using micro donations. That is taken directly out of its own promotional material. These micro donations come in the form of cash donation boxes in shops across Wyndham and larger donations such as \$1000 from Wyndham City Council in 2013–14.

Not only is Let's Feed not a registered charity, it does not legally exist. It is just a logo. It trades as the Australia India Welfare and Cultural Society Inc. with the ABN 30 930 827 552. It also lists its bank account as BSB 063 622, account number 10753498. This is the society's cheque account. This can all be verified on Twitter. The account is held at the Commonwealth

Bank, Pacific Werribee branch, and the account name is the Australia India Welfare and Cultural Society Inc.

According to the association extract documents from Consumer Affairs Victoria the society has nine members. Jasvinder Sidhu is the founding and current secretary of the society, and he is the only public officer in the four-year incorporated history of the society. The registered address of the society is his home address and the annual general meetings operate from his home. The society is not a registered charity either. The list of organisations registered with the Australian Charities Not-for-profits Commission is available on their website. It is unusual for a self-declared charity to not register as a charity, as registered charities receive considerable tax concessions from the Australian Taxation Office. However, registration requires transparency, with regular reporting requirements on responsible persons.

There are a lot of people who are putting in substantial resources. Many of these people need to be asked whether indeed they are aware of the ambiguous status of this particular organisation or so-called charity. I am asking the minister to conduct a full investigation into its affairs to make sure that indeed the money that is being raised is used for its declared purposes, that it is open and transparent and that it is not money used for stacking Labor Party membership and recruiting members for the purposes of their own political interests.

Animal Welfare Victoria

Mr O'SULLIVAN (Northern Victoria) (16:31) — My adjournment this evening is for the Minister for Agriculture, and the action that I am seeking is in relation to the Animal Welfare Victoria organisation that was announced as part of a press release yesterday. The action I am particularly seeking is for the minister to provide a time line that demonstrates when, with whom and how the minister consulted with stakeholders on the formulation of this Animal Welfare Victoria policy.

What appears to have happened here is the minister or the government has undertaken some research in the seat of Northcote, and it seems that animal welfare must have popped up on the radar screen as an issue of concern. So the government has decided that it will undertake some policy on the run and come up with a new group that will look at animal welfare in Victoria. This is notwithstanding we have already got the RSPCA, which does an extensive job in relation to animal welfare for companion animals, and we have

also got Agriculture Victoria, which undertakes the same role for production animals.

This sector is over-regulated in terms of the work that goes into ensuring that animal cruelty does not occur. No-one in this chamber and no-one in this state advocates for animal cruelty in any shape or form. At the present time we are pretty well in a good position. We have just had an inquiry undertaken by a committee of this chamber which looked at the practices of the RSPCA. By and large both sides of the house as part of that inquiry came up with the conclusion that the system is working reasonably well, that with a few tinkers here and there it would actually work even better, but at no stage was there any talk about the need for a new organisation.

In terms of this new organisation there is a group called the livestock industry consultative committee, which is chaired by Victoria's chief veterinary officer. This group has got representatives from every sector of the livestock industry in Victoria. This group met on Monday, so that would have been the perfect opportunity for the minister and her office and this government to discuss it, float the idea or have consultation with that group, because they were all in a room at the same time, chaired by the chief veterinary officer. But no, that did not happen. It was not even mentioned.

It appears to me that this is policy on the run because we have a by-election in Northcote, and the Labor Party is scared of the Greens and has decided that it needs to try to out-green the Greens by coming up with a policy that even the Greens would not think was reasonable at this time. I am hoping that the minister can have a look at that, undertake the proper consultation and provide those details so we know exactly who the minister has spoken to and work out exactly what has gone on. Is this policy on the run?

Responses

Ms TIERNEY (Minister for Corrections) (16:34) — This afternoon we have had five matters in the adjournment debate. The first was from Ms Lovell, and it was to Minister Scott in relation to WorkCover matters. The second was from Mr Finn to the Minister for Roads and Road Safety, Minister Donnellan, in relation to the widening of the Tullamarine Freeway and in particular the speed limits and tolls. The third was from Mr Mulino to Minister Eren in relation to the fire damage to the Somerville recreation centre, in particular the stadium, seeking financial assistance to develop an outcome. The fourth was from Mrs Peulich to Minister Kairouz, and it was in relation to matters

associated with Let's Feed and donations. The fifth was from Mr O'Sullivan to Minister Pulford, and it was in relation to the time line and the consultation process on animal welfare.

President, I also have written responses to adjournment debate matters raised by Mr Ondarchie on 9 August, Mr O'Donohue and Ms Patten on 23 August, Mr Gepp and Ms Springle on 7 September and Mr Gepp on 21 September.

The PRESIDENT — On that basis, the house stands adjourned.

House adjourned 4.38 p.m. until Tuesday, 31 October.