PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 19 September 2017

(Extract from book 16)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 13 September 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
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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 Barber, 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 — #Mr Barber, Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Elasmar, #Ms Hartland, Mr Melhem, #Mr Purcell, #Mr Ramsay, Ms Shing, #Ms Symes and Mr Young.

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

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, 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 Elasmar and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall.

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

Acting Presidents:
Ms Dunn, Mr Elasmar, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

Leader of The Nationals:
Mr L. B. O'SULLIVAN

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina[1]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David[6]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[2]	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[7]	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[3]	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
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Gepp, Mr Mark[4]	Northern Victoria	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph[5]	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

[1] Appointed 16 April 2015
[2] DLP until 26 June 2017
[3] Resigned 27 May 2016
[4] Appointed 7 June 2017
[5] Resigned 6 April 2017
[6] Resigned 25 February 2015
[7] Appointed 13 October 2016

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

CONTENTS

TUESDAY, 19 SEPTEMBER 2017

Tuesday, 19 September 2017

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.05 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT — 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 for 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:

12 September

Drugs, Poisons and Controlled Substances Miscellaneous Amendment Act 2017

19 September

Administration and Probate and Other Acts Amendment (Succession and Related Matters) Act 2017
Land Legislation Amendment Act 2017.

FIREARMS AMENDMENT (ADVERTISING) BILL 2017

Introduction and first reading

Mr BOURMAN (Eastern Victoria) introduced a bill for an act to amend the Firearms Act 1996 to allow persons other than licensed firearms dealers to advertise that a firearm is for sale and for other purposes.

Read first time.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 13 of 2017, including appendices.

Laid on table.

Ordered to be published.

ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE

Community energy projects

Mr ELASMAR (Northern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr ELASMAR (Northern Metropolitan) — I move:

That the Council take note of the report.

Community energy projects are projects involving renewable energy or energy efficiency that a community develops, delivers and benefits from. Examples include the Hepburn wind farm in Daylesford, developed by a local cooperative, and the Darebin Solar Savers program in the City of Darebin, which installs solar panels on the houses of pensioners at no up-front cost. Victoria has many passionate and innovative community groups that are working on energy projects. In 2016 six community energy projects were operating in Victoria and more than 20 other projects were under development. The first round of the Victorian government's New Energy Jobs Fund provided grants to 18 community energy groups. In the past few months the government has announced a further four grants for community energy projects.

During the inquiry the committee heard from community energy groups across Australia, supporting organisations, government departments and energy distributors and retailers. We visited community energy projects running in central Victoria and northern New South Wales and spoke with volunteers about their success and the challenges they faced. Community energy projects can reduce greenhouse gas emissions and increase community awareness of energy issues. They benefit the local community by providing new sources of income, creating local jobs and using local goods and services. They also have social benefits such as boosting community confidence and resilience, supporting local programs and enabling more people to participate in the generation of renewable energy.

Community energy projects can be complex and difficult to develop. They require legal, technical and financial skills that not all community energy volunteers have. The committee found that community energy projects have a greater chance of success when volunteer groups collaborate with renewable energy

developers or local government. Collaboration allows community groups to take advantage of the expertise, equity and economies of scale that developers and councils can provide. The committee has recommended the Victorian government encourage collaboration between communities and developers through its assessment criteria for the reverse auction scheme designed to achieve Victoria's renewable energy target. The committee has also recommended the establishment of a loan fund for community energy projects and that any financial assistance be based on the project's potential to eventually become self-funded.

Some energy market regulations create barriers for community energy projects, and the committee has recommended the Victorian government work with the Council of Australian Governments energy council to remove these barriers while also protecting energy security and vulnerable consumers. The Victorian government recently implemented the pilot community power hubs program that will provide advice, support and coordination for community energy groups in areas around Ballarat, Bendigo and the Latrobe Valley. If this program is successful, the committee has recommended that it be continued and expanded to other Victorian regions.

I would like to thank the individuals and organisations that participated in the inquiry. Participants included volunteers, supporting organisations and academic and government departments which shared their experiences with community energy. I would also like to thank committee members for their hard work and contribution to this report. I acknowledge the deputy chair, Ms Dee Ryall, Mr Jeff Bourman, Mr Cesar Melhem, Mr Peter Crisp, Mrs Christine Fyffe and the Honourable Jane Garrett. I also thank Mr Don Nardella for his work during the first half of the inquiry. In addition I sincerely thank the secretariat for their assistance and dedication, in particular — I can see them in the gallery — executive officer Ms Kerryn Riseley, research officer Dr Marianna Stylianou and administrative officer Ms Janelle Spielvogel.

The committee recognises that community energy is a young sector in Australia and that its growth needs to be managed to ensure energy security and affordability for all Victorians. The recommendations in this report aim to encourage community energy groups in Victoria to develop projects that benefit the environment and their local community while also protecting energy supply and vulnerable consumers.

Motion agreed to.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

Operation Tone

The Clerk, pursuant to section 162 of Independent Broad-based Anti-corruption Commission Act 2011, presented special report concerning drug use and associated corrupt conduct involving Ambulance Victoria paramedics, September 2017.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals —

A licence in relation to the Edinburgh Gardens Reserve, dated 24 July 2017.

A lease in relation to the St Arnaud Horse and Pony Club (Bush Park Reserve), dated 23 July 2017.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to —

Statutory Rule No. 44.

Ministerial Order 1039 — School Council Employees (Employment Conditions, Salaries, Allowances and Selection) Order 2017.

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

Baw Baw Planning Scheme — Amendment C114.

Boroondara Planning Scheme — Amendment C252.

Glen Eira Planning Scheme — Amendment C152.

Greater Shepparton Planning Scheme — Amendment C201.

Melton Planning Scheme — Amendments C162 and C183.

Wyndham Planning Scheme — Amendment C197.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 89 to 91.

Legislative Instrument and related documents under section 16B in respect of the Financial Management Act 1994 — An order declaring CenITex a specified entity pursuant to section 54AA of the Act, dated 24 August 2017.

Surveillance Devices Act 1999 — Report No. 2, 2016–17 pursuant to section 30Q by the Victorian Inspectorate.

Victoria Grants Commission — Report, 2016–17.

Victorian Broiler Industry Negotiation Committee — Report, 2016–17.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2016–17 report.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Crimes Legislation Amendment (Public Order) Act 2017 — 13 September 2017 *(Gazette No. S303, 12 September 2017)*.

Education and Care Services National Law Amendment Act 2017 — Part 1, Part 2 (except sections 30, 31 and 68), Part 3 and Part 4 — 1 October 2017; remaining provisions — 1 February 2018 *(Gazette No. S303, 12 September 2017)*.

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Reporting date

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

That the resolution of the Council of 6 May 2015 and the further resolutions of 12 April 2016 and 9 February 2017 requiring the Environment, Natural Resources and Regional Development Committee to inquire into and report by 21 September 2017 on the sustainability and operational challenges of Victoria's rural and regional councils be amended so as to now require the committee to present its report by 30 March 2018.

Motion agreed to.

LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE

Reporting date

Mr PURCELL (Western Victoria) — By leave, I move:

That the resolution of the Council of 23 November 2016 requiring the Law Reform, Road and Community Safety Committee to inquire into and report by 30 November 2017 on VicRoads management of country roads be amended so as to now require the committee to present its report by 30 June 2018.

Motion agreed to.

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 20 September 2017:

(1) notice of motion 463 standing in the name of Mr Davis in relation to the production of certain documents;

(2) notice of motion given this day by Mrs Peulich seeking to refer a matter to the Environment and Planning Committee;

(3) notice of motion given this day by Ms Patten in relation to a suspension of standing orders;

(4) order of the day 1, Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017, question to be put;

(5) notice of motion given this day by Ms Patten in relation to South Morang public transport;

(6) notice of motion given this day by Mr Finn in relation to integrity issues; and

(7) notice of motion 460 standing in the name of Ms Wooldridge in relation to the continuing failure of the government to comply with certain orders for the production of documents.

Motion agreed to.

Sessional orders

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

That until the end of the session, unless otherwise ordered by the Council —

Further to the sessional orders adopted by this house on 12 February 2015 and amended on 17 March 2015, 15 April 2015, 16 April 2015 and 31 August 2016, the following new sessional order be adopted, to come into effect upon a video-on-demand service for house proceedings of the Legislative Council, accessible by internal users only, being implemented —

A. Video on demand

(1) Council members and parliamentary officers (authorised by the Clerk or the Secretary of the Department of Parliamentary Services) may republish audiovisual proceedings of the Council that are provided by the Hansard broadcast archive.

(2) Audiovisual proceedings republished under this sessional order are subject to the following conditions:

(a) the material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for —

(i) satire or ridicule; or

(ii) commercial sponsorship or commercial advertising;

(b) broadcast material must not be digitally manipulated;

(c) excerpts of proceedings are to be placed in context so as to avoid any misrepresentation; and

(d) remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.

Under most circumstances I would hope that any humour produced during the course of my presentation to the committee was derived by me, rather than me being the target of it. Nonetheless, my enthusiasm for this motion today may have meant that I gave a very, very turgid reading of this important reform, which enables citizens to be aware of the debates that take place in this chamber and the contributions of members. I hope to rise to the community's expectations in terms of the level of my performance. I would hope that all of us rise to the great opportunity this reform affords us to represent what is best about parliamentary debate, and our considered and thoughtful contributions to public life, rather than the lowest common denominator. I hope that on balance we all rise to that opportunity and that the citizens of Victoria will think well of us because of the opportunities that are afforded through this change to sessional orders.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am pleased to rise to support the motion that follows the adoption of the Procedure Committee's report during the last parliamentary sitting week. I also want to foreshadow, as you will have heard in the precedence motion I just gave, that we will not be proceeding with the motion that we foreshadowed a week ago with regard to bringing this sessional order forward, now that the government has itself agreed to bring it forward. I am pleased that there is support across the board in relation to this sessional order.

This motion does vary from the Procedure Committee's recommendation, which is a result of the government considering some of the constraints imposed on the media for rebroadcasting video and also of the government utilising some of those constraints in terms of parliamentary members. It will be interesting to see where the line is drawn. I think there will be some debates in which one person's ridicule is another person's fact, and it will be interesting to see how that gets interpreted in relation to what is actually republished, but I think this is an important move forward.

This is another issue on which the Legislative Council has taken the initiative; it has progressed this debate and brought this initiative forward. Once again I want to acknowledge the work of the Clerk, Andrew Young, and his team and the technology guys, who have been able to make this a reality. I am hopeful that when we return in mid-October, or soon afterwards, this new video-on-demand service will be able to be searched by members of Parliament and their staff so that we can further communicate with the community in relation to the operations of this house.

The PRESIDENT — Ms Wooldridge, are you happy if I ask the Clerk to remove that motion that stands in your name on the notice paper?

Ms WOOLDRIDGE — Yes.

Ms PENNICUIK (Southern Metropolitan) — The Greens will also be supporting the motion, which follows the tabling of the report by the Procedure Committee last week. In my contribution during the debate on the adoption of the report I did mention some of the points that were made in the report. It is worth my doing the same today in relation to the terms of the current motion, which is to change the sessional orders rather than the standing orders. That goes to some of the aspects of this video-on-demand project that were raised in the Procedure Committee by the manager, Hansard. This is covered on page 4 of the report:

> … the manager, Hansard, briefed the committee on work within the Department of Parliamentary Services to develop a video-on-demand service through the Hansard broadcasting unit.
>
> The project underway assesses the technical potential to give access to video on demand of house proceedings of the Legislative Council to internal users of the Parliament of Victoria IT network only. It would not give access to the general public, or ministerial and opposition staff who are not connected to the Parliament's network. Footage could typically be available 24 hours after the relevant proceedings in the house.

There was some discussion about this, but the manager, Hansard, told us that:

> The 24-hour delay is unavoidable at this stage due to limited resourcing and the work required to prepare and encode daily broadcasts into advanced searchable video.

The report goes on:

> Extending the video-on-demand service beyond the users noted above would require:
>
> > funding to cover scaling up the service to meet public expectation for quality of service, bandwidth, accessibility, and timeliness, as well as increased operating costs; and
> >
> > demonstrating, through a trial process with internal user access only, that the Parliament can successfully manage key risks such as the amount of network traffic, bandwidth issues across the network, core business applications having secure quality of service, and complex storage issues.
>
> The manager, Hansard, advised the committee that the service should be monitored throughout its first year of operation to examine the impact on data storage, network traffic, network congestion, and analytics around what service use is costing the Parliament.

I think that it is important to put on the record for those who have not necessarily read the full report of the Procedure Committee why it is important to go ahead in the first instance with changes to the sessional orders, because it was made clear that it needed to be a trial to work through these issues. Also, in relation to the impact on the standing orders, in that part of the report reference is made to standing orders 20.01 and 20.02, which are covered in the motion put by the Leader of the Government today. I would like to take the opportunity again to thank the staff of the Procedure Committee and the staff of Hansard and IT, who have worked very hard to bring us to this point.

Motion agreed to.

MINISTERS STATEMENTS

Men's sheds

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on the Andrews Labor government's continued support for men's sheds across Victoria. Last Tuesday I was pleased to join Vicki Ward, the member for Eltham in the Assembly, to announce an $879 000 boost to the men's shed program statewide that will see the construction of 13 new sheds and the refurbishment of 10 others across regional Victoria and metropolitan Melbourne.

It was terrific to meet members of the Eltham Men's Shed, who will receive $60 000 towards their much-needed new shed. I acknowledge Ms Ward's advocacy on their behalf. The Eltham Men's Shed currently operates from three small facilities and has almost no workshop space for its growing membership. The Eltham shedders have helped many local groups, including the local Wurundjeri people, Syrian refugees, Nillumbik Shire Council, Eltham Rotary and the local RSL, as well as retirement villages and schools, and I am sure that their new shed will enable them to continue to put back into the local community.

The new funding will bring new sheds to Apollo Bay, Bacchus Marsh, Broadford, Cavendish, Golden Beach, Kilmore, Mooroolbark, Sandy Point, Violet Town and Tullamarine, while refurbishments of existing sheds are taking place in Donald, Drouin, Omeo, Bridgewater, Leitchville, Mansfield, Orbost, Venus Bay, Wycheproof and Winchelsea. Of the men's sheds to be built or refurbished, 20 are in fact in regional locations.

A priority of the funding round was also a focus on Aboriginal communities, and I was pleased that we were able to provide $60 000 for the construction of a new men's space at the Wyndham Aboriginal Community Centre men's cultural space in Wyndham Vale and more than $36 000 for the construction of the Willum Warrain men's shed in Hastings.

Men's sheds embody the spirit of mateship and enable men of all ages to support each other. They are a way for men to develop friendships and skills as well as participate in exciting new activities, whether they are trade-based activities or a focus on health and wellbeing sessions. The Andrews Labor government is proud to support men's sheds, because we understand that they are more than just buildings; they are enablers of stronger and more resilient communities. I congratulate all the local communities across Victoria who are receiving a new men's shed or a refurbished men's shed grant through this funding round.

MEMBERS STATEMENTS

Rohingya refugees

Ms SPRINGLE (South Eastern Metropolitan) — Last week I spoke at a rally by Victorian Rohingya people and supporters outside the Department of Foreign Affairs and Trade. At that event and over the past few weeks I have heard firsthand the concerns, fears and desperation of Rohingya people living here in Victoria, including at least one student studying in my own electorate whose studies have been severely impacted by stress and concern for family experiencing violence in Myanmar.

The Rohingya people have been subjected to grave human rights abuses over a long period of time, including extreme economic hardship, beatings, forced displacement and rape. In the past month these atrocities have escalated. Hundreds — perhaps

thousands — are dead, and an estimated quarter of a million Rohingya have fled to Bangladesh in the last three weeks alone.

I stand today in sorrow and solidarity with the Rohingya. I call on the Australian government to make representations to the Myanmar government to cease attacks on civilians with immediate effect, to urgently grant access to human rights investigators and to grant unfettered access to other humanitarian agencies. Furthermore, I call on the Australian government to commit to an extra humanitarian intake of Rohingya refugees. We cannot sit quietly as ethnic cleansing occurs on our doorstep.

John Butler

Ms LOVELL (Northern Victoria) — I wish to pay tribute to the life of a man I was proud to call my friend. Lieutenant Colonel, retired, Cr John Butler was born in 1956 and is the son of Major General, retired, David Butler, AO. John, a natural leader, followed his father into the army and rose to the rank of lieutenant colonel. John was described in a eulogy by Major Paul Bozsa as steadfast and loyal, with a sense of duty, and a person who was calm under pressure.

Following his retirement John and his wife, Debbie, settled in Doreen. Even though he was retired John still had a burning desire to serve, so he joined the local Doreen Country Fire Authority brigade where he became great friends with captain Chris Maries and Peter McWilliam. Chris spoke at John's funeral and described John as being someone who had a great passion to be part of a team, who encouraged young people and who was a truly great bloke, a gentleman, a loving father, a husband and a friend.

John was also a valued member of the Liberal Party and chairman of the McEwen federal electorate conference. John had a desire to enter politics as he knew he could really make a difference, and in October 2016 he was elected as a councillor in the City of Whittlesea. John was just embarking on his political career when he was diagnosed with an aggressive cancer. The mayor of Whittlesea, Cr Ricky Kirkham, described John as a humble man who wanted the best for those he served, whether it was those he represented or those he commanded. John passed away after living a life fulfilled. My condolences, love and thoughts are with his wife, Debbie; his children, Christopher, Sarah, David and Claire and their partners; his grandchildren, Annabelle and Paige; and his stepchildren, Stephanie, Daniel and David. Vale, John Butler.

Clara Jordan-Baird

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Last sitting week I sadly informed the chamber that the Labor Party had lost another soul, and unfortunately yet again I rise to pay tribute to another fallen comrade, this time Clara Jordan-Baird. Clara was 28 years of age and in her 29th year of life when she tragically passed away some two weeks ago. She had been a very loyal campaigner for the Labor Party and in fact professionally had been working at Arnold Bloch Leibler, one of our premier legal firms here in Melbourne. She leaves behind devastation amongst her friends and family for a life far too soon taken. Once again the Labor family mourns another one gone. Rest in peace, Clara.

Jewish New Year

Mr DALIDAKIS — I also take this opportunity to wish people within the Jewish community Shanah Tovah — a happy new year. May the year coming be filled with success, happiness but most importantly good health. All of us in this place and beyond should encourage all and sundry to enjoy life as we enjoy and experience it. I look forward to having a wonderful year ahead.

Ormond railway station development

Mr DAVIS (Southern Metropolitan) — Today I want to make a point about the Minister for Planning's approval of the 13-storey sky tower at Ormond railway station. Ms Crozier, Mr Southwick in the Assembly and I have been fighting on behalf of the community to get a more reasonable outcome. What is clear is that Minister Wynne has developed his own tick-and-flick system for these transport-orientated developments. What is also clear is that this is highly inappropriate in suburban Ormond.

A 13-storey monstrous tower is completely inappropriate for the local community. I support transport-orientated development, but I support a proper process around it, where local communities are consulted, have a say and are listened to. This huge tower will be at least twice the size of anything near it. Remember this is a crossing that was funded by the coalition in the last period of government, so the need to scoop back money to fund this crossing is not even a justification in this particular case.

The Minister for Planning is doing this widely. He is giving a tick to high-rise developments — intense developments — against community choice and without proper consultation. He is doing that to scoop

back money. He is doing it at Burke Road. He is clearly intending to do it on the sky rail corridor, giving footing and other approvals ahead of time. It is a disgrace, and it will hurt the local community in Ormond.

North-east link

Ms DUNN (Eastern Metropolitan) — My members statement is on the north-east link. The Andrews government has shown it does not care for the views of locals by trying to ram through yet another big toll road. Regardless of the alignment, the north-east link toll road will carve through green space and community facilities and divide neighbourhoods in Melbourne's north and east. The government's initial technical assessment shows a clear preference for option A, which will affect the Heide Museum of Modern Art and schools in Bulleen and sacrifice the Koonung Creek reserve. It will increase traffic and congestion on both sides of the Eastern Freeway, with an associated increase in air pollution and noise.

The residents affected by this alignment have rightly organised themselves and started doorknocking and leafleting in their neighbourhood to raise awareness of the project and its potential impacts. The response to this by the government has been extremely heavy-handed. The North East Link Authority has asked for tips about who has been sharing that information and has passed this information on to the police. The North East Link Authority is attempting to bully locals into silence when it comes to a final decision on the alignment without coming clean on the social, environmental and economic impacts of the four options.

Residents have a right to be concerned about the impact of this toll road on their communities. They have a right to organise, a right to associate with their neighbours, a right to doorknock, a right to leaflet, a right to protest and a right to independently assess the impacts and discuss them in public forums. The North East Link Authority should be ashamed of its oppressive strategy and must be brought to heel by the Premier.

Northern Victoria Region police

Mr O'SULLIVAN (Northern Victoria) — I wish to speak today on a presentation I went to last week up in Shepparton. I had the pleasure of attending with Ms Lovell the Victoria Police eastern region division 3 medal presentation ceremony, which was held at Shepparton Golf Club. A whole range of medals were presented, and I was very impressed by the turnout on the day. It was a celebration of the commitment of the people who have chosen to join the police force and who have chosen as their career to serve the public and keep the community safe.

It was very pleasing to be there to listen to some of the stories and anecdotes about the ways in which the police serve the community. Sometimes police get a bad rap — you do not want to get a parking ticket, a speeding ticket or something like that — but when something goes really wrong, the police are the people who are there to protect us. When they walk through your door or come to assist you, they will provide you with first-class assistance. It was great to see the presentation of medals to police officers who serve the community.

Eastern Victoria Region basketball

Ms SHING (Eastern Victoria) — It was a wonderful celebration of all things basketball when the National Basketball League descended upon the Latrobe Valley for the preseason blitz, which occurred on the 7th, 8th and 9th of this month. I congratulate Jeremy Loeliger as well as the teams that came along to towns between the valley and Sale, down to the south and back to the west of Gippsland. It meant that more than 860 kids could participate in clinics and that basketball stars from across Australia could meet with community members to share their skills and make sure that people could get as many tips as possible. It was a really wonderful occasion and the start of further things to come around giving kids, families and communities better access to first-class sporting events. Congratulations to all who participated.

Strzelecki Ranges timber harvesting

Ms SHING — I would like to thank the Mirboo North community for coming out in such a strong number last Thursday to discuss the proposed harvesting of three coupes in and around that area. To hear presentations from VicForests and to hear a variety of views from within the community firsthand was an important part of this consultation, which will continue over the coming weeks and months in relation to the proposed harvesting. Again, it was a shame that the local members from the coalition were not in attendance. They would probably have gained some insights around community consultation and engagement.

Ballarat Hospice Care

Mr MORRIS (Western Victoria) — I was so pleased to hear yesterday that Ballarat Hospice Care would receive $6.2 million to bring to reality the new facility that is very much needed. Ballarat hospice

provides home-based palliative care to the Ballarat and surrounding community. It provides love, care and support to patients and their families during the most difficult of times. I have been fortunate to have on many occasions met with the Ballarat Hospice Care board chairman, Geoff Russell, and the executive officer, Carita Clancy, as well as other board members and staff to discuss the incredible work that the hospice does. I wholeheartedly congratulate Geoff, Carita and their respective teams, and I very much look forward to watching the new facility take shape.

Pope Tawadros II

Mr ELASMAR (Northern Metropolitan) — On 8 September I was deeply honoured to be invited along with my wife to attend a very special event to mark the occasion of His Holiness Pope Tawadros II's visit to Melbourne, His Holiness's second visit here. Also in attendance were several of my state and federal parliamentary colleagues, including you, President. This important event was hosted by the Egyptian Consul General, His Excellency Mr Mohamed Fakhry, and his wife, Mrs Chirine Weheba. I was overwhelmed by His Holiness's humility and kindness. It was a spiritual experience that will stay with me always.

Egypt parliament delegation

Mr ELASMAR — On another matter, on 11 September, together with our esteemed President of the Legislative Council, the Honourable Bruce Atkinson, I attended a function in honour of the Egyptian minister of state for immigration and Egyptian affairs abroad, Mrs Nabila Makram, and a delegation of members of the Egyptian House of Representatives. This event was also hosted by the Egyptian Consul General, Mr Mohamed Fakhry. It was a great forum to discuss possible business opportunities between our two countries.

Women's Health in the North

Mr ELASMAR — On Wednesday, 13 September, I attended the launch of the *Building a Respectful Community Strategy 2017–2021* at the Hume Global Learning Centre in Broadmeadows. Women's Health in the North also acknowledged the work and sad passing of the Honourable Fiona Richardson, MP.

Victims of crime support

Ms CROZIER (Southern Metropolitan) — As Victorians know, crime across Victoria has been unprecedented under Daniel Andrews, and I am not talking about the unprecedented rorting that is taking place within the Andrews government, whether that be the red shirt rorts that are still under investigation, the former Speaker and Deputy Speaker of the Andrews government being caught out for rorting the second home allowance or the current and shocking exposure of printing rorts that is going on. Clearly Labor have a cultural issue of rorting that is deep and has gone to the highest levels of government.

What I am speaking about is the crime wave that is sweeping across Victoria, which has again been highlighted to me after hearing from hundreds and hundreds of people within the area of Bentleigh in my electorate of Southern Metropolitan Region, which I and Ms Fitzherbert in this house represent, and some of the crimes they have been subjected to in recent times. The following are examples of just some of the comments we received from Bentleigh residents. One resident said:

> My vehicle was stolen from my parents' address and found burnt out two weeks later.

Other residents reported having to call police for house invasion, robbery and car theft.

A 73-year-old woman who lives alone said she was confronted by an offender under the influence of drugs, who barred her from entering or exiting her home. She also said:

> My home, car and my garden have been vandalised …

The list goes on.

These are the real victims of crime — innocent Victorians just going about their daily lives and having terrifying incidents occur to them that can have lifelong impacts. The 20 per cent increase in crime rates across Victoria is impacting too many Victorians, and that is why the Liberal-Nationals under Matthew Guy have formed the Victims of Crime Justice Reference Group — to put victims first and criminals last. It is a committed and wonderful group of Victorians that have come together in this group. They have spoken openly of their experiences, which will assist in developing sound policy that will ensure that victims' rights will be front and centre of the justice system in Victoria.

John Schurink

Mr O'DONOHUE (Eastern Victoria) — First of all, I would like to congratulate John Schurink, a paramedic of 27 years, a Country Fire Authority (CFA) captain and part of the CFA board that stood up to James Merlino and Daniel Andrews — a board that was ultimately sacked by the government. John Schurink will be an excellent candidate for the seat of

Monbulk. He is a local champion. He understands emergency services, he understands the needs of the CFA and he will do a great job representing his community and representing the Liberal Party.

Nillumbik graffiti

Mr O'DONOHUE — I would also like to congratulate Nillumbik Shire Council for their efforts in tackling the scourge of graffiti. Graffiti is a scourge that has a significant impact on our community, and we see little action from the government. While the government is doing nothing, Nillumbik Shire Council is acting. I will read from their press release of 13 September:

> Covert surveillance, quick removal and technology catching people in the act have reduced graffiti by almost 60 per cent within the Nillumbik shire, the lowest on record.

The mayor, Cr Peter Clarke, goes on to say:

> I'm calling on the state government to establish a designated graffiti prosecution task force to ensure councils across the state can achieve results like we have on the graffiti scourge. Offenders should be brought to justice and made to pay for their mindless tagging.

I echo Cr Clarke's call for action from the government. We have an example here of real action delivering real results, and it is time the issue of graffiti is tackled by Daniel Andrews.

JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS AND OTHER MATTERS) BILL 2017

Second reading

Debate resumed from 23 June; motion of Ms PULFORD (Minister for Agriculture).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the opposition on this bill and advise at the outset that the opposition will not oppose this piece of legislation. I think it is important for any bill that has the words 'protective services officers' (PSOs) in its title that some context is given to the issue of PSOs. Let me quote from the Legislative Assembly *Hansard* of 10 February 2011. The current Deputy Premier said about PSOs and their rollout to railway stations:

> This solution to fix the problem will not free up police resources. There is not an overall improvement in the allocation, delivery and flexibility of police resources.

Ms Crozier interjected.

Mr O'DONOHUE — I pick up Ms Crozier's interjection. How wrong could he be? The Deputy Premier should apologise to the local police that service his electorate and to the PSOs at the Upper Ferntree Gully, Upwey, Tacoma, Belgrave and other stations that serve his constituents, because what police tell me over and over again, particularly regarding the very busy railway stations, is that the presence of the PSOs has enabled vans from Frankston, Dandenong, Ringwood, Sunshine, Broadmeadows, Pakenham and a range of other places to not get called down to the railway station three or four times a night to deal with an issue. Instead the PSOs are there to deal with it themselves. To say that the PSO policy does not free up police resources is wrong, and Mr Merlino should apologise.

Worse than that comment, which has proven to be a factual error, is the way that Mr Merlino attacked the PSOs. We as members of Parliament appreciate as much as anyone in the community the important role that PSOs play, because they provide safety and protection to all of us here in this place. Every day that you come to the Parliament, you see the PSOs. They have always got a smile and are always happy to say g'day and have a brief chat. They are very positive, and they do a great job. This is what Mr Merlino, the current Deputy Premier, said in 2011 with reference to the introduction of PSOs:

> There are lessons to be learned. This has happened elsewhere. What the government is introducing is a second-tier police force that is less well trained and has fewer powers.

He goes on to say:

> They are known as 'plastic police' because they do not have the training, they do not have the authority, they do not have the powers and they do not have the equipment.

It is very disappointing that Mr Merlino did not use the opportunity of the passage of this bill in the other place to apologise for those comments — to apologise to those PSOs that service railway stations in his electorate and to those PSOs who sit in the gallery or patrol the parliamentary precinct to keep us safe in this building. The simple fact of the matter is that yet again James Merlino is wrong, wrong, wrong. They do have the training and they do have the authority, and this bill seeks to build on the powers they have. The role and function of the PSOs time and time again has been proven to be a significant contributor to the safety of the community, the safety of the railway system and the safety of this Parliament and of other important state buildings. I will leave those comments from the Deputy Premier there, but it is important to give context to the background to this bill.

This bill does a number of different things, but perhaps one of the key things is that it facilitates the deployment of additional protective services officers to form mobile patrols on the public transport network and gives transit PSOs additional powers to support their role in keeping people safe and tackling crime and antisocial behaviour on the public transport network. These additional powers really are a sensible next iteration, a sensible next step, now that the successful PSO policy of the former government has been proven to be such a success.

As I said earlier, in my role as a member of Parliament and as shadow Minister for Police I am often stopped by members of the community, by police themselves and by PSOs who remark on the success of the PSO program. It is not just about keeping our railway stations safe. It is about making public transport at night-time a safe option. It is about having a PSO walk you to your car at a far-flung railway station car park and parents comfortable in the knowledge that their son or daughter who is catching a train home late at night will be met at their railway station by a PSO who is doing their job.

In recent months the coalition has released a number of policies which are focused on a zero-tolerance approach to crime. In many ways the PSOs can be seen as a part of that zero-tolerance approach to crime when it comes to our railway stations. One of the interesting things that PSOs have done is they have been able to identify a number of people with outstanding warrants and have dealt with people who demonstrate antisocial behaviour on the public transport system. That helps to deter crime and prevent crime into the future. We welcome changes to the roles and functions that are, as I have said, a logical development of the PSO powers now that they have such broad community acceptance as part of the public transport network.

I will go into a bit more detail on that issue. The PSOs will be able to exercise their powers beyond the technical confines of a designated place so that they can patrol across the transport network and so that they can be mobilised for large events. That follows in the steps of the announcement of the previous government on Sunday, 23 November 2014, which committed that a re-elected government would invest money to recruit, train and deploy additional PSOs as part of a flying squad or strike force. After two years of procrastination, delays and inertia, the current government has seen the benefit of that policy of the previous government and is adopting it.

The bill will give transit PSOs additional powers to complement their existing powers, such as the ability to apprehend a child under an emergency care warrant, arrest a person where their parole has been breached or cancelled, request a name and address from a suspected offender or witness to an indictable offence, conduct warrantless searches for drugs of dependence, issue an infringement notice for supplying liquor to a minor and randomly search members of the public in a specified place as part of a planned or unplanned control of weapons operation.

As I have said, we welcome the expansion of powers to the PSOs. One thing I will be seeking from the government is this. We know there has been a dip in PSO numbers over the last 12 or 18 months, and I have heard reports from various members of the community that PSO coverage has not been universal as the policy intended following the reduction in PSO numbers. The most recent police statistics show that some of that reduction had been made up, and the next batch of police number statistics, due out in the not-too-distant future, will provide further evidence of the current state of PSO numbers. I give notice to the house and to government advisers that I will be seeking in the committee stage of this bill some detail of the railway stations that have not had PSO coverage consistent with the policy intent of the former government and consistent with what the current government said they would do as far as there being two PSOs on every metropolitan railway station from 6.00 p.m. until last train, noting the exception of the Night Network arrangement. That is something which I will look to pursue in the committee stage.

The other key reform of the bill is banning cash payments for scrap metal. Again, this is something which the opposition welcomes in a conceptual space, and the opposition wonders why it has taken so long for this bill to be before this house and to have a prospect of passing the Parliament. The bill will ban trade of unidentified motor vehicles, require records to be kept of scrap metal transactions, give police power to search second-hand dealers operating after-hours and give police power to apply for a warrant to search second-hand dealer premises to monitor legislative compliance.

As I say, the general nature of these reforms is welcome. Indeed the commitment to banning cash for scrap, as it is colloquially known, has been a policy position of the opposition for some considerable period. I wish to thank the minister's office for the interchange that my office has had with it about a number of issues around the banning of cash for scrap, because these issues were raised by the lead speaker in the other place, Mr Clark, the member for Box Hill.

My colleague Ms Kealy, the member for Lowan in the other place, has received representations from the Victorian Automobile Chamber of Commerce (VACC), who I think, without putting words in their mouth, while broadly welcoming these changes, see this as an opportunity lost for more comprehensive reform. To go to the VACC position as they put it to Ms Kealy, they stated that the preference of industry is to have standalone legislation which encompasses metal recyclers and vehicle recyclers. They went on to say that the reason for preferring separate explicit legislation is that it gives the matter the prominence it requires and addresses an area of significant public risk requiring restraint and control. Further, they said that separate legislation is simpler and easy to publicly promote. Again, while these changes go some of the way to addressing these issues, the VACC noted that the New South Wales legislation is the preferred model for adoption in Victoria.

Again, to be up-front with the chamber and to advise in advance, during the committee stage I will be asking some questions, and I again thank the minister's office for responding to some of these, but I think it is worth putting them on the record. There will be questions about inconsistency, and our concern is that it is unclear if metal recyclers are properly captured by the legislation. We recommend that this lack of clarity be addressed, and perhaps government members can address that in the second-reading debate.

The VACC supports the stronger police powers contained in the new provisions, although they should be enhanced by a power to close a business, as provided in the New South Wales legislation. The VACC went on to say that it has reinforced its willingness to assist with identification of documentation to be deemed prescribed information and can certainly provide industry intelligence of industry practice and compliance with other jurisdictions.

There is confusion on how the new legislation will interact with section 21(1) of the Second-Hand Dealers and Pawnbrokers Act 1989 with regard to the obligation to keep goods in the form they were received for a period of seven days. This requirement is not practical in the current industry environment, particularly with many industry participants turning over stock in huge quantities. I would appreciate it if those questions could be addressed.

The VACC went on to say that it is disappointed that the amendments do not include the capacity to close a business in the short and/or long term. The omission of this power provides no deterrence and no necessary enforcement support for Victoria Police.

The final issue is one which many parts of the community would agree with. The VACC is concerned that Consumer Affairs Victoria (CAV) will be the regulator responsible for compliance and enforcement and that CAV does not enjoy a favourable reputation with industry and other law enforcement agencies. In the Legal and Social Issues Committee inquiry into the retirement village sector the role of Consumer Affairs Victoria occupied a significant period of time in both evidence and deliberation by the committee. Without reflecting on the people who work at Consumer Affairs Victoria I think it is fair to say that they do not have sufficient enforcement powers across a range of sectors required to deal with some of these issues, so it is no surprise that stakeholders such as the VACC also raise concerns about the capacity of CAV and the powers it has as a law enforcement regulator. As I say, I look forward to pursuing those issues in further detail in committee and would invite government members to address them in the second-reading debate.

The bill also enables psychologists with specialist training — not just medical practitioners — to conduct psychological fitness for duty assessments to support Victoria Police to implement the mental health review recommendation. We strongly support that, and I congratulate the chief commissioner for his leadership on this important issue of mental health of police officers. As a community we have become much more aware of mental health challenges, and there is no doubt that first responders, such as the men and women of the police force, face very difficult challenges in the mental health space given the things they need to do, the things they respond to and the things they see. We strongly support this recommendation and the work that is being done by Victoria Police, Police Association Victoria and others to provide help and support to members who have mental health challenges. I again congratulate the chief commissioner on his leadership through the mental health review.

There is also a new category of police custody officer (PCO) known as a police custody officer supervisor. The PCO supervisors will manage a team of PCOs and will be authorised to perform some of the responsibilities currently assigned to the officer in charge of a police jail. Following our briefing the minister's office provided some feedback that PCO supervisors will be based at 15 police stations where there are 12 or more PCOs on roster. The creation of that supervisor role should relieve some part of the workload for the custody sergeant on duty, but I note that it is the custody sergeant or the officer in charge of the relevant police station who has ultimate responsibility for the management of prisoners in custody. While the PCO supervisor role may relieve

some of the administrative burden and some of the other duties, ultimately it will still be a sworn member of Victoria Police, most likely the custody sergeant on duty, who is responsible for the PCOs and the prisoners in police cells.

The number of prisoners in police cells varies from time to time depending on police activity in executing warrants, court activity and the like. The number of prisoners in police cells has recently been in the media. Since the Metropolitan Remand Centre riots on 30 June and 1 July 2015 — the worst riots in Victoria's history according to the corrections commissioner — there has been consistent overcrowding in police cells. There was an agreed cap between Corrections Victoria and Victoria Police of no more than 100 prisoners in police cells. That cap has been removed, and you have to ask why. I think the reason is because there have been very few occasions since that prison riot when there have been fewer than 100 prisoners in police cells. It is consistently around 200, sometimes 250 and sometimes more.

It was interesting to read that Minister Tierney's solution to this problem was the imminent opening of the new Ravenhall prison, a prison that she opposed and a project that she opposed. Labor members used to scoff at the prospect of more prison beds being necessary in the corrections system. In the short term the only thing that will fix this issue of police cell capacity and police being responsible for hundreds of prisoners in their custody will be the opening of the new Ravenhall prison, which is contracted to open by 1 November this year — a prison that the current corrections minister opposed. She was very critical of the opening of new prison beds on numerous occasions in this place during the last Parliament. I will leave with the house the irony of those remarks.

The bill makes other minor and technical amendments to the Children, Youth and Families Act 2005, codifying current practice to facilitate transportation of children held in police custody to and from courts and youth justice facilities. I understand Ms Pennicuik proposes to move some amendments in relation to that aspect, which I will respond to on behalf of the opposition during the committee stage.

In summary, the coalition welcomes the changes to the role and function of the PSOs and the belated acceptance of PSOs by the Labor Party and the Andrews government. The cash-for-scrap measures, whilst going some of the way to dealing with that issue, do not go far enough according to key stakeholders. The bill makes a number of other amendments. The opposition will not be opposing this bill.

Mr ELASMAR (Northern Metropolitan) — I am pleased to rise in support of the Justice Legislation Amendment (Protective Services Officers and Other Matters) Bill 2017. I will speak briefly to some of the actions outlined in the bill before the house today. Overall, I think this is a very practical bill. It will support and enhance the role that protective services officers (PSOs) undertake in station precincts and other related areas. This bill includes giving transit protective services officers the flexibility to respond to incidents both at and in the vicinity of a designated place such as a train station.

I would hate to see what would happen without their presence. As the father of a young woman who often works late it is comforting to know that young women in particular can travel safely within our public transport system. The bill provides transit PSOs with the ability to apprehend a child under an emergency care warrant, arrest a person where parole has been breached or cancelled, conduct warrantless searches for drugs of dependence, issue infringement notices for supplying liquor to a minor and randomly search members of the public in specified places as a part of a planned or unplanned control of weapons operation.

The bill also provides transit PSOs with additional police powers to improve the safety of commuters and hold offenders to account for their actions. The expanded powers for PSOs will improve community safety and people's confidence to travel in safety. It will also implement the government's election commitment to recruit, train and employ some 400 police custody officers, which was fast-tracked to the end of 2017. The deployment of these officers in the community will allow frontline police to expand and return to doing the work that they should be doing.

Ultimately the bill gives PSOs additional police powers to enable them to play a more active role in community safety where they are stationed. More precisely the bill will expand the circumstances in which transit PSOs may request a person's name and address, issue an infringement notice, apprehend a person and search a person or thing. These controls are similar to the authorisations PSOs have in other settings. The bill provides PSOs with these enhanced new powers.

The *Community Safety Statement 2017* not only delivers to this state over 3100 police onto the streets over the next five years but also increases the powers of police and PSOs by making them more efficient and effective. The Andrews government has demonstrated a commitment to tackling crime. This bill is a substantial part of a much larger collection of critical strategies

introduced by this government. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Justice Legislation Amendment (Protective Services Officers and Other Matters) Bill 2017 provides for expanded duties for protective services officers (PSOs) in designated areas. In fact it confers upon them certain powers currently held only by police. It provides for psychological fitness for duty assessments for police officers and PSOs; extends the role of police custody officers and police custody officer supervisors in police jails; allows for children to be held in police cells to facilitate their transport to and from courts and youth justice facilities; and regulates payments for scrap metal to undermine the involvement of criminal organisations in this area.

The Greens are very concerned about the expansion of PSO powers. We believe there is no need to be doing this, and the government has not provided any evidence as to why this is needed. In addition there are serious concerns that have been raised by many stakeholders in the community about expanding the powers of PSOs.

Back in 2010 when the role of PSOs — which had traditionally been to provide security at the Parliament, the courts and the Shrine of Remembrance — was expanded to include their presence at railway stations, we did foreshadow that at some stage in the future we would see police powers being conferred upon protective services officers, and here we are with that happening.

While I have more to say on this issue, I would like to thank the PSOs that work here at the Parliament for the work they do. I am very appreciative of the work they do and have always found them great to deal with, but that does not detract from the issues in this bill, which is not about that issue but about PSOs when they are out in the community and the powers that they have, given that they basically have what has been described as an attenuated role. They are not full police officers, and they certainly do not have the amount of training that full police officers have.

It begs the question: if we want more personnel to be able to carry out these particular powers that are at the moment police powers — powers held only by police — then we need more police, and in fact we are getting more police. There has not really been any evidence as to why these further powers should be conferred on PSOs without providing them with further training.

At the moment PSOs are trained for 12 weeks. If they were to receive the extra training — in fact if they were to receive training up to and equal to what full police officers receive — then why would they not be police officers? We do have an issue with the amount of training and preparation that PSOs have at the moment, with their 12 weeks of training, and then what is provided to full police — sworn police — and their extra powers and their extra duties in terms of arrest, stop and search and those types of powers.

This bill would allow a PSO on duty in a designated area to apprehend a child named in a Children's Court search warrant if the child is at or in the vicinity of the designated area. The meaning of 'in the vicinity' is also a concern. What does 'in the vicinity' mean? It is either in the designated area or it is not in the designated area. The PSO must hand the child into the custody of a police officer as soon as practicable.

The bill allows a PSO on duty in a designated area, without a warrant, to stop and search a person, or anything in the possession of or under the control of the person, for weapons if the person and the thing are in a public place within a designated area. They can only do this search if during the operation of the declaration, police officers are also conducting searches in the area, and the PSO is under the supervision of a police officer, which also begs the question: why would the police officer not be carrying out that search rather than supervising a PSO to do it?

The bill also gives PSOs the power to search vehicles and to seize items detected during that search. It enables PSOs to arrest a prisoner whose parole has been cancelled or taken to be cancelled. It enables a PSO to arrest without a warrant a parolee if he or she suspects that the person has breached a term or condition. It gives PSOs the police power when on duty in a designated area to request the name and address of a suspected offender. It gives PSOs police powers in a designated area to search without warrant for drugs of dependence or psychoactive substances. If they search a vehicle or a person and seize any of those drugs of dependence, they must give those to the police officer as soon as possible. It also gives PSOs the power to serve an infringement notice on a person who they believe has supplied liquor to a minor.

These are quite extensive powers that are being extended to PSOs under this bill. As I mentioned before, many in the community have raised concerns, in fact, in an open letter to the Attorney-General, the Minister for Families and Children and Minister for Youth Affairs, and the Minister for Police, which was sent on 7 June. It was signed by 50 organisations,

including Bernie Geary, Berry Street, the Federation of Community Legal Centres, the Koorie Youth Council, the Law Institute of Victoria, the Victorian Aboriginal Legal Service, West Justice, Whitelion, Youthlaw and the Youth Support and Advocacy Service (YSAS) among others. They note in their open letter that the PSO bill:

> … expands PSO powers to the extent they can randomly stop and search children where a PSO suspects a child might commit an offence, for weapons and drugs without warrant, request their name and address, and apprehend children under an emergency care warrant.
>
> We believe there is a danger that these new powers will lead to an increase in harassment of children and young people and arbitrary 'teen' or racial profiling of vulnerable young people. Our agencies are hearing too many stories of young people feeling targeted by PSOs and harassed for their personal details. Ultimately, the community will not feel safer; rather they will wonder whose child will be next to be stopped by a PSO, without cause.
>
> We urge government not to expand PSOs powers in this way, and consult further, particularly about the need for additional training and skills for PSOs to work respectfully and appropriately with children with complex needs.

Liberty Victoria have raised concerns about these extended powers, which they describe as 'unnecessary, inappropriate and potentially harmful'. They say there is:

> … concern about creating a new offence of obstructing or hindering a PSO. 'As with the equivalent offence in relation to police officers, this offence places the burden of evidence on an accused person, who must offer a "reasonable excuse" for their actions' …

bearing in mind many of these persons will be children. Liberty Victoria continue:

> To that extent it reverses the onus of proof, normally the job of a prosecutor, making it easier to prosecute and more difficult to defend charges of this offence.

And then they oppose 'the introduction of an offence in such terms'. They go on to comment again that PSOs only have 12 weeks training at the police academy and that:

> They have limited … powers when on duty, essentially at … railway stations and associated areas.

I mentioned them before: the courts, the Parliament and the shrine.

Liberty Victoria further state that:

> Their primary function is to provide a 'visible presence … in the community — and notably on public transport — to improve feelings of safety and to prevent and detect crime'.

They go on to say:

> The Victorian Auditor-General's Office says there is insufficient data to assess the impact, if any, that PSOs have on crime rates …

and that last year:

> … the Independent Broad-based Anti-corruption Commission reported 182 allegations of assault and excessive force and 71 of predatory behaviour by PSOs between 12 February 2012 and 31 December 2015.

These are concerning. That is not to say that all PSOs engage in this behaviour at all, but it is concerning. That is quite a large number of complaints. President Jessie Taylor said:

> PSOs already have a range of powers associated with their function, including certain powers of arrest and search … as well as the power to issue fines for public order and public transport offences.

She went on to say that the powers in this bill do not reflect the limited role which PSOs currently have been given:

> For example, conducting a warrantless search on an individual or their vehicle …

et cetera, which I have mentioned. These are an incursion into the role that is generally left for police and not for PSOs. We and others have a lot of concerns about these particular provisions.

Youthlaw, for example, have raised concerns about the expansion of the powers of PSOs under the bill being inconsistent with the fundamental human rights in the Charter of Human Rights and Responsibilities in that they especially limit the rights of children and young people. In fact the minister has agreed in her statement of compatibility that certain aspects of the bill are not compatible with the rights of children. Youthlaw say that:

> … PSOs would need additional training and higher skills to enable them to have the power to arrest a person who has breached their parole, conduct searches for … drugs, and request names and addresses from young people.

These are very frontline activities that we would contend the police are trained for but that PSOs are not trained to carry out.

The Centre for Excellence in Child and Family Welfare also wrote to the Scrutiny of Acts and Regulations Committee regarding the bill, stating that they are:

> … deeply concerned with a section of the bill that is incompatible with Victoria's Charter of Human Rights and Responsibilities …

> Specifically — giving protective service officers (PSOs) the power to randomly search children in public places within designated areas, even if the PSOs have not formed a reasonable suspicion that the child is carrying a weapon.
>
> By the minister's own admission … these powers are incompatible with the charter to the extent that they limit the right to privacy and reputation …

They further state that they have:

> … concerns with the government's conclusion that community concern about safety in relation to … weapons-related offending justifies the government proceeding with the legislation in its current form.

Apart from these changes that involve the expanding of powers of PSOs, in clause 59 the bill introduces new section 347A into the Children, Youth and Families Act 2005 whereby children may be held in police cells when being transported to and from courts and youth justice centres due to the court complexes not having enough cells. Proposed new section 347A provides that children may be held or detained in a police cell for up to two working days. This is too long; ideally they should not be held in a police cell for longer than 12 hours and certainly should not be held overnight. Key stakeholders have also raised concerns about these aspects of the bill.

Section 17(2) of the charter promotes the right of a child 'to such protection as is in his or her best interests'. It is not in the best interests of a child to be detained in a police cell overnight nor for up to two days, which is why the blanket provision in this bill is not acceptable. Section 23 of the charter promotes the right of children in the criminal process to be treated in a way that is appropriate for their age and promotes the right of an accused person who is detained to be treated in a way that is appropriate for a person who has not been convicted. Children and young people are vulnerable, and being detained for up to two working days and overnight in a police cell is not appropriate.

In addition, we are concerned that the government is of the view that the use of police cells overcomes the problem of some court complexes not having available cells. There have been recent media reports that police cells are still being used because of the overcrowding of adult prisons, but the use of police cells is already at full capacity. For example, on 9 September an article in the *Herald Sun* by James Dowling about this issue states that each day about 200 prisoners are held in police cells. This is about the overflowing corrections system and the overflowing cells in the courts. The article says:

> The numbers fluctuate but on one day this week 230 prisoners were in police cells across the state and 185 of them were corrections prisoners — either serving a sentence or awaiting court dates.

I quote from that article because it is into this environment that this bill allows children to be kept in a police cell for up to two days. It is in the environment of the overcrowding of police cells, or police jails, that this bill is allowing children to be held overnight and for up to two days.

While the bill makes it mandatory for children and young persons to be segregated from adults, which could be very difficult in an overcrowded situation, it is not mandatory under the bill, in proposed new section 347A, that females be kept separate from males. This is a serious concern because young females are likely to be vulnerable if kept in a cell with a person of the opposite sex and because there is a greater risk of exposure to violent or inappropriate behaviour.

The bill also does not make it mandatory for children to be told of their entitlements. The bill only says they are entitled to be segregated based on gender and they are entitled to be told of their rights. This is similar to existing section 347 of the Children, Youth and Families Act, which deals with cases where a child is remanded in custody in a police jail. It has many provisions that mirror proposed new section 347A. In our view, this breaches the charter by not providing children with protection that is in their best interests.

There are also other entitlements listed under proposed new section 347A that should be mandatory, such as section 347A(2)(c), which says that children would only be entitled to receive visits from parents, lawyers et cetera, and (2)(d), in which a child would only be entitled to have:

> … reasonable efforts made to meet their medical, religious and cultural needs including, in the case of an Aboriginal child, the child's needs as a member of the Aboriginal community …

We are concerned that there is no reference here to the custody notification system (CNS) with the Victorian Aboriginal Legal Service, and we have been informed by stakeholders that this needs to be embedded in legislation since it is still not being used in cases where it should be. We also know that the federal government recognised the benefits of this system by offering to fund a national rollout of the CNS back in October last year.

Our concerns with existing section 347 of the Children, Youth and Family Act and new section 347A of this bill are that neither of them make the provisions of those sections mandatory. We do not understand this, given that the Office of Police Integrity report *Policing and Human Rights: Standards for Police Cells* stated back in December 2008 that as part of the standards:

> Detainees are segregated on the basis of gender …

and that:

> Each detainee is provided with information, in a format he or she can understand, about the reason for his or her detention and the rights and responsibilities of detainees.

It is in this light that the Greens have had some amendments prepared with regard to new section 347A and existing section 347 of the Children, Youth and Families Act 2005.

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

Ms PENNICUIK — I will speak briefly about the amendments and speak more about them in the committee of the whole. Basically the amendments are to existing section 347 of the Children, Youth and Families Act and to similar provisions in this bill with regard to the holding of children in police cells, and they substitute the words 'are entitled to' in most cases with 'must'. That is to ensure that children in police cells must be separated from adults; must be separated from the opposite gender; must be permitted to meet with family, lawyers et cetera; and must have their medical, religious and cultural needs attended to. The chief commissioner would be responsible for making sure that the above provisions are complied with but also that in the case of an Aboriginal child the Victorian Aboriginal Legal Service is notified that the child has been remanded in custody in a police jail under this section. I will return to that in more detail, but that is basically what the amendments do. We feel these are very important.

Where a person is detained under the Mental Health Act 2014 the provisions are expressed in the same way — the person who is detained must be told of their entitlements and must have them carried out — and not in a weaker expression of what they are entitled to but with no guarantee that that will happen under the legislation. We feel this is a very important area where we have the situation of children being held in police cells for up to two days. If they are going to be held for up to two days in police cells, where we know now that they are overcrowded and they are full of adults from the corrections system, these entitlements 'must' be carried out and not 'may' be carried out.

Other parts of the bill provide for psychological fitness for duty assessments of police officers and PSOs, which is a good provision. We note that important concerns have been raised by Police Association Victoria and individual police officers as well as by lawyers and even psychologists about the need for the government to enact legislation whereby post-traumatic stress disorder is recognised as an occupational illness so that officers suffering from it will get access to treatment early and will be greatly assisted in recovering sooner. We urge the government to do this in the interests of the welfare of police officers and protective services officers who may be dealing with traumatic incidents day in, day out. We feel this is a very important area which the government needs to act on.

The bill also amends the Victoria Police Act 2013 to establish the role of police custody officer supervisors in police jails. We have no concerns here, but we do have concerns, as I have mentioned before, with overcrowding in police cells.

The bill amends the Second-Hand Dealers and Pawnbrokers Act 1989 to regulate payments for scrap metal and to provide for enforcement, essentially to prevent and disrupt criminal activity in the dealing of scrap metal by prohibiting cash-based scrap metal transactions. A second-hand dealer must not buy scrap metal that consists of a motor vehicle if the vehicle identifier has been removed, obliterated, defaced or altered. It enables police to enter business premises or storage premises occupied or controlled by a second-hand dealer when a business dealing in scrap metal has been carried on there or the police reasonably believe that such a business is being carried on there. Police can apply to a magistrate for a search warrant in relation to particular premises to monitor compliance with the act. The Greens are supportive of that part of the bill.

As I have outlined in my contribution to the bill, we are very concerned about the expansion of PSO powers to those basically only held by police at the moment, and for good reason, because they involve searching people without warrants et cetera. There is no provision here for PSOs to undergo extra training with regard to that. We feel that these powers should remain with police and that PSOs should be deployed for the purposes already outlined in the police act.

We have grave concerns about the ability to hold young people in police cells for up to two days without mandatory provisions as to their care under that custody. We also feel very strongly that two days is too long. Most stakeholders are saying that up to 12 hours is the most and that children should not be held in police cells overnight. However, we do understand that in very exceptional circumstances that may have to happen, but it certainly should be avoided at all costs, and if it does have to happen because of remoteness or for any other practical reason, the provisions under sections 347 and 347A must be mandatory provisions.

With those comments, I look forward to moving amendments in the committee stage of the bill. The Greens will not be supporting the bill, however.

Mr MORRIS (Western Victoria) — I rise to make my contribution to the Justice Legislation Amendment (Protective Services Officers and Other Matters) Bill 2017. I support Mr O'Donohue's comments on this bill and would like to reiterate our thanks for the important work of protective services officers (PSOs) across the breadth of our community. I know well that the PSOs at the Ballarat train station in particular do a remarkable job keeping commuters safe and assisting them, and I have been fortunate on occasion to chat with PSOs who are doing this important work.

It is incredibly important that people feel safe in our community. Train stations can at times be hotspots for crime. The former Liberal government ensured the rollout of PSOs at train stations, and as a result the type and rate of crime at train stations has certainly decreased and led to more people using public transport. They feel more safe more often. It is important to note that people using the train network can have PSOs walk them to their car if it is late at night and they are feeling that it is not a safe environment. That is very important.

PSOs not only keep us safe at train stations but obviously at Parliament House as well. PSOs patrol the parliamentary precinct and ensure that we, as members, are kept safe, as well as keeping parliamentary staff and our visitors safe. When you consider what is happening around the world in various parliaments, it is an incredibly important role that they play.

This bill has a number of provisions, and one that I want to just briefly touch on is the use of cash to pay for scrap metal to deter vehicle theft. It is pleasing to see that the government is picking up on Liberal Party policy in this particular area. I think the ALP get their best policies from this side of the house, and I look forward to the government introducing legislation with regard to police car ramming, which they committed to after Mr O'Donohue introduced a bill on that issue. If the government went a little further and just adopted all of our policies, it would be much more successful in its work than it is presently.

In my brief contribution to the debate on this bill I just want to say that the work that is being done by PSOs is incredibly important. Ms Pennicuik said that she was concerned about the expansion of the powers of PSOs, and I say to Ms Pennicuik that I do not share her concerns. I think the provisions in this bill that expand the powers of PSOs are appropriate and in many ways are just a logical progression to ensure better public safety. The need to expand public safety elements of the role of PSOs due to the skyrocketing crime rates we are experiencing at the moment would be widely recognised. It is of great concern to many in the community. Ms Pennicuik may not share those concerns, but I can assure her —

Ms Pennicuik interjected.

Mr MORRIS — I think they go hand in hand. The skyrocketing crime rate we are experiencing at the moment needs to be addressed and something needs to be done to alleviate it. Aggravated burglaries and the like are going through the roof. Carjacking, a crime that the Premier said did not happen in the state of Victoria, is occurring on an all too regular basis. I did say that I would make a brief contribution. I know other members want to talk about the great work that PSOs are doing here in Victoria, so I will leave my contribution there.

Mr RAMSAY (Western Victoria) — I was rather hoping there might have been a speaker from the government, but there is not so I will just work on the small amount of information I have and talk about some of the wonderful work that protective services officers (PSOs) are doing in my electorate. As an overview, the Justice Legislation Amendment (Protective Services Officers and Other Matters) Bill 2017 gives effect to the government's *Community Safety Statement 2017* by amending the powers of PSOs. It enables psychologists to assess Victoria Police officers' psychological fitness for duty, regulates payments for and dealings in scrap metal, establishes the role of police custody officer supervisors in police jails, extends those officers' powers in relation to the management of visitors and updates the arrangements for transporting children in police custody.

I want to talk about the good work that PSOs are doing, which Mr Morris referred to in his contribution to the debate. I also want to elaborate on Mr O'Donohue's contribution in which he referred to the wisdom and thoughts of Mr Merlino in the Assembly. Going back to the previous Parliament when the coalition government introduced PSOs, Mr Merlino in a fairly disdainful commentary in the other house talked about them in a derogatory way as being no more than plastic police. Those community members went through 12 weeks of quite significant training in relation to apprehension, search and arrest processes, not unlike the training that police go through. To have such derogatory remarks made by the Andrews opposition at the time, and particularly the deputy leader, James Merlino, who insulted them by calling them plastic police, I think is

very detrimental to the very important work that they do.

In fact it was at the Geelong train station only the other day where I had the opportunity to speak to some new recruits that have taken on the work of a PSO. It was fairly late at night, I must say, and the station was not that well lit. It certainly gave people a degree of confidence and a feeling of safety that they were being protected and oversighted by PSOs.

I know that if you do a straw poll of any train travellers in my Western Victoria Region —

Mr Morris — Ours.

Mr RAMSAY — Sorry, ours; Mr Morris is very paternal about the region that we share. Certainly in Ballarat and Geelong specifically, where there are PSOs on call, the travelling public very much appreciate them being there. They are within not only the train station precinct but also the car parks, which experience heavy usage and are not always well lit. The more aged female train travellers in particular as they move around in quite dark spots are very appreciative of the fact that these PSOs are now broadening their area of surveillance to the car parks. Some PSOs are actually walking with those who are apprehensive about safety to their cars. They certainly play a very important part in providing public safety in and around train precincts and car parks.

This bill really extends their powers. I note Ms Pennicuik's concerns around civil liberty, rights and other things, but of course the Greens have history on this and would never be satisfied with the amount of power that officers have — whether it is police, PSOs or even police custody officers (PCOs), who are also incorporated in this bill.

I just want to make some commentary around the main objectives of the bill. One is to facilitate the deployment of additional PSOs to form mobile patrols on the public transport network, and I have touched on that. It gives transit PSOs additional police powers to support their role in keeping the public safe and tackling crime and antisocial behaviour around the public transport network, and I have made comment on that. It bans the use of cash to pay for scrap metal to deter vehicle theft. It enables specialist psychologists to conduct police psychological fitness tests; I have talked about that. It expands the role of police custody officers — I have not made much mention of this, but I want to — by establishing a new PCO supervisor position. The new category of PCO is intended to free up police time to prioritise frontline duties and create a clear pathway for PCOs.

I think this is important, because we know a lot of police time, particularly in stations around Geelong and Ballarat, is taken up in administering and policing those being held in custody. As we know, many of our prisons are currently full and are awaiting the entry of those who have been held in custody in police stations. We are waiting for the prisons to be freed up to be able to take those who are being held in custody. It is important that we free up our police so they are able to do more patrols on the road within our communities and not be tied up in police stations providing custodial policing.

The bill also makes minor and technical amendments to reflect the longstanding practice of youth justice offenders and those on remand transitioning for short periods of time into police jails while en route to and from court hearings. It provides protections and safeguards available for children under Victorian law which will apply to these children, and they must be kept separate from detained adults.

The PSO power amendments reflect a general acceptance of PSOs as a welcome and valuable resource in community safety and law enforcement. We believe the extension of PSO powers is logical and in line with the coalition plan to further utilise PSOs for other non-core duties to free up sworn police, as I have mentioned, so they can get back to the front line.

The ability for PSOs to act in the vicinity of a designated place is logical, and we support that. It overcomes several problems encountered in the establishment of the transit police and PSO program, including the issue of PSOs performing their duties close to a station and issuing infringement notices to drivers on a roadway adjacent to a station or car park. This was deemed to be beyond their designated place, and Victoria Police were forced to withdraw hundreds of infringements issued. As I indicated, it is broadening their areas of surveillance, but they will also now be able to do search and seizure outside the station limits.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Political donations

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Special Minister of State. As the minister would be aware, Victorian unions affiliated with the Australian Labor Party are associated entities for the purposes of disclosure to the Australian Electoral Commission. Will membership fees to associated entities, such as unions, be subject to your proposed donation cap and individual disclosure requirement?

Mr JENNINGS (Special Minister of State) — The proposal put forward by the government in relation to donation reform that the government announced yesterday covers reporting requirements and caps on donations that apply to political parties, to associated entities and in relation to third-party campaigners. So in terms of the disclosure requirements for any donation that comes to or from an associated entity, which is at the heart of Mr Rich-Phillips's question, the answer would be that, yes, they will be subjected to those donation caps.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. Minister, in a similar vein, Labor MPs are required to pay thousands of dollars of their salary to the Labor Party as part of being a Labor MP. Will those annual contributions also be subject to the cap and subject to individual disclosure requirements?

Mr JENNINGS (Special Minister of State) — I am very happy for Mr Rich-Phillips to ask questions of this nature. I am pleased that the opposition are embracing the idea of donation reform and that they are actually looking for the very high moral ground in relation to it. That is an excellent position for them to aspire to. So I encourage them to actually continue on this pathway. The arrangements between political parties and their membership in terms of the administrative functioning of their party activities, as distinct from campaigning, will be subject to the scrutiny of the disclosure regime, but in fact membership of organisations — that may be the membership arrangements between political parties that —

An honourable member — Now it's coming out.

Mr JENNINGS — What do you mean it's coming out? Of course it is coming out. I would expect members of the ALP to actually be members of the ALP and to pay a fee accordingly. I would expect members of the Liberal Party to do the same. That is what you would expect.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — I take this opportunity to welcome to the gallery today and to the Legislative Council the Speaker of the House of Representatives, a friend and a Presiding Officer colleague, the Honourable Tony Smith.

QUESTIONS WITHOUT NOTICE

Questions resumed.

LaunchVic

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Minister, eight of the original board members of LaunchVic have resigned. What is it about you as minister, the Andrews government and the organisation that you have established that has led, as you described it in January 2016, this 'amazing team' to walk away?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. It is a very weird question. There are a range of issues that people deal with, both professional and personal, and those will be issues for the board members themselves.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I just about want to sing the song *Run Away* at the moment. Minister, you have described LaunchVic as an independent company. Is it not a fact that dissatisfaction at LaunchVic is because it does not operate as an independent company, supported by the fact that you are approving and rejecting every single funding recipient?

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

Heyfield timber mill

Ms BATH (Eastern Victoria) — My question is to the Leader of the Government. Minister, now that the purchase of the Heyfield timber mill has been finalised, can you inform Victorians how much public money the Victorian government has spent on the purchase of the mill?

Honourable members interjecting.

The PRESIDENT — Because of interjections I actually did not hear the question. Ms Bath, again, thank you.

Ms BATH — My question is to the Leader of the Government. Minister, now that the purchase of the Heyfield timber mill has been finalised, can you inform Victorians how much public money the Victorian government has spent on the purchase of the mill?

Mr JENNINGS (Special Minister of State) — Here is part of the rub in relation to the answer that Ms Bath is after. I have to actually make sure that I work appropriately and collaboratively with my colleagues, which include the Minister for Agriculture, my colleague the Treasurer and my colleague the Minister for Industry and Employment, in relation to the arrangements that have found the government providing a very unusual level of support to the Heyfield community and to workers in that community by purchasing the mill that had been under great pressure because of the unilateral decision of the owners of the mill to walk away from the mill during the course of this year.

During the course of this calendar year the workers and their community have been under great stress. They in fact were confronted with the potential for the mill to close in circumstances where there was an adjustment in the available timber supply — and in fact an adjustment of the timber supply which was in accordance with VicForests's projections based upon the reservation system and conservation measures and what they believe to be a sustainable yield into the future. Consideration of those matters led to VicForests adjusting the volume of timber that was available to the contract. Then the owners of the mill proceeded to make a premature announcement that they were on the cusp of closing when there was no need for them to close, and in fact they could have recalibrated their operations just as now the mill will be recalibrating its operations to try to maintain a level of economic activity contribution to the town and the protection of jobs, and indeed operating within sustainable levels that have been allocated in timber resource allocation to them.

The government has worked to try to make sure that those elements are put in place so the community understands it has a greater degree of confidence about any transition that may take place now or in the future in relation to forestry activity. The opposition do not want to know the truth in relation to this matter. They do not care about anything other than scaremongering in relation to this issue. They have scaremongered from day one. They continue to want to scaremonger —

Honourable members interjecting.

The PRESIDENT — Order!

Mr JENNINGS — Every second day they want to scaremonger. They do not want the community to have confidence. They do not want the workforce to have confidence. They do not want industry or in fact for that matter the conservation movement to have confidence about the way in which these issues will be managed now and into the future.

As to the contractual arrangements that have been entered into by my colleagues in relation to this matter, I understand there are some commercial considerations that they have been mindful of in terms of settling this arrangement. In terms of what is available for me to share in the public domain, I will take advice on that subject and come back to the house in relation to that, but what I can tell you is: the government, in very difficult circumstances, took an extremely unusual opportunity to keep this mill operating, to maximise the opportunities for maintaining work in that community and to protect the Heyfield community.

I would have thought that at some point in time the opposition may have appreciated the great efforts that have been put in by this government to keep that community viable and supported at a time of great stress, instead of the disingenuous, alarmist approach that they have actually taken to this issue and the dishonesty that is associated with false promises that were made about timber allocations that were never complied with by the outgoing coalition government and were inherited by this government.

Honourable members interjecting.

The PRESIDENT — All done?

Mr Leane interjected.

The PRESIDENT — Apparently not. Mr Leane, would you like to make some sort of announcement?

Mr Leane — I was just saying.

The PRESIDENT — I know you were just saying. Minister, it might also help in future if the answers went through the Chair. I understand that Ms Bath was the person who posed the question, but it makes it a little bit difficult for me if I am seeing your back.

Supplementary question

Ms BATH (Eastern Victoria) — I thank the minister for his response. Minister, what share of the Heyfield mill has the Victorian government acquired?

Mr JENNINGS (Special Minister of State) — Thank you, President, for the opportunity to respond appropriately. I am severely chastened by my flagrant disregard for the Chair. Maybe I have been distracted by other people who may have joined us today in terms of playing to a higher order in relation to those who assume chairs in other jurisdictions. Maybe that was my degree of distraction. I will not be distracted any further; I will answer accordingly the member's question. The government has a controlling share in this enterprise and will do so into the future.

Heyfield timber mill

Ms BATH (Eastern Victoria) — My question is to the Special Minister of State representing the Minister for Industry and Employment. Government ministers, including Minister Pulford, have claimed that no jobs would be lost at the Heyfield mill while the purchase was being finalised; however, on 16 August Australian Sustainable Hardwoods sent a memo to employees stating that the green mill would operate on reduced shifts due to a number of staff taking redundancies, and the government admitted on Friday that 24 redundancies have been taken within the last month. Minister, do these redundancies not mean that jobs have been lost during the finalisation of the purchase arrangements?

Mr Jennings — Just for completeness, I want the member to clarify: does she want me to answer this question in my own right, which I am able to do, or as the minister representing another minister in the other chamber? Because in fact if that is what she wants, then it would be to Ms Pulford.

The PRESIDENT — Ms Bath, which minister were you directing it to?

Ms BATH — I was directing it to the Minister for Industry and Employment, but the Special Minister of State certainly can answer it in his own right if he chooses to.

Honourable members interjecting.

The PRESIDENT — I am intending to ask Ms Pulford or Mr Somyurek to answer.

Ms BATH — Thank you, President. I will direct my question to Minister Pulford.

Ms PULFORD (Minister for Agriculture) — I thank Ms Bath for her question, and I will seek a formal response from Minister Noonan to the question that Ms Bath has asked. I would certainly indicate that the government has worked hard and long to secure a future for this mill. This mill was closing, it is now not and it was a day of some considerable celebration in Heyfield on Friday. I did join Minister Noonan to make this announcement on Friday. We were very keen to share the news that the purchase had been finalised, and indeed Minister Noonan will now undertake his new responsibility as the minister responsible for the transition at the mill. Of course as the Minister for Agriculture I have responsibility for the management of the forest resource and for VicForests, which is the seller of the timber, and it would not be appropriate for me to have that kind of ongoing involvement where the new entity is a purchaser of the timber. I just thought that would be useful context for why Minister Noonan has taken on responsibility in this area as of last week. I will seek a formal response from Minister Noonan for Ms Bath.

Supplementary question

Ms BATH (Eastern Victoria) — Thank you, Minister Pulford. Minister, could you also seek a response, now that the purchase of the Heyfield mill has been finalised, confirming how many jobs will be lost in the next six months?

Honourable members interjecting.

The PRESIDENT — I will invite the minister to answer, but by way of interjection it was mentioned that there is some speculation in this question, and I actually agree. With the question as posed, I think it is rather difficult for a minister to be put in a position of being quantitative about jobs when in fact there are no doubt a number of processes to go forward before such a number could be quantified. I think that there is some speculation in the question. I will allow the minister to answer.

Ms PULFORD (Minister for Agriculture) — What I can indicate to Ms Bath is that Minister Noonan will work with the Australian Sustainable Hardwoods management on the best pathway forward for the mill, its workforce and the local community. A new board will be established, and the existing management team, who are of course also with us purchasers of the mill, will continue to be responsible for the day-to-day operations of the business.

I can also indicate to Ms Bath that Minister Noonan was in Heyfield yesterday and took the opportunity to

meet with some of the workers and with management. We will certainly be wasting no time at all on Ms Bath's substantive question. I do think that this is highly speculative, and I might leave it to you, President, to judge whether or not I need to seek a written response to the member's question.

Victorian Aboriginal Justice Agreement

Mr MORRIS (Western Victoria) — My question is to the Leader of the Government representing the Premier. Minister, there have been three evaluations of the Victorian Aboriginal Justice Agreement over the past 13 years. A tender process in March 2004 awarded the phase 1 evaluation contract and a tender process in February 2011 awarded the phase 2 evaluation contract. However, there was no tender process to award the phase 3 evaluation contract, which was split into two separate contracts. Why was this important process bypassed for a $184 000 and a $270 000 contract this year by the Andrews government?

Mr JENNINGS (Special Minister of State) — I thank Mr Morris for his question. It is a very detailed question, and I volunteer that I do not know the immediate answer in relation to the tendering arrangements for that evaluation. But I do know that this government is proud of our ongoing relationship with the Aboriginal community and the policy settings that we have put in place to support them over many years. Indeed establishing the justice agreement was actually something that I was very pleased, as a member of the Bracks administration, to be party to — the first iteration of that agreement. I am very pleased that it not only survived the period of Labor administration but survived the period of the coalition administration that occurred in the middle. In fact many people were anticipating that the coalition may have tried to destroy it, but they did not. So good on them for seeing the sense of responsibly trying to deliver better outcomes in terms of the justice system and the respect and regard shown for Aboriginal people.

I believe that any enduring arrangement such as this — because not only is it an agreement but it has funding arrangements within it and it involves cooperation between government activity and the non-government sector, in this case many Aboriginal community organisations — warrants a due and proper examination of the effectiveness of those programs that may be funded under the course of the agreement. I think it is appropriate that we evaluate the effectiveness of it, because what is very clear, not only in Victoria but around the country —

An honourable member interjected.

Mr JENNINGS — I do not need your interjection; I do not need it. I have already volunteered in the very first 20 seconds of my answer that I am going to seek supplementary advice in relation to the tendering arrangements. I have indicated that, and then I went on to be generous about the coalition. Why I did that is beyond me. Then I was giving an explanation to the Victorian community, the people in the community who may not have any idea about the Aboriginal justice agreement. They may have no idea what it is about, what it actually does and why it is an ongoing program worthy of support from the government, the Aboriginal community and the justice system in rising up to our obligations to reduce the incidence of the incarceration of Aboriginal people and to increase the participation in full community life of Aboriginal people. It is a project of the first order of consideration in this state.

As to the ridicule from the opposition, I do not know why they chose to ridicule my description of it. I volunteered that in relation to the tendering arrangements about the evaluation there will need to be some advice given to me so I can give it to Mr Morris. I am reminding the house of the significance of the Aboriginal justice agreement, and for the life of me I cannot understand why the coalition wants to interrupt my comments on the importance of the Aboriginal justice agreement. On the basis of what — disruption in the chamber? I do not understand why, but my answer to Mr Morris is: I will come back to you about the tendering arrangements, but the government is very proud of its ongoing association with the Aboriginal justice agreement, and you should know that that is a very significant issue not only for Aboriginal people but for all Victorians.

Supplementary question

Mr MORRIS (Western Victoria) — Thank you, Minister, for your response and for undertaking to provide further information. Minister, the contract was awarded to the Clear Horizon Consulting Perth office in June this year. Why was the contract to evaluate the Victorian Aboriginal Justice Agreement awarded to an organisation supporting West Australian jobs rather than supporting Victorian small business and employing Victorians to do the job?

Mr JENNINGS (Special Minister of State) — Mr Morris's question obviously warrants an answer, but in fact I am not quite sure what his expertise is in the evaluation of Aboriginal justice agreements. In relation to the field of consulting organisations who may be able to undertake this, on the basis of the practice of good governance, on the basis of auditing and on the basis of program evaluation I do not think

that any jurisdiction totally dominates any of those spheres of activity. I do not know the answer to his question. I do not know who was available at the time to actually undertake that work. I think under normal circumstances the Victorian government is very supportive of employment creation and making sure that we support Victorian economic activity. As a matter of policy that is what we intend to do. I will find the answer to this question.

Caulfield–Dandenong line elevated rail

Mr DAVIS (Southern Metropolitan) — My question is also for the Leader of the Government. I refer to the sky rail project between Caulfield and Dandenong and the massive straddle carrier which at present is moving gigantic beams into position between Murrumbeena and Carnegie. Minister, a recent letter dated 15 September sent to residents says the option of relocation is being offered to residents while this work takes place. I therefore ask the minister: given trains are stopped due to safety concerns when these gigantic beams are being moved into position, should adjacent residents stay in their homes or leave them because of the clear danger?

Mr JENNINGS (Special Minister of State) — I am not quite sure whether Mr Davis is expecting me to share my personal knowledge and expertise of the occupational health and risk safety factors in relation to this project or be responsible for its day-to-day management. I am not sure whether he expects that of me. Under normal circumstances I would expect my colleague in the other place the Minister for Public Transport to know what measures are in place in terms of the project management and the communication with the community to make sure that they are well advised about what, if any, risks that they are exposed to and in fact what, if any, support they are provided in relation to decisions that they may make in relation to relocation.

I would expect that in fact those risks have been well and truly assessed within the project management arrangement being undertaken by the Level Crossing Removal Authority (LXRA) and that in fact that is well known to them. In fact Mr Davis himself refers to a letter of 15 September that is a form of communication to the residents. I have not seen that correspondence. I do not know what is in it. I would expect it to have a level of detail in relation to advice that they can obtain, the support that they may be able to obtain and a commentary on what, if any, risks they are exposed to. I would anticipate that being in the communication. I will actually take advice from my colleague about whether in fact that is the case. I would expect that to be the case.

I think Mr Davis himself should be cautious about the degree of concern and agitation that he may generate by not only his commentary here but more importantly his commentary in the public domain, in relation to creating fear and anxiety in the community. It is essential that people take the best advice that is available to them. I would rely on that correspondence and the communication from the LXRA to actually provide people with the best form of advice that they can seek in relation to these matters and any form of relief that is available to them, and they can afford themselves of that advice and that relief if they choose to.

Supplementary question

Mr DAVIS (Southern Metropolitan) — It is a sincere and serious question. Minister, some of the properties in this Murrumbeena to Carnegie corridor are as close as 20 centimetres to the sky rail, with bedrooms and living rooms only metres from the straddle carrier as it lifts 420-tonne concrete steel beams, and I ask: is it not a fact, Minister, that a different standard is being applied within the rail reservation, where adjacent trains are stopped but home owners remain in the corridor to face the risk without clear or honest direction from government?

Mr JENNINGS (Special Minister of State) — In my substantive answer I indicated my operating principle would be that the Minister for Public Transport and the Level Crossing Removal Authority would in fact be well-informed, they would be well apprised of those risks and they would actually inform residents of those risks and what the appropriate regime is that could actually provide for not only safe working in the rail corridor alignment but also safe living and protection for those who are adjacent to that corridor, regardless of their proximity. I am certain that they will be mindful of that profound obligation to our community to keep them safe during the course of this work. I will rely on advice that I can obtain from my colleague in relation to confirming that, and I will take the opportunity to have a conversation with my colleague about the concerns that Mr Davis has raised to allay his concerns and, more importantly, the community's concerns.

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

The PRESIDENT — I was prepared to put the motion, but I actually had a bit of difficulty with it on this occasion because the motion was that the minister's answer be taken into account on the next day of meeting. What the minister has undertaken to do is to obtain information from a minister in another place, which will be a two-day direction and which will then provide an answer to the question. It seems to me a little premature in some ways that we are to take into account the minister's agreement to raise the matter with a colleague in another place.

Anti-vilification legislation

Ms PATTEN (Northern Metropolitan) — My question is for the Attorney-General, represented in this house by the Minister for Corrections. The marriage equality debate is unearthing degrees of prejudice that I think we had all hoped would not exist in 2017. In recognising this the federal government is ushering through new laws that would penalise those who intimidate or threaten based on sex, sexuality, gender identity, intersex status, religious convictions or views they hold about the survey. Under Victorian law it is unlawful under the Racial and Religious Tolerance Act 2001 to vilify a person or group of people on the basis of their race or religion. It was under those laws that United Patriots Front members were recently prosecuted. However, these same protections do not extend to vilification on the basis of sex or sexuality. Will the Attorney-General introduce new laws that permanently protect Victorians from this type of vilification, and if not, why not?

Ms TIERNEY (Minister for Training and Skills) — I thank the member for her question, and I also acknowledge her advocacy and interest in the area of protecting people who are of different race, religion or indeed sexuality or gender. I will be referring this matter to the Attorney-General for a response, but can I say that the debate that has been raging in our communities across all coasts, I think, has been intense, and it at times has been very, very unwise and has indeed demonstrated our lack of maturity to actually have a proper, fulsome and respectful debate. I do hope — and I use this opportunity to hope — that those days that we have remaining in terms of filling in those ballot forms, or the survey, serve us better as a community than what we have seen in recent times.

Recreational boating

Mr BOURMAN (Eastern Victoria) — My question today is for Minister Pulford representing the Minister for Ports in the other place. Over time there have been various acts that govern recreational boating in Victoria. In the course of the creation of the legislation there have been licences of various types imposed by the governments of the time, with the funds being collected to be hypothecated back to directly related needs, such as search and rescue and infrastructure. As I understand it, from 2011 to 2016 there was $180 493 000 collected from motorboat registrations and associated licensing, yet it appears that there has only been $17 867 000 spent on infrastructure. My substantive question is: despite searching, I cannot find out where the rest of the funds have been spent directly on boating, so can the minister outline to me what has happened with the rest of the funds?

Ms PULFORD (Minister for Agriculture) — I thank Mr Bourman for his question. I will seek a written response from Minister Donnellan.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her answer. My supplementary question is: given there are many bodies regulating personal watercraft, including but not limited to Victoria Police, Fisheries Victoria, Parks Victoria, the Victorian Ports Corporation and Maritime Safety Victoria, how much of the funds that I cannot account for are spent on paying for duplicated enforcement activities?

Ms PULFORD (Minister for Agriculture) — I will seek a response from the responsible minister.

Land Use Victoria

Mr BARBER (Northern Metropolitan) — I choose to direct this question to the minister representing the Treasurer as I understand the responsible minister, the Minister for Planning, has been sidelined in the matter. We understand that activity to prepare the land titles office for sale is well advanced. Concerns are arising in relation to privacy and cost implications. Can the minister tell the house how much revenue will be attached to the new privatised entity, assuming no increase in fees or new fees and charges of course, and whether any fee rises are being ruled out?

Mr JENNINGS (Special Minister of State) — What I can confirm to Mr Barber is that in fact there is a scoping exercise of what might be situations of what activities of the land titles office may be put out to market in terms of a potential commercial transaction into the future. Indeed that exercise will be looking at the way in which privacy protections, in terms of the interests of our citizens, may be preserved in relation to the quality and the reliability of information services that are available to them or more broadly in relation to

land use activity, particularly land title matters. That scoping exercise is a precursor to any consideration about what might go to market and may in fact limit the aspects of the land titles office's work that may be put out through an expression of interest process.

Because that matter has not been determined beyond what are the normal reporting elements in relation to the revenue associated with the land titles office, which will be a global number, it is impossible for the government to quantify at this point in time, because we are not absolutely sure what activities may or may not stay within public control and ownership, which aspect may be then put to market. To answer Mr Barber's question would be premature at this time.

Supplementary question

Mr BARBER (Northern Metropolitan) — Thank you for that answer, Minister. Minister, what part of that scoping exercise is likely to be released to the public? Or is it going to be another one of those examples where the potential bidders get to find out what it is that they are bidding on but the public does not get access to the same information?

Mr JENNINGS (Special Minister of State) — I thank Mr Barber for his question. The tender process, if and when it is determined to go to market, it would be premature for me to speculate on at this point in time. This is not a matter or a process where I am directly responsible for the administration, but I would, as a member of the government, expect two things. Number one is for the scoping to be fairly rigorous in relation to protecting the public's interest, the residual confidence that the community may have about the validity and reliability of land titles and the privacy protections that the community might expect; and number two is that if and when this matter goes to market, I would anticipate that that information should be available not only to the tenderers but to the public more broadly, which in this instance would include Mr Barber. That is not a matter directly in my responsibility, but I will keep an eye out for those issues as I deal with my colleague.

Written responses

The PRESIDENT — In respect of today's questions, can I indicate that Ms Bath's question to Mr Jennings, both the substantive and the supplementary questions, require written responses, and that is within two days; in terms of Ms Bath's question to Ms Pulford, the substantive and supplementary questions, two days; Mr Morris's question to Mr Jennings, the substantive and supplementary questions, two days; Mr Davis's question to Mr Jennings, the substantive and supplementary questions, two days; Ms Patten's question to Ms Tierney, the substantive question, two days; and Mr Bourman's question to Ms Pulford, both the substantive and the supplementary questions, two days.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — In late-breaking news, there are 58 written responses to questions on notice: 11 040, 11 268, 11 402, 11 406, 11 408–28, 11 456, 11 474, 11 477, 11 482–3, 11 488, 11 490, 11 494, 11 496, 11 499, 11 504, 11 506, 11 511, 11 513, 11 517, 11 519, 11 522, 11 527–8, 11 533, 11 535, 11 539, 11 541, 11 544, 11 549–50, 11 555, 11 561, 11 563, 11 566, 11 571, 11 577, 11 579, 11 583.

Ms Wooldridge — On a point of order, President, you reinstated a question regarding the cost of stocking barramundi to Ms Pulford on the last Friday sitting week. That was a one-day response, and Ms Bath has not yet received a written response to that question.

Ms Pulford — On the point of order, President, if I could offer my apologies for that oversight and follow that up, I will make sure that Ms Bath has that answer for the next cycle — before tomorrow's question time.

The PRESIDENT — Another minister might well be involved in that, so I will accept it. I am hoping for those answers tomorrow. The minister has indicated an apology to the house and will provide that answer. I remember that was where we had fish that had not fared well.

Can I indicate that I have also had a communication at this stage from Mr Rich-Phillips in respect of a series of questions on notice that have been put to the Special Minister of State in respect of energy. I have not had time to go through them because they have just been provided to me, but in any event the advice that I have from the clerks, having looked at the answers that have been made to the questions posed by Mr Rich-Phillips, is that the answers are not sufficient to discharge those questions. Therefore I would reinstate questions 11 478, 11 480, 11 484, 11 487, 11 492, 11 500, 11 502, 11 510, 11 515, 11 523 and 11 525.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Police. There have been concerns in the Whittlesea township that the opening of the new Mernda police station would see staff reductions at the Whittlesea police station. The concerns were arrogantly scoffed at by the government, but as feared, police command did remove four current vacancies from Whittlesea with plans to attach them to Mernda.

The response of the community was overwhelming, with over 400 people — who believe that their town is unsafe and that they are not getting the police service they need — attending a public meeting in Whittlesea last week. The removal of the four vacancies, coupled with two members on sick leave, has depleted the station staff by 50 per cent. The public meeting saw a promise to reinstate two of the vacancies, but the community demands the other two vacancies also be reinstated to return Whittlesea police station to its full complement of staff.

Will the minister reinstate the remaining two vacancies at the Whittlesea police station and guarantee the station will maintain its full complement of staff, being one senior sergeant, two sergeants and 12 senior constables or constables, following the opening of the Mernda station?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question relates to public transport, and it is for the Minister for Public Transport in the other place. There is a great deal of population growth in parts of my electorate, including near Pakenham and Officer. Indeed a lot of that population growth is associated with significant increases in public transport use. My question to the Minister for Public Transport is: could she please clarify whether there are any plans to increase car parking facilities at the Cardinia Road railway station?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — I have a constituency question today for the Minister for Public Transport. My question is: will she explain to the community the principles by which the government is moving or not moving people in the rail corridor as the sky rail is constructed? Will she explain to the community these principles and on what basis people are moved or not moved? Is it proximity? Is it WorkSafe assessments? I had one resident explain to me that the CFMEU had been very concerned about many of these matters and had noted that there were differences in the arrangements put in place for workers on one side of the corridor and family members in houses on the other.

Northern Victoria Region

Ms SYMES (Northern Victoria) — My constituency question today is for the Minister for Education, and it relates to Benalla P–12 College, which is my former school. Benalla P–12 College is the creation of a merger of primary schools and the local high school some years ago. It is about to embark on an $8.5 million redevelopment for the senior school, but the matter that I am raising this afternoon is that I am interested in the timing of the Inclusive Schools Fund. I have written a support letter and there is a lot of excitement around the school about the possibility of the introduction of an all-abilities play area, particularly for the years 5–9 cohort. When you combine years prep to 12, it is really important to make sure you are accommodating all ages, and there is a bit of a gap in years 5–9, particularly for those kids with disabilities. I am after an update on the status of that application.

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Public Transport. Recently I met with residents in Cross Street, West Footscray, which runs along the train line west of West Footscray station. The residents knew when they bought their homes that there would be noise from the train line, but they now have a new problem with freight trains that are stopping and idling, sometimes for hours, at the signal gantry. This is causing real problems with noise, diesel pollution and reverberation. The residents have kept diaries on this and would be happy to supply them to the minister. Will the minister help these residents resolve this issue with the freight companies and also look at sound barriers for this location as has been provided on other parts of the line?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Premier. I was fortunate enough to have been invited to address over 70 people in attendance at the Save Our Station meeting at the Provincial Hotel on Saturday morning. The assembled residents were aghast at the dog's breakfast of a plan the government is attempting to impose upon Ballarat station — a plan that the government did not take to the election, a plan that nobody voted for.

Heritage Victoria is currently undertaking an assessment of the government's plan, and the result of this assessment, it would appear, is imminent. My question is: will the government commit to ensuring that the $32 million already committed to the railway station precinct will be spent on the precinct irrespective of the recommendations coming from Heritage Victoria?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Planning. It is in relation to the Ivanhoe shopping centre precinct. I have been contacted by many residents expressing strong views that new developments in the Ivanhoe activity area should respect the distinctive character and valued heritage elements and also respond sensitively to the topography of the area. They are most concerned that the discretionary controls at the moment provide opportunities for imposing dominant developments which will be detrimental to their vision for the area and do not enable an appropriate transition in height to surrounding lower scale buildings. Earlier this year the minister committed to introduce mandatory height controls in the Ivanhoe shopping centre precinct. When, Minister, will you actually be undertaking that work?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is for the Minister for Public Transport, the Honourable Jacinta Allan. It is a question I have raised before, without receiving an appropriate answer. In the regional rail announcements, $100 million was allocated to the duplication of rail between Waurn Ponds and South Geelong. Without the promised business plan detailing the costs, we cannot know if the $100 million will provide for fully duplicating the railway line, given some of the funds will be needed to rebuild the stations and car parks at Marshall and Waurn Ponds, not to mention the new stabling yards that the government has committed to at Waurn Ponds also. With potentially $30 million to be spent on station upgrades, that would only leave approximately $70 million for duplication costs estimated to cost $300 million. When will we know the true cost of the duplication, and when will the work start?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is to the Minister for Planning, the Honourable Richard Wynne in the other place. It relates to the 13-storey sky tower which has been approved by the minister, despite the fact that prior to the 2014 election this development was not spoken about by Daniel Andrews — like so many other decisions, such as sky rail. This yet again demonstrates the secret nature of Daniel Andrews and the contempt with which he is treating so many Victorians.

When the sky tower was literally discovered during the construction of a concrete platform, a number of consultations took place and a report was then processed after a public hearing, I am led to believe, by the Victorian Transport Projects Advisory Committee. I asked the Minister for Public Transport to release that report, but she completely ignored and avoided the question.

I ask the minister that, in the interests of the community and residents of Ormond, she provide a copy of the report and indicate when that report will be made available to those anxious residents within that area.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Local Government, and in doing so I welcome her to her new portfolio and assure her she will be hearing from me on a regular basis. I have on a number of occasions referred to my grave concerns about activities surrounding Wyndham City Council, and in particular certain councillors on that council. Cr Intaj Khan has been the subject of considerable controversy over an extended period of time. He is now facing a number of charges relating directly to his role as a councillor. This is causing extensive community concern, and Cr Khan continuing in his role is undermining public confidence in the council.

In the interests of good governance and the public perception of good governance, will the minister do her job and stand down Cr Khan as a councillor until such time as the charges against him are heard?

JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS AND OTHER MATTERS) BILL 2017

Second reading

Debate resumed.

Mr RAMSAY (Western Victoria) — I was at the point of summing up my contribution this afternoon. I did want to make mention of part 3 of the bill, and this is the part of the bill that amends the Second-Hand Dealers and Pawnbrokers Act 1989, and it does

forthwith ban cash for scrap metal in order to ensure that tracing information will be available for transactions relating to scrap metal. I did want to make mention of this because Victoria Police have identified the lawful scrap metal industry as being highly susceptible to infiltration by organised crime, which is also reflected in the Victorian Law Reform Commission's report on regulatory regimes and organised crime. Cash-based transactions for scrap metal can conceal unlawful dealings and incentivise motor vehicle theft. These reforms to ban cash for scrap metal will reduce the risk of offending.

It is interesting that this bill has actually come to this house in September, very close to October, whereas the coalition and the Leader of the Opposition on 10 April 2016 raised the issue around banning cash for scrap metal as a policy announcement to address the serious increase in car thefts in Victoria and did so because the scrap metal industry in Victoria, beyond the act that I have just mentioned and the Motor Car Traders Act 1986, is very largely unregulated. Even New South Wales saw fit to introduce legislation in 2016 banning cash for scrap metal. So I did want to make the point that the Leader of the Opposition, Matthew Guy, made this policy announcement in April 2016, and it is interesting to see that this government has seen fit, maybe 17 months later, to introduce as part 3 of this bill exactly the same policy.

While I am on that point, I would also like to acknowledge the good work that Ed O'Donohue did in relation to the police car ramming legislation, where again we are seeing a copycat approach finally many, many months later. The government have finally come to a point where they also see merit in bringing forward legislation, but it took the coalition and in particular the work of the shadow Minister for Police to introduce the legislation around police car ramming. Again we saw in Geelong the other day criminal activity that involved police car ramming, so it was a very good policy that was initiated by Ed O'Donohue, and no doubt we will see a greater emphasis by the government in relation to bringing forward legislation in that respect.

It is good to see that the coalition is actually leading the way in many of the pieces of legislation the government has seen fit to introduce in relation to responding to criminal activity, and I have just raised the issues around the use of cash to pay for scrap metal and also obviously the proposed police car ramming legislation. It is on that basis that I conclude my remarks in relation to this bill, and we will not be opposing the legislation.

Mr BOURMAN (Eastern Victoria) — It gives me pleasure to speak on the Justice Legislation Amendment (Protective Services Officers and Other Matters) Bill 2017. Protective services officers (PSOs) have been around for a while now. Originally my experience with PSOs was back in the late 1990s, and at that stage, as far as I was concerned, they were only shrine guards. To be honest I did not really have a great appreciation of what they did back then, and my contact with them was fairly limited. Fast forward 15 or so years, and I find out that they do a whole lot more.

I have got to say that in this place particularly they are really our only line of defence against anything. It has been one of those educational experiences. I have got to know a few of them and understand a bit more of their training and their roles. It has been good because I can then appreciate the fact that now we have got some people who have undergone an abbreviated training regime very much similar to a shortened police training regime to be able to tackle crime at train stations amongst other things.

Crime is changing. Violence is definitely increasing in our society. Originally they had the PSOs at train stations, and they had a little bit of controversy at the beginning, but it turns out that it was not necessarily a bad thing. It turned out to be quite a good thing. Whilst crime obviously skyrocketed, that was because there was someone to actually catch the criminals. It is one of those things. When a tree falls in a forest, does anyone hear it if there is no-one there? In this case they started having people there.

To start using the PSOs on trains to me is logical. They can sit there on the platform and watch something going on on a train and not be able to intervene, which is just absolutely ridiculous, so with the ability to take it a few steps further, probably crime will increase more because now there will be someone there. With police resources at a fairly low ebb at the moment — with the two-up policy and all the other extra squads — I cannot see this being anything other than a positive.

With regard to the cash for scrap thing, anything that has a hard go at car theft has got to be a bonus. Unfortunately criminals are just making a mockery of things, because if they steal a car, strip it and then take the main identifying parts down to a metal dealer, there goes all the identification. On that note, I commend the bill.

Mr ONDARCHIE (Northern Metropolitan) — This afternoon I rise to speak on the Justice Legislation Amendment (Protective Services Officers and Other Matters) Bill 2017. I have to say that the Minister for

Police's second-reading speech could well have been adjusted to say something like, 'We actually don't know what to do, so we're just going to copy the coalition policies'. In fact that becomes form for this government. Mr O'Donohue's great work on the no body, no parole legislation, Mr O'Donohue's great work on police ramming and in fact Ms Crozier's work — when we were having continual problems in the juvenile justice system — to suggest building a supermax prison came as a result of the ministers at the time saying, 'We don't know what to do. We haven't heard from the coalition on what their policy is'. We are getting continual legislation through here that could well be rewritten as: 'We didn't know what to do, so we've simply taken the coalition policies'.

This bill has a number of objectives: to facilitate the deployment of additional protective services officers (PSOs) in mobile patrols across the public transport network; to give the PSOs additional police powers; to ban the use of cash to pay for scrap metal, which will deter vehicle theft; to enable specialist psychologists to conduct Victoria Police psychological fitness for duty assessments; to expand the police custody officer's role to include a supervisor; and to make some minor and technical amendments to reflect the longstanding practice of youth justice offenders and those on remand.

Let us not forget that the PSOs do some amazing work in Victoria. Mr Bourman reflected on their work around the shrine and also around Government House, but particularly here at Parliament House they have been directly responsible for the safety of members of Parliament, staff and visitors to the Parliament. We have had incidents in my time in the Parliament in which, if it had not been for the great work of the PSOs, it could have been a far worse tragedy, not only outside the building but in the chamber itself. These PSOs, who work so fantastically at our railway stations, were an initiative of the Liberal-Nationals coalition. We are getting lots of feedback from people who are using the train stations a lot more — particularly women travelling at night, and our elderly and older Victorians — and who are enjoying using the railway stations because the PSOs are there.

These are the same PSOs that the now government called 'plastic police'. They also called them 'failed police applicants'. How dare they! I see Mr O'Donohue here shaking his head. How dare they denigrate the great work of the PSOs. Now they stump up a bit of legislation in which they think they are doing the right thing by the PSOs. Frankly there was an announcement in 2014 by then Premier Napthine about widening the opportunities for PSOs to make the public feel a lot safer. This is just another copycat bit of legislation. When it comes to scrap metal and cash being paid for scrap metal, on 10 April 2016 the Leader of the Opposition, Matthew Guy, said he would announce this as a policy.

I am cognisant of the fact that this bill is going to go into committee. I do not want to take up too much more of the Parliament's time, other than to say that we would be surprised if this government ever came up with an original idea.

Ms PATTEN (Northern Metropolitan) — I am pleased to rise to speak on the Justice Legislation Amendment (Protective Services and Other Matters) Bill 2017. As previous speakers have said, this bill does a number of things, but its main objective is around expanding the powers of protective services officers (PSOs). As we have heard, it also addresses some of the issues around cash payments for scrap metal, and very importantly it implements the recommendations of the *Victoria Police Mental Health Review* to allow specialist psychologists to conduct Victoria Police's psychological fitness for duty assessments. I think this is incredibly important. We are seeing a substantial number of police having to go on leave due to mental health issues. I know the Police Association Victoria has been doing some great work in addressing mental health issues, because these first responders are placed in incredibly difficult situations, and this will have a lasting effect on them no matter how much training they have. I welcome significantly any added support for the police.

I will be supporting the Greens' amendments around the holding of children in police cells, and I am very concerned about this. I think it is of great concern. Being on the juvenile justice inquiry at the moment, I am learning a lot about the children who this will affect. These children are generally victims. They are victims of abuse; they are victims of neglect. They are children with mental health issues or intellectual disabilities. As I say, these are incredibly vulnerable children, and we need to ensure that they are protected.

I have been concerned about extending the powers of protective services officers. I would like to concur with previous speakers and add my appreciation of the protective services officers here at Parliament and at train stations. I am a public transport customer, so I am certainly well aware of the protection and the sense of security that they provide in these designated areas. That is what they were established to do — to provide a sense of security, to provide those extra eyes at train stations and around other designated areas and to ensure the security of members of the public using

public transport. This was a very good measure, and I welcomed this measure.

However, I have considerable concerns about the expansion of the powers of PSOs that this bill attempts. As Jessie Taylor from Liberty Victoria stated on this issue — and I will paraphrase her somewhat — PSOs undergo 12 weeks of training at the Victoria Police Academy. They have got limited powers when on duty, and their primary function is to provide a visible presence — that is, in the community and, notably, as I mentioned, on public transport — to improve those feelings of safety and to prevent and detect crime.

Having people on the beat certainly has a crime prevention outcome, but this bill seeks to extend the PSO powers without, as far as I can understand it, extending the training that they undertake.

I note that in the statement of compatibility the minister acknowledges that this bill and the ability to allow PSOs to search without suspicion for weapons or without warrant for drugs does sit outside the charter of human rights. The government acknowledge that it is incompatible with our charter, yet they continue on with it. A PSO need not form a reasonable belief or suspicion that a person or a vehicle is carrying a weapon before conducting a search. Why would we not require suspicion? Why would we not require some motivation for doing it? This I do not understand. Obviously it is not in line with the charter, and I do not support that.

My particular concern is the power to apprehend children in respect of whom the Children's Court has issued a warrant for the purposes of having a child placed in emergency care. I reiterate that these children are very vulnerable children. They are children —

Ms Crozier interjected.

Ms PATTEN — I will take up the interjection. These children are in a designated area. These children have not necessarily committed a crime. These children are under child protection legislation; they are not necessarily children who have committed a crime.

There is concern about the training of PSOs. IBAC reported just recently that there were 182 allegations of assault and excessive force and 71 of predatory behaviour by PSOs between February 2012 and December 2015. We have got a lot of training and a lot of work to do with our PSOs to bring them up to speed for the tasks that are already before them. Now we want to extend those tasks. Apparently the reason for that is that we have a police shortage. I sat on the Public Accounts and Estimates Committee, I read the budget papers and I saw the $2 billion that we are putting towards employing another 2700 police. Again, I am at somewhat of a loss to understand why, if we are increasing our police force by 2700, we need to expand the role of PSOs to give them fairly extensive police powers. To search people's vehicles, I believe, is clearly outside their remit. They do not even need a reason to search a vehicle.

This is about making them de facto police, and while I again commend the work that the PSOs do, I am considerably concerned that we are giving them police powers when they have not been trained to carry out police powers. If we want more police at train stations, if we want more police in the car parks of train stations, then we should bring more police on or we should be training our PSOs to a greater degree, not just with 12 weeks of training. So while I commend parts of this bill, I cannot support others.

Ms CROZIER (Southern Metropolitan) — I rise this afternoon to speak on the Justice Legislation Amendment (Protective Services Officers and Other Matters) Bill 2017. I have been sitting in the chamber listening to the debate, and I want to commend my colleague Mr O'Donohue for his contribution in relation to raising some very relevant points around what the bill provides, and others who have spoken about the positive aspects of protective services officers (PSOs). Can I also say how impressed I have been in relation to the work that protective services officers do around this place. Of course they have duties around other state government buildings such as the courts, Government House, the Shrine of Remembrance and other areas. They do very commendable work.

I listened to Ms Patten's contribution. I was aghast at what she was saying — that they are de facto police and do not have the necessary training to do what they need to do. I think they conduct themselves extraordinarily well in many instances, and this bill provides further responsibilities to their initial abilities.

I want to take up the points that Mr O'Donohue made in relation to the comments made by Mr Merlino in the other place when he was in opposition and the Napthine government introduced PSOs. They have been found to be a huge success. When I was looking back at what the coalition did, we deployed 950 PSOs across the state. Prior to the 2014 election a 50-strong PSO strike force was proposed to be undertaken if the coalition were re-elected, which would have seen PSOs deployed in various areas, allowing police to be freed up for special events. We are coming into the football finals season, with the grand final, the Melbourne Cup and other very large sporting events. Of course we have very real

concerns around community safety, and the police obviously have those concerns. Anyone would know that when going into the MCG, as I did on Friday night, in terms of being searched and in terms of the diligence that is being undertaken to keep the community safe.

Nevertheless the announcement back in 2014 was taken up by this government. I go back to what Mr Merlino said in opposition, calling PSOs 'plastic police'. It was a slur on their abilities, and to my knowledge he has never apologised for that slur, which I think is extraordinary in itself, especially as he is out now lauding them everywhere and being part of a government that is lauding the success of PSO deployments.

Getting back to the purposes of the bill, as others have said it will facilitate the deployment of additional protective services officers to form mobile patrols on the public transport network. It gives those transit PSOs additional police powers to support their role in keeping people safe and tackling crime and antisocial behaviour on the public transport network. That is exactly the point that I would like to raise in relation to Ms Patten's comments. Sometimes you see kids out there doing graffiti and being antisocial on and around the train network, and PSOs can effectively handle that. I do not understand why she would think that it is such a problem, as she said, with children who might be under child protection. It does not matter who they are. If they are doing graffiti or committing a crime, then they should be appropriately dealt with, and PSOs can do that.

While I am on that issue, we have been holding a number of safety and crime forums across the state. I was down at one in Geelong last Wednesday night with Mr Katos in the other place. It was a very well attended forum where community members were raising their concerns. They do not feel safe; they have never felt less safe, especially in the last two or so years. We all know that there is a crime wave occurring across Victoria and people no longer feel safe in their own homes or in their communities. The Premier, Daniel Andrews, has allowed this crime tsunami to be exacerbated, and it is no wonder that there are so many people living in fear.

I was involved in a crime forum last year. One of the attendees, who I know well and who I have spoken about in the past, has travelled on the train network for the last 30 years, from the city to her home at Bentleigh. She spoke out at that forum and said that she has never felt less safe. I am going to quote from a news article, leading on from the comments of Mr Daniel Bowen from the Public Transport Users Association:

> He spoke out after a female commuter told a community crime forum increased crime in Melbourne's south-east had made night-time train users feel more unsafe than ever before.
>
> Sue Coburn, who has travelled on the Frankston and Sandringham lines for more than 30 years, said she had never been more terrified on public transport.

She spoke about the safety that PSOs provided on platforms. She was actually saying that they did give that sense of security and safety and she was very grateful for the PSOs, so they have been a huge success. I am very pleased that this bill further enhances the areas around PSOs and transit police.

The bill also bans the use of cash to pay for scrap metal to deter vehicle theft. We know that vehicle theft is an increasing problem, and as others have suggested there are more issues involving police car ramming and the like.

The bill also enables specialist psychologists to conduct Victoria Police psychological fitness for duty assessments, expands the police custody officers (PCO) program by establishing a new PCO supervision position and makes minor and technical amendments to reflect the longstanding practice of youth justice offenders and those on remand being transitioned for short periods of time in police jails while en route to and from court hearings. These duties are already being undertaken; the bill is just giving more powers to transit PSOs to back up police and provide that additional support. This aspect of the bill has been widely supported by Victoria Police, and indeed it is my understanding that it responds to a request from the Chief Commissioner of Police to enable the PSOs to have that flexibility in their duties.

I would like to commend the PSOs for the work they do. Again, I think the comments by Mr Merlino when in opposition and in his current position says more about Mr Merlino than it does about the PSOs. I would like to again congratulate members of the former coalition government who actually put the PSOs in place and did an extraordinary job in implementing that policy. PSOs have kept many Victorians safe and assisted Victoria Police in undertaking their duties.

Can I finally say that I was very pleased when I was coming up the steps of the Parliament last week to see two PSOs surrounded by a group of young schoolchildren and having their photo taken. There were probably about a dozen or so young boys who were standing with the PSOs having their photos taken. It was a very happy sight. The PSOs were more than willing to oblige these young guys who wanted their photos taken with them. It gave me the reassurance that these young men did have respect for authority. I

thought that was a very good indication of that respect when so many others across our community do not have that same respect for authority. The PSOs were conducting themselves beautifully in the circumstances. I think that when schoolchildren come into the Parliament to see what PSOs do here, that sends a terrific message to those young people.

Ms TIERNEY (Minister for Corrections) — I rise to make a number of comments in relation to points that have been made by a variety of speakers over the course of this debate. I begin by also acknowledging the hard work and commitment that protective services officers (PSOs) and police officers exemplify every day in our Victorian community. Whether it be in small country towns, metropolitan Melbourne or regional centres, all of them do an amazing job in keeping our communities safer. That brings me to the genesis of the bill that is before us this afternoon. It is in response to a number of reforms that were announced to support the implementation of the *Community Safety Statement 2017* to make our communities safer and to reduce harm in our communities.

The bill will provide transit PSOs with appropriate flexibility to respond to incidents in the vicinity of the place in which they are on duty. We believe that this is a commonsense approach which the public expects. PSO functions will also be expanded to give them a more active policing role where they are already stationed to deal with matters relevant to public safety. The new powers, which complement the powers they already have in other contexts, will enable them to request a person's name and address, issue an infringement notice, apprehend a person and search a person or thing.

The new powers will allow PSOs to deal with situations that they are already encountering out there in the public. For example, PSOs are already discovering illicit drugs when exercising their existing search powers. As is the case with their existing powers, appropriate safeguards will apply, such as a requirement to conduct searches and manage seized items in accordance with the Victoria Police (VicPol) manual requirements. Failure to comply can lead to management and disciplinary action.

I want to pick up on a point raised by Ms Patten and I believe Ms Pennicuik as well in relation to the statement of compatibility. That statement dealt in a cautious and transparent manner with the power for PSOs to participate in controlled weapons operations. This was because police officers' existing equivalent powers were found incompatible with the relevant charter rights. However, the Scrutiny of Acts and Regulations Committee examined this bill and concluded that despite any charter incompatibility with the existing police powers, the bill's provisions extending those powers to PSOs are in fact compatible with the charter. This is because the clauses do not extend the scope of the powers but only extend who is permitted to perform the searches. PSOs are not given police powers to conduct a strip search.

It is also important to put on the record the high quality of PSO training, including in relation to children and vulnerable people, which makes them well-placed to exercise the additional powers being proposed. PSOs undertake a 12-week course at the police academy. They receive the same training as police officers in respect of their specific community protection functions.

For three months immediately after graduating from the Victoria Police Academy new PSOs carry out their duties under intensive on-the-job supervision from both police officers and experienced PSOs. Routine briefings and readouts at the start of each shift provide ongoing timely training for police officers and PSOs. The additional training needed for PSOs' new powers will build on the training PSOs already receive. Police officers and PSOs are trained in the same tactical options when dealing with children and vulnerable people, and PSOs are subject to the same degree of accountability as police officers when deciding to use force. On searching a person or seizing any property Victoria Police expects the highest standards of its PSOs and actively enforces requirements relating to their behaviour in the Victoria Police code of conduct.

Moving to the other issue of scrap metal, this bill bans cash payments for scrap metal to disrupt the trade in stolen cars. It also bans trade in unidentified motor vehicles, requiring records to be kept of scrap metal transactions, and gives police stronger search powers in respect of scrap metal dealers. The new offences carry high penalties. These reforms will leave a trace for investigators and will deter criminals looking to make quick money by disposing of illicit goods, including stolen vehicles.

I would also like to correct the record in relation to a point discussed in the other place about the provision that enables payment by a cheque that is not transferable or that is payable to cash. The cheque must go through a bank account. That provision is based on equivalent provisions in New South Wales and UK legislation, rather than the commonwealth legislation that was mentioned in the other place.

Large parts of a vehicle, such as the chassis, will be covered by all of the new offences, including the unidentified motor vehicle offence. Smaller scrap metal parts of a vehicle will be subject to the cash-for-scrap ban and the record keeping requirements, ensuring tracing information is available to Victoria Police.

The government supports the recommendations of the Victorian Law Reform Commission's report on the use of regulatory regimes in preventing the infiltration of lawful occupations and industries by organised crime. As recommended by that report, draft risk assessment guidelines have been developed by the interagency government working group. These guidelines have been applied in a pilot project assessing the risk of organised criminal infiltration of the auto wrecking and scrap metal industries. The pilot is set to conclude shortly and will help the government consider further regulatory or non-regulatory options to address any identified risk while supporting legitimate businesses and protecting the community. Victoria Police and industry stakeholders will be consulted on any proposal that may involve increased regulatory oversight.

In respect of mental health, the bill also implements the recommendation from Peter Cotton's mental health review that specialist psychologists be able to undertake psychological fitness for duty assessments that are part of Victoria Police's ill health retirement process. The review noted that medical units do not necessarily have the skills needed to assess a person's mental capability to perform duties, and this amendment reflects the contemporary mental health practice that exists. I applaud the work that has been undertaken by all parties, including Police Association Victoria, in bringing this forward and seeing its implementation.

The bill also makes a technical amendment to the Children, Youth and Families Act 2005 to put beyond doubt Victoria Police's ability to incidentally hold young people in police jails to facilitate their transfer to and from courts and youth justice facilities. These young people may be on remand or under sentence. Remanding a child in custody is a last resort for police. In practice it is the intention that children will be held for the shortest possible time and that their transfer to either a court or a youth justice facility will occur at the earliest opportunity.

Victoria Police is concerned that, although most of the amendments proposed by the Greens already appear in the VicPol manual, to mandate these provisions would be very challenging, especially in country locations. In some cases Victoria Police would be physically unable to comply with the requirements due to the number and configuration of available police cells and the requirement to also run the police station. Victoria Police is also concerned that the proposed amendments are at odds with the power of the officer in charge of the police station to determine who visits prisoners in custody.

Finally, the bill also creates the position of police custody officer (PCO) supervisor. This new category of PCO is intended to free up police time to prioritise frontline community safety initiatives and assist with the retention of PCO staff. As of 2 September this year PCOs had completed more than 75 000 shifts across the 22 police stations at which they are deployed, with the exception of Melbourne West, which predominantly manages arrested persons. Police stations with 12 or more PCOs will have a PCO supervisor, and PCO supervisors will remain subject to the authority of the officer in charge of the police jail.

I think I have touched on most of the points that are controversial. That will not necessarily help the Greens, as I understand the government's position is not to accept those amendments. However, we have now committee time to further explore the issues before the chamber.

House divided on motion:

Ayes, 33

Atkinson, Mr
Bath, Ms
Bourman, Mr
Carling-Jenkins, Dr
Crozier, Ms
Dalidakis, Mr
Dalla-Riva, Mr
Davis, Mr
Eideh, Mr
Elasmar, Mr
Finn, Mr
Fitzherbert, Ms
Gepp, Mr
Jennings, Mr
Leane, Mr
Lovell, Ms
Mikakos, Ms
Morris, Mr
Mulino, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs
Pulford, Ms
Purcell, Mr
Ramsay, Mr (*Teller*)
Rich-Phillips, Mr
Shing, Ms (*Teller*)
Somyurek, Mr
Symes, Ms
Tierney, Ms
Wooldridge, Ms
Young, Mr

Noes, 6

Barber, Mr
Dunn, Ms (*Teller*)
Hartland, Ms
Patten, Ms
Pennicuik, Ms
Springle, Ms (*Teller*)

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr O'DONOHUE (Eastern Victoria) — For the benefit of the committee, I have half a dozen questions or so which I propose to deal with through clause 1 and then I will be done. Minister, in reference to Ms Pennicuik's amendments, they will potentially have an impact on the operation of the police cell network, and in your summing up in the second-reading debate you referred to that issue yourself. In that context, can you tell me how many prisoners were in police cells at 7 o'clock this morning?

Ms TIERNEY (Minister for Corrections) — I can advise the member that I do not have those figures before me, but I can assure him that it is significantly less than the 372 that were in police cells when he was the Minister for Corrections.

Mr O'DONOHUE — Thank you, Minister. So that the committee can operate in an efficient way, can you provide an undertaking to provide that information by the conclusion of this committee stage?

Ms TIERNEY — Yes.

Mr O'DONOHUE — Minister, is it government policy that protective services officers (PSOs) are to be at all 212 metropolitan railway stations from 6.00 p.m. till the last train, save and except for the operation of the Night Network arrangements?

Ms TIERNEY — In terms of the specific numbers we probably need to drill down and get some more facts for you, and we are happy to do that, Mr O'Donohue, but what I can do is provide you with an update on where things are sitting. Following the deployment of PSOs at Caroline Springs railway station on 30 January 2017, Victoria Police now has a dedicated PSO presence at 216 train stations, including four regional stations. There are 209 new PSOs overall — mobile squads plus the Night Network, as I understand it. As of 6 September this year there are 1322 PSOs deployed by Victoria Police. There are a further 103 PSOs in training and 23 PSOs transitioning to become a police officer as part of the constable qualifying program. They have issued more than 78 000 infringement notices since they were introduced in 2012, and obviously they are working closely with police to keep the community safe and also assist commuters to feel safe.

We are also recruiting 100 PSOs over the next four years to form mobile squads to tackle hot spots across the public transport network targeting antisocial behaviour and crime. This of course will be led by police intelligence. Boost capacity at train stations and other public transport hubs during busy times, such as major events, is also being provided.

Mr O'DONOHUE — Thank you, Minister. That information is very helpful, but just to clarify: is it still government policy that the metropolitan rail network has a PSO presence from 6.00 p.m. until the last train, save and except for the operation of the Night Network arrangements?

Ms TIERNEY — I thank the member for his question. I think it is an important question, and the advice that I have received is that the answer is yes, Mr O'Donohue.

Mr O'DONOHUE — Thank you, Minister. So it is government policy that PSOs be at all train stations from 6.00 p.m. until the last train. How does the government track situations when that does not occur? There have been numerous examples reported to me where there has not been PSO coverage, and that could be for a variety of reasons. Does the government track that, and how does it track it?

Ms TIERNEY — I am advised that the information is there, but there is a lot of it and it is very difficult to extract quickly. In terms of managing PSO coverage, it is an operational matter for Victoria Police, as you know, and they have their own procedures in terms of how they deal with PSO coverage for whatever reason.

Mr O'DONOHUE — Thank you, Minister, for the answer, but you have just said that it is government policy that there be PSO coverage at every metropolitan railway station from —

Ms Symes interjected.

Mr O'DONOHUE — I am happy to pick up Ms Symes's interjection. I asked the minister: is it not government policy that there be PSO coverage at every metropolitan railway station —

Ms Symes interjected.

Mr O'DONOHUE — Ms Symes, I am happy to ask the minister the question again. Minister, is it government policy that there be PSO coverage at every metropolitan railway station from 6.00 p.m. until the last train, as was the policy setting put in place by the previous government?

Ms TIERNEY — Clearly that is the intention, Mr O'Donohue, but from time to time there might be things that happen that prevent a PSO from attending

their normal workplace, and in those cases, like in any other workplace, management has a process to cover and to provide coverage for those instances.

Mr O'DONOHUE — Can you describe some of those instances, Minister? Picking up your example of situations arising, one option is for the station not to have PSO coverage; another option is to provide extra PSO resources so that there is a pool from which to draw when people call in sick or for various reasons cannot attend in order to cover that vacancy, as Victoria Police does with police station rosters, for example. Can you just describe what the processes are to accommodate those situations?

Ms TIERNEY — Of course this is a highly operational matter. I do not have that material or what the process is, but rest assured, as I said, management for any workplace has usually got a procedure or a system to address these issues.

Mr O'DONOHUE — It is an operational matter for Victoria Police in one sense, but in another sense the original policy was clear government policy to have coverage at every metropolitan railway station from 6.00 p.m. until the last train. From the answers you have provided thus far, my understanding is that that policy setting remains, and therefore I suppose the question is: with that policy framework in place, when there are absences because of holiday leave, sick leave or unforeseen situations that preclude a PSO from attending a rostered shift, what processes does the government have in place to ensure there is adequate coverage at that railway station when someone calls in sick or is unable to attend their rostered time?

Ms TIERNEY — Of course this is a matter for Victoria Police, but can I say that in the most recent budget there was a further allocation for an additional 100 PSOs.

Mr O'DONOHUE — But that is for a flying squad, as I understand it, Minister — not necessarily for dedicated patrols at railway stations. Can you clarify that point?

Ms TIERNEY — Mr O'Donohue is correct in that it was moneys for the flying squad, but of course that additional number provides increased flexibility for Victoria Police to manage the system.

Mr O'DONOHUE — Thank you, Minister, for that answer. Does that mean some of the flying squad PSOs may be diverted to regular PSO railway station rosters, filling gaps in PSO railway station rosters, when they emerge?

Ms TIERNEY — No.

Mr O'DONOHUE — So how does a PSO flying squad help maintain coverage at every metropolitan railway station from 6 00 p.m. until last train?

Ms TIERNEY — I have been advised that Victoria Police are still finalising the operational model.

Mr O'DONOHUE — Minister, that funding for the extra 100 PSOs that you referred to, the flying squad, was in the May budget. We are now into the third month of this financial year. Why has that operational model not yet been concluded?

Ms TIERNEY — That is a matter for Victoria Police.

Mr O'DONOHUE — It is a matter for Victoria Police, but I would have thought the government would have an interest in seeing that model concluded so that the role and function of those PSOs is known.

Minister, in the last financial year, in the 12-month period, on how many occasions were railway stations left without PSO coverage, as a result of a variety of factors, in breach of the government policy to have PSOs at every metropolitan railway station from 6.00 p.m. until last train?

Ms Symes — She has already answered that.

Ms TIERNEY — Exactly. I have answered that question.

Mr O'DONOHUE — In the answer that the minister gave previously there was no undertaking to provide that information. So can you give an undertaking to the committee to provide the details for the last financial year and the previous financial year with regard to how many occasions PSOs were not at railway stations from 6.00 p.m. until last train, in breach of government policy?

Ms Symes — It sounds like an O'Donohue FOI to me.

Ms TIERNEY — Yes. As I understand it, Mr O'Donohue undertook an FOI in this area some time ago. But having said that, can I say that I am not familiar with this data, I am not in receipt of that information and I think we are now traversing into areas that are of such a high level of detail that it really beggars belief, to be quite frank, and I certainly do refute the assertion that the government is not following through on its policy.

Mr O'DONOHUE — There is no assertion at all, Minister, just a clear request for data. I appreciate that you are not the Minister for Police, and that is why I have asked you to undertake to provide to the committee the information requested. So again I will ask: will you provide the number of occasions on which and at which railway stations PSO coverage was not provided in the last financial year and the preceding financial year, in contravention of government policy?

Ms TIERNEY — I am prepared to take that on notice and raise it with the Minister for Police.

Mr O'DONOHUE — Minister, does the government have any plan to introduce the cluster model for PSOs?

Ms TIERNEY — Again this is a matter for Victoria Police. It is a highly operational issue, and I cannot understand why I would be expected to know that.

Mr O'DONOHUE — You would be expected to know that and you would be expected to provide an answer to that, Minister, because there are advisers from the department in the box and you are representing the police minister in this place. So I again ask: does the government have any plans to introduce the cluster model in relation to the deployment of PSOs?

Ms TIERNEY — I am advised that no decision has been made.

Mr O'DONOHUE — My final question on this point is: so the cluster model is under active consideration by the government?

Ms TIERNEY — I repeat: no decision has been made.

Mr O'DONOHUE — I repeat: so does that mean that the cluster model is being considered by the government, as a change to government policy?

Ms TIERNEY — My position remains, and I have provided an answer.

Mr O'DONOHUE — I wish to move to the issues around cash for scrap, Minister. I think this was dealt with in passing, in part in your summing up, but I just wish to put a couple of questions on areas where stakeholders have provided feedback in relation to the bill. Was there any consideration of a standalone bill for the cash-for-scrap matter?

Ms TIERNEY — My understanding is that a range of things were considered. This was considered to be the best option and the one that was more timely than any other option.

Mr O'DONOHUE — It has been put to me, Minister, that the definition of scrap metal may be problematic due to the exemption of ferrous and non-ferrous materials in regulation 9(1) of the Second-Hand Dealers and Pawnbrokers (Exemption) Regulations 2008. The concern is that due to this inconsistency it becomes unclear if metal recyclers are properly captured by the legislation. Can you clarify whether metal recyclers are properly captured by the bill before the house?

Ms TIERNEY — The cash-for-scrap reforms will help prevent any theft or illegal trade in metal — not just stolen vehicles — to successfully disrupt illegal operators. It is important that all persons dealing in scrap metal are covered by the reforms regardless of the industry that they operate in. This will ensure that rogue operators are not encouraged to infiltrate other unregulated industries. Metal recyclers are captured under the definition provided in the bill.

Mr O'DONOHUE — Thank you, Minister. Minister, what does the government say to the concern that Consumer Affairs Victoria (CAV) as a regulator does not have the capacity or power to appropriately enforce these changes and this sector more generally?

Ms TIERNEY — We believe it is an incorrect claim that CAV will enforce these laws. Under the Second-Hand Dealers and Pawnbrokers Act 1989 Consumer Affairs Victoria is responsible for enforcing pawnbroker provisions, but Victoria Police enforces the second-hand dealers provisions. There is no intention for Consumer Affairs Victoria to become the enforcement agency for the second-hand dealers. This bill will further strengthen Victoria Police's enforcement powers.

Ms PENNICUIK (Southern Metropolitan) — This is not a question, just a comment that I have raised many times when bills are put forward, such as this one, which includes the words 'Protective Services Officers and Other Matters' in its name, where 'Other Matters' go to issues such as remanding children in custody and the scrap metal issue that is covered in the latter part of the bill. It is not a great practice, I think, to have — and other bills have this to a greater extent — unrelated matters put together in bills, particularly if we are in a position where we actually do support the provisions regarding scrap metal but not other provisions in the bill.

Clause agreed to.

Clause 2

Ms PENNICUIK — I move:

1. Clause 2, line 27, omit "60" and insert "62".

2. Clause 2, line 29, omit "60" and insert "62".

These are consequential amendments to the substantive amendment, which is amendment 3 to the bill, which inserts new clauses into the Children, Youth and Families Act 2005 before clause 59. The new clauses refer to the issue of children in custody, and the amendments under amendment 3 put a new definition in the act to define the Victorian Aboriginal Legal Service and also to replace the words 'are entitled to' with the words 'must' or 'must be permitted' in certain sections of the act. Section 347(2) of the act states:

> If any children are remanded in custody in a police gaol under this section …

In the first instance, in paragraph (a) the amendment would substitute 'are entitled to' with 'must', so it would read:

> must be kept separate from adults who are detained there …

In paragraph (b) it would substitute 'are entitled to' with 'must', so it would read:

> must be kept separate according to their sex …

In paragraph (c) it would substitute 'are entitled' with 'must be permitted', so it would read:

> subject to the **Corrections Act 1986** and the regulations made under that Act, must be permitted to receive visits from parents, relatives, legal practitioners, persons acting on behalf of legal practitioners and other persons …

In paragraph (d) it would substitute 'are entitled to' with 'must' so that it would read:

> must have reasonable efforts made to meet their medical, religious and cultural needs including, in the case of Aboriginal children, their needs as members of the Aboriginal community …

In paragraph (f), for 'are entitled to' it would substitute 'must', so that it would read:

> must be advised of their entitlements under this subsection.

Also subsection (3) would be substituted with a new section such that it would read similarly to the existing section, except to say:

> (3) It is the responsibility of the Chief Commissioner of Police to make sure that —
>
> (a) subsection (2) —

which we have just been through —

> is complied with; and
>
> (b) in the case of an Aboriginal child, the Victorian Aboriginal Legal Service is notified that the child has been remanded in custody in a police gaol under this section.".'.

I am moving these amendments because the Greens are firmly of the view that the number of children in custody, whether they are in a youth justice centre or in a police jail, either on remand or in transit to the court, is very few. I was mentioning earlier that at any time, in any week, there are up to 200 adults in police jails, some of them sentenced prisoners, and to put into that mix a child — it could be a child aged 16 or 14 years old — is a serious matter. The minister in her summing up made some comments on these amendments, saying that perhaps this would be difficult for the police to deal with. As I said, it would not be a very common occurrence, and it is a very serious matter to put a child in that situation with adult prisoners.

We do not believe it is enough to say that children are entitled to be separated from adults for transportation between facilities and police jails, which is the case under the current act, even though that is the one instance where there is a 'must' in the bill. They must also be separated according to their sex; that that should happen was also a finding of the Office of Police Integrity some years back. They must be permitted to receive visitors. There must be reasonable efforts to accommodate their medical, religious and cultural needs, particularly medical needs. Just to say they are entitled to reasonable efforts to meet their medical needs is surely not enough. The most important one, I think, is the overarching one — that they must be advised of all these things. I do not think it is too much to ask of the chief commissioner, who under the act and under the bill will be responsible — but also the person in charge of the police jail under this bill could be the supervisor of police custody officers — to make sure these things are carried out and these things occur whenever a child is held in a police jail.

I mentioned briefly in my contribution that this is the case under the Mental Health Act 2014 for persons who are held involuntarily under that act — that they must be made aware of their rights and they must have them explained to them if they do not understand them. They must be given a statement of their rights and they must have them explained to them. I think nothing less should be the case for children in police cells.

The minister also made a point in her summing up about how the person in charge of the police jail would know who can visit the child in custody. I do not think that is any different in terms of the current provision, where children are entitled to be visited by parents, relatives, legal practitioners, persons acting on behalf of legal practitioners and other persons. They are already entitled to have them as visitors, and what we are saying is they must be permitted to have them as visitors if that is what they wish and if those people, particularly parents and particularly their legal practitioner, want to visit them in a police jail. I do not see that that should be a problem for the supervising police custody officer to arrange. We are very, very clearly of the view that these entitlements should be mandatory and they should be explained to children. Children should be told of them when they first enter the custody of the police.

I will also be moving an amendment that would require the Victorian Aboriginal Legal Service to be notified that an Aboriginal child has been remanded in custody. This is supposed to happen but does not always happen, and we know that there is a very large problem with incarceration of Aboriginal and Torres Strait Islander people and particularly children. They have, and other stakeholders have, made the point that this should be embedded in the legislation. That explains why we will be putting that there along with the other mandatory provisions that we think should apply to children in police cells.

The DEPUTY PRESIDENT — Order! I clarify that these amendments are a test for Ms Pennicuik's proposed new clauses before clause 59.

Ms TIERNEY — I covered off on most of these points in my summing up, but I reiterate that the government understands the importance of ensuring children are protected when they come into contact with the justice system. This is a very serious and very important acknowledgement that children need to be protected, particularly when they come into contact with the justice environment. As I said in my concluding remarks, most of the items already appear in the *Victoria Police Manual*. To mandate them, especially in some regional locations, police advise us, is simply unworkable in practice. Indeed in some locations these requirements would be physically impossible.

Again I wish to reinforce that remanding a child in custody is the last resort for police. Where possible police will use a range of other dispositions — for example, summons, charge and bail — before a remand is considered. The *Victoria Police Manual* policy rules state under 'Disposition of offenders':

> Remand of children in custody should be considered as a last alternative. Contact DHS/CAHABPS —

central after-hours assessment and bail placement service —

> prior to contacting the bail justice in order for an assessment to be made.

Where a child is to be remanded after hours, the *Victoria Police Manual* guidelines on bail and remand state that police:

> … must ensure that, in the case of a child in custody, a parent or guardian of the child or an independent person is present during the inquiry. An independent person who is present may take steps to facilitate the granting of bail, for example, by arranging accommodation.

On the basis of the advice that we have received from Victoria Police we will be opposing the Greens amendments 1 and 2.

Mr O'DONOHUE — Noting the advice of Victoria Police and the challenges these amendments may present in some limited circumstances, I imagine, particularly at the moment with the police cell numbers consistently so high, the opposition will also be not supporting these amendments.

Ms PENNICUIK — I thank the minister and Mr O'Donohue for their remarks. I listened carefully to what the minister said, even though I could not quite hear every single word she said; she was speaking very softly. I think my response to that would be that I understand everything she said and how there may be issues in some particular cases, but I would also say that if these basic entitlements cannot be mandated, then a child should not be held in a police cell.

Committee divided on amendments:

Ayes, 6

Barber, Mr	Patten, Ms
Dunn, Ms (*Teller*)	Pennicuik, Ms
Hartland, Ms	Springle, Ms (*Teller*)

Noes, 33

Atkinson, Mr	Morris, Mr *(Teller)*
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr
Dalidakis, Mr	Peulich, Mrs
Dalla-Riva, Mr	Pulford, Ms
Davis, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Shing, Ms

Fitzherbert, Ms	Somyurek, Mr
Gepp, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr (*Teller*)	Wooldridge, Ms
Lovell, Ms	Young, Mr
Mikakos, Ms	

Amendments negatived.

Clause agreed to; clauses 3 to 58 agreed to.

Clause 59

Ms PENNICUIK — I move:

4. Clause 59, line 18, omit "is entitled to" and insert "must".

5. Clause 59, line 22, omit "is entitled" and insert "must be permitted".

6. Clause 59, line 26, omit "is entitled to" and insert "must".

7. Clause 59, page 44, line 6, omit "is entitled to" and insert "must".

8. Clause 59, page 44, lines 8 to 10, omit all words and expressions on these lines and insert—

'(3) It is the responsibility of the Chief Commissioner of Police to make sure that—

(a) subsection (2) is complied with; and

(b) in the case of an Aboriginal child, the Victorian Aboriginal Legal Service is notified that the child is held in custody in a police gaol under this section.".'.

In essence these amendments are very similar to my amendments 1 to 3. I refer people to what I mentioned with regard to those provisions. Proposed section 347A of the Children, Youth and Families Act 2005 provides:

(2) If a child is held or detained in a police gaol under this section, the child—

(a) must be kept separate from adults who are detained there …

which is different from the current provision under the act with regard to children in remand. But it does use the phrase 'is entitled to':

(b) is entitled to be kept separately according to the child's sex;

(c) … is entitled to receive visits …

(d) is entitled to have reasonable efforts made to meet the child's medical, religious and cultural needs …

…

(f) is entitled to be advised of the child's entitlement under this subsection …

rather than 'must be' advised of their entitlements under the section.

New section 347A, inserted by clause 59, refers to children temporarily held in police jails to facilitate transport to and from court and youth justice facilities for up to two working days. I would say that if a child can be held for two working days in a police jail, then they must be able to do all of these things: they must be kept separate from adults; they must be kept separately according to the child's sex; they must be permitted to receive visits from parents, relatives, legal practitioners and persons acting on their behalf; they must have reasonable efforts made to meet their medical, religious and cultural needs; and they must be advised of all these things.

The other part of these amendments is that in the case of an Aboriginal child the Victorian Aboriginal Legal Service must be notified that the child is held in custody in a police jail. Again I say that two days is too long. In the view of everybody working in this field, including the Law Institute of Victoria, the community legal centres, Youthlaw and Liberty Victoria, two days is too long. I understand the minister explained that the aim would be that that would very rarely occur, but it could occur. In that case these should be mandatory entitlements for children held in police jails. Given what I have said before about the number of adults who are in police jails, the overflowing nature of police jails and the relative rarity of this happening, the supervisor of the police custody officers should ensure these things occur.

Mr O'DONOHUE — The opposition, for the reasons I outlined previously, will not be supporting Ms Pennicuik's amendments. I would invite the minister to perhaps provide the information about the number of prisoners in police cells if she has that information now available.

Ms TIERNEY — In terms of the amendments sought by the Greens, the government will not be supporting those amendments, consistent with positions that I have previously outlined to the chamber this afternoon.

In response to Mr O'Donohue's question in terms of people in police cells, as of 7.00 a.m. there were 224.

Ms PENNICUIK — I think that underlines the points that I am trying to make. There are 224 people in police cells, the majority of whom I would presume should be under the custody of Corrections Victoria. If we are to put children into this situation — and children are not adults, children are vulnerable and children have special needs and special interests that are recognised throughout the law and in fact in the Children, Youth and Families Act 2005 — the provisions as they are written do not pay enough attention to those vulnerabilities. They need to afford children special treatment in a positive way, in particular to ensure that they are advised of their entitlements and have them attended to.

Committee divided on amendments:

Ayes, 6

Barber, Mr (*Teller*)	Patten, Ms (*Teller*)
Dunn, Ms	Pennicuik, Ms
Hartland, Ms	Springle, Ms

Noes, 32

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

Amendments negatived.

Clause agreed to; clauses 60 and 61 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017

Clerk's amendment

The PRESIDENT — I have received a letter from Andrew Young in his role as Acting Clerk of the Parliaments. He has written to both me and the Speaker indicating that:

> Under joint standing order 6(1), I have made corrections in the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017, listed as follows:
>
> > Clause 6 of the bill inserts new section 522A into the Children, Youth and Families Act 2005. I have deleted the quotation mark and second full stop at the end of subsection (2) of new section 522A. They are not required as the inserted text finishes at the end of subsection (3). I have inserted a quotation mark and second full stop at the end of subsection (3).

PLANNING AND BUILDING LEGISLATION AMENDMENT (HOUSING AFFORDABILITY AND OTHER MATTERS) BILL 2017

Second reading

Debate resumed from 10 August; motion of Ms TIERNEY (Minister for Training and Skills).

Mr DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017. In doing so I indicate at the outset that really three distinct topics are covered by this bill. The bill deals in the first instance with the issue of affordable housing, and we will make some clear points about the failures of the bill to deal comprehensively or in any very significant way with that matter. Notwithstanding that, we will not oppose that section of the bill.

I also make the point that there is a section in this bill that deals with offences within the Building Amendment (Enforcement and Other Measures) Act 2017 and the Building Act 1993. Let us be quite clear what is going on here: this is an omnibus bill in which this additional section has been put in place. This is an admission effectively by the government that it got it wrong when it put through the earlier bill with greater penalties — very extreme penalties; criminal penalties — that would impact on builders for very minor infringements in some cases. There is a recognition at least that having every local council in a position to enforce those provisions was a step too far.

The chamber will remember that I sought to amend that bill to soften the impact and to ensure that, whilst there were still very stringent penalties, there were not extreme criminal penalties for minor infringements. I was unsuccessful in that, but I did point out at the time that I thought that the bill as it went through the house earlier this year was unmanageable and unenforceable and that it could lead to all sorts of unintended and draconian outcomes. In a sense the changes in this bill are a reflection of the fact that the government has come to its senses, at least in part, with respect to that. The central building authorities, rather than every council, will have responsibility for the management of these criminal offences that were put into the Building Amendment (Enforcement and Other Measures) Act earlier in the year. I put on record that we support those changes, and I particularly welcome the commentary by the Housing Industry Association of support for the position we took at the time. I know that many other building organisations were equally concerned.

There is also a section in the bill that deals with wind farm planning permits, and I will step systematically through many of the aspects of that.

As I said, this is an omnibus bill. It is a bill that deals with affordable housing, wind farm planning permits and building enforcement measures. I make the point that while we support the enforcement measures and the changes to the act, which soften the earlier changes, we have reservations about the effectiveness of the housing affordability aspects, although we share with the government their intention. Their intention is to set up a better system for affordable housing supply.

When we come to the wind farm planning permits we think there is evidence of serious injustice and unfairness that can result from the proposals here. We will not oppose them, but we will seek to amend them to insert some aspects that will assist with the energy market and indeed a more rational way for planning for our wind farms to proceed.

I will step through in a structured way what the main provisions of the bill are. It amends the Planning and Environment Act 1987, it introduces a new definition of 'affordable housing' and it provides for the Governor in Council, on the advice of the minister, to make an order specifying a range of household incomes — a very low income range, a low income range and a moderate income range — for the purposes of the definition of 'affordable housing'. It establishes a responsible authority, usually a council, to enter into a voluntary agreement with a landowner for the development or provision of affordable housing.

We will have questions about both of these aspects. We will want some indications about the range and how the government will arrive at those matters. I have some concerns. I thank the minister for the briefing and the officials who provided the briefing, but I make the point that as I understand it — and I will seek confirmation of this in committee — the range that is being talked about is up to 120 per cent of Victorian average weekly earnings, but I will seek some clarification of that in committee.

As I said, with the question of voluntary agreements we think there is a risk here. There is no issue with builders and developers entering into voluntary arrangements with councils, the responsible authorities, for the provision of affordable housing. The question is: what is voluntary and how is the government intending that this will operate? Will it operate where the council or the responsible authority has the whip hand over the developer and is in a position to exert influence in a way that is perhaps not intended by the minister? We will ask some questions about how that will in fact operate. We will seek to confirm that it is not possible to condition a permit to force a developer to enter into an agreement. It is a question of whether a developer seeks these arrangements or whether it is a case of 'Take it or leave it' from the council and 'You do this; otherwise there's nothing happening here'. If that is the way it is intended, that will be potentially a concern.

On the issue of wind farm permits, it allows the minister to refer an amended permit to the standing advisory committee instead of a panel if a significant change is sought to a permit and it receives objections. It is probably important to have some historical context here. Through the early 2000s and through until 2010 there was a free-for-all on wind farm planning permit applications. The previous Bracks and Brumby governments signed almost everything off. This was a shambles. It went nuts. Shonky consultants were employed. I had the fortune to be shadow Minister for Planning through part of that period, and I recall very clearly the cases that were put to me at the time, the permit applications that I viewed closely and the permit processes that I oversighted closely. It was very clear that in many cases those processes were substandard. The consultants would sign off on almost anything, if I can be deeply unkind about this. There was a scramble to build wind capacity anywhere and in a rampant way, and the checks and balances were not there.

On coming to government in 2010 we had a policy to put some more structure in that and some more protections for local communities. It is a concern where wind farms, particularly large ones that have visual

impact, but others potentially with other impacts on the issues around health effects, are still a matter of significant debate. As health minister I looked at this very closely. It is pretty clear that the evidence is not decisive or definitive on many of these matters. The National Health and Medical Research Council had several different positions in the time that I was health minister. It is clear that there are still some issues to be settled by proper and high-quality evidence with respect to those health impacts.

It is also true that the process that surrounded many of these wind farm applications was not satisfactory, and this would cause a significant reaction in local communities. Communities could see their communities being disrupted, with one family being turned against nearby families and neighbours in many cases. So this became very disruptive in country communities.

Our policy going into the 2010 election was to put in a 2-kilometre limit so that wind farms could not be built within 2 kilometres of settlements. This met with wide approval at the time. Since then the new government coming in in 2014 has reduced that to 1 kilometre. I note the wind farm commissioner often recommends 1.5 kilometres as a better distance. Let us be quite clear, there are a set of issues around the quality of acoustics reports, and there are a set of standards on acoustics which are varied nationally. I could go on on this matter; it is something that I have looked at quite closely, and it is very clear that Victoria is not in an exemplary or leading position in respect of many of these matters.

With that background in mind, and with that hurried period of wind farm ticks, mainly by Justin Madden and planning ministers before him, there was a flurry. Labor is talking about donations today, but let us be clear: massive donations were made to Labor by wind power companies in that period, in the 2000s, and there seemed to be a very enthusiastic granting of permits across the countryside.

We come to this point because some of those permits have been sitting there and have been rolled over in various ways over the years. But now those wind farm proponents are coming forward and saying, 'No, no. The planning permits that we were granted then are not the ones we want to implement now'. I think there is a real issue here. Obviously proponents for all manner of planning matters from time to time seek variations to planning permits, and it would make sense that there is some smoother process to deal with minor variations. But let us be clear: if you talk to those in the Assembly electorates of Polwarth, those in the South-West Coast electorate, those in the Wendouree electorate and those in the Ripon electorate, including in the areas of Ararat, it is very clear that the proponents that are now coming forward are bringing forward wildly different proposals from what were initially envisaged. The turbines are much taller; they have much larger blades; they have much more impact on the visual aspect, on the landscape. They are also positioned very differently. In some cases there are fewer wind farms but greater capacity. In other cases the location of the turbines has been changed. So people who saw a planning permit granted, often through gritted teeth, are now seeing those same proponents come back and say, 'We want to double the size of the tower near your property'.

What is being proposed in this bill is a stripped-down planning process. Let us be quite clear: there is a central committee, and with the best will in the world, if you look at this committee and you look at the way it is intended to operate, it is intended by the minister and the government to operate as a tick and flick. Up it comes — tick, tick, tick. Away you go — more wind farms. That is not fair to local communities. That is not just. It is a very vicious thing to push through a planning permit for a very large expanded turbine near someone's property without even a proper and normal planning process.

If you were to build a large building in Melbourne, get a planning permit for it and then come back five years later and say, 'Oh, no, I'm going to increase the height by 50 per cent', you would require a whole new planning process. But that is not what is envisaged here. What is envisaged here is a stripped-down, tick-and-flick quickie-type planning process that will crunch the stuff through and do it in a way that will leave country communities exposed. The fact is that those country communities will have less opportunity, less support and less ability to object than would have been the case if this were the normal process.

The government has already stripped local councils of their role of acting as the responsible authority. A significant point that we had in government was that local communities should have some charge of their own destiny and that there should be some protections of settlements, not allowing those large turbines to be very close to settlements. We said that was a fairer way forward. The government won the election. They have implemented their election policy, they have stripped councils of those planning powers and they have cut the distance down to 1 kilometre. That is what they have done. That was pursuant to their election policy; I am quite clear on that. But this is a further step. This is not

something that was in their election policy. It is not something which the community saw fit to do.

Labor, of course, has a bill in the other place that is dealing with an expanded renewable energy target for the state. This is the state going it alone on its own renewable energy approach. It is pretty clear that this government is obsessed with pushing through these renewable energy steps and doing that without an understanding of the consequences. David Southwick, my colleague in the other place, has made it very clear that Victoria's electricity grid, our network, is at real risk going forward, particularly coming into the summer period, following the closure of Hazelwood, and it is probably important in this context to put on the record that Hazelwood was fundamentally closed by this government.

Yes, Engie, the French company, actually pushed the button, but at the same time this government had put massive new taxes on coal — $260 million of brand-spanking-new taxes on coal. It sent WorkSafe down there to kick around and have a good look at the situation at Hazelwood. In those circumstances, with WorkSafe investigations, with massive new coal taxes, with uncertainty, with an announced renewable energy target expansion — part of the system in Victoria — that power station closed, and the loss of 22 per cent of our electricity-generating capacity, in particular reliable baseload power, has put us at significant risk in Victoria.

But this government is obsessed with pushing for more and more wind farm generation, not recognising the warnings that have been cast in the Finkel report about the need for a focus on dispatchable power, reliable baseload power, to add to the reliability of the network. We have seen what has occurred in South Australia already; we have seen what has occurred in other states; we have seen the way forward, with a number of electricity companies determined to close coal power plants elsewhere around Australia. But what we see from the government is no focus on building baseload power, no focus on building reliability, no focus on that important objective of having a reliable and secure power system.

We need those three important points achieved in our power system. We need that reliability and security of supply. We need cost-effective power. Let us be clear that wind power is very expensive in the broad context. I know that people say the price of wind and solar is coming down, and it is true that is coming down, but there is still a massive cross-subsidy between those reliable baseload power providers and the intermittent supply that comes from some of the renewables, including wind.

The Prime Minister has obviously been talking about using pumped hydro as a source of baseload or peaking power to actually smooth out base loads more broadly across the nation, and that is entirely sensible in the way he is discussing it. This bill is heading in entirely the opposite direction. It says we will have more wind farms through cheaper or stripped-down processes — tick-and-flick processes — that allow those wind farms to push forward. It is probably important to put on record here the list of approved but not constructed wind farm permits that were called in and are dealt with in this bill in one way or another. The locations include Berrybank, Crowlands, Dundonnell, Hawkesdale, Lal Lal, Moorabool, Mortlake South, Mount Gellibrand, Ryan Corner, Stockyard Hill and Woolsthorpe. I thank the departmental and ministerial staff for that list.

But I put on record our concern about Labor pushing for a state renewable energy target by curtailing the rights of local communities, which this bill seeks to do, as a way to push wind farm development faster and about it doing so without any solution on baseload power. The opposition will seek to move amendments, and I would appreciate it if the amendments could be circulated. We will need to seek support for a motion to widen the debate in the committee stage, but if the amendments could be circulated, that would be appreciated.

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

Mr DAVIS — I put on record my thanks to parliamentary counsel. These are simple amendments, but there is complexity in their implementation. There have been a number of iterations of them, and I thank parliamentary counsel for their work on these important amendments.

Essentially what the amendments seek to do is ensure that a responsible authority or the minister must not grant or amend a permit for the use or development of land as a wind energy facility unless a power system reliability assessment report has been published in respect of that facility. The simple system here is responding to what we are hearing at a national level, what the Finkel report has had to say and a recognition that we have significant challenges in our energy market.

I thank Dr Finkel, his committee and his staff for the work they have done on the important review,

Independent Review into the Future Security of the National Electricity Market: Blueprint for the Future. In its recommendations, at 3.3, the review says:

> To complement the orderly transition policy package, by mid-2018 the Australian Energy Market Commission and the Australian Energy Market Operator should develop and implement a generator reliability obligation.
>
> The generator reliability obligation should include undertaking a forward-looking regional reliability assessment, taking into account emerging system needs, to inform requirements on new generators to ensure adequate dispatchable capacity is present in each region.

They regard Victoria as a region.

At 5.1 the review says:

> By mid-2018, the Australian Energy Market Operator, supported by transmission network service providers and relevant stakeholders, should develop an integrated grid plan to facilitate the efficient development and connection of renewable energy zones across the national electricity market.

Essentially what we are saying is that, yes, there is a significant role for wind into the future. Wind needs to be placed in a proper planning context, and that is important to local communities, but it also needs to be placed in the context of our national electricity market, the Victorian system and the threefold objectives, the first two being reliable and secure supplies of power and good power prices for both households and businesses. I have to say that everywhere I go at the moment with households I am hearing again and again that families are hurting with the growth in electricity and gas prices.

I spoke to a business group last week — a very important group of businessmen and businesswomen — who relayed to me as their single greatest concern the surge in electricity prices that they are encountering. They are experiencing massive impacts. Whether they be winemakers, whether they be manufacturers or whether they be retailers, they are all facing huge surges in energy costs. Building in more and more renewables without proper baseload power directly affects the supply and the security of the system, and it directly affects the impact on the costs that are borne by businesses.

The third of the objectives of our energy system now is to manage emissions — to control and over time lower them. The first two objectives, however, are directly compromised by the government's current approach: its breakneck speed and breakneck processes with respect to wind farms and its renewable energy target, which at a state level will put in place huge disincentives and disadvantages for the Victorian economy and Victorian systems. Both households and businesses — every high street shop, every small factory, every manufacturer, every agricultural sector group — are being impacted. Whether they are dairy farmers or other farmers, they are being clobbered massively by the energy cost surge that is being felt across the state at the moment. If people doubt me, they should get out and talk to those businesses. This is going to cost jobs. It is going to hurt the future of our state. It is going to hurt the future of our economy.

Essentially what our amendments are saying is that a new wind provider must provide to the Secretary of the Department of Environment, Land, Water and Planning a report — an assessment — of its impact on the power grid. It must put those impact assessments in terms of reliability and security of the Victorian system. It must respond to those issues around baseload, and I think it is worth me reading part of the new section 47A that we seek to insert:

> (1) An applicant for a permit for the use or development of a land as a wind energy facility must—
>
> (a) as soon as practicable after making the application, prepare a report (a ***power system reliability assessment report***) that—
>
> (i) assesses the impacts on the reliability and power system security of the Victorian power system and national electricity system arising from the connection of that facility to each of those systems and the operation of the facility; and
>
> (ii) specifies whether arrangements have been made for additional electricity to be dispatched into the Victorian power system when the facility will not be generating electricity so that there is sufficient electricity available to meet Victoria's base load at those times; and
>
> (iii) specifies how the operator of the facility will comply with any generator reliability requirements under the National Electricity (Victoria) Law or National Electricity Rules; and
>
> (iv) specifies whether and how the operator of the facility will be involved in any national electricity system planning by AEMO —

the Australian Energy Market Operator —

> that relates to the renewable energy industry; and
>
> (v) sets out how the facility will comply with any other requirements relating to the reliability and power system security of the Victorian power system imposed under the Electricity

> Industry Act 2000 or any licence under that Act under which the operator of the facility will generate electricity; and
>
> (b) as soon as practicable after preparing a power system reliability assessment report, give, in electronic form, the report to the secretary …

of the department.

The secretary of the department is required under these amendments to:

> (a) publish the report on the Department's website; and
>
> (b) publish in the Government Gazette notice of the report's publication date specifying that date; and
>
> (c) give written notice to the responsible authority —

the minister or the council, if it were that —

> of the report's publication date specifying that date.".

Under these amendments the minister is not allowed to make a planning decision and give a planning permit until that report on reliability and security is provided. In effect this is a transparency measure. It seeks to say, 'You can't just keep adding and adding intermittent and unreliable supply without understanding what is occurring more broadly, and you as a proponent have an obligation to provide information to explain how you see your wind farm fitting within the national system'.

It is a very modest obligation; let us be quite clear. It is an obligation to provide a report to the secretary that engages with many of these issues that come directly out of the Finkel inquiry. I am very much of the view that our future as a state is tied up with those three objectives. We do need reliable and secure power supply, we do need cheap power and we do need to have our industries competitive nationally and internationally. We need to make sure that our families are not clobbered by massive surges in power prices, as we are seeing now. We need to make sure that older people are not exposed to power outages, with the fear and concern that that will bring.

As the former health minister I brought in a system where we had a significant focus on seniors and how we would protect older Victorians with a heat plan. We know that on some of those very hot days, if there is no capacity in the system or if seniors are not able to get into a cool place, they are at terrible risk. The greatest loss of life in Australia's peacetime history was actually in 2009, and it was not during the bushfires, it was in the week before the 2009 bushfires. There was a loss of 374 lives in one week in Melbourne and Victoria with the massive heat that was part of that period. It was a terrible crisis for Ambulance Victoria, and it was a terrible crisis for many older Victorians in particular. It impacted those who were sick, those who were elderly and those who were unable to get into a cool environment. We got better at managing those massive heat surges, and the heat plan that was put in place has worked well by and large. Each year over the last two years the state, councils, communities and individuals have got better at supporting those in very hot environments.

But let me say one thing here: if through a very, very hot summer we lose power supply for an extended period, there will be enormous impacts on our older Victorians. I say this as a former health minister who worked very hard on this particular plan: if we lose power for many hours on the hottest day of the year because we have not got in place a proper system of reliable and secure energy supply, there will be deaths — terribly. That will be our collective responsibility for not having in place a system that is more reliable and secure in its ability to supply electricity. That is one reason why we are becoming increasingly concerned about the instability, the unreliability and the lack of security in our Victorian power system.

We are becoming increasingly concerned about this bill, because the Liberals and The Nationals have moved around the state and talked to local communities who are angry that the state government is stripping away further rights from local communities to object to wind farms in their area, and often they are very impactful wind farms. They are giving wind farms a smooth ride and an easy, cosy set of planning steps — a stripped-down tick-and-flick policy that will mean that you can get a permit for a wind farm at the drop of a hat. That is the reality of what is being proposed here. We note that the introduction of a surge of unreliable power into the Victorian system puts the security of our system at further risk. That needs to be dealt with.

These amendments are a modest step — an admittedly modest step — in ensuring that this issue is beginning to be dealt with. There will need to be national electricity market changes. There will need to be a series of other changes. There will need to be a rebalancing of incentives. Unfortunately the current government is heading in the wrong direction. It is giving a tick to wind farms and further subsidies, making our power system more unreliable, less secure

and more costly, and it is doing that in a way that puts us at this huge risk in the long term.

That is what we are seeking to do with these amendments. I will seek support for that later. I should say something here also about the importance of the wind farm commissioner. The office of the National Wind Farm Commissioner has, I think, made a significant difference to the combativeness that has been a very significant feature of wind farm planning applications and wind farm construction in local regional communities. I pay tribute to the wind farm commissioner for his down-to-earth style, his general good sense and his preparedness not only to engage with proponents and government but to engage with local communities heavily too. He has acted, I think, in a genuine way as an honest broker. He has very little power in a formal sense, but he has acted as an honest broker and has been a useful addition to the system. He has been able to get some significant changes made. It is interesting looking at his annual report for the year ending 31 December 2016, reported in March 2017. I am looking at a number of the key aspects in his report, and I look particularly from page 23 onwards at the section entitled 'Governance and compliance of standards and permit conditions'. He makes a number of observations about permit conditions, and this is again important to put on the record, because the stripped-down process needs to take account of these variations and risks. The report says:

> Standards relating to wind farms currently vary by state. For example, the wind farm noise limit standard in Victoria is 40 dB(A) —

it is much higher, and bear in mind this decibel scale is a logarithmic scale, it is not a standard line; it is a logarithmic scale, so it goes up much more by small numbers; it goes up exponentially —

> measured outside the residence. South Australia varies between 35 dB(A) and 40 dB(A) based on the location of the wind farm, New South Wales is 35 dB(A) and Queensland's standard is 37 dB(A) during the day and 35 dB(A) during the night. The approach to measuring the noise emitted from a wind farm can also vary by project and jurisdiction, which can lead to debate over the veracity of the noise assessment results.

I think wind has a significant role in our system. I do not in any way deny that, and I am not against proper wind farm planning and providing permits in a structured way that adds to the mix in our system, and I make the point about the mix. The wind farm commissioner said:

> World Health Organization guidelines for community noise recommends a 30 dB(A) limit, measured inside the residence, to prevent negative effects on sleep. However, it can be difficult and intrusive to carry out noise testing inside a residence.
>
> Current noise standards therefore rely on the effects of attenuation …

And he went on at considerable length, but I think the point is made that there is a ramshackle arrangement nationally. In Victoria previous planning ministers have ticked stuff off, particularly in the period before 2010, with inadequate thought, in my humble view. He said that an opportunity exists for harmonisation of key standards, and that is clearly true:

> Finally, once a wind farm commences operations, it may be deemed to be compliant in some jurisdictions even though post-construction assessments have not been commenced or completed. There may be an opportunity to introduce more formal processes to properly confirm that a wind farm is actually compliant … This 'grey area' can cause a range of community concerns. Anecdotally, some wind farms have been described as being 'not non-compliant' when unable to demonstrate compliance with required permit conditions, highlighting the difficulty of declaring a wind farm to be 'non-compliant' when its default status is compliant.

This is a ramshackle area of regulation, you have got to say. It is an area that is ripe for sensible, pragmatic and fair reform that is grounded on science. He continued:

> Measurement approaches for measuring compliance with the standards can also vary between projects and jurisdictions. Given the extraordinary number of variables to be measured, consideration needs to be given to the consistency of measurement, calculations and reporting for assessing environmental measures such as noise and flora and fauna impacts when setting permit or licence conditions.

He then talks about determining the 'line of best fit'. At recommendation 5.2 he said:

> State governments should review their current arrangements for the setting of wind farm environmental standards and oversight of compliance with those standards.
>
> Based on the outcome of the review … state governments should consider whether or not the current arrangements are appropriate and consistent with best practices for independent development and governance of wind farm environmental standards.

He went on to say:

> In considering the above recommendations and outcomes, the potential roles of an independent agency (such as a state environmental protection or regulatory authority) could include responsibility to …

and he lists environmental standards, flora and fauna, shadow flicker, visual amenity and a whole series of other points. This could be done in a more independent and fair way. The wind farm commissioner has no axe

to grind. He is respected by the industry, and he has actually been able in some locations to negotiate outcomes with which communities are happy and proponents are happy. He has done that from a position of very little actual power but a significant capacity to act as an honest broker, and I think that that is important to recognise. He said an independent agency could:

> Review planning applications for wind energy projects and recommend/require permit conditions related to the environmental standards.

The commissioner talked about providing and facilitating peer reviews and audits of expert reports, including reviews of testing and modelling. I know that in the early days of wind farms some of the biological reviews were things that I think some in the industry later became embarrassed by. There is still scope for improvement there. He said the agency could:

> Where appropriate, license the wind farm once it is constructed and issue and monitor licence conditions for the operation of the wind farm that may be subject to review and renewal. State governments should also receive and review regular reporting against those licence conditions …
>
> Receive and investigate complaints related to environmental standards, including alleged breaches of non-compliance.
>
> Confirm compliance or non-compliance of a wind farm with regard to environmental standards and related permit conditions.

He went on on the matter of planning permits at 5.2.4. The permits should clearly state:

> The oversight organisation or person accountable for determining compliance of a wind farm with its permit (and licence) conditions.
>
> The process and contact details for lodging a complaint …
>
> The process to be followed in the event that a wind farm is found to be non-compliant with one or more of the permit (and licence) conditions.
>
> A requirement for the developer or operator to publish transparently, on the wind farm's website, the process and contact details for making a complaint or alleged compliance breach to the designated oversight organisation.

I could go on, but the point here is that this area needs sensible, grounded, practical reform. In section 8 the commissioner talks about site selection and makes a number of observations about current transmission infrastructure. This is an important point in light of our recommended compliance with an assessment to be published by the secretary produced by the proponent. He said on page 30:

> Current transmission infrastructure was originally designed and built many years ago based on existing energy resources (such as coal) and did not envisage the significant shift to renewable resources such as wind and solar, which are often optimally located in areas away from existing grid infrastructure.
>
> Prospecting developers are not generally restricted in initiating a new project on a particular site and will often commence by holding discussions with landowners to seek their agreement to host turbines. As such, prospective and developed wind farms can be located in a wide variety of site scenarios, from sparsely populated areas to locations inhabited by lifestyle property owners on small acreages.

I remember going to a large and furious public meeting in the Haddon-Cardigan area just west of Ballarat. The government was seeking with its proponents at the time — this was in the period before 2006 — to locate a set of wind farms and turbines very close to an area that was quite densely settled, and not densely settled in the terms of a township but around buildings and houses in an area of quite dense settlement that meant that the impact of those proposed turbines would be excessive. In the end that particular group backed off and that proposal did not proceed, but the experience of seeing that meeting has not left me. I remember the arguments and the points that were made then, and I think sometimes the proponents have still not learned many of the lessons from those earlier days.

At recommendation 8.2.1 the commissioner said:

> State and local governments should consider assessing proposed wind energy projects on a wider range of criteria (including the suitability of a location from a community impact perspective and the degree of community support) and then prioritising projects for approval or progression accordingly. 'Reverse auction' feed-in tariff schemes such as the scheme recently deployed … could be an example of how to prioritise projects …

He is very open to sensible ways forward. I do not know that particular scheme, and would need to look at it more closely. He said:

> New visual amenity guidelines introduced by New South Wales could also restrict development in more populated areas.

I hope the government's central committee looks at many of these innovations around the country and is prepared to consider them and draw on them, but I fear that this is a tick-and-flick approach and the government is wanting those quick outcomes.

At recommendation 8.2.2 he recommended:

> State and local governments may … consider other criteria in assessing and prioritising wind energy projects, including economic development and the ability to … support regional and industry development through improved local electricity supply and infrastructure in regional communities. Appropriate zoning overlays for clarifying where it would be appropriate to build and operate wind farm developments should also be considered.

He went on to talk about other approval processes and maps:

> Final siting of turbines during construction ('micro-siting') should be limited to a distance of 100 metres from the initial proposed site, be no closer to a residence and be properly documented, including the reasons for the change. Micro-siting of a distance greater than 100 metres should require written approval from the responsible authority.

The approach in this bill goes in the opposite direction. Some of these proponents are seeking to put large, new towers very close — very close indeed — to settlements and to individual properties, and they are not getting the choices that would be applied to any other major permit variation. If you were to seek to get a permit in the city for a tower and then come back and say, 'I want to increase the size by 50 per cent. I want to increase the impact, the overshadowing, all of those matters, by a significant amount', you would have to go back through a whole new process.

We are not talking about minor changes with many of these proponents at the moment; we are talking about major changes, some of which are driven by technology and are legitimate changes, but they need to be assessed properly and fairly so local communities are not imposed upon unreasonably and a different standard is not set in the country than is set in the city. That I think is very apparent. Every bit of this that you feel is about a city-centric government imposing heavily on country Victoria and actually saying, 'You'll live with this. You'll cop this, and you'll cop it whether you like it or not'.

I want to make some other points. I think I have laid out — and I am happy to discuss with any members of the chamber individually — points around our proposed amendments. But I also want to say something further about the housing affordability part of the proposals in the bill.

The Urban Development Institute of Australia (UDIA) have communicated with me, as has the Housing Industry Association (HIA), and it is true to say there is a caution with both of them. The UDIA welcomes the opportunity to respond to this bill and:

> … supports the overarching purpose of the bill with regard to the amendments intended to facilitate affordable housing supply; however, the amendment as it stands would be difficult for industry to implement without further refinement.

They went forward to lay out those issues:

> There is a view within industry that the definition of affordable housing proposed in the bill will lead to greater uncertainty in terms of what will constitute actual affordable housing stock.

Issue 2 is:

> A critical aspect of feasibility studies for residential development opportunities is knowing — or reasonably estimating — the sale price for the end product. Without this information, industry will be reluctant to proceed with residential developments that include affordable housing due to the increased risk. This may have the perverse outcome of reducing the pipeline of new dwellings, especially those meeting the definition of affordable housing, due to uncertainty.

I think these are entirely fair points. Their recommendation 1 is:

> While recognising that the Planning and Environment Act 1987 does not provide scope to specify price ranges for the purchase or rent … there is scope to require a methodology for calculating the sale price of the end product that meets the definition of affordable housing.

They said:

> This methodology should rely on the definition of affordable housing adopted by the Affordable Housing Industry Group, which is:
>
> > Housing that is appropriate and available for the range of low to moderate income households (defined as households earning up to 120 per cent of the median household income) to rent or purchase at no more than 30 per cent of gross household income.
> >
> > Appropriate housing is defined as:
> >
> > a. Appropriate for that household in terms of size, quality, accessibility and location;
> >
> > b. Integrated within a reasonably diverse local community;
> >
> > c. Does not incur unreasonable costs relating to maintenance, utilities and transport; provides security of tenure and cost for a reasonable period.

They said this was agreed to by federal, state and territory housing ministers in 2005 and that the definition is consistent with that proposed under clause 4 of the bill, so they are happy with that definition as far as it goes.

They said:

> 3. The new section … enables the Governor in Council, on the recommendation of the minister, to make an order published in the *Government Gazette* which may specify …
>
> We believe the recommended changes support the overarching intent of the bill in that it will further clarify the definition …

That is what they say.

There is also significant reservation amongst other industry groups, and I want to draw attention to the commentary by the HIA. With respect to this bill they obviously support the changes to the indictable offences. They were very strong on that in the earlier period when the earlier bill came to the chamber. In terms of their general comments, they said the aim included to facilitate affordable housing. They defined the commencement date as being not before 1 June 2018. They said that clauses 3 and 4 aim to introduce and define affordable housing, that clause 5 inserts the clause to facilitate the provision and, with respect to clause 6, that it is unclear why the government is seeking to legislate a voluntary agreement.

In fact by putting it in legislation it is mandating affordable housing provisions. This is I think a genuine tension that the HIA point to in the bill. This is clause 6, which enables the responsible authority to enter into an agreement with the owner of land. I think the HIA has made a very good point to me and to others that this must be genuinely voluntary. I will seek commentary from the minister in committee as to whether it is possible to reach some agreement on amending clause 6 of the bill, 'Responsible authority may enter into agreements'. They suggest that at new subsection (1A) you could put:

> Without limiting subsection (1), a responsible authority may enter into an agreement at the request of the applicant or owner of land …

Their view is that having it be proponent driven or owner driven would mitigate or guard against responsible authorities using pressure tactics, using standover tactics or using overweening approaches to demand more from proponents in a way that could put viability at risk. I will raise those points in committee and seek the government's view about them. I think that that is a fair point that they make. I think an overzealous responsible authority may well seek to strongarm proponents into a range of outcomes which are too far into the territory of impacting on the viability of projects.

I make those points. We are not going to be opposing these affordable housing aspects. I do not think they will make a huge difference in the scheme in Victoria. I do not think that there will be a massive change. I accept some of the points made by the HIA that there is a risk, and we will seek some commentary about that, but this is a matter where I think the community will want to see more affordable housing provided. I am just not sure that this bill will actually deliver that.

Mr SOMYUREK (South Eastern Metropolitan) — I rise in support of the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017. The bill will introduce a framework into the planning system for voluntary arrangements to facilitate the provision of affordable housing and streamline the processing of applications for variations to called-in wind farm permits to reduce unnecessary time delays and costs for applicants seeking to amend permits. The bill will also make necessary legislative amendments to ensure that councils are not responsible for the administration and enforcement of indictable offences under the Building Act 1993.

Currently, as part of the new housing development applications, councils may require applicants to allocate a certain percentage of their development for affordable housing, depending on the size of the development. The requirement may be 5 or 10 per cent or some other negotiated percentage. Many permit approvals have subsequently been contested by developers at the Victorian Civil and Administrative Tribunal, challenging the permit conditions. The permit conditions are a council initiative and are without legislative structure and legislated definitions of what affordable or social housing is. The result of these legal challenges is that councils' intent to deliver affordable housing fails, and families and individuals miss out on opportunities to access affordable housing.

In several VCAT challenges in recent times VCAT has determined that due to the absence of a legislated definition of 'affordable' or 'social' housing the required condition was not enforced. In one case VCAT stated that it could 'only support the mandated inclusion of dwellings in partnership with housing associations or mandatory cash contributions if there was a clearer framework to do so in the Planning and Environment Act 1987'. This bill, while it is voluntary in terms of council facilitating the conditions to be included in the planning permits, provides certainty to the schemes when councils do place the condition on the development approval. Specifically, the bill introduces a new definition of 'affordable housing' into the

Planning and Environment Act and provides for the Governor in Council, on the advice of a minister, to make an order specifying a range of household incomes as per the following categories: a very low income range, a low income range and a moderate income range for the purposes of the definition of 'affordable housing'.

The bill enables a responsible authority, usually a council, to enter into voluntary agreement with a landowner for the development or provision of affordable housing. Affordable housing agreements are intended to be voluntary. It will not be possible to condition a permit to force a developer to enter into an agreement. Indeed affordable housing is acknowledged as a growing need throughout our communities, particularly throughout our growth corridors. The City of Greater Dandenong, for example, an area that I represent, places the creation of housing affordability as a high priority for the municipality, so much so that they have created the Greater Dandenong Affordable Housing Toolkit to improve housing affordability for the community. The council's toolkit comprises many initiatives to create affordable housing, including its stated objectives to negotiate with developers of council and private land to facilitate development of social and affordable housing.

All councils in my electorate acknowledge in their housing strategies housing stress as a significant issue affecting the wellbeing of their residents. They are all committed to implementing strategies to reduce the housing stress but acknowledge the need for state government to assist them with legislative measures that will strengthen their powers to achieve affordable and social housing.

The measures in this bill will create greater certainty for councils seeking to facilitate the provision of affordable housing development through the planning process. Affordable housing is defined in the bill as:

> … housing, including social housing, that is appropriate for the housing needs of …
>
> (a) very low income households; and
>
> (b) low income households;
>
> (c) moderate income households.

The Governor in Council will be able to specify through an order what is meant by the different income ranges. These ranges will be established through consultation with stakeholders and use census and other research data to calculate income groups. In addition, for the definition of affordable housing this bill contains a new objective aimed at facilitating the provision of affordable housing in Victoria. This new objective will make it clear that one of the purposes of the planning system is to:

> … facilitate the provision of affordable housing in Victoria.

Turning to the wind farm permit amendments, the main aspect of this part of the bill is to streamline the process for amending called-in planning permits for wind farms by allowing the planning scheme to remove the requirement for a compulsory panel hearing. Many existing permits for current wind farms require amendments to cater for changes such as advances in technology that would result in increased energy production from fewer turbines. If objections were received for every amendment application for called-in permits, at least three months and a great cost would be added to each assessment process. This part of the bill amends the act to enable the Victorian planning provisions and planning schemes to specify classes of applications in order to amend called-in wind farm permits that do not require referral to either a panel or an advisory committee, and instead of being referred to a panel they must be referred to an advisory committee.

The final amendment contained within this bill deals with enforcement improvements to the Building Act 1993. One of those is that the power to prosecute indictable offences be removed from councils and that consideration of indictable offences against section 16B of the Building Act should only be available to the Victorian Building Authority. Two new indictable offences were introduced recently that responded to those who knowingly carry out building work without a building permit or who carry out building work knowing that the building work contravenes the Building Act, the building regulations or a building permit.

The amendment recognises that councils are not well equipped or indeed resourced to investigate and prosecute indictable offences. Stakeholders who are on the record as supporting this position include the Victorian Municipal Building Surveyors Group, the Master Builders Association of Victoria and the Housing Industry Association.

At this point I would like to state that we will not be supporting the proposed amendments circulated by Mr Davis. We will not be supporting these amendments for the following reasons. The final report of the Finkel review, the *Independent Review into the Future Security of the National Electricity Market*, was published on 9 June 2017. In August 2017 the Council of Australian Governments (COAG) energy council

committed to implementing 49 of the 50 recommendations of the final report, noting Victoria's position in relation to recommendations about onshore gas exploration or a fracking ban. The COAG energy council is progressing implementation of the Finkel review as a priority, using a nationally coordinated approach overseen by the energy security board announced in August 2017.

The opposition's proposed amendments to the bill relate to reliability and security of supply by addressing some of the recommendations arising from the Finkel review. The implementation of the Finkel review is a matter for the COAG energy council, national energy market bodies and the energy security board through the national energy laws and rules. This is the most appropriate mechanism for improving energy reliability and security, rather than the Victorian planning framework. It is also noted that the recommendations of the Finkel review are technology neutral. The proposed amendments are limited to wind farms only. The Victorian government will continue to support the implementation of the Finkel review through the coordinated national approach currently underway as a priority. I hope that my response to Mr Davis's circulated amendments is sufficient for Mr Davis to withdraw those amendments, but I fear not.

In conclusion, I believe this bill provides greater certainty for councils in the areas of the facilitation of affordable housing along with reducing the enforcement burden in relation to indictable building offences. The bill also provides greater certainty for the renewable energy sector to continue investment into greater capacity and efficiency. For all of the reasons that I have mentioned in the last 10 minutes or so that I have been on my feet, I commend the bill to the house.

Ms DUNN (Eastern Metropolitan) — I rise today to speak to the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017. It is a bill essentially of four parts: the facilitation of affordable housing supply, applications to amend referred wind energy facility planning permits, an amendment to the Building Act 1993 in relation to suspension of works and a further amendment to the Building Amendment (Enforcement and Other Measures) Act 2017 in relation to enforcement and compliance matters.

Certainly there is a vast range of issues that this particular bill contemplates. I will go to the first one, around affordable housing. The Greens welcome the clarification of the process for developers to enter into agreements for the voluntary provision of affordable housing. As noted by my colleague in the other place, the member for Melbourne, this is a good development, but it is grossly deficient if this state is to address the housing affordability crisis. The Andrews government is allowing developers to exploit public housing estates to build new developments with a very modest increase in the affordable housing allocation. That is not good enough when we have growing lists of people needing public housing because they have been frozen out of private rental markets due to surging rents.

I now want to move to the part of the bill that talks about changes to the Building Act. Last year in this Parliament we were presented with a bill in response to the illegal demolition of the heritage-listed Carlton Inn, which in its last and least salubrious iteration was known as the Corkman Irish Pub. The Greens welcomed the legislation at the time, as it introduced new indictable offences under the Building Act to provide for significant fines and jail time for people found guilty of demolitions.

We also noted that too little effort had been applied to preserving heritage in this city, with state governments of both colours very ready to do the bidding of developers and allow some prominent examples of cultural heritage to be scrapped. The Greyhound Hotel and the Metro Nightclub immediately come to mind. Since the dastardly act which was the demolition of the Corkman we have seen a continuing stream of scandals, which show how fraught the situation is in the construction and development sector.

People's life savings have been spent on deposits for homes that were promised and never delivered. For example, I have spoken in this place on the challenges affecting dozens of families in Drouin after a developer walked away leaving shoddy construction work and the ongoing saga affecting the poor Zaitsen family. In both cases the victims have been shunted from minister to minister and from one government agency to another. No-one wants to take responsibility for people who fall through the massive loopholes in building enforcement in Victoria.

Another calamitous scandal is the use of flammable cladding materials on buildings throughout Victoria and indeed Australia. Of course the potentially tragic consequences of this poor practice have been demonstrated with the tragic fire at Grenfell Tower in London. We had our own near miss with the Lacrosse building in Docklands, which was only averted thanks to the quick response of the Metropolitan Fire Brigade, the earnest evacuation by the building's occupants and,

unlike Grenfell Tower, the mandatory inclusion of sprinklers.

Anyone in this place who watched the *Four Corners* investigation earlier this month, on 4 September, into the use of this cladding would be horrified at the potential hazard this creates for lives and property across Australia. The state government's response to this has been to set up a task force chaired by former Premier Ted Baillieu and former Deputy Premier and Minister for Planning John Thwaites. These are two of the many individuals who were asleep at the wheel while thousands of buildings had flammable cladding installed. They are part of the problem, and it is hard to see them finding a solution other than one that would implicate the failures of governance that occurred while they were in office.

There is a clear need for an overhaul of the way the state of Victoria approaches the regulation of the building industry. The privatisation of building inspection has been a failure. Local government should be empowered to once again take the helm of building inspection and certification. The use of private building inspectors has provided plentiful opportunities for both corruption and poor practice, and there is a disconnect between a building materials standard and building certification. My experience during my time as a local councillor was that very often buildings that had been built did not seem to reflect the plan, did not reflect the setbacks, did not reflect the landscaping endorsed by local government and created enormous issues in terms of private building surveyors signing off on works that simply did not comply, so it is good to see some more strengthening up in this area.

I now want to talk to Mr Davis's proposed amendments, which go to the heart of this bill in relation to wind power. We have had limited time to look at the amendments, but look at them we have. Essentially the amendments from Mr Davis and the Liberal-Nationals coalition are their latest attempt to hammer the wind energy industry. This is the same Liberal-Nationals coalition that at a commonwealth level led, with support from Labor, the gutting of the renewable energy target, leading to the decline of the sector nationwide and the loss of thousands of jobs, including the downscaling of the wind turbine manufacturing and installation industry here in Victoria. It is the same Liberal-Nationals coalition that has sponsored spurious committee investigations into the supposed impact of wind turbines on health, while completely ignoring the deleterious long-term impacts of pollution from coal power stations on respiratory health in the Latrobe Valley.

It is the same Liberal-Nationals coalition that to this day falsely claims that wind turbines caused the power blackout in South Australia last year. They do so even when the extensive investigation by the Australian Energy Market Operator (AEMO) showed that the chief cause was the failure of the transmission network due to the towers collapsing as a result of cyclonic winds. The only way wind turbines were at fault was in some software settings such that they disconnected from the grid after riding out three voltage surges. They were corrected within days to ride out a greater number of surges, and such disconnections by design will not occur again in future.

With this set of amendments the Liberal-Nationals coalition are trying to saddle the wind energy sector with onerous regulatory burdens which can only be designed to prevent their construction. Instead of focusing on the issue at hand — how to replace ageing fossil fuel fired power stations with solar farms, wind farms and grid-scale energy storage — they are once again working to undermine the renewables sector. Imagine if coal power stations had to submit a statement to the government as to their impact on respiratory health in the Latrobe Valley and their impact on the global climate. They would have had their operating licences extinguished decades ago.

I will now turn to deal with parts of the amendments. Proposed section 47A of the Planning and Environment Act 1987 lists five requirements for a power system reliability assessment report. The first of these is for a solar farm developer to assess:

> … impacts on reliability and power system security of the Victorian power system and national electricity system …

This amendment would ask wind farm developers to conduct an energy market forecast of a veracity that is rarely achieved by the organisation charged with doing exactly that — the Australian Energy Market Operator. Every year the AEMO spends many thousands of hours of its expertise in trying to predict future movements of supply and demand on the energy market, and more often than not they get it wrong.

The second requirement of the proposed power system reliability report:

> specifies whether arrangements have been made for additional electricity to be dispatched into the Victorian power system when the facility will not be generating electricity so that there is sufficient electricity available to meet Victoria's base load at those times …

This shows the ignorance of the Liberal-Nationals coalition on how the national electricity market

functions. It is a balance of supply meeting highly variable demand. We have over 300 large-scale registered generators in the national electricity market. It is a highly fluid market whereby some generators ramp up or ramp down generating capacity to meet diurnal and seasonal peaks. The demands on the grid are aggregated into 5-minute dispatch intervals. It is absurd and anticompetitive to expect a new wind farm to enter this highly competitive market with its own arrangements for auxiliary generation when there is a pool of blended generation supply that can meet the demand.

The third requirement refers to recommendation 3.3 of the Finkel review in an attempt to give itself the veneer of technical adequacy and policy relevance. Recommendation 3.3 of the Finkel review states:

> To complement the orderly transition policy package, by mid-2018 the Australian Energy Market Commission and the Australian Energy Market Operator should develop and implement a generator reliability obligation.

It is important to note at this point in time that no-one knows what a generator reliability obligation will comprise. It could require the purchase of reliability certificates generated by dispatchable power plants such as solar thermal plants or hydropower plants just like renewable energy certificates are created by wind farms and solar farms now. There could be a requirement to coinvest in grid-scale energy storage. There have been no directions from the relevant authorities as to what shape this will take. What we do know is who will design and implement the generator reliability obligation, and that is the Australian Energy Market Commission (AEMC) and AEMO. These are regulatory institutions that are charged with the management and operation of the whole national electricity market, so that is as it should be.

To have a state Minister for Planning bestowed with powers that are duplicative of this regulatory role is a clear attempt at strangling wind farms in red tape. To have these powers bestowed on a state planning minister a whole year prior to AEMO and AEMC having even figured out what the generator reliability obligation will comprise would be ridiculous if it were not so detrimental to investor confidence and jobs in this state.

The fourth requirement referenced recommendation 5.1 of the Finkel review. This recommendation states:

> By mid-2018, the Australian Energy Market Operator, supported by transmission network service providers and relevant stakeholders, should develop an integrated grid plan to facilitate the efficient development and connection of renewable energy zones across the national electricity market.

The nominated agencies here are again AEMO and the transmission companies, which are more formally referred to as network distribution service providers (NDSPs). The wind farm owners and operators themselves are not listed. This is a strategic network planning and operation issue that lies properly in the domain of AEMO and the NDSPs, not individual generators. Again Mr Davis is bending the truth when it comes to the wording and intent of the Finkel review.

The fifth requirement, like the third requirement, is redundant because it duplicates regulatory processes that are properly applied by other bodies. Clearly the drafters of this amendment had run out of ideas and needed some fillers, and that is certainly not a commentary on parliamentary counsel but perhaps more on the instruction they needed to comply with. Considering Mr Davis's latter-day passion for energy policy, I would like to direct him to recommendation 3.2 of the Finkel review, which states:

> Both a clean energy target and an emissions intensity scheme are credible emissions reduction mechanisms because they minimise costs for consumers, are flexible and adaptable, and satisfy security and reliability criteria. Both mechanisms are shown to deliver better price outcomes than business as usual.

Maybe Mr Davis's time would be spent better pushing for an emissions intensity scheme or a clean energy target amongst the ranks of his Liberal-National coalition colleagues, what with their burgeoning ranks of climate deniers, instead of this quixotic attempt at jousting with windmills.

The Greens will be opposing these amendments, but in relation to the broader issue of this bill and the scope it covers we will be supporting it. We will certainly be continuing to push for meaningful and comprehensive reform of the regulation of the building and development sectors because of the enormous detrimental impact they have on people who plough through their life savings sometimes to try to achieve the house of their dreams but for whom the dream crumbles because of a lack of enforcement and compliance and the privatisation of the building surveyor industry.

Mr RAMSAY (Western Victoria) — I just wanted to take the opportunity to also speak to this bill, the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017. Apart from addressing the overview or the purpose of the bill — to amend the Planning and Environment Act 1987 to facilitate affordable housing supply and to

modify the requirements for determining certain applications to amend wind farm permits, and to make miscellaneous amendments to the Building Act 1993 and the Building Amendment (Enforcement and Other Measures) Act 2017 — I did want to raise a couple of concerns I had.

The chamber would appreciate that in relation to the wind farm matter and that part of the bill, as I understand it the relevant authority which was bestowed on local councils will now move to the Minister for Planning in relation to the current permits already allocated to the wind farm generators. In Western Victoria Region we probably host more wind turbines than any other part of the state, and from memory I understand there are about 690-odd turbines currently operating, with potentially another 1000 wind farm turbines that have already been approved but not yet constructed. In the normal course, as I understand it, if the generator wishes to change the works plan — and this is what I understand this new bill is aimed at — it has to put a works plan in. Then the relevant authority, which is the local municipality, goes through a consultation process with the community, particularly if the change in works planned is to increase the dimensions of the turbines — which I understand, again, is the motive of this new piece of legislation — and gets a much better understanding from a community point of view in relation to the impact that would have, not only obviously on the landscape but also for those who actually would have to live next to these turbines.

As I understand, the government is actually in this legislation — and I am sure Mr Davis will tease it out in the committee stage — moving the responsibility away from the local community in the ministerial direction if there is a change in works planned for a current permit of a wind farm generator. With the changes the government has already invoked in the buffer zones, suddenly you are moving from a 1.5-megawatt turbine to a 2.2 or 2.5-megawatt turbine, and the dimension of the blades will increase to about 200 metres. The increase in height and the increase in generator capacity and the noise that results from those increases is going to have such an impact on the livability of those who live around these turbines. The fact that a decision on this issue will come from a ministerial direction rather than a full consultation process means that the community's ability to be engaged in these proposed changes has been taken away.

In my region I cannot think of anything more divisive. I know the National Wind Farm Commissioner is coming down to Macarthur this Friday to discuss with locals —

Mr Davis — Been here today.

Mr RAMSAY — Been here today, has he? He is coming down to talk with some of the locals who are concerned about the changes in legislation and also the impact turbines are generally having across the landscape in western Victoria.

Just before we go into committee stage, I do want to flag that I am very concerned that the proposed changes in this bill will result in a move away from consultation with the community in relation to changes to works plans of current live wind farm permits to a ministerial authority that will not have any engagement with community at all. He or she will not be able to have any sort of understanding or knowledge of the impact these changes will have.

I will leave it at that. I hope, Mr Davis, that through the committee stage you will be able to tease out some of those concerns as well as the ones that you have raised through your amendments.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

The DEPUTY PRESIDENT — I have considered the amendments circulated by Mr Davis, and in my view they are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 15.07 is required.

Instruction to committee

Mr DAVIS (Southern Metropolitan) — By leave, I move:

> That it be an instruction to the committee that they have the power to consider amendments and new clauses to amend the Planning and Environment Act 1987 to provide for a power system reliability assessment report and to modify the approval process in respect of applications for wind farm planning permits.

Motion agreed to.

Committed.

Committee

Clause 1

Mr DAVIS (Southern Metropolitan) — Before we move to amendments to this clause, the advice of the clerks is that my amendment to clause 1, the purposes clause of this bill, will act as a test for the other amendments that are attached. That is the advice I have received, and it is probably worth putting that on the record in the chamber.

Essentially this is an omnibus bill and there are three parts to it. With the minister and the chamber's blessing, perhaps I can deal with the first set of questions and then the third, and then I will come back to the second. The first set of questions relates to the housing affordability matters in the bill. I wonder if the minister could outline whether the government has a target or an approach that will seek a particular number from the industry in terms of the supply of affordable housing.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. I am happy to inform him that there are no targets per se in this bill, and we will leave it up to local government authorities to work through that issue.

Mr DAVIS — Thank you, and I appreciate the fact that there are no targets, so we will not be able to say at the end of one year or three years or five years there will be X amount more affordable housing. Is it envisaged that local government will set targets?

Mr DALIDAKIS — I thank the member for his question. The answer to that question will be predicated over time. As we have left it up to local government authorities, they will have the power to determine that issue for themselves.

Mr DAVIS — With respect to the responsible authorities that will have the powers in relation to these housing affordability matters, the definition will be set in the way as outlined, but in the case of particular projects what measures will be in place to ensure that developers, particularly smaller developers, are not strongarmed or pressured unreasonably by responsible authorities? Let me outline here what I envisage may happen, and I am indebted to the Housing Industry Association (HIA) in particular for their concerns in this area. What is to stop an excessively enthusiastic council from laying down the law to a small developer and saying, 'You will comply with this; otherwise you get no permit'?

Mr DALIDAKIS — Again, I thank the member for his question and for the good-faith nature of the questions that he presents. Yes, I can provide utmost confidence to the member that 'voluntary' is in fact voluntary — that there will be no ability outside of a voluntary framework that will give developers, the community and local councils certainty about how a voluntary contribution scheme will be applied to support the development of land for affordable housing. I can go on if Mr Davis wants, but I think that already that short summation should provide some confidence to him.

Mr DAVIS — I thank the minister for his response. I am just going to quote directly from the Housing Industry Association on page 3 of 4 that they provided to me in terms of notes and concerns around the bill. It perhaps fleshes this out:

> As outlined HIA has concerns around the administration of this provision by local councils. Utilising similar principles that apply to the establishment of agreements under section 173 of the Planning and Environment Act, it is considered that councils generally have the upper hand in these types of negotiations.
>
> If a council has mandated a particular percentage of affordable housing to be provided in a development, developers will have no option but to agree to this. Generally this is the case as council is … the issuer of the permit.
>
> There is no guidance provided to councils as to what would be an appropriate upper limit of affordable housing in a development. Whilst understanding the process is meant to be by agreement, councils will ultimately not approve a percentage limit that is unacceptable to them. Therefore this will not properly constitute a voluntary agreement by both parties.
>
> With councils having the upper hand many developers will be forced to abandon their proposals as the commercial realities of the situation are that homes generally need to be sold at market rates. The construction of 'affordable homes' within a specific development that is otherwise for private sale and/or rent can only be sold or rented at a lower rate than would apply to other dwellings on the project, if the remaining dwelling prices are increased. This reality means that the higher market rate becomes one of the many reasons that houses in a given area may be unaffordable. This would clearly be a perverse outcome and counter to the intention of the legislation.

Is it the minister's intention to provide some oversight to the way that councils or the department implement this aspect? How can we be assured that a zealous council will not use their whip hand?

Mr DALIDAKIS — Again, I thank Mr Davis for his question and certainly no doubt the good faith of the HIA in making the representation to Mr Davis. I think the HIA has fundamentally misunderstood the nature of

the bill before us. If I can just take a moment to provide you with a fair degree of comfort, the fact remains that like the other section 173 agreements the decision about whether or not to enter into a voluntary affordable housing agreement is actually still up to the developer, so it will be the developer who seeks to enter into such a voluntary agreement regardless.

As we move on, it is proposed in clause 6 of this bill to insert, as you will be aware, Mr Davis, new subsection (1A) into section 173 of the Planning and Environment Act 1987. This will provide that a responsible authority, such as a council:

> … may enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing.

Again I wish to come back to the point that it is up to the developer to enter into such a voluntary agreement. I wish to absolutely make clear that the fear that you have put in your analogy about the whip hand of local government is not possible as a result of the way that the legislation is written, because in fact it does give that power to the developer as to whether they enter into the voluntary agreement or not.

Mr DAVIS — I thank the minister for his response, and it does provide a measure of comfort, although I still remain somewhat concerned. He mentioned clause 6, and I also had zeroed in on that and certainly the HIA has been very exercised about that. Would the minister consider by agreement amending that clause to say:

> Without limiting subsection (1), a responsible authority may enter into an agreement at the request of the applicant or owner of the land for the development or provision of land in relation to affordable housing.

This is about, as it were, a market behaviour issue. It is a broader issue, but that certainly would provide some comfort to the sector.

Mr DALIDAKIS — I thank Mr Davis for his question. The short answer is no. If I were to expand on that just slightly, I just wish to point out that the intention of the bill is to promote the use of voluntary affordable housing agreements between developers and councils of course to facilitate the supply of affordable housing — I believe a policy pursuit that everybody in this chamber would support — just in the same way councils now propose section 173 agreements to meet other planning priorities.

Can I also point out that in order to ensure that the affordable housing agreement is in fact entered into voluntarily it must be entered into before the grant of the permit to ensure that the provision of affordable housing is secured. Therefore it will not be possible to condition a permit to require a developer to enter into an affordable housing agreement, because that agreement must be entered into prior to the permit being provided should the developer choose to enter into an agreement in the first place.

Mr DAVIS — I thank the minister for his response on these matters. I want to just follow the affordable housing issue a little further. Let me give a case study, as it were. There is a block of land in the centre of the city that is being repurposed. Council decides that it would like some affordable housing on it, or maybe a developer comes forward with a proposal. A certain percentage of affordable housing fits within the framework. The place is built, and some of the affordable housing is sold under those arrangements. The new owners fit the definition of affordable housing, and the price is there.

There are two questions that flow from this. The first is: what happens in time? Over what time period would the new owner of an affordable housing unit or apartment be able to sell that property? What are the arrangements for them to recoup? Could they make a windfall profit out of a sale, say, three years after they purchase it? The market has gone up, they got it cheap and then it is sold at a higher price.

Mr DALIDAKIS — I thank Mr Davis for his question. Again I believe my answer will provide a fair degree of confidence to Mr Davis. Affordable housing provided under this process will be maintained because the housing will either be public housing or housing owned or managed by an agency regulated under the Housing Act 1983. Thus public housing is provided only to eligible households. Housing providers are regulated by the housing register and can only provide housing to those eligible households. Thus I believe we can ensure that the issue you raised will not occur.

Mr DAVIS — So individuals will not own their own home in that case. What will happen if they come in under a particular status and then their circumstances change? Will they be forced to move out or will they remain in the property? How will that operate?

Mr DALIDAKIS — I thank Mr Davis for his question. If somebody wins Tattslotto, Mr Davis, I think they will be moving out of the housing accommodation of their own volition. The fact remains that there are a range of attributes required of people to be eligible for housing. They are reviewed obviously

from time to time to ensure that the appropriate people are getting the appropriate assistance. As you and I both know, the demand for public housing is far greater than the housing the government can provide.

Whether the government is of a coalition or a Liberal persuasion or indeed whether it is of a Labor persuasion, the ideal of being able to provide public housing to the people in the greatest need is obviously a social policy pursuit that I believe every member of Parliament, with the exception of probably the most hardened politician, would actually deem to be an appropriate policy for us to pursue. So from that perspective I think that only good can come out of it. But again, if people's circumstances change for the better, then that is a welcome outcome that will see them move on from the housing accommodation provided, as distinct —

Mr Davis interjected.

Mr DALIDAKIS — I take up the question from Mr Davis, who asked about the selling of property. The property, again, as I answered the first time, will be either public housing or housing owned or managed by an agency that is regulated under the Housing Act 1983. So the ability for someone to just up and sell is not available, because that option is regulated and can only be provided to people that you and I regard as being a special class of person in the community.

Mr DAVIS — Thank you. The second consequence from the case study that I outlined is that a number of social housing units will be in this complex but also some private housing. Has the government modelled what is effectively a cross-subsidy from private components of a project to the public component?

Mr DALIDAKIS — I thank Mr Davis for the question. Obviously the economics of the project will be what drives the project. In terms of modelling, I am happy to take that question on notice and ask the minister's office to respond in time. But again the department has a range of policies that will be governed by whether it is housing stock of its own or housing obtained by entering into contracts with providers as per the register that I was just talking about.

Mr DAVIS — That is the end of my questions on that topic. If I could just make a short statement on part 3, as it were, of the bill which relates to the penalties, and note that the opposition supports those changes which reflect in part the amendments that we sought to the earlier legislation. We welcome the government stepping back from the earlier arrangements. This will see a concentration of the policing powers with a central agency rather than seeing each council doing its own policing. I make that point and move forward from there.

With respect to the wind farm component in this bill, the opposition has a number of concerns. We put some of those on the record in the second-reading debate, and I will in a very small number of sentences strip down our concerns on this. Essentially what this bill does is provide a short circuit, a competitive advantage, to wind energy proponents over other land users in the state. Normally a planning permit would be provided, and we are very concerned that this stripped-down process with reduced consultation will result in some harsh outcomes. Again, I am going to put a case study to the minister to test his response.

A wind farm application was granted in the middle 2000s by a previous planning minister. It had a certain number of turbines, was a certain height and had a certain proximity to particular townships and hamlets. The arrangements in this bill would enable the proponent of such an application to go through on a short cycle to a specific panel and to get a planning decision more quickly with less hoops and hurdles than would normally be the case. The point I made earlier in the second-reading debate was that in the city if you have a building, a tall tower, and you have a permit and you want to change the permit and crank up the height, you need to go for a new permit. The fact is that this legislation provides a competitive advantage to the proponent.

What protections, Minister, are available to a neighbouring family, maybe a farm, to ensure that a new and more intense development does not occur on that earlier wind farm site and a higher wind turbine is not erected near their property?

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Mr DALIDAKIS — I thank the member for his question. Can I say at the outset — again, this has been put in good faith — that I do not accept the proposition that Mr Davis put. I am happy not to expand upon that but to simply say that I do not agree with the sentiment as per his contribution. In terms of the very specific concern he raised at the end of his contribution, can I simply say that the process itself largely does not change. In fact an application that will impact other parties will still be subject to the normal public notice, advertising or otherwise, as part of the local government process, which can of course involve notice by mail and signs on site and in the newspaper,

depending upon the extent of the impact of the amendment. All objections will be considered by the decision-maker before a recommendation is made. So I believe the concerns that Mr Davis has are unfounded or unwarranted, but I believe the question that he asked was in good faith, despite not agreeing with his preamble.

Mr DAVIS — I thank the minister for his response. In that circumstance I ask him about the impact of planning permits that are granted for wind farms — perhaps expanded capacity wind farms — and whether the government, the Department of Environment, Land, Water and Planning (DELWP) in particular, has done any assessment of the impact of those additional permits or expanded permits on the energy system in Victoria.

Mr DALIDAKIS — I thank the member for his question, but the question is not apposite to the legislation before us in committee stage. I am happy for Mr Davis to leave on *Hansard* that request for information. I am happy for *Hansard* to indicate that I have declined to provide it because it is not apposite.

Mr DAVIS — That is disappointing, but nonetheless I wonder if the government has in its stated policy of moving to a higher renewable energy target modelled the impact of that on price and on reliability of the Victorian system.

Mr DALIDAKIS — Again I thank Mr Davis for his question. Can I say at the outset that the reliability and security of supply in Victoria is always an important issue for any government of the day to deal with; however, it certainly does not relate to the planning issues before us in this piece of legislation.

Mr DAVIS — I note the minister's answer, and I note that we consider that the impact of these planning permits more broadly is of significance to the Victorian community. It is for that reason that I am intending to move my first amendment. I thank the chamber for its forbearance regarding these amendments, which have been circulated. I note again my thanks to parliamentary counsel for their assistance in drafting these amendments. I indicate that the purpose of these amendments is to ensure that as permits are granted there is a requirement in place for the proponents of wind facilities to put on the record how their facility will mesh.

I will make some comments here. Ms Dunn made some comments earlier, and I accept that the Greens will not support our amendments — I note her indication of that — but I want to put on record that this is not discordant with a nationally coordinated approach. In fact it is highly within the frame, and it is not against the work that is being done by the Council of Australian Governments energy council. In fact it will provide information and additional resources for those bodies.

But ultimately this is a responsibility that the Victorian government has, and the Victorian planning minister granting planning permits a dime a dozen, willy-nilly across the countryside without examining the impact of those planning permits on the system is something that should concern Victorians. We have seen a huge growth — a favoured growth — in wind energy over the last few years, first under the national renewable energy target and more recently under state arrangements, with further state arrangements flagged into the future.

I think Ms Dunn was under some misapprehension about my background knowledge in this area. I should put on record that I was in this chamber when the privatisations occurred and indeed when the National Electricity Market was being set up. I also note that I was twice shadow minister for the environment and once for climate change, so dealing with wind farms is not new territory. For a while I actually held the dual position of shadow minister for the environment and climate change and shadow Minister for Planning, so I saw it from both perspectives at the one point.

My point here is that far from being technologically neutral at the moment, this bill seeks to give a further break to wind farms to make it easier than other planning permit applications. As I said, one rule applies in the city. If you want to change your permit substantially in the city, you will need to go for a new planning permit. But in this case the minister is setting up a fast-track tick-and-flick system so that you can in fact grind through in no time at all an outcome, stripping out the —

Ms Dunn interjected.

Mr DAVIS — No, I actually like wind, and I think it has got a huge place. We will not oppose these clauses, but we will seek to amend them to ensure that as these wind permits are granted, under our amendment — and I will be very succinct here — there will be a requirement that that report be sent to the DELWP secretary and the DELWP secretary will be required to post it on the website so it is available and everyone can see the broader impact.

Mr DALIDAKIS — Do you want to move your amendment now and vote on it and then let Mr Ramsay ask questions?

Mr DAVIS — No, I encourage Mr Ramsay to ask his questions, and then I will move the amendment after that with the house's indulgence.

Mr RAMSAY (Western Victoria) — I appreciate Mr Davis allowing me to pose a question to the minister. It is consistent with the concerns raised by Mr Davis, but it regards something you said, actually, Minister, that I do not think is correct on the record. I want to correct the record because I want to be very clear about what the purpose and impact of these clauses will be.

I am only speaking in relation to the wind farm component, where you have introduced new classes in relation to the planning scheme. My understanding is that the intent is that when a minister calls in a wind farm permit — he calls that in because there is obviously a lack of a decision either by the relevant authority or through the panel hearing — the minister does not have to refer back to a panel hearing if there are objections. He can, through a new advisory committee, make a determination himself.

As I indicated to you before, Minister, the impact of this legislation is moving the community consultation and engagement away, moving the panel hearing consultation process away and giving the minister the full authority in relation to the changes, whether they are in the works plan or in the permit itself. You said nothing changes, but that is a significant change, and I just want to get some commitment from you where you actually agree that there is a significant change under these new clauses in this bill that do away with the panel hearing process.

Mr DALIDAKIS — I appreciate Mr Ramsay getting the opportunity to ask the question, and I welcome Mr Davis's acknowledgement that I am able to answer your question too, Mr Ramsay. We are in good company it seems. Mr Ramsay, can I try to placate you by saying that the community will still be consulted on proposals to amend permits. Surrounding residents in the community will continue to have their say. People will still be notified of proposals to amend permits, and they will still have an opportunity to make their views known. If the amendment is referred to an advisory committee, objectors will be able to present at a committee hearing just like they would in a panel process. This was an issue that came up multiple times during the debate in the Legislative Assembly. An answer was clearly provided by the minister in the other place during the consideration-in-detail stage there, and again I just wish to provide you confidence that indeed from that perspective nothing changes in that process.

Mr DAVIS — I will make a comment on Mr Ramsay's point on the way to moving my first amendment. And that is: if there were no change, we would not be having this legislation. The change here is to put the legislation in effect and that will strip out some of the community's strengths and diminish its position. That is why it is occurring, but I will move in good faith to my amendment.

Mr DALIDAKIS — I thank Mr Davis. Just for the sake of completeness, I note that Mr Davis believes that the fact that we are debating legislation is in and of itself an example that things change. As Mr Davis said in his earlier contribution, this is an omnibus bill. It does the range of things before us, but in relation to the process, the process itself does not change. The bill amends the type of panel or person that hears the matter before them, but people still have the ability to undertake a process of objection. As I indicated earlier, they still have the ability to determine that for themselves. The community will still be consulted on proposals to amend permits. So from that perspective, I do not agree with Mr Davis's comments. I am certainly happy that Mr Davis may have a different interpretation to that which I have put forward, but I certainly did not want to let it stand that the government did not disagree with Mr Davis over what he put. I am now happy to sit down and let Mr Davis put his amendment to the house.

Mr DAVIS — Thank you, Minister. We will just have to agree to disagree. I move:

1. Clause 1, page 2, after 3 insert—

"(iii) to provide that a responsible authority or the Minister must not grant or amend a permit for the use or development of land as a wind energy facility unless a power system reliability assessment report has been published in respect of the facility; and".

This first amendment of the purposes clause is a test for the further amendments. If this is passed, we will move to those. If it does not, I will regard that as a test, on advice from the clerks. I have outlined already both in the second reading and in the subsequent section how this would require the proponent of a wind development to write that assessment, and that would provide greater information via the secretary of the department and require its publication by the secretary. We think this is a sensible change in the context of the challenges the system faces. This means that a

proponent can still proceed, but the secretary must be in receipt of that report.

Mr DALIDAKIS — I appreciate the commentary by Mr Davis and the fact that he is moving his amendment. The government will not be supporting the amendment. For the sake of efficiency and completeness, I believe my remarks up until now have indicated why we will not support this amendment, and so I will curtail my contribution at that.

Ms DUNN (Eastern Metropolitan) — The Greens will not be supporting this amendment.

Committee divided on amendment:

Ayes, 18

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

Noes, 20

Barber, Mr	Mulino, Mr (*Teller*)
Dalidakis, Mr	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Mikakos, Ms (*Teller*)	Tierney, Ms

Pairs

Atkinson, Mr	Melhem, Mr

Amendment negatived.

Clause agreed to; clauses 2 to 15 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Goulburn Valley Health radiotherapy services

Ms LOVELL (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Health by retelling the very real and very sad story of one of my constituents, Kirstie Bulger, a single mother of three children who lives in Mooroopna. My request of the minister is for her to reconsider, after hearing of Kirstie's journey fighting cancer, her view that the Andrews Labor government is meeting the health needs of all citizens of the Goulburn Valley and to acknowledge the need for appropriate radiotherapy services at Goulburn Valley Health (GV Health). Kirstie Bulger is a 44-year-old single mother of three boys aged 21, 17 and 11. Four years ago on her 40th birthday Kirstie was diagnosed with breast cancer. This has now developed to stage 4 breast cancer, and she has recently been diagnosed with ovarian cancer. Kirstie is currently undergoing two treatments of chemotherapy a week at Goulburn Valley Health, with radiotherapy treatment also on the horizon.

When Kirstie was originally diagnosed it was determined that radiotherapy was the most appropriate form of treatment for her cancer, but this decision caused Kirstie even more angst on top of her diagnosis. Kirstie knew that she would not get radiotherapy treatment in Shepparton and knew that she would have to travel away from home to receive this life-saving treatment. Kirstie wondered how this was going to be possible since she was a single mum of three kids with no family support in Victoria, and she knew that taking her kids out of school for long periods was not an option. She questioned how she was going to manage the logistics as well as the emotional burden of being away from her loving children for so long. But Kirstie did not really have a choice. If she wanted to fight this insidious disease with radiotherapy treatment, she knew she had to leave her home and her boys behind.

Kirstie's first course of radiotherapy was administered in Melbourne, where she received daily treatment for seven weeks. She would come home each Friday night to spend the weekend with her family before making the drive back to Melbourne on Sunday night. It cost Kirstie $900 a week in accommodation alone throughout her treatment period in Melbourne, but it was the emotional cost of being away that took an even greater toll, not just on her family but also on the

families of her mother and sisters, who helped while she was away. Kirstie later had another four-week course of radiotherapy treatment in Albury and again faced the financial and emotional burden of having to travel for life-saving treatment with determination and grace.

Kirstie applauds the doctors at the GV Health oncology unit, where she received wonderful treatment, but wants to know why Goulburn Valley patients like her face the additional burden of needing to travel for radiotherapy. She says a cancer diagnosis alone is such an emotional rollercoaster without the further angst of leaving the loving support and comfort that home provides. Kirstie Bulger is currently in the fight of her life but wanted to share her story in the hope that people will understand the need for local radiotherapy services at GV Health. Facing further radiation treatment herself, Kirstie knows these services will change not just her life but the lives of others. I applaud Kirstie Bulger's bravery and thank her for telling her story.

Water supply plastic contamination

Ms SPRINGLE (South Eastern Metropolitan) — My adjournment matter is for the Minister for Energy, Environment and Climate Change. The past week has seen the publication of groundbreaking international research demonstrating the extent to which plastic has well and truly entered the human food chain. In the first study of its kind Orb Media worked with a researcher at the University of Minnesota School of Public Health to test drinking water in five continents for the presence of plastic fibres. In a truly shocking finding, more than 80 per cent of the samples collected tested positive for the presence of plastic fibres. This was a groundbreaking study, and much more work needs to be done in this area. While samples were collected from across Europe, the US, South America and Asia, no samples from Australia were tested.

Dr Mark Browne from the University of New South Wales says that much more effort needs to go into understanding the presence of plastic contamination in our drinking water and the impacts of plastic ingestion on people. Experts say that if plastic fibres are in water sources then they are almost certainly in food produced using that water, from baby formula through to pasta and soups.

This revelation comes on the heels of three separate studies undertaken this year showing the presence of plastic fibres in the salt we eat. Researchers from Malaysia, the UK, France, Spain and the USA have found plastic in salts from around the world, including sea salt. Research by Spanish scientists published last month found plastic in all 21 types of salt they tested. While none of these tests sourced salt from Australia, researchers believe that most sea salt internationally is likely to be contaminated.

Researchers believe that most plastic contamination comes from microfibres and single-use plastics such as water bottles. Victorians deserve to know whether we are drinking plastic and what the health implications of this may be. On that note, I call on the minister to take immediate action to instigate and support research into the extent of plastic contamination of our water supplies in Victoria and the impact of plastic ingestion from a public health perspective.

Small business multicultural programs

Mr ELASMAR (Northern Metropolitan) — My adjournment matter is directed to the Minister for Small Business, Innovation and Trade, the Honourable Philip Dalidakis, and refers to entrepreneurial migrants in Northern Metropolitan Region. Northern Metropolitan Region is a shining example of Victoria's successful multicultural communities. People from all over the world have chosen to make our state, and Northern Metropolitan Region, their home and have chosen to work, live and raise their children in diverse and culturally rich communities. We recognise, however, that some new entrants into Victoria can on occasion require additional support to successfully build up their lives in this great state. So tonight the action I seek from the minister is that he provide me with advice on government programs which relate to migrants in my electorate being assisted to establish businesses and enterprises to support themselves and give back to their communities.

The ACTING PRESIDENT (**Mr Ramsay**) — I have to say that Mr Elasmar did that under some duress. Ms Springle and Ms Shing were having a conversation from one end of the chamber to the other bang in the middle of Mr Elasmar's contribution. If they want to have a conversation, perhaps they could do it outside the chamber.

Ambulance services

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Health. It relates to a rather concerning incident that occurred yesterday morning in Bacchus Marsh, where an ambulance was called for a young lady who I believe was doubled over in pain in the fetal position. Instead of an ambulance being sent to pick up this person who was in a state of some physical distress, a taxi was sent to pick up this woman and transport her

to the Ballarat hospital. I find this incident quite concerning. It is one that I have certainly never heard of before — an unwell person being sent to hospital in a taxi rather than in an ambulance. As a result of this the action that I seek is an immediate investigation into the circumstances surrounding this incident and how on earth it occurred.

The ACTING PRESIDENT (**Mr Ramsay**) — I call Ms Shing, and I know everyone will be silent for her contribution.

Strzelecki Ranges timber harvesting

Ms SHING (Eastern Victoria) — Thank you, Acting President. I look forward to the relevant level of interjection from across the chamber as recompense for my rude interruptions earlier. To that extent, I confirm that I have apologised to Mr Elasmar effusively for any break that I may have caused in the rhythm of his earlier contribution.

The matter I wish to raise this evening is for the attention of the Minister for Agriculture, Ms Pulford. It relates to a meeting that I attended last Thursday night in Mirboo North, where VicForests has coupes on the timber release plan in the Strzelecki state forest north of this particular town. There are three coupes in this area: Samson, Doug and Oscine. These coupes were the subject of a lengthy and extensively detailed conversation and discussion between VicForests's Lachlan Spencer and many hundreds of members of the community who turned out to discuss their views. I look forward to providing the names of attendees on notice to where the minister on duty tonight, the Special Minister of State, would like them.

However, the views that were expressed at this particular community meeting were very much in favour of an extensive community consultation, and a motion was passed at that meeting, as put by local resident Marg Thomas on behalf of the Mirboo North community, that a committee be established and that work be done with the relevant ministers to do everything possible to convey the community's concerns about the potential for harvesting — whether clear harvesting or selective harvesting — in these coupes and the impact that it would have on the local community if it were to occur. To this end I was grateful for the opportunity to be able to hear these concerns directly from people within the community.

The action that I seek from Minister Pulford is that she engage with her counterpart, the Minister for Energy, Environment and Climate Change in the other place, Ms D'Ambrosio, to make sure that there is a fulsome engagement in accordance with the motion that was passed at this particular community meeting to understand the priorities of the community and the concerns of the community as they were expressed at this meeting and in other correspondence that has been forthcoming to me, and to make sure that every effort is made to give effect to the community wish that the natural environment is considered and its value is properly understood as part of an informal decision-making process on the future of these three coupes.

Autism services

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education, and it concerns a matter that I have had some dealings with over the last few years concerning education for children with autism. This is an all-too-familiar problem that I have heard of from a constituent. He began:

> As some background, our eldest son … started his school life lasting six days at a mainstream school before being sent to Western Autistic. Once there he was able to receive a lot of help and intervention and was then able to transition into mainstream school …
>
> For the first few years he struggled but managed to get through up until the start of grade 6, where it seemed that the school's attitude towards children on the spectrum had shifted and they no longer seemed interested in some of the more challenging students, our boys being two of them.
>
> At this point the way the boys were dealt with changed dramatically, resulting in the boys having a huge meltdown at the beginning of the school day towards the end of first term this year and refusing to go to class. When the teachers could not verbally persuade them to go they then physically manhandled them —

quite extraordinary —

> and dragged our youngest into class whilst pinning the eldest to a wall.

As I say, just extraordinary.

> As a result of this incident we had to remove them from the school as they point-blank refused to go at all and this has been what we have been facing ever since.
>
> The effect that this has had on both children has been profound and has caused untold damage to their self-esteem and their trust of teachers in general.

I should say that is not at all surprising. He goes on to say:

> We have tried to get the boys into Hume Valley special school …

And it is here where they have requested my assistance. They investigated sending the boys to Hume Valley, a special school which specifically caters for children like theirs. They asked the particular school their two children were attending to do a Vineland test on both boys to test their IQ levels, and of course we all know that the 70 cut-off point is the magic number. The results came back showing that they were over 70, which would not allow them to go to Hume Valley or indeed any other special school, but private assessments by the Cairnmillar Institute showed the resounding conclusion was that both boys were way under 70 points and should 100 per cent be in a special school. So we have a real problem. As my constituent writes:

> Our worry is that neither child will attend school if it's mainstream and are falling so far behind it will get to a stage where it is almost unrecoverable.

This is, unfortunately, as I say, not an unusual incident. I ask the minister to intervene personally on my constituent's behalf. I will provide this letter to the minister, and I ask him to intervene and to provide a satisfactory solution for this family.

Latrobe Valley employment

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Industry and Employment in the other place, the Honourable Wade Noonan. It relates to the need to support power industry contract workers who have lost their jobs through no fault of their own and not due to a lack of experience or skill. The action I seek from the minister is to ensure that redundant Loy Yang mine and station workers can be registered as jobseekers on the state government's Jobs Victoria Employment Network (JVEN) as a priority, and in doing so join the Hazelwood workers who are included on that list. These are people who have not been offered a redundancy package.

The worker transfer scheme was established to enable long-term Loy Yang employees to take a redundancy, with positions to be filled by Hazelwood workers, with the Labor government incentivising this to the employer with up to $75 000, as documented in the *Latrobe Valley Express* some months ago. But the scheme does not extend to those who are subcontractors at Loy Yang, only those directly employed by the Loy Yang operator, AGL. The Andrews Labor government's scheme to transfer workers from the former Hazelwood power station is not creating new jobs in the industrial sector of the Latrobe Valley; it is just pushing the pain of job losses sideways and onto others. A number of long-term contract workers at Loy Yang have found themselves out of work as a result, and Hazelwood and internal workers are taking up their existing roles at the plant.

Mr Tony Moretti is a case in point. Mr Moretti has worked at the Loy Yang mine as a planning coordinator and as a planner for the past 11 years. Until last week, when he received his final pay, he started work at 7 o'clock, but I am told by his friend Neil Jennings that he would arrive at work at 6.00 a.m. every morning. He was dedicated to the cause. Mr Jennings finds himself in the same position.

Mr Moretti was told to apply for his former position as planning coordinator and was unsuccessful in that interview. He was also told to apply for the planner position, which he had been doing for many years. Again he was unsuccessful. Now he is out of a job. He wants to contribute to the workforce in the Latrobe Valley, where his home is. He has extensive community involvement, and he wants to be re-employed.

Mr Moretti is just one example, and there are others who have contacted me. I am happy to provide the Latrobe Valley Authority with the names of those people as instructed. They are experiencing great frustration and anxiety as a result of being shunted sideways. All have commented to me — and I identify with this — that they do not begrudge the Hazelwood workers applying for these positions, but they feel it is not a level playing field when the incentive of thousands of dollars really makes them wonder if they can sustain their job, and many of them have lost their jobs. Again, I ask the minister to put them onto the JVEN list so that they can be prioritised to get back into the workforce, as they want and deserve.

Taxi and hire car industry

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment debate tonight is for the attention of the Minister for Public Transport in the other place, and it concerns the government's recent Commercial Passenger Vehicle Industry Bill 2017 and the mechanisms by which it is paying out its very modest amounts to a range of people. I make the point that the government's package is deeply inadequate and flawed in that regard, but it is also being administered unfairly. I make the point that in the scheme the licence fee, or the fee for trips — the $1 fee that went through in the end — is also being used to fund administration, according to the government. But my point tonight is to note that there is harshness and unfairness in the way the scheme is being administered, and I have a note from a constituent here that points some of this out.

It reads:

> You may be interested in the way this gov is paying out on taxi licence transitional assistance … This is a colossal government botch job. Perhaps you could shed light on the way the transitional payments (100k, 50, 50, 50 for 1st, 2nd, 3rd and 4th taxi licence nothing for any more) have been paid on a per entity basis. E.g., husband and wife own two licences jointly receive 150k.
>
> Husband and wife own one each singly receive 200k.
>
> Seventeen licences owned in a trust with seven beneficiaries (mum, dad and five adult kids and a shared $2 million debt) get $250k …

in so-called transitional assistance. In other cases individuals have bought 13 separate licences but in a set of structures, and each one was given a payout of $100 000. This seems to have inequity in it as well as being an inadequate scheme.

I guess what I am seeking specifically from the minister tonight is that she look at the harshness of this, that she have this system independently reviewed and that she come back and look at an increase in support in aggregate and makes the distribution system fairer too. They are important steps, and this could be conducted through the process of an independent review that would look at the impact on family. We know that these are property rights, as outlined by the High Court in 1998. The government has crushed those property rights, and in many cases people are getting tokens in respect of what is the real value of those licences. An independent review of the fairness and adequacy in aggregate and also the fairness of the distribution system would be an important step forward.

Responses

Mr JENNINGS (Special Minister of State) — I have written responses to adjournment matters raised by Ms Crozier on 6 June, Ms Bath on 21 June, Mr O'Donohue on 23 June, Mr Morris on 8 August, Mr Melhem and Ms Symes on 9 August, Mr O'Sullivan and Mr Ramsay on 10 August and Mr Davis, Ms Dunn, Mr Eideh and Ms Shing on 22 August.

In relation to the matters that were raised this evening, Ms Lovell raised a matter for the attention of the Minister for Health drawing on the personal experience of her constituent Kirstie Bulger, who is undergoing treatment for her cancer. Ms Lovell seeks greater radiotherapy support for Goulburn Valley Health.

Ms Springle raised a matter for the attention of the Minister for Energy, Environment and Climate Change relating to plastic contaminants and fibres in the watercourse. She is seeking the minister's support for research into the impacts on our watercourses.

Mr Elasmar raised a matter for the Minister for Small Business, Innovation and Trade seeking his support for programs to provide business advice for economic development for the migrant communities in the northern suburbs of Melbourne.

Mr Morris raised a matter for the attention of the Minister for Health seeking her review and investigation of the circumstances in which a resident of Bacchus Marsh received transportation to hospital, which Mr Morris believes warrant an investigation by the minister or her department.

Ms Shing raised a very information rich matter for the attention of the Minister for Agriculture referring to three coupes in the Strzelecki Ranges. They are called Samson, Doug and Oscine, and they are located close to the community of Mirboo North, where Ms Shing attended a meeting with VicForests, which was represented by Mr Lachie Spencer. Hundreds of residents were in attendance for this community meeting. In fact their concerns were voiced by a number of people, including Marg Thomas, who spoke up at this meeting representing her community well, with force and with vigour to ensure that the Minister for Agriculture works collaboratively with the minister for the environment to make sure that they have a fulsome engagement — 'a fulsome engagement' I think was the phrase used by Ms Shing — in relation to consideration of the appropriate harvesting activity, if in fact harvesting activity should take place at all, let alone whether it be clear-felling or selective logging activity within those three coupes in question. Through that collaborative work of the two ministers and their active and fulsome engagement, she asked that they provide feedback to VicForests and to the community so that the community's concerns about these three coupes in question can be addressed.

Mr Finn raised a matter for the attention of the Minister for Education and indeed furnished me with a piece of correspondence from his constituent that I will convey to the minister personally to make sure that the minister is aware of the circumstances. Mr Finn's constituent has written of his concern about perhaps the lack of care and thoroughness in providing their children with the appropriate educational support. Mr Finn has indicated that the two children in question would prefer to go to Hume Valley special school. They would seek the minister's support, if that is possible, to achieve that outcome. He draws attention to the fact that the testing to see whether these children were eligible to go to the school may not have actually been undertaken in a way

that is consistent with the assessment of the Cairnmillar Institute, and so there is evidence that in fact would warrant these children being included at that school. He hopes that the minister will be sympathetic and supportive of this evidence and will support this family. I hope there is a positive outcome to that endeavour.

In reflecting tonight on the adjournment matters raised, in fact they were information-rich adjournment matters. Ms Bath certainly gave a lot of material for the consideration of the Minister for Industry and Employment. There were a couple of things that I have been implored to make sure that Ms Bath understands — that in fact there is no limit or restriction placed upon employees of subcontractors and those working at Loy Yang in relation to participation in the worker transition scheme and that in fact the work that is being undertaken in the Latrobe Valley does not preclude their engagement. In fact a number of contractors have been roped into the scheme. Indeed as recently as last week there were a number of positive outcomes associated with an announcement by Mr Noonan of the placement of a number of workers at Gippsland Solar and other companies. Eight-hundred training sessions have actually been undertaken. Indeed the work that is being undertaken by the Latrobe Valley Authority will be very sympathetic to the concerns that Ms Bath raised, but in fact the evidence would suggest that some of her concerns are catching up with the practice that has actually been adopted by that agency.

Mr Davis sought an independent review of the transitional arrangements that are undertaken within the taxi licence buyout arrangements. Mr Davis expressed his concern for equity outcomes and hoped that the minister would be sympathetic to having the effectiveness of that program independently reviewed.

Adjournment interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT (**Mr Ramsay**) — I would like to acknowledge some familiar faces in the gallery. I also acknowledge former member Maree Davenport. Welcome to the Legislative Council.

ADJOURNMENT

Adjournment resumed.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! The house now stands adjourned.

House adjourned 7.21 p.m.