

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 12 December 2017**

**(Extract from book 22)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

(from 16 October 2017)

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Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, 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, 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
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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 15 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 .....	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
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Minister for Health and Minister for Ambulance Services .....	The Hon. J. Hennessy, MP
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Minister for Police and Minister for Water .....	The Hon. L. M. Neville, MP
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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
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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
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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
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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, #Dr Ratnam, #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

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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**Deputy President:**

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**Leader of the Opposition:**

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**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 <sup>1</sup>	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina <sup>2</sup>	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David <sup>7</sup>	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel <sup>3</sup>	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 <sup>8</sup>	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 <sup>4</sup>	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 <sup>9</sup>	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark <sup>5</sup>	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
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Herbert, Mr Steven Ralph <sup>6</sup>	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
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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

<sup>1</sup> Resigned 28 September 2017

<sup>2</sup> Appointed 15 April 2015

<sup>3</sup> DLP until 26 June 2017

<sup>4</sup> Resigned 27 May 2016

<sup>5</sup> Appointed 7 June 2017

<sup>6</sup> Resigned 6 April 2017

<sup>7</sup> Resigned 25 February 2015

<sup>8</sup> Appointed 12 October 2016

<sup>9</sup> 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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## Tuesday, 12 December 2017

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.04 p.m. and read the prayer.**

### ACKNOWLEDGEMENT OF COUNTRY

**The PRESIDENT (12:05)** — On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

### ROYAL ASSENT

**Messages read advising royal assent to:**

#### 5 December

**Fines Reform Amendment Act 2017  
Victorian Data Sharing Act 2017  
Voluntary Assisted Dying Act 2017**

#### 12 December

**Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017.**

### PETITIONS

**Following petition presented to house:**

#### Self-defence laws

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the ongoing increase of violent crime in Victoria and the inability of law-abiding citizens to adequately protect themselves against violent crime.

Repeated incidents of violent home invasions, armed robberies, carjackings and now armed gangs attacking Victorians and their businesses have highlighted the need for self-defence reform. We point also to the recent example of Victoria Police senior constable Daniel Yeoman, who was nearly killed by a criminal in a violent home invasion. He was not able to defend himself adequately because Victorian law trusts him to carry non-lethal self-defence tools while employed as a police officer but also prohibits him from carrying them off-duty and out of uniform.

Furthermore, the recent example of Albury, NSW, farmer David Dunstan having his firearms removed by police because he used them in defence of his family on his rural

property against an armed criminal further highlights the inadequacy and unfortunate regressive nature of self-defence laws in Australia.

While citizens in Victoria are currently afforded the right to self-defence under section 462A of the Crimes Act 1958, this right to self-defence is essentially meaningless when the same citizens are denied access to the practical means to self-defence. The fact that non-lethal self-defence items remain illegal in Victoria is irrational, particularly given the fact that criminals perpetrating violent home invasions and armed robberies in Victoria are already armed in spite of the law.

The right to preserve one's life is the most basic human right of all. Victoria prides itself on being a 'progressive' state; however, its policy towards self-defence and the right to preserve life is unfortunately severely regressive.

The petitioners therefore request that the Legislative Council call on the government to take the following actions:

- (1) legalise and make available non-lethal self-defence items such as pepper spray, tasers and batons et cetera to law-abiding citizens of Victoria for the purpose of self-defence of their lives, their families and their homes;
- (2) initiate appropriate legislative action and amendments to section 462 of the Crimes Act 1958 supporting 'castle doctrine' and re-enforcing the right for home owners to protect themselves and their families in the safety of their own homes; and
- (3) support proposals for Victoria Police officers to carry their accoutrements off-duty, provided they meet relevant training and storage standards and requirements.

**By Mr YOUNG (Northern Victoria)  
(483 signatures).**

**Laid on table.**

**Ordered to be considered next day on motion of  
Mr YOUNG (Northern Victoria).**

### STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

#### Youth justice centres

**Ms FITZHERBERT (Southern Metropolitan)  
presented interim report.**

**Laid on table.**

**Ordered to be published.**

**Ms FITZHERBERT (Southern Metropolitan)  
(12:08)** — I move:

That the Council take note of the report.

I table this interim report on behalf of the Legal and Social Issues Committee. The interim report has two parts. First it explains why the reporting date for this inquiry was changed from 1 August 2017 to 6 September 2017 and then to 27 February 2018. The decisions to delay were not taken lightly, and they are primarily due to how long it took to get information from the Department of Health and Human Services and, in some cases, the condition of the information when it was received.

The two reports by Peter Muir, completed in 2015 and 2016, are examples of the delays we have experienced. They were requested on 9 February and 24 May. Executive privilege was claimed by the minister on 2 June. We summonsed the reports on 16 June, after which the Attorney-General directed the secretary to abide by the claim of executive privilege. The reports were finally provided to the Legislative Council on 7 September, following a production of documents motion. At the same time, however, content from at least one of the Muir reports had been leaked to the *Age* and indeed had been made available to a variety of individuals and organisations that have an interest in youth justice. As such, we heard from various witnesses who had access to at least one of the reports. In the context of a document that was so widely held and had been distributed externally by the department, it is ridiculous that the government delayed the committee's access to the report for so long.

Other information was received in a condition that made assessment difficult and time-consuming. For example, we asked for and eventually received copies of some of the policies that reflect the legislation that governs youth justice. These policies are used by youth justice staff on a daily basis, and they include those regarding isolation and lockdown in youth justice facilities. The policies were given to us reluctantly and with caveats on their use due to security concerns. When they arrived, the policies were, to me, unremarkable. In my view, with only a couple of exceptions, almost all of the content could have been made public without any risk to security. The policies included an obligation to keep records of their use in order and to track trends in relation to both individuals and the group of young people being held. There was also a requirement to have regular checks on young people in isolation and to ensure that Indigenous young people are observed 100 per cent of the time and for this observation to be recorded.

We asked to see these records with individuals' names concealed to protect privacy. I expected something like an Excel spreadsheet or some other form of summary document of information held online. What we

received instead was a couple of boxes full of thousands of individual pieces of paper, with many more thousands of items of data, and in no apparent order. It was virtually impossible to recreate the record set. This is one example of what is referred to in the interim report as 'the condition of documents'. However, the obvious question from the box of papers is: was the department really complying with its own policies and keeping oversight of use of isolation and lockdown, or was there some other explanation for the condition of the records we received? Some information took a very long time to reach us and some remains outstanding, and this is noted in the report.

The other purpose of this report is to inform the Council that the committee has resolved to refer some evidence given to us to the Ombudsman for investigation. A letter to the Ombudsman will be sent today and will include the report that I am now tabling. At a public hearing on 30 May the committee heard evidence from Mr Brendan Murray, the former executive principal of Parkville College. He made a series of allegations about staff from the Department of Education and Training. These are outlined in the interim report, and the transcript of his evidence is online.

Two of the most serious allegations were, as Mr Murray alleged, that Ms Gill Callister and Mr Stephen Fraser from the Department of Education and Training twice tried to influence Mr Murray prior to his giving evidence to the Supreme Court in the case challenging the Andrews government's decision to house young offenders in the Grevillea unit of Barwon Prison. He also gave evidence that the Supreme Court was misled by the Department of Education and Training about the suitability of the Grevillea unit for use as a youth justice facility.

The committee heard evidence from Ms Callister at a public hearing on 27 June at which she strongly denied the allegations and provided a very detailed written rebuttal. Her evidence and some additional material she provided are also online. We did not hear from Mr Fraser, who we understood to be overseas.

The committee was therefore left with one person's word against another's in relation to allegations that are extremely serious and deeply troubling. The committee believes it is not resourced in a way that would permit a full investigation of these allegations, and we were conscious that we had already experienced delays in conducting this inquiry. Investigating this matter in the detail that is warranted would mean even further delays. Therefore, in accordance with section 16(1) of the Ombudsman Act 1973, we are referring this matter to

the Ombudsman for investigation. I commend the interim report to the house.

**Ms Mikakos** — On a point of order, President, the point of order that I wish to make is a very serious one and it relates to a potential breach of parliamentary privilege. I understand that there was an *Age* article on 21 October entitled ‘Ombudsman could investigate Victorian education department boss’, which relates exactly to the matter contained in this interim report that has just been tabled. At the time, my department received a telephone call from this newspaper in relation to a referral from the committee to the Ombudsman’s office, and on my department contacting the Ombudsman it was advised by the Ombudsman that no such referral letter had in fact been received. Ms Fitzherbert has just advised the house that that letter will be sent as of today, as I understand what she said.

The matter that I am raising in the point of order is a breach of parliamentary privilege. Clearly the information that was provided to the *Age* could only have come from members of the parliamentary committee. From Ms Symes’s interjection earlier it appears that no government member was in fact at that meeting, so clearly it could only have been a member of the coalition who has taken upon it themselves to advise the newspaper about a referral that neither my department nor the Ombudsman’s office were aware of. This is a very serious matter, and if we are to have proper processes applying to our parliamentary committees in this place, then I think Ms Fitzherbert as the chair of this committee has some explaining to do. President, I ask you to consider this matter being referred to the Privileges Committee for further investigation.

**Ms Fitzherbert** — On the point of order, President, I would say if a point of order had been raised, I would be more than happy to respond to it. Equally I would be happy to debate the issues that the minister has chosen to raise today and that have been discussed with the other members of the committee who, I might add, were all aware of the purpose of the meeting and knew that there was a motion to refer this to the Ombudsman. So it is a bit cute to say, ‘We weren’t there. Therefore it’s nothing to do with us’.

**The PRESIDENT** — In respect of the matter raised by Ms Mikakos, the appropriate course of action is for the matter to be subject to debate by way of a motion, so therefore a motion must be proposed that would actually deal with this matter — and certainly if it was suggested that it ought to go to a Privileges Committee. Interestingly enough this house has not had a Privileges Committee meeting previously, but we have set many

precedents in this Parliament, have we not, Mr Jennings?

**Mr Jennings** — We have.

**The PRESIDENT** — I come back to the more substantive matter rather than the process matter — that is, that I am quite dismayed at the number of leaks that have been apparent from committees in the course of this Parliament. Frankly in my 25 years of experience in this Parliament I have not known that to occur in any of the previous parliaments in which I have served. I regard it as a very serious breakdown in the trust and a very serious breakdown in the committee process.

If those leaks are to continue — and on a number of occasions they have been brought to me, and on a number of occasions, as I have indicated to the house, I am not in a position necessarily to deal with those matters of leaks and committees have sought to deal with them themselves through their own processes — if our committee system is to work and if it is to continue to do that sort of good scrutiny and analysis of matters of public importance, then the confidentiality of those proceedings in accordance with the references and the guidelines that are provided both to the committees directly and by the forms of the house are absolutely crucial in terms of that confidentiality.

If we have this breakdown where there are leaks from those committees, then it is not just a problem in terms of the privilege of matters that might be made available to media or other people within the public area, but it also really threatens our ability to attract witnesses and to have those witnesses provide fulsome responses to those committees. If they do not trust that the information they provide is going to be handled in accordance with what are the established rules of those committees and what has been the precedent established over many parliaments, then the Parliament is the poorer because we will simply not have people coming forward with submissions and being prepared to talk to those submissions.

This matter of leaks is a very, very serious matter. Whilst at times it might be tempting for any individual to see a short-term political gain by releasing something to the media, the reality is that it is potentially doing untold damage to the Parliament. I take a very dim view of leaks from committees. I am dismayed that I actually do not have powers to deal more with those instances where there have been leaks and the opportunity to investigate. Whilst committees have dealt with these matters previously, I note that they have not been able to satisfy from their own inquiries who might have been responsible for those leaks. One of the problems that

stems from that is that there are then accusations about individuals that might not be correct — that a person who might be suspected of leaking might be totally innocent and it might well be someone else.

It is an interesting thing that when most members retire from the Parliament and they are asked about what they thought were some of the best things about the Parliament in which they worked, invariably they will point to the committee system and invariably they will say that some of the most satisfying work they did in this place was working in committees where, in many cases, they actually got the chance — this is not the case with an upper house committee — to work with members of the other house. In both cases, for the joint committees and for our own committees, members appreciate the opportunity of working with members from across the parties, sharing perspectives and understanding some of the things that people can bring to bear in terms of the examination of these matters of public policy. As I said, when they retire they invariably refer to their committee work as the most satisfying work that they did in this place. These leaks put that very experience at serious risk.

Ms Mikakos, it is up to you whether you wish to pursue a motion at an appropriate point in time. You might talk to the clerks about that process. But make no mistake, I share your concern about leaks. Ms Hartland has raised this matter with me on a number of occasions as well from one of the committees she has served on, and on each occasion I have indicated to her just how seriously I take this matter. I do not like lecturing obviously; some might think that I do. I really do not like lecturing on these matters, but I simply make these comments today to make people think about this issue and think about how important it really is. In the excitement of a moment it might be great to send something off to a journalist, but believe me you put at risk some of the most important work of the Parliament.

**Ms CROZIER** (Southern Metropolitan) (12:24) — Thank you, President. I note your concerns around this very serious issue, and as somebody who has chaired a very sensitive committee in the past, I too take very seriously these issues in relation to what we are talking about. This interim report is of a serious nature, and Ms Fitzherbert has articulated the reasons the committee has provided an interim report not only in relation to the issues surrounding the extended reporting dates due to the inadequate timing of some of the documents that we were able to get and were able to assess but also due to the very serious allegations that the committee heard and received in evidence from Mr Brendan Murray.

Mr Murray was appointed back in around 2012 by then Minister Wooldridge after Parkville College was established, which was a first. It was well-regarded right around the nation for the significant impact it had on youth justice. What we have seen under this government is the complete failure of the youth justice system, with dozens of riots, a mass escape, tens of millions of dollars worth of damage and failed court cases. There have been a litany of disasters under Minister Mikakos, and she has the audacity to come in here and complain about what this inquiry has found and the evidence that it has uncovered during the course of the hearings.

Among those witnesses that we have heard from — the very worthy evidence that has been brought before the committee — Mr Murray made allegations which are of an extremely serious nature. They were not made lightly, and it was felt that members needed more time and a more thorough investigation through the Ombudsman undertaking that process. So I want to also endorse the comments made by Ms Fitzherbert in her stewardship of this very important inquiry.

**Ms SPRINGLE** (South Eastern Metropolitan) (12:26) — I would just like to add a word of thanks to the staff. This inquiry has been long, enduring and, at times, quite stressful in terms of the evidence we have heard and the material that we have been consuming and analysing. As usual the secretariat have been outstanding in their support of the committee. I would like to offer my thanks to them.

**Mr MORRIS** (Western Victoria) (12:27) — I would like to join Ms Springle in thanking the staff for their contribution to the work of the committee, because there has been an exceptionally large amount of information, documents and the like that have been used by the committee. Unfortunately many of those documents, reports and the like have been handed to the committee in a very unusable format. It does certainly raise significant questions about what the government do know about this important information with regard to youth justice, because either the government are being obstructionist in handing over documentation in a very difficult to decipher manner or indeed they themselves do not understand what is in this documentation and the implications of much of the information that is contained within it.

When we consider what has been happening in youth justice of late, it is of great concern that one of these is the case: either the government are trying to hide behind reams of information or they themselves do not understand the information as it has been presented to

the committee. Both of these scenarios are very concerning and do raise concerns, certainly for me.

I do note that the referral to the Ombudsman is an important —

**Ms Mikakos** interjected.

**Mr MORRIS** — Ms Mikakos, I am trying to make a contribution here. I think if you want to have a look at who may have leaked it, around you may be a better place to look.

I do note there were significant concerns raised about the contributions made by both Ms Callister and Mr Murray, and the referral to the Ombudsman is certainly an appropriate mechanism through which these serious discrepancies can be investigated so we can understand what exactly is the truth of this matter and so that all those involved can have their stories heard.

**Motion agreed to.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 18*

**Ms BATH (Eastern Victoria) presented *Alert Digest No. 18 of 2017*, including appendices.**

**Laid on table.**

**Ordered to be published.**

## ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

### **Sustainability and operational challenges of Victoria's rural and regional councils**

**Mr RAMSAY (Western Victoria) presented interim report.**

**Laid on table.**

**Ordered to be published.**

**Mr RAMSAY (Western Victoria) (12:30)** — I move:

That the Council take note of the report.

In doing so, I will make a few comments on the interim report. Before I do that I would like to thank the committee, which is made up of Assembly members

Mr Josh Bull, who is chair, Ms Bronwyn Halfpenny, Mr Tim Richardson and Mr Richard Riordan; and Mr Luke O'Sullivan and Mr Daniel Young from this place. Previous committee members included Mr Brad Battin, Mr Tim McCurdy, Mr Bill Tilley and Ms Vicki Ward from the Assembly, all of whom contributed to the work of this committee. While I am thanking the committee I would also like to thank the staff: Dr Christopher Gribbin, the executive officer; Ms Annemarie Burt, the research officer; Ms Sarah Catherall, an administrative officer; and Mr Kieran Crowe, who is also an administrative officer. I thank them all very much for the work they are doing in relation to this committee.

This committee has two references running concurrently. One is in relation to the sustainability and operational challenges of Victoria's rural and regional councils, and the other is on the impact and effects of environmental water in the state of Victoria. These are two very important inquiries involving a lot of work, and I thank all the people involved.

Many rural and regional councils have a limited revenue stream available to them, apart from rates and rate collection, unlike metropolitan councils, which have a greater capacity to raise revenue, including through parking fines and permits to run a range of activities. Unfortunately rural and regional councils do not have the capacity to raise the sort of revenue that those in the city do. In fact they have significantly large capital assets, particularly in their road networks, that require a huge amount of investment. This investment is not only for the ongoing maintenance of local roads and bridges but also for their upgrading, which as many in this chamber will know, consumes a large amount of capital.

Having said that, many councils across regional Victoria have submitted to the inquiry and have lamented the loss of the country roads and bridges program, a coalition policy that provided \$160 million over four years to 39 disadvantaged rural and regional councils. Each of them was provided with over \$1 million per year. That was an important revenue stream that was taken away from rural councils. The freeze in federal assistance grants also did not help. Those grants now have the appropriate indexation, but there is a backlog of work, thanks to the freeze, that councils are trying to grapple with.

Councils also have to deal with rate capping, which some small rural councils, particularly in northern and north-western parts of the state, are finding quite restrictive in that they are having to reduce some of the services they provide. At the same time it has been

good for councils to have a cap in place because it has resulted in their having to look with some urgency at the way they administer services, particularly in relation to staff resources and the payment of wages. Rate capping has both a positive and a negative effect.

The inquiry is looking at how councils have responded to these changes to grant programs and at potential solutions. I have talked about the impact of the recent changes. We are reviewing the rating system, and as I said, after a considerable amount of work — nine months in fact — the committee will deliver a report to the Parliament early next year. We will then have a better understanding of how we can fund our rural and regional councils so services can be provided on a sustainable and viable footing.

**Motion agreed to.**

## INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

### Operation Lansdowne

**The Clerk, pursuant to section 162(11)(a) of the Independent Broad-based Anti-corruption Commission Act 2011, presented special report concerning Operation Lansdowne — an investigation into allegations of serious corruption involving Victorian vocational education and training and public transport sectors, December 2017.**

**Laid on table.**

### PAPERS

**Laid on table by Clerk:**

Crown Land (Reserves) Act 1978 — Ministerial Order for approval of a lease in relation to Red Cliffs Court House, dated 26 November 2017.

Dhelkunya Dja Land Management Board — Minister's report of receipt of 2016–17 report.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of 2016–17 report.

Parliamentary Committees Act 2003 — Government response to the Independent Broad-based Anti-corruption Commission Committee's Report on Improving Victoria's Whistleblowing Regime: A Review of the Protected Disclosure Act 2012.

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

Latrobe Planning Scheme — Amendment C107.

Melbourne Planning Scheme — C316.

Statutory Rules under the following Acts of Parliament —

Charter of Human Rights and Responsibilities Act 2006 — No. 122.

Fisheries Act 1995 — No. 118.

Improving Cancer Outcomes Act 2014 — No. 121.

Subordinate Legislation Act 1994 — No. 119.

Supreme Court Act 1986 — Nos. 124 to 127.

Transport Accident Act 1986 — No. 120.

Water Act 1989 — No. 123.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 120 and 123 to 127.

Terrorism (Community Protection) Act 2003 — Report pursuant to sections 13, 13ZR and 21M by Victoria Police for 2016–17.

Victorian Environmental Assessment Council Act 2001 — Victorian Government response to the Victorian Environmental Assessment Council's Statewide Assessment of Public Land, Final Report.

## BUSINESS OF THE HOUSE

### General business

**Ms WOOLDRIDGE** (Eastern Metropolitan) (12:41) — By leave, I move:

That precedence be given to the following general business on Wednesday, 13 December 2017:

- (1) notice of motion 488 given this day by Mr O'Sullivan in relation to the creation of the great forest national park;
- (2) notice of motion given this day by Mr Ondarchie seeking to refer a matter to the Economy and Infrastructure Committee;
- (3) notice of motion given this day by Dr Ratnam seeking to refer a matter to the Legal and Social Issues Committee;
- (4) notice of motion 474 standing in the name of Ms Pennicuik in relation to the production of certain documents;
- (5) notice of motion 494 standing in the name of Ms Fitzherbert in relation to CCTV cameras;
- (6) notice of motion 485 standing in the name of Ms Bath in relation to Auslan training and courses; and
- (7) order of the day 37, resumption of debate on the prevalence of graffiti within Victorian communities.

**Motion agreed to.**

**DOMESTIC ANIMALS AMENDMENT  
(PUPPY FARMS AND PET SHOPS)  
BILL 2016**

**Ms MIKAKOS** (Minister for Families and Children) (12:41) — By leave, I move:

That, in relation to the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 —

- (1) the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006 be tabled in lieu of that tabled on Thursday, 30 November 2017;
- (2) the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006 incorporated on Thursday, 30 November 2017, be expunged from *Hansard*.

**Motion agreed to.**

*Statement of compatibility*

**For Mr JENNINGS (Special Minister of State), Ms Mikakos tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016.

In my opinion, the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 (the bill), as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of the bill**

The bill makes a number of amendments to the Domestic Animals Act 1994 (the principal act). These amendments operate to:

restrict the number of fertile female dogs that may be kept by a breeding domestic animal business to a maximum of 10 by the year 2020, unless the business is approved as a commercial dog breeder after having met certain increased approval requirements;

amend the definition of domestic animal business under the principal act, and introduce a new category of recreational breeder to be exempt from certain requirements that will apply to domestic animal businesses;

create a new category of dog and cat breeder to be known as ‘microbreeders’, who will be subject to limited regulation;

further regulate the breeding and sale of dogs and cats and the sale of dogs and cats in pet shops;

provide for the registration of foster carers of animals and single-use permits to sell certain animals (animal sale permits);

create an information register to be known as the ‘pet exchange register’ to increase transparency, traceability and the integrity of the regulatory scheme;

enable the minister to declare an organisation that represents members with an interest in birds and bird keeping, the promotion of aviculture and the wellbeing of birds as a declared bird organisation, and to prescribe the notice requirements and oversight arrangements for caged bird sales held by declared bird organisations;

further provide for the administration of the act and legal proceedings; and

provide for other minor and related amendments.

**Human rights issues**

*Privacy — section 13*

The charter right to privacy is relevant to a number of provisions in the bill. Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. However, an interference with privacy will not be unlawful where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be arbitrary provided they are reasonable in the particular circumstances, and just and proportionate to the end sought.

While the provisions discussed below may interfere with a person’s right to privacy, they do so in a manner that is neither unlawful nor arbitrary, and are therefore compatible with the charter.

*Information to be provided with applications for permits or approvals*

The bill contains a number of provisions that require information to be provided for the purposes of applications for permits or registrations. For example:

clause 33 inserts a new section 58M into the principal act that sets out the requirements for an application for an animal sale permit, including the requirement that an application include the name and contact details of the applicant;

clauses 24, 26 and 27 amend sections 46, 48 and 52 of the principal act, relating to applications for registration or renewal of registration of domestic animal businesses (DABs), and transfer of registration of the premises of a DAB. Clause 37 inserts a number of new provisions into the principal act relating to applications for registration or renewal of registration of foster carers of animals. Such applications must include any information required by the relevant Council and any prescribed information. Under section 54(2) (as amended), the Council may refuse to register or renew the registration of a premises in relation to a DAB if the proprietor or person applying for the registration has been found guilty of an offence against the principal act, against the Prevention of Cruelty to Animals Act 1986 (POCTA act), or the regulations under those acts, or against a law of another

state or a territory of the commonwealth that corresponds with any of those laws. Similarly, under new section 68E, when determining an application for registration or renewal for a foster carer, the council must have regard to whether the applicant has failed to comply with any requirement of the act or regulations, has been found guilty of an offence against the act, against the POCTA act, or against a law of another state or a territory of the commonwealth that corresponds with any of those laws.

Information necessarily required to be provided for the purposes of such applications will include an applicant's personal information. However, in my opinion, these provisions do not limit the right to privacy as protected by section 13 of the charter. This is because any interference is lawful and not arbitrary. Applicants who are seeking to participate in a regulated industry have a diminished expectation of privacy. Moreover, all information obtained for the purpose of determining the applications is obtained from, or with the consent of, applicants. As such, those persons have voluntarily become subject to these provisions through their participation, or their intended participation, in this regulated industry.

The right in section 13 of the charter is also relevant to clause 11 of the bill, which requires certain information to be provided by foster carers when they sell or give away a dog or cat. Clause 11 of the bill amends section 13 of the principal act to include a new sub-s (2), requiring registered foster carers who sell or give away a dog or a cat, to notify (within seven days) the council with which the animal should be registered of certain information, including the name and address of the new owner of the animal. This provision interferes with privacy by requiring a foster carer to provide the personal information of a third party to the relevant council. However, as this information will be collected and shared for the purpose of ensuring the effectiveness of the scheme and protecting the welfare of animals, I am satisfied it is reasonable and proportionate and, accordingly, not arbitrary.

The charter right to privacy may also be engaged by clause 6, clause 32 and clause 33 of the bill, each of which requires certain information to be provided with applications for applicable organisation approval, applications for commercial dog breeder approval, and applications to be a declared bird organisation, respectively:

clause 6 amends section 5A of the principal act, relating to the power of the minister to approve, by notice in the *Government Gazette*, an organisation to be an applicable organisation under the act, if satisfied that it meets certain prescribed criteria. As part of these amendments, the bill inserts a new subsection 5A(3) requiring applications for applicable organisation approval to be accompanied by certain specified information relating to the organisation and its activities.

clause 32 inserts a new division 3AA into the principal act setting out the process for applications for and granting of commercial dog breeder approval. A commercial dog breeder is a business that meets the definition of a DAB but, under the bill, has been approved as a commercial dog breeder by the minister after considering the recommendation of the chief veterinary officer. The approval of commercial dog breeders will be subject to certain conditions, and

commercial dog breeders are exempt from certain restrictions that apply to DABs, in particular, the limit on the keeping of no more than 10 fertile female dogs on the registered premises. Commercial dog breeders will instead be limited to keeping no more than 50 fertile female dogs. Applications to the minister must be in the form approved by the minister and must be accompanied by certain specified information relevant to the business. Further, for the purpose of making a recommendation to the minister, the chief veterinary officer may ask a relevant council or ask a departmental authorised officer to inspect and provide a report on the premises of a DAB that has applied for commercial dog breeder approval.

clause 33 inserts a new division 3C into the principal act setting out the process for applications for the minister to declare an organisation that meets certain criteria as a declared bird organisation. Applications must be in the form approved by the minister.

To the extent that these provisions may require personal information to be provided with, or enable it to be obtained for, the purposes of the various applications, they may involve an interference with a person's privacy. However, I am again satisfied that such an interference will be lawful and not arbitrary. The information required to be provided is limited to that which is relevant to, and obtained for the purpose of, determining the applications for relevant approvals, and is information of a kind that would be expected by applicants to be required for this purpose.

*Disclosure of information for inclusion on the information register*

Clause 104 of the bill inserts a new part 5C into the principal act to provide for the establishment of a register of information relating to DABs, registered foster carers, recreational breeders, microbreeders and others who sell or give away dogs or cats, and of source numbers issued under division 3 of new part 5C. Pursuant to new section 68M, the Secretary to the Department of Economic Development, Jobs, Transport and Resources must establish and maintain the register. New sections 68N and 68O engage the right to privacy by requiring certain information set out in new section 68Q to be given to the secretary by a council, within seven days after making a decision to grant or renew registration of DABs and foster carers. New section 68P also engages the right to privacy by requiring recreational breeders, microbreeders and any other person applying for a source number, to provide certain information set out in new section 68Q to the secretary when applying for the source number. The information set out in new section 68Q includes, for DABs: the name and contact details of the proprietor of the DAB; the address on which the premises is situated; the numbers of relevant animals kept at the premises (and certain details relating to those animals); any details within the knowledge of the council of any conviction or finding of guilt of the proprietor of the business for an offence against the principal act or regulations (or equivalent interstate laws), or an offence against the POCTA act or the regulations (or equivalent interstate laws); the details of any order under section 84WA or 84XA to which the proprietor is subject or any order under an equivalent interstate law; as well as relevant source numbers, registration numbers and the date of the most recent inspection of the premises and the name of the council of the municipality in which the premises is situated. In relation to foster carers, the information includes

the person's name; certain contact details; address where the animals are kept; source number and the name of the council of the municipality in which the premises is situated. For recreational breeders and microbreeders, the information includes the relevant person's name; contact details; address where breeding is carried out; the numbers of relevant animals kept at the premises (and certain details relating to those animals); source numbers, and the name of the council of the municipality in which the premises is situated. I note that although recreational breeders will also be required to provide information about convictions or findings of guilt and dates of inspection of the premises by the applicable organisation as set out above, these requirements will not apply to microbreeders. For any other person or body the information includes relevant person's name; contact details; source number and the name of the council of the municipality in which the premises is situated. For all categories any other prescribed information may be required.

Further, new sections 68R and 68S engage the right to privacy by requiring a council or an applicable organisation to provide to the secretary a similar range of information in relation to decisions to refuse to grant, renew or transfer; decisions to suspend, cancel or revoke, registrations; and in the case of an applicable organisation if a member resigns.

A 'recreational breeder' is a new category introduced by the bill, which will apply to hobby or smaller breeders who are members of an applicable organisation approved by the minister under the act. A 'microbreeder' is also a new category introduced by the bill, which will apply to persons who breed dogs or cats to sell but who are not members of an applicable organisation and have no more than two fertile female dogs or cats.

I am satisfied that the sharing of information with the secretary as required by these provisions does not limit the charter right to privacy. The purpose of the register is to enable information about proprietors of DABs, registered foster carers, recreational breeders, microbreeders and other persons seeking to sell or give away animals to be accessed by authorised persons to aid in the statewide regulation and enforcement of DABs and breeders under the act, and increase traceability. The type of information to be provided by different bodies and persons is tailored and confined to that which is relevant and appropriate for that body or person. The register will facilitate the sharing and cross-referencing of information about DABs and breeders across municipalities and enable a more coordinated approach to the registration and regulation of those businesses and breeders. It will ensure that proprietors are unable to circumvent the new laws by operating multiple businesses in a number of municipalities and across business types. It will also increase transparency and traceability in relation to smaller breeders and persons seeking to rehome dogs and cats. Moreover, the information provided to the Secretary will form the basis on which relevant bodies and persons can be issued with source numbers, which will now be required in order for a body or person to advertise a relevant animal for sale or giving away.

The information contained on the register is subject to limited inspection powers that are connected with the enforcement of the legislative scheme, with new sections 68U and 68V prescribing who may inspect and for what purposes. Inspection by members of the public will only be permitted where it is provided for by the act, if that person is proposing to buy or obtain an animal and will only include limited categories of information contained on the register unless the

DAB, foster carer, breeder or other person has agreed to other information being provided. For example, a member of the public may access the register in order to validate a breeder's source number and registration, to feel assured that they are buying or obtaining an animal from an appropriate and traceable source. Inspection of the register is also subject to adequate protections, including sections 68W and 100B, to be inserted by clause 98, which create offences for inspecting or attempting to inspect the register, or for disclosing information, other than in accordance with specified requirements of the act.

Clause 98 of the bill also inserts a new section 100D, pursuant to which a council may disclose information held by that council to another council, a restricted authorised officer or a departmental authorised officer, for the purpose of the latter entities performing their functions under the principal act in relation to the regulation of DABs and the keeping of greyhounds registered with Greyhound Racing Victoria (GRV greyhounds). This will support a coordinated approach to enforcement of the scheme across municipalities, by ensuring that relevant information can quickly and lawfully be shared between councils. As such, any interference with privacy will not be arbitrary.

#### *Enforcement powers of authorised officers*

Several provisions of the bill make amendments to existing provisions in the principal act, or insert new provisions to address current enforcement limitations and ensure the effective operation of the regulatory scheme, including by providing for the powers of entry, search and seizure by authorised officers. Authorised officers under the principal act include departmental authorised officers, council authorised officers, 'restricted' authorised officers (i.e. persons who are not public sector employees appointed for a specified period under section 71A of the principal act), and council contracted authorised officers.

Pursuant to the principal act as amended by clause 46 of the bill, authorised officers in certain circumstances will have the power to exercise a right of entry without a warrant, as well as exercise other powers that may interfere with the privacy of individuals, including:

under section 74 of the principal act, the powers of authorised officers include a power to enter into any premises or part of premises not occupied as a place of residence, or any vehicle and to search, inspect animal enclosures or other goods, ask questions, seize, examine or take copies of or extracts from documents, seize and remove any animal in accordance with specified procedures in the act, and, in the case of a council authorised officer, take samples from dogs;

under section 74A, council contracted authorised officers, if they believe on reasonable grounds that an offence under one of a number of specified provisions has been committed, may request a person to give his or her name and place of residence, or ask questions. Section 76 of the principal act creates an offence to fail, without reasonable excuse, to provide a name and place of residence in accordance with a request under section 74A, however, there is no similar offence for failure to answer a question;

under new section 74AC, restricted authorised officers, council authorised officers or departmental authorised

officers, may enter and search any premises or vehicle in which they reasonably suspect that a DAB is being conducted or that a GRV greyhound is being kept; however, the power of entry must not be exercised in any part of a premises that is occupied as a person's residence. Upon entry, an authorised officer may do things, including, inspect any animal, enclosure or thing, require documents to be produced for examination and remove documents to make copies, seize any document or thing in the premises that is not an animal that is reasonably believed to be connected with a contravention of a relevant provision, secure any animal or thing in the premises or vehicle against interference if it is reasonably believed to be connected with a contravention of a relevant provision, take and keep samples of things reasonably believed to be connected with a contravention of a relevant provision, and ask questions of a person present in the premises or vehicle if the authorised officer reasonably believes that the person may be connected with a contravention of a relevant provision; and

under section 84C of the principal act, as amended by clause 69 of the bill, a council authorised officer may enter any premises within the municipal district, at the request of the owner of the premises, if the authorised officer reasonably suspects that there is an abandoned dog or cat in or on that premises.

Further provisions provide for authorised officers to enter premises, including premises that are residential, or vehicles where authorised by search warrant issued by a magistrate:

clause 48 of the bill introduces new section 74AD, providing for a restricted authorised officer, council authorised officer or departmental authorised officer to apply to a magistrate for a search warrant where they reasonably believe that there is in the premises or vehicle any thing or kind of thing, that is relevant to determining if an offence against a relevant provision has been committed. Under new section 74AE, a search warrant may be issued authorising a person to enter, search, seize any document or thing described in the warrant (other than an animal) and to secure animals and things against interference. Under new section 74AF, seizure of things not described in the search warrant is permitted, if the authorised person reasonably believes that the thing is of a kind that could have been included in the search warrant and that is connected with a contravention of a relevant provision, and that it is necessary to seize in order to prevent its concealment, loss or destruction or its use in the contravention of the relevant provision;

clause 58 amends existing section 76D, which provides for the issuing of search warrants authorising entry to determine whether an offence has been committed against section 41EB of the principal act (prohibition against breeding from a restricted breed dog);

clause 72 replaces section 84E of the principal act, providing for the issuing of a search warrant where there is on the premises any dog or cat which the authorised officer is authorised under the act to seize;

clause 73 amends existing section 84EA of the principal act, providing for a search warrant to be issued where a council authorised officer reasonably believes that there

is present in or on the premises dogs involved in suspected breeding offences; and

clause 89 amends section 84XB of the principal act, which provides for a search warrant where an authorised officer believes on reasonable grounds that a person subject to a court order is holding a dog on the premises in contravention of the order. A warrant issued by the Magistrates Court may authorise a person named in the warrant to enter the premises, search for and seize the dog, and to dispose of the dog in accordance with the directions set out in the warrant.

In each provision that permits authorised officers to exercise powers of entry, the powers of those authorised officers are clearly set out in the bill and the principal act and are strictly confined. They are also subject to appropriate legislative safeguards. For instance, in the absence of a search warrant, the general powers of entry under section 74 may only be exercised in relation to premises that are not occupied as a place of residence, and other provisions of the principal act clearly set out requirements and procedures for taking samples and seizing documents and items when an authorised officer exercises such a power of entry. In each case, the powers are appropriately tailored to the specific circumstances and connected with monitoring compliance with and the effective enforcement of the legislative scheme.

Applications for search warrants are subject to the supervision of the Magistrates Court. Further safeguards also apply to entry under the authority of a search warrant, such as the requirement (with limited exceptions) that authorised officers announce their authorisation prior to entering the premises, show their authorised officer identification, and provide copies of the warrant to the occupier. The rules governing search warrants contained in the Magistrates' Court Act 1989 will also apply.

Accordingly, to the extent that these enforcement powers could interfere with a person's privacy, I am satisfied that the interference would not constitute an unlawful or arbitrary interference. For the reasons above, I am satisfied that the provisions contained in the bill will not limit the right in section 13 of the charter.

#### *Freedom of expression — section 15*

Section 15 of the charter provides that every person has the right to freedom of expression, which includes the freedom to impart information and ideas of all kinds. The right has also been held to include the right not to impart information.

The right in section 15 of the charter is relevant to clauses 10 and 102 of the bill, which place certain restrictions on persons advertising, or causing to advertise, a dog or cat for sale or giving away. These clauses amend section 12A and create new sections 12B and 12C to prohibit the advertising or publishing of an advertisement of a dog or cat for sale or giving away, unless the advertisement includes the source number and certain identifying information for the animal (unless exempt from this requirement on veterinary advice). In my opinion, any limit to the right to freedom of expression caused by the restrictions on advertising contained in the bill are reasonable, appropriate and proportionate, and can therefore be justified in accordance with section 7(2) of the charter.

These restrictions enable appropriate oversight and monitoring of compliance with the scheme and are reasonably necessary to ensure that proprietors of DABs and others who sell or give away dogs and cats, as well as advertisers and publishers, are meeting their obligations and responsibilities, which have been designed to protect the welfare of animals.

#### *Property — section 20*

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely.

The property right in section 20 of the charter may be relevant to a number of amendments contained in the bill. However, for the reasons outlined below, I do not consider that the right is limited.

#### *Changes to conditions of registration*

Certain provisions in the bill alter conditions of registration for a breeding DAB, most significantly by introducing a limit of ten as the maximum number of fertile female dogs that a breeding DAB may have on its registered premises by 10 April 2020. Farm working dogs, as defined in the bill, are excluded from consideration in the limits in the bill relating to numbers of fertile female dogs. Further, the restrictions in respect of the number of fertile female dogs that may be kept do not apply if the DAB is approved as a commercial dog breeder. Pursuant to the new provisions introduced by the bill relating to commercial dog breeders, one of the conditions of a commercial dog breeder approval is that the holder of the approval must not keep more than 50 relevant fertile female dogs.

Clause 28 also amends section 54 of the principal act, relating to the powers of councils to refuse to register or renew the registration of the premises on which a DAB is conducted, to refuse to transfer a registration to a new premises, to suspend the registration of a premises or revoke the registration of a premises.

Clause 6 amends section 5A of the principal act, in relation to the prescribed processes and criteria for applicable organisation approval and renewals.

Although the bill alters the regulatory environment which will affect the registration of current and future registered DABs and of approved applicable organisations, I do not consider that these amendments will limit the right in section 20 of the charter. Statutory rights, such as registration to participate in a regulated industry, are inherently subject to change and, for this reason, are less likely to be found to be proprietary rights. In these circumstances, I am of the opinion that the provision for altering conditions of registration, cancelling or alteration of a registration under the principal act will not amount to a deprivation of property.

For the same reasons, I am satisfied that the property right in section 20 of the charter is not limited by the new provisions introduced by clause 32 (in particular, new sections 58AI and 58AJ) that provide for the cancellation, suspension or revocation of commercial dog breeder approval.

#### *Limit on number of fertile female dogs for breeding domestic animal businesses*

Although the changes to conditions of registration may not, of themselves amount to a deprivation of property, the introduction of legislative limits on the number of fertile female dogs that may be kept by breeding DABs, could engage the right to property to the extent that a dog is considered 'property'. The provisions of the bill require all businesses to begin reducing fertile female numbers by 10 April 2018 (with an offence to acquire additional fertile female dogs if ten are already kept), to be reduced to only ten by 10 April 2020 after which time it will be an offence to have a greater number. As such, the bill may result in a deprivation of a person's property. It may also be also argued that where the new requirements result in a significant decrease in the size of a dog breeding business, this may result in loss of income and loss of business viability.

Despite this, in my opinion these provisions do not limit the right in section 20 of the charter. This is because any such deprivation will occur as a result of requirements conferred by legislation and will not occur in an arbitrary manner. The provisions provide for a gradual reduction in numbers of fertile female dogs, they are confined, clearly formulated and enacted for a legitimate purpose, namely to restrict the commercial breeding of dogs to eliminate cruel breeding practices. Further, larger scale, compliant businesses that can meet the more stringent approval requirements relating to both business and animal welfare obligations may apply for ministerial approval as commercial dog breeders, permitting them to keep up to 50 fertile females.

#### *Enforcement powers — seizure, forfeiture and destruction*

As discussed above in relation to the right to privacy, a number of the provisions of the principal act, as amended by the bill, provide for authorised officers' powers of enforcement. The property right in section 20 of the charter is relevant to a number of the enforcement powers, particularly those which provide for authorised officers to enter certain premises, and to seize, secure against interference, or take documents or items.

The bill also amends a number of provisions in the principal act which provide powers for the seizure and/or destruction of animals in certain circumstances, including:

clause 65 amends section 82A of the principal act, which provides for the power to seize dogs or cats from unregistered breeding domestic animal businesses;

clause 66 inserts a new section 82B of the principal act, which creates a new power for authorised officers to seize dogs or cats where the officer reasonably believes there has been or is about to be a contravention of certain provisions of the act. New section 82B is an expansion of the current powers, to improve the capacity of authorised officers to enforce the new code in relation to GRV greyhounds and generally enforce the legislative scheme, by enabling authorised officers to seize a dog or a cat from a premises that is a DAB or a place where GRV greyhounds are kept;

clause 68 replaces section 84B of the principal act, which provides for the seizure of a dog or a cat outside its owner's premises by an authorised officer, if the Magistrates Court has made an order under section 84W

of the act with respect to the owner of the dog or cat, where the order has not been complied with and where the authorised officer reasonably suspects that the owner of the dog or cat has committed a specified offence;

clause 74 inserts a new provision into section 84J of the principal act, relating to the custody of dogs or cats seized under section 82B of the act. The new provision provides that if a departmental officer, a council authorised officer or a restricted authorised officer has seized a dog or cat under section 82B, the council or person or body holding the dog or cat may retain custody of the dog or cat until the dog or cat is recovered or disposed of in accordance with the relevant parts of the act;

clause 76 amends section 84Q of the principal act, which relates to the prosecution of persons suspected of committing certain offences against the act. Clause 76 inserts new subsections (2A) and (2B), providing that the council or other prosecuting body that has seized a dog or a cat must retain custody of the dog or cat until the outcome of the prosecution is known. If the owner of the dog or cat is found guilty of an offence under the act, the dog or cat is forfeited to the council, person or body who has custody of the dog or cat;

clauses 77–82 of the bill also make various consequential amendments to provisions in the principal act dealing with the destruction of dogs in certain specified circumstances, including where a dog or a cat has been forfeited; and

clause 89 amends section 84XB of the principal act which provides for the issuing of a search warrant where an authorised officer believes on reasonable grounds that a person subject to a court order is holding a dog on the premises in contravention of the order. A warrant issued by the Magistrates Court may authorise a person named in the warrant to enter the premises, search for and seize the dog, and to dispose of the dog in accordance with the directions set out in the warrant.

I consider that the right in section 20 of the charter is not limited by these powers, because any deprivation will occur in accordance with law. The circumstances in which authorised officers are permitted to enter premises, search for and seize or take items or documents are provided for by clear legislative provisions, and, in some cases, will occur under the authorisation of a search warrant. The items that may be taken or seized are relevant to and connected with enforcing compliance with the bill. For instance, where a magistrate issues a search warrant, only things named or described in the warrant are permitted to be seized, except where (in some cases) the thing seized is connected with the offence or another offence under the bill, and seizing the thing is necessary to prevent its concealment, loss or destruction.

Where the principal act, as amended by the bill, provides for the actual deprivation of property through the forfeiture, disposal or destruction of animals, this can only occur in accordance with strictly confined powers that are contained in legislative provisions with specific purposes. Section 84V of the principal act prescribes certain requirements for the method and procedures relating to the destruction of dogs or cats as authorised by the act, including that the animals must be destroyed humanely.

While the right to property is engaged by the provisions of the bill which require or authorise a deprivation of property, I am satisfied that they are compatible with the right in section 20 of the charter.

#### ***Presumption of innocence (section 25(1))***

Some of the bill's clauses may appear to engage the right to be presumed innocent in section 25(1) of the charter. This right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

The right to be presumed innocent may be relevant to certain provisions of the bill which place an evidential burden on the accused.

First, a number of new offence provisions introduced by clause 35 may be considered to engage the right because they could be read as requiring the accused to raise evidence of an evidentiary matter that will not immediately be apparent, namely that the dog or cat that is the subject of certain prohibited conduct is 'from an approved source'. In addition, section 76 of the principal act, which is relevant to a number of provisions in the bill, creates multiple offences relating to authorised officers that contain a 'reasonable excuse' defence.

However, these offences do not transfer the legal burden of proof. Once the accused has pointed to evidence of those matters, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution who must prove the essential elements of the offence. I do not consider that an evidential onus such as the ones contained in the bill limit the right to be presumed innocent.

#### **Conclusion**

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

The Hon. Jaala Pulford, MP  
Minister for Agriculture

## **STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE**

### **Reporting dates**

**Mr FINN** (Western Metropolitan) (12:42) — By leave, I move:

That the resolution of the Council of 27 May 2015 and the further resolution of 25 October 2016 requiring the Economy and Infrastructure Committee to inquire into and report every six months in April and October on infrastructure projects be amended so as to now require the committee to present reports every six months in February and August.

**Motion agreed to.**

## MINISTERS STATEMENTS

### Port Phillip Prison

**Ms TIERNEY** (Minister for Corrections) (12:43) — I rise to update the house on the fire that took place at the privately operated Port Phillip Prison in the early hours of 29 November. Thankfully all staff were safely evacuated and prisoner accommodation was not impacted by the fire. While the cause of the fire is being investigated, it is not thought to have been suspicious.

I did visit the prison last Thursday with the deputy corrections commissioner, Rod Wise, to meet senior management and check on the damage firsthand. I would like to commend the Port Phillip Prison general manager, Craig Castle, and the deputy general manager, Trish Sellman, who showed great leadership in the aftermath of the fire. Mr Castle and Ms Sellman were on the scene in the early hours of the morning shortly after the fire started, and they led the response. I want to thank every single staff member at the prison for stepping up and responding to this emergency and the firefighters who stopped the fire spreading.

The damage to the administration building is extensive. It caused major disruptions to prisoner services, including visits and phone calls, something that I want to see fixed as soon as possible so family and friends can visit inmates. While the prison is still operating on a restricted regime, G4S is continuing to facilitate small groups of prisoners getting out of their cells throughout the day. Visits with legal representatives resumed last week, and access to programs and education is expected to resume later this week. I would also like to acknowledge the assistance provided by the courts in rearranging schedules.

Corrections Victoria is working closely with G4S to ensure Port Phillip Prison continues to operate in a safe and secure manner. For further updates I refer the public to the Corrections Victoria website.

### Kinship carers

**Ms MIKAKOS** (Minister for Families and Children) (12:45) — I rise to inform the house of how the Andrews Labor government is supporting kinship carers to support and care for vulnerable children. Today I am pleased to announce the introduction of a new kinship care model, backed up by an investment of \$33.5 million, recognising the vital role that kinship carers play in caring for some of Victoria's most vulnerable children.

The changes will focus on better and earlier identification of kinship carers, family reunification and cultural connection for Aboriginal children, better assessment of carers' and children's needs and increased flexible support and case management of kinship care cases by the community sector. The new model will include 36 new dedicated kinship practitioners employed by the Department of Health and Human Services across the state to actively search for a child or young person's family and to support them to provide care.

This comes on top of our funding in the budget this year of 450 new child protection workers. Kinship carers will also now have access to these dedicated practitioners, who will act as a key contact point, helping kinship carers when things change and when they need assistance to navigate through issues. The package also includes additional support for new kinship care placements by child and family services organisations, including Aboriginal agencies. New placements will be better supported from the start by identifying the needs of carers, children and young people and linking them to the supports that they need.

Additional support to Aboriginal agencies will be provided to strengthen supports for Aboriginal children and young people, including finding extended family, supporting carers and helping children and young people return to their parents where possible. There will also be additional flexible brokerage funding to support and stabilise existing kinship care placements.

These reforms build on the Andrews Labor government's *Road Map for Reform*, which has seen significant changes to our out-of-home care system, and we continue to look at providing further ways in which we can strengthen our home-based care options.

## MEMBERS STATEMENTS

### Parliamentary internship program

**Mr PURCELL** (Western Victoria) (12:47) — Yesterday it gave me great pleasure to attend with the President and many other members of this house the Victorian parliamentary internship program 2017 graduation ceremony held in Queen's Hall. I know that some members of this house have had the pleasure of being interns during the 27 years of this great program. The student appreciation was evident when student after student made comment that this was the best thing they had done at university, and some actually mentioned that it was the best thing they had done in their lives.

For me and my staff the ceremony had even greater significance as it included our own intern, Benjamin Maltby, from Melbourne University. Ben has worked as an intern in my office, completing an excellent report titled *Powering Western Victoria*, which explored alternative energy options for south-west Victoria.

Ben was awarded the Presiding Officers' Prize for the most outstanding Melbourne University internship report for 2017. Ben's enthusiasm, dedication and conscientious hard work during this time was second to none, resulting in a practical, useful and detailed report that he should be very proud of. Well done, Ben, and thank you for your kind words during the ceremony. It was a pleasure to be a part of this experience with you.

**The PRESIDENT** — Yes, Mr Purcell, it was a terrific effort yesterday. Those interns were fantastic.

### Harold Bould Memorial Award

**Mr O'DONOHUE** (Eastern Victoria) (12:49) — I would like to update the house on the winners of the 2017 Harold Bould Memorial Award: Ms Emily Bloxidge of Chairo Christian College in Pakenham and Mr Izaiah Roach of St Francis Xavier College in Beaconsfield. We had a great ceremony to award these fine young Cardinia shire residents and announce their success in front of a Rat of Tobruk and a Kokoda veteran, as well as a number of Vietnam and other veterans from conflicts around the globe who live in the Shire of Cardinia. The Harold Bould Memorial Award is designed to honour local veterans, particularly Harold Bould, who died on the Kokoda Track, and also to mentor and foster the leaders of tomorrow by sponsoring two residents to walk Kokoda each year.

I would like to congratulate the 39th Australian Infantry Battalion Association for all the work that they do more generally but particularly in relation to the running of this award. I would like to wish Emily and Izaiah every success in their training for the walk next year.

### Government performance

**Mr O'DONOHUE** — On a separate matter, we have seen today that the Andrews government cannot be trusted with the state's finances. The West Gate tunnel project: promised at \$500 million, now \$6.7 billion. The Metro Tunnel: promised at \$9 billion, now \$11 billion. The level crossing removals: promised at \$5 billion, now \$7.9 billion. The north-east link —

**The PRESIDENT** — The member's time has expired.

### Emperor of Japan

**Mr ELASMAR** (Northern Metropolitan) (12:51) — On Thursday, 7 December, I attended a celebration held for the 84th birthday of His Majesty the Emperor of Japan. I thank His Excellency the Consul General for his kind invitation. Several of my parliamentary colleagues, including yourself, President, attended the event. The weather was not nice — it was raining and windy — but it was a very enjoyable evening.

### Olivia Newton-John Cancer Research Institute

**Mr ELASMAR** — On another matter, on Monday, 11 December, along with my colleague Gabrielle Williams from the other house, I attended a group tour of the Olivia Newton-John Cancer Research Institute in Heidelberg. Professor Matthias Ernst and the chief of oncology, Kim Tsai, conducted the tour, which was very interesting and informative. The Olivia Newton-John Cancer Research Institute has become a well-known and respected facility that aims to find a cure for this dreadful disease. I am sure I speak for everyone when I wish the team every success in their research endeavours.

### Plastic pollution

**Ms SPRINGLE** (South Eastern Metropolitan) (12:52) — Last week representatives from more than 200 countries pledged stronger action on plastic pollution at the United Nations Environment Assembly in Nairobi. Few Victorians would consider the work of the United Nations to be directly relevant to their day-to-day lives, but the problem of marine plastic pollution is very real and very close to all of us.

Plastic pollution is choking our waterways, parks and beaches. As we enter the holiday season and warmer weather, the problem of plastic pollution is likely to become more widespread and more visible. Some of it will be cleaned up and disposed of responsibly by councils and by hardworking groups and individuals that spend significant time and energy caring for our parks, rivers and beaches, but inevitably a substantial amount of litter will remain in the environment, and some will escape into marine environments.

David Attenborough recently described the impact of marine plastic pollution as nothing short of heartbreaking. The Victorian government's recent announcement of a ban on single-use plastic bags is welcome, but it is a small step when the need is so huge and when we need a decisive leap forward.

Two hundred nations supported the UN resolution on marine litter and microplastics. I would like to see Victoria not just matching that commitment but moving into a global leadership role on marine plastic pollution.

### Parliamentary internship program

**Mr MORRIS** (Western Victoria) (12:53) — I rise to congratulate my parliamentary intern Mariam Francis, who received a Presiding Officers' Prize for the most outstanding Latrobe University internship report for 2017. Ms Francis's report was entitled *Growing Up and Moving Out: An Examination of the History, Benefits and Future of Decentralisation in Victoria*. I would like to place on record my thanks to Mariam for her exceptional work in preparing that report.

### Jeremy Johnson

**Mr MORRIS** — I also wish to congratulate Jeremy Johnson, who has been elected president of the Australian Chamber of Commerce and Industry. Mr Johnson is the CEO at Sovereign Hill, and I have no doubt that he will fill this new role admirably and ensure that Ballarat continues as an integral part of the economy of not just Victoria but also Australia.

### Buninyong & District Community News

**Mr MORRIS** — I also wish to congratulate the *Buninyong & District Community News*. The *Buninyong & District Community News* won multiple awards at the Community Newspaper Association of Victoria awards. They won best layout and design and also best sports reporting, and they were finalists in the best feature story category for their detailing of the reopening of the Avenue of Honour in Buninyong. It was a great day, which was well attended by the Buninyong community and which I attended myself. Congratulations to all involved in the Buninyong community news.

### Collette Tayler

**Ms MIKAKOS** (Minister for Families and Children) (12:55) — It is with great sadness that I rise to inform the house of the recent passing of Professor Collette Tayler. Emeritus Professor Collette Tayler was Australia's leading academic in early childhood education and was chair of early childhood education and care at the Melbourne Graduate School of Education. Collette was a trusted adviser to government, and I greatly valued her expertise and advice, including the contributions she made through my early childhood development expert panel. She was

instrumental in the design thinking behind the school readiness funding that I announced in the budget this year and the need to invest more for children experiencing vulnerability, one of the key themes in the Education State *Early Childhood Reform Plan*.

Collette made many contributions to Victorian education policy and practice. Her expertise was sought on numerous policy reforms, including the recent revision of the *Victorian Early Years Learning and Development Framework*. She also led the effective early educational experiences — E4Kids — longitudinal study. This is Australia's groundbreaking and largest research project into early childhood education and care, with the longitudinal evidence generated by this study playing a key role in our reform agenda and offering direction to future program reform to improve the lives of young children in Victoria.

Collette's expertise saw her appointed to a number of key national and state government committees. She was a valued member of the Victorian Children's Council, a board member of the Victorian Curriculum and Assessment Authority and a member of the Minister for Education's expert panel for schools. It would be remiss of me not to acknowledge the instrumental role Collette played in the introduction of the national quality framework for early childhood education and care, a historic and world-leading innovation. I pass on my thoughts and condolences to Collette's family and her colleagues.

### Wantirna Park caravan park

**Ms DUNN** (Eastern Metropolitan) (12:57) — I rise today to read some excerpts from among 40 letters from residents of the Wantirna caravan park who are facing eviction.

No-one in government seems to understand just how devastating this issue is. The residents here were living their lives in their own homes and not being a burden on an already overstretched public housing and private rental market —

said Diana.

... this wonderful lifestyle of Wantirna Park will never end. After 27 years of living in a secure, safe, friendly community called Wantirna Park ... I face losing my comfortable, affordable lifestyle and my house, which enabled me to live independently. I think residential parks should be retained as a viable affordable housing solution by governments and councils and that they should be protected from redevelopment like in the UK and valued as a serious part solution to affordable housing. This approach would ease the financial burden on government housing, health and welfare —

said Peter.

The people have been uprooted and traumatised without hope of restitution. They were living independently and not a burden on society. The residents took pride in their places and many put a great deal of work into their units and gardens. The closure of the park and the proposed development has had a significant negative impact on the residents' emotional, psychological and physical wellbeing. The occupants who are aged and disabled have no ability to recoup their financial losses —

said Judith and Ronald.

Now, due to the closure of the park, my life has changed so much where I don't even feel I am living, but just existing ... I am left in a huge debt in relocating and money that I don't have —

said Con.

Before the purchase I spoke to the site manager and the real estate agent and they told me there was no talk about closing down or further plans.

Two weeks after that I received the letter to vacate —

said Bindumol.

### **Camp Road, Campbellfield, level crossing**

**Mr LEANE** (Eastern Metropolitan) (12:58) — As of tomorrow trains will be running under Camp Road in Campbellfield after a successful level crossing removal. This will be five days ahead of schedule after a construction blitz at that site which involved some 300 workers. I would like to thank the 300 workers for their long hours and their efforts in what they did to facilitate this removal, which involved removing about 30 Olympic-size swimming pools worth of dirt from the site, digging a trench which is 870 metres long and of course building a road bridge to allow the trains to travel under Camp Road.

This is successful level crossing removal 11, and with 16 intersection removals on the go as we speak, that will come to 27 grade separations in one term of office to make it safer, relieve congestion and of course make our transport system more reliable. As I have said before, this sort of action will go down as being the result of one of the greatest governments Victoria has ever seen under one of the best leaders, one of the greatest premiers, this state has ever been happy to have.

### **Senator Bridget McKenzie**

**Ms BATH** (Eastern Victoria) (13:00) — I rise today to pay tribute to strong women of the National Party. Next year Victorian Nationals women celebrate 100 years of political activism, with the first president, Mrs Lavery, coming from Loch in South Gippsland. Victorian Nationals women have long had a political

voice and a stake in how our party operates and in our policies and our direction. Our deputy leader in state Parliament, Steph Ryan in the Assembly, is articulate, sharp and grounded. She is a girl who recently filled sandbags in Euroa in her community on a Saturday morning — compared to our Premier, who helicoptered in on the Sunday looking for a handshake.

Recently we lost a strong advocate for Australia in Fiona Nash, whose mantra was that every morning people in the city should wake up and thank the regions for their daily necessities, from the electricity that cooks their toast to the milk and sugar and cereal in their breakfast bowls. Regional people make this happen.

So today I am delighted to celebrate the elevation of Victorian senator Bridget McKenzie to the deputy leadership of the federal Nationals. Bridget was born in the high country. She was educated in Benalla, she raised her children in South Gippsland, she taught at secondary schools, she lectured at Monash University and she lives in Ballarat. What you see with Bridget is what you get. She is passionate about rural people, about the regions, about our education, about employment opportunities and about respecting and upholding our way of life. She is a positive role model for women, and we rejoice in the fact that Victorian Nationals women continue to lead the way.

### **Melton Botanic Trail**

**Mr MELHEM** (Western Metropolitan) (13:02) — Last week I had the pleasure of opening the Melton Botanic Trail project on behalf of the Minister for Local Government, the Honourable Marlene Kairouz. The Melton Botanic Trail will provide a crucial connection between the Toolern Creek Trail and the Melton Botanic Garden. Previously pedestrians were not able to cross Toolern Creek, which severely limited access to some facilities for many who frequently visit the gardens. The project creates an excellent space for those living in the north-west of my electorate to exercise and soak in the beautiful atmosphere of the local area. The kilometre of shared path, boardwalk and three pedestrian bridges will be accessible for running, walking, cycling and other recreational activities.

This project comes as part of the Growing Suburbs Fund. The fund involves a \$150 million funding injection into community projects in outer suburban growth corridor areas. Projects chosen for funding are perceived to enhance the amenity of municipalities and improve the livelihoods of those that live in the area. Other projects supported by the Growing Suburbs Fund in my electorate of Western Metropolitan Region include \$3.2 million for the transformation and

redevelopment of Wyndham Park and \$2.5 million for the Caroline Springs Leisure Centre expansion.

The Andrews Labor government is working so hard for our vibrant and fast-growing outer suburban areas. This is in contrast to those opposite, who have shown a consistent disinterest in supporting these communities when in government. I commend the excellent results being achieved by the Growing Suburbs Fund. I hope the people of Melton enjoy their new facilities.

### 2017

**Mr FINN** (Western Metropolitan) (13:03) — As 2017 draws to a close it is worth pondering the events of a most exhausting year, both good and bad. On the plus side it was an honour to again meet so many families with autism and share their trials and their triumphs. I wish them all a very merry Christmas. Matthew Guy has continued to stand up for victims at a time when many of them have just about given up on the system. The date 30 September 2017 will be forever celebrated as the day the Richmond Football Club broke its longest ever premiership drought — an early Christmas present for all of us.

On the other side of the ledger, battlers across the state have been forced to suffer spiralling power prices by a government driven by hard-left ideology. It is insanity for Victoria to be forced into an energy crisis. Even the Parliament suffered from the bullying of the Andrews government. The forms of this house were abused in an unprecedented and brutal way by a Labor government that did not want a proper examination of the most important legislation considered by this Parliament for some years. It was perhaps topped by today's announcement by the Premier that he has signed the contract to build the West Gate tunnel. This bullying Premier has not just shown his middle digit to locals who oppose this project but he has rushed headlong into spending God knows how many billions on a road that will have only one beneficiary — that is, Transurban. So sniffy is the relationship between the government and Transurban that no-one should be surprised if it is one day proved by IBAC.

I will finish on a positive note: this is Daniel Andrews's last Christmas as Premier. This time next year his government will be a steaming wreck and Premier Matthew Guy will be leading Victoria onward.

### Albert Park master plan

**Ms FITZHERBERT** (Southern Metropolitan) (13:05) — The Albert Park master plan was suddenly released very recently, surprising many. The master

plan process was started by the previous government and was well advanced before it ground to a halt while the Andrews government was in dispute with Parks Victoria over the site that it wanted to use for a local school. When details of the master plan were released I was surprised to see a proposal that the public golf course is to be reduced by half, which is evidently a shock to both the golf club and its members. It is particularly surprising at a time when governments are encouraging people to exercise. The proposal involves cutting in half a local golf course, which is regularly used at all times of the day.

I was also very disappointed that the needs of Mac.Robertson Girls High School have been ignored in the process of putting together the master plan. In fact I was at the school yesterday. As always when I visit the school there is so much that impresses. Mac.Rob and Melbourne High School — the boys school — were originally one school and were separated some decades ago. In 2016 Mac.Rob had 970 enrolments but Melbourne High School had 1368 boys. Mac.Rob has a very small landholding. Some years ago it lost land in fact to the golf course, and it was short-changed from the outset when it was divided from Melbourne High School. Yesterday a couple of the girls said that the girls say they have a toilet block compared to the castle on the hill that the boys enjoy at Melbourne High School. For years Mac.Rob has carefully researched and argued the case for additional capacity. The Albert Park master plan is a clear sign from the Andrews government that it is still not listening.

### Fire services

**Mr O'SULLIVAN** (Northern Victoria) (13:07) — Tomorrow is going to be a very hot day in the northern part of Victoria and elsewhere as well, with temperatures reaching up to 43 degrees in Mildura and in the Mallee. The Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 remains stalled in this chamber by the government, which refuses to bring it on for debate. The fire services need certainty as we approach the severe fire season that we may well have. They are not getting this certainty at the moment. The crisis that continues to surround this government is in relation to the Country Fire Authority (CFA) in Victoria. The government continues its war against CFA volunteers for no reason. We saw just last week another case of bullying within the CFA in Bendigo. The government continues to stand by and do absolutely nothing when it comes to bullying and harassment in Victoria's fire services.

The Victorian Equal Opportunity and Human Rights Commission has undertaken an inquiry and has prepared a report into bullying and harassment, but Daniel Andrews continues to do absolutely nothing as Peter Marshall and the United Firefighters Union (UFU) continue to block the release of this report. They have taken their campaign to block the report's release to the highest court in Victoria — the Supreme Court. I wonder what they have got to hide. What is so bad in this report that the UFU and Peter Marshall are going to the Supreme Court to stop it being released? This report needs to be released as soon as possible. It needs to be released now. Daniel Andrews needs to intervene and ensure the report is released. Only a royal commission can get to the bottom of the problems that currently plague our fire services in Victoria.

### Family violence

**Ms CROZIER** (Southern Metropolitan) (13:08) — Over the past few weeks there has been considerable focus on the 16 Days of Activism Against Gender-Based Violence Campaign. Social media and newspaper articles have highlighted many local community events. I would like to acknowledge the work of so many local communities that have been involved with the police in launching initiatives, holding community events, partnering with sporting teams, marching in the Walk Against Family Violence or providing signage at the entry to some local towns for the awareness campaign, all of which send a very strong message to those communities and surrounding areas that we do not accept family violence — and nor should we.

I also acknowledge that in some communities across Victoria the rates of family violence have declined, which is a very positive sign. However, in other areas the rates remain far too high. Crime across Victoria has risen by over 16 per cent since the election of Daniel Andrews. This, along with other crime figures, is much too high. I note that in the Greater Dandenong area reports reveal a massive increase in offences, including family violence, with seven people reporting family violence crimes each and every day.

Christmas and the New Year unfortunately usually see a spike in the rates of family violence, so it is a reminder to all Victorians that violence of any sort is not acceptable at this time. Those who do commit this shocking crime need to be held accountable. I am glad that Matthew Guy, Edward O'Donohue and John Pesutto are leading the charge in terms of stronger messages and sentencing in this regard.

### Felicitations

**Ms CROZIER** — On a more positive note, I would like to take this opportunity to wish the entire Parliament a very happy and safe Christmas and New Year.

### Government performance

**Mr DAVIS** (Southern Metropolitan) (13:10) — Today I want to draw the chamber's attention to the decisions by the Andrews government in recent days and the massive cost blowouts that have occurred across the transport and infrastructure sectors: a massive blowout on the Metro Tunnel, already more than \$2 billion over budget; the level crossings, nearly \$3 billion over budget; the north-east link, in just a few months an increase from \$5 billion to \$16.5 billion, an \$11.5 billion blowout — I do not think anyone has seen the likes of that in the history of this Parliament, or you have to go back to the Kirner government days to see that; and the east-west link, \$1.3 billion blown by cancelling and tearing up the contract.

Now we see that the West Gate tunnel — originally proposed as a slip-road, a distributor, at half a billion dollars — is \$6.7 billion worth of expenditure, with massive toll increases for those in the north of the metropolitan area, those in the south-east of the metropolitan area and those country people who would come and use that road. There are massive tolls, with 10 to 12 more years of tolling and billions of dollars of extra payments to Transurban, the government's mates. The government is obviously determined to feather its nest, but it will be at the expense of Victorian taxpayers and at the expense of motorists, who will be forced to use those toll roads for the massive extension that is being applied for by this government. The opposition is very concerned about this approach and very concerned that the government is too close to Transurban.

## CRIMES LEGISLATION AMENDMENT (PROTECTION OF EMERGENCY WORKERS AND OTHERS) BILL 2017

### *Second reading*

**Debate resumed from 21 November; motion of Ms PULFORD (Minister for Agriculture).**

**Mr O'DONOHUE** (Eastern Victoria) (13:13) — I would like to commence by noting that a motion was just moved by Ms Symes and that here we are at the start of the legislative program at the start of the sitting week and the first bill from the government has to be postponed. It is symbolic of a government in absolute

chaos. It cannot get its legislative agenda together. It has absolutely no idea what it is doing. When it comes to bills from the government that are before the house the first item of business is to adjourn off the first bill. It says so much about the government's capacity and the way the government is approaching this issue.

Like other members, before commencing commentary on the bill I would like to wish all members and staff a very merry Christmas and, in doing so, move to the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017.

*Honourable members interjecting.*

**Mr O'DONOHUE** — I welcome support for my comments from members of the government. Thank you, colleagues. Our emergency services workers, particularly our police, are under attack like never before. The number of police car ramming incidents has gone from 30 in 2014 to around 117 last financial year. Our police are under attack like never before. We have seen it with the brazen disrespect for authority and the brazen way that offenders repeatedly seek to evade police by harming them. When they are confronted with a situation, rather than stopping, putting their hands up and saying, 'Here I am. The law is here', these offenders are lining up police and driving straight at them or they are driving in a way seeking to evade police, with little or no concern for the harm and the consequences that follow.

We have seen the Police Association Victoria on behalf of its members call for action. Indeed a year ago tomorrow there was a *Herald Sun* article entitled 'Cop cars a growing target' about police in Preston who were targeted. We have seen some shocking situations where, despite the attacks on police and despite the attacks on all they represent as upholding the law, upholding the right in protecting the community and putting themselves at risk, time and time again these offenders simply have not received the terms of incarceration that they should.

I refer members to an article by Wes Hosking entitled 'Man jailed for police car ramming amid calls to make the crime an offence'. The article says:

A serial crook received 17 days jail for ramming a police car among other crimes amid a push for tougher penalties for those who endanger officers' lives.

That article quotes police association secretary Wayne Gatt as follows:

'It is simply a matter of time before another one of our members is injured or killed in one of these rammings'.

'This is not something that is happening every now and then, it's happening every other day', he said.

'That's why we have asked for urgent help to address this issue by creating a strong deterrent'.

The article goes on to say that 14 officers were hurt as a result of the ramming of police vehicles last financial year. The article also cites other examples where the sentencing received simply does not send that message of deterrence that the police association and police themselves have been calling for, and nor does it reflect what the community would expect when police are attacked. It cites an incident where Jordan Diamond received an 18-month community correction order for reversing into a divisional van outside the Heidelberg police station, rendering the vehicle a write-off.

I should mention by way of segue — Mr Ondarchie would appreciate this — that we do not need to clarify which Heidelberg police station this article refers to anymore because Daniel Andrews has recently closed permanently the Heidelberg West police station, despite the increase in crime in Heidelberg West under the Andrews government. There is only one police station now that services that broader area where there used to be two. The Brumby government shut it when it came to day-to-day operational police matters, and now the Andrews government is going to remove it as a police station and put it to other purposes.

**An honourable member** — Anthony Carbines wanted it open.

**Mr O'DONOHUE** — Indeed. There is a photo of the minister at the table, Minister Mikakos; the now Premier; Mr Carbines in the other place; and Danielle Green, the member for Yan Yean in the other place, all with big placards saying, 'Open the Heidelberg West police station now'. They have lost their voice, Mr Ondarchie, in the last three years. And not only is the Heidelberg West police station not open, it is going to be put to another use. The police station signage has been removed, the insignia has been removed and that building will not be a police station again — and that is despite the increase in crime in that area. But, Mr Ondarchie, I digress, and we could have a subsequent debate about the issue of closed police stations under the Andrews government.

With the loss of authority and with the weakening of the justice system we have seen under Daniel Andrews, one of the perhaps most obvious and concerning consequences has been the way that the police have been targeted. Offenders have been deliberately not just challenging the authority of police but seeking to cause harm.

Following those calls from the police association and following calls from individual police members who wanted action and a strong message of deterrence, the opposition introduced legislation in June to make ramming a police vehicle a criminal offence, with a statutory minimum term of imprisonment of two years. We did that because the government simply was not acting. As members of this place will recall, after the winter recess this place passed that bill with the support of a majority of members. In the week that this house was set to debate the opposition's private members bill, my private members bill, Lisa Neville, the Minister for Police, put out a press release on 9 August. With the government voting down my bill rather than saying, 'Mr O'Donohue, we want to work with you to make this legislation happen as soon as possible in the interests of safety of police', Daniel Andrews and the government chose the path of politics over the path of bipartisanship to strengthen improved community safety. They voted down the bill. Rather than saying, 'We'll support it' or 'We'll support it with these changes' — there was none of that — they simply voted it down. In an effort to save embarrassment the police minister issued a press release on 9 August saying that the government would have its own legislation in the coming weeks. To quote from her press release of 9 August, it says:

The Andrews Labor government will introduce tough new laws in the coming weeks to protect our dedicated police and emergency service workers from violence and harm.

That was in August, and here we are in the last sitting week of the year in December — not just weeks have passed but months have passed. Yet again the government is playing a dramatic game of catch-up. They are dragging their feet. They have got their eye off the ball on other issues — their internal factional brawls; the rejoining of Mr Mulino, Mr Merlino in the Legislative Assembly and others to various different factions; and the way that impacts on the Premier's power with the hardcore communist left or Socialist Left. I am not quite sure what the term for his faction is these days, but it seems more and more like a communist left faction than a Socialist Left faction. But anyway, rather than focusing on the issues that matter, like community safety and the protection of our police, rather than introducing new laws after voting down the private members bill in August this year and rather than delivering that new legislation in a matter of weeks, here we are months later debating this bill.

Unlike the Andrews government did with my bill, the opposition will not oppose this bill, because we recognise that while this bill has a number of problems and flaws it is at least a small step towards addressing a

much, much bigger problem. So we will not play the petty, juvenile, university-style politics of the Andrews government. We will not oppose this bill.

Let me now walk the chamber through what this bill sets out to do, and then I will talk to the amendments that I will put to the house to improve the bill. The bill amends the Crimes Act 1958 by inserting new offences relating to the creation of risk to emergency workers on duty and certain other persons, and damaging emergency service vehicles by driving; the Sentencing Act 1991 to make provision in relation to sentencing for these offences; the Bail Act 1977 to make provision in relation to the granting of bail for these offences; and the Road Safety Act 1986 to provide for the impoundment, immobilisation and forfeiture of vehicles used in the commission of these offences.

The bill introduces five new offences, including intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, with a maximum penalty of 20 years imprisonment; recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, with a maximum penalty of 10 years imprisonment; and damaging an emergency services vehicle, with a maximum penalty of five years imprisonment. A two-year statutory minimum term of imprisonment will apply if an adult offender commits the offence of intentionally exposing an emergency worker to risk to safety by driving and in doing so causes an injury to the emergency worker while they are on duty. The minimum term of imprisonment will not apply to offenders who are under the age of 18 at the time of the offending and will not have to be imposed if the court finds that special reasons as per the current Sentencing Act tests, as articulated, exist.

Further, intentionally or recklessly exposing an emergency worker to risk to safety by driving will require the imposition of a custodial order if the offence is committed in certain aggravating circumstances — for example, where the motor vehicle is stolen or the driving offence is committed in connection with a serious indictable offence. Again this will only apply to offenders who are over the age of 18 at the time of offending, and special reasons as detailed in the Sentencing Act may apply.

One of the concerns that I have about this bill is that for a message of deterrence to be sent in a strong way it needs to be clear and simple. I will just outline to the house the new offences that apply and the aggravating circumstances that can be applied to increase the penalty that may be imposed by the court. As I have articulated, it is quite a detailed and complicated set of

requirements that cuts across the five new offences. To me that compromises that strong message of deterrence. While at the higher end with the aggravating circumstances there may be a two-year statutory minimum term of imprisonment, for some of the other offences a non-custodial order may be applied. I described an offender who rammed a police vehicle and received a community correction order. Under this bill that sort of situation may apply in the future.

One of the key elements of the opposition amendments that I will seek to move puts a floor of a two-year statutory minimum term of imprisonment across all the offences. That replicates the intent of the private members bill that had the support of this house but unfortunately was voted down in the Assembly by the government without them even allowing the bill to be first read, let alone allowing debate to take place in that chamber. That set of amendments to put a two-year minimum term of imprisonment across the new offences would help to send a clear message of deterrence for these five new offences that are being created.

For the two aggravated offences I will also seek to change the maximum term of imprisonment from 20 years to 25 years. I think it is important that those aggravated offences have a higher maximum penalty than the other new offences being created.

The bill also provides for a presumption of accumulation when courts impose sentences of imprisonment for any of the new offences. Offenders charged with any of the new offences will need to show compelling reasons as to why bail should be granted. A person found guilty or convicted of exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving will be subject to mandatory licence cancellation and disqualification provisions, and vehicles used in the commission of these offences can be subject to impoundment and forfeiture under the hoon laws.

It is interesting that the government felt compelled to include in the bill 'a custodial officer or a youth justice custodial worker'. One can only assume, and I will put questions to the Minister for Corrections about this in the committee stage, that 'a custodial officer or a youth justice custodial worker' have been included in these new offences relating to attacks on emergency services workers because of the absolute mayhem we have seen in both the youth justice system and the corrections system. I have a vision in my mind of offenders at the Metropolitan Remand Centre (MRC), at some stage on the afternoon of 30 June 2015 or 1 July 2015, in one of the prison tractors driving at the fence and trying to

knock it over, with chaos and mayhem and a complete loss of authority and control by the corrections people and with the offenders basically running amok through the prison.

Maybe that is the sort of situation that this bill is envisaging for the future, which needs to be captured with this new offence. Or maybe Minister Mikakos was saying to cabinet that they had better put the youth justice workers in there as well because there had been situations where those young offenders up there with their pizza and Coke were throwing rocks at the workers, seeking to attack the workers, while the chaos continued and while millions of dollars of damage was done to taxpayers property that the taxpayer has to pick up the tab for yet again. Maybe that is why these new offences extend to the corrections system and the youth justice system, because under the Andrews government the corrections system and the youth justice system have been an absolute shambles.

Let us not forget that it was the corrections commissioner herself who said that the MRC prison riot was the worst in Victoria's history — the worst ever in Victoria's history. What an absolute disgrace and what an absolute indictment of this government. It will be interesting to see what the court finds next week, after the government, at the start of the two-day committal hearing brought by WorkSafe, pleaded guilty. They pleaded guilty to criminal charges for their negligence in the MRC prison riot. It will be interesting to see what the court finds in relation to that next week.

These are very serious issues that go to the health and wellbeing of our police and other emergency services workers — ambos, fireys, youth justice workers and corrections officers. As I said in my introductory remarks, it is most regrettable that through a breakdown in authority, and in many ways a breakdown in respect, many of those workers have been attacked. We have seen the courts hand down penalties that we would all agree — I think we would all agree — are just not appropriate. At the end of the day the numbers in relation to the attacks on police speak for themselves — from 30 in 2014 to, I think, 117 in the last financial year. This is in addition to the other attacks we have seen, like the one on Constable Ben Ashmole. He is very lucky to be alive after being shot. He still has a number of pellets in his head.

People who commit these sorts of serious crimes against police and others in authority need to feel the full weight of the law, and they need to feel the full weight of that deterrence. They need to be removed from the community for a period of time for the

protection of the community. The police association secretary, Wayne Gatt, said earlier this year:

Legislative amendment is needed now to send the strongest possible message to offenders that if you threaten or assault a police officer, or engage in behaviour like this then you are going to have plenty of time to reflect on it from a prison cell.

The simple reality is that that is not the case at the moment. While this new range of offences goes some way to addressing those concerns, there is no guarantee that offenders found guilty under one of these offences will serve jail time. I think the community would expect that if you rammed a police vehicle or if you attempted to cause harm to police, you would see jail time. That is why I propose to move some amendments.

**Opposition amendments circulated by Mr O'DONOHUE (Eastern Victoria) pursuant to standing orders.**

**Mr O'DONOHUE** — I will commence my concluding remarks by citing the police association media release of 16 June this year, which said that the police association:

... welcome today's announcement by the Victorian opposition that it will introduce a private members bill that would see offenders who ram police vehicles forced to serve time in jail.

That test is not being met in the bill before the house. The release went on to say that these developments came in the wake of another 'disturbing incident overnight where a police divisional van was rammed 12 times in Melton'. It goes on to say:

Make no mistake, the ramming of police vehicles is one of the most serious health and safety issues facing our members. We're seeing this extremely dangerous conduct happening at least twice a week now.

It's nothing short of a miracle that no police officer has yet been seriously injured or killed on the 221 occasions where a police vehicle has been rammed in the past two years, but it's only a matter of time before one of our members becomes a statistic unless something is done about this now.

That sense of urgency in the police association media release of 16 June, which was issued six months ago on behalf of the men and women of Victoria Police, really mirrors the disappointment of the opposition in the government choosing, rather than working together to discuss or negotiate any amendments to my bill and to find a solution, to vote it down. We have lost six months between the time that the opposition's private members bill was introduced to this house and the bill that is before us today — six months during which legislative protection has not been in place for the men and women of Victoria Police, who have been driving

divvy vans to jobs and driving divvy vans down alleys, where another vehicle could have tried to roll through them in order to escape. Police have not had that message of deterrence to back them up; they have not had the legislative protection that they deserve and that they need.

That is one of the biggest disappointments for the opposition. Despite Lisa Neville saying in August that legislation was coming in weeks, it has taken many months. It has come only after concern expressed in the media about the delays and after advocacy from a range of groups, including the police association and the opposition. That is what it has taken for the government to get on and do something, when really, if the government had had this top of mind, they should have been onto it a long time ago.

We welcome the debate that is occurring today. In our view the bill is overly complicated and dilutes the message of deterrence, so we will put amendments to the house to try and partially address those issues, but we welcome any change that will give police the extra legislative protection that they require.

It is interesting to note the way that custodial officers and youth justice workers have been included in this legislation as well. One can only conclude that this is because of the absolute chaos and dysfunction that we have seen under the four corrections ministers so far in the Andrews government and Minister Mikakos herself, who is in the chamber today. There have been unprecedented riots, there has been unprecedented destruction and there has been unprecedented chaos and dysfunction in the youth justice system. With those comments, I look forward to this bill progressing through the second-reading debate and discussing it further during the committee stage.

**Mr ELASMAR** (Northern Metropolitan) (13:42) — I rise to speak to the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. It is critically important to our law enforcement agencies that sworn officers are protected by law while they are in the performance of their duties. Deterrence to criminals who seek to harm officers in their vehicles needs to be implemented as a matter of urgency. It seems that every day we see on the news that yet another police car has been rammed on our streets. We owe the men and women who protect us the security of knowing that these criminals will be dealt with under appropriate legislation.

This bill has been developed in close consultation with the Police Association Victoria, and they have given it their support. The issue of criminals ramming police

cars is a top priority for the government and the police association. These incidents are happening more frequently, and the risk they pose to our hardworking police is unacceptable. As the secretary of the association has said, it is only a matter of time before a police officer is seriously injured or killed in one of these incidents.

The bill also creates the following offences: the aggravated offence of intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, which has a maximum 20-year term of imprisonment; and the aggravated offence of recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, which has a maximum 10-year term of imprisonment.

A statutory two-year minimum term of imprisonment will apply if an adult offender commits the offence of intentionally exposing the safety of an emergency worker to risk by driving and in so doing causes an injury to the emergency worker while they are on duty. There is also an aggravated version of this offence. These statutory minimums will not apply if there are special reasons or if the offender is under 18. These statutory minimums are in line with other provisions in Victorian legislation for the harming of emergency workers.

I know that the opposition are not opposing the legislation and that they have circulated amendments that will be dealt with in committee, but I commend the bill to the house.

**Mr ONDARCHIE** (Northern Metropolitan) (13:46) — I rise today to speak to the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. Let me start by saying: isn't this a little late? In June this year Mr O'Donohue introduced a private members bill to the Legislative Council, the Crimes Amendment (Ramming of Police Vehicles) Bill 2017, which created a specific offence of ramming a police car, with a statutory minimum of two years jail to be served cumulatively. The bill passed here on 9 August 2017, following support from the Australian Conservatives, the Shooters, Fishers and Farmers Party and Vote 1 Local Jobs. Then when it got down to the Legislative Assembly, and after many rammings of police vehicles and much community concern, the government knocked it on the head and said, 'No, we don't need to proceed with this'.

This was despite the fact that a number of police had been hurt as a result of police vehicle rammings. The number of police vehicles being rammed has tripled

under Daniel Andrews, increasing from 30 in 2013–14 to 103 in 2015–16 to more than 115 so far this year. This is not a thing that is confined to just metropolitan Melbourne; it is happening right across the state and underpins the community's concern about the lack of law and order and discipline in this state.

The opposition set about a process to deal with this in June of this year. When legislation found its way after August into the Legislative Assembly the government decided to stop it. There has been a complete lack of leadership from Daniel Andrews on this matter. One suspects it is because it just fits right into his own bullying program. The state opposition wanted to provide a statutory two-year minimum sentence and a 10-year maximum for those who commit the offence of ramming a police vehicle, with any term of imprisonment to be served cumulatively, not concurrently.

What surprised me — well, it shocked me, actually — was the fact that the government then set about stopping that process simply because they said, 'We want to do our own bit of legislation'. The number of police vehicles that have been rammed in Victoria continues to increase. In the 2015–16 financial year 14 police members were hurt as a result of police vehicle ramming. In addition the current crime statistics indicate that for the three years to June 2017 the offence of resist or hinder officer has increased by 179.6 per cent to 9180 offences. The offence of assault police, emergency services or other authorised officer has increased by 13.5 per cent to 3075 offences.

What we see with this increase in offences against police or other important emergency services officers is a sign that the disrespect being shown to police officers amongst members of our community continues to grow. How can you have a safe society when these things are occurring week after week, and then a key bit of legislation introduced six months ago to this Parliament gets knocked on the head by the Andrews Labor government?

But this is Daniel Andrews's way: it is either his way or the highway. We have seen that not only in terms of the response to Victorians but in the response to people in his own party who tend to disagree with him. He plays favourites. If you are not his way, then he is going to do something about it. His former emergency services minister stood up to the bullying in the Country Fire Authority and got sidelined. People who vehemently disagree with Daniel Andrews get sidelined. I suspect, even through some of the legislative votes that we have taken in this chamber over the course of the last three years, if there are members of Labor Party who vote in

favour it is simply because they do not want to upset Daniel Andrews. I think the dialogue in the Australian Labor Party is that to vote against Daniel Andrews is a bad career move.

So why didn't Daniel Andrews proceed with this when it was presented to the Legislative Assembly in August this year? Minister Lisa Neville said on 9 August that the government would introduce their own legislation in relation to the ramming of police vehicles as well as extending it to other emergency services vehicles. Well, the question remains: why did it take three months? Why did it take so long for the government to get on with this? By now, had they agreed to the private members bill introduced by Mr O'Donohue, police members and emergency services workers could already be protected by legislation. The state opposition sent a strong message about what you can expect if you hurt our police people.

The bill before us is very complicated. I think because of the relative changes in the tiering of the offences it sends a confused message. It does, to an extent, improve the current situation, but the penalties therein are very weak. Mr O'Donohue's circulated amendments seek to strengthen this bill. They are designed to make this bill better than the form in which it has been presented. They are designed to make the people of Mernda, of Whittlesea, of Heidelberg West, of Epping, of Mill Park, of Reservoir and all the places in my electorate of Northern Metropolitan Region feel a bit better. The new Mernda police station opened recently, but surprise, surprise — and I know Mr O'Donohue is aware of this — they do not have enough police members to staff it. Police numbers at the Whittlesea police station were going to be driven down, but as a result of the strong advocacy of Ms Lovell, a member of Northern Victoria Region, the police have acknowledged, and now the government have done something about it, that the police numbers at Whittlesea will remain the same, but it is yet to be seen.

**Ms Lovell** interjected.

**Mr ONDARCHIE** — As Ms Lovell cleverly interjects, it is yet to be seen because this mob is all talk. We are waiting to see if the Whittlesea police numbers will be as they suggest. As Mr O'Donohue said in his contribution today about Heidelberg West, this is the very building that prior to the election Daniel Andrews and Ms Mikakos, and Anthony Carbines and Danielle Green — both members of the Assembly — stood outside with their placards saying, 'Open this police station'. They got the local media down there

and made such a hullabaloo about it at the time, but this is the very building they have closed.

When the government announced as a favour to the Heidelberg people that they were going to move the State Emergency Service to Heidelberg West to try and satisfy the people of Northcote during the by-election, gee, did that not work out well for them. On that very day they had a contractor out there ripping down the police signs at Heidelberg West, sending a clear message to the local people, 'We're not going to provide for your safety'. I know that for a fact because Mr O'Donohue and I were there when the contractor was ripping down the signs. The message around the community on that day was, 'What's happening to our police station? Are they never going to reopen this?'. In fact we say to the people of Heidelberg West and slightly beyond, 'No, they're not opening that police station. They're going to bulldoze it. They're going to bulldoze it and create a shed for the state emergency service to house their equipment, as vital as that is, because they were trying to win the Northcote by-election'.

Well, the message is clear, Daniel Andrews. Nobody buys your spin anymore. Nobody buys the rhetoric that you offer to local communities about how much you care about them. In places like Epping and Mill Park, sometimes they cannot get the van out because there are just not enough police people. But if these laws had been introduced as per Mr O'Donohue's private members bill in June of this year, we could well have had some legislation in place to protect police people.

It is no wonder they are nervous to go out at night. It has become a free-for-all in this state, and if they respond quickly to an aggravated burglary or to a raid on a petrol station, in today's Daniel Andrews Victoria there is a better than even chance that they will get rammed as they turn up. It has become frightening for communities; it has become frightening for our police people. I commend Mr O'Donohue's amendments to the house today. We will be looking to prosecute the case for those in the committee stage of this legislation because we want to make Victorians safer, and it seems to me only the Matthew Guy coalition are trying to do that.

**Ms PENNICUIK** (Southern Metropolitan) (13:56) — I rise to speak on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. The bill introduces a number of offences, which include intentionally exposing an emergency worker, custodial officer or youth justice custodial worker to risk by driving, with a maximum 20-year term of imprisonment; recklessly exposing an

emergency worker, custodial officer or youth justice custodial worker to risk by driving, with a 10-year maximum term of imprisonment; and damaging an emergency services vehicle, with a maximum five-year term of imprisonment.

It is worth saying at the outset that ‘emergency worker’ as defined in the bill is the same as ‘emergency worker’ as defined in the Sentencing Act 1991, which includes police protective services officers, police custody officers, ambulance personnel, Metropolitan Fire Brigade fire personnel, Country Fire Authority fire personnel, Victoria State Emergency Service workers, emergency workers, emergency volunteer workers and custodial officers. So in fact the bill includes custodial and youth justice custodial officers specifically.

The bill also introduces aggravated versions of the new offences of intentionally or recklessly exposing an emergency worker, custodial officer or youth justice worker to risk by driving, and includes a statutory two-year minimum term of imprisonment if an adult offender commits the offence of intentionally exposing an emergency worker to risk to their safety by driving and, in so doing, causes an injury to the emergency worker while they are on duty.

It is worth saying that the Greens share the concerns of everyone in the Parliament and in the community that there has been an increase in driving offences such as this bill is aiming at, which is driving a vehicle into a police vehicle, an ambulance, a fire appliance or any other vehicle that is used by the emergency services workers that are covered by the bill, and I just outlined the range of workers that this bill covers. We are concerned for the safety of emergency workers in those circumstances. We find it, as everyone else does, completely unacceptable that people would drive their vehicle into an emergency services worker and an emergency services vehicle in such a way as to wish harm on the occupants and to damage the vehicle as well.

**Business interrupted pursuant to sessional orders.**

### ABSENCE OF MINISTER

**Mr JENNINGS** (Special Minister of State) (14:00) — As a courtesy to the house, I just need to inform the chamber that our colleague Ms Pulford is not in the Parliament today, and I will be taking questions on her behalf.

## QUESTIONS WITHOUT NOTICE

### Serious sex offenders

**Mr O’DONOHUE** (Eastern Victoria) (14:00) — My question is to the Minister for Corrections. Minister, I refer you to the deeply concerning report last week that a serious sex offender residing at Corella Place — a multiple recidivist rapist and stalker — had allegedly been doctor shopping for female GPs and had been able to secure appointments unsupervised and without the female GP knowing she was meeting one on one in a close consultation with a recidivist dangerous sex offender. Minister, how could you allow this totally unacceptable situation to occur not once but on multiple occasions?

**Ms TIERNEY** (Minister for Corrections) (14:01) — I do thank the member for his question and indeed the opportunity to address this issue. On Monday, 4 December, the *Herald Sun* published an article titled ‘Doctor stalker’ regarding a sex offender. While I will not discuss individual cases, it is important to note that the information in this article is not factually correct and is missing pertinent facts. I am advised that the offender you refer to was always accompanied by staff authorised by Corrections Victoria when he left his authorised accommodation. It is most unfortunate that this unsubstantiated information has been disseminated in the media with subsequent commentary causing unnecessary fear in the community.

The Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) is a civil scheme whereby individuals who have completed their sentence are subject to ongoing supervision or detention. Without the scheme they would otherwise be in the community under no supervision. The Supreme or County court determines where the offender is to reside and the conditions placed on them. The court may make a condition requiring an individual to be accompanied when absent from their residence. It is an offence for an offender to fail to comply with a condition of their order, with the maximum penalty the court can impose being five years imprisonment. The SSODSA allows information to be shared with healthcare professionals, including any condition that may relate to the provision of health care.

### *Supplementary question*

**Mr O’DONOHUE** (Eastern Victoria) (14:03) — By way of a supplementary, Minister, you referred to the SSODSA and the scheme, and I ask: was the offender in question under GPS monitoring at the time, and did the offender at any time through his actions and

conduct breach the conditions of his supervision order? If so, have any charges been brought as a result of those breaches?

**The PRESIDENT** — That is getting close to a multiple-choice question.

**Ms TIERNEY** (Minister for Corrections) (14:04) — Again I thank the member for his question, and again I will not be drawn on the particulars of individual cases. The fact of the matter is that there is a suppression order in place, and I will not be making any further comment on this matter.

### **Dhurringile Prison**

**Ms LOVELL** (Northern Victoria) (14:04) — My question is for the Minister for Corrections. Minister, a Dhurringile Prison prisoner recently escaped from the prison, stole a vehicle, undertook further offending by breaking into a supermarket in nearby Murchison and then returned to the prison and went back to sleep without the prison authorities even realising that he had gone. The original escape and return was only realised when this prisoner subsequently attempted to escape again a few days later.

Minister, the Dhurringile Community Action Group was not notified by prison authorities of this second escape, despite a clear protocol and agreement that a text alert will be sent when an escape is known to have occurred. Minister, why were the president, secretary or other members of the alliance not notified that an escaped offender was on the loose?

**Ms TIERNEY** (Minister for Corrections) (14:05) — I thank the member for her question. Any escape is taken extremely seriously by this government and by Corrections Victoria — the safety of the community is of paramount concern at all times. The most recent incident, I believe, is before the court, so I will not prejudice that case by commenting further on it at this time. However —

**Mr O'Donohue** — On a point of order, President, the minister is misleading the house. She said the matter is before the courts. The offender in question has pleaded guilty, and therefore the minister is at liberty to provide a fulsome answer.

**The PRESIDENT** — That is not a point of order as such. The minister might take into account your remarks in completing her answer, but as a point of order it does not stand.

**Ms TIERNEY** — The fact of the matter is that it is still before the courts; there is sentencing that still has to be delivered. In terms of Dhurringile, it is a minimum-security prison and has a level of security that is appropriate for the prisoner profile at that facility. I will not detail exactly what security measures are in place; however, two of the most important measures in determining the profile of a prison are the classification and risk assessment of prisoners accommodated within the facility. Then of course there is the dynamic security function that is undertaken by our prison officers.

In moving to the point that Ms Lovell raised in relation to the notification of security, the fact of the matter is that the community and Corrections Victoria went through a significant round of consultations, and they were driven as a result of a number of escapes from Dhurringile, particularly in the last 18 months of the former government, when Mr O'Donohue was the minister who drove the original consultations on what is needed and what is required in terms of communication with the community.

The fact of the matter is that that protocol was not followed on this occasion. There have been community meetings to go through what has occurred, and there has been a recommitment to the protocols that were agreed to when Mr O'Donohue oversaw a number of escapes at that prison. I am very pleased to report the cooperation that exists with the local community, the advisory group and Corrections Victoria, and I am looking forward to that relationship developing, particularly given there is a new leadership team in place.

### *Supplementary question*

**Ms LOVELL** (Northern Victoria) (14:09) — Minister, following the escape and the prisoner sneaking back in and then escaping again, a security review was ordered by corrections authorities. Now, nearly two months since the review was ordered, I ask: what was the outcome of this review?

**Ms TIERNEY** (Minister for Corrections) (14:09) — I will not comment in terms of the assertions that have been put by Ms Lovell. Those assertions are being tested and have been tested in the courts. The fact of the matter is that there has been a review conducted, and I am not in a position and will not be in a position to provide the details of that review as it potentially will circumvent the security measures for that facility.

**Mr O'Donohue** — On a point of order, President, the opposition would welcome the minister detailing any information that does not compromise the security of the prison. The minister can continue her answer and provide information that is relevant to the question without compromising the security of the prison.

**The PRESIDENT** — That is not a point of order.

**Ordered that answers be considered next day on motion of Ms LOVELL (Northern Victoria).**

### **Victoria Police cost recovery**

**Mr O'DONOHUE** (Eastern Victoria) (14:10) — My question is to the Minister for Corrections, representing the Minister for Police. Minister, the police minister, Lisa Neville, told Melbourne radio on Wednesday that Milo Yiannopoulos's promoters would have to foot the Victoria Police bill, which would be at least \$50 000, despite already paying a prearranged amount. The police minister said billing event organisers for police resources was commonplace; however, it is also rare to double bill, as was the case here. The police minister was more than happy to disclose the value that promoters would have to pay in this instance, so I ask: Minister, can you provide a comprehensive list of all organisations and the amount they were asked to pay for Victoria Police services beyond the value that was already prearranged or prepaid this year?

**Ms TIERNEY** (Minister for Training and Skills) (14:11) — President, is this a question to the Minister for Police?

**The PRESIDENT** — Yes.

**Ms TIERNEY** — Thank you, President, and I thank the member for his question. This obviously is a matter for the police minister. I will refer the matter to the minister, and I am assured that she will provide an answer within the time frames specified in the guidelines.

### *Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) (14:12) — Thank you, Minister, for taking that question on notice. I ask by way of supplementary: Minister, how many times this year have protesters or their associated organisations been invoiced by Victoria Police for cost recovery of police resources as a result of their protests?

**Ms TIERNEY** (Minister for Training and Skills) (14:12) — I thank the member for his question. Obviously that is a question for the Minister for Police, and I will refer that matter to her.

### **TAFE enterprise agreement**

**Mr RAMSAY** (Western Victoria) (14:12) — My question is to the Minister for Training and Skills. On 11 September 2014 you signed the Australian Education Union's TAFE 4 All pledge, promising you would rescue TAFE. However, as all Victorians know, funding has been slashed, courses have been axed and enrolments are down. Later today TAFE teachers will protest out the front of your office, if they can find it, because they believe you have betrayed them. In 2015 your predecessor, Mr Herbert, and the Minister for Industrial Relations said they had brought an end to the dispute and afforded TAFE teachers the respect they deserve. Minister, how has the situation totally unravelled under your watch, or was Minister Hutchins wrong when she claimed the government had ended the dispute?

**Ms TIERNEY** (Minister for Training and Skills) (14:13) — I am assuming the question was about the current negotiations with the Australian Education Union in respect to the multi-enterprise agreement. Is that correct? Enterprise bargaining and multi-enterprise agreements between parties always take time, but can I take this opportunity to pay tribute to the hard work of TAFE teachers. Not only that, I actually want to pay tribute to the resilience of TAFE teachers when it comes to those that are still in the system after what they experienced with you lot. You made sure that courses were cut and that courses were absolutely limited. You made sure that people were sacked, and then so many people left the system because they were so despondent. We have a TAFE system that is being restored after years of being absolutely trashed.

*Honourable members interjecting.*

**Ms TIERNEY** — And you can hear it now. You continue, even three years later. All you want to do is slash and burn and trash TAFE. What have we done? We have done a lot.

*Honourable members interjecting.*

**The PRESIDENT** — The minister, without assistance.

**Ms TIERNEY** — Thank you, President. I have had an opportunity to thank and pay tribute to the resilient TAFE teachers that we have in this system. I have also had an opportunity to remind people about how those opposite slashed and burnt TAFE.

The government are absolutely committed to public education, and I can advise the house that since we have come into office we have committed to over \$650 million worth of purpose-built, targeted investment in the TAFE system to benefit individual students, the industries it services and indeed the economy. This funding is being provided through a number of mutually reinforcing programs to actually build capacity between industry, skills and jobs. It is a three-way connection, which is working very well for us, thank you very much.

We have got the Workforce Training Innovation Fund and the Regional and Specialist Training Fund to bind those issues that are absolutely necessary to get thin markets working in regional Victoria and create the proper innovation that is required in workforces in industry. We have also had the TAFE Rescue Fund package, and that has been going to a number of initiatives around the TAFE system. We have also seen the Community Support Fund, which has been allocated a number of millions of dollars. How much was it?

**Ms Shing** interjected.

**Ms TIERNEY** — It was \$3.1 million to Federation Training that Ms Shing announced only last week. Talk to Mr Gepp; he made announcements at his TAFE last week too. Of course we have reopened Greensborough and Lilydale. We are making sure that we have got a TAFE system that is viable. It is a reform through Skills First, where we have the policy levers in place to make sure that we can uplift TAFE not to the system that we had prior but to a new system that is more flexible, more agile and more responsive to industry and is a place where people are proud to go, proud to get a certificate from and proud to get a job with as well, Mr Ramsay.

I call on those opposite: show me what your policies are in respect to post-school education in this state. You do not have any. All you want to do is trash TAFE — slash and burn TAFE. Nothing has changed. You are the same people that were there three years ago wanting to make sure that you drive TAFE absolutely into the ground.

*Supplementary question*

**Mr RAMSAY** (Western Victoria) (14:18) — I thank the minister for her response. My supplementary question is —

**Mr Dalidakis** interjected.

**Mr RAMSAY** — Are you right, Mr Dalidakis? My supplementary question to the Minister for Training and Skills is: a survey of almost 500 TAFE teachers has found that 85 per cent believe the quality of education at TAFE has been affected by your lack of funding and 75 per cent have considered leaving their job. Since you came to government more than 900 teachers and staff across the TAFE sector have lost their jobs or been moved onto casual contracts. Minister, with the dispute still ongoing and TAFE teachers protesting outside your office today, why did the Andrews Labor government break its election promise that there would be no job losses in TAFE?

**Ms TIERNEY** (Minister for Training and Skills) (14:19) — I thank the member for his question, because the allegation that he made at the end of that diatribe was absolutely laughable. When you look at the number of people that lost their jobs in the TAFE system when you were in government, it was an absolute disgrace. Why was it that there was absolute traction when Labor actually said to TAFE teachers and TAFE students, ‘We’re going to rebuild it’? It was one of the major things that assisted this government in terms of making sure that the community was in lockstep with Labor leading into the last election. We have got a proud history when it comes to public education and TAFE. The reality at the moment is that we are going through multi-enterprise agreement negotiations. There will be claims; there will be counterclaims. That is only natural. But there will be —

**The PRESIDENT** — Thank you, Minister.

**Caulfield–Dandenong line elevated rail**

**Mr DAVIS** (Southern Metropolitan) (14:20) — My question is for the minister representing the Minister for Public Transport, and that is Mr Jennings, I think, today. What is the exclusion zone for workers regarding, firstly, concrete span suspended loads from the straddle carrier operating on CD9, and secondly, whilst those spans are being lowered into place?

**Mr JENNINGS** (Special Minister of State) (14:21) — I thank Mr Davis for his question. I am not quite sure whether he anticipated my reservoir of knowledge that is actually quite detailed in some circumstances to cover the matter that he has raised and

whether he had any expectation that I would be able to answer his substantive question. I am unable to at this point in time, and I will refer that matter to the Minister for Public Transport, who I am sure is in a much better position to be able to advise and provide that answer.

*Supplementary question*

**Mr DAVIS** (Southern Metropolitan) (14:21) — My supplementary is: in the absence of any visible protections, such as crash decks, what protections are in place to protect residents and commuters in the unfortunate event that there is an incident involving a concrete span suspended load whilst the straddle carrier is, firstly, transporting the suspended loads along the rail corridor, and secondly, whilst the straddle carrier is lowering spans immediately adjacent to residents' fence lines and running trains, particularly if a span were to fall off to the side of the undercroft of the straddle carrier?

**Mr JENNINGS** (Special Minister of State) (14:22) — Well, President, I know that the nature of this question brings a smile to your face in relation to how esoteric it might be in relation to an expectation for it to be answered in question time by an acting minister in this regard. But in fact the reason why I am not necessarily sharing that smile is that I understand that Mr Davis will take my inability to answer that question in question time and use it and run with it for as long as he possibly can to add to the degree of anxiety and apprehension in the community, which is his form. That is the political form that Mr Davis brings to Parliament and the community. I understand the legitimacy of the concerns that Mr Davis has. There will be an answer to his questions. I will not be in a position to be able to furnish that, and I want anybody in the community to understand the government respects these issues and will deal with them, but in this question time it is impossible to provide that answer.

**Maritime Union of Australia industrial action**

**Mr ONDARCHIE** (Northern Metropolitan) (14:23) — My question is to the Minister for Small Business. Minister, small businesses in Victoria have been left devastated that hundreds of millions of dollars of Christmas products, supplies, produce and children's Christmas presents have been held up as a result of the union picket of Webb Dock. Minister, what action have you taken to intervene in this ongoing crisis to protect the interests of Victorian small business?

**Mr DALIDAKIS** (Minister for Small Business) (14:23) — I thank the member for their question. I tell you what, there are some things that are as predictable as night and day, and that is Mr Ondarchie asking me a question that has no relevance to my portfolios — no relevance to my portfolios at all. Let me tell you something. In fact Mr Davis might remember this because he was in Parliament in 1996 when the then Kennett government ceded our industrial relations powers in Victoria to the commonwealth. He just said, 'Here, please take them. Take them away'. So let me tell you that unfortunately there is very little that the Victorian government can do at this point, because the federal government has industrial relations powers over the state of Victoria because Jeffrey Gibb Kennett, their idol — their false idol — ceded our industrial relations powers to the commonwealth.

In the wish to, in good faith, provide support to this chamber to understand this issue, what I can tell you — having spoken to the Minister for Ports, where this question probably would have been better directed, or indeed to the Minister for Industrial Relations, to whom this question would have been better directed — is that in fact this government that has no responsibility for industrial relations has nevertheless offered on multiple occasions to assist the parties through Industrial Relations Victoria. As of this point that has not been taken up by the parties concerned.

Instead of grandstanding in this place I suggest that Mr Ondarchie pick up the phone and ring his federal Liberal colleagues in the federal Parliament that have responsibility for Fair Work Australia and industrial relations and speak to them about what they are doing.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) (14:25) — I do note that Jeffrey Kennett was an idol of the minister's when he wrote his parliamentary intern report, but nonetheless. Minister, Joe Tullio, managing director of Australia Fruits, fears he could lose all his money or will have to heavily discount the produce stuck at the dock. Mr Tullio said, and I quote:

It's a bit nerve-racking when it's our money sitting there ...

The pears weren't put on the boat because of the union dispute. We can't even go in and retrieve [our container].

Dominic Jenkin, chief executive officer of the Australian Horticultural Exporters Association, said:

This disrupts the trading relationship and our reputation as Australian exporters.

Russell Zimmerman of the Australian Retailers Association said:

Our concern is that there are retailers who will be waiting for product ... This will disrupt commerce ... at this time of the year.

Minister, given you have not taken any action to intervene in this ongoing crisis, why is the Andrews Labor government continuing to support this disgraceful action of the Maritime Union of Australia and other unions over Victorian communities, Victorian small business and Victorian families and children?

**Mr DALIDAKIS** (Minister for Small Business) (14:26) — As the chamber knows, I do not celebrate Christmas, being Jewish, but I look forward to questions from Mr Ondarchie because it is like Christmas coming every day. Let me tell you again: we have no powers to intervene whatsoever. Mr Ondarchie can come into this chamber and try and grandstand all he likes, but really what does he do? He does not even ring the federal minister who is responsible for Fair Work Australia or indeed for the industrial legislation.

Again, just to be very clear: the government, through Industrial Relations Victoria, has offered on numerous occasions for the parties to participate in mediation through us, and they have not accepted those offers. But that offer from this government remains open to assist the parties to reach an agreement and attain an outcome for all parties.

**The PRESIDENT** — Thank you, Minister.

### Firearm regulation

**Mr BOURMAN** (Eastern Victoria) (14:28) — My question today is for the Minister for Police in the other place represented by Minister Tierney here. The licensing and regulation division of Victoria Police has instituted yet another interpretation of the requirements for a permit to acquire a firearm. Ignoring the fact that for the last 20 years licensing and regulation have been illegally refusing permits to acquire when a licensed and law-abiding shooter wants more than three firearms of the same calibre, it now seems that yet another arbitrary number — 10 this time — has been chosen before a trigger goes off and the licensed and law-abiding shooter has to justify their next purchase to the police. By their own admission, no-one has been refused, so my question is: what exactly is being fixed here?

**Ms TIERNEY** (Minister for Training and Skills) (14:28) — I thank Mr Bourman for his question in relation to what he considers to be an arbitrary number

of firearms allocated to a particular type. I will refer that matter to the Minister for Police, and I am sure that she will respond accordingly.

### Supplementary question

**Mr BOURMAN** (Eastern Victoria) (14:29) — I thank the minister for her answer. My supplementary is: on what basis was the number 11 — being the 11th firearm — of a particular category of firearm chosen to trigger a review?

**Ms TIERNEY** (Minister for Training and Skills) (14:29) — Again I thank the member for his question. Again I will refer that matter to the Minister for Police.

### Regional and rural roads

**Mr PURCELL** (Western Victoria) (14:29) — My question is to Minister Jennings, representing the Minister for Roads and Road Safety. According to VicRoads, the roads in western Victoria are unquestionably the worst in the state. This is not helped when money is wasted, as it currently is being, on the Princes Highway in Heywood by the VicRoads Melbourne head office. I do not think they understand that they are building this road on a natural spring. While I am no expert in road making, I do know that pouring truckload after truckload of expensive road-making stone into a bottomless spring does not work. Therefore I ask the minister: will you give country Victoria a chance to have better roads by splitting the responsibility into city and country by re-establishing the Country Roads Board?

**Mr JENNINGS** (Special Minister of State) (14:30) — I thank Mr Purcell for his question and for the very nice construction of his question. If it is literally true what he described to me as what is happening on that particular road construction, I would share his concerns about the nature of that particular exercise and whether it is likely to achieve a satisfactory outcome now or for a very long time. Probably not if in fact what he describes is the situation.

Without going into the absolute circumstances of the road development in question, I think the nature of his question to me means that I will draw it to the attention of my colleague the Minister for Roads and Road Safety and seek his review of the specific project, number one. Number two, I am certain, through decisions that are made, on the basis of either the way in which VicRoads undertakes its responsibilities on any project or what might be through funding support for additional projects throughout regional Victoria into the future, that Mr Purcell's community and other

communities will actually be looking for confidence and certainty that in fact there will be the appropriate investment in rural and regional roads throughout the state, a fair distribution of it and in fact an equitable distribution of it based upon the conditions of roads and the needs of communities. He quite rightly suggests that his community would warrant some degree of support and attention because of what VicRoads reports about the status of those roads.

I will put to my colleague whether in fact there need to be, beyond the quality of project management, the share of road funding and the instigation of projects to actually support rural communities and other reforms that may or may not be appropriate to be able to provide his community with the confidence that he seeks.

### CityLink tolls

**Ms HARTLAND** (Western Metropolitan) (14:33) — My question is to the Special Minister of State for the Treasurer. There is a clause in the CityLink contract which would allow tolling to end early if it is making super profits, defined as equity return of 17.5 per cent or more per annum. Transurban has claimed that any calculation of equity return would need to take into account an extra \$2 billion spent by the company since CityLink opened. Will the government or will it not be including this \$2 billion in its calculation?

**Mr JENNINGS** (Special Minister of State) (14:33) — I was attempting to concentrate on Ms Hartland's question right to the very end to see whether I could provide her with any immediate satisfaction in relation to that matter, but by the end there were a number of factors that I actually need to take account of. I do not want to mislead you, the Parliament or the community in relation to my response. I will ask the Treasurer to furnish you with an answer.

## QUESTIONS ON NOTICE

### Answers

**Mr JENNINGS** (Special Minister of State) (14:34) — There are 59 written responses to questions on notice: 10 575, 11 711, 11 721–4, 11 820, 11 836, 11 839–40, 11 842, 11 849, 11 852, 11 867–73, 11 875–81, 11 883–9, 11 895–902, 12 265–80, 12 291.

## QUESTIONS WITHOUT NOTICE

### Written responses

**The PRESIDENT** (14:34) — In respect of today's questions, regarding Ms Lovell's question to Ms Tierney, the substantive and supplementary questions, I do note that on the substantive question the minister indicated that some of the information that had been suggested by Ms Lovell was about something that actually did happen in terms of a lack of consultation, but the question was actually why that had broken down. That is why I have put that one there.

Mr O'Donohue's second question to Ms Tierney, the substantive and supplementary questions are for a minister in another place, so that is for written responses in two days. On Mr Davis's question to Mr Jennings, I was quite surprised Mr Jennings was not able to dispatch that today. Nonetheless, the substantive and supplementary questions are subject to two days written response. Mr Bourman's question to Ms Tierney, both the substantive and supplementary questions, two days, involving a minister in another place. Mr Purcell's question to Mr Jennings, two days. Ms Hartland's substantive question to Mr Jennings, also two days.

**Mr O'Donohue** — On a point of order, President, I just seek your guidance further in relation to my first question. The minister in her answer to the substantive question in her initial response spoke specifically about the case that was the subject of the question, spoke specifically about the *Herald Sun* article that was talking about this individual case and then went on to say that she will not talk about the specifics. So she has given to me two irreconcilable positions. On the basis of the initial part of her answer, I would ask that a written response to the substantive and the supplementary be provided.

**The PRESIDENT** — I was giving consideration to this one. Had you not raised it I probably would have let it go. However, what I intend to do on this one, given that you have raised it, is have a discussion with the minister about the suppression order and see what that exactly entails. Then I will reach a conclusion as to whether or not the supplementary question ought to be the subject of a written response. In respect of the substantive question, I am satisfied that the minister answered the question suitably.

**Mr O'Donohue** — Further on the point of order, President, thank you for giving my point of order further consideration. If it helps you further, I am not seeking any details of a personal nature or anything that

identifies the individual in question. I am more just interested in any failure in the process that led to this situation.

**The PRESIDENT** — Yes, except that the matters that you have raised are about constraints that may or may not have been on the offender, so that does actually narrow it down to the individual. In that sense, I am not entirely persuaded that it is a systemic issue but rather, I think, that it is a little bit more defined. Nonetheless, as I said, I will discuss with the minister the suppression order which she has relied on in her answer to you and will determine whether or not I should ask for a further written response.

## CONSTITUENCY QUESTIONS

### Eastern Metropolitan Region

**Ms WOOLDRIDGE** (Eastern Metropolitan) (14:38) — My question is for the Minister for Roads and Road Safety, and I ask: why has little or no construction been carried out on Bolton Street, Eltham, since at least the middle of last week? It is said that WorkSafe has ordered the stoppage. Is that the case, and if so, why, or is there some other reason? Residents have reported widespread inactivity on the 1.6-kilometre road for nearly a week now. In addition, a gas main was recently ruptured, which forced local businesses, which are already struggling with reduced patronage and income, to close for the day. Since then there has been very little construction progress, with only a small handful of workers seen each day. Most if not all of the heavy machinery has been stationary, yet the lane closure, traffic diversions and subsequent congestion in Eltham remain.

To Eltham residents it appears this government is oblivious to the pain that this construction work is causing. Traders on the street argue their income has been cut by up to 40 per cent, yet the government is doing nothing to alleviate their concerns. The government has been remarkably quiet about the lack of construction progress, so I want the minister to tell the public why there has been no work on this very important infrastructure project over the last week.

### Eastern Metropolitan Region

**Ms DUNN** (Eastern Metropolitan) (14:39) — My question is for the Minister for Roads and Road Safety. Constituents in my electorate of Eastern Metropolitan Region have inquired as to why there have only been three drop-in days scheduled for people affected by the north-east link and why the drop-in centres only show marketing information that is readily available on the

website. Can the minister advise whether the North East Link Authority will host more sessions throughout affected areas, including the cities of Boroondara and Whitehorse, and will the north-east link staff be able to provide any meaningful information on the project beyond what is available in the glossy digital handouts already available on the website?

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) (14:39) — My constituency question is for the Premier. Less than two weeks ago Victoria was hit with an extreme weather event. One of the areas most affected was the Shire of Strathbogie in my electorate, which received over 220 millimetres of rain within a 24-hour period. This caused Seven Creeks to flood in and around the township of Euroa. The aftermath of the storm has been profound and many roads and bridges across Strathbogie are severely damaged and needing urgent repair at an estimated cost in excess of \$5 million. The Euroa Butter Factory lost income after being forced to cancel a wedding reception, and every electricity site point at the Euroa caravan park has been destroyed. Strathbogie Shire Council is doing an exceptional job coordinating the recovery process, and I congratulate mayor Amanda McClaren and her team. Will the Premier ensure the government provides adequate financial support to Strathbogie Shire Council to assist flood recovery measures for repair of infrastructure and to assist those people affected by the recent rain event?

### Eastern Victoria Region

**Mr O'DONOHUE** (Eastern Victoria) (14:40) — My constituency question is for the Minister for Police. Recently the coalition committed, if elected at the next election, to build a new police station at Clyde North. The population of that part of the City of Casey is anticipated to grow by another 100 000 people in the coming decades, and there are only three police stations in the City of Casey at the moment. There is a clear case for a new police station and one is needed now. The constituency question I have for the minister is: given that crime in Clyde North is up over 90 per cent since the election of the Andrews government, will the minister match the commitment of the coalition and commit to building a new police station in Clyde North in the interests of community safety for those residents of southern Casey?

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) (14:41) — My constituency question is to the Minister for Roads and Road Safety. The north-west of Melbourne has a traffic

hotspot that the minister may not be aware of, and I am strongly of the view that it is time he was. Every morning the roundabout at the intersection of Sunbury Road and Oaklands Road gives motorists a wonderful opportunity to view planes landing at Tullamarine airport. However, for those wanting to get to work, all it provides is frustration. A steady stream of traffic down both roads leads to gridlock at the intersection and down Sunbury Road right up to the Tullamarine Freeway. It is bad now and will only grow worse with explosive population growth in the immediate area very soon. What plans does the minister have to solve congestion at this intersection and along Sunbury Road?

### Southern Metropolitan Region

**Ms FITZHERBERT** (Southern Metropolitan) (14:42) — My question is for the Minister for Housing, Disability and Ageing in the other place. Prior to the 2014 election the minister, as the member for Albert Park, raised the prospect of the state government, in his words:

... seeking to flog off or privatise ... the management or the ownership of public housing.

In the recent past the minister has campaigned against the sale of public housing but is now presiding over the sale of millions of dollars worth of public housing to private developers through the public housing renewal program. My question to the minister is: will he rule out selling public housing sites in his own seat, Albert Park?

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) (14:43) — My constituency question is to the Minister for Roads and Road Safety. It is in response to a constituent, Juliet Beatty, and the Deans Marsh-Lorne Road safety group, who have been seeking support for legislation to make it mandatory that bicycles are equipped with lights. A letter to the minister earlier in the year by the group indicated that the minister thought there was already legislation in place. However, having had contact with VicRoads, they have confirmed that in fact this is not the case. We know many cyclists are using many of the local roads, particularly around my area of the Bellarine and Surf Coast, and at times it is particularly dangerous having a shared pavement between cyclists and motorists. It is important that cyclists are highly visible and that they do have fitted lights and they are actually being used. My question to the minister is to clarify the current situation in relation to whether there is current legislation making it mandatory for bicycles to have

lights and, if in fact not, to ask that he move towards introducing legislation to the house.

### Eastern Victoria Region

**Ms BATH** (Eastern Victoria) (14:44) — My constituency question is to the Minister for Emergency Services. Authorities forecast Victorians will face elevated fire risk this summer, particularly for the bulk of Eastern Victoria Region. Now more than ever citizens of this state will rely on the skill, the courage and the dedication of our volunteers, particularly our local Country Fire Authority (CFA) brigades, to respond to action. Many of my constituents are frustrated with the lack of respect that the Andrews Labor government consistently displays to our volunteers. Many of the locals feel abandoned. The Victorian Equal Opportunity and Human Rights Commission report into bullying in the CFA and Metropolitan Fire Brigade has been stymied in the Supreme Court for months by Mr Marshall and the United Firefighters Union while Mr Andrews does nothing. Will the minister, the Premier and the government value the volunteers and write immediately as a matter of urgency to ask Mr Marshall to withdraw the legal action and allow the truth to come out?

### Western Victoria Region

**Mr MORRIS** (Western Victoria) (14:45) — My question is for the Minister for Planning, and it relates to the land at the Ballarat West employment zone (BWEZ) that has been set aside to be a waste-to-energy facility. The Ballarat council have been working for a number of years now to see that a waste-to-energy facility comes to fruition at the Ballarat West employment zone, and they are quite well progressed in their planning for this to occur. However, what is holding them back at the moment is the fact that Development Victoria has not yet released the land at BWEZ for the facility to come to fruition. The question that I ask the minister is: will the minister ensure that Development Victoria expeditiously releases the land at the Ballarat West employment zone to facilitate the waste-to-energy facility that is to be placed there?

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) (14:46) — My constituency question is for the attention of the Minister for Roads and Road Safety, and it concerns the announcements today concerning the western road that the government seeks to build and partially build with the extension of CityLink tolls for a decade or more. What I seek from the minister is for him to indicate how many billions of dollars residents in the

municipalities that I represent, particularly Whitehorse, Boroondara, Stonnington, Kingston and Glen Eira, will be required to pay. It is likely that the government has some modelling on this, and I ask: will he release that modelling and will he explain to the residents of those municipalities in my electorate how much more they will pay over the years of the CityLink deed extension?

**CRIMES LEGISLATION AMENDMENT  
(PROTECTION OF EMERGENCY  
WORKERS AND OTHERS) BILL 2017**

*Second reading*

**Debate resumed.**

**Ms PENNICUIK** (Southern Metropolitan) (14:47) — As I was saying before question time, the Greens share the concerns of everyone in the Parliament and the community at the increase in the number of driving incidents involving police vehicles and police and emergency services workers, as I mentioned earlier, as defined under the bill. I understand that a number of police have been injured in these incidents, and that is very concerning. I spoke on that very issue in response to the bill that was introduced earlier this year by Mr O'Donohue.

Could I take the opportunity, as I do every time we are dealing with a bill that concerns the police, to put on record my thanks to the police and in this case protective services officers, police custody officers, ambulance personnel, paramedics, Metropolitan Fire Brigade personnel, Country Fire Authority personnel and Victoria State Emergency Service personnel, all of whom are covered by this bill, for the difficult work they do on many occasions on behalf of the people of Victoria.

As I was saying, the bill puts in place basically driving offences. The offences in many ways duplicate existing offences in the Crimes Act 1958. The bill will insert new sections into the Crimes Act under, in particular, section 317, adding more subsections to that section of the Crimes Act. But as I have said on many occasions when the government has introduced very specific offences that in fact duplicate already existing offences in the Crimes Act, the Greens have concerns about this duplication of offences in the Crimes Act and in the Sentencing Act 1991.

I must say at the outset that it is already a crime to drive a vehicle into another vehicle. It is not as if the passing of this bill will make something a crime that hitherto has not been a crime. It is already a crime under the Crimes Act to do such a thing. We already have two

sections of that act which comprehensively cover the offences that this bill is trying to bring into effect to cover certain classes of people — those collectively called emergency services workers. Under the Crimes Act we already have section 318(1), headed 'Culpable driving causing death', which says:

Any person who by the culpable driving of a motor vehicle causes the death of another person shall be guilty of an indictable offence and shall be liable to level 3 imprisonment (20 years maximum) or a level 3 fine or both.

I note that the level 3 penalty is similar to the penalty for the new offence being brought in by this bill, which is intentionally exposing an emergency worker to risk by driving.

Section 318(2) of the Crimes Act states:

For the purposes of subsection (1) a person drives a motor vehicle culpably if he drives the motor vehicle—

- (a) recklessly, that is to say, if he consciously and unjustifiably disregards a substantial risk that the death of another person or the infliction of grievous bodily harm upon another person may result ...
- (b) negligently, that is to say, if he fails unjustifiably and to a gross degree to observe the standard of care which a reasonable man would have observed in all the circumstances of the case ...

I add, President, that I am paraphrasing the next subsections: (c) under the influence of alcohol or (d) under the influence of a drug.

Section 318(2A) states:

- (a) a person drove a motor vehicle when fatigued to such an extent that he or she knew, or ought to have known, that there was an appreciable risk of ... losing control of the vehicle; and
- (b) by so driving the motor vehicle the person failed unjustifiably and to a gross degree to observe the standard of care which a reasonable person would have observed in all the circumstances of the case.

I have read out that section of the act to show that it is comprehensive and already covers anything that would fall under the specific offences that are being introduced by this bill just to cover emergency services workers. Also, under section 319 of the act, headed 'Dangerous driving causing death or serious injury', it states:

- (1) A person who, by driving a motor vehicle at a speed or in a manner that is dangerous to the public having regard to all the circumstances of the case, causes the death of another person is guilty of an indictable offence and liable to level 5 imprisonment (10 years maximum).

I note that that is the same penalty that is being introduced with the offence under this bill of recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving. Also under that section of the act it states:

(1A) A person who, by driving a motor vehicle at a speed or in a manner that is dangerous to the public having regard to all the circumstances of the case, causes serious injury to another person is guilty of an indictable offence and liable to level 6 imprisonment (5 years maximum).

In terms of section 319 of the Crimes Act, there is a distinction between causing death and causing a serious injury in terms of the maximum penalty.

As I said, this bill also introduces a two-year statutory minimum level of imprisonment if the offender commits the offence of intentionally exposing an emergency worker to risk to safety by driving and in so doing causes an injury to the emergency worker while they are on duty. The Greens have always opposed mandatory minimum sentences being included in the Sentencing Act because we believe that act already provides very comprehensive sentencing guidelines to the courts on what needs to be taken into account in sentencing an offender. The court already needs to take into account current sentencing practice, sentencing guidelines, the maximum sentence, the circumstances of the case and whether there are aggravating or mitigating circumstances.

One of those circumstances in section 10AA of the Sentencing Act is whether the person had a particular motivation to engage in that offence against a particular class of person. That class of person could, for example, be an emergency worker. The court already has, in my view, under sections 318 and 319 of the Crimes Act, under section 10AA of the Sentencing Act and under the sentencing guidelines, the capacity to deal with anybody who intentionally drives a vehicle into an emergency services vehicle and would take into account the factors surrounding that offence when sentencing.

The Greens also believe it is very important to maintain judicial discretion with regard to sentencing and not to put into the statute book minimum mandatory sentencing, which we have seen quite a number of times over the past few years. This is causing problems in the courts, in particular because I think it starts with the police having to choose between a range of similar offences, some of which have minimum mandatory sentences applied to them and some which do not. The police then have to choose between particular offences an offender is going to be charged with, and then when it gets to the courts there is a problem of offenders not

pleading guilty if there is a minimum mandatory sentence attached.

I have raised these points many times before; it is also possible that they have been raised by those in the legal profession. I am sure everyone here is aware of unjust sentences being imposed in terms of minimum mandatory sentencing that would not be imposed if the judiciary was allowed full discretion.

During the debate on Mr O'Donohue's bill earlier in the year, the Crimes Amendment (Ramming of Police Vehicles) Bill 2017, I pointed out that for the particular offences for which a minimum mandatory sentence of two years was to be imposed by that bill the history of sentencing by the courts was already in that ballpark so it was not even necessary.

The other issue I would like to raise is that, as concerning and serious as it is for any offender to intentionally ram an emergency service vehicle, it is also a very serious matter for a person to ram any vehicle in which there is another person. I bring forward the example of, say, a domestic or family violence case whereby a partner may intentionally drive their vehicle into the vehicle of their partner and cause either the death or serious injury of their partner. It could be the case in that particular example that children may be in the car as well.

Under the Crimes Act at the moment, as it stands, the court would be able to — and may — decide that that was a far more serious offence than a similar offence that may be being heard in the court on the same day or in the same week, whereby an offender drove a car into an emergency services vehicle, and in fact impose a higher sentence on the person who drove their vehicle into the vehicle of their partner, with children involved.

The point I am making here is that it should be up to the courts to take into account all the circumstances of a particular case, which they can already do under the Crimes Act 1958, and the existing offences under that act have been able to cover these offences for years. We do not need new offences. As I have said, the new offences attract the exact same maximum penalty but also include mandatory minimum sentences. We do not need these new offences because it is already an offence to drive a vehicle in such a way as to be reckless or negligent as to the safety of others. The activity, or the offence, that the government is trying to address here can already be addressed under the Crimes Act.

We have concerns with these types of bills that come forward from time to time and are now clogging up the

statute books with unnecessary offences, for which there already are offences, with mandatory minimum sentencing, which does not work, which is having adverse effects on the courts and which is against the interests of justice, so the Greens will not be supporting this bill.

Mr O'Donohue circulated some amendments which go to removing some phrases from some of the offences with regard to, in particular, custodial officers and youth justice custodial officers and which also increase the maximum for the offences that I have been discussing. As I have pointed out, the offences the bill introduces are equal to existing offences under the Crimes Act, so we will not be supporting the proposed increases put forward in the amendments that Mr O'Donohue has circulated, nor will we be supporting the bill.

**Mr GEPP** (Northern Victoria) (15:02) — I rise to speak on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. I start from the position, like everybody, that I think we would rather that we were not speaking about these sorts of things — that there was not a need for us to address clearly escalating violence against not only the good members of the Victoria Police force but also of course many other emergency services workers. It does not particularly give us any pleasure that we have to rise to speak on such matters, but nonetheless these are things that are occurring out there in our community and do require our attention.

Much has been made already in earlier contributions about the announcement on 9 August by the Minister for Police in the other place that we would be developing new laws to address police harm incidents in particular. Some weeks ago Mr O'Donohue put forward a private members bill on police vehicle ramming. We said at the time that we did not support that for a variety of reasons, particularly because we felt that the package that was being put forward was not a comprehensive one. It did not offer the protections that people would be seeking through the provisions of such a bill, and it was light on in terms of providing sufficient definitions for courts and other places to be able to deal with this.

We have taken some time to put together the current suite of measures before the house, and that has been done with Victoria Police (VicPol) and the Police Association Victoria. So all of the things we are talking about contained in this bill have been done in consultation with the people representing those officers that are on our front line. As every other speaker has said, we too in the Andrews Labor government are

very, very appreciative of the work that our emergency services workers perform, particularly VicPol. They regularly put themselves in harm's way, and it behoves us to create the best environment we possibly can and to provide them with any support that we can when they are carrying out their duties.

We are equally appalled by the increase in car ramming against our police officers. It is not just our police officers of course — it is also other emergency services workers — but it is particularly our police officers. This bill seeks to address that thing that is going on out there in our community. I quote from Minister for Police's second-reading speech:

Violence towards police and emergency workers in the line of duty is unacceptable and will not be tolerated —

and can never be tolerated. It goes on to say:

These reforms —

that the government is offering —

reflect the government's commitment to cracking down on offenders who harm, or seek to harm, a police officer or emergency worker.

Through the design of these offences and penalties the government's expectation and intention is clear — charges for the offences of exposing an emergency worker to risk offence and the damage to an emergency services vehicle charges can and should (where appropriate) be laid and prosecuted simultaneously, thereby requiring the imposition of a custodial sentence.

I want to take up a couple of things that Ms Pennicuik referred to with regard to the penalties that this bill goes to, and we make no apologies for the increased penalties that we are seeking to impose through this bill. Whilst there may be parts of the acts that this bill amends that include the measures that Ms Pennicuik referred to, they do not go far enough. The purpose of many of the sections of this bill is to provide for specific situations where it is reasonable that a person would know and understand exactly what they are doing.

When we talk about intentionally exposing an emergency services worker, a custodial officer or a youth justice custodial worker to risk by driving, we believe that this bill gives far greater detail and definition to assist officers and the courts in dealing with these matters. We also provide greater explanation about the crime of recklessly exposing an emergency services worker, a custodial officer or a youth justice custodial worker to risk by driving and the crime of damaging an emergency services vehicle. We believe that Mr O'Donohue's bill of earlier this year was deficient in terms of a couple of those matters and that

this bill will give greater strength to our legislation in those circumstances.

It will also create an environment for dealing with aggravated offences. These offences include intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving. This offence has a maximum term of 20 years imprisonment. There is also an aggravated offence of recklessly exposing an emergency services worker, a custodial officer or a youth justice custodial worker to risk by driving, which has a maximum penalty of 10 years imprisonment. The bill provides for a statutory two-year minimum term of imprisonment if an adult offender commits the offence of intentionally exposing an emergency services worker to a risk to safety by driving and in doing so causes an injury to the worker while they are on duty. These statutory minimums will not apply if there are special reasons or if the offender is under 18. These statutory minimums are in line with other provisions for harming emergency services workers in Victorian legislation.

In summary, we believe that these measures strengthen the penalties in current legislation. I am sure everybody in this chamber wishes that we were not dealing with incidents of car ramming of our emergency services workers, but it is clear that the environment is changing and changing very rapidly, and it behoves us to address these incidents. We have done that in collaboration with Victoria Police and the police association. They are very supportive of the measures contained within this bill, and I commend the bill to the house.

**Mr MORRIS** (Western Victoria) (15:11) — I rise to make a contribution on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. I am sorry that this bill has come before this house so late in the piece. It is unfortunate that it has taken until the last sitting week of 2017 for this bill to be debated in this chamber, and this work could have been done in a more fulsome way if the government had chosen to support the bill that was introduced by Mr O'Donohue.

Everyone in this house recognises that there has been a massive increase in the number of police car rammings in our community. That is a shameful fact. One of the aspects of the crime tsunami that we are seeing in Victoria is a breakdown in respect for the hardworking men and women of the Victoria Police force by elements of the community. Unfortunately some criminal elements in our community have taken it upon themselves to ram police cars as a way of trying to evade capture and get away from police.

Unfortunately this has occurred all too regularly in Ballarat. In 2017 in Ballarat alone, a city of about 100 000 people, there have been five separate incidents of police car rammings. It is very unfortunate that it is a very regular occurrence that the police air wing is in the skies above Ballarat, trying to track down offenders who have rammed police cars. On 13 March this year a police car was rammed in Ballarat. On 24 May, at about 2.30 a.m., a police car was rammed in Golden Point. On 6 June a police sergeant was injured in Black Hill when his police car was rammed by an offender driving a ute. On 15 July a stolen Hyundai rammed a police car in central Ballarat. Then on 9 October a police car was rammed when its driver attended a home in Redan. These police car rammings have placed the hardworking men and women of Victoria Police at risk, and it is entirely unacceptable that this has occurred.

There has been a massive increase — a massive spike — in the number of police car rammings in Victoria, from 44 in 2015 to 190 in 2016 and 78 in just the first six months of this year. It is entirely unacceptable that this has occurred. That is why I congratulate Mr O'Donohue for recognising what has occurred and introducing his private members bill on this issue. It is shameful that the government did not support his legislation when it was introduced.

It is not just the Liberal and National parties that have recognised the need for this legislation. The Police Association Victoria has also been a very strong advocate for legislation to protect police. I note that a media release dated 16 June 2017 from the Police Association Victoria states:

The police association has welcomed today's announcement by the Victorian opposition that it will introduce a private members bill that would see offenders who ram police vehicles forced to serve time in jail.

I think this is one of the stark differences between the bill Mr O'Donohue presented to this house and the one that we are debating today — that is, under our plan offenders who ram police cars will go to jail and there will be a mandatory sentence that those offenders must serve; however, under the government's plan they might go to jail. There is a weakening of that provision under the government's law, which could see people who ram police cars not go to jail. I think we need to be sending a very strong message that if you choose to place a police officer's life in danger, there is a rolled-gold guarantee that you are going to go to jail. That is something that many in the community I speak to have expressed a desire for. Unfortunately what we are seeing through this legislation is just another soft-on-crime approach from the Andrews Labor government. It is a hallmark of this government, I

believe, and many in the community understand that as well.

The media release from the police association dated 16 June goes on to say:

Make no mistake, the ramming of police vehicles is one of the most serious health and safety issues facing our members. We're seeing this extremely dangerous conduct happening at least twice a week now.

Another media release from the police association, dated 8 August, states:

We look forward to returning to a time when the term 'police ramming' was cause for shock and disbelief, not a headline in the newspaper every three days.

Unfortunately that is what we are seeing under the Andrews government. We are seeing the promotion by this government of a lack of respect for our police men and women. One of the very first acts of this government was to wind back the move-on laws. By doing so this government sent a very strong message to criminal elements of our community that they have got free rein, that it is up to them. Indeed just in the actions we are seeing at Webb Dock at the moment, some of the actions that are being sanctioned and condoned by the Andrews government are again just a green light to criminals to do as they please in our community.

There are good men and women in our community who are sick and tired of this approach and are calling upon the government to do their job and protect their community. I have often said in this place that the first and most important job of any government is to protect members of the community. If you are failing at that, you are failing the first and most important test of any government, and that is to ensure the safety of everyone in the community.

Whilst this legislation is not as efficient and strong as the legislation introduced by Mr O'Donohue, it does at least go some way to protecting the community and sending a message to criminals that the ramming of police cars is not something that will be tolerated in the community. What we are seeing here once again is the government fixing a problem of their own making. When you go soft on criminals, when you give the criminals an inch, they are going to take a mile, and that is what we have seen from criminal elements in our community. They have seen the green light being given by Daniel Andrews, and they have taken full advantage of that in doing what they have done.

Respect for our police men and women is one of the cornerstones of our community and our society. Without respect for that thin blue line, which is our

Victoria Police, we as a society are much poorer — we are much, much poorer — so it is critical that when our police men and women are doing the very difficult job they are, they are afforded every protection they need. They have a tough job to do. One of the things that I continually hear and certainly see written in the papers is that the police are time and time again picking up the same people who choose to break the law. Under this government the same people that choose to break the law are continually being granted bail and given parole early, and they are making full use of that by once again going and breaking the law.

The revolving-door nature of our court system at the moment is something that most in our community are completely aghast about. When I speak to the average person about how they feel the law and order system is going in Victoria at the moment, the first thing they say is that the police do a good job under the circumstances. When you go and delve into what those circumstances are, the concerns the community have are about the fact that the types of sentences and the provisions of our courts in handing out deterrents to criminals are not in line with community expectations. Time and time again we will see some of the most despicable crimes perpetrated in our communities. The police do an exceptional job in getting the offenders before the courts and charging them with such offences, but when they are there they get found guilty and they get a slap on the wrist and sent back into the community.

There was recent incident in which a judge described the family violence that a woman in Ballarat was subjected to as some of the most abhorrent behaviour that they had ever seen described in their court. The punishment for this behaviour, the most abhorrent this judge had ever seen, was a non-custodial sentence. When we have offenders committing such crimes and not being given the types of sentences that are required to send a deterrent message to others in the community, this is what we are going to get — we are going to get a free-for-all. We are going to get police car rammings, we are going to get carjackings, we are going to get home invasions, we are going to again see more graffiti on the street and we are going to see antisocial behaviour in public areas. This is what happens when we allow the law and order to break down in our community. It is happening before our eyes right here at the moment.

That is something that I look forward to seeing redressed under a Guy government post 24 November 2018 — the state election cannot come quickly enough for many Victorians — when we will have a government that Victoria deserves rather than this imitation government we have at the moment that is

refusing to keep our community safe. The most important job of any government is to do so.

I also note that Mr O'Donohue has proposed amendments. I certainly do say that these amendments strengthen this bill, because they do provide for that minimum mandatory sentence. There was a recent report in the media about maximum sentences. Maximum sentences in Victoria at the moment are a bit like unicorns. They are there, but they are not used. Nobody sees them because they are not utilised.

**Mr Finn** interjected.

**Mr MORRIS** — Unicorns indeed, Mr Finn. We need to ensure that if you commit a crime, there is going to be a deterrent for that crime.

**Mr Dalidakis** interjected.

**Mr MORRIS** — You are not in your place, Minister.

It is important if you do commit a crime, that crime has the appropriate sanction. A two-year mandatory minimum for ramming a police car I think is certainly in line with community expectation. It provides that certainty to police men and women that if someone chooses to ram their police car, that person will not be doing it again for at least the next two years because they will be going to jail. They will have in the order of 700 days to think about what they have done and why it is that they are not going to do it again. I do certainly commend Mr O'Donohue's amendments. I commend him for fixing up the government's shoddy work. This could have been done months ago.

**Mr Finn** — Should have been.

**Mr MORRIS** — It should have been done months ago because the minister made the commitment that this would be done in weeks. Well, that was 18 weeks ago.

**Mr O'Donohue** — Eighteen weeks ago?

**Mr MORRIS** — Eighteen weeks ago. Eighteen weeks ago the minister said that, a total —

**Mr Finn** — That'd be more than four months ago.

**Mr MORRIS** — Indeed. A total of 126 days ago — 126 days ago the minister said that.

**Mr Finn** — Has she not told the truth?

**Mr MORRIS** — I do fear that the minister has not told the truth entirely, because we have not had the

minister keep her word to the community. She said that this would be done in weeks. Eighteen weeks later I am standing here debating this bill.

I do look forward to seeing Mr O'Donohue's amendments being supported by this house to strengthen this bill. I do welcome the protections for police men and women, and I just wanted to thank all Victoria Police men and women for the very important work they do.

**Mr FINN** (Western Metropolitan) (15:26) — Thank you, acting Deputy President. We are going through that again, are we? Acting Deputy President, thank you very much — give him the title and pay him, for God's sake. That is what I say.

I rise to speak on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. Whilst this bill does go some way toward alleviating the concerns that many of us have with regard to the protection of police and emergency services workers, it is clearly not everything that we would desire. You have got to ask: if the government is so serious about protecting police in this state, why it did not support Mr O'Donohue's bill back in June, and —

**Mr Gepp** — Because it was deficient.

**Mr FINN** — It was not deficient, Mr Gepp. It was not. What is deficient is the government. What is deficient is the Minister for Police. That is what is deficient, and that is very sad.

**Mr Morris** interjected.

**Mr FINN** — As Mr Morris just pointed out, some four and a half months ago —

**Mr Morris** — One hundred and twenty-six days.

**Mr FINN** — One hundred and twenty-six days, was it? I will go with four and a half months anyway. Some four and a half months ago the Minister for Police said this matter would be coming to the house soon. Well, here we are in the last sitting week before Christmas and they are trying to cram it in before we all head off to see Santa. What a pathetic government! What a pathetic government that we have. Sadly it just reflects the attitude that this government has towards law and order and indeed any form of authority, because you have got to realise that the people who are in our government are controlled by the same people who are down on the wharves at the moment beating up on the police and beating up on anybody else who wanders past who might disagree with them. They are the ones

who control this government, so it is not surprising that the government has no respect for law and order and has no respect for the rule of law, and that is something that comes to us time and time and time again.

Quite frankly, it is time. It is well and truly time. I will use that term, and I know that members opposite will appreciate it. It is time the Labor Party got its act together in this regard. It is time the Labor Party showed some respect for law and order and indeed showed some respect for our police.

One thing that we have to point out in this debate is that an assault on a police officer is an assault on us all. It is an assault on every single one of us. It is something that we cannot tolerate. Unfortunately in this so-called tolerant society that we live in we seem to tolerate all the wrong things, and unfortunately assaulting police officers and showing disrespect for police officers are things that we do tolerate far too easily. I see on television from time to time police being spat on and having objects thrown at them at demonstrations by unions and indeed by ferals from the extreme left and so forth, and the police are expected to put up with that. I do not believe that they should have to put up with that. I think if you show that degree of disrespect for a police officer, if you spit at a police officer, if you throw an object at a police officer, you should be in the back of the divvy van. That is where you should be. And you should be before the courts, you should be charged and indeed you should be jailed. That is my starting point. If we do not have a system that respects those who are protecting us, then the system is not going to work. It is as simple as that.

Unfortunately we have a government in this state that is soft on crime. It is soft on crime and it shows that every day with its attitudes. It does not support our police. Well, it does — it is coming up to that time in the cycle when it does support the police because there is an election coming. There is an election coming and this is the time that the Labor Party discovers the police. It discovers law and order. On this side of the house, in the coalition, we talk about law and order, we talk about police and we talk about victims' rights 365 days a year. We talk about it constantly. But over on the other side, the only time we hear about it from the Labor Party is when there is an election in the air.

Of course we never hear about it from the Greens. Do not worry about that. Law and order is something to be overthrown as far as the Greens are concerned.

I think what has happened with this government is the attitude that it has presented over the entirety of its three years in office has filtered down to some very

unfortunate sections of the community. They are saying to themselves, 'If we have a government that doesn't respect the police, if we have a government that doesn't respect law and order, if we have a government that doesn't respect authority, why should we?'

I see the hoons that the police are having to face up to almost on a nightly basis. I see people who are committing heinous crimes, again almost on a daily basis. They see no reason to respect the police if the government does not. The government has to realise that it has a very important role, not just in legislating but in dictating attitudes and sending messages out to the community. Unfortunately on this occasion it has sent the totally wrong message out to the community, and that has been heard and acted upon.

I have long been a supporter of providing both the resources and perhaps more importantly the authority for police to do their job. It is obvious that police cars, weapons, handcuffs and all of those sorts of things are needed by police; that just goes without saying. I support the police, and I think the Police Association Victoria in fact has a very important role to play in providing support for its members. I do not know if anybody was listening to 3AW on Sunday morning.

**Mr O'Donohue** — I was, actually.

**Mr FINN** — Were you listening? It wasn't bad, was it? On that occasion I had the opportunity to interview Wayne Gatt, the secretary of the police association, and he expressed his view as to what should be happening with regard to the resources that he believes police officers on the beat should receive. I was very happy to support him on that occasion and expressed a view —

**An honourable member** interjected.

**Mr FINN** — I did say that. I said the police association is one of the very few unions that is actually worthwhile. Do you know why? It is because the police association actually looks after its members. It does not play politics; it is not busy worrying about preselections and who is going to go into which seat and all that sort of thing.

**Mr O'Sullivan** interjected.

**Mr FINN** — What the police association is concerned about is, as Mr O'Sullivan says, actually doing its job — looking after the members. If only we had a trade union movement across the board that was doing that — that was looking after its members — instead of doing dirty deals behind the scenes that Bill Shorten was once caught out doing and so many others have been caught out doing as well. What a pity

Mr Melhem is not in the chamber at the moment to tell us about that.

To get back to the bill, the police association does a very good job. Occasionally of course there will be disagreements, but by and large I think it does a sensational job. It is to be commended on the role that it plays in providing support for its members, support for the rule of law and support for law and order in this state. I said it on radio on Sunday and I will say it again in this house today: it is one of the very few trade unions that I actually have any time for, and I wish we had a few more like it. I wish we had a few more unions that actually cared about their members the way the police association does. You do not see anybody in the police association going interstate with a credit card and hopping into bed with a roomful of hookers. You do not see that with the police association, but you do see it with a good number of other unions. That seems to be the way they operate, and I thank the Lord that the police association does not. I can safely say that I am sure they would never ever do that.

As I said, we need to provide the necessary resources to our police; that is extraordinarily important. But we also need to provide them with the authority to do their job, and unfortunately what this government has failed to do is to give the police the authority. We have seen instances of that even this year — major instances. I do not want to go into areas that are currently under coronial investigation or about to be, but we have seen instances around the place over the last year or two where the police have not acted because they have been unsure as to whether they have the authority to do what they know they should do. That is something that disturbs me enormously, not only for those police officers involved but for the community, because the community is not being fully protected as it should be by those police who know they should act but have to kneel to the politically correct command that we have seen return to Victoria Police over the last couple of years, which is rather sad.

This bill is an important bill. It does not go as far as I would like, but it is an important bill, and as an important bill you would have to ask one question: why does it commence on 31 October 2018? That is 11 months away. The minister was saying four and a half months ago that she was going to bring this bill to the Parliament imminently. Here we are, four and a half months later, and we have finally got there, and now she is adding another 11 months to the period before the bill will actually commence. Why would the government and why would the minister not be providing the sort of support that this bill provides on a much faster scale?

We have seen in recent times that when the government wants to the government can get anything through Parliament — sitting night and day, sitting 24 hours a day if they want to. They can get anything through. They can bully their way through, and we have seen them do that. If they have done that on other pieces of legislation, what message does it give Victoria Police and the Victorian community when this bill has taken four and a half months to get to this point and will not actually commence until the end of October next year?

I think it is very clear what the government's view is of the police in this state, and I think it is a disgrace, quite frankly. I think it is disgraceful, and I think anybody who has respect for law and order and who has respect for police in this state would never consider supporting a government that has such little regard for those who protect us on a daily basis.

The men and women who are out there every day are people I respect totally and absolutely. They put their lives on the line. When they say goodbye to their husbands, wives, partners or whatever in the morning or in the evening when they go off to work, they are not sure whether they are going to come back. Most of us are pretty sure we will come back alive, but they never are. They are true heroes.

As far as I am concerned my view of anybody who shows them disrespect, anybody who assaults them, anybody who rams their police cars — as has been mentioned here today, and as we have seen in the media over so many months now, the ramming of police cars has become quite an epidemic in this state — or anybody who involves themselves in anything like that is very, very clear: lock them up. Put them in jail. They have forfeited the right to walk among us. They need to be sent a message. The community needs that message to be reinforced with every single individual. Whilst I support this bill, I really wish it was much, much stronger so that indeed we could lock them up.

**Mr RAMSAY** (Western Victoria) (15:41) — I wish to make a small contribution to the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. In doing so I also want to tailor my remarks firstly to endorse the comments of other contributors on this side regarding the work that Mr O'Donohue did in bringing forward a similar piece of legislation many, many months earlier as a private members bill in response to a threefold increase in the ramming of police cars across the state of Victoria. It was an appropriate time, with the support of the Police Association, that Mr O'Donohue did that. The community was clearly saying that they wanted an

appropriate punishment for those that, as Mr Finn has said, have shown over this term of the Andrews government total disrespect for law and order.

I hark back to my days as a young child: I would not have blasphemed in front of a policeman or policewoman or shown any sort of disrespect to them, far less actually and intentionally create havoc, intentionally ram a police car or have any sort of violent response to our police force. We are in a different world now, obviously, and it appears that many of our would-be criminals do not have the respect that I did as a child for law and order or for our lawmakers or law enforcers.

This bill partly goes to redressing some of the issues in respect of the ramming of police cars. I note that the government has seen fit to broaden what was a private members bill by Mr O'Donohue to include a range of emergency service vehicles and emergency workers along with youth justice and custodial workers as well.

While I am talking about emergency services I would like to acknowledge the fact that there is a significant fire at Dereel at the moment, where a Country Fire Authority tanker has been burnt. Many, many of our volunteer firefighters are engaged in responding to this quite significant fire threat to Dereel. Certainly our hearts and prayers go out for the safety of those on the fireground, particularly the community at Dereel, who I might add, each year face a significant fire threat. Unfortunately they always have problems associated with communication in that particular area, where the mobile network is not good. I do remember Denis Napthine, when he was Premier, committing to improving mobile coverage in that area, but nevertheless, even as years go on, that community is still finding difficulty in getting good, reliable communication networks. So not only do they face that problem, but they face significant fires each year. I note today that unfortunately as we speak there is a significant grassfire facing that community.

Getting back to the bill, it amends the Crimes Act 1958 to insert new offences relating to the creation of risk to emergency workers on duty, as I have said, and certain other persons, and damaging emergency services vehicles, by driving. It also amends the Sentencing Act 1991 to make provisions in relation to sentencing for the offences, the Bail Act 1977 to make provisions in relation to granting bail for the offences and the Road Safety Act 1986 to provide for the impoundment, immobilisation and forfeiture of vehicles used in the commission of the offences.

The bill also introduces new offences: intentionally exposing an emergency worker, a custodial worker or a youth justice custodial worker to risk by driving, which comes with a maximum of a 20-year term of imprisonment; recklessly exposing an emergency worker, a custodial officer or a youth justice custodial officer to risk by driving, which carries a maximum of a 10-year term of imprisonment; and the damaging of emergency services vehicles, which carries a maximum of a five-year term of imprisonment.

Other provisions include a statutory two-year minimum term of imprisonment, which will apply if an adult offender commits the offence of intentionally exposing an emergency worker to a risk to safety by driving and in so doing causes an injury to the emergency worker while they are on duty. This minimum term of imprisonment will not apply to offenders who are under 18 at the time of the offending and will not have to be imposed if the court finds that special reasons exist. That will be defined in the Sentencing Act.

Further, intentionally or recklessly exposing an emergency worker to a risk to safety by driving will require the imposition of a custodial order if the offence is committed in certain aggravating circumstances — for example, where a motor vehicle is stolen or the driving offence is committed in connection with a serious indictable offence. Again this will only apply to offenders who are over the age of 18 at the time of offending. Special reasons, as described in paragraph 2 in relation to the Sentencing Act will also apply.

The bill also applies a presumption of cumulation when courts impose a sentence of imprisonment for any of the three new offences. Offenders charged with any of the three new offences will need to show compelling reasons as to why bail should be granted. A person found guilty or convicted of exposing an emergency worker, custodial officer or youth justice custodial worker to risk by driving will be subject to mandatory licence cancellation and disqualification provisions. Vehicles used in the commission of these offences can be subject to impoundment and forfeiture under the hoon laws.

The issue of the ramming of police cars by offenders was the subject of increasing media interest earlier this year, and the Police Association Victoria called for legislative change and a new offence, accompanied by a penalty of significant jail time, following a substantial increase in incidents over recent years.

As I indicated earlier, in June of this year the opposition, through Mr O'Donohue, introduced a private members bill, the Crimes Amendment

(Ramming of Police Vehicles) Bill 2017, in the Legislative Council to create a specific offence of deliberately ramming a police car, with a statutory minimum of two years jail to be served cumulatively. That is a clean, tidy, neat private members bill that was directed at the significant increase in the ramming of police cars over a three-year period. In fact in 2013–14 the number of incidents of police car rammings was 30; then in 2015–16 it increased to 103, which is a 243 per cent increase; and then in 2016–17 it increased to 117, which is an additional 13.6 per cent increase.

We have a problem here in Victoria in that it would appear that police cars are the target of many of these car ramming offenders particularly, but generally speaking some criminals have had no compunction in relation to ramming a police car in the course of their criminal activity. The community said loudly and clearly, as the Police Association Victoria did, that this was totally unacceptable. That is why the opposition saw fit to bring forward a private members bill, which clearly directed a significant punishment offence and a mandatory sentence for those who would consider ramming a police car or those who were actually involved in the ramming of a police car. It was very neat and tidy.

The bill passed the third reading in the Council on 9 August following support from the DLP, the SFFP and Vote 1 Local Jobs, but unfortunately Mr Eideh and Ms Patten failed to attend the chamber to vote. The SFFP, for clarity, was the Shooters, Fishers and Farmers Party. The Sex Party — or the Reason party, whatever it is now — were unfortunately missing in action when we went to the vote. The bill was rejected upon introduction into the Legislative Assembly on 9 August 2017 without debate, which is very unfortunate.

As I indicated by the chart, the number of police vehicles rammed in Victoria has more than tripled under the Andrews government, increasing from 30 in 2013–14 to 117 in 2016–17. As a result, particularly in 2015–16, 14 officers were hurt in police vehicle rammings, which is just totally unacceptable. In addition, the latest crime statistics reveal that for the three years to June 2017 the offence of resisting or hindering of officers increased 179 per cent to 9180 offences and the offence of assaulting police, emergency services or another authorised officer increased 13.5 per cent to 3000-odd offences. So there is a significant increase in offences against police and other emergency service officers working in the line of their duty — which, as I indicated, is symbolic of the level of disrespect being shown to police members and emergency service workers within the community.

Prior to that we had no specific offence of ramming a police car or punishment that would be derived for that from legislation. Offenders were generally charged with conduct endangering life under section 22 of the Crimes Act 1958 or evading police, assault on police or various traffic offences, but certainly there was nothing specific in legislation to deal with the significant increase in police car ramming. I again compliment the work that Mr O'Donohue did. I know there is a lot of background work, a lot of hard detail work, that goes into drafting a private members bill, and it is disappointing to see that the Legislative Assembly did not see fit to support the bill at the time. As indicated by Mr Morris and others, we are four or five months on. It was disputed by Mr Finn — I am not sure if it was so many days or so many months —

**Mr Finn** — Four and a half months.

**Mr RAMSAY** — Four and a half months; I will take that. Mr Morris may well say it was 126 days. Nevertheless, Ms Neville has finally gone to the grindstone to draft legislation. It went through the Assembly some weeks ago — four months later — to provide significant penalties to those that see fit to target police cars and emergency service vehicles and/or police officers, emergency service officers and youth justice officers intentionally. However, I understand Mr O'Donohue has amendments that will be debated in the committee stage and which my hope is the chamber will see fit to support.

Ms Neville has been fairly slow off the mark not only in relation to ramming police cars and emergency service vehicles but generally in relation to crime across the state of Victoria. We have seen a significant increase in crime on the Bellarine Peninsula and the Surf Coast — two areas that I represent. Crime is up 34 per cent on the Bellarine. We know the police are screaming out for more police. We know the Police Association Victoria have indicated there needs to be at least 500 more sworn police officers on the ground, on the beat, serving to protect the community right now — not as they come out of Glen Waverley in another five years or four years but actually right now. Five hundred are needed right now to provide the sort of community safety and support that is needed.

In Geelong police command told me that there needs to be a significant increase in police presence, particularly as we move through to the summer period, where we will see a significant shift of the population down to the coastal areas. We know that the Bellarine and the Surf Coast, right along the Great Ocean Road, will come under a significant population explosion that will require significant police resources. So again I appeal to

the police minister not to act in February when the summer months are nearly finished but to actually start providing police resources to our coastal areas now so the community can have some confidence and comfort that in fact we do have the resources to respond to a historical increase in criminal activity during those summer months.

The major point of difference between the opposition bill and the government bill is complexity. As I have said, we had a very clean, neat and clearly articulated piece of legislation directed directly at police cars and police ramming. This bill is much more complex, and the level of severity of penalty is significantly less. The government's bill is very complicated. It does not send a clear message by providing a tiered approach to the severity of the offences. You have got different offences for different actions, which becomes quite confusing, and the statutory minimum of two years jail will only apply if there is an intention to harm or cause injury. So it is disappointing. However, we have taken a position to not oppose it. I understand there are amendments to be debated, and I look forward to support for our amendments through the committee stage.

**Ms TIERNEY** (Minister for Training and Skills) (15:55) — I rise to provide the summation in relation to the government's position in respect of this important bill. The government has a longstanding commitment to work with Victoria Police and the Police Association Victoria (TPA) to develop a suite of reforms to comprehensively address threats and acts of harm and violence against police. Violence towards police officers and other emergency workers in the line of their duty is absolutely unacceptable. Police and emergency service workers routinely put themselves in harm's way to keep us safe and help us at the worst moments of our lives. As other speakers have noted both in this place and in the other the frequency of car rammings directed towards police officers is increasing. It is shocking that emergency workers are being targeted in this way. This bill fulfils the commitment made by this government on 9 August this year to introduce new laws to specifically address incidents where offenders use motor vehicles to harm police and emergency workers.

The bill was developed in lockstep with TPA and Victoria Police. The secretary of the TPA has said that this issue is the top priority for the association and its members. These incidents are happening more frequently, and the risk they pose to our hardworking police is totally unacceptable. As the TPA secretary has said, it is only a matter of time before a police officer is seriously injured or killed in one of these incidents.

The new offences introduced by this bill are intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, with a maximum 20-year term of imprisonment; recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, with a maximum 10-year term of imprisonment; and damaging an emergency services vehicle, with a maximum five-year term of imprisonment.

Given that I have just mentioned youth justice custodial workers, there was a comment made by Mr O'Donohue in his contribution, and I take this opportunity to provide further information on this. Youth justice officers have been included to capture as many classes of emergency workers as possible for custodial offences. This will prevent offenders specifically targeting emergency workers who are not captured by the new offences. The bill is intended to capture a wide variety of circumstances in which offences against emergency workers may occur. Youth justice custodial workers will be included in the definition of emergency workers more generally through amendments made to the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017. The provisions in this bill that specifically include them are transitional provisions for the period between this bill commencing and those provisions taking effect.

Going back to the specifics of this bill, the bill also creates the aggravated offence of intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, with a maximum 10-year term of imprisonment; and the aggravated offence of recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, with a maximum 10-year term of imprisonment. A statutory two-year minimum term of imprisonment will apply if an adult offender commits the offence of intentionally exposing an emergency worker to risk to safety by driving, or the aggravated version, and in so doing causes an injury to the emergency worker while they are on duty. These statutory minimums will not apply if there are special reasons or if the offender is under the age of 18. These statutory minimums are in line with other provisions for the harming of emergency workers in Victoria.

We believe our reforms are a comprehensive package to protect our emergency services workers. The government has worked with the TPA and Victoria Police to ensure that we have got them right. This is a comprehensive package to ensure the safety of those who keep us safe and who put their lives on the line to save ours.

In the opposition's bill the offence only applied to the ramming of police vehicles. It did not apply to any vehicle being driven by a police officer while not in the course of their police duties. The opposition's bill, the government asserts, prioritised property over people. Our bill, we believe, puts people first. We have a comprehensive bill, as I said, that was developed in close consultation with the TPA, and it captures the conduct they are trying to protect their officers from. We believe the opposition decided that a statutory minimum term of imprisonment should apply to all offences in this bill. The same statutory minimum sentence we believe should not apply to offending that causes injury and offending that merely results in damage to an emergency services vehicle.

The penalties for each offence have been developed in close association with the TPA and are well-informed by real-life scenarios that our emergency workers are faced with. If the same statutory minimum sentences are applied to all of these new offences, it basically tells emergency workers that damaging their vehicles is as serious as causing harm to them as emergency workers. It is emergency workers who make the choice to take up a profession that protects and serves the community, despite the risk it might present them. Saying that injuring workers is the same as damaging their vehicles is simply offensive to the people who put their lives on the line for us every day.

Our record shows how committed we are to ensuring the safety of emergency services workers, because those who care for us at the most difficult moments deserve the respect of the entire community. They are entitled to work in a safe and secure environment. As a result of this, I commend this bill to the house.

### House divided on motion:

*Ayes, 33*

Atkinson, Mr	Morris, Mr
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr	O'Sullivan, Mr
Dalla-Riva, Mr	Patten, Ms
Davis, Mr	Peulich, Mrs
Eideh, Mr	Purcell, Mr ( <i>Teller</i> )
Elasmar, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Shing, Ms
Gepp, Mr ( <i>Teller</i> )	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

*Noes, 5*

Dunn, Ms	Ratnam, Dr
Hartland, Ms ( <i>Teller</i> )	Springle, Ms ( <i>Teller</i> )
Pennicuik, Ms	

### Motion agreed to.

### Read second time.

### Committed.

*Committee*

### Clause 1

**Mr O'DONOHUE** (Eastern Victoria) (16:10) — Minister, I have just half a dozen or so questions in relation to the bill. I propose to put them under clause 1 for the ease of the committee and to then move to my amendments, which I have flagged previously.

Minister, are you able to provide advice about the current number of police vehicle rammings that have taken place in calendar year 2017, and can you provide any statistics around the number of ambulance or fire vehicle rammings that have occurred in 2017 and any historical data that may be available?

I noted that in your summation, Minister, you referred to why youth justice and Corrections Victoria workers were included in this legislation. My question to you is: was the Metropolitan Remand Centre (MRC) riot a motivating factor in including the youth justice workers in this legislation?

Minister, you said in the summation that these incidents are happening more frequently and the statistics bear that out. Does the government have a view as to why that is occurring?

And two final questions: Mr Morris and Mr Finn, and I think other speakers as well, made a point around the effluxion of time since the Minister for Police's press release of 9 August. Why did it take so long for the bill to be introduced in the other place to start with, and why has there been the delay in this bill being progressed today? The final question is: can you provide a guarantee that if an offender is found guilty of any of these offences, they will go to jail?

**Ms TIERNEY** (Minister for Training and Skills) (16:15) — Mr O'Donohue, I do have most of the answers. In relation to the ramming of police cars in the calendar year 2017, to the end of September I am advised that there were 104. In respect to the number of ambulance and fire vehicles, we are trying to ascertain that information at the moment. In terms of youth justice custodial workers, we were motivated to just

capture the widest grouping of emergency workers. In terms of the MRC as such, I am advised that was not part of any deliberations that people are aware of.

In respect to the issue of why car ramming is occurring, the fact of the matter is that in terms of an evidence-based response there has not been sufficient research into this at this point in time, but there will be work undertaken by a variety of organisations, I suspect, as this is something that is happening not just in Victoria but in other jurisdictions and unfortunately also in other countries around the world.

In respect to the issue of timing, the question was: why has it taken so long? In response we say that we have worked closely with Victoria Police and the Police Association Victoria to develop comprehensive new laws to crack down on offenders who harm or seek to harm a police officer or emergency worker. There were a significant number of meetings that dealt with all of this, and a number of real-life scenarios were worked through so that we could put together the most comprehensive package possible. Of course we make no apologies for taking the time to get these reforms right.

The last question was in relation to whether we can guarantee that offenders will go to jail. I will refer the member to the Minister for Police's second-reading speech, where she made it very clear that there is a serious expectation that people who offend will be dealt with in a serious way.

**Mr O'DONOHUE** — Thank you, Minister. Thank you for that information. To expedite the work of the committee I trust that you will provide any information you have around fire and ambulance when it is available.

**Ms Tierney** — Yes.

**Mr O'DONOHUE** — Thank you. I take it too, Minister, that in your reference to whether these offenders will go to jail or not and your reference to the second-reading speech you cannot provide that guarantee that on every single occasion an offender will go to jail if convicted of one of these offences.

**Ms TIERNEY** — Thank you, Mr O'Donohue. I cannot predetermine what a court will do —

**Ms Shing** — Nor would it be appropriate.

**Ms TIERNEY** — nor would it be appropriate. As I said, I would encourage you to read the Minister for Police's comments in her contribution in the other place.

**Mr O'DONOHUE** — I appreciate your response, Minister, and I suppose that is one of the reasons the opposition is moving amendments to put in a floor of two years jail for any of these offences, so that we do have that guarantee. That is what the police association called for. That is what members of the community have called for. I will leave it there because that is just a point of difference. That is a point where the government and opposition perhaps have different perspectives.

**Clause agreed to; clause 2 agreed to.**

### Clause 3

**The ACTING PRESIDENT (Mr Melhem)** — I ask Mr O'Donohue to move his amendment 1. It is a consequential amendment which tests his amendments 5, 15, 16, 21, 22 and 23.

**Mr O'DONOHUE** — I move:

1. Clause 3, page 5, lines 18 to 20, omit "if an emergency worker on duty or a custodial officer on duty is injured".

I note that this amendment is a test for those other amendments that you, Acting President, referred to.

**Ms PENNICUIK** (Southern Metropolitan) (16:21) — The Greens will not support the amendment moved by Mr O'Donohue or the consequential amendments given, while the Greens are not supporting the bill, the way the provision is expressed is in keeping with the other provisions in the Crimes Act 1958 that go along the same lines — sections 318 and 319 are written in a similar way.

**Ms TIERNEY** — Just for the record, the government will not be supporting these amendments, and I have covered off on the reasons for that in my summation.

### Committee divided on amendment:

#### *Ayes, 18*

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

#### *Noes, 19*

Dalidakis, Mr	Mulino, Mr
Dunn, Ms ( <i>Teller</i> )	Patten, Ms
Eideh, Mr ( <i>Teller</i> )	Pennicuik, Ms
Elasmar, Mr	Ratnam, Dr

Gepp, Mr  
Hartland, Ms  
Jennings, Mr  
Leane, Mr  
Melhem, Mr  
Mikakos, Ms

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

*Pairs*

Atkinson, Mr

Pulford, Ms

**Amendment negatived.**

**The ACTING PRESIDENT (Mr Melhem)** — I call on Mr O'Donohue to move his amendment 2, which is a test for his amendment 10.

**Mr O'DONOHUE** — I move:

- Clause 3, page 7, line 5, omit "3 imprisonment (20" and insert "2 imprisonment (25)".

This amendment increases the maximum term of imprisonment for the two aggravated offences created by this bill from 20 years to 25 years.

**Ms PENNICUIK** — The Greens will not support the amendment because the current sentences under the bill are in line with sentences for similar offences in the Crimes Act.

**Ms TIERNEY** — The government will not be supporting Mr O'Donohue's amendment, consistent with the position put by Ms Pennicuik.

**Committee divided on amendment:***Ayes, 18*

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

*Noes, 19*

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

*Pairs*

Atkinson, Mr

Pulford, Ms

**Amendment negatived.**

**Mr O'DONOHUE** — I move:

- Clause 3, page 7, lines 7 to 12, omit all words and expressions on these lines.
- Clause 3, page 7, line 13, omit "2" and insert "1".

These amendments create a two-year statutory minimum across the totality of the new offences being created.

**Ms PENNICUIK** — The Greens will not be supporting these amendments as we do not support minimum mandatory sentencing.

**Ms TIERNEY** — As I covered off on this in my summation, the government will not be supporting these amendments.

**The ACTING PRESIDENT (Mr Melhem)** — Mr O'Donohue's amendments 3 and 4 will test his further amendments 6, 7, 8, 9, 11, 12, 13, 14, 17, 18, 19 and 20.

**Committee divided on amendments:***Ayes, 18*

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

*Noes, 19*

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

*Pairs*

Atkinson, Mr

Pulford, Ms

**Amendments negatived.****Clause agreed to; clauses 4 to 25 agreed to.**

**Mr O'DONOHUE** — The minister kindly took on notice my question about the number of rammings of ambulances and fire vehicles that have taken place. Minister, if that information is not available, if it could be provided at the earliest opportunity, I would appreciate that.

**Ms TIERNEY** — I have checked, and we do not have that information right at this moment, so we will be able to provide it to you when we receive it.

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## QUORUM

**Ms SYMES** (Northern Victoria) (16:48) — Acting President, I draw your attention to the state of the house.

**Quorum formed.**

## STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017

*Second reading*

**Debate resumed from 30 November; motion of Ms PULFORD (Minister for Agriculture).**

**Mr MORRIS** (Western Victoria) (16:50) — I rise to make my contribution to the State Taxation Acts Further Amendment Bill 2017. I do note that this bill has been one that has certainly been much discussed. It has been much discussed because there has been much disgust about this bill from many in the community, particularly local councils exceptionally concerned with the potential impact of this bill.

I do note that the purpose of this bill is to amend the Congestion Levy Act 2005, the Duties Act 2000, the Fire Services Property Levy Act 2012, the Land Tax Act 2005, the Payroll Tax Act 2007, the Taxation Administration Act 1997, the Unclaimed Money Act 2008, the Valuation of Land Act 1960 and the Victorian Civil and Administrative Tribunal Act 1998, so I think there are only about four bills that this bill does not amend.

This particular bill is one that I have certainly had much correspondence about from local councils because they are very, very concerned about the change to the valuations of properties that are undertaken by local councils — the fact that this government is intending to go from a two-yearly cycle, every second year, where the value of the land is taken into account and make that an annual assessment of land. For anybody who is

reading this, it is very clear what the intention of the government is. This is just a cash grab from this government. It is a new tax by stealth that the government is introducing, and it is yet again another broken promise from this Labor government.

We heard from Daniel Andrews the day before the election that there would be no new taxes under the government that he leads. We are well into double figures in terms of the number of new taxes that have been introduced under Daniel Andrews. This is just another reason why we cannot trust Daniel Andrews to do as he says he will. He will say whatever needs to be said to get into power and then backtracks and treats the community with contempt. This bill is yet another example of that occurring.

This change is certainly one that is going to disproportionately impact upon councils in regional and rural Victoria, and that is something that this government fails to take into account. I certainly note that it is a common theme that Daniel Andrews thinks that the boundary of Victoria is the ring-road, and that is the way he acts. He acts as though the ring-road is the boundary of Victoria, rather than the Murray to the north. He does not go that far to understand the challenges that regional Victorians are facing.

However, the impact of this would see significant redundancies of valuers in local councils and indeed would centralise that role within metropolitan Melbourne. We on this side of the house, rather than centralising jobs into Melbourne, believe it is critically important that we decentralise our state. Melbourne is growing unsustainably, and there is significant capacity within regional Victoria to take up that growth. That is what we should be doing. We should be focusing upon decentralising our state rather than centralising more bureaucratic jobs in Melbourne. That is certainly one of the key tenets of what a Guy government would do.

I am absolutely thrilled that we remain committed to the relocation of VicRoads to Ballarat. It is something that I know Mr Ondarchie is very passionate about. I have been fortunate to host Mr Ondarchie in Ballarat, discussing the impact that a relocation of VicRoads to Ballarat would have on the economy in Ballarat. Many in Ballarat are very supportive, particularly Commerce Ballarat. The Committee for Ballarat are very supportive of the move because they recognise what it would do to the economy — support the jobs in Ballarat that are required.

This government have said that they are going to relocate some jobs to the strangely named GovHub in Ballarat. The flaw in what they are attempting to do is

that, rather than having a whole agency such as VicRoads, where you would go from the CEO all the way through the organisation, with every level of opportunity for career progression within one place, they are seeking to basically have a hotchpotch of government departments — little bits here, little bits there — which would be easily removed at a time in the future from Ballarat and placed elsewhere. Rather than being the home of an organisation, it will just be a resting place perhaps, which is what Ballarat was certainly traditionally known as by the Indigenous people. Ballarat was that, and that is what it appears the Andrews government is trying to return it to, rather than having a significant agency such as VicRoads in Ballarat.

I certainly do believe that that is a significant flaw within this legislation — that the removal of those jobs from local councils and the centralising of them in Melbourne in no way goes to serve the best interests of local councils and, more importantly, of regional and rural communities, who have been absolutely forgotten by what the government is intending to do here.

One of the other significant concerns is the very real possibility that local sporting groups and clubs and the like could be caught up in paying land tax due to the changes of the definition of who it is that may be liable for it. The addition of the word ‘exclusive’, as in ‘exclusively for’, within this bill opens the door for the taxman to be able to go after many community clubs who may use their venues for functions such as birthdays, weddings and the odd conference here and there. It is certainly something that communities expect — that their community facilities and club facilities would be available to do this — but if this bill places these clubs within the grasp of the taxman to have them pay land tax, this would cause a massive disruption and a massive blowout in the very finely balanced budgets of these organisations, which are there not to make a profit but to give back to the community. They are of the community and for the community, and we should not be slugging them unnecessarily with yet another new tax, which again would be another broken promise from the Andrews Labor government, considering what we were told prior to the election.

I do note that there are many and varied views on the valuations of the centralisation and indeed on moving from valuations every second year to an annual valuation, and I note that there have been significant discussions between the Municipal Association of Victoria and the government. However, I do not believe the concessions that have been made by the government go anywhere near far enough. The many

rural and regional councils have once again been forgotten throughout these discussions, and as a result of that they are being left behind, which is entirely unacceptable.

I certainly congratulate my colleagues in the other place who sought to move a reasoned amendment to ensure that the concerns of councils were appropriately addressed before this bill progressed. Unfortunately that reasoned amendment was unsuccessful in the lower house, but I do certainly hope that the many significant deficiencies of this bill can be addressed by amendment in this place, and if not, then I think this bill just needs to be opposed. I think that rather than being passed through, the bill should be opposed if it is not remedied. If the significant concerns of councils and community groups are not remedied, then the bill should be opposed. I certainly look forward to the debate of those amendments in the committee stage when we get to that point, and I look forward to making a further contribution at that juncture.

**Mr ONDARCHIE** (Northern Metropolitan) (17:01) — The title of the State Taxation Acts Further Amendment Bill 2017 is interesting. ‘Further amendment’ is code for ‘We didn’t get it right the first time, so we had to add a little bit more’. When I say ‘a little bit more’, I am talking about the fact that the intention of this bill is to tax Victorians even more. This is from the government whose Premier, then opposition leader, on the night before the election looked down the barrel of the Channel 7 camera at Peter Mitchell and said no when he was asked if there would be any more taxes or any new taxes. He said no to the people of Victoria: ‘I will not introduce any more taxes’.

Here we are and we have got a baker’s dozen worth of new taxes already — 13 new taxes — and here comes another one. The purpose of this bill is to amend a range of acts but primarily to charge Victorians more. I have to tell you, in the middle of winter in this state, I knew it was that cold that Treasurer Tim Pallas had his hands in his own pockets — that is how cold it was — rather than the pockets of every other Victorian. Here we go again with a government that is determined to find a clever way, or not so clever as it turns out, to tax Victorians more.

What is contained in this bad bill is a bad idea that has been cooked over and over and over again to find a clever way to increase the valuations on land from a biennial basis to an annual basis simply so Tim Pallas can put more in the cash register. It is as simple as that. He tried this with the state tax bill that came through and got knocked back in the upper house because it was a bad idea. So he thought, ‘Well, I’ll have another go.

I'll have another go, and I'll go around and talk to local government and try and convince them that this is a good thing for them — a good thing that we're going to take away some of their skilled staff and that we're going to impose annual valuations'. You are going to be the loser, local government. They are not convinced.

I have had letters from Hume City Council, the City of Whittlesea and many others saying this is a bad idea, but the real question before us is: why would he do this? Why would he go down the path to take away those things from local government, which has been doing them so well over many, many years, and bring them back into state hands? Well, it is pretty simple. The simple answer is that he needs more money and he wants more of your taxes. This is the same government that said it would not tax us anymore. You cannot believe a word the Labor Party says. They will say and do anything to get elected.

I have to say, when you look at the *Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2016–17* from November 2016, there are a telling couple of paragraphs in there. It says:

In terms of future operating financial risks, the state will need to continue to closely monitor growth in its employee costs, which account for one-third of its total expenditure. Unlike discretionary grants, and much expenditure on supplies and services, staff costs tend to be effectively fixed over the short to medium term.

It then goes on to say:

The state also needs to monitor and manage the backlog maintenance for its infrastructure assets, to guard against the risk that these assets will not reach their intended service levels and lives.

He needs more money. There is no question about that. What is he going to try and do? He has had a go already; the Treasurer has already had a go in this place with the state tax bill and it did not work, so he has decided that he will shuffle it through under the State Taxation Acts Further Amendment Bill 2017. But it does pose a question. I know that Mr Morris was talking about Ballarat and what is needed for Ballarat, and I have been with him to Ballarat on several occasions. We talked about the VicRoads move that apparently is going to happen one day, but they have hidden it under something called the GovHub. And honestly, the Ballarat West Employment Zone, is it going to start? Are they going to do something? Are they going to add economic value to Ballarat?

The real reason here — and the answer to the question that is before us: why is he doing this? — is simply that Labor cannot manage money. That is not something that I have thought of just at the moment, because let us

look at today's activities. If you look at today's *Herald Sun*, it carries the headline 'West Gate tunnel to now cost \$6.7 billion'. The original cost of \$5.5 billion has now blown out by \$1.2 billion more than originally proposed to link the West Gate tunnel to CityLink north of the CBD.

**Mr Morris** — I thought it was some \$500 million.

**Mr ONDARCHIE** — It started at \$500 million, as you rightly say, Mr Morris, by way of interjection. Then it went to \$5.5 billion and it is at \$6.7 billion today. I think the Treasurer has got one of those spinning wheels in his office and every morning he gives it a spin and says 'What will the number be today? What's the number going to be today?'. He gets Scott Charlton on the golden phone and says, 'Scott, how much do you need today? What's the deal?'. We know that the member for Narre Warren North, Luke Donnellan — the Minister for Roads and Road Safety who lives in Fitzroy North — would not have a clue about building roads. We similarly know that Treasurer, Tim Pallas, does not have the foggiest about managing money.

**Mr Davis** — He has driven through Narre Warren.

**Mr ONDARCHIE** — But I have to say, as Mr Davis rightly interjects, Minister Donnellan has seen Narre Warren North on the *Melway*. There is no doubt about that.

How are they going to pay for this? They are talking about introducing extended tolls on CityLink that people in the south-east and the eastern suburbs would be paying forever and ever to pay for this dud project. But when we talk about blowouts, I do not want to simply isolate the West Gate tunnel project. I think we should talk in the context of all the things the government have touched, and everything they have touched has turned bad. Let us go to the West Gate tunnel project, for example, as acknowledged by Mr Morris. It was promised it would cost \$500 million; now it is \$6.7 billion. I make that in simple mathematics a blowout of \$6.2 billion. The Metro Tunnel was promised to cost \$9 billion; it is now \$11.03 billion. It is simple mathematics; they might want to crack open the abacus on that side of the chamber. It is a \$2.3 billion blowout.

Then there is the level crossing removal program, which was started under the coalition government and which this government is now claiming as its big thing. It was started by the Baillieu-Naphthine governments. The original cost, they said, would be \$5 billion. It is now at \$7.9 billion and climbing — a blowout of

\$2.9 billion. The north-east link they say will be option A, B or C. We are not really sure, and the member for Ivanhoe, Anthony Carbines, has gone underground; no-one can find him. I am certain he is not tunnelling this project; he has gone into hiding because he knows the cost will blow out, as has the route of the project. The government said it would cost \$5 billion. Surprise, surprise! It is out to \$16.5 billion — a blowout of \$11.5 billion.

The important east-west link, that vital piece of infrastructure Victorians are crying out for, they said would cost nothing to cancel — not a cent to cancel — and Daniel Andrews paid \$1.3 billion to cancel it. You cannot take this man's word for anything. That is a blowout of \$1.3 billion. They have the Casio over there and they are punching away into it. The numbers on that calculator should add up to \$23.93 billion of blowout by this government. I will tell you what: I ain't going Christmas shopping with Daniel Andrews on a budget because it is going to max out the Amex.

So what they have done with that wasted \$24 billion in cost blowouts on projects since 2014? It could have bought 24 Royal Children's Hospitals, 120 000 ambulances, 889 secondary schools, 2000 primary schools, four east-west links, 120 women's and children's hospitals and 1500 large police stations. He could have funded 40 suburban rail line extensions, 2400 new cardiac cath labs, 1714 new trams, 1333 X'tropolis Metro trains and — I know Mr Finn is very interested in this number — 1091 special development schools. These all could have been funded through this \$24 billion cost blowout. That is \$24 billion of wasted money since 2014. How do they get off spending the taxpayers money and wasting it to that degree? There is one answer to this: this mob need to be thrown out, and thrown out they will be in November next year.

We have some amendments to this bill, and we will be talking through them in the course of the committee stage. They are around the land tax on community sporting organisations. A number of peak sporting bodies such as Tennis Victoria and Golf Victoria are worried that the changes and this tighter test for exemption will rely on the SRO, the State Revenue Office, to take on some sort of a benign interpretation of what is exclusive. Otherwise activities that are ancillary to a sporting organisation, like hiring out the hall for a function like a wedding reception, a birthday party, an engagement or some sort of fundraiser, may be caught up under this legislation and land tax will be payable. Rightly so, tennis clubs, golf clubs and other sporting organisations are a bit worried about that. How did they get caught up in this? They got caught up in

this because the government did not consult. If it had decided to actually walk out the door and have a chat with some of these sporting organisations, it would have discovered that it was about to disadvantage all those volunteer organisations. And let us not forget that sporting clubs primarily are made up of people who are volunteering their time. From the president of the committee right through to the volunteers who help at sporting activities, they are going to be disadvantaged financially because of this bad element in the bill.

What we are seeing now is the government running around crazily trying to deal with this issue. They are claiming that these measures they are putting in place might in fact help sporting organisations. I am looking forward to having that explained to us today, because the sporting organisations do not see them as helping at all. We have some amendments that we will deal with in the committee stage.

This is a bad piece of legislation that is clearly wrapped up in its title. Essentially the title of the bill is saying, 'We didn't get it right the first time, so we have to have another go', and this is form for this government. Honestly they are reversing down the road at such speed they have no clue about the people they are affecting. This is consistent with this government; they race out the door, they do things and they do not consult. Here we are: sporting organisations, councils and the like are all being disadvantaged by this bad piece of legislation.

We will be opposing this because it is bad legislation. The government could do themselves a favour. They could go and talk to the people who are affected by this to a large degree, because quite frankly many, many people in our community are saying, 'What happened to us? How come they never thought about this?'. The government are applying a bit of a carrot-and-stick approach to local government, saying, 'We might be able to help you with this', but then how many times do we have to hear from them that they will not increase taxes? The Premier, who interestingly enough has allocated a lot of the country roads and bridges program funding to his own electorate, said to the people of Victoria the night before they voted that he would not increase new taxes. While he stood on the steps of Parliament House he said to Peter Mitchell, I think it was, on Channel 7, down the barrel of the camera, 'I make that promise, Peter, to every single Victorian'.

In the committee stage of the State Taxation Acts Amendment Bill 2017 I asked the Leader of the Government in this place about that, and in a roundabout way he said, 'That's not quite what he meant'. How could you not be clear about this? The

Premier said, 'I make that promise, Peter, to every single Victorian' — that he would not increase taxes or introduce any new taxes. How could you be confused by that? How would you expect Victorians to believe anything this Premier says? This is the same Premier that says the Country Fire Authority (CFA) and the Metropolitan Fire Brigade needed to be fixed and he fixed them. I do not think they are fixed at all, because item 16 on page 2 of the Legislative Council notice paper is the bill.

**Ms Shing** — Relevance.

**Mr ONDARCHIE** — The relevance that Ms Shing interjects about is: how can we believe a thing the Premier says? The night before the election he said, 'No new taxes and no increase in taxes'. He said he was going to fix the CFA situation, disenfranchising those 60 000 volunteers, but he has not done it. He makes claim after claim after claim about things he is going to do for Victorians, and he has got it wrong. We are seeing that in the course of this bill in the house today.

The state opposition will oppose this bill because it is bad. It is a bad bill. It is policy on the run. I talk to people in local government, and I have mentioned a couple tonight. I also got a letter from the mayor of the City of Stonnington, Cr Jami Kilsaris, objecting to the annualising of valuations. There are many, many people on local councils who have had chats to me in my electorate of Northern Metropolitan Region. I suspect they have chatted to other members of Northern Metropolitan Region too about how this affects local government. It is bad legislation. The government could concede in the committee stage they have done this badly and look to reform it. We will not be supporting this.

**Ms SHING** (Eastern Victoria) (17:15) — One of the most indulgent contributions that we have heard in quite some time has just come from Mr Ondarchie. In it he said, with so many more words than were required, that this is in his view a bad bill. He used the word 'bad' probably 22 or 23 times in the course of his 15-minute contribution, and it seems that that is the extent to which there was any forensic analysis — any actual deep dive into the detail of this — save for a couple of cute little quotes and comments that he trolleyed out in support of the same old tired arguments that we hear time and time again from the coalition when they are objecting to something which is being put before this house or indeed any other house.

We have funded record infrastructure and a complete intergenerational overhaul of our education system and our public transport system. We have invested in

regional communities and brought around 200 000 new jobs to the state since being elected in 2014. We established the Royal Commission into Family Violence, which made 229 recommendations, all of which are being implemented, with \$1.9 billion being invested in addressing this number one law and order issue in our community. It is a law and order issue which taps intensive resources for the prevention of family violence and for a better system which manages its effects in our community, not just from a health and wellbeing perspective but also from a law and order perspective, and not just from a perspective of understanding the way in which data is collected but also from a perspective of providing programs and services on the ground that enable us to meet the obligations that we have said that we will meet to Victorians.

What we have also seen is a record investment in police and policing resources — that is, 3135 additional police — thus ending, to quote the minister and the police commissioner, the boom-bust approach to police resourcing which is contingent upon an electoral cycle and which is at the whim of the government of the day. What we see consistently in the way we have not only delivered a surplus but continued to provide for record infrastructure investment is the removal of 50 of our most dangerous and congested level crossings; the doubling of education equity spending for regional students from \$200 to over \$400 per student in our first year of office; the Camps, Sports and Excursion Fund for students, which is for the first time ever seeing some of our most disadvantaged students having the same opportunities as others; the breakfast club; the spectacle fund; and the removal of asbestos in our schools.

What we have also seen is a huge overhaul in relation to the Melbourne Metro project and the way in which we are now making sure that we are developing infrastructure for a city and a state that will see some 4 million extra people either come to the state or be born here in the coming years.

This bill in essence centralises many of the processes associated with valuations. I note we have commentary from across the way about the way in which these valuations are destructive and are opposed by councils. I just want to put on the record that the consultations that took place subsequent to May, when there was an initial discussion about this particular bill, have been the subject of comment from the CEO of the Municipal Association of Victoria, Rob Spence. We do not hear those opposite reciting this quote, because it is not helpful to have the words of a peak body recited back when they do not support your opposition to this bill.

Mr Spence is quoted as saying:

The government has listened to the local government sector's concerns. The reform is a sensible solution to a complex issue.

What we have done is harmonise the way in which valuations take place in moving to an annual process with other jurisdictions. What we have done is make sure that in centralising the process the government will pay for the full cost of revaluations, with all councils paying the full cost of the supplementary valuation component. It is estimated that councils will save \$15 million every two years under the new arrangements.

But you do not hear those opposite talking about these facts, because it is very easy for people like Mr Ondarchie to say that I am just spouting propaganda, which I heard was one of his interjections earlier while I was making my opening remarks. You do not hear it, because it is inconvenient for those opposite, who have little more in their coffers than stock standard, three-word slogans that amount to nothing, unless of course you are talking about a colouring-in competition with a \$1 million prize for a redesign of Flinders Street station or the rich policy offerings of those opposite, which I understand include a brand-new initiative around sky road, I think it is called, which is the creation of aerial roads at 50 intersections to move traffic in larger blocks up to choke points as they get towards the city. If the coalition had spent the same amount of time thinking about this policy as they did creating the animations, we would all be better off. Whoever did those animations had the foresight to include traffic lights on them, and that is important, because what it does say is in fact that their policy will deliver nothing.

Just to quote the Bard, because I think Shakespeare is always useful at this time of year, those opposite amount, in their policy offerings to date, to sound and fury signifying nothing. That is what we have here with those opposite, who are raging against the way this process will proceed and raging in spite of the support from the CEO of the Municipal Association of Victoria — and they can rage for as long as they want, because theirs is an empty and vacuous protestation that amounts to very little in the contribution to the public discourse on this particular issue. What we see here is nothing but a raging and a bleating and a complaining about a process which peak bodies have indicated they support. What we have seen is those opposite look for any reason to take issue with what is being advanced by way of this bill, a bill that in fact will mean that councils will have no extra costs as a result of the move to yearly valuations.

We also see those opposite conveniently forgetting and conveniently ignoring — because wilful blindness must just be such a luxury in opposition — the payroll tax relief that has been provided to grow Victoria's skilled workforce, the way in which we have reduced payroll tax liability for for-profit group training organisations which recruit and on-hire apprentices and trainees, the way in which we have introduced the Back to Work scheme and indeed continued it, the way in which we have trained record numbers of workers who wish to transition from a career in one sector to work within the same sector or indeed work across another sector, the way in which we have provided a land tax exemption for land leased for sporting recreational activities and the integrity measures and administrative changes set out in this bill. You will not hear those opposite talking about the way in which we are continuing to make the tax system fairer for Victorians, including by getting rid of stamp duty for all first home buyers on properties less than \$600 000. No stamp duty —

**Mr Ondarchie** — More new taxes.

**Ms SHING** — Sorry, Mr Ondarchie is talking about how there is in fact a burden being imposed upon Victorians. I do not see that the removal of stamp duty on properties less than \$600 000 and up to \$750 000 on a scalable level is in fact a burden on or a disadvantage to Victorians. What we are doing is making sure that we can help first home buyers get into the market in one of the most competitive real estate markets in the world. We are helping people, including through our changes to breaking into the property market, by making sure that regional first home owners can increase their grant allocation to \$20 000. That is a doubling of the amount that is available. What that does is assist with decentralisation. What that does is assist people to get their bricks and mortar and that slice of the Australian dream, which we all know is very, very important for families, couples, singles and multigenerational families who want to have their own place and want to enter the property market. We have in fact invested record amounts of funding across three budgets into the regions, and it is a sign of, again, bluff and bluster and the sound and fury of opposition that we hear nothing about that record investment.

**Mr Ondarchie** — Crime, energy, congestion, CFA.

**Ms SHING** — I note Mr Ondarchie's interjection. He talks about crime, and those opposite are very fond of talking about the tsunami of crime, except when the crime stats start to go down. What they will do then is conveniently stop making those interjections and stop talking about it. They love to actually pick an issue until such time as it is no longer convenient — and you

know what? It is getting a little lame, and it is getting a little lame because those opposite do not in fact have any actual input to make to the development of sophisticated, meaningful and substantive policy ideas to drive Victoria forward.

What we do have under this government is record investment, from women who are having their first children in hospital and needing maternal and child health services to Indigenous communities and to early health in the first 1000 days; from primary schools to secondary schools, to TAFE and to further educational offerings; from the roads on which we travel and the universities to which we go to the job opportunities, to the training opportunities and to the skills opportunities which are provided to Victorians. We give people better opportunities by providing consistent health care right across the board, from the middle of Melbourne right out to the most remote bush nursing services in our state — and I know that because I went to open the extension of one of them — and the way in which we are providing better care for Victorians is something which those opposite can only look to and find some form of empty rhetoric with which to criticise it.

Those opposite will ignore what we have done around removing stamp duty concessions for investors in off-the-plan developments. They will ignore the fact that we introduced Australia's first vacant residential property tax to incentivise property owners that are currently sitting on properties and leaving them vacant to begin leasing those properties. They will ignore the fact that since our Homes for Victorians package was launched first home owners have gained ground in the market and construction activity has remained high. Those opposite will do anything to ignore the fact that we have a record on tax relief, which speaks for itself in that we have delivered over \$560 million in tax cuts for businesses in Victoria in the last three years. We have lifted the payroll tax threshold to \$650 000 from 1 July next year, and this is a move which will in fact benefit over 38 000 Victorian businesses.

Those opposite will make up whatever fiction they want, and it will be a raging, angry, empty diatribe that amounts to nothing. It will be a series of catcalls and criticisms that do not contribute in any way to improving the state into the long-term. What they will do, in the event they are ever returned to government, is take credit for this state-building activity, which is contributing markedly to our economic health, to the health of communities, and which is making sure that we can grow in a sustainable and responsible way which honours and recognises the rights, the entitlements and indeed the obligations of every Victorian to be able to prosper, to be able to have the

health and support that they need and to have the investment that they deserve, whether they are living right here in the centre of Melbourne and going to one of the new schools that we have in fact committed to build in South Melbourne, Prahran or Coburg or whether they are in our most far-flung areas, the areas that require drought relief, that require investment in water security and that require investment and assistance in accessing markets. We, unlike the opposition, are absolutely committed to helping Victoria grow in the best and most productive way possible, and this bill achieves that.

**Ms PATTEN** (Northern Metropolitan) (17:31) — I would like to rise and make a few brief comments about the State Taxation Acts Further Amendment Bill 2017, that being the second state taxation bill we have seen before this house. I do not think I can possibly go to the detail that Ms Shing or previous speakers have gone to, but in going through this bill, I see it amends at least 10 acts and implements some of the fiscal policies that this government took to the election. Certainly we have heard them wax lyrical about them. The bill also makes technical amendments to remove some loopholes. But as we know, the overriding purpose is the protection of the state's revenue base. It is a supply bill, so it is one that I would not oppose, and obviously I will support this bill.

I will just touch on a few of the issues that have been raised with my office while this bill has been meandering its way through this house over the last many months. Regarding the valuations and the issue of centralising annual valuations, I have met with many of the local councils in Northern Metropolitan Region and I have met with their associations, and I am certainly content that the changes the government has made to the centralised annual valuations scheme have met the satisfaction of most, if not all, local governments. It certainly appears to me that it will provide us with greater transparency in valuations and the ensuing taxes that evolve from those valuations. It will save councils money and allow for an opt-in scheme.

Ms Shing quoted Rob Spence, the CEO of the Municipal Association of Victoria (MAV). The local government sector does actually feel, as has been reported back to me by not just Rob Spence of the MAV but also CEOs of local councils, relatively satisfied with the way valuations are to be centralised now. They feel that indeed it probably would save them money and it would in the long-term provide far greater transparency not only to the community but also to local government.

As I have foreshadowed, I will be moving small amendments to this bill with respect to the congestion levy. They are very small amendments. If we could just circulate them now.

**Australian Sex Party amendments circulated by Ms PATTEN (Northern Metropolitan) pursuant to standing orders.**

**Ms PATTEN** — As we know, the congestion levy applies to parking spaces within defined regions around Melbourne. Certain areas have already been exempted from this; for example, the Royal Melbourne Zoo. This removes pressure from the patrons of the zoo, but it also enables the zoo to use that money for the upkeep of the zoo.

This is what I am trying to do with the Abbotsford Convent, which unfortunately has fallen within the region of the congestion levy but considerably relies on the income it receives from the car park to maintain the gardens and what is a beautiful precinct. There are acres of land open 365 days a year for free to the community. There are 11 historic buildings and gardens. It was recently listed as the 111th site on the Australian National Heritage List. It is in fact Australia's largest multi-arts precinct. It is owned by a foundation, and that is a community-led foundation. It is not-for-profit. It gives back to our community in so many ways, whether it is through the 100 studios available to up-and-coming artists, the community radio station that it houses, the small school or of course the Collingwood Children's Farm and petting zoo. It would have to pay close to \$1 million under the congestion levy. The government has been able to provide a rolling exemption from that levy over the past few years, and my suggested amendment would simply make that relief permanent. I hope members of the house will support this change, as this really is a wonderful Melbourne institution. We must cherish these institutions and foster them.

I would also like to acknowledge the steps that this government has taken to curtail land tax avoidance by charities that are not conducting actual charitable works. These changes deal with exemptions for land leasing to charities, exemptions for land owned by not-for-profits and land banked for future charitable use. These are positive steps, but I still suggest that there is a lot more land tax revenue that the government is forgoing by permitting a number of non-charitable organisations to claim charitable status to which automatic tax exemptions apply.

There are commercial enterprises owned by religious institutions. They should be subject to the same legal and financial laws as other commercial entities, but

they are not. I will take one example, and that is Catholic Church Insurance. That is based in Melbourne, underwrites property and workers compensation for the Catholic Church in Australia and in 2016 generated \$13 444 000 in profit. It is a large insurance company, except it is not called a company and it does not pay many of the taxes that its competitors do. Taxing these types of businesses is common sense, and taxing them fairly does not inhibit their ability to generate profit for the churches or the other religious institutions that they are generating profit for, but it ensures that we as a state benefit also.

Just as Kellogg's, the world's second-largest snack food company, is able to pay tax and return profits to its shareholders, so too could its breakfast cereal competitor and so-called charity, Sanitarium, which sells millions of serves of Weet-Bix a year, all while receiving tax exemptions as a church-run supposed charity. Genuine charitable organisations should be tax exempt — organisations like the Salvation Army that provide great levels of community service and are genuine charities — but we can all surely draw the line at multinational breakfast cereal companies.

This is not a foreign or unusual concept in other jurisdictions, although it may be here. Not taxing organisations that are not feeding the poor and are not actual charities but claim some sort of charitable status because of their relationship with another organisation is not usual in Canada, the US and most European countries. Certainly the clauses in this bill that amend land tax do go some way to bringing those organisations to task and to reducing the amount of time that they can just sit on land without paying land tax. I think that is a positive step.

As I said, I would like to go further, but with that said, I do not think it is my role to interfere too deeply with this bill. With the exception of my small suggested amendment to protect Abbotsford Convent from the congestion levy, I commend this bill to the house.

**Ms CROZIER** (Southern Metropolitan) (17:42) — I rise to speak to the State Taxation Acts Further Amendment Bill 2017. In doing so, I note the comments made by previous speakers in relation to this. The other day when I was discussing with the shadow Treasurer the implications of this bill it reminded me of the conversations I have had with local councillors and the letters and other documentation I have received from concerned residents. We know that the government were unsuccessful with the first bill that came on because of the bad policy that it was — the bad bill that they had brought into this place. They have tried to redo it, but in fact nothing much changes.

As Mr Ondarchie and others have said, this is just a tax grab. It is going to have a number of very significant implications that this government has failed to understand. I note again the concerns about the initial bill that were generated by members of my community and in my local council where I reside. The Stonnington council wrote to me way back in May about the initial bill. The council's concerns in relation to the government's undertaking were that there was no consultation, it will cost more and land tax will increase. The council was also concerned about supplementary valuations. The council said also that there was no relationship to rate capping and there were staffing and industrial relations implications. There was concern also about customer service, and there were additional concerns. I am not going to go through all of those concerns. I just highlight them because the issue of no consultation has occurred again with this bill.

I raise that aspect because of the concerns of sporting bodies. I note that the government failed to consult with sporting bodies prior to introducing this bill. It just goes to show the nature of this government. It fails time and time again to consult on so many important issues. For sporting organisations this is going to be very problematic. The ones I am thinking of are Golf Victoria and Tennis Victoria, which have obviously raised their concerns about the valuation of land tax and what that will mean to those sporting facilities if they are not used exclusively for sport.

We all know that tennis clubs, bowling clubs and golf clubs use their facilities not just for sport but for weddings, for wakes, for meetings and for other social events. Why shouldn't they? Why shouldn't those clubs be able to do that? It is a very sneaky thing by this government to put this in terms of how the State Revenue Office has used a very benign interpretation of what is exclusive. That will have a huge impact. I doubt whether a lot of sporting bodies actually know what this sneaky government is trying to do and how that will hit those clubs and affect a lot of people who enjoy regular sporting activities and use the clubs for other reasons, as I have said, because it will drive up costs.

Mr Ondarchie made reference to a number of things in his contribution. I want to reiterate one of those because again it goes to management by the government and the way it operates. He was talking about the blowout in projects. We had the announcement today of the blowout for the West Gate tunnel, which started off back in 2014 I think as costing \$500 million. Today we learned it is going to be \$6.7 billion, so that is a blowout of \$6.2 billion. The Metro Tunnel was promised to be \$9 billion and it is now \$11.03 billion, a blowout of \$2.03 billion. The level crossing removals, that great

signature policy, was promised to be \$5 billion and now it is \$7.9 billion, a blowout of \$2.9 billion. North-east link was to be \$5 billion and now it is \$16.5 billion, a blowout of \$11.5 billion. Acting President, I know you are looking stunned; so am I. It is an extraordinary amount.

**Ms Shing** — Are you reflecting on the Chair?

**Ms CROZIER** — No, not at all. I know that he is very concerned about the blowouts of your government, Ms Shing.

East-west link was promised to cost nought to cancel. What has it cost us? It has cost \$1.3 billion. I do not know what the figure is, but it is around \$24 billion in blowouts.

**Mr Ondarchie** interjected.

**Ms CROZIER** — It is \$23.93 billion. Why does this government need this bill that we are talking about today? Because they need every cent they can get. This is a tax grab to pay for these extraordinary, irresponsible, unbelievable billion-dollar blowouts of taxpayers money. And that is why I find it unbelievable to even think that this government has got any credibility. Thankfully the Victorian public know that they cannot manage money, because here it is — the proof is in the pudding. We know these projects are expensive. They just throw money around like confetti. It just goes flying out like it grows on trees, and it is not in anyone's consideration because it will be there tomorrow. No, it is the Victorian taxpayers money here, and somebody has got to pay for these projects. When you blow it out by \$24 billion — it is an extraordinary amount — of course they are going to have tax grabs all over the place.

The shadow Treasurer, Mr O'Brien, so eloquently put it in his speech in this debate how this would affect so many aspects of how we operate. One of those areas is in relation to local government. He said, and I will quote him:

The core of this bill is a proposal to take away from local governments the power to undertake their own valuations of land and to centralise it in the valuer-general and, on top of that, to move from biennial valuation of land — that is, every two years land being valued — to land being revalued every single year.

And what is that going to do? That is going to bring more money into the coffers of this absolutely dreadful and hopeless government. As we can see, we know where it goes. They promised no taxes. Let us think what the Premier did. He got up on the steps out

here — I do not know who the Channel 7 reporter was —

**Mr Ondarchie** — Peter Mitchell.

**Ms CROZIER** — Peter Mitchell — and looked down the barrel and said to the Victorian community, ‘I promise you, Peter, no taxes’. How can anyone believe a word this man says? He said that on the eve of the election. He said the east–west link was not going to cost a cent, and it is costing us \$1.3 billion and rising.

**Ms Shing** interjected.

**Ms CROZIER** — You said you would fix the Country Fire Authority mess — where is it sitting on this notice paper, Ms Shing? Where is this debate? I cannot even see it. It is order of the day 16. You cannot —

**Ms Shing** interjected.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Ms Shing!

**Ms CROZIER** — The point is this Premier has no compunction in being so disingenuous as to look down the cameras and tell Victorians that he will not impose one extra tax, and we have got huge taxes. We have had massive taxes under this regime. And it is a regime; look how he operates. He is an absolutely extraordinary leader that does not take any communities into consideration. We have seen that with sky rail. We have seen it with this bill. We have got councils and so many people who are very concerned about the impacts on how they will operate. And what is more, the community are not so stupid. They are not so blindsided.

In conclusion, I think all Victorians have not been asleep. They know that this government has been in power for three years. They have seen the extraordinary waste of money in so many areas and no consultation, and this bill is absolutely no different from that. It is a tax grab, it is disingenuous and it is to pay for the \$24 billion of financial blowouts by this government. And we are only into year 3; imagine what is going to happen in year 4.

**Mr RAMSAY** (Western Victoria) (17:51) — I am pleased to make a small contribution to the State Taxation Acts Further Amendment Bill 2017 this afternoon, and I also would like to concentrate on the part of the bill that refers to the annual valuations in respect to one of the provisions. The purpose of the bill is to amend the Congestion Levy Act 2005, the Duties Act 2000, the Fire Services Property Levy Act 2012,

the Land Tax Act 2005, the Payroll Tax Act 2007, the Taxation Administration Act 1997, the Unclaimed Money Act 2008, the Valuation of Land Act 1960 — and that is the provision that I want to speak particularly about — and the Victorian Civil and Administrative Tribunal Act 1998.

One of the main provisions that I am most concerned about, and this resounded loud and clear through the joint parliamentary committee inquiry into the sustainability and operational challenges of Victoria’s rural and regional councils, is the fact that the government through this bill is seeking to move away from the biennial valuations — every two years — which traditionally have been done by councils and external valuers. This bill comes at a significant cost, particularly to those regional councils that really do not have means to be able to increase revenue but still provide an ongoing standard and level of service. They have raised a number of concerns through that parliamentary inquiry in relation to their capacity to be able to incur the cost of annual valuations.

Not only is the council having to incur the additional cost, but the cost to ratepayers will be significant in that, as we know, land values are quite variable. They move up and down depending on supply and demand, and having annual valuations is not really a true reflection on the land value at any given point in time. You actually need a longer time period to provide a stable valuation that takes out some of the highs and lows of the marketplace. Apart from the additional cost of doing an annual valuation, it actually comes at a significant cost to the ratepayer owning that land in respect to not really providing a true reflection of that land value at that point in time. As other speakers have said, there is no doubt that the government sees this as an easy way to improve its Treasury financing in respect to getting sooner the money that would otherwise normally come in every two years.

The government is working on the hope that land values increase every year; therefore there is an increase in the return from the tax that is collected — both the land tax and the local government tax — and consequently increases in the fire services levy and all the other levies and taxes that are attached to the valuation process. They see it as a win-win. As Ms Crozier and many others have said, this is to try and negate some of the blowout in costs of some of its major infrastructure projects. As was indicated today, there is a significant increase in the dog’s breakfast of a project that is the West Gate distributor — it is now the West Gate tunnel or something — which was estimated to cost about \$500 million initially but will now cost about \$6 billion to \$7 billion and climbing. There are

additional costs of over \$50 million potentially for those using CityLink, EastLink and now WestLink, which I assume it will be called, or something of that nature, to even gain access to the city from either the east or the west side.

Apart from that I note in the budget papers the extraordinary blowout in public service costs. I remember that when we came to government we were looking at potentially 50 per cent of the total budget being consumed by public service employee costs. We dragged that down over the four-year period to well under 42 per cent, but now I see the government in just three years of its term has managed to explode that back up to 53 per cent of the total budget. The seesaw between changing governments is having a significant impact on the capacity to fund some of these major projects, as has been demonstrated today.

The main provisions in the bill are that the valuation of land functions are to be centralised with the valuer-general, away from local government, and that land is to be valued annually rather than biennially. Councils not wishing to participate initially can opt in during the next four years, after which they are required to defer to the valuer-general. It is not explained well in the bill how and on what basis these councils will opt out. I have to say the Municipal Association of Victoria (MAV) has been particularly disappointing in respect to its advocacy on behalf of those councils that will suffer significant pain in going through this annual valuation process. When it was raised in our joint parliamentary Environment, Natural Resources and Regional Development Committee, the MAV provided a fairly pathetic defence of the government's intention to implement the annual land valuations.

Other provisions are changes to the Land Tax Act regarding the absentee owners surcharge to provide similar taxing and exemptions for trusts where beneficiaries are absentees as for corporations where owners are absentees; changes to the Land Tax Act to close a loophole used by land banking developers who could lease land for a peppercorn rent for a charitable purpose in order to avoid land tax; and changes to the Payroll Tax Act. Some of these changes are worthwhile, and we do support the administrative changes in various tax-related statutes to reflect new Australia Post delivery standards.

But the main area of concern for us is the valuation changes, which represent a major land tax increase and also a broken Labor promise. Labor said they would not do it; they have. Property owners will be paying more land tax each year and every year on a less accurate assessment, which I reflected on previously, with

higher red tape and administrative costs that will be passed on to taxpayers. There is also a conflict of interest in the valuer-general running all valuations. This diminishes the autonomy of local government. Every day we hear of more and more ministerial interventions in relation to the responsibilities of local government, whether it is in planning issues or the like. It is a centralised government that is seeking to dilute any of the local government powers and local community engagements in respect of a whole range of policy matters. As I said, while the MAV has backed down on its initial opposition to the measures, many local councils, valuers and groups, including the Urban Development Institute of Australia, remain strongly opposed to these changes.

Some of the technical changes in relation to the Congestion Levy Act and changes to land tax exemptions are poorly drafted and could arguably lead to unintended consequences for charitable and sporting organisations. In fact I do want to make mention of that. Part 5 of the bill actually tightens the test for land tax exemptions for certain sporting, outdoor recreational, outdoor cultural and the like organisations. Whereas land must have been used primarily or substantially for the relevant purposes, the bill proposes that the land must be used exclusively for those purposes. A number of peak sporting bodies, and I think Ms Crozier made mention of them — namely Tennis Victoria and Golf Victoria — have expressed concern regarding these changes in that the tighter test for an exemption will rely on the State Revenue Office using a benign interpretation of what is 'exclusive', otherwise activities that are ancillary to a sporting organisation, such as the clubhouse hosting a commercial function or a wedding reception, may be caught and land tax payable.

I will be interested to hear in the committee stage what the government's response might be in relation to the concerns of sporting organisations in respect to potentially having to pay land tax where they previously were exempted. Strangely enough — not strangely enough, you would say, as there is precedent here — the Andrews government has failed to consult with sporting bodies prior to introducing this bill. It has form on this. This has caused considerable concern, and now of course Labor is doing all sorts of things to try and deal with the issue.

We are obviously keen to get some responses from the government in the committee stage in relation to the concerns raised. We are strongly opposed to the changes in the valuation measures. We are strongly opposed to land tax changes to sporting organisations. Consequently, if we are not successful in moving

suggested amendments to change these parts of the bill, we will oppose the bill.

In summary, the bill does have some constructive tax amendments, but as I have said and as we have said on many occasions, the intended consequence of this bill to change valuations from biennial to annual will come at a significant cost to councils, to ratepayers and to landholders and will also create a whole lot of restrictive red tape and administrative burdens, not the least of which is the concern that sporting bodies have raised in relation to potentially being taxed on the land where previously they have been exempted as sporting bodies.

**Mr MELHEM** (Western Metropolitan) (18:03) — I also rise to speak on the State Taxation Acts Further Amendment Bill 2017. I think it is a fine piece of legislation which puts in place a number of measures to simplify some of our taxation. One of the first ones, and I think it is one Mr Ramsay has spoken about, is the valuation measures. What I heard him say is that he is violently against it and obviously planning to vote against it. The Municipal Association of Victoria initially had some concerns in relation to how the valuations will take place, because as we know currently it is done by councils every two years. But the proposal is to look at doing a single valuation to be carried out by the valuer-general instead of the local council. One of the concerns the councils have raised as part of the consultation was who was going to bear the cost. The state government has made it clear that the cost of the new method of valuing properties et cetera will now be paid for or covered by the state.

There were a series of consultations with local government and various stakeholders. I have a quote here from the CEO of the Municipal Association of Victoria, Rob Spence, who said:

The government has listened to the local government sector's concerns. The reform is a sensible solution to a complex issue.

There has been debate about local government opposing or having problems with the proposed valuation system, and it is true that early on a number of councils did raise some concerns in relation to how the system would operate. What the other side has neglected to report is that these concerns were taken care of, they were fixed and various changes were put in place to allay the concerns that were raised by local government. My quote from the CEO of the Municipal Association of Victoria is an endorsement of what the government is trying to achieve. The new system will be centralised, and as I said, the government will pay the cost. It is estimated that councils will save around

\$15 million every two years under the new arrangement. So in fact there will be savings for councils as a result of the new arrangements. At least now we will be able to get an up-to-date valuation every year instead of, under the current system, every two years. It must be seen by any logical person that it is a better, fairer and more consistent land valuation system for Victorians. I think we should welcome that instead of just opposing it because it is someone else's idea.

The other area of reform is payroll tax relief to grow Victoria's skilled workforce. The change will reduce the payroll tax liability for for-profit group training organisations, which include for labour hire purposes and trainees. I had some involvement in advocating that the government look at some tax relief for payroll for companies who employ apprentices and trainees. Currently if a not-for-profit organisation were to run the same program it would be exempt from payroll tax, but for-profit companies would not be. Mind you, these companies are not going to be making squillions out of it. Most of these companies have a very small margin of profit. Their main focus is to deliver opportunities for trainees and apprentices. I was approached by a number of companies, and we advocated on their behalf with Treasurer Pallas. It was good to see that that was taken on board and now these companies will be treated in exactly the same way as companies who hire trainees and apprentices and do it for profit. It brings a level playing field, which is something I welcome.

I think it is important to grow the pool of apprentices and trainees in this state, because we have been suffering from a shortage of skilled labour. For our young kids who leave school and do the Victorian certificate of applied learning, the biggest challenge is their ability to enter the workforce and learn a trade or to get employers to sponsor them. Hence, one of the Andrews Labor government's signature policies over the last two years has been to encourage companies to take on trainees and apprentices. As a matter of fact there was legislation before the lower house to mandate that on every Victorian major project with a value of over \$50 million 10 per cent of the workforce engaged has to be trainees or apprentices.

If we go back 20 or 25 years, organisations like the State Electricity Commission used to employ thousands and thousands of trainees and apprentices. A lot of companies used to do the same thing; but the times have changed. For the last 10 or 15 years it has been very rare and very hard for trainees and apprentices to find a placement with a company to do their apprenticeship and training. Someone needed to go back to fill that gap. Someone needed to step in to drive

the change and make sure that young people have an opportunity in this state. The only people who can do that is the state government. That is why I am pleased that for any project in Victoria with a value over \$50 million that 10 per cent employed are trainees. That is based on the hourly rates for the total labour costs of that particular project. There are a number of projects going on. There are the level crossing removals — 27 of them have now been completed; there are 23 to go — and all these other projects around the state which now mandate that apprentices should form part of the contract.

This morning the Premier, along with the Minister for Roads and Road Safety and the Treasurer, signed a contract for the West Gate distributor in my electorate. There has been some talk about the cost of the project going up by \$1.2 billion, but people have forgotten one thing: they have forgotten that now we are going to have a longer tunnel. The specification of the project and the length of the project has changed. The design has changed. We are getting a longer tunnel. That is why we have the extra cost. The most important thing that is related to this bill is that it will now be mandated that 10 per cent of the labour costs — the bill has passed the lower house, and I will welcome it when it comes to this place and I hope members will support it — will be used for trainees and apprentices. This will give our kids in Victoria an opportunity to have a job. The same thing will apply to the Metro Tunnel; and the list goes on. When the Andrews Labor government came into office it inherited a position from a do-nothing government — not a single major project was on their books apart from the ill-fated east–west link.

**Ms Crozier** — How about the east–west link? What was that?

**Mr MELHEM** — I am coming to that; just hold your horses. The east–west link had no proper business case. It was just a thought bubble, and they decided at the 11th hour to sign a contract which cost this state \$1 billion. I am pleased, as a member for Western Metropolitan Region, that the western section will be built. Construction will start in January next year.

*Honourable members interjecting.*

**Mr MELHEM** — I will probably never see your proposal built in my lifetime. The Andrews Labor government have invested heavily in infrastructure in Victoria, and I think this puts the other side to shame.

The other changes that this bill introduces involve strengthening and improving Victoria's taxation system, including land tax. I think some exemptions to

land tax have been talked about in relation to not-for-profit organisations. If an organisation is truly not for profit, there is no change, but in the event that an organisation tries to claim the status of being not for profit when they are not, they will be captured by the change. But if you are a not-for-profit organisation, the change does not affect you.

The first home buyer grant will continue. In fact it has been doubled for regional Victorians — it is now \$20 000. That is something we all should welcome, and it is paying dividends. That is on top of the stamp duty exemptions and the levy on foreign purchasers. The market is now a bit fairer, which will give first home buyers a better chance to enter the market. Hopefully that will go some way towards taking the pressure off housing prices in Victoria, and hopefully people who want to enter the market will be able to do so. There are a lot of positive changes in this bill, and it is important to recognise that.

There is also tax relief, which I spoke about earlier. There is payroll tax relief for training organisations. The government has already delivered over \$560 million in tax cuts for businesses in Victoria over the last three years, including lifting the payroll tax threshold to \$650 000 on 1 July 2018 — a move that will benefit around 38 000 Victorian businesses. The other change is a tax cut of around 25 per cent for the payroll of regional businesses. This ensures regional businesses will have one of the lowest payroll taxes in the country. So there are a lot of positive changes in relation to tax.

Tax settings in Victoria remain highly competitive with other states. If you look at tax and royalty revenue per capita, we will take less tax than New South Wales, Western Australia and the ACT in 2017–18 and across the forward estimates. Significantly, the opposition in their term in government increased taxes. In 2013–14 state taxation revenue grew by 8.8 per cent, in 2014–15 it grew by 8.5 per cent and in 2014 alone the member for Malvern in the Assembly hiked motor vehicle taxes by over \$580 million.

The changes proposed in this bill are fair and reasonable, and they ought to be supported by this house. We have delivered on all of our commitments. It is important that we reform the state's taxation system to make sure it is modern and to stimulate the economy. We have created 280 000 jobs in the last three years. That is a testament to the way the Treasurer, the Premier and the whole of the Andrews Labor government have delivered on all of their commitments over the last three years. The government ought to be congratulated on that, and I commend the bill to the house.

**Ms DUNN** (Eastern Metropolitan) (18:17) — I rise to speak on the State Taxation Acts Further Amendment Bill 2017. This is a bill that contains many, many different elements. We see most of them as non-problematic. However, the Greens will turn their attention to issues contemplated in the bill in relation to land valuation, particularly in its interplay with local government.

Before I get onto that, I would like to outline the other provisions in the bill. It seeks to amend the Congestion Levy Act 2005, which is about clarifying how the existing exemptions for parking spaces at Melbourne Zoo operate and clarifying how those exemptions operate for shift workers. The Greens have no contention in relation to those changes. The bill amends the Duties Act 2000 around correcting anomalies in the operation of foreign purchaser duties and also calculations for the first home buyer concession.

The bill also amends the Land Tax Act 2000 by seeking to extend the current exemption provisions in relation to the absentee owner surcharge. As discussed in other members' contributions, those changes to the Land Tax Act also introduce changes to exemptions for the benefit of charitable and not-for-profit organisations. It also makes changes in terms of the policy intent of those exemptions. The bill seeks to apply taxes to land owned by charitable institutions that is leased for sporting, recreational or cultural purposes. Exemptions are to be granted in respect of land where it is used exclusively for those exempt activities. Certainly those parts of the bill require further exploration, and we will be doing so in the committee of the whole.

Of course part of those particular amendments to that act are also around ensuring that land tax is assessable on the part of the land that is not being used for charitable purposes, so the bill actually seeks to treat the same parcel of land separately depending on whether it is in fact used for those exempt activities or used for other activities.

The bill also seeks to amend the Payroll Tax Act 2007. Currently it exempts wages paid to any new entrants by an organisation declared as an approved group training organisation. Certainly I draw on my past history in relation to this particular element of the bill, because in fact for many, many years of my career I worked for Group Training Australia Victoria, the peak body for group training organisations. I am abundantly aware of the good work that they do in relation to apprenticeships and traineeships and providing a model of employment that is very flexible and versatile. Particularly for tradespeople who cannot commit to a long-term apprenticeship, group training organisations

provide a bridge where they will provide the ongoing, say, four-year trade employment and training, but they may in fact change host employers.

They are a great part of the employment system. I could be a little biased, of course, because I did work for Group Training Australia Victoria for 13 years, but I am certainly very familiar with their operation and what they do in terms of that exemption from payroll tax. It is now extending to the for-profit group training organisations. I can only hope that that in fact results in an even greater ability to employ more people as apprentices and trainees in Victoria.

There are in this bill a swathe of changes in relation to centralising Victoria's valuation function into the Valuer-General Victoria and, also with that swathe of changes, providing for those valuations to be undertaken annually.

I will get back to those particular issues soon, but just in terms of the other issues in relation to this bill, it amends the Tax Administration Act 1987, which we see as a bit of a modernisation of the State Revenue Office, because they will be able to serve documents or assessments electronically by either SMS message or email. We also see subsequent amendments to the Unclaimed Money Act 2008 and the Fire Services Property Levy Act 2012 in terms of making sure there is consistency with their administrative and postal changes as well.

Another element of this bill — and my goodness there are plenty of elements to this bill — is some changes amending the Victorian Civil and Administrative Tribunal Act 1998. The bill seeks to include all the laws administered currently under the State Revenue Office that provide for referrals or reviews by the Victorian Civil and Administrative Tribunal and the inclusion of new tax laws into the future.

So it is a long list of different amendments, and it is certainly a long list of acts that this bill seeks to amend, but what has particularly come to the notice of the Greens are the issues around centralising Victoria's valuation function with the valuer-general and for those valuations to be undertaken annually. That represents a significant change to how valuations have operated in this state, with councils in the past in fact having the responsibility for valuations and those valuations being undertaken biennially, not annually. In terms of what was proposed, members will remember that when this was originally contemplated local government was up in arms about what the impact would be on their local government areas, and rightly so, because the impacts were extensive and there really needed to be some

further — and deeper and meaningful — consultation with local government.

One of the core issues that has been alerted to the Greens is the issue of supplementary valuations. There are many councils where supplementary valuations make an enormous difference to their income streams. What was of concern to some councils was that the bill did not contemplate a time line within the legislation in terms of turning around those supplementary valuations undertaken by the valuer-general, and therefore that could have quite a substantial impact on their budget and on their income.

On the concerns around that, we are hopeful it will be addressed with an amendment. I do believe that is currently in its final stages of being drafted, so I certainly would be happy to table that in the committee of the whole. I will speak further to that amendment of course in the committee of the whole. Essentially when we looked at it, the City of Melbourne is where this impacts quite significantly. At the moment they estimate that they generate around \$7 million-plus per year in supplementary revenue income. In terms of metropolitan councils, certainly those close to the city and those that have a lot of development opportunities risk in the order of around \$1 million in revenue per annum should there be delays in supplementary valuations, so it is incredibly important that those valuations are undertaken as speedily as they can be, and it is important that those time lines are embedded or enshrined into legislation as well.

It is my understanding that the government has undertaken some significant consultations with local government, particularly with the peak body for local government, the Municipal Association of Victoria (MAV). I know there are a range of outcomes that have been negotiated as part of those consultations. I will certainly be exploring some of those issues in the committee of the whole, but it is my understanding that the arrangement agreed between the MAV, representing those 79 councils in Victoria, and the state Treasurer is that the state will be paying the full cost of revaluations each year. I have seen some different figures. It could be anywhere upwards of \$8 million per annum. I will stick at \$8 million per annum, because there are a lot of figures flying around. Councils will still continue to pay the full cost of supplementary valuations.

Individual councils can opt out of the centralised arrangement with the valuer-general up until 30 June 2022. It is worth noting in relation to those 79 councils that seven of them have in-house valuations teams, and four of them have a hybrid version of valuation in that

they not only have in-house valuers but contract out their valuation services as well. The balance of councils in fact either contract directly to the valuer-general to provide their valuations — in the order of 18 councils — or, as for the 50 other councils in Victoria, contract out their valuation services to private contractors. According to this arrangement between the MAV and the Treasurer, objections will be handled by the valuer-general's office with a representative located at each council. Certainly when we look at some of the concerns that we have had from councils, they are very concerned about service delivery in relation to their ratepayers, particularly those ratepayers who take objection to the valuation that they receive.

**Business interrupted pursuant to sessional orders.**

**Sitting extended pursuant to standing orders.**

**The ACTING PRESIDENT (Mr Morris)** — I certainly do encourage you, Ms Dunn, to continue, and we look forward to that amendment landing quite expeditiously, so let us continue until then.

**Ms DUNN** — Indeed I have never looked forward to an amendment as much as I do now, as do all of us in the house, if I am reading the mood of the room.

In terms of getting back to this agreement, there is a mechanism there around retraining displaced valuation staff and where they might be redeployed. There are also a range of other matters that are addressed in terms of the cost for IT system changes.

However, I think the most important thing from the Greens point of view is the impact on local government. The reality is that if it impacts on local government, it impacts on local communities, because if there is a cost to local government, what that means is that those costs need to be absorbed by that council, and that means that that income cannot be used on services or infrastructure for the community. So it is incredibly important to the Greens that councils are not disadvantaged by any move to a centralised annual valuation scheme. We believe it is incredibly important to protect those workers who may need to face some redundancy or retraining, and we think it is certainly important that those protections are in fact in place through to the sunset of this particular opt-in proposition in 2022.

The other thing we think is really important is that we recognise that many, many valuers are in fact located in their local communities and are employed currently by local government authorities. We think it is incredibly important, even under this new system where the valuer-general will be undertaking those valuations,

that there must be every effort undertaken to make sure that local contractors are in fact contracted to provide those local services. The last thing we would want to see, particularly in regional areas of Victoria, is job losses because of this change in the way valuations operate.

As I have said, we are very, very concerned around any out-of-pocket expenses that local governments might be facing. We certainly do not want them to be worse off. We would not like to think that compensation that might be available via government is linked to having to opt into the system immediately. The reality is that councils have some time to determine whether they go to the centralised system or stay doing their own valuations, but there should be no penalty for making that decision to continue to do valuations until that sunset clause is triggered in 2022. For us that is one of the most critical elements of this bill, and the Greens will certainly be exploring those issues and others in the committee of the whole.

**Mr JENNINGS** (Special Minister of State) (18:34) — In terms of providing the house with a summation of the bill, I think the people who have contributed to the second-reading debate from their various vantage points understand the importance of ongoing reform in state taxation and the reliability of the information that should underpin the valuation of certain assets and the tax regime that should apply in Victoria. They should also appreciate from the government's perspective that there is significant tax relief that has been associated with this package and efficiency in the way in which the tax regime has been designed to be amended to give greater protection for Victorian citizens, greater diversity of revenue sources that are available to the state and a return to first home owners and other beneficiaries of taxation reform.

There has been a contentious issue in the history of the original state taxation bill relating to the process by which the centralisation of valuations would occur, which has been an issue that was actually discussed at great length during the course of the consideration of the state taxation bill earlier this year and then subsequently commented on during the course of this second-reading debate.

Ms Dunn outlined from her perspective a range of matters that are important to provide her comfort and reassurance in relation to the protections that the government has introduced to protect the interests of local government now and into the future whilst providing a reliable system of valuation that can be adopted across the state and lead to a positive revenue result for the state of Victoria but also actually provide

for protections for local government employees now and into the future.

There are a number of other issues that were identified by Ms Patten from her perspective in relation to one matter. She is seeking to amend the bill to provide for certain stakeholders in her community to be protected through the application of the congestion levy.

The opposition have repeated many of the arguments that they mounted earlier in the consideration of the state taxation bill earlier in the year. They have repeated them again, and I anticipate that they may repeat them again this evening in relation to consideration of this piece of legislation in the committee of the whole. I am probably going to be living through those contributions in the next few minutes, so rather than anticipate them let us put the second reading to the vote and hopefully we will proceed to the committee, where the opposition will voice their concerns and tease out certain issues with me yet again. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**The ACTING PRESIDENT (Mr Elasmr)** — I ask Mr Rich-Phillips to circulate his amendment.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (18:42) — Thank you, Acting President. I ask that my amendment to clauses 22 to 24 be circulated, please.

**Mr JENNINGS** (Special Minister of State) (18:43) — I seek leave for Mr Mulino, who is the Parliamentary Secretary to the Treasurer, to join me at the table.

**Leave granted.**

**Clause 1**

**Ms DUNN** (Eastern Metropolitan) (18:44) — I just wanted firstly to explore the issue of the appeals process in relation to land valuations — the provisions around part 9 of the bill. Is this an appropriate time to do that? Are you happy for me to do that in respect of clause 1?

**The ACTING PRESIDENT (Mr Elasmr)** — Ms Dunn, is it okay with you to leave that question until we come to it?

**Ms DUNN** — Yes.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — On clause 1, I would like to ask what the government assesses the revenue impact of the measures in this bill to be.

**Mr JENNINGS** — The first item that has drawn attention to itself is in relation to the intended revenue that is derived from the centralised valuation process, which the government anticipates will be worth \$200 million of increased revenue. That would be netted off against \$45 million.

I indicated \$45 million, but in fact that may not be the exact number, so I am going to take some advice on that in terms of the transitional arrangements that support the local government sector and the protections in place in relation to the way in which the scheme would be implemented. The payroll tax matters were to be costed in relation to a concession in the order of \$4 million annually — so \$16 million over the forward estimate period. I will take some consolidated advice about both the transitional costs and the other items that may be contained within it.

I can confirm what I have shared with the committee so far. Regarding the other matter, the absentee landlord provisions are in the order of \$7 million.

**Mr RICH-PHILLIPS** — Thank you, Minister. In relation to the \$200 million from the centralised valuation, are you able to break down how that revenue is derived — that is, which elements of the overall change in evaluation practices will deliver the \$200 million? Is it the frequency of valuation? Is it because valuations will now be done by the valuer-general and the government is hoping for better valuations?

**Mr JENNINGS** — The simple version of the story — and often the simple version is the best — is that we anticipate it is a bring-forward based upon what we actually think is the value of what would otherwise be every alternate year being brought forward. It will enable more contemporary valuations to be in place and the revenue stream being brought forward. Mr Rich-Phillips may have a supplementary question asking me about what happens if the market goes down. That is a risk that we acknowledge; however, we are not anticipating it actually being the outcome. But at some point in time that may in fact be netted off.

**Mr RICH-PHILLIPS** — Thank you, Minister. I give you full marks for anticipating my next question. Has the softening we are apparently seeing in the property market — and it has certainly been a subject

of reporting in the last month to six weeks — been factored into the estimates of the \$200 million of additional revenue, or is it anticipated that property values will continue to grow at the rate they have been historically over recent years?

**Mr JENNINGS** — In fact the projections that were made at the time of the budget continue to be the prevailing estimates about the value of the market. There has not been an adjustment in terms of what that projection may be at this time. I do not anticipate in the budget update that that would occur, but that would be a subject of consideration by Treasury and would subsequently be reported in relation to what they anticipate the revenues may be. But at this point in time there has not been any variation from what the original intent of the proposal was at budget time.

**Mr RICH-PHILLIPS** — Thank you, Minister. In relation to the \$200 million you mentioned, which you attributed to centralised valuation, is there any change in revenue attributed to the proposed change in exemption to concessions under clauses 20 through to 24, which are in relation to sporting, recreational and cultural land held by not-for-profits, which is the subject of some amendments we will go to soon?

**Mr JENNINGS** — No.

**Ms DUNN** — I ask that my amendments be circulated to members of the house.

**Clause agreed to; clause 2 agreed to.**

**Clause 3**

**Ms PATTEN** (Northern Metropolitan) (18:54) — I move:

1. **Suggested amendment to the Legislative Assembly** —

Clause 3, line 27, omit ‘1995.’ and insert ‘1995.’.

2. **Suggested amendment to the Legislative Assembly** —

Clause 3, after line 27 insert—

‘(4) A parking space is an exempt parking space if—

- (a) it is provided on land described in Vol.10894 Fol.151; and
- (b) Abbotsford Convent Foundation (A.C.N. 098 462 474) is the registered proprietor of the land within the meaning of the **Transfer of Land Act 1958**.’.

My suggested amendments add further exemptions to the congestion levy, being for the Abbotsford Convent, but this is described in a far less exciting way as ‘Vol.10894 Fol.151’, which is related to the Abbotsford Convent Foundation. As I mentioned in my second-reading speech, this is a fantastic community organisation that provides open space to our community 365 days a year plus assistance to many arts organisations, small businesses and community groups. It actually does not receive any state funding, and so the revenue that it does receive from the car park is absolutely intrinsic to its upkeep and its viability, so I commend my amendments to the house.

**Ms DUNN** — I rise just to indicate the Greens will be supporting these amendments by Ms Patten.

**Mr RICH-PHILLIPS** — I congratulate Ms Patten on getting ahead of the Greens on this. I recall this amendment coming forward in the previous Parliament, I think proposed by Mr Barber as Leader of the Greens at the time. On that occasion when I was Assistant Treasurer we declined to support that amendment to exempt Abbotsford Convent from that particular congestion levy on the basis that although it is a worthy cause, the case was not made by Mr Barber at the time as to why it merited exemption from that taxation of general application. It remains our view that while Abbotsford Convent is a facility that is meritorious, nonetheless we do not think that providing a carve-out on that levy is an appropriate way to proceed, so we will not support Ms Patten’s amendments — but I note that she has been successful in getting ahead of the Greens in moving it.

**Mr JENNINGS** — Well, that is not the limit of her success. In fact the government is supporting these amendments. I am aware of certain views of a member of the government in relation to this matter who has had pretty strongly held views on the subject that have been long held. The member for Richmond in the Assembly would be a happy member of Parliament to see this amendment accepted.

**Suggested amendments agreed to; clause postponed; clauses 4 to 21 agreed to.**

**Clauses 22 to 24**

**Mr RICH-PHILLIPS** — My amendment 1 is essentially to omit clauses 22 to 24, so I invite the committee to vote against these clauses, which relate to the application of exemption of concessions under the Land Tax Act 2005 as they apply to sporting, recreational and cultural land owned by non-profit organisations. In moving that amendment I would like

to ask the minister with respect to clause 23 of the bill: what is the government’s intention in substituting the phrase ‘primarily or substantially’ with ‘exclusively’ in relation to the exemption around use of land by not-for-profits?

**Mr JENNINGS** — Earlier in the committee Mr Rich-Phillips asked me a question about what the intended revenue consequences of this amendment may be, and I was indicating to the chamber that this is not driven by what is anticipated to be a substantive change in the revenue. This amendment is designed to ensure that there are not any loophole provisions in relation to who controls land in terms of the cultural, sporting or recreational activities that may take place on that land and that there may not be a contrivance by the landholders who are not those community organisations that are vested with that land that enables them effectively to create mechanisms that may indicate that they are supporting cultural or recreational activity on the land and may seek to derive a land tax benefit from that as distinct from those properties that will be owned or controlled by those not-for-profit organisations.

The primary purpose of the use of the land is for those community benefits, but it may in part be used for some form of commercial return in relation to clubhouses being used for private events or community events that actually may generate some revenue, and those not-for-profit organisations may be able to keep that revenue to help them in fact acquit their ostensive reasons for engaging in their community activity. So it actually provides those not-for-profit organisations with some capacity to raise some revenue to support their efforts rather than have them change the nature of their sporting, cultural or recreational uses. It does not shift the centre of gravity in terms of what service or community engagement they provide, but it provides them with some avenues for cash flow in circumstances where they are not being driven by a business model that requires that — it allows them to do that but does not allow the reverse to take place. It does not actually allow some business or commercial entity to derive a land tax benefit from having a facade of a community-based not-for-profit organisation that operates within that parcel of land.

**Mr RICH-PHILLIPS** — Thank you, Minister. I am confused by your answer, because in your answer you actually used the word ‘primarily’ to describe the government’s intention to allow the land tax exemption for entities which primarily — and I will use sporting clubs to keep it simple — undertake sporting activities on the exempt land, provided that that is primarily what it is used for. They may run 21st birthday parties and so forth in clubhouses and that type of thing. But in your

description of the intention you actually described the current legislation. You did not describe the change that the government is making, which is to say 'exclusively'. The current section of the Land Tax Act provides in section 72:

- (2) The land is exempt land if the Commissioner determines that—
  - (a) the land is used by the non-profit organisation primarily or substantially for—
    - (i) sporting activities ...

et cetera. That is what you described in your answer — the land being used primarily or substantially for sporting activities, with incidental revenue from leasing out the clubhouses for functions and so forth. What you are proposing to do with your bill is to replace the words 'primarily or substantially' with 'exclusively', which on the face of it does not allow sporting clubs to make their premises available for 21st birthdays et cetera. So I am confused by your answer, because you actually seem to be advocating for what is currently in the act rather than what you are proposing in the bill.

**Mr JENNINGS** — We had a discussion about the fact that the questions you have asked and my answer to your first question and my subsequent answer now are counterintuitive in some way. Your question at face value seems reasonable and seems to be apposite to the situation. There are a couple of aspects and provisions that I want to draw your attention to that we assert under the legislation allow for some exemptions in terms of a partial use of land that enables the situation that I have described. In fact the bill provides for within the parcel of land a partial exemption to allow for activities to be undertaken in the form that I have described. We also believe that in fact there are opportunities for ancillary activities to be undertaken within the property that will allow for those circumstances to take place in the way that I described. I have a couple of examples. This may or may not have satisfied you or may give rise to further concerns, so let us just see where you are standing on the issue, and then I will come back and see whether the examples are worthwhile or not.

**Mr RICH-PHILLIPS** — Minister, I think the examples would be helpful because it is not clear at all from the way the bill is drafted how ancillary activities would be permitted when the bill is saying that the exclusive purpose must be sporting activities, for example.

**Mr JENNINGS** — I am quoting from a document that I am happy to share with you subsequently. I will

obviously have to share it with Hansard before I share it with you. We will make a copy. So why is section 72 being amended? The document states:

Section 72 currently exempts land that is owned by a non-profit organisation whose primary purpose is to conduct sporting activities or outdoor recreational, cultural or similar activities and that is used 'primarily or substantially' for those activities. Approximately 420 non-profit organisations currently benefit from the exemption. It does not apply to leased land.

Currently there is no scope under the provision to exempt the portion or part of land if that part meets the exemption requirements. This is different from the majority of land tax exemptions which apply to land or a part of land. Accordingly, the current provision applies on an 'all or nothing' basis.

The proposed amendment ensures that section 72 can be applied on an apportionment basis, meaning that non-profit organisations that use only a part of land for an exempt purpose will be able to benefit from the land tax exemption. This will ensure that non-profit organisations that currently may not be eligible for the exemption will be able to apply for a partial exemption, thereby increasing the number of organisations that will be eligible for an exemption. This change brings section 72 in line with other land tax exemptions.

Here is the example:

A non-profit golf club wishes to migrate their golf course gradually from one property to another. The property to which the golf course is migrating is being developed over a number of years. It will be at least two or three years before the new property is 'primarily or substantially' used as a golf course. Under the current provisions, this property would be fully taxable until then, despite being partially used as a golf course in the meantime. Under the amended provisions, the new property would be entitled to a partial exemption each year as each of the new golf holes are established and opened, reflecting the part of the land that is used as a golf course.

So that is one example.

In terms of the following examples, they also indicate how the exemption will operate in relation to the use of land for ancillary activities:

Non-profit sporting clubs generally provide club rooms, which include change rooms and a kiosk or cafe serving snacks and refreshments. Such uses are ancillary to the primary sporting use of the land and would meet the test of being 'exclusively' used for the exempt activities. Therefore, such land would continue to qualify for a land exemption under the amended section 72.

**Mr RICH-PHILLIPS** — Thank you, Minister. That is helpful to a certain extent. Obviously the option of apportionment on a parcel of land raises the spectre of a tennis club where the court is exempt from land tax but the clubhouse is subject to land tax. Talking about ancillary activities, are you able to indicate to the committee whether a tennis club that holds a

21st birthday party, that leases out or rents out its clubroom for a 21st birthday party, would be taken to be associated — I am not sure what language you used before — for that to be exclusively a sporting activity?

**Mr JENNINGS** — We believe the intention of the law is for it to apply in the way that I originally described, in the way that I have subsequently populated the space in relation to the apportionment in terms of the geographic spaces and facilities within the land but also to the primary purpose that it is actually being put to. We would say that in the case of tennis clubs that use their clubhouse for that purpose to raise money to support their not-for-profit community tennis participation and their club, that would actually be exempt because it would be exclusively derived to support the activities of the club in a not-for-profit situation.

**Mr RICH-PHILLIPS** — So, Minister, the test of ‘exclusively’ relates to what the revenue is used for, rather than what the facility is used for; is that what you are suggesting?

**Mr JENNINGS** — As a starting point, let us go back to the 420 organisations that currently receive exemptions under this provision. We would anticipate that they will continue to be exempt from these provisions. The reason they would be so is because they will not change either their practice or their model of operating their organisation, which currently may be able to enable them to have an exemption. We anticipate that that will continue to occur. It is on the basis that they do not alter what is the nature of the use. The reason why I have not immediately come back with a simple answer yes to your question is because in fact it is not based upon the revenue stream being apportioned in any particular way other than what is the current status of what exempt activity may be or what is anticipated as being that exempt activity in the way in which I have described it to you. If in fact a practice has enabled a club to be exempt, it will continue to be able to be exempt on a no-change basis.

The issue that I have not discussed previously in relation to this, what I describe as potentially the counterintuitive nature of the exclusivity, is that the amendments in this piece of legislation have been designed to bring it into alignment with the regime that actually applies to charitable organisations, which is in fact a structure that has provided them with a model of practice in relation to providing for their exemptions. This is designed to apply the same standard and the same test to the sporting and cultural activities in relation to harmonising what is the regime that applies

to charitable organisations that hold land and currently receive exemptions.

**Mr RICH-PHILLIPS** — Thank you, Minister. I guess from our perspective we have difficulty accepting that you can change the definition, you can change the constraint, and believe the application is going to be the same where you have got the 420 clubs, those currently taking advantage of the exemption. Clearly there is a reason why the government is changing the structure of the exemption to tighten the exemption from the language of ‘primarily or substantially’ used to ‘exclusively’ used. While it might be the State Revenue Office (SRO) commissioner’s intention not to change the way he applies the law around exemptions to those clubs, the reality is we are changing the law, or the government is proposing to change the law. There has to be an impact of that. If it is status quo, why are we changing the law?

We do not have a lot of comfort that in time this interpretation, this new language, will not be used to vary the current exemptions which are available and which are used by sporting clubs that do undertake incidental activities in their clubrooms, such as 21sts et cetera. The government is changing it for a reason. Yes, I take your point that it might be harmonising with what happens with other not-for-profit entities, but it is a change with respect to the exemptions that are currently available to sporting clubs, and I think inevitably this commissioner or a different commissioner will interpret the change as meaning a narrowing of the availability of this exemption where facilities are used for something other than exclusively sporting purposes.

If the government’s view is that there is no revenue change, if the government’s view is there is no intention of policy change, then we would submit there is no need for this clause, and we propose that this clause and the related clause be omitted with our amendment.

**Mr JENNINGS** — Mr Rich-Phillips, you actually acknowledged that in fact harmonisation is one of the reasons why we are doing it. I remind you that a few minutes ago, and I may not have done it in perhaps the crispest way, I actually described what is also being afforded, which is the example that I read into the transcript about the golf club migrating from one location to another. In that migration, which is segmented and scheduled over time, the exemption would apply to the parcel of land that is actually being used for the purpose. That potential benefit of either redevelopment or the way in which either an existing footprint of land or a transfer of land from one to the other could be segmented to deliver an exemption is the

new benefit that a sporting club would actually derive as opposed to the current restrictions in the way that would apply. So that would be a benefit to the club. We have actually been talking about all the potential downsides — that is a benefit that does not currently exist.

Then the last issue that I refer to coyly is in fact whether landholders may enter into a contrivance in relation to a sporting club to derive a personal benefit in the name of a not-for-profit community benefit where in fact they may be the sole beneficiary by that contrivance of that sporting activity that they may sponsor on their land. That is an additional benefit that in fact probably has not drawn much attention to itself. But the primary benefits to existing sporting clubs are harmonising with the charitable sector and the benefit that they derive from clearly delineating what is the partial element of the land that they either currently hold or transition into in relation to providing clarity about that exemption.

**Mr RICH-PHILLIPS** — Thank you, Minister. I take your point on clubs that are transitioning, but we would submit that there are far more clubs in steady-state situations. Of the 420, very few, I suspect, are transitioning to new sites and would be beneficiaries of that as opposed to those that are potentially at detriment through this provision. If, as you indicated, the government does not believe there is revenue associated with this and the commissioner is not intending a change of application in relation to those 420 clubs if they are in steady state and do not change their activities — as you indicated as one of the preconditions on that — we really do not see the need for these provisions in the bill, and we propose to omit those relevant three clauses.

**Ms DUNN** — Just exploring these scenarios a little further, I give the example of — I will just say a tennis club — a sporting club that owns its land. They might have a spare room in their clubroom that they decide to rent out as office space to a third party. They are a not-for-profit club, but they do that because they want to generate income to run their club. I guess I am wondering what the land tax treatment would be in that scenario that might happen. It is sort of outside of the scope of a birthday party or those sorts of social functions — a more formal arrangement.

**Mr JENNINGS** — Look at that. Wow — excellent. I am now, for your benefit, going to read something into the transcript. In the example that Ms Dunn has given, in the circumstances that she described and in the way she described it, in fact an exemption would apply just as it would apply now. Ultimately there might be a whole myriad of scenarios that we actually may discuss

which actually fundamentally change whether a not-for-profit sporting organisation has been fundamentally changing their business model and their revenue base. We could actually go to great extremes in relation to that to actually change it into a profit-making use of the land. The test is actually applied in relation to that transfer in that business model. The further you go into a profit-making regime that actually does not underpin the support and the original purpose of the land that actually would qualify as an exemption — the more extreme you go into the size of the revenue stream and the scale of the activity — the more you take it out of the realms of being likely to be exempt. But in the circumstances that you described we believe that that would be exempt.

Now that you are sitting in this configuration, let me take the opportunity to read a letter that the Treasurer sent to the chief executive officer of Vicsport to actually provide comfort in relation to these matters that we have been discussing in the committee. It is written to Mr Steven Potts, chief executive officer of Vicsport.

I thank you for your correspondence of 8 December to the Premier regarding this matter and I am responding on behalf of the government. I understand that you have subsequently met with representatives from my office and of the State Revenue Office.

The amendments to s72 of the Land Tax Act 2005 are anticipated to be positive for the sports clubs across Victoria, with some clubs that may not previously been exempt now being eligible to apply for partial exemptions.

Overall these changes will be of relevance to very few sporting clubs. The vast majority of sporting clubs do not own the land on which they operate and have alternate land use arrangements — this will not impact on those clubs whatsoever. The SRO has indicated that slightly over 400 clubs/organisations are landowners that are currently in receipt of this exemption.

Of those 400 organisations the SRO has stated clearly that it does not expect any of them to lose their exemption. Currently exempted clubs will need to notify the SRO if the land begins to be used in a significantly different fashion, just as they are currently required to do.

Sporting clubs will not need to reapply for the exemption and this will not impact the reporting requirements upon them. Explicitly this should not impact the ordinary commercial operations of sporting clubs (i.e. venue hire, canteens, club bars) where that revenue is generated for sporting activities.

The commissioner of state revenue has written to me regarding these concerns and I have provided you with a copy of that letter. The commissioner notes that:

Once the amendment is enacted, we will also confirm the above position by issuing a public revenue ruling. Public revenue rulings represent the State Revenue Office interpretation and application of the legislation.

The intention of this government and the State Revenue Office is that this amendment will increase, rather than decrease, the number of sporting clubs eligible for a land tax exemption. This amendment is technical in nature and has not the intention nor the effect of increasing state revenue.

I trust that this has allayed your concerns and I remain committed to working with Vicsport and the broader sector toward our mutual goals of facilitating recreational activities and healthy lifestyles.

The letter was signed by Tim Pallas, the Treasurer, on 11 December 2017.

The government does not support Mr Rich-Phillips's suggested amendment.

### Business interrupted pursuant to standing orders.

### Sitting extended pursuant to standing orders.

**Ms DUNN** — I am interested, after hearing the extensive debate on these particular clauses, in the minister providing further clarity if he can on the consequences of not including clauses 22 to 24 in terms of the not-for-profits that we are currently discussing. If these amendments did not proceed because Mr Rich-Phillips's amendment was successful, what are the consequences?

**Mr JENNINGS** — I am not going to go back to the method that I adopted in a recent committee when I cross-referenced questions and answers at some length, but I could. In relation to Mr Rich-Phillips, I actually outlined why the government is doing that about 5 or 10 minutes ago. I would say that my answer to him on that occasion is the same as my answer to you. There are a couple of issues. One is the benefit that derives to clubs from the partitioning in relation to that activity. It clarifies that whatever ancillary source, or in this case revenue source, is being used for the exclusive purpose of running a not-for-profit organisation that has a sporting, cultural or recreational benefit is a public benefit and not-for-profit. It clarifies that. It harmonises it with the way in which charitable organisations are dealt with more broadly in relation to the tests that apply to them. It also precludes potential contrivances of private landholders who may pretend to run a community, not-for-profit organisation that may lead to them using the land for private benefit in a way in which they try to derive an exemption from land tax that otherwise may not be available to them.

**The ACTING PRESIDENT (Mr Elasmar)** — Mr Rich-Phillips has suggested that the committee vote against clauses 22 to 24. In accordance with standing order 14.15(4), the question is:

That clauses 22 to 24 be agreed to.

### Committee divided on question:

#### Ayes, 14

Dalidakis, Mr	Mikakos, Ms
Eideh, Mr	Mulino, Mr
Elasmar, Mr	Patten, Ms ( <i>Teller</i> )
Gepp, Mr	Purcell, Mr
Jennings, Mr	Shing, Ms
Leane, Mr	Somyurek, Mr ( <i>Teller</i> )
Melhem, Mr	Tierney, Ms

#### Noes, 21

Bath, Ms	O'Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr
Dalla-Riva, Mr ( <i>Teller</i> )	Pennicuik, Ms
Davis, Mr	Peulich, Ms
Dunn, Ms	Ramsay, Mr
Finn, Mr	Ratnam, Dr
Fitzherbert, Ms	Rich-Phillips, Mr
Hartland, Ms ( <i>Teller</i> )	Springle, Ms
Lovell, Ms	Young, Mr
Morris, Mr	

#### Pairs

Pulford, Ms	Wooldridge, Ms
Symes, Ms	Atkinson, Mr

### Question negatived.

### Clauses postponed; clauses 25 to 36 agreed to.

#### Clause 37

**Ms DUNN** — I move:

1. Clause 37, after line 7 insert—

‘(a) **insert** the following definition—

“*business day* means a day other than—

- (a) a Saturday or a Sunday; or
- (b) a day appointed under the **Public Holidays Act 1993** as a public holiday or public half-holiday;”.

This amendment requires a little bit of explanation because it seeks to insert a definition into part 9 of the bill, which relates to the amendment of the Valuation of Land Act 1960 and other acts. My amendment seeks to describe what a ‘business day’ means. There are a range of definitions in my amendment that a business day means other than Saturday or Sunday or a day appointed under the Public Holidays Act 1993 as a public holiday or a public half-holiday. The reason this is the first amendment of the amendments being proposed by the Greens is because it is in relation to supplementary valuations, which I will get to when I move those particular amendments, which are to later clauses. It is a definition to make sure that when we talk about a turnaround of 10 days for supplementary

valuations undertaken by the valuer-general we mean 10 business days. This amendment just defines what a business day is in relation to that.

In relation to part 9, can I clarify: when should we be asking general questions related to these clauses?

**The ACTING PRESIDENT (Mr Elasmr)** — At the moment we are dealing with clause 37. We will deal with it when we come to the other clauses.

**Mr JENNINGS** — Let me enter into the committee stage with a degree of optimism and a degree of hope by saying that if I agree to something, I will agree to it — and I would agree to this.

**Mr RICH-PHILLIPS** — We will not oppose Ms Dunn's amendment to clause 37. It is our intention though to oppose part 9 of the bill, the valuation provisions, in toto. We believe the government has not made the case for these changes and it has failed to heed the concerns which have been expressed by numerous local government entities around the state. Obviously the Municipal Association of Victoria (MAV) has been placated to a certain extent, but it is very clear from correspondence received from individual local government entities and municipalities that they do not share the view of the MAV that the package put together by the government is acceptable. I note that the government has accepted Ms Dunn's amendment, which indicates that the Greens have reached an accommodation with the government. We believe that perhaps the new Leader of the Greens, Dr Ratnam, and Ms Sandell in the other place may have been gotten the better of by the Treasurer on this matter.

**Mr Jennings** interjected.

**Mr RICH-PHILLIPS** — We are talking about this amendment. To take up the Leader of the Government's interjection, the big area of contention with this legislation when it came to the Parliament back in May, and of course in this iteration of the bill today, has been the valuation provisions. There has been widespread concern from valuers and from individual municipalities, notwithstanding the fact that the MAV sold out. Individual municipalities continue to be concerned about these provisions. I suspect that the Treasurer with his charms has got the better of Dr Ratnam and Ms Sandell in the other place, and we are seeing a compromise come forward with this amendment which might satisfy the government and the Treasurer but I suspect will not satisfy the municipalities which continue to be concerned about these provisions. I note that seemingly agreement has been reached between the Greens and the Treasurer, so

we will not oppose Ms Dunn's amendment, but we do continue to oppose part 9 of the bill.

Noting Ms Dunn has a number of consequential amendments which are spread through part 9, it was our intention to vote against part 9 as a block. If we continue to do that, it would mean multiple divisions intersected by Ms Dunn's amendments, which is probably a pretty inefficient way for the committee to proceed this evening. What I would propose to do is accept Ms Dunn's amendment, from our perspective, but then vote against clause 37 as a test of the rest of part 9, to keep it simple. Then ultimately, given it would appear part 9 is to remain in the bill, we will oppose the bill on the third reading.

**Amendment agreed to.**

**Committee divided on amended clause:**

*Ayes, 21*

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

*Noes, 14*

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

*Pairs*

Tierney, Ms	Atkinson, Mr
Pulford, Ms	Wooldridge, Ms

**Amended clause agreed to.**

**Clause 38 agreed to.**

**Clause 39**

**Ms DUNN** — An issue has been raised with me by local government concerning, if the bill is successful and these changes are undertaken, the level of service to the council or the community with this centralised model. This is particularly focused on service and responsiveness for issues that ratepayers may have in relation to land valuations. This clause is around the functions of the valuer-general. There will be a direct interface between the valuer-general and the

community because of this centralised model, so what assurances can the government give in terms of that service and its responsiveness to community members?

**Mr JENNINGS** — I heard the preamble very, very clearly — it went on for quite some time — but I did not hear the question, because the question sort of disappeared.

**Ms DUNN** — Okay, I admit it was quite the preamble, as I shuffled through my papers. What assurances can the government give to both local government and community in terms of delivering a timely service and responsiveness under this new model? The reason I ask the question is that councils have highlighted that if they are not part of the mix, they are concerned that those levels of service will in fact be diminished. I am just wondering what assurances you can provide that those levels of service will continue into the future.

**Mr JENNINGS** — Coming from the perspective of local councils being the protector of community interest, one of the reassurances is that the centralised model that will be established under this piece of legislation provides for councils to opt out of the centralisation through their determination. In terms of a belts-and-braces approach — you may be concerned on behalf of residents or on behalf of councils who may be ambivalent, concerned or wanting an evaluation of the outcomes and the effectiveness of how this transition takes place — councils will have the opportunity to opt out. That is an important starting point as a protection. Certainly from the government's perspective we see it as a huge obligation being provided to the valuer-general under his current responsibilities, which are outlined under various acts of Parliament in relation to the appropriate quality, delivery and timeliness of those provisions.

The example that I am being encouraged to talk to you about is how in other jurisdictions this centralised function has led to a practice that has been recognised as being very responsive to the community. It does provide for a more contemporary valuation to be afforded to the sector. Earlier in the committee Mr Rich-Phillips asked, 'What happens in a situation where communities have their valuation and therefore their tax rate reduced if there is a reduction in property values or an adjustment?'. This model is likely to bring that forward, whether it be an assurance that is currently not afforded to communities that there will be a contemporary valuation that will apply to their property.

There are obligations under valuation guidelines and standards of practice that the valuer-general is obliged to comply with. Ultimately the degree of resource allocation, as I indicated in the early stage of the committee, in the first instance somewhere in the order of over 20 per cent of what has been derived from the bringing forward of revenues, will be allocated to support local communities and the valuation profession in relation to the transition. There is significant investment that is going to be provided to support that, and we would hope that communities and local government will recognise the value of that work, and as I indicated at the very beginning of my answer to you, councils themselves have the opportunity to opt out if in fact the scheme is not working from their perspective.

**Ms DUNN** — Thank you, Minister, for your answer. I am just following on that line of inquiry, if I can. An issue has been raised with me by local government that there may be a negative interaction with a contractor who is working on behalf of the valuer-general that inevitably impacts on the relationship between ratepayers and their local councils. I am wondering what redress local councils may have should that be the case where it is the contractor who is providing a negative interaction with the community.

**Mr JENNINGS** — The valuer-general will be entering into a service level agreement with each council that will have mechanisms in place in terms of dealing with those adverse or quality assurance issues that may be evident to local communities. If we are leading ultimately to the question that you asked earlier — or sought to ask on clause 1 — about appeals and what reassurance the community might seek in relation to appeal mechanisms, this bill does have saving provisions in clause 77 that keep intact various appeal mechanisms that allow taxpayers to seek remedy in relation to the quality of the valuation through VCAT and/or the Supreme Court. They can seek remedies and consideration of any of those adverse outcomes. Indeed sections 14 and 34 of the current act deal with objections, reviews and appeals, including who may object, grounds for objection, timing of objections and appeals to VCAT. Those provisions in the current act are being preserved and are not affected by the introduction of this bill.

**Clause agreed to; clauses 40 to 54 agreed to.**

#### **Clause 55**

**Ms DUNN** — I note that clause 55 refers to a general valuation to be made each year, but in relation to the integrity issues around a centralised valuation it has been highlighted to me by local government that

one of the current advantages of the system in place is that valuations are checked by the valuer-general following the return of valuations from councils. That of course will change into the future. The valuer-general currently is able to independently attest that the valuations are generally true and correct. With valuers or contractors employed directly by the valuer-general, there are concerns that that independence may be lost, leading to a loss of confidence by the public in the integrity of the valuation process. I am just wondering, Minister, if you can assure the house that there is going to remain integrity in the valuation process given the changes suggested in the centralised valuation process.

**Mr JENNINGS** — The cumulative effect of some of the answers and some of the responses that I have given to your questions up until now relates to this question. The most recent answer I gave you was in relation to the individual appeal rights of citizens and taxpayers in relation to what they believe might be undue valuations and practices that may have been undertaken as they relate to their confidence in the valuation and the way in which that has been set. They will have their rights unaffected by this and will actually go to VCAT and the Supreme Court.

In a previous question we talked about the service level agreement in relation to the means by which the valuer-general will enter into a service level agreement with each local government area in relation to what would be the quality assurance and the application of valuations that occur within that municipality. So not only would there be the standards that the valuer-general is obliged to maintain under various acts, but also in terms of best practice guidelines for valuations there would be the benchmarking the valuer-general would set which not only his practice should be measured by but in fact any valuation that takes place by any valuer under that service level agreement would need to comply with. They would then be benchmarked against those various mechanisms within the various acts, which include this act and planning acts, that relate to the guidelines which the valuer-general would need to be compliant with. Then ultimately in relation to this, the remedy, councils will have the option to step out. So councils may choose to step out of this regime if in fact the service level agreement is not being complied with, when in fact the residents are actually not getting the quality of service.

The cumulative effect of these issues is that at the individual level citizens, taxpayers, will have an opportunity to seek remedy. There are standards that will apply set in contractual arrangement between the valuer and the municipality and the valuations that will take place within that regime. These again would be

designed to give the community confidence in the fact standards are being maintained, and then councils would be able to step away if in fact this regime is not working. Then obviously there are still residual powers and responsibilities of the State Revenue Office to make sure that it undertakes its responsibilities properly, and there would be accountability mechanisms within this act in relation to the activities of the State Revenue Office and the Treasurer in relation to their obligations under this act.

**Clause agreed to; clauses 56 to 60 agreed to.**

### Clause 61

**Ms DUNN** — I move:

2. Clause 61, line 26, omit ‘Guidelines.’ and insert “Guidelines.”.
3. Clause 61, after line 26 insert—
  - (3) If a council requests a supplementary valuation to be caused by the valuer-general under subsection (1), the valuer-general must give the supplementary valuation to the council within 10 business days after the supplementary valuation is returned to the valuer-general.’.

Amendment 2 is simply correcting a typographical error. Amendment 3 to clause 61 provides for the insertion of words. This is a critical issue for the Greens. It is a threshold issue for us because it has extraordinary implications for local government if income derived from supplementary rates does not flow in a timely way. As I speak to this amendment I think it is probably worth putting on the record discussions that have been had with the Victorian Greens and the state government in relation to this particular bill and some of the critical issues for us, which particularly revolve around the time lines in relation to supplementary valuations.

Just for the record, particularly in relation to some of the commentary that Mr Rich-Phillips made, I would like to clarify exactly what has been agreed to between the Greens and the Treasurer of Victoria. Firstly, to go to the financial implications for council, in terms of the letter it quotes:

The government is confident that councils as a whole will be financially better off as a result of this reform. My letter of 3 November 2017 and the principles attached to it give various undertakings, including that:

the state will pay for the full cost of revaluations each year, which the government estimates will save councils \$15 million every two years;

the state will provide reimbursement, retraining, redundancy, and redeployment costs for those councils

with in-house and hybrid valuers (through to 30 June 2022);

the valuer-general will be responsible for the costs of any IT system changes for both valuations and any consequential changes for councils' systems (through to 30 June 2022); and

the state will provide for increased cost of in-house rates staff for any additional workload related to rates modelling and data input required for annual valuations for all councils, regardless of when they transition to the centralised valuation process.

We are pleased that the government have committed to these particular undertakings, and I will certainly ask when I finish this contribution that the minister confirm that these indeed are undertakings provided to us by the state Treasurer.

In terms of the letter, it says that:

Councils have certainty that the state will continue to undertake the full cost of general valuations as this is provided for in the legislation.

And it refers us to clause 52 of the bill. It also goes on to say:

The effect of this clause is to enshrine in legislation that the state government will pay for the full cost of general valuations.

The letter also goes on to confirm in relation to local contractors, also a significant issue for the Greens, that:

The government will require the valuer-general to give preferential consideration to competitive local suppliers, when awarding valuation contracts.

And we certainly look forward to that rolling out on the ground, because it is very important that certainly the people providing those services in regional Victoria continue to undertake those services through the valuer-general if they are appropriately qualified to do so.

On the funding guarantee for councils the state Treasurer says:

For those councils that can demonstrate they are financially worse off as a result of the changes to valuations in the State Taxation Acts Further Amendment Bill 2017, the government undertakes to provide additional compensation to them to ensure they are no worse off.

In relation to the onsale of data, which has been an issue for some councils, there are no changes in this bill that limit the ability of councils to onsell data to third parties. Councils can rest assured that that mechanism is still available to them. And in relation to supplementary valuations, I will certainly let the minister speak directly to our amendment in relation to

that, but outlined in this letter is a commitment to that shorter turnaround time of 10 days becoming the standard for all councils.

In relation to the discussions with the state Treasurer, we are pleased that they have been positive because they address a lot of the financial implications for council, particularly around costs of valuations, reimbursement for retraining, redundancy and redeployment, other issues of changes to IT systems and any increased costs to staff that might be required in relation to modelling. I would hope that the minister confirms that that is in fact the case and is the result of the negotiations between the Greens and the government on these particular provisions of the bill.

**Mr JENNINGS** — I indeed can confirm that. In fact in relation to every matter that Ms Dunn raised about her discussions with the Treasurer, the Treasurer's correspondence with her and the concerns she has expressed on behalf of the local government sector about the way this scheme will be introduced, I can confirm the Treasurer is supportive of what Ms Dunn has read into the transcript and attributed to him, and I can confirm that the government will support this amendment. We recognise that this will be a benefit to the local government sector.

The additional rejoinder that I will make in terms of the issues that Ms Dunn has raised is that I can confirm that the government shares her concern to make sure that the local government sector is viable, that it is responsive to the needs of its community and indeed to be mindful of existing employment relationships in terms of continuity of service and employment opportunities throughout the spread of regional Victoria. So we share your concern for the sector generally.

Can I just say that Mr Rich-Phillips in his somewhat colourful contribution earlier in the committee stage may have been seeking the high moral ground in relation to supporting some elements of the local government sector. He was not necessarily playing to the gallery but was actually very supportive of —

**Mr Rich-Phillips** interjected.

**Mr JENNINGS** — That is right — limited returns in the chamber. But we understand that there was a rhetorical flourish earlier in Mr Rich-Phillips's contribution in the name of protecting the interests of some elements of the local government sector, which he did not name, but he believed he was expressing their concerns. We respect the views of the local government sector, whether they be similar to the views

that Mr Rich-Phillips shares or similar to the views that the Greens and the government currently share in relation to this matter. Maybe all of us are looking for a way in which we can provide that support to the local government sector through different approaches to Ms Dunn's amendment and to the provisions of the bill. Hopefully at the end of the day we will provide an environment where the local government sector feels supported and not diminished through this reform.

**Mr RICH-PHILLIPS** — The coalition will not oppose Ms Dunn's amendment. At the risk of another rhetorical flourish, Leader of the Government, previously I said the Greens had been charmed by the Treasurer in accepting this arrangement. One of my colleagues — I think it may have been Mr Finn — took exception to that. He does not believe there is any charm in the Treasurer, and he believes that to say the Treasurer had charmed the Greens was perhaps not the right angle.

Having heard Ms Dunn read the letter into the record and having had the minister confirm that that is the government's view, it is certainly the case that Dr Ratnam and Ms Sandell have been hoodwinked by the Treasurer. The letter that Ms Dunn read into the record contains so many holes in the Treasurer's commitments — in the language the Treasurer has used in making his commitments — that I think in time we will see that perhaps the Greens have been a little too accepting of the commitments the Treasurer has made in his letter.

We believe this provision will still be to the detriment of local government. Mr Jennings talks about the sectors of local government. We believe it will be to the detriment of local government; it will be to the detriment of independent valuers. Notwithstanding that, we will not oppose Ms Dunn's amendment. We remain opposed to part 9 of the bill and consequently the bill on the third reading.

**Amendments agreed to; amended clause agreed to; clauses 62 to 70 agreed to.**

#### Clause 71

**Ms DUNN** — I move:

4. Clause 71, lines 17 to 18, omit all words and expressions on these lines and insert—

'(3) For section 13N(3) of the **Valuation of Land Act 1960** substitute—

“(3) If a collection agency requests a supplementary valuation to be caused by the valuer-general under subsection (1), the

valuer-general must give the supplementary valuation to the collection agency within 10 business days after the supplementary valuation is returned to the valuer-general.”.

This is simply a mirror provision to ensure that regardless of how the supplementary valuation is triggered, 10 business days still applies in relation to that 10-day turnaround. I will not read out the text again because it is, as I said, a mirror of my amendment 3.

**Mr JENNINGS** — The government agrees with this amendment, which is a mirror provision of the one we earlier agreed to.

**Amendment agreed to; amended clause agreed to; clauses 72 to 76 agreed to.**

#### Clause 77

**Ms DUNN** — I know that in your other answers you have referred to appeal rights, but I am just wondering if it is possible to describe the mechanism that a landholder might use to appeal a land valuation under this new regimen.

**Mr JENNINGS** — This is one of the situations where I can actually take you to the act, which is here at the table. In the existing act you will discover that current sections 14 to 34 deal with the process by which objections, reviews and appeals — including who may object, the grounds for objection, the timing of the objection and applications to VCAT — are outlined. So that is the place where you and members of the community may go, or their legal advisers may take them, in relation to where those provisions are. They are pre-existing provisions in the act that this bill amends.

The amendment in clause 77 makes it explicit that in fact all of those provisions are saved and protected into the future. The only amendments that are actually taking place within that are to change the references to the valuation authority; otherwise they are exactly the same. If any Victorian taxpayer seeks the remedies, that is where they should head to exercise their rights.

**Ms DUNN** — Thank you, Minister.

**Clause agreed to; clauses 78 to 84 agreed to.**

**Progress reported.**

**Suggested amendments reported to house.**

**Report adopted.**

**Ordered to be returned to Assembly with message informing them of decision of house.**

**ADJOURNMENT**

**Ms TIERNEY** (Minister for Training and Skills) (20:27:51) — I move:

That the house do now adjourn.

**Robinson Street–Princes Highway, Dandenong**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (20:28) — My adjournment matter tonight is for the attention of the Minister for Roads and Road Safety in the other place. It relates to the work that is currently being undertaken by VicRoads in relation to signalling the intersection at Princes Highway and Robinson Street in Dandenong.

This is a project which started some months ago and has for a number of months been the source of ongoing disruption for traders in Dandenong and people transiting through central Dandenong. Work has ceased on that site for an extended period of time. Works have started, and obviously part of the Princes Highway is cordoned off with witch's hats. Part of the project, unbelievably, is reducing the width of the Princes Highway — reducing the number of lanes from three to two as part of those works — so it is causing substantial disruption to traffic while works are underway, and it is also going to cause disruption to traffic once it has concluded. But it is of great concern that the project does seem to have stalled without work having taken place for an extended period of time. We obviously now have only two weeks until Christmas, with little prospect of that work being completed before Christmas, and presumably therefore there will be a further extended delay into the new year in the work being completed.

The matter I raise for the attention of the Minister for Roads and Road Safety is: will he work with VicRoads to ensure that work is completed quickly? The delay and disruption to the traders in Dandenong is unreasonable and has been extended. Will he also take mitigating action to ensure that reducing the Princes Highway from three lanes to two at that intersection does not have negative impacts on traffic flow through Dandenong?

**Boronia CCTV cameras**

**Mr LEANE** (Eastern Metropolitan) (20:30) — My adjournment matter is directed to Lisa Neville, the Minister for Police, and it is in regard to the fact that recently constituents who live in the Boronia area contacted me about their concern that the CCTV cameras that are located in the Boronia shopping precinct and owned by Knox City Council have not

been in operation. They are concerned at what this may mean for the safety of the area.

I know that these particular cameras are seen as an asset by the police that operate in the Knox region, so the action I seek from the minister is that she and her department do whatever they can to assist the Knox council in getting these cameras back in operation.

**Young Thinker in Residence**

**Ms PATTEN** (Northern Metropolitan) (20:31) — My adjournment matter is for the Minister for Youth Affairs, Ms Mikakos. The action I am seeking is in relation to the Youth Affairs Council Victoria (YACVic) Young Thinker in Residence program. This program was an initiative of YACVic. They employed two young people aged between 18 and 21 to spend two days a week thinking on a social or political topic of their choice. The program ran for 16 weeks during this year, and it offered the young thinkers a desk at YACVic headquarters to develop their projects, along with full support and guidance from the YACVic team — and their extended networks — down on Flinders Street.

The end goal was something really quite remarkable. The two inaugural thinkers were Annika McCaffrey and Brittany Witnish. They really took this challenge up and did some fantastic work. Annika researched the impact of family violence on young people, and she produced an amazing video called *The Hidden Victors*. That video was associated with social media that talked about the impact of family violence on young people living at home. The video was quite fabulous and was about how we can empower those people. It also had some great recommendations.

Brittany Witnish took quite a detailed look at how to establish a peer support program for young out-of-home care leavers and the impacts of what happens when you are immediately independent when you turn 18. Both of these women created an exceptional body of work. I was so impressed with what they did.

The action I am seeking from the minister is that she look at funding this program next year and into the future, because I think the work that these young people did was fantastic. They brought their own experiences to both of these projects. Brittany was in out-of-home care and had to leave when she was 18, and Annika experienced family violence. That personal point of view and the ability for young people to come up with great ideas should, I think, be encouraged.

### Traralgon fire prevention strategy

**Ms BATH** (Eastern Victoria) (20:34) — My adjournment matter this evening is for the Minister for Energy, Environment and Climate Change, the Honourable Lily D’Ambrosio. The action I seek from the minister is that she implement as a matter of urgency a review of the fuel loads at Traralgon South Flora and Fauna Reserve and provide a fire prevention strategy for the adjoining township.

Predicted by Latrobe City Council’s *Natural Environment Sustainability Strategy 2014–2019*, the conditions for large and intense fires — that is, low humidity, high winds and extreme weather conditions — coupled with a considerable fuel load are likely to become more common in the Latrobe City area. These conditions were some of the contributing factors to the 2009 Black Saturday bushfires which devastated parts of the municipality, claiming 13 lives and destroying many properties within the townships of Traralgon South, Callignee, Callignee South and Koornalla.

Traralgon South Flora and Fauna Reserve backs onto the north-eastern side of the township. It is used by bushwalkers, bike riders and horseriders. The reserve is approximately 843 hectares in size. During the course of Black Saturday control lines and firebreaks were constructed by emergency fire management agencies to provide a buffer for the town. Much of the reserve was burnt, contributing to the loss of native animal and bird species, but the buffer provided a very important space for Traralgon South.

With the 2017 fire season now upon us, residents have expressed concern that clearing efforts have not been carried out in the reserve, meaning that fuel loads have built up and access to the reserve is constrained. It is impossible for a vehicle to get through along the old line. The residents I have spoken to still have Black Saturday fresh in their minds every fire season, and they are concerned that this public space will be a liability to them in the event of a bushfire. So I ask the minister to action how this can be dealt with and to support fire mitigation measures in and around Traralgon South.

### Shepparton radiotherapy services

**Ms LOVELL** (Northern Victoria) (20:36) — My adjournment matter is for the Minister for Health, and it centres on the real-life story of Shepparton mother of two Rosie Roberts. It is in the wake of the recent announcement that private health provider GenesisCare has been granted a licence to establish radiotherapy

services in Shepparton. Minister, will you make a commitment to provide adequate funding to ensure all public patients will be able to access publicly funded radiotherapy services at the GenesisCare radiotherapy facility in Shepparton and all patients like Rosie can access affordable radiotherapy treatment locally?

Rosie Roberts is a 45-year-old wife and mother of two children — a son aged 12 years and a daughter aged 9 years. Rosie and her family live in Shepparton, and she works three days a week locally in office administration. In late March of this year Rosie was diagnosed with breast cancer and in April commenced six months of intensive chemotherapy at Goulburn Valley Health. Upon completion of this treatment four weeks ago Rosie underwent a lumpectomy to remove the remains of the tumour. Since her operation four weeks ago Rosie has been building her strength in preparation for a course of radiotherapy commencing in early January.

Rosie will receive daily radiotherapy every Monday to Friday for three weeks, and due to the current lack of services locally she will be forced to travel to Bendigo. As her husband works full-time and she has no family support available, Rosie has no choice but to drive each day over to Bendigo for her treatment and be home in time to care for her children after school. Receiving her treatment in Bendigo also means that Rosie will be unable to work and will have no income for the three weeks.

Rosie welcomes the recent announcement that radiotherapy services will eventually be established in Shepparton and says these services are well overdue. Rosie also stressed to me the importance of the GenesisCare facility being adequately funded by the state government so that all patients can access affordable radiotherapy treatment. Rosie wanted to tell her story to help get radiotherapy services established in Shepparton. Thankfully the doctors say her prognosis is good, and I thank her for sharing her experience with me.

Rosie’s situation shows how critical it is for the state government to provide adequate funding so that all public patients are able to access services at the GenesisCare facility in Shepparton. Without the state government providing full public access to the GenesisCare facility, its services may be unaffordable for some Goulburn Valley patients like Rosie and they will still have to travel for treatment to public centres like Bendigo. The GenesisCare-run Albury cancer centre receives funding for full public access to its services, and this is the level of funding needed for any future radiotherapy service in Shepparton.

Minister, will you make a commitment to provide adequate funding to ensure all public patients will be able to access publicly funded radiotherapy services at the GenesisCare radiotherapy facility in Shepparton so that all patients like Rosie can access affordable radiotherapy treatment locally?

### Graffiti

**Mr FINN** (Western Metropolitan) (20:39) — I wish to raise a matter this evening for the attention of the Attorney-General. We all loathe graffiti I think it would be safe to say. Sometimes the graffiti is ugly, sometimes it is obscene, sometimes it is offensive and sometimes it is just sheer mindless, just nonsensical. We often see it, particularly those of us who use public transport, on a wall or on a sign, and that is bad enough, but it goes to another level when graffiti becomes vandalism of an important or sacred symbol in our community. I was shocked over the weekend to be notified that the cannons of Williamstown, well known to every resident in Williamstown and I think over many generations, as some would —

**Ms Lovell** interjected.

**Mr FINN** — As Ms Lovell, in fact, would be very happy to attest to. These cannons have been vandalised by, as I say, low-life scum, who painted swastikas on them. These cannons are a reminder of Williamstown's past. They are a reminder also of the role that Williamstown played as a part of Melbourne's defence in years gone by and of defending this country, and they are in fact from Fort Gellibrand. They are a very important part, in my view, of Australia's heritage and certainly of Williamstown's heritage, and it is totally unacceptable in every way for anybody to be defacing these symbols of community and civic duty, as I see them, particularly by painting such an offensive symbol as a swastika on them.

So I think there must be a way. I am not asking for a change in the law, because of course that would not be permissible in the adjournment debate, but I am asking for the minister to take into account that the sort of activity that I have described tonight is way above and beyond the normal levels of graffiti and perhaps vandalism that we have come to expect in certain places. There must be a way that we can emphasise the importance of the symbols, whether they be war memorials, whether they be the cannons I speak of tonight — whatever they may be. For these important community symbols there must be a way that the government can emphasise to the community their importance. I ask the minister to take that on board, to

set up a review and to come up with an answer to solving the riddle that I have put to him this evening.

### Melbourne Metro rail project

**Ms FITZHERBERT** (Southern Metropolitan) (20:43) — My adjournment matter this evening is for the Minister for Public Transport in the other place, and it is in relation to the Domain building at 1 Albert Road. The next round of building of what is now named Anzac station will commence shortly — I believe it is imminent — and I note that there are applications for heritage permits regarding major changes to roads and so on along St Kilda Road and also on Albert Road and in surrounding areas. If you look deep down in the paperwork that sits beneath these heritage applications, you will discover that there are around 77 trees as counted that are set to be removed. These have not been named; you have to actually look for the number and actually count them yourself to work that out. The South African memorial is being dismantled.

In relation to the Domain building, there is a very small traffic lane immediately in front of the building which has been constructed to give vehicles a drop-off point. This originated in the 1990s, I think around the time the building was built. It is by agreement on Crown land that was, until the building works started for the new station, under the control of the City of Port Phillip, but it is now under the control of the Melbourne Metro Rail Authority. Once the work and the construction on the site has been completed the land will return to the control of the City of Port Phillip; I understand that is the plan.

The City of Port Phillip had for many years licensed the use of that section of land to the building, but that licensing arrangement is now void because control of the land has been transferred to another party. During construction of Anzac station people who want to have vehicle access to the Domain building need to use the laneway behind, and I expect that this must be quite difficult given that Albert Road is closed around the building. After construction it is intended that landscaping will replace this drop-off point. There are issues there I think with people who require ready access to the building moving around, there are issues with couriers and there are issues in particular with access by emergency vehicles, because the front is by far the most useful way to access this building.

The action that I am seeking from the minister is for continuing vehicle access and a drop-off point at the front of the Domain building during construction of Anzac station and also when the station work is completed.

## Dairy industry

**Mr O'SULLIVAN** (Northern Victoria) (20:45) — My adjournment matter tonight is for the Minister for Energy, Environment and Climate Change, and the action I am seeking from the minister is for her to come and meet with me and representatives from the United Dairy Farmers of Victoria so the minister can justify the price hikes that processors and dairy farmers are receiving now and for the minister to hear firsthand the concerns of the industry and the impact this is having on their particular businesses.

As we know, energy prices have been not just sneaking up but rising very quickly in the last few years, and that is really starting to have an enormous impact on not only dairy farmers but a whole range of food producers who have a vital role in growing and producing the food that everyone in this chamber, in this city, in this state and in this country eats. We want to ensure that we remain a country that is able to produce clean food that is of a high standard to feed our own people. As well as that, we also want to be in a position where we can export the balance of the food that we grow to other parts of the world so they can have the same access to the clean, green food that we produce here — which I think is probably of a higher standard than anywhere else in the world. But there are some significant issues happening that are starting to put a real dampener on that occurring.

Dairy processors in this state are being hit by additional costs of about \$170 million per annum in terms of their electricity prices. What that is doing is putting extra costs back on the dairy farmers in terms of their receiving a lower price for their milk. They are paying about 1 cent a litre extra, which does not sound like much, but that is starting to equate to about a \$15 000 increase per year per dairy farmer. Also, the dairy farmers themselves are experiencing higher power bills to run their own dairy operations on their farms, and we are seeing something like an \$18 000 to \$19 000 on average increase in electricity bills for dairy farmers over the last three years.

So dairy farmers are actually paying twice: they are getting less money for the milk that they produce because they have to pay the electricity costs for the processors, and they are paying higher power bills themselves to actually undertake the milking of cows on their farms. So farmers are really starting to feel the impact. If this continues, it will not be viable to produce milk in this state and we will have to import it from overseas, because the cost of doing business, either producing or processing, is going to be out of reach for ordinary dairy farmers in this state. The minister needs

to meet with the industry to hear their concerns firsthand.

## Pakington Street, Newtown, CCTV cameras

**Mr RAMSAY** (Western Victoria) (20:49) — My adjournment matter tonight is for the Minister for Police, and the action I am seeking is that she support an application for funding for CCTV in the Pakington Street shopping strip in Newtown. I do that on the basis that there has been a significant increase in burglaries and crime in Pakington Street and the retail shopping centre. The embattled Pakington Street traders have pleaded for CCTV for many, many months after enduring break-in after break-in, but after record levels of crime in their shopping strip they have instead been given funding for an education program.

Christine Couzens, the member for Geelong in the Assembly, announced with great gusto \$10 000 to provide Pakington Street businesses with toolkits containing safety kits, advice on cleaning up graffiti, a self-assessment security audit and 'No cash on premises signs', which I am sure are very useful but nonetheless do not actually solve the issue around those that are perpetrating the crimes. The traders have previously called for a CCTV system similar to the one that operates in the Geelong CBD that sends a live feed into the Geelong police station and is monitored 24 hours a day. This has also been supported by the local police in Geelong. In fact Acting Police Inspector Graham Banks is quoted as saying in June:

... the Pakington Street shopping strip had 'one of the strongest cases in the area' for CCTV funding.

The article goes on to outline the importance of having CCTV not only as a deterrent but also in capturing the imagery of the perpetrators doing the crimes.

Seventy residents and business owners attended a police-run crime forum at the Geelong West town hall some months ago, where they raised concerns over repeat smash-and-grabs and stretched police resources. Senior police said the popular shopping strip's rate of crime warranted discussion about cameras despite the council knocking back pleas from traders to pay for CCTV.

Ms Couzens at the time said the newly funded education awareness campaign aimed to show traders how to improve their own security. Nevertheless, the traders themselves, as well as the police, said that in fact it is CCTV they are seeking to help with the increase in the crime rate and also the apprehension of those engaged in criminal activity. It is very clear to me and to the traders of Pakington Street that in fact it is

not education toolkits they need; it is CCTV to actually catch those criminals in the act. The action I seek from the minister is for her to support the provision of not only education kits but also CCTV to help police catch the perpetrators and control the criminal activity in that very popular Pakington Street retail shopping strip.

### **Devilbend Natural Features Reserve**

**Ms SPRINGLE** (South Eastern Metropolitan) (20:52) — My adjournment matter is for the Minister for Energy, Environment and Climate Change. The reservoir at Devilbend Natural Features Reserve has recently been opened up by Parks Victoria to recreational watercraft, including kayaks and canoes. The reserve supports a number of threatened flora and fauna species, many of which rely, either directly or indirectly, on the reservoir for their survival. What happens at Devilbend can impact a range of species across the state, including the endangered blue-billed duck and the white-bellied sea eagle — or Bunjil — a recognised and revered ancestral spirit for the Boon Wurrung people. I call on the minister to undertake an urgent assessment of the area with a view to applying for Ramsar listing of this site in respect of what we know and what we have yet to learn about the important local and international migratory threatened species that rely on the Devilbend reserve and reservoir.

### **Ballarat schools**

**Mr MORRIS** (Western Victoria) (20:53) — My adjournment matter this evening is for the attention of the Minister for Education. My attention has been drawn to a radio interview that the recently preselected Labor candidate for the Assembly seat of Wendouree partook in on 3BA with the prodigiously hardworking news presenter Gabrielle. In this interview the candidate said:

So I really think that we probably need another school, another P-12 school, perhaps over towards Macarthur Park, I think, in that western Ballarat region. I think that there is scope for a new high school in terms of looking at that Lucas growth as well.

I would have thought that in terms of education a primary school was more urgently required in Lucas, and we would have had one under a Liberal government. Once again Labor has failed to deliver a school for one of Victoria's fastest growing communities. However, I would encourage the candidate to consult the Victorian Electoral Commission map of the seat she claims she wants to represent, as both the hypothetical schools raised by the candidate for Wendouree would not actually be located in the electorate of Wendouree at all but rather in the

electorate of Ripon, which is being extremely well served by their very hardworking member in the Assembly, Ms Louise Staley.

More important than geographic knowledge, however, is the impact that a P-12 school at Macarthur Park would have on the Mount Rowan campus of Ballarat Secondary College. Ballarat Secondary College have achieved great things of late, and their Victorian certificate of education results are among the most improved in the state. The college's principal, Rick Gervasoni, and the whole school community should be proud and celebrate their recent successes. However, a new school in Macarthur Park could potentially decimate enrolments at the Mount Rowan campus. Considering this government has spent \$6 million on that campus, this would be a ridiculously illogical and economically moronic action.

The action I seek is that the minister provide an assurance to the Ballarat Secondary College community of the government's intentions — that is, whether or not it intends to build a school in Macarthur Park offering secondary education — or was the Labor candidate for Wendouree on a frolic all of her own when she suggested this hypothetical school on the radio?

### **South Oakleigh College**

**Ms CROZIER** (Southern Metropolitan) (20:55) — My adjournment matter this evening is for the Minister for Education, Mr Merlino, in the other place, and it relates to issues in the Assembly electorate of Bentleigh. I have raised some issues with the minister before in relation to projected school enrolment numbers, and in a constituency question earlier this year I asked the minister about school enrolment numbers in that electorate. In his response to me at that time he said:

The department is aware of the enrolment growth at both primary and secondary schools in and around Bentleigh. Additionally, the department and the Victorian School Building Authority are aware of the proposed redevelopment of the Bentleigh East industrial precinct, and have met with the developer to discuss opportunities for future school provision.

The planning for the Bentleigh East industrial precinct is still in its early stages, and housing numbers are yet to be determined ...

The department and the Victorian School Building Authority will continue to work closely with Glen Eira City Council and the local developer in the coming months to ensure all local families have access to high-quality education, both now and in the future.

Last week Glen Eira City Council, which was referred to by the minister in his response to me, held a community meeting around Virginia Park, the industrial precinct that he also referred to, which was attended by a number of people from a range of community organisations along with parents and members of the school community. As we know, the member for Bentleigh, Mr Staikos, has been out there saying with great fanfare that McKinnon Secondary College will have another campus on that site. I have been told by those who were at the meeting that an official from the Department of Education and Training indicated that South Oakleigh College would close. That secondary school is not too far from the site where this proposed new school will be — a vertical school, or so I am led to believe.

The action I seek is that the minister categorically rule out that the government is considering closing South Oakleigh secondary college.

### Responses

**Ms TIERNEY** (Minister for Training and Skills) (20:57) — There were 13 adjournment matters this evening. The first matter was from Mr Rich-Phillips to the Minister for Roads and Road Safety, and it was in relation to signalising work at the Princes Highway–Robinson Street intersection in Dandenong and the consequential traffic disruptions.

The second was from Mr Leane to the Minister for Police, and the action was for CCTV cameras in the Boronia shopping precinct to be activated. They are currently not working. He called on the minister to assist Knox City Council to get the cameras working again.

The third was from Ms Patten to the Minister for Youth Affairs, Minister Mikakos. It was in relation to a Youth Affairs Council Victoria program, a 16-week program for 18 to 21-year-olds to spend two days a week at the council exploring ideas. She asked the minister to encourage young people to think and have ideas.

The fourth was from Ms Bath to the Minister for Energy, Environment and Climate Change in relation to fuel loads and fire prevention strategies in her electorate, specifically around Traralgon South.

Ms Lovell called on the Minister for Health to provide funds for affordable radiotherapy in Shepparton. Mr Finn called on the Attorney-General to review what could be done in relation to important community symbols being vandalised or graffitied and used the

example of the cannons at Williamstown at the moment.

The seventh matter was from Ms Fitzherbert to the Minister for Public Transport in respect of wanting continued roadside access and a drop-off point in relation to an area out the front of the Domain building which is currently tied up with the construction of Anzac railway station.

The eighth was from Mr O'Sullivan for the Minister for Energy, Environment and Climate Change. He was wanting the minister to meet with the United Dairyfarmers of Victoria in relation to industry concerns regarding energy prices.

The next matter was from Mr Ramsay to the Minister for Police calling for CCTV cameras in Pakington Street and particularly the shopping areas of Pakington Street in Geelong.

The next was from Ms Springle to Minister D'Ambrosio asking for consideration of a Ramsar listing for the Devilbend reserve reservoir.

The next was from Mr Morris to the Minister for Education, and he was wanting to know whether there will be a secondary school for Macarthur Park in Ballarat.

The last adjournment matter was from Ms Crozier to Mr Merlino calling on the Minister for Education to rule out that South Oakleigh College will be closed.

I also have written responses to adjournment debate matters raised by Ms Patten on 10 May; Ms Wooldridge on 10 August; Ms Lovell on 8 September; Mr Morris on 19 September; Ms Crozier and Mr Finn on 17 October; Ms Patten on 18 October; Mr Finn and Mr Mulino on 20 October; Mr Gepp on 1 November; Ms Lovell on 2 November; Ms Bath, Mr Bourman, Ms Fitzherbert, Mr Morris and Mr O'Donohue on 3 November; Mr O'Sullivan on 15 November; and Mrs Peulich and Ms Shing on 16 November.

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

**House adjourned 9.01 p.m.**