

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 21 February 2017

(Extract from book 3)

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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 10 November 2016)

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
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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
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Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	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, Mr Herbert, Ms Mikakos, Mr O’Sullivan, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Elasmr, Mr Finn, 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 Eideh, #Ms Hartland, Mr Melhem, #Mr Purcell, #Mr Ramsay, Ms Shing, #Ms Symes and Mr Young.

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmr, Ms Fitzherbert, #Ms Hartland, 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.

Joint committees

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

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

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

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

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards 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 Eideh and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): 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 — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

Ms Dunn, Mr Elasmarr, Mr Finn, Mr Melhem, Mr Morris, Ms Patten, 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 ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew ⁴	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
Elasmarr, 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
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

² Appointed 15 April 2015

³ Resigned 27 May 2016

¹ Resigned 25 February 2015

⁴ Appointed 12 October 2016

PARTY ABBREVIATIONS

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

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Tuesday, 21 February 2017

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

ACKNOWLEDGEMENT OF COUNTRY

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

CONDOLENCES**Peter Stewart McArthur**

The PRESIDENT — It is my solemn duty to advise the house of the death on 2 February 2017 of Mr Peter Stewart McArthur, member of the Legislative Assembly for the electoral district of Ringwood from 1976 to 1982. I ask members to rise in their places as a mark of respect to the memory of the deceased, Mr McArthur.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE**Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016**

The PRESIDENT — I take this opportunity to mention to the house that I have received a letter from Lilian Topic, secretary of the economy and infrastructure committee. She wrote:

The economy and infrastructure committee instructed me, at their meeting on Wednesday, 8 February, to write to you to acknowledge their receipt of your letter dated 7 December 2016 regarding the unauthorised release of their report on domestic animals.

The committee acknowledges that this is a serious matter and have resolved to discuss this at their next committee meeting, scheduled for 22 February 2017.

Some members advised the committee at yesterday's meeting that they may individually submit an affidavit to you, prior to the next committee meeting.

FALL OF SINGAPORE ANNIVERSARY

The PRESIDENT — I also bring to the attention of members, as a mark of a historic milestone in this country's history, that 17 February was the anniversary of the fall of Singapore, which involved the capture of almost 15 000 Australians by the Japanese imperial forces. Last week in Ballarat Mr Joshua Morris and I attended along with a number of other members, including the member for Wendouree in another place, a commemoration of that event, which was headed by the Governor of Australia, in terms of marking the appreciation of Australians for the sacrifice of so many Australian men and women soldiers and other defence personnel in the fall of Singapore.

BOMBING OF DARWIN ANNIVERSARY

The PRESIDENT — Order! The Sunday past of this week also marked the anniversary of the bombing of Darwin by the Japanese imperial forces, and again there was a commemoration of that historic milestone. I would simply bring that to the attention of members.

ROYAL ASSENT

Message read advising royal assent on 14 February to:

Energy Legislation Amendment (Feed-in Tariffs and Improving Safety and Markets) Act 2017

Food Amendment (Kilojoule Labelling Scheme and Other Matters) Act 2017

Transport Integration Amendment (Head, Transport for Victoria and Other Governance Reforms) Act 2017.

QUESTIONS ON NOTICE**Answers**

The PRESIDENT — Order! I have received a number of requests by members for reinstatement of questions on the notice paper. I think I might have some from the Greens, but I do not seem to know where I have put them. So if there are ones outstanding from the Greens that I have not attended to, please let me know. I sort of recall in my mind at least one or two, but I cannot find the paperwork that I had.

In respect of Mr O'Donohue's, I am still deliberating; that will be later this day.

The Honourable Gordon Rich-Phillips has written to me in respect of a series of questions that were on notice. They were questions 7651, 7657 and 7658. I

have looked at those questions and determined that the questions have not, in my view, been answered satisfactorily, and I would therefore seek to reinstate those three questions.

He has further written to me in regard to questions 7670, 7671 and 7672. These were questions to the Minister for Police. The previous ones were for the Minister for Finance. Again I am of the view that those questions have not been satisfactorily answered and that there would be an opportunity to answer those questions. Indeed I am a little perturbed about the way in which one of these responses is framed because it sort of indicates that the information is not publicly available — we understand that; that is no reason not to provide it now — and that there is no legislative requirement for the commissioner of police to publicly report the data. The fact is that the house or a member is entitled to actually seek this information, and it is incumbent upon government agencies to provide that information. The fact that there is not an explicit legislative requirement for the Chief Commissioner of Police, or indeed for any other department head I daresay, to provide information is not a reason not to provide answers to satisfy questions raised by members.

I have also had a request from the Honourable Mary Wooldridge seeking the reinstatement of a series of questions. These are questions to a couple of different ministers, so I will mention the ministers separately. The questions are 7638 part 1, 7639, 7694–8, 7714 and 8522. In respect of those questions, for the first question to the Minister for Agriculture, 7698, I would seek that reinstatement because I do not believe that the information there has been satisfactory. Incidentally, this was to the Minister for Agriculture for a minister in another place, which happens to be the Minister for Roads and Road Safety. The response is inadequate in my view, and that question is reinstated. The second question, 7697, again through the Minister for Agriculture to the minister for roads, is also reinstated on the same basis. There was a question in terms of 7639 to the same minister; I do not reinstate 7639, but 7694 to the minister for roads I do reinstate.

I might point out that in a couple of those questions I think the minister might have been better answering that ordinarily responsibility for some of these matters might have fallen to the local council. Nonetheless, the member is asking whether or not the government has had a dialogue in respect of those matters and whether any decision has been made to take action on those matters. Again I think the minister might well have provided a more comprehensive answer.

In regard to 7695 I would reinstate that also as an unsatisfactory response, and 7696 similarly I would reinstate that. In regard to 8522, which was a question to the Minister for Families and Children, I will not reinstate that question. I believe that the minister's answer was satisfactory in that regard.

Mr Jennings — On a point of order, President, in relation to your determination of reinstatement of a number of those matters, I am not contesting your prerogative or your assessment of what is known to you as the basis on which you seek to have those questions reinstated. I have raised an issue with you previously, and I take the opportunity to remind you, President, that in some instances datasets that may be asked for by the opposition or any member of the Parliament may not exist in the form that they are requested. I think your commentary asserts that in fact those datasets do exist and can be easily accessed, and if you are inclined to make this determination continually in future, I would suggest it would be worthy of an examination of what datasets exist within the portfolios rather than making the assertion that one of my colleagues could be criticised for stating that there is no legislative requirement.

I am not certain about this fact as a fact, but it may well be that the data does not exist in a form that is available to be released in the way in which it was originally requested, and I think all of us should be mindful of that. I think during the last sitting week, President, you gave a direction to one of my colleagues based on the assumption that the question that had been asked in this place was asked on the basis of the responsibility of one of my colleagues, when clearly it was not the responsibility of my ministerial colleague in relation to providing information about a private rooming house, in that instance, where you had assumed that this was a facility run by the Minister for Corrections.

I think all of us have to be mindful of ministerial responsibility and what is available to be communicated to the Parliament, and I say that in a way that is respectful of your expectations that where information does exist and can be shared, it should be.

Ms Wooldridge — On the point of order, President, a number of the questions that you have reinstated were questions I asked which were individually asked, but repeatedly what we see in answers to questions from ministers is that they make trite or dismissive responses; they make rote responses to a series of individual and different questions where they copy and say exactly the same thing each time. I would suggest that where datasets do not exist, it would be helpful if the minister was to respond on that basis, rather than

saying that the police commissioner, for example, is not responsible for that information. I think the issue is not in the asking of the questions; the issue is in the responding to the questions by the ministers, who are often not interested in providing the detail and instead are responding in a political manner. If they were to respond genuinely, then I think we would find there would not be as many questions reinstated.

The PRESIDENT — Order! I accept the commentary by both members, posed as points of order, and I would assure the house that when I consider reinstatement, I consider it very carefully, and I do consider whether or not the datasets might be available and also whether or not the extent of that search that has been asked for is fair and reasonable and, to some extent, in the public interest. It is difficult for me, in a chairmanship role, to make those sorts of decisions, so I am actually very cautious about looking into these matters. In respect of the ones that have been raised today, I am in absolutely no doubt about the ones that I have just ruled on. The datasets are available. If they are not, then we as Victorians ought to be very alarmed, because some of them went to the registry of firearms, and if we do not know the circumstances there, then there is a real problem. Former Minister Herbert, in some of the answers that he has provided to this house, to me, indicates that in fact the datasets are available, because there has been information furnished to this house previously on similar matters.

I have taken that into account, and I have been very cautious in considering these matters and making sure that where I reinstate, there is a fairness associated with that and that they should properly be reinstated because they have not been answered. My point about the answer saying the police commissioner has no legislative obligation is that if that is to be the test going forward, then again as a house we have a real problem, because we would be unlikely to see answers to any questions going forward. The same statement could be applied to any officer of any department or agency because, by and large, whilst there are requirements under the Freedom of Information Act 1982, the explicitness of that applying to particular people could well be challenged if we were to take this as a new standard.

In respect of Ms Wooldridge's questions that I have sought to reinstate today, most of them are about a project, Bolton Street in the Eltham area. The project has been under planning for some time. It is a project that was discussed going into the last election; both of the major parties had positions on it; and indeed some information has been provided to the community, but clearly the community would like to know more about

what is going to happen with that road, and certainly it is a significant issue in that area that I am also aware of.

The questions are valid questions about the planning of the project that I think would already be known, because the project is well advanced, yet essentially the answer is 'Oh, we'll let the community know in due course'. This is unacceptable and not consistent with the government's position of transparency and trying to provide people with as much information as possible and I think a slightly different tack to what we have seen in the previous two years.

Incidentally one of the reasons I have not ruled on Mr O'Donohue's matter is that I am concerned about the extent of the datasets that have been sought, whether or not those datasets are available, and the scale of the requests. That is one of the reasons why I am still deliberating on that one.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 2 of 2017, including appendices.*

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Crimes (Assumed Identities) Act 2004 — Report, 2015–16 pursuant to section 31 by the Independent Broad-based Anti-corruption Commission.

Land Tax Act 2005 — Treasurer's report on land tax absentee owner surcharge exemptions for the period 1 June 2016 to 31 December 2016.

Major Sporting Events Act 2009 — Major sporting event orders, dated 20 December 2016, pursuant to section 22 of the Act.

Murray-Darling Basin Authority — Report, 2015–16.

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

Bass Coast Planning Scheme — Amendment C140.

Casey Planning Scheme — Amendments C220 and C250.

Darebin Planning Scheme — Amendment C153.

Greater Bendigo Planning Scheme — Amendment C212.

Greater Geelong Planning Scheme — Amendment C325.

Hume Planning Scheme — Amendments C196 and C213.

Indigo Planning Scheme — Amendment C68.

Knox Planning Scheme — Amendment C158.

Macedon Ranges Planning Scheme — Amendment C102.

Maroondah Planning Scheme — Amendment C102.

Mornington Peninsula Planning Scheme — Amendments C197 and C230.

Warmambool Planning Scheme — Amendment C101.

Wodonga Planning Scheme — Amendment C120.

Wyndham Planning Scheme — Amendments C186 and C209 (Part 1).

Yarra Planning Scheme — Amendment C146.

Subordinate Legislation Act 1994 — Legislative instruments and related documents under section 16B in respect of —

Geographic Place Names Act 1998 — Naming rules for places in Victoria: Statutory requirements for naming roads, features and localities — 2016.

Kardinia Park Stadium Act 2016 — Event management declaration for Kardinia Park events, dated 20 December 2016.

Surveillance Devices Act 1999 — Report No. 1, 2016–17 pursuant to section 30Q by the Victorian Inspectorate.

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, 22 February:

- (1) order of the day 25, motion relating to the Minister for Families and Children;
- (2) notice of motion 356 standing in the name of Mr Davis in relation to the Melbourne Metro rail project;
- (3) order of the day for the resumption of debate on the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017; and
- (4) notice of motion given this day by Mr O'Sullivan referring a matter to the Environment, Natural Resources and Regional Development Committee.

Motion agreed to.

MINISTERS STATEMENTS

Victoria Polytechnic skills development hub

Ms TIERNEY (Minister for Training and Skills) — Last Tuesday I had the pleasure of joining the member for St Albans in the Legislative Assembly, Natalie Suleyman, and the member for Footscray in the Legislative Assembly, Marsha Thomson, to announce \$10 million of Andrews Labor government funding for a brand-new world-class training facility at Victoria Polytechnic's Sunshine campus skills hub. The Sunshine skills hub will feature a health and community services centre of excellence and an innovation and incubation hub, along with a cafe, gymnasium and bookshop. The hub will support the development of industry partnerships, increase access to vocational education in the western suburbs of Melbourne and reinvigorate the local community. The \$35 million centre is jointly funded by Victoria University, which is providing \$20 million, and the Ian Potter Foundation, which is contributing \$5 million, along with \$10 million from Labor's TAFE Rescue Fund.

I also had the pleasure of announcing a further \$800 000 for Victoria Polytechnic to purchase new state-of-the-art equipment, including paramedic pods and health simulation equipment, thanks to Labor's specialised teaching equipment initiative. This initiative provides institutes with the opportunity to invest in state-of-the-art specialised equipment so that students are entering the workforce with the knowledge, skills and experience to use the most up-to-date equipment that is of an industry standard.

Over the past two years Labor has invested heavily in TAFEs and the dual-sector universities through these initiatives, and we will continue to invest in Victoria's training and skills sector because, unlike those opposite, we believe all Victorians should have access to high-quality training to get the jobs that they want. We are overhauling Victoria's training and TAFE system through Skills First, guaranteeing funding to secure the future of TAFE and making sure Victorians have the right skills for the jobs of the future. This continues the government's investment in TAFE over the last two years, including new buildings, reopening campuses, new courses and the latest cutting-edge equipment.

Ordered that statement be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

Children in immigration detention

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house of what the Andrews Labor government is doing to protect all children in Victoria, including those in immigration detention centres and community detention. In 2015 a child being held in community detention and in need of protection came to the attention of the Department of Health and Human Services. The intersection between state and commonwealth law and the ability of the Children's Court to make a protection order required legal clarity, and for that reason I supported my department initiating legal proceedings.

A recent Supreme Court landmark ruling found that the Victorian government and the Victorian Department of Health and Human Services have jurisdiction to intervene and respond to concerns for the safety and wellbeing of children in detention in the same way that occurs for any other child in Victoria. Victoria is a fair and prosperous state, and it is our moral obligation to ensure that all children living within our borders are cared for and safe.

Despite the Turnbull government's denials, as at December 2016 there were five children in immigration detention centres in Australia. Thankfully there are none currently in Victoria; however, there are 84 children in Victoria-based community immigration detention. Whilst children in immigration detention are subject to commonwealth immigration law and policy, the Supreme Court has now confirmed that they are now subject to the Victorian Children, Youth and Families Act 2005. This act requires child protection officers to investigate concerns about the safety and wellbeing of all children and to intervene when a child is in need of protection. The Victorian Department of Health and Human Services and the federal Department of Immigration and Border Protection have been working together to develop a memorandum of understanding to enshrine information-sharing practices for such occasions.

Children in immigration detention or immigration community detention should have the protections afforded other Victorian children, including the right to protection from abuse and neglect. Whilst the federal Turnbull Liberal government continues to play tough politics with the lives of innocent children, the Andrews Labor government will do everything within its power to protect and support these children.

MEMBERS STATEMENTS

Epworth Freemasons Hospital

Mr BOURMAN (Eastern Victoria) — I recently spent a bit of time at the Epworth Freemasons Hospital delivery suite. This would normally sound like a good thing, but it was not necessarily a good thing in our case. What I need to do is thank all the people who looked after us. We had a few doctors. I am not going to use surnames because I have not asked anyone for permission, but the doctors included Dr Shelley, Dr John and Dr Jason, who was our endocrinologist. During our experience we were also looked after by a large number of nurses and other staff. They were Kathy, Jackie, Liana, Melissa, Falon, Jess, Karen, Jessie, Debbie and Sayeed. For reasons that are pretty obvious, I suggest people start thinking about supporting some of the organisations out there such as Miscarriage, Stillbirth and Newborn Death Support and the Stillbirth Foundation.

Shepparton youth foyer

Ms LOVELL (Northern Victoria) — I am proud to speak of a great initiative that the first group of Shepparton youth foyer residents undertook over the Australia Day long weekend. These nine young people, some of whom had never been camping or slept under the stars, camped out at the Wyuna reserve. They got to enjoy some of nature's best activities, like fishing, canoeing and swimming, but they also helped to clean up the reserve.

The youth foyer concept is an initiative I created when I was Minister for Housing to help disadvantaged young people at risk of falling through the cracks, and I am immensely proud of the assistance it is providing to these young people. I am also extremely proud that these young people, in turn, are becoming socially conscious and responsible young adults, who — in this case — are working with local community groups to clean up our natural environment. It is wonderful to see the broad impact the youth foyer program is having on these kids and, in turn, our wider community.

Mooroopna Primary School

Ms LOVELL — On Monday, 6 February, I was pleased to join Mooroopna Primary School principal Steve Rogers to present this year's school leadership badges to the 2017 student leaders. These include school captains Monique Duncan and Ryan Hallum; house captains Mollie Olphert, Tegen Cruickshanks, Tommy Zappala, Tara Jones, Bianca-Lee Butcher, Kyla Culhane, Dylan Poskitt and Jak Cumming; and

student leaders L.A. Calinao, Grady McCarron, Calin Andronaco, Dave Mallari, Ashanti Besim and Zoe Burns. This special assembly, which was attended by the school's staff, students and parents, was an inspirational way to begin the school year. As always, I wish the Mooroopna Primary School leaders and students, and all of our Victorian students, a happy and successful school year for 2017.

Thunderstorm asthma

Ms HARTLAND (Western Metropolitan) — I have a bit of a novel members statement today: I want to rise to congratulate the government on an information session I attended last night, which is one of 10 that the Department of Health and Human Services are conducting on the thunderstorm asthma event of last year. I found the session incredibly informative and, as I said, there will be 10 of these. The government have gone out to the community. They have told the community what actually happened on the night. They have talked about the kinds of improvements that will need to happen to alert people, especially around health-related climate issues. I was not sure, and I believe everybody was not sure, what the thunderstorm asthma event meant in the days that followed it. I found the information session extremely informative, and I would urge other parts of the government to conduct these kinds of forums to inform people about important issues.

Daniel Lutz and Vicki Jellie

Ms TIERNEY (Minister for Training and Skills) — I rise to congratulate two very different high achievers in my electorate of Western Victoria Region. Henty's Daniel Lutz, just 24 years old, is one of 12 young farmers from across Victoria to receive a government scholarship of up to \$10 000. These scholarships go towards agricultural training and study in areas such as farming, business and financial literacy, risk management and product development. Daniel receives \$5000 to support training and study and \$5000 to invest in on-farm or professional development, putting new skills into practice. He has recently bought his first farm of 166 acres. He hopes, after upskilling himself through a series of locally run courses, to put his funds towards building a yard and ramp for his farm. In an era when young people have been moving away from farming, gravitating towards city careers, Daniel represents the future of agriculture — a \$13.1 billion agriculture industry whose prosperity is vital to this state.

On another note, Vicki Jellie of Warrnambool is Australia's Local Hero 2017, announced at the Australia Day awards. Vicki organised and united the

community to work towards establishing the South West Regional Cancer Centre based on Peter's Project, inspired by her late husband. Vicki and her team raised \$5 million in just nine months and lobbied government determinedly, with the result that the centre opened last year in Warrnambool. They garnered support from all levels of government, all parties and the local community to resolve the hurdles faced by regional residents in accessing cancer treatment facilities. Vicki continues to contribute to her community as a staff member at South West TAFE.

I congratulate both Daniel and Vicki on their achievements and as inspiring exemplars in their communities.

Dennis Foley

Mr MORRIS (Western Victoria) — I wish to congratulate Dennis Foley on an outstanding term as treasurer of the Ballarat and District Trotting Club. Dennis has spent a lifetime supporting local sport in Ballarat, having been the inaugural president of the Ballarat Miners basketball club, a role he performed admirably for some 20 years. He was also chair of the Ballarat Basketball Foundation. In 1999 he was awarded the Mackenzie Award by the Ballarat Sportsmen's Club for sports administrator of the year, and has also been awarded the Australian Sports Medal. Dennis is a life member of the Ballarat basketball club, the Ballarat Basketball Association, the Ballarat Celtic Tigers Basketball Club and the Ballarat and District Trotting Club.

In the wider Ballarat community, Dennis was a board member of St Patrick's College for nine years, serving as chair of the board for two years, and has been chair of the St Patrick's College Foundation. In 2013 he was honoured by the college as a St Patrick's College legend.

He began as treasurer of the Ballarat and District Trotting Club in 1982, and in the time since then Dennis's commitment to the club has seen it grow enormously and also provide significant support to local community groups in their fundraising efforts. Last week Dennis announced that he was retiring as treasurer of the Ballarat and District Trotting Club to pursue other interests and spend more time with his family. On behalf of the community I wish to thank Dennis for his remarkable service over many decades and wish him, his wonderful wife Jan and his family all the very best for the future.

Latrobe Valley home energy upgrade program

Ms SHING (Eastern Victoria) — I rise today to congratulate everyone involved with the development and launch of the Latrobe Valley home energy upgrade program. This investment of \$5 million from the Andrews Labor government will ensure that up to 1000 homes in and around the Latrobe Valley will get funding of up to \$4500 to retrofit and improve the energy efficiency of their homes. This is a measure that is designed to make sure that those most vulnerable people in our communities in and around the valley have additional assistance and support to meet the cost of energy prices.

Latrobe Valley vocational education and training

Ms SHING — I also raise the contribution of the Latrobe Valley Authority more generally in making sure that grants and assistance as far as training is concerned are able to be made and rolled out through a partnership with the Gippsland Trades and Labour Council. To date, we have seen more than 100 workers from Hazelwood and around the Latrobe Valley receive additional training which is recognised and will enable them to get further work in and around the area so that they can stay local and continue to make a financial contribution to their communities and continue to be a vibrant part of the local community.

Victorian. And Proud of It

Ms SHING — On another matter, I wish to congratulate the work being done in relation to *Victorian. And Proud of It*. This is the multicultural strategy which is intended to make sure that we do not lose sight of the very things that bring us together in terms of shared values and of the diversity, the vibrancy and the multicultural vein that flows through so many of our communities, Gippsland included.

Social Enterprise Strategy

Ms SHING — I would also like to congratulate the many people who have made sure that we are in a position to continue to support local communities through ongoing investment in and around Gippsland as we move to transition, including the *Social Enterprise Strategy* and the announcement of \$5 million to assist social enterprises to thrive and to drive new employment and greater participation for disadvantaged workers and for disabled workers throughout the area.

Great forest national park

Ms DUNN (Eastern Metropolitan) — I rise today to welcome the report commissioned by the Wilderness Society and produced by the Nous Group, a consulting firm, which conservatively estimates that the creation of the proposed great forest national park could draw almost 380 000 extra visitors a year to the Central Highlands, add \$71 million annually to the local economy and generate 750 jobs by attracting private investment. The report looked at various scenarios, including private enterprise building the already proposed treetop walk at Cambarville and the zip-line at Toolangi as well as an eco-lodge, at a cost of \$19.2 million in private investment.

The economic benefits of the great forest national park would be felt across Victoria. If appropriately supported by collaborative marketing efforts from Parks Victoria and Tourism Victoria, it could attract tourists from interstate and overseas to all of Victoria's natural attractions. Nature tourism in Victoria has been weak compared with interstate competitors, and the great forest national park would provide a shot in the arm for this sector.

The comprehensive analysis is in. The great forest national park will be far more beneficial to the economy of the Central Highlands and Victoria more broadly than the current predominant use of state forests for unsustainable logging. If the Andrews government is serious about creating new opportunities for regional Victoria and if it is sincere in its ambition to attract investment and create jobs, it will transition out of native forest logging and create the great forest national park.

Sister Mary O'Shannassy, OAM

Mr O'DONOHUE (Eastern Victoria) — There are many wonderful people who do extraordinary work in our prison system, trying to get prisoners back to a life free of crime so that they can integrate back into the community and be constructive members of the community. Perhaps first amongst equals are the chaplains from the many different faith backgrounds that do such a terrific job working with prisoners, giving them counsel and giving them support.

In the Australia Day honours list it was terrific to see that a remarkable woman, Sister Mary O'Shannassy, a sister of the Good Samaritan, was recognised with an Order of Australia Medal. Sister O'Shannassy is universally respected. She is known as a wonderful woman who sees the best in people. She works across faiths and denominations to ensure that prisoners

receive the faith support that they may need. She demonstrates in her vibrant personality and her positive spirit the ability to see the best in everyone and to see an upside in the human spirit, even for those who have committed the most serious of crimes.

Sister O'Shannassy really is a remarkable person, and her award is an appropriate recognition for a person who has devoted their life to helping others. I congratulate her wholeheartedly.

Social Enterprise Strategy

Mr MULINO (Eastern Victoria) — I would like to acknowledge the launch by the Minister for Industry and Employment, Wade Noonan, of the government's *Social Enterprise Strategy* last week at Yarra View Nursery in my electorate. Through the strategy, the government will provide capacity building and other forms of assistance to Victoria's more than 5000 social enterprises. These organisations provide a huge range of goods and services, all the while achieving social objectives such as employing and training disadvantaged people and protecting the environment. Yarra View Nursery employs and trains over 100 people, most with a disability. It produces over 1 million trees and saplings per year, many for large commercial clients such as Bunnings and Aldi. It is now also a supplier to the Bayswater level crossing removal project. Yarra View Nursery is a great example of what is possible in this sector, and I look forward to seeing its success replicated many times over.

Casey Australia Day Study Tour

Mr MULINO — I would like to congratulate City of Casey Australia Day Study Tour students who are visiting Parliament today. This initiative provides an opportunity for year 11 students from across the municipality who are interested in government and leadership to observe the workings of all three levels of government. This is a very successful program, and I congratulate the students awarded places in the 2017 study tour.

Riverboats Music Festival

Mr O'SULLIVAN (Northern Victoria) — Last weekend I had the pleasure with my lovely partner of attending the Riverboats Music Festival in Echuca. The festival is an annual event and has been running since 2012. The festival attracts thousands of people from right around Victoria, NSW and many other parts of Australia and is a perfect showcase for what regional Victoria has to offer for such events. In a beautiful setting down beside the Murray River and nestled amongst the gum trees the festival had a considerable

line-up of artists, including some Australian royalty in James Reyne, the Hoodoo Gurus and Paul Kelly.

The festival is a magnificent attraction for regional Victoria and particularly Echuca, and many locals believe the festival is the highlight of the year on what is a very busy tourism calendar up there. I would like to congratulate everyone who assisted in putting on such a terrific festival — the organising committee, the Shire of Campaspe and the many other sponsors, including 60-odd local business festival supporters. I thank the many volunteers who made the event possible and who freely gave up their time to support a local country event.

Regional Victoria is attracting some major music talent, with Bruce Springsteen playing at Hanging Rock the weekend before. I look forward to many more festivals in regional Victoria, and I encourage people from Melbourne to take the opportunity to come out to the regions and explore all that the country has to offer. Regional Victoria is a great place to visit, spend the weekend and holidays and support local businesses. By supporting regional events, you are also supporting regional businesses and regional jobs.

National Holding delegation

Mr EIDEH (Western Metropolitan) — I had the privilege of attending the National Holding delegation's official visit to Melbourne at the Investment Centre Victoria as part of their national tour last week. The delegation was comprised of representatives from six companies from different industries in the United Arab Emirates (UAE) which hold great importance to our economy and was led by Mr Najib Fayyad, senior executive board member of National Holding. Also visiting were Mr Felix Moral, CEO of Exeed Building Materials Industries; Mr Patrick Satamian, CEO of Emirates Food Industries; Mr Edward Hamod, general manager of National Feed and Flour Production and Marketing; Mr Eyas Alhomouz, CEO of Petromal; and Mr Abdulla Zaid Al Shehhi, head of international expansion at Abu Dhabi Islamic Bank. The delegation was hosted by Trade Victoria and Invest Vic, and the event included presentations on Victoria's food and fibre industry, construction and manufacturing industries and professional services sector.

Victoria currently enjoys a strong bond with the UAE, and we are committed to strengthening this relationship through trade and investment. This has become more evident through the region's continued investment in our state. In fact the UAE is our second largest trading partner in the Middle East. The UAE has grown tremendously since its formation in 1971 and has

become an important part of Australian, and especially Victorian, trade, economy and culture. I look forward to the future growth of our relationship with the United Arab Emirates.

Frankston line level crossings

Mr DAVIS (Southern Metropolitan) — Today I want to draw the attention of the house to the announcement made yesterday by the Minister for Public Transport in which she indicated that the Andrews government would respond to the community in some way by putting rail under road trenches on the Frankston line at Charman and Park roads, Cheltenham, and Balcombe Road, Mentone. This is in stark contrast to her activities on the Caulfield to Dandenong line where she has chosen sky rail, and it leaves open the question of what will occur on the rest of the Frankston line. It is very clear the government have held back with the announcement on the rest of the Frankston line because they are going to do some version of sky rail down there. The community do not want it. It is pretty clear what is going on. The government want to skate through to the election — try to get past the election — without coming clean on what they propose to do.

It is also very clear that there has been a huge change by the transport minister. She said that trenches were a giant scar through these local communities, but now she has adopted trenches. How bizarre — I mean, seriously. Clearly the community want trenches, but the rejection of them on the Caulfield to Dandenong line was clearly political expediency of the worst type. It was a nasty, punishing decision by the Andrews government to target people on that line. I am reminded of George Orwell's quote, and I will make some adjustment: it is pretty clear that some people are more equal than others, according to the Andrews government.

Essendon Airport tragedy

Mr MELHEM (Western Metropolitan) — While driving to work this morning I did not expect to actually see the tragic incident right in front of my eyes when a plane hit the DFO site at Essendon. The first sign was a black plume, and about a minute later, driving past the site, there was a huge flame. The first thing that comes to your mind is, 'What was it? Is it a terrorist act? Is it just a plane?'. I did see the plane coming. All of these things go through your mind. This was a tragic accident where people lost their lives. We are not sure how many, but definitely there has been a loss of life.

My thoughts and prayers go to these people and to their families and friends. It is my understanding, according

to news reports, that the group of people were going to have a good day today playing golf on King Island, but unfortunately due to tragedy they are not going to be able to do that and they will not be going back to their families or friends. It is a tragic accident. There were also 20 people working at JB Hi-Fi who witnessed what happened. Thankfully they, and the travelling public, were not injured.

I want to commend the emergency services for their good work and for providing support and counselling to the affected people. My thoughts are with them.

The PRESIDENT — Our thoughts are certainly with those families.

FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016

Second reading

Debate resumed from 9 February; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr BARBER (Northern Metropolitan) — This bill before us is a completely inadequate response to the pressing necessity for governments to be more open and transparent in the way they operate, and I will say some more about that in a moment. However, our assessment of the bill is that it does live up to the extremely limited promises that the government made prior to the election. So given how incredibly weak both their promises and, I would have to say, their record have been on freedom of information, we can bear in mind that they promised very little and — for the most part — delivered on that tepid promise through what they call 'complementary improvements'. One of those complementary improvements, however, was a big surprise: the joining of the Freedom of Information Commissioner with the commissioner for privacy and data protection to form a new Victorian information commissioner.

The government says this bill is the first part of a broader, independent root and branch review and of reform for freedom of information and government records legislation which will be completed in March 2017, which is very close. However, that makes it very difficult, since we do not have that review or any detail on that review, to review this bill in comparison with other measures that may be proposed. However, we

have sat down and compared the government's promise with the provisions in this bill.

I understand the coalition proposed some amendments to this bill. We have heard a bit about those as the bill has gone through a couple of houses. We also understand that the coalition proposed that this bill receive some further scrutiny by one of the upper house committees. The Greens think it is routine that bills with any interesting issues attached to them should go to an upper house committee. That is the reason we set up the upper house committees under the model of the Senate. Those committees were to receive references for issues that they were to investigate but also to scrutinise government legislation. So far it has been mainly private members bills that have actually been referred off to those committees, produced for the most part, I think, by the coalition and also the crossbenchers, including the Greens and Ms Patten from the Sex Party. However, in the Senate system plain vanilla bills with no issues would simply move through the chamber, bills with a small set of issues associated with them would go off to a quick inquiry and major and complex and impactful legislation where expert witnesses are required — where those affected need to be given a voice — would go off to longer inquiries.

So it is in that spirit that I can say that we will support Mr Rich-Phillips's amendment to refer the bill to a committee for a brief period. It could be a couple of weeks of course, but one of the difficulties is these upper house committees have not been properly resourced to do this job. Perhaps if the government starts finding that its bills are in those committees it will start to provide the necessary resources for those committees to work efficiently and effectively. But I do not think a couple of weeks or a month for a bill that has been sitting around on the notice paper for a considerable amount of time is, or could be interpreted in any way as being, an attempt to sort of stall this initiative. As I said, the Greens are supporting the bill in the second reading.

If that committee looks at the bill, looks at the Liberal Party amendments, reports back to the house and makes a suggestion as to how the house might treat the bill at that point, of course we will all take that seriously. Who knows? A consensus may emerge from the committee, which would report back to the house with suggestions for changes to the bill. It is, I believe, the legal and social issues committee that would be the appropriate one to deal with it.

On that basis and on the assumption that the bill will be referred to a committee, I do not intend to spend a lot of time, or any time really, considering the coalition's amendments, because it is quite likely that another body with more time and more access to information will be able to do that job. But for the record the bill is creating a new office, the Office of the Victorian Information Commissioner (OVIC). The current Freedom of Information Commissioner's office and the commissioner for privacy and data protection's office will be merged. This is sometimes called the information commissioner model. That is the model used in Queensland, New South Wales and the commonwealth, where it is working with a mixture of success and failure, depending on your perspective. But there are a lot of other factors at play in those jurisdictions, so it is hard to necessarily compare what we could expect to happen if it was introduced in Victoria.

The government, we understand, will appoint a new commissioner to head this OVIC as well as two deputy commissioners — one for public access and one for privacy and data protection. The bill grants most of the regulatory responsibility from the old officers to the new OVIC commissioner, but some powers are held jointly with the deputies rather than being delegated to them. The government expects the deputies will fulfil those duties in the same vein as other sorts of commissioners and commissions out there. Generally speaking those deputies carry out the regulatory functions and make decisions on cases in a similar mode, I suppose, to the way a liquor licensing commissioner decides if licences are to be granted. The strategy and management functions, the education and the government advice, however, are held by the overall commissioner.

OVIC gains some new powers that the two officers do not currently have. OVIC will be able to review FOI decisions made by ministers and principal officers as well as FOI refusals on the basis of cabinet in confidence. There will be broader powers for complaints and a new ability for own-motion investigations on specific decisions as well as systemic issues. There are reforms in relation to setting professional standards and the broader application of those standards — which is welcome, especially in light of some privacy issues we have noted recently, such as the breaches in relation to children in foster care — and there is also a broader education function, which is quite important for any part of the transparency or integrity system. OVIC will report to the Accountability and Oversight Committee with oversight from the Victorian Inspectorate.

So that is all very nice, but if anybody has ever used the Freedom of Information Act 1982 here in Victoria, they would know that the act and its administration are fundamentally broken. It is not that the act itself has been changed greatly over the years. In fact with some fairly minor tweaking it is more or less the same act, the same set of principles and the same set of exemptions as existed when John Cain — who I have called the father of the FOI act; he describes himself as the midwife of the FOI act, because he said at the time he simply looked around for the best model in the world and brought it in in Victoria — was in government.

Little has changed since those days except for two things. Number one is the way it is administered. Those responsible for making decisions under the act, whether they be very, very junior or whether they be all the way up to a department secretary or a minister, will simply look at how controversial the subject matter is and then go through the list of exemptions trying to find the most likely looking grounds that they can throw up as the grounds for objection. And I am not talking about the thousands and thousands of cases that go through where individuals are seeking access to documents about themselves or their own medical records and so forth; I am talking about those hundreds of cases that are taken by journalists, by active citizens groups and of course by politicians — members of the government, members of the opposition and so forth.

Once you get that refusal, you have to basically get ready for the fight of your life. To get, for example, the business case for the north-east link road — and I am not talking about the recent incarnation; I am talking about the one that was being put forward by Martin Pakula in the Legislative Assembly when he was minister for transport under the Bracks-Brumby governments — took me 18 months and about \$13 000 in legal fees, and the government handed it to me on the metaphorical courthouse steps the night before we were ready to have substantive argument in VCAT. It is that culture that has been built into the way the act is administered that is our major problem here, even if substantially the terms of the act have not changed.

The other problem we have got is that a series of bad precedents have been created through decisions at the Victorian Civil and Administrative Tribunal, often because individuals, journalists, went in to argue their case unrepresented, while the government on the other side — and I can talk about it from personal experience — went in there all guns blazing. The reason I got the information the government gave me about the north-east road tunnel was not that they wanted to give it to me; it is that they knew I was

determined to take them all the way, and the one thing they wanted less than handing over the documents was to have a bad precedent, from their perspective, set in a court ruling.

So we have had a series of decisions come through about cabinet in confidence, about commercial in confidence, and nearly everything that government deals with is now able to be hidden under one of those two shields. The way it goes in VCAT is like this: an individual comes up and says, 'I want information about a major, major project that the government proposes to spend billions of dollars on, and because it is such an expensive project the information should be made public'. What the government argues is: because it is such an expensive project and because it is going to be subject to some sort of tender down the line somewhere, it is against the state's commercial interests to release the information.

Here you have got this VCAT member who is told on one hand there is public interest in releasing the info and on the other hand the government in multibillion-dollar projects — not just the one before the court but in all government projects — could be disadvantaged commercially if they have to release information. The VCAT member says, 'I don't want to be a person who is responsible for adding hundreds of millions of dollars to the costs of government tenders'. That is a doomsday scenario, so 'Bad luck, you can't have the information'.

I was in Denver a couple of years ago at a meeting of the municipal transportation authority. It is an elected board of a dozen or so people. At that meeting on an evening, which was attended by about 50 or 60 interested citizens, they actually considered the tender for their new airport rail link. There will be smiles in the room when I say 'airport rail link'. It sounds great; will we be the last city of any size in the world to ever have one? They considered the tender, and the tender details, the scores and the offered price of all five bidders were put up on a PowerPoint slide and shown to everybody. The consortium that actually won the tender was significantly ahead of all the other four bidders, by the way, which would have been a wake-up call to all the bidders that if we ever want to win any work against that bloke, we are going to have to start sharpening up our pencil.

It was absolutely routine in that jurisdiction to publish information about the various bidders for a project worth hundreds of millions of dollars and in the glare of publicity make the decision about which of the people they were going to choose as the successful tenderer,

but in Victoria under this FOI regime you are at the galactic opposite end of the spectrum, where the government simply says, 'If we put it on a trolley and wheel it through the cabinet room, it is a cabinet document, and if it involves money, it's commercial in confidence'.

What has changed since former Premier John Cain brought this act into existence is not the act; it is the attitude and, secondly, it is the structure of government. Vast areas of service delivery now are outsourced — trains, electricity, human services, it goes on and on and on. So if your view is that anything that is ever tendered out is commercial in confidence and therefore cannot be released under FOI, that is the vast majority of government services these days.

When someone made the decision to tender out the provision of drinking water — otherwise known as the desalination plant — were they also outsourcing Westminster accountability for that money, which we now know is significant? Millions and millions of dollars have been paid over to this desalination plant in what were called 'water security payments' — that is, to keep the desalination plant there and ready to go in case we ever needed to turn it on. The first time we turned it on, it blew a fuse — it was not available. Can we please have all of our water security payments for the last six years back as a refund?

We tried to ask about that in the Public Accounts and Estimates Committee hearing. We did not get much information. Good luck putting in an FOI. If you are lucky, you will get the file at the department of water which is the contract management file. You will get bits of paper that went back and forth between them and their contractor, but you will not get the documents that are the thing we are interested in, which is: is our desalination plant running or is it not? Is it ready or is it not? Is it a white elephant down there at Wonthaggi?

Surely it would be logical that, just because the structure of government has changed, it does not mean that the government of the day can now avoid accountability for billions and billions and billions of dollars of public money just because it happens to be delivered by a private provider. For that reason we obviously need major reform to the FOI act. We need to, in my opinion, strip away many of the exemptions or at least dramatically constrain what those exemptions should cover, and then we need someone, some sort of watchdog, that can act harshly against those who try to play a paper chase and waste people's time through this process.

Unfortunately, and I have to say it, my experience of the FOI commission is they are not that. In fact I have given up using the FOI commission after spending quite a bit of time and quite a bit of money also on that process, because now they are just an extra bureaucratic step that lengthens out the process. In fact a lot of my FOIs have already gone over the statutory time limit — that is, the government has delayed beyond its decision-making time frame, which means at that point I do not even need to run it through the processes. I can actually apply directly to VCAT and there is no reason to use that FOI commissioner step. I am talking about the previous FOI commission as it operated under the previous government; I have not had any experience with this one and how it is operating right now because, as I said, I short-circuit the whole process due to the government's delays.

That FOI commission office as it was created, I think by the coalition government, had great prospects of being like the ones we have seen in other states, notably Queensland. I put together detailed submissions for the then FOI commission about how things operate in Queensland and how that particular commission had the opportunity to really reset the way FOI works in Victoria through decisions and powers that they already had. It came down to the willingness to use them — and, I can tell you, in the last government they certainly did not have it.

Maybe with this new iteration, with a combined office of information, they will start to change things, but that will be their decision. I do not believe there is anything we are putting in legislation here today that is going to change that. It really comes down to the government's willingness to go back to their historical legacy, the legacy of Premier Cain. His bureaucracy was absolutely terrified, by the way, when this law first came in in 1982.

I have been a user of the act since about 1987, so I think I am qualified to talk about how bad things have got. In the good old days you would write a letter asking for a document, and you would get the document mailed back to you. That was your reply, not a letter saying, 'Please clarify your request, and stop the clock while you do that' — the first bit of delay that they bring in when they are in trouble — and not this hunting through the exemptions to find the most likely sounding excuse that might delay you or send you off to VCAT where it would be at your own expense. If you specified what the document was, they just mailed you back the document with a receipt for \$21 — I think that was the application fee back then, but maybe it was \$15; I cannot remember. It is absolutely unrecognisable now,

the culture that you face up against when you try and obtain information. Of course in the end the scrutiny is only on those small handful of cases — of the hundreds of cases that are brought by public interest bodies, the few dozen or so that might actually make it into VCAT — and that is where you see the pure failing of this act.

I have absolutely no faith whatsoever that this government intends to reset any balance on that. This government has enough trouble keeping up with parliamentary accountability. For example, a question on notice asked the Minister for Training and Skills, for the Minister for Police, how many firearms were recorded on the firearms register as of 30 June in each of the years 2012 to 2016. The answer that came back from Lisa Neville, the Minister for Police, was:

... I am advised by Victoria Police that the information requested is not publicly available ...

Well, as they say in the classics, 'Der'. That is the reason that Mr Rich-Phillips asked the question — because the information was not publicly available. He hoped to make it publicly available via the chamber. The response was:

... I am advised by Victoria Police that the information requested is not publicly available and there is no legislative requirement for the Chief Commissioner of Police to publicly report this data.

Hence the purpose of having a Parliament where members can lodge questions. In fact Ms Pennicuik asked the same question in February 2017, although it was by licensing category rather than by year, and received the same answer.

Never mind for a moment the statutory FOI act itself, which is fundamentally there for citizens to access the system. This Parliament has, in my view, a fundamentally unlimited power to request whatever information it wants. It does not need to go looking for a bit of statute to support that; nor would it be constrained by any statute, because when the Parliament passes a law that might require a person to make something public or even to keep something from the public, the Parliament is not limiting its own privilege in doing that. That is a rule that applies out there. Inside this chamber, those rules do not operate in that way.

What is my authority for this? It goes back a fair way — to a civil war that was held in England in the 1600s between the Royalist faction and the Parliamentarians, and in the end they ended up choosing a new king. They did not like the deal that the

old king was offering them, so they brought in a new king, but they said, 'Before you cross the English Channel, buddy, we are going to make you sign up to a few rules'. It was called the Bill of Rights 1688. It is a pretty fundamental document. People fought a war to establish it. It says:

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

That is my authority for the view that just because we pass a law requiring the commissioner of police to release information or just because we pass a law requiring the commissioner of poker machines to keep certain information secret, that does not in any way limit the ability of this Parliament to ask for information. Of course it should use that power wisely, but that power — I have it on good constitutional authority — is virtually unlimited. It is for the house itself to decide the wise use of that power.

At the moment what we are getting is stonewalling. We saw it this morning in relation to a whole list of questions on notice. So do not talk to me about the FOI act and suggest that a member ought to go off and do an FOI if they are really interested, because you get stonewalled through FOI — and no wonder if those public servants are taking their cue from the stonewalling of their minister masters when it comes to answering questions on notice put in here in this very important and sacred place, being the Legislative Council, the ultimate inquisition that is there not just to pass laws but actually to scrutinise the way those laws are working and whether they need any changes. So it is possible that a revolution is just around the corner and that the government, through its FOI review, is about to produce some amazing new piece of legislation — they said the review would be completed by March 2017. This bill certainly does not do it.

In terms of the range of issues that have been raised about the functioning of these two merged offices we are happy for the upper house's legal committee to have a quick look at that and report back to the house, providing us some further information on the propositions the coalition have put forward. I think, from the correspondence I have received, that one of their amendments is actually supported by the Law Institute of Victoria. Once we get that report from the committee we are certainly happy to deal with the bill and complete its passage.

Ms FITZHERBERT (Southern Metropolitan) — It is a pleasure to rise and speak on the Freedom of Information Amendment (Office of the Victorian

Information Commissioner) Bill 2016 and to follow Mr Barber. I certainly agree with the comments he made in relation to stonewalling with respect to documents that have been sought through the Parliament as well as documents sought through FOI. That has certainly been my experience, particularly recently.

When this bill was last debated Mr Rich-Phillips described it as troubling, and I tend to agree with him — it will be no surprise to anyone in the house that I do. The bill is ostensibly to improve FOI and transparency; however, while some of the bill affects the FOI framework, this bill, more worryingly, also makes changes to the office of the FOI commissioner and the office of the commissioner for privacy and data protection. It abolishes the office of FOI commissioner and creates a new Office of the Victorian Information Commissioner. What we are seeing is two relatively recently appointed roles being abolished: the FOI role, which was appointed in 2012, and the privacy and data protection role, which was appointed in 2014, are going very quickly.

Others in this place have discussed how the model that is proposed under this bill has already failed in other states such as Western Australia, but I think that there is a more sinister issue here, which is simply about the government removing political opposition that it sees in its way. Its early move against the first FOI commissioner, Lynne Bertolini, is well known, and that has also been canvassed earlier in this debate. Very early on there was an inquiry and ultimately her departure from that role. Quite clearly it appears she and the office were not in the form that suited the government at the time. Now there is another push to move a second statutory officer, Mr David Watts, the commissioner for privacy and data protection. I note, referring again to Mr Rich-Phillips's earlier contribution to this debate, that Mr Watts has not been consulted on this bill, which is an extraordinary thing, given that he is integral to the legislation's current operation and that he would have some constructive comments to make, I imagine, based on personal experience and that of his office. That was plainly a view that was not sought because it was not wanted.

I have made some interesting FOI applications myself over the past couple of years, and I want to make a couple of observations about two that remain in play at the moment, if I could use that term. I say 'in play' because it appears that the ministers who are ultimately responsible for responding to these do not see them as operations of process under a piece of legislation but the subject of sport, where they can attempt to get

around the rules and the timing in particular as best they can.

The first relates to an application that was made in the health area in November 2015. It has still not been resolved. It has been delayed, I can say, as long as possible and at every single point. I have been to the FOI commissioner, who intervened in the process, pushed things along and got us to a position where I thought there was going to be some more progress. I have revised the terms of this FOI request a number of times. I have been prepared to cooperate in a process to mediate an outcome. Ultimately a decision was made after an initial refusal, and it has been decided that the information will be granted. And I have paid for it: I have actually coughed up the money for this material to be delivered. The last due date we had was 2 January, yet where it sits at the moment is that it has not been noted by the minister, and because it has not been noted, I cannot have it.

Mr Barber — There's nothing in the statutes that supports that decision.

Ms FITZHERBERT — Mr Barber is absolutely right. There is nothing in the statutes that supports that. It is simply an action taken by a minister after a very, very long and arduous process, in which I have used the rules as they stand and used the office of the FOI commissioner, which for me was a very good experience. Now, here we sit, even though a decision has been made and the documents have been paid for; because the minister has not noted this decision, I cannot have those documents.

The second issue I raise relates to the police minister. I put in an FOI request a short time ago in relation to the number of times that the police had been called out to a certain area, and I put in an application at the same time to Ambulance Victoria. I did not ask for any identification of individuals. I did not ask for any information that would breach any person's privacy. That was not what I was after. I was simply after numbers. I can say that Ambulance Victoria responded extremely quickly in exactly the terms I had requested and said, 'Here are the numbers'. It was laid out in a table. Can I say, harking back to comments made earlier today by the President that these are figures that are known. I am not asking anybody to construct a database. This is information that would be held by the relevant parts of government. They have a choice as to whether it is released.

So I have the information from Ambulance Victoria; however, I had been informed that apparently

Ms Crozier had made a similar request of the Minister for Police's department and had been informed that those FOI requests needed to go directly to the minister's office, so I put my application in those terms. We waited for a number of weeks, and then I asked my staff to ring the minister's office and say, 'Look, we put in this request; we understand you have this process' — which again, to hark back to what Mr Barber was saying, is not part of the process that is laid out in law. It appears to be a part of the process that the minister has inserted — or should I say she has inserted herself in the process. My staff rang the minister's office and said, 'We put this letter in. We haven't had any sort of acknowledgement. Can you give some advice as to where it's at?'. My staff member was told that they do not acknowledge anything for about a month and, 'We'll have a look for that, and we'll get back to you'. She was told he would return her call. I can see Mr Barber laughing.

Mr Barber — That was my excuse — that they were really busy.

Ms FITZHERBERT — Really busy, really important, absolutely — too busy to respond to a polite request.

I gave the minister the courtesy of having someone ring her office and say, 'Do you have this letter?'. My staff member was told someone would return her call. She was given the name of the person who would do that. We received no call. So we waited a week and we rang again. Same thing. There has been no response.

I think this is problematic. I have asked for information that is similar to that which I have asked of another government department. The other government department provided it extremely quickly. It is not an onerous or arduous request that I am making. It is not going to tie up lots of time. It is the sort of thing that should be cleared off a desk easily and simply and also, in the terms that we have been discussing in this Parliament and in this chamber today, it is information which is already collated. I appreciate that there are issues sometimes about information that will be time consuming to pull together. This is not in that category.

I find it interesting that the police minister has, as I said earlier, evidently inserted herself in this process, particularly given the issues that we have in this state at the moment in relation to crime and law and order. I am concerned that what we see from the current government is, as in the example that I have just given, ignoring existing process. Getting to the end of a very long process where for more than a year I have gone

through all the hoops of putting in the application, going through a mediation process with the FOI commissioner, finally getting a decision and paying for it, we have a final stumbling block which has been inserted by, in this instance, the health minister in not getting around to dealing with something that is on her desk and noting it.

We also, through this bill, have an attempt to change the structure in a way that supports this attempt to avoid scrutiny, which is considered reasonable within our system. This bill, to use the word again, is troubling, and its development is troubling. It strikes me that it is classic doublespeak to speak of greater transparency while changing the process to fit your own political objectives and when you are not actually observing the rules as they stand at the moment.

I was pleased to hear Mr Barber say before that the Greens support the referral of this bill to the legal and social issues committee, which I now chair. I look forward to reviewing this piece of legislation. I think in all the circumstances that it is appropriate to refer this bill to a committee for review.

Mrs PEULICH (South Eastern Metropolitan) — I also wish to make a few remarks on the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016, which seeks to amend the Freedom of Information Act 1982 to establish the Office of the Victorian Information Commissioner, to amend the Privacy and Data Protection Act 2014 to confer functions on the information commissioner and to make related and consequential amendments to other acts and for other purposes.

Last sitting week we debated the transparency bill, and I actually took a little bit of time to point out the stark evidence of a lack of commitment by this government to transparency in government. All of those reforms that were in actual fact promised by Mr Pakula as part of his integrity measures have certainly not come to pass. This is another example. The review of FOI and public records legislation was announced by the Attorney-General in his second-reading speech on 23 June 2016. He said in the Legislative Assembly:

As such, the government is commissioning an independent root and branch review of Victoria's FOI and public records legislation. The review will consult broadly across the public, private and non-government sectors to develop a revised framework for FOI and public records legislation, and the review is expected to be completed in March 2017.

Yet here we are, debating the legislation even before that review has been completed. Unfortunately what

this shows yet again is the government's attitude to consultation. The government's attitude to consultation — as we saw, for example, with sky rail, as we have seen for example with a Werribee youth justice facility and as we, for example, see here — is that it is not consultation. It is a con. The first three letters sum up the Labor Party's notion of consultation. They go through the motions but they have already made the decisions and indeed are prepared to roll them out — and I think there is ample evidence to show that.

The government has introduced the amendment prior to the review taking place and prior to any recommendations from this review. That is why it is so important that we do support the amendment that is going to be moved by Mr Gordon Rich-Phillips, on behalf of the opposition, and which I am delighted to hear that Mr Barber — who shares with me a strong interest in integrity measures — has agreed to support. Like Mr Barber I have had my say about how I think upper house committees ought to function. I believe that the upper house is ostensibly a house of review, although, yes, we do have some ministers. The house ought to be devoting its limited resources, including members — it has about half the number of senators in the federal Parliament, on which the committee system was modelled, so it does not have the capacity, the resourcing or the numbers to undertake the nature of work that is being undertaken by the Senate — to being strategic and relevant. In my view the focus of the upper house committees ought to be predominantly on scrutinising legislation that comes before us and indeed exercising a review and oversight role.

Brand-new inquiries into policy into niche areas are predominantly and have traditionally been the responsibility of joint house committees. The lower house and upper house often inquire into areas where there are no easy answers, and there needs to be the involvement of both houses and all the political parties in order to try and flesh out the way forward — a blueprint. That is how they have functioned certainly in all the time that I have been here until recent years, and I think we need to rethink how our committees work to make sure that indeed Victorians and the Parliament are served well.

It has been said that the independent review that the government is undertaking is already undermining the functioning of the review with these proposed changes. Mr Pakula again has made overtures about broad consultation, but Mr David Watts, the privacy and data protection commissioner, is quoted on 19 August 2016 as saying:

I was first advised [of the proposed bill] at a meeting on 3 March 2016.

That is obviously way before much of the supposed consultation on the bill was to be undertaken, the outcomes of which we have not actually seen. He says:

The concerns I expressed were dismissed as being 'too late' because cabinet had already approved the proposal ...

This government's notion is you make the decision, you roll it out and then you consult with the public as to what the least painful way is that they are going to accept what you have decided and what you are going to roll out to them, and I think that is deplorable. Even in terms of Labor Party tradition, it certainly strays very far from past practice. So much for consultation across the sectors when you deliberately exclude the most important stakeholder in relation to privacy and data protection and how those laws may be applied!

In a digital world we see so many breaches of data privacy, so often. In a digital world this particular function is critically important. We saw recently in my own electorate that Kingston City Council inadvertently released hundreds and hundreds of names of mothers and babies via an email. Their privacy has been breached, and I am sure that the fallout and the consequences of that breach will be very substantial. I understand there is legal action being taken against the council and so on. The consequences of that are fairly significant. There is the possibility of identity theft. One's own personal security may be compromised.

These are not insignificant matters, and that is why it is so important for any government to get this right. The only way that we can be sure — given that processes have already been perverted — that the government has the opportunity of getting it as right as possible is by referring this to the upper house committee for greater and closer scrutiny and more meaningful consultation with those important stakeholders who understand the laws, understand the challenges and failings and know how to improve them.

It seems that, as I said before, this consultation is Labor same same. We have seen that it has brought out outrage in communities left, right and centre. The government, having made the decision, is proceeding unfazed, and it does not surprise me that Mr Watts has been left out not even halfway through his five-year appointment as privacy and data protection commissioner.

Mr Barber was right in saying that privacy and data protection are becoming much more complex. I have submitted lots and lots of FOIs on behalf of the

coalition as part of my role in scrutiny of government, and the tactics that are used to stall and delay are unprecedented.

Mr Barber — I was talking about when you guys were in government, actually, but — —

Mrs PEULICH — I was not in charge of FOIs, but let me say that, having had firsthand experience, if there are areas where the way that governments operate, especially in the take-up of public-private partnerships and greater involvement of the public sector in delivering services and infrastructure in a way that has not occurred decades ago, then obviously those laws are going to be tested and will need refinement and evolution and change. It reflects well on the Parliament to review these laws as the world changes and as the way that we do business changes.

Both are extremely important functions, one providing access to facts and documents and information not really available to the public. As Mr Barber said, often the excuse — not excuse but reason, though some of them are excuses — is that a document may be cabinet in confidence or commercial in confidence. The other function manages the protection of privacy and data, which is absolutely critical in this information age. These two functions need to be well balanced, but the proposed changes seem to combine the two. Surely having input from the current commissioner through an extensive consultation would create value and avoid any further legislative disasters.

It seems that the government has unfortunately taken a disliking to some of the actions taken by the privacy commissioner — for example, his position on the investigation of the Premier's attempts to audit his ministers' mobile phones and the fact that, in actual fact, it is a breach of the legislation that the commission is in charge of. It seems to me the commissioner has done the right thing — he has written to the Premier pointing out which particular parts of the legislation this engages to give him an opportunity to indeed rethink his course of action.

Of course this government is punitive — if you cross them, they will nobble you at the knees, which clearly they are doing here. Mr Watts did, after all, exercise his duty and function when he wrote to the Premier expressing concerns regarding his attempt to audit the mobile phones of MPs and possibly others. I think to treat the commissioner in this way, as it appears this government has, is a blow to an important pillar of the privacy, transparency and integrity regimes of Victoria.

We have heard the Special Minister of State wax lyrical about how this government was beefing up integrity regimes, centralising them under his function. I tell you what: that is proving to be a disaster. It is like putting the cat amongst the pigeons or Dracula in charge of the blood bank. Since this government took office there has been nothing that has reflected a commitment to greater integrity, greater transparency or greater accountability.

The fact that Mr Watts was told that he was too late to provide feedback in relation to the changes because cabinet had already approved them demonstrates that this process is already politically stained, politically driven and motivated to serve the agenda of the government's masters. Of course we know who the masters are for the Premier — those of the ilk of Peter Marshall and his union mates. That is the agenda that the Premier serves rather than the interests of Victorians.

These changes are a calculated response to the decisions which Mr Watts has taken in managing the legislative change imposed by the enactment of the Privacy and Data Protection Act 2014. It seems that the Community and Public Sector Union objected to some of these decisions. Mr Watts stated, and I quote:

... I had formed the view that a key reason for the introduction of the information commissioner model was that the CPSU had disagreed with management decisions I had taken (referred to above) and wanted the government to restructure to remove me.

That is basically the agenda — it is about converging two offices into one and thereby getting rid of those who you have not been able to place in your pocket. The actions of this government in targeting the privacy and data protection commissioner through premature legislative change prior to a root-and-branch review having been concluded, prior to consultation and prior to any recommendation such a review would bring to the fore is a very serious blow to Victoria's democracy. This is indeed serious retribution by this government, and this house should not cave in to actions which stink of some sort of payback or some sort of retribution.

If we think of this government's approach to payback, we think of the Country Fire Authority, we think of the dismissals of Melbourne Water board members and we think of sky rail, which all impacted on the lives of those in the south-east. We also think of Werribee. In his statement Mr Watts said that Mr Tony Bates, deputy secretary of the Department of Treasury and Finance, in a meeting on 5 May 2016, stated in relation to the government's proposals that 'the unions have long memories'.

As I said, to sack the commissioner, an independent authority charged with the responsibility of dealing with privacy and data protection, is callous retribution. For those reasons I support the opposition's call for this legislation to be referred to the upper house legal and social issues committee, on which I also have the pleasure of serving. With those few words, could I say that Victorians deserve an honest, transparent integrity regime, and agreeing to this referral will make it so.

Mr MORRIS (Western Victoria) — I also rise to make my contribution to the debate with regard to the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. I concur with my colleagues on this side of the house who have sought to have this bill referred to the legal and social issues committee to be reviewed. I believe that there are significant concerns about this bill and that the committee is well placed, under the chairmanship of Ms Fitzherbert, to examine those significant concerns, which have been discussed previously, with regard to this bill.

The purpose of the bill is to implement a commitment that the Andrews government made to overhaul freedom of information laws. However, I do not believe at this point and through this piece of legislation that we have seen evidence of it being done in a meaningful way.

This bill makes several amendments to the Freedom of Information Act 1982. It will abolish the office of the Freedom of Information Commissioner and establish the Office of the Victorian Information Commissioner. It will through these amendments reduce time frames for responding to FOI requests from 45 days to 30 days, and it will also provide for the appointment of an information commissioner and public access deputy commissioner. A further amendment to the Freedom of Information Act 1982 will provide powers to the information commissioner to review FOI decisions made by departments and ministers on the grounds of cabinet in confidence. I think that is something that would be exceptionally welcome.

We have spent much time in this house debating whether or not information should be released. Indeed the Leader of the Government was absented from this house for some six months as a result of not providing information to the house that the house had deemed should be released. It is important to note that nobody is above the powers of this house to compel such information, and if such information is compelled by the house, then the government is duty bound to provide it or, if not, then to at least follow the procedure

set down in our standing orders for determining whether or not a particular piece of information should be released. The standing orders that we have in place are there for a reason, and they are not there for the government to just ignore at its will.

This bill further seeks to amend the Privacy and Data Protection Act 2014. This amendment will abolish the commissioner for privacy and data protection, or CPDP, and confer these functions on the information commissioner. Further amendments provide for the appointment of a privacy and data deputy commissioner. Another act amended by this bill is the Victorian Inspectorate Act 2011. This amendment would enable oversight of the Victorian information commissioner.

One of the most significant concerns that has been discussed with regard to this bill is the way that it abolishes both the office of the Freedom of Information Commissioner and the commissioner for privacy and data protection and then establishes the Victorian information commissioner, with an information commissioner, a public access deputy commissioner and a privacy and data deputy commissioner. Combining these functions under an umbrella commissioner could well undermine the independence of these two offices.

We have seen this model implemented federally and in New South Wales, and it has not been effective. One might ask oneself why it is that we are going down a path that has been proven to have not been effective in the past, and I think it is an important question that the government has yet to answer. The legal and social issues committee is certainly the appropriate place for this bill to be referred to so it can be reviewed and so we can understand why it is that the government is seeking to do what it is doing.

I note there is a commitment from the government to review these laws. However, this particular methodology has not been proven to be effective in any way. I note the bill reduces the time frame for responding to FOI requests from 45 to 30 days. Indeed it also provides powers for the information commissioner to review FOI decisions made by departments and ministers on the grounds of cabinet in confidence, as we discussed before. The time frame provisions permit a department or minister to automatically extend requests by 15 days if consultation is required. So in effect what we are seeing here is a purely cosmetic change, because a minister has the discretion to change that time frame from 30 days to 45 days, as is currently in place, if consultation is

required. I am not sure of a circumstance where consultation would not be required in determining an FOI request if the minister has the discretion to decide to do it. So this change in time frame from 45 days to 30 days is something that in practice is going to have very little impact at all.

Like many of the other members who have made contributions I have had the misfortune of trying to lodge an FOI request under this government, and I have found it to be exceptionally difficult to do so — to go back and have to clarify or acquire — —

Mr Davis — Easy to lodge it.

Mr MORRIS — They are easy to lodge; you are right, Mr Davis. It is exceptionally difficult to get an acceptable response from the government in terms of gaining information. This government has lost sight of the fact that FOIs are important and that governments actually work for the people —

Ms Shing interjected.

Mr MORRIS — and if the people are after information, Ms Shing, it is important that that information is provided.

There have been significant issues. A particular FOI request that I put in with regard to the V/Line board's minutes came back. I hate to think of the cost of printing those particular minutes, because there was a lot of black ink, a lot of redactions, throughout those pages. They could have just been blank pages that were sent through for the information that was provided in them. I think there does need to be some review of these laws, and the legal and social issues committee is well placed to undertake such a review of the changes that this legislation will make.

I note there are several main provisions in this bill. Clause 6 establishes the new Office of the Victorian Information Commissioner and its powers and functions. Clause 7 provides the information commissioner with the power to develop professional standards to apply across the public sector. Clause 8 changes the time frames for response to FOI applications to agencies and ministers to 30 days. As I stated before, I think this is somewhat disingenuous because if you change the time frame from 45 to 30 days but then you give 15 days grace if there is a need for consultation, what we are seeing in effect is no change at all — we are remaining with the status quo as we move forward.

Business interrupted pursuant to sessional orders.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I acknowledge a former member in the gallery today, Mr Andrew Elsbury. Welcome.

QUESTIONS WITHOUT NOTICE

Youth justice centres

Mr FINN (Western Metropolitan) — My question is to the Minister for Families and Children. Minister, 7000 Wyndham residents turned up to a public meeting to oppose your government's Werribee youth jail on Monday of last week. There was the Labor mayor, Henry Barlow; federal Labor MP Joanne Ryan was there; and many of my state colleagues in this chamber joined me there, including Ms Crozier. Local community leaders were also there. Minister, what was more important in your day that you refused to be there or meet with the residents at any time last week?

Ms MIKAKOS (Minister for Families and Children) — I thank Mr Finn for his question, although clearly he could not think up an original question from the question that was asked in the Assembly in relation to these issues. What I can say to the member is that, as he would be well aware, I have been very open in informing those residents who did organise the protest last week that in fact I was going to be overseas during that time. In fact the member would be well aware that I did tweet a number of details of that trip whilst I was away.

We have been very clear in providing information to residents in the Wyndham community, through 2500 homes and businesses already having been letterboxed information about this project. Additional materials, including fact sheets, are being provided that will be distributed through a range of means, including online. Property developers have been contacted and provided with information about the project. As well, an in-person stakeholder briefing took place on Thursday, 9 February, with key youth justice oversight bodies, legal and community service organisations and stakeholders.

I met with Wyndham's mayor, Cr Henry Barlow, and the CEO of the council, Kelly Grigsby, on Friday, 10 February, and there have been further meetings since then between my department and council representatives. In fact Tim Pallas, as the local member, and I will be meeting with key community representatives very soon. It is my intention to meet with community representatives over the coming weeks. In addition we have established an information

line that is available Monday to Friday, and we have received a number of calls since it was established.

What I can say is that we have made it very clear what our preferred site is in relation to this particular project. In terms of the scare campaign that we have seen from members opposite, what I can reassure community members is that we are going to build the highest security youth justice facility that this state has ever seen.

Honourable members interjecting.

The PRESIDENT — Order! There is far too much interjection from those on my left. I do not know if you are doing it according to a roster, but it is obviously running up and down the run, and I do not want it to happen. The minister is answering the question. I actually think she has already answered the question that Mr Finn put to her, in substance, but she is providing information which I think some members of the house would be interested in hearing; certainly I am. The minister without assistance, thank you.

Ms MIKAKOS — Thank you, President. We have made it very clear that this is a project that this state needs. Those opposite failed for four whole years to act on an Ombudsman's report. We know they shelved a secret master plan to redevelop Parkville, and then we have seen Ms Crozier going out and saying she wants to commit to building a supermax. Every day over the last few weeks we have had different positions from the Liberal Party about where they would build their supermax. On one day Matthew Guy, in the Legislative Assembly, said he supports Werribee South. In fact he said on Neil Mitchell's program that he will not argue over the location.

Ms Crozier — He did not.

Ms MIKAKOS — He did so; it is in the transcript of the radio interview. We have had different positions — from Mr Ondarchie, from Mr Russell Northe in the Legislative Assembly — depending on who you ask. We have got the Liberal Party with more positions than the *Kama Sutra* in terms of where they would build their secret supermax facility. We are getting on with acting on advice.

Honourable members interjecting.

The PRESIDENT — Order! Ms Crozier, I have you down for a couple of questions — which might be telegraphing that to the minister, but I guess she would expect it anyway. But it might be necessary for somebody else to ask those questions if you are not

careful. Mr Finn on a supplementary question now that we have silence.

Supplementary question

Mr FINN (Western Metropolitan) — Minister, over the past two years you have managed to turn Victoria's previously well regarded youth justice system into the worst in the Southern Hemisphere, yet despite this you decided to fly to New Zealand on a taxpayer-funded junket and spend the week there rather than to solve the crisis that you created. Minister, why did you consider flying overseas on the taxpayer purse more important than meeting at any time last week with the thousands of people who are concerned about your ministerial actions and the impact on their livelihoods, the impact on their personal safety and the impact on their community?

Ms MIKAKOS (Minister for Families and Children) — Whilst I was in New Zealand I visited a youth justice facility; I visited their most recently built prison as well. I am taking the time and effort to make sure that this new facility is properly designed. We are going to make sure that the design specifications are in accordance with Neil Comrie's report. We are acting on the advice and making sure this is done properly, because the community in Victoria deserves a purpose-built, fit-for-purpose facility — unlike those opposite, who in 2010 received an Ombudsman's report and then sat on it for four long years — —

Honourable members interjecting.

Ms MIKAKOS — You were the minister, Ms Wooldridge, and you did nothing for four years — —

The PRESIDENT — Order! I was on my feet, but I actually have exactly the same point to make. Minister, through the Chair. You will find that if you direct your answers through the Chair there will be a lot less interjection on that side and certainly a lot less that I will tolerate. But when you point at people and, particularly, gesture as you were, it is provocation, and it makes it much more difficult for me to prevent that level of interjection. Minister, answers through the Chair, please.

Ms MIKAKOS — Thank you, President. I have every intention of having discussions with the community of Werribee South to give them information and reassure them about this project. We are getting on with building an important project for this state that is designed to keep the community safe. Those opposite failed to do so.

Youth justice centres

Ms CROZIER (Southern Metropolitan) — My question is also to the Minister for Families and Children. Minister, early today the Treasurer confirmed that the Werribee site was chosen over more than 15 other sites, including four in regional Victoria and 11 in metropolitan Melbourne. Can you provide a list of those sites that were considered and indicate which of them you undertook a detailed assessment of?

Ms MIKAKOS (Minister for Families and Children) — It is very interesting that when those opposite were asked about information that was cabinet in confidence when they were in government of course they respected the cabinet conventions and did not release sensitive details like that. Now that they are sitting on the benches on the other side the rules have changed. As the Treasurer indicated, the government did consider a number of locations, both in metropolitan areas and in regional Victoria. In fact if you look at the transcript from the Public Accounts and Estimates Committee hearing where the secretary of my department also responded to questions about this matter, she also indicated very clearly, as did I in Parliament in the last sitting week as well, that we had very strict selection criteria about this and it went to accessibility of services.

The Children, Youth and Families Act 2005, unlike what occurs under the Corrections Act 1986, does impose very clear obligations on the secretary around the kinds of services that need to be provided to young offenders so that we can ensure that they are rehabilitated. This includes access to family visits, for example. It includes access to the courts, because many of these young offenders are just charged; they are on remand, they have not been sentenced and they do need to appear before the courts on a regular basis. I have indicated to the house that the selection criteria did look at accessibility to matters such as health services, education services and transport services.

The fact that we considered both government-owned land and privately owned land meant that we could not go out to various communities and indicate that privately owned land might well be considered by the government for future purchase, because of course that would have driven up those vendors' prices. This is why these matters are always sensitively done, to ensure that we can get the best outcomes for taxpayers in this state. This is why we have gone through a rigorous selection process, and we have identified a preferred location.

As I said to the house last week, and as I said to the council's mayor and to the CEO, it is a genuine consultation process because we have said to the council if they can suggest an alternative location that meets all the selection criteria, then of course we will consider that. Those opposite are only interested in running a scare campaign to the community.

I lived for more than a decade less than 1 kilometre away from the Thomas Embling site, one that in fact the Kennett government imposed on that community without any consultation at all. It proved me wrong, and in fact the anxiety that the community had about that site at the time proved to be unfounded. In fact it has proved to be of no concern to the local community, despite the fact that it has been there for many, many years. So we will work with the local community —

Ms Crozier — On a point of order, President, I ask you to draw the minister back to the question that was very specific about the 16 sites the Treasurer referred to this morning. I ask you to draw her back to the question rather than the history lesson she is giving about where she has lived.

The PRESIDENT — Order! The minister's answer in respect of some of her personal experience I think is actually useful for us to consider, and I do not have a problem with the remarks she has made. They have not been attacking anybody; they have been a matter of her personal experience, which she brings to her answer, which I think is useful. In respect of addressing the specifics of the question in terms of naming locations, no, at this point the minister has not mentioned those. The minister has some time to finish.

Ms MIKAKOS — In fact I believe that I addressed that matter at the outset when I said that the business case is obviously a cabinet-in-confidence document for good reason. This has always been the case, regardless of who has been in government. We are providing as much information as we can to the community about the selection criteria, and as I said it is a genuine consultation process. We have invited the council to suggest an alternative location that meets all of our strict selection criteria —

The PRESIDENT — Order! Thank you, Minister.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, of those 15 other sites, how many of the sites assessed met the criteria that you have just outlined?

Ms MIKAKOS (Minister for Families and Children) — Clearly Ms Crozier has not been listening to a word I have said, because I have just indicated to the house that we had strict selection criteria against which every single site was assessed. The business case has concluded what is the preferred location.

In fact I have made it clear publicly that one of the last pieces of advice that the business case was waiting on was in fact Neil Comrie's advice, because one of the very real options — one that Matthew Guy seems to favour on some days — was the redevelopment of the Parkville site. In fact Neil Comrie, a former Chief Commissioner of Police, said that we should not redevelop on the Parkville site because that site is not appropriate. That was the last part of the business case — to assess all of the locations, including Parkville — and the business case gave us the preferred location. As I said, it is a preferred location and we are going to engage in community information sessions to inform the community about this project.

Youth justice centres

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and Children. Minister, when did you or your office first speak with or provide advice to the member for Werribee about building a youth justice facility in Werribee South?

Ms MIKAKOS (Minister for Families and children) — I think I have made it very clear in this house before that I do not discuss matters that are discussed in cabinet or in cabinet committees, nor do I discuss private conversations I have with colleagues, as one would expect. What I can say is that Mr Pallas has been a terrific advocate for the west, unlike those opposite, who have delivered nothing for the western suburbs. He is a person who, as Treasurer, not only has the best interests of the state at heart but also is a person of great compassion that we should be very grateful for. As Treasurer he has seen fit to ensure that social services in this state are properly funded to give young people the opportunities that they need to get on and find a job, to get a great education, to go to TAFE and to have support, if they are disadvantaged, through funding through our social services. I am very proud of the fact that he is a terrific Treasurer for this state and a terrific advocate for his local community.

What we have seen here is crocodile tears from those opposite, who could not give two hoots about the west. These people could not give two hoots about the west. They have never cared about the western suburbs; they never cared about the northern suburbs — —

The PRESIDENT — Order! Minister, it is my view that you are now debating the matter. I understand your advocacy for the Treasurer's support for the west, and given that the question involved the Treasurer I think that was appropriate comment, but now I think you are moving into an area of debate. The question was quite narrow.

Ms MIKAKOS — Thank you, President. I have responded to the question, but the point that I make is that we are getting on with delivering the infrastructure that Victoria needs. A youth justice facility has to be addressed. We are going to build a fit-for-purpose, high-security youth justice facility that this state needs. Sadly, it should have been built years ago. When Mary Wooldridge was the minister she was on holiday for four years and this project did not happen. But we have to make amends for the neglect of the past. I cannot undo what was not done for four whole years, but we are getting on with delivering an important piece of infrastructure.

We will work with the community there, we will reassure them, we will provide them with the information that they need and they will have input into the design of this facility as well. There are some non-negotiables of course around the security imperatives here, but this is an important project that we are getting on with delivering. Those opposite are not being honest with the community. They are not being honest with the community around the various positions of their leader and their colleagues.

The PRESIDENT — Order! Minister, again you are debating. Now, I actually let you get away with a couple of other comments which really did flout the remarks that I had made and my guidance to you. But now when you pick up papers and say that you are actually going to go through opposition positions, you know that is not within the guidelines for our questions and the answers to our questions. Certainly it is going to debating. So, please, the question was extraordinarily narrow, and I do not think it would take too much to address the specific question rather than go back over some other matters that you seem to be keen to pursue.

Ms MIKAKOS — Thank you, President. The opposition are very interested to pursue conversations that the members of the government have, but perhaps they need to have a few conversations amongst themselves, because they are all over the place on this issue. Matthew Guy — —

The PRESIDENT — Order! Minister, I sit you down on the question.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, the member for Broadmeadows in the other place said last week, and I quote:

Imposing a jail for people convicted of heinous crimes ... without consulting the community, the local council or its parliamentary representatives is outrageous and arrogant.

Given 16 sites were identified as potential youth justice facilities, which other MPs did you speak to regarding a proposal for a youth justice facility in their communities, and when did that occur?

Ms MIKAKOS (Minister for Families and Children) — The member opposite is now referring to a federal government immigration detention project, not anything to do with a youth justice facility whatsoever. So Ms Crozier can come in here and selectively quote from different people about different projects that have nothing to do with my portfolio responsibility whatsoever. If you have got concerns about that project, call your federal Liberal mates and have a discussion with them about it. I have already addressed this matter in response to the substantive question —

Honourable members interjecting.

The PRESIDENT — Order! I have given some guidance to the minister, and the minister has accepted that guidance. It is not appropriate then that she faces a barrage from the opposition. The minister, without assistance.

Ms MIKAKOS — Thank you, President. They can ask questions but then they do not want to hear the answers. So I have responded to the question in response to the substantive question where I said I am not in the business of discussing private conversations that I might have with my colleagues. They are all working hard on behalf of their electorates to get the best possible outcomes for their communities but also for the whole state of Victoria.

The PRESIDENT — Order! Thank you, Minister.

Youth justice centres

Mr FINN (Western Metropolitan) — My question is also to the Minister for Families and Children. Minister, you recently told radio 3AW, and I quote:

... Werribee South is the government's preferred location, but it is in discussions with Wyndham City Council about the best place to put it.

If the council was to say there is other land within the municipality that meets all the criteria that we need, obviously we would consider that ...

The Wyndham council and its community have come out strongly against the preferred site. So, Minister, given your comments to 3AW, is this location the final, locked-in site for your youth jail, or is the government now thinking of and investigating alternative sites?

Ms MIKAKOS (Minister for Families and Children) — In fact Mr Finn has been happy to quote me on 3AW. They are the exact same comments as I have made in question time today. I stand by the comments I made on 3AW, and I stand by the comments I made earlier today in question time.

By contrast Mr Finn and Ms Crozier seem to deny their leader's comments on 3AW — their leader's comments being interviewed by Neil Mitchell — where he was saying he is not going to argue over the site. That is what Matthew Guy said. So I stand by the comments that I made. We made it very clear when we announced this. Have a look at the media release, Mr Finn. It says the 'preferred' site. It does not say final site; it says the preferred site. So what does that mean, Mr Finn?

Honourable members interjecting.

Ms MIKAKOS — I think Mr Finn has got his ears painted on. I cannot make this any clearer to you, Mr Finn, that I have met —

Mr Jennings — Through the Chair.

Ms MIKAKOS — Through the Chair, President, I have met with the mayor and the CEO of that council and made it very clear that we are open to alternative locations if the council can suggest an alternative location that meets all of our strict selection criteria. So you can run a scare campaign in that community and make the community anxious about this project, but you need to explain where you would put your supermax, Mr Finn, because Ms Crozier has committed you to a supermax. That is what she said late last year, and you have had at least six members of the Liberal Party suggest alternative locations. You have had different members of the Liberal Party and the National Party suggest different locations. So you might have a secret plan for where you are going to put this facility, but I think it is about time to fess up and tell the community of Werribee South where you would put your facility.

We are being up-front in saying to the community of Wyndham that that is our preferred location. I look forward to having conversations with community

residents and with representatives in the coming days about this issue. We have intended all along to put on numerous information sessions to give the community information about this project, and we will be doing exactly that.

Supplementary question

Mr FINN (Western Metropolitan) — My supplementary question to the minister is: given that the opposition leader in the Legislative Assembly, Mr Guy, has made it very clear that the opposition opposes Werribee South as the site for this youth jail and given that the government is now looking at alternative sites, are those alternative sites limited to Wyndham or have you expanded to broader locations such as Dandenong and Craigieburn?

The PRESIDENT — Order! Can I hear that question again, Mr Finn?

Mr FINN — Certainly, President. Given that the Leader of the Opposition, Mr Guy, has made it very, very clear that the opposition opposes a youth jail at Werribee South and given that, as the minister has indicated, the government is now looking at alternative sites, is that new site limited to Wyndham or has she expanded to broader locations such as Dandenong and Craigieburn?

Ms MIKAKOS (Minister for Families and Children) — The preamble to Mr Finn's question was really inviting a response because, as is apparent from all the media reports, we have had Mr Guy advocate for the redevelopment of Parkville and for the facility to go to Malmsbury. We have had him say on Neil Mitchell's program that he supported Werribee South. We have had Mr O'Brien and Mr Northe in the Legislative Assembly talk about sending it to Gippsland. We have had backbenchers last week talk about Ballarat — so maybe that is your secret plan — and we have had Mr Ondarchie and now Mr Finn talking about Craigieburn. Dandenong has been thrown into the mix. President, we have made it very clear — —

Mr Finn — On a point of order, President, my question, I think, was fairly clear about the location that the government intended for this facility, nothing to do with the opposition's position, and I ask you to bring the minister back to the question.

The PRESIDENT — Order! It is fairly easy to rule on this one because indeed there was a preamble and the preamble did invite therefore the minister to comment on not just what you wanted to know but indeed what you said. The preamble is what the minister has chosen to respond to, and I am not in a

position to advise her on how she should answer. If the preamble is there, she is very much entitled to pursue that line in her answer.

Ms MIKAKOS — And I will, President, because those opposite are not being honest with the Wyndham community. Mr Finn is now inviting Wyndham council to nominate sites outside their municipality.

The PRESIDENT — Order! Thank you, Minister.

Youth justice centres

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and Children. Minister, following the riots that occurred earlier this year, which trashed Parkville and terrified staff, you were with Mr Ian Lanyon at a press conference where ice was blamed for the riots. Minister, how many incidents of young offenders using or found to be in possession of the drug ice have there been since July 2016 in the Barwon, Malmsbury and Parkville youth justice facilities?

Ms MIKAKOS (Minister for Families and Children) — Ms Crozier has a habit of coming in here and just putting out incorrect information. Last sitting week she claimed that there was an incident on a particular day and that kids had climbed up on the roof at Parkville when that had not happened. Mr Guy and Ms Crozier have reeled off dates of incidents late last year when about half of those did not occur on the dates claimed, and she keeps putting out figures like 30 riots when she knows full well that that is not correct. Now she has attempted to verbal Mr Lanyon.

Ms Crozier — On a point of order, President, my question was fairly clear. I just want the minister to answer it. I would ask you to draw her back to the question in relation to the ice incident that was referred to in the press conference that she and Mr Lanyon gave following the trashing of Parkville on 7 January.

Mr Dalidakis — On the point of order, President, I have two points to make. The first one is that the minister is only 36 seconds into her reply, with 4 minutes given. The second one is that you have afforded other members the opportunity to re-ask their question because of noise in this place, and I ask you to consider whether or not the minister can have the clock restarted, because I am struggling to hear her from where I am sitting.

The PRESIDENT — Order! Mr Dalidakis, I must say there are times when I do consider inviting a minister to have the clock reset and then I think I will be kind to the minister and I will not insist, because I

think there are times when a minister is quite pleased to see that clock tick over and finish.

An honourable member interjected.

The PRESIDENT — Order! Perhaps not this minister. At any rate the minister is only briefly into her answer and has significant time still available to address the specifics of the question put to her. I would again caution the minister about debating and about ensuring the information that she is addressing is actually relevant to the question that has been asked. In terms of her answer so far, the minister was questioning, I think, whether or not the reference that you made to the press conference was actually accurate, and in that sense the minister is entitled to do that and I did not regard that as debating. The minister to continue, without assistance but without debate.

Ms MIKAKOS — President, I can assure you that 280 seconds is just not enough time for me to talk about all the inaccuracies of Ms Crozier in this space. But the point I was making was that Ms Crozier is verballing Mr Lanyon in terms of what he said at that doorstep, because unlike Ms Crozier I was there. I recall the questions and the answers very clearly, because Mr Lanyon was giving an explanation about the volatile nature of the young offenders in these facilities.

In fact he gave an explanation that I have given in this house and at media doorstops on multiple occasions, so in fact what Mr Lanyon said was nothing new in that sense. He was talking about the fact that many young offenders who come into our youth justice facilities on remand have been picked up off the street by the police. They have been remanded into custody on many occasions whilst drug affected. He was not talking about contraband at all, Ms Crozier. He was not talking about contraband and drugs coming into the facilities; he was talking about young offenders being remanded into custody whilst they are drug affected. I have explained to this house on numerous occasions that we have had an increasing number of young offenders coming in drug affected, which is presenting a challenging set of circumstances for the staff, who work incredibly hard to respond to these matters.

This is why we as a government are undertaking a complete overhaul of our youth justice system — something those opposite did not do. This is why I have asked Penny Armytage from KPMG as well as Professor Jim Ogloff to conduct a review of our youth justice system. They are looking at the gaps in our system and how to better respond to issues around mental health and around drug and alcohol behaviours. The work that they have done has already fed into the

commitment that the government has made that in this new fit-for-purpose, high-security youth justice facility — that our government has committed to building and has committed \$288 million for, I point out — we will have 12 dedicated mental health beds, which is something that our youth justice system has lacked for years and something that we have needed to have for years. These beds will make sure that young offenders who are drug affected, who might be at risk of self-harm, can be properly treated on their path to rehabilitation and reintegration back into the wider community.

We are making these investments to make sure that we can rehabilitate young offenders, and this is why we are investing in not just the infrastructure that we need but also the programs and the services that we need. We have already invested in funding for more mental health clinicians; we already have funded 10 mental health clinicians to come into our facilities to work with these vulnerable young offenders as well.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, last sitting week the Special Minister of State stated that security and safety:

... is sometimes exacerbated by being able to procure ice while in custodial arrangements, making them —

young offenders —

a monumental risk to other people within that facility ...

What advice have you received from your department on young offenders procuring ice and other drugs within youth justice centres, and what actions have you taken to ensure that it is stopped completely?

Ms MIKAKOS (Minister for Families and Children) — The member's supplementary question was actually not apposite to the answer that I gave, because in fact I was explaining to the member, in response to her question, that the comments that Mr Lanyon made were about young people coming into the facilities who are drug affected when they are picked up by police outside in the community. Clearly the member does not want to understand this or is choosing not to understand this. Mr Lanyon made it very clear at that doorstep, because there was one journalist who wanted to pursue a similar line of questioning, that the issue of contraband is not a significant issue in our youth justice facilities. Around the specifics of illicit drugs I will provide the member with a written response.

Youth justice centres

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and Children. Minister, last Monday, when 7000 residents were protesting against your youth justice jail in Werribee, another riot occurred at Barwon’s youth justice prison. Minister, were any of the rioters last Monday night the same young offenders that trashed Parkville or escaped from Malmsbury, and if so, how many?

Ms MIKAKOS (Minister for Families and Children) — Unfortunately there was a very concerning incident that occurred at the Grevillea unit at Barwon Prison last week.

Honourable members interjecting.

Ms MIKAKOS — Those members opposite can make jokes about the important work that ministers do in looking at how to improve our child protection system and our youth justice system. I am going to make no apology for the fact that I spent four days in New Zealand having about a dozen meetings with members of the judiciary, with government officials, with police, with non-government organisations and with many others — and young people in fact — talking about their youth justice system and their child protection out-of-home care system to make sure that we can make the reforms that are needed in our state, because nothing happened for four years when those opposite were asleep, but we are interested in exploring ideas to make sure that we can reform our system. Maybe if you actually got out of Toorak and the cafes of Toorak you might actually find some policy ideas to put about rather than just flip-flopping every day about the location of your supermax facility, Ms Crozier.

Mr Ondarchie interjected.

Ms MIKAKOS — Mr Ondarchie, if you want to — —

Ms Crozier — At least I have had a real job, unlike you.

Ms MIKAKOS — Goodness gracious, we have got the scab opposite saying that I have never had a real job.

The PRESIDENT — Order! Minister, can I say that you just saved Mr Ondarchie’s skin, because it would be fairly difficult for me to throw him out and not throw you out at the same time when in fact you have got a question to answer. Mr Ondarchie should be appreciative — or not! — to the minister.

Minister, I regard the remark you made across the table as offensive, not just as a word but particularly in the way it was put. I do understand that you were provoked by a comment, but nonetheless that was an unparliamentary comment to make, and I would seek a withdrawal.

Ms MIKAKOS — I withdraw that comment.

The PRESIDENT — Thank you.

Ms MIKAKOS — But I also seek that Ms Crozier withdraw the claim that she made that I have never had a real job, despite my working as a lawyer for seven years before I came to this Parliament.

Honourable members interjecting.

Ms MIKAKOS — Well, if you are going to take offence at comments, then I will ask you to withdraw that comment as well.

The PRESIDENT — Order! The remark made by Ms Crozier was unhelpful. It was not appropriate as an interjection. It was not unparliamentary in the same context as the one that was returned. In that sense I will not seek a withdrawal in this instance, but I would caution members about the sorts of remarks they make and the provocation that some of those remarks represent. That was a most unnecessary remark.

Ms MIKAKOS — The situation at Barwon Prison was a very concerning incident. This matter is currently subject to police investigation, therefore police will be identifying those perpetrators who were involved in that specific incident. Until that police investigation has been completed I think it would be premature to respond to the details of this particular matter. What I can say is that we do take the safety of both the staff and the young offenders in these facilities very seriously. This is why we are making the necessary changes to improve the system. This is why we have already made changes in terms of the general managers of our three youth justice facilities — to have them managed by experienced Corrections Victoria staff. We have had 40 Corrections Victoria staff come in as well, with the expertise, the training and the equipment to address these issues. We are also making a machinery of government change that will see our entire youth justice system transferred from the Department of Health and Human Services to the Department of Justice and Regulation in early April.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, despite assurances from you that Barwon is the most secure youth justice facility, we have seen toilets smashed, staff assaulted, capsicum spray used, educational opportunities withheld, human rights cases lost, other young offenders bashed and now further youth justice riots at that facility. Minister, given you have lost control of a third youth justice centre, is it not the case that the continued riots relate not to the quality of the facility young offenders are in but your mismanagement of the young offenders who continue this behaviour?

The PRESIDENT — Order! Ms Crozier, I will give you an opportunity to rephrase. From my point of view — and I do not have the question in front of me — and from my understanding of that question, it is actually very broad and I do not think apposite to the original question, which was quite specific.

Ms CROZIER — Minister, given that you have lost control of a third youth justice centre, where continued riots are occurring, can you again answer the question of whether those riots that occurred last Monday have been undertaken by young offenders that trashed Parkville or escaped from Malmsbury?

The PRESIDENT — Order! I will give the minister an opportunity to respond if she would like to — I know she loves the time! — but I do also make the observation that this rephrased question is remarkably similar to the original, therefore it is certainly apposite.

Ms MIKAKOS (Minister for Families and Children) — Given that the supplementary question is identical to the substantive question, I refer the member to what I said in response to that substantive question. Ms Crozier has a complete misunderstanding of the roles of ministers. Ms Wooldridge did not strap on her riot gear and run in whenever there was an incident when she was the minister, and clearly there is a separation between — —

Honourable members interjecting.

Ms MIKAKOS — Maybe Ms Wooldridge did when she knocked off David Davis as leader. She might have put on her riot gear then, but there is a separation, Ms Crozier, between the minister's role and operational roles. I do not accept the premise of your question at all. We are working incredibly hard to reform our youth justice system. The Grevillea unit is a very secure facility, and the staff there are working in very challenging circumstances.

Parks Victoria

Mr PURCELL (Western Victoria) — My question is to Minister Jennings, representing the Minister for Energy, Environment and Climate Change. Amongst others, Parks Victoria is responsible for Tower Hill, Mount Eccles and the Lower Glenelg National Park in western Victoria. Due to a ranger cutting back in 2014, the camping facilities in these parks have become overgrown. I understand that in many cases the camps have thistles up to the waist and that in some cases you need to use a machete to clear walking tracks. My question is: will the government reverse these cutbacks and engage additional rangers to care for these parks?

Mr JENNINGS (Special Minister of State) — I thank Mr Purcell for his question. I have got good news. When this question time started there were thistles in Mount Eccles National Park, but I think by the time that I am answering his question there is some good news about their clearing. So I think we should take some joy from the fact that we have been productive of recent days if not right up until this current day.

We do actually appreciate the significance of Mount Eccles National Park. Indeed I have to say that about a decade ago I was part of a very, very deeply moving — profoundly moving — native title settlement ceremony that took place at Mount Eccles National Park. Indeed the Gunditjmara people had a great day of joy from that event, and continually the significance of the lava flow that comes from Mount Eccles through the Lake Condah region right through the Budj Bim National Heritage Landscape right down to the coast is something that will underpin great economic development potential and Aboriginal cultural heritage pride in the south-west.

The government does clearly understand the significance of that landscape and the significance of parks generally to Aboriginal peoples throughout the state. Indeed there are somewhere in the order of 11 000 registered Aboriginal heritage sites throughout the Parks Victoria landscape. We actually understand that is a very significant part of our cultural and natural heritage in Victoria. Indeed it would be an aberration if in fact environmental values had been degraded because of a lack of investment in parks. In fact that was a feature of the administration that preceded the current government. During the course of this term we have increased the resources available to Parks Victoria significantly. In our first budget somewhere in the order of \$13 million was allocated to improving our overall capability of parks, followed up by a further \$20 million in the last budget, and I would look out for

further improvements to the resource allocation to Parks Victoria because we do accept the point.

On the reason why I can actually say that we have got some good advice about the thistles in Mount Eccles, it is because there are three major walking trails within Mount Eccles and a significant amount of work has been organised in the last few weeks. This has seen a crossover of Parks Victoria staff, a summer ranger, professional firefighters from Nelson, Portland and Halls Gap and indeed Budj Bim rangers from the Windamara land management staff actually undertake a significant amount of work to clear those walking trails. The Crater Rim and Lake Surprise walking tracks, I understand, were cleared in January, and the last, the Lava Canal walk, was reopened within the last few days.

So whilst Mr Purcell talks about that intrusion of thistles as being something that warrants a machete, my advice is actually very interesting — that the traditional way, apparently, of clearing these introduced species was by whipper snipper. But in fact I think whatever technology you use, the critical issue is how many people you allocate to it, how much you actually focus on the need to protect those environmental values, how we rebuild the capability of our Parks Victoria staff and the engagement, very importantly, of the Windamara land council management of Mount Eccles, of Lake Condah and of the Budj Bim landscape into the future. We do accept the point that you cannot turn a blind eye to the proliferation of introduced species such as thistles, and we will do our best to keep on top of them.

Supplementary question

Mr PURCELL (Western Victoria) — I appreciate the minister's exceptionally good answer and his knowledge of the Mount Eccles area. Back in 2014, when the reduction in park rangers was implemented, there was also a significant increase in fees in the national parks. In particular Mount Eccles fees went from \$13 per night — I must admit I had used it myself — to currently \$46.50 per night. That is a lot for people for the very limited facilities that are provided. There was a \$10 million shortfall in providing facilities to income at that time. I just ask the minister whether that increase in fees has covered that shortfall in the provision of those services into parks.

Mr JENNINGS (Special Minister of State) — I thank Mr Purcell for his concern. He is quite right to say that in fact there are increased user charges that apply to access to our national park estate, and there is an implied if not a moral obligation to provide better amenity and services not only to support the visitor

experience but in fact to protect environmental values. That I take on notice on behalf of the government. In fact this is something that is incumbent on us to balance correctly and to try to make sure that we do reinvest any revenue that is derived so that the users of the park can actually see a result in terms of the increased impost in terms of the quality of the camping sites, the quality of water provision, the sewerage that may apply and the septic tanks that may apply within those facilities and so that ultimately — going back to his substantive question — the visitor experience is actually a positive and fulsome experience for people exploring our natural landscape.

Drug crime statistics

Ms PATTEN (Northern Metropolitan) — My question is for the Minister for Police, represented by Minister Tierney. On Friday I launched a campaign in Richmond to end the needle nightmare, where we are seeing thousands of used needles in streets, Richmond traders losing business, residents having to resuscitate people who have overdosed and, very sadly, 34 tragic deaths every year. It is having a devastating effect on parents, children and of course other family members. During the launch there were police down a laneway just off the car park picking up needles. There was also a dealer dealing openly in the car park just a few metres away, in full view of the media and the crowd. My question is: how many police hours were spent dealing with heroin-related incidents, including overdoses, in the most recent annual reporting period?

Ms TIERNEY (Minister for Training and Skills) — I thank the member for her question. Obviously, as she has stated, this is a question for the Minister for Police, and indeed the question she asked is quite specific. I will endeavour to make sure that that answer is provided by the minister.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I look forward to that response. I am also very interested in how many arrests were made for possession, as compared to trafficking, in the Richmond area, again in the most annual reporting period.

Ms TIERNEY (Minister for Training and Skills) — Again, I will seek a response from the Minister for Police.

Duck season

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Agriculture. Minister, I took a little drive on the weekend up to Lake Elizabeth

at Kerang, which is a site I know you are familiar with, because I was told that there were quite a few freckled ducks up there and I wanted to see that for myself — about three dozen of them, I was informed. Certainly from my own observation there are a large number of freckled ducks up there. I have also been informed that at Connan Swamp there are 81 freckled ducks along with Australasian shoveler and blue-billed duck; at St Marys Lake, similar numbers of both species; and at Lake Natimuk, Australian shoveler and freckled duck. There is the critically endangered curlew sandpiper at Lake Murdeduke, also from the same source of information. Minister, along with Lake Bullrush and Lake Kennedy, which also contain threatened species, will you close these wetlands before the duck season commences in order to make sure that all these protected birds are not being illegally shot?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his question and congratulate him on his tour of regional Victoria. He has been to some beautiful places. What I would say is that no wetlands will be closed on the basis of the assertions that Mr Barber makes in the Parliament. That is not the process. What is currently occurring is the on-ground wetlands surveys. This is the normal course of events, and advice will come to me and the Minister for Energy, Environment and Climate Change between now and the opening of the duck season to provide us with contemporary information about where closures are necessary. We will respond to that advice in a timely way before the commencement of the season, which is 18 March.

Supplementary question

Mr BARBER (Northern Metropolitan) — We know that Mr Young and his well-armed friends get very sooky when you close wetlands at the last moment. We are three and a half weeks from duck season now. Why is it that you are not able to answer my question today? Are you still waiting for some further information that has not been provided to you yet?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his interest in this matter. As I indicated, these surveys are currently underway. These surveys need to be conducted reasonably close in time to the opening of the season so that the information is as contemporary as it can possibly be. Mr Barber made reference to the very late notice closure at Lake Elizabeth last year, and as I have indicated in this house on numerous occasions we had some very unsatisfactory arrangements in place to enact prior closures. The Parliament has subsequently made some

changes to legislation to provide us with a much more streamlined set of arrangements for rapid closures but also then openings, because the same process is in place for reopening a closed wetland. Those arrangements are in place this year.

I think it is worth noticing that the survey that was conducted prior to the announcement of the duck season for 2017 did find that the great rainfall that we had last winter has resulted in a significant increase in breeding and extensive and widespread habitat availability, so we are not anticipating the same kinds of challenges as we had last time, but we will have a better system in place to manage them nonetheless.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 5281, 7609, 7673, 7701–2, 8519–20, 8933–4, 8958, 8960, 8971–2, 8996, 8998, 9005–406, 9408, 9423–722, 9725, 10 192–479.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In respect of today's questions, for the first question by Ms Crozier to Ms Mikakos, the substantive and supplementary questions I would seek a written response on. The minister did provide some information as to why she felt that some of that could not be provided, but I think that warrants some further consideration. For Ms Crozier's second question to Ms Mikakos in regard to discussions about the preferred site or indeed other sites with MPs, with colleagues, in the case of both the substantive and the supplementary questions it is one day. Mr Finn's question to Ms Mikakos, the supplementary question, that is one day; this is the second one of his questions. Ms Crozier's third question, both the substantive and supplementary questions, that is one day; and Ms Patten's question, both the substantive and supplementary questions to Ms Tierney, that is two days.

CONSTITUENCY QUESTIONS

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is addressed to my colleague in the other place the Deputy Premier and Minister for Emergency Services, the Honourable James Merlino. I

note that last Monday the minister announced the first round of grant recipients for the emergency services volunteer sustainability grant program, which totalled more than 250 grants worth almost \$5 million. I was pleased to find out that of the recipients announced 14 beneficiaries are in my electorate. This includes brigades and clubs from Williamstown, Werribee, Sunbury, Essendon, Altona, St Albans and Kororoit.

The grants cover things ranging from facility improvements to operational equipment and training. In total the grants issued contributed to over \$300 000 in extra funding for emergency volunteers in my electorate. The question I would like to ask the minister is: how will these grants assist emergency volunteers in western metropolitan Melbourne to keep communities safe and when can we expect a second round of grant recipients to be announced?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Families and Children. Minister, we have heard you at length for the last sitting week and a little bit tell us that you are a great believer in consultation and that your consultative style will suit and be very pleasing to the people of Werribee in my electorate regarding your decision to impose upon them a youth jail in Werribee South — a youth jail which would be just up the road from residential housing and just up the road from a university, from a school, from a medical centre and indeed from a hospital. Given that you have not actually spoken to anybody in the Wyndham area about this particular facility, what is your definition of consultation?

Mr Dalidakis — On a point of order, Acting President, that does not meet the rules of constituency questions, and furthermore it was factually incorrect, as evidenced by the minister's responses during question time anyway.

The ACTING PRESIDENT (Mr Elasmr) — Order! I thought the question was in order and relevant, so there is no point of order.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Local Government. Community members in Nillumbik shire are rightly very concerned that their council's newly established Future Nillumbik Committee will reduce accountability and transparency of local government decision-making. I understand that in an alarming

departure from previous procedure the new committee will only decide on planning matters a ward councillor or two non-ward councillors call in; otherwise the decision will be delegated to officers. Moreover, only community members who have already made a formal written submission to council will be allowed to speak. The Nillumbik community deserve to have meaningful input on matters that affect their quality of life and the amenity of local areas. Will the minister make representations to Nillumbik Shire Council to ensure that the community are heard on local planning issues?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is to the Minister for Families and Children and Minister for Youth Affairs, and it relates to the Kimberley Place project. Kimberley Place is one of the areas in my electorate that is facing rapid population growth. This project involves a redevelopment of the Chirnside Park Community Centre that will improve integrated early-years places, which are much needed in that community. I ask that the minister clarify when that new facility will be open and when it will be able to be used by children and families.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Public Transport, and it is again regarding maintenance of the VicTrack culvert between Numurkah and Wunghnu. Last year the community contacted me to advise me that these culverts were in serious need of maintenance as they were overgrown and, among other things, presented a flood risk to the area. This seems to be an issue that the government just cannot get right. I wrote to the minister about it last year. The minister replied to my letter and said the works would be completed by the end of 2016. They were not.

After raising this issue again during the last sitting week, I have been advised by my constituents that the culvert south of the intersection of Katamatite-Nathalia Road and the Goulburn Valley Highway has since been cleaned out. However, my constituents say it was a half-hearted job. The community is not impressed by the Andrews Labor government's further display of disregard on this issue, so they have asked me to follow this up once again with the minister. My question of the minister is: when will the government act to clean out these culverts properly?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Health. I was very pleased yesterday to be able to attend the opening of the Gardiner-Pittard Building, which is the new building at the Ballarat hospital that was funded by the former Liberal government. However, what we have seen of late at the Ballarat hospital is a skyrocketing elective surgery waiting list. The percentage increase from when the former government left office to now has been 53 per cent. Over 500 additional people are on the elective surgery waiting list in Ballarat. The reason for that is that in this wonderful Gardiner-Pittard Building there is a ghost wing; there is a wing of the hospital that is yet to receive the funding required to fit out the operating theatres that our community desperately needs. The question that I ask is: when will the government commit to the desperately needed funding to fit out the ghost wing at the Ballarat Base Hospital?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My constituency question is to the Minister for Roads and Road Safety. I have been contacted by a constituent, Mr Rye of Boolarra South, who is concerned about the new speed limits introduced through South Gippsland, which have reduced the speed limit from 100 kilometres per hour to 80 kilometres per hour. The constituency question that I have for the minister is: can he provide an explanation as to why the speed limits have been reduced and whether these reduced speed limits are a permanent fixture or whether they reflect the deteriorating road conditions in the area, which are a result of cuts to road maintenance funding?

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My constituency question is for the Minister for Agriculture. Gippsland and Mornington Peninsula members of the Avicultural Society of Australia are greatly concerned that their longstanding practice of selling canaries and caged birds at expos will have to cease. The first sale for the year is in March, with hundreds to follow. All these sales are currently illegal.

Many sales have been run for in excess of 100 years without incident. Minister, on 16 January this year you gave a commitment to the Canary & Cage Bird Federation of Australia and other bird group representatives to provide an exemption for caged birds from section 96 of the Domestic Animals Act 1994,

using powers under section 5 of the act. This was to take place by the end of the month and is in accordance with recommendation 18 of the inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016. Minister, do you intend to still honour this commitment that you gave to the Canary & Cage Bird Federation of Australia?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Regional Development, who is responsible for the Department of Environment, Land, Water and Planning. It is in relation to the Anglesea Surf Lifesaving Club, which is seeking approval for a \$5 million building development at Anglesea. The club firstly needs to obtain a coastal management consent from the minister because the surf club sits on Crown land, and it needs that consent before it can make a planning approval permit application to begin the development work. My question to the minister responsible for the department is: what stage is her office at in signing off on the coastal management consent to allow the Anglesea surf club to go through the planning approval process with the proposed building development?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My constituency question is to the Minister for Police in the other place, and it relates to CCTV cameras in Fitzroy Street, St Kilda. After a very long campaign of some years, these cameras were finally installed on 16 December last year for use by police, who had campaigned for their use. Eight hours later they stopped working because of a problem with the earthing of the electrical equipment that was part of their workings. As of 25 January, which is the last time there was an update, only four of the cameras were working. These were funded by the City of Port Phillip and the Department of Justice and Regulation.

My question is: what effort is being made by your department to ensure that these cameras are finally working, two months after they were installed, which was greeted with great fanfare by the local member?

**FREEDOM OF INFORMATION
AMENDMENT (OFFICE OF THE
VICTORIAN INFORMATION
COMMISSIONER) BILL 2016**

Second reading

Debate resumed.

Mr MORRIS (Western Victoria) — I will pick up where I left off. I was discussing some of the significant areas of concern regarding this particular bill. I know that the government has flagged that there is going to be a ‘root and branch review’ of FOI in the future. Yet what we are seeing is the implementation of this major structural reform — the combining of the two offices, the offices of the Freedom of Information Commissioner and the commissioner for privacy and data protection — occurring before the significant review is carried out. One rightly asks: why is it that the government is choosing to do it this way? Is it because the government is trying to get rid of the people in these current roles? What is the underlying cause of the government’s attempt to do this?

The existing structures of the two organisations, the office of the Freedom of Information Commissioner and the commissioner for privacy and data protection, have been in place for quite a short period of time. These two organisations have been in place for less than two years in their current structure. One would rightly ask: after they have worked well and after certainty has been provided to the community about how they are going to work, why is the abolition of these two organisations occurring in the way that it is?

Obviously the combining of the office of the Freedom of Information Commissioner and the commissioner for privacy and data protection and their functions under one umbrella creates significant concerns, particularly for the independence of these two statutory offices as they are now and the control of the resources of the information commissioner as well. As I stated before, this model has failed elsewhere. It has failed in New South Wales as well as in the federal jurisdiction. One would rightly ask: if we have seen this fail in the past, why would we continue along this path?

Mr Dalidakis — Why?

Mr MORRIS — It is a good question that is asked: why would this be done?

Clause 8 permits an agency or minister to automatically extend the period of time from 30 days, as is substituted by the bill, by an additional 15 days if consultation is

required. In effect this is no change from the 45-day standard, because a minister just needs to consult with someone and that additional 15 days will be required.

Clause 8 also permits an agency or minister to delay by an indefinite number of 30-day periods if agreed to by the applicant. The amendments outlined in the bill fail to deal with the more significant cause of delay in the FOI process that we see at present. I have certainly heard from other members that they have experienced significant delays in receiving responses to their FOIs. That can be very concerning because, as I said, there is a right for the community to understand and have this information in their possession, and to this point we have seen, and I have certainly heard testament from many members in this house, that the present government is shying away from providing that information to FOI requests. When FOI requests are responded to there are significant redactions, which make it very difficult for that information to be understood or read through in any meaningful way. Once again, I think the referral to the Standing Committee on Legal and Social Issues is an appropriate way to go, and I look forward to seeing that inquiry occur.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased today to have the opportunity to speak on the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. I think Mr Barber spoke very reasonably about the purpose of the bill, which is that the commitments were low and this bill seeks to fulfil them in relation to FOI. I particularly want to focus on the issue of reducing the time frames for responding to FOI requests from 45 days to 30 days, because that is one of the key elements of this bill, in addition to the abolition of the office of the Freedom of Information Commissioner and establishing the Office of the Victorian Information Commissioner. It also provides for the appointment of an information commissioner and public access deputy commissioner. In addition, some areas of the bill allow for the minister to automatically extend requests by 15 additional days if consultation is required under various sections of the act. The breadth of this provision basically means that responses to FOI requests will largely remain at the 45-day standard.

Clause 8 also permits an agency or minister to delay by an indefinite number of 30-day periods as agreed by the applicant. The amendments outlined in this bill fail to deal with the more significant causes of delay in the FOI process at the moment, which is really what we see regularly — that is, a minister or an agency dragging out a response by asking for further clarification and

restarting the clock again and again. Those are some of the elements I want to cover in my contribution today.

I have put in probably about 70 FOI requests, largely to the Department of Health and Human Services (DHHS), and I think it is fair to say that if I had to characterise the responses we got, it would be slow, slow, slow, and seeking various mechanisms by which to achieve those delays. Not surprisingly, there are no repercussions for ignoring timelines. Requests regularly go over 45 days. We go to the commissioner, the commissioner talks to the department and sometimes that is exceptionally slow in the process. A response eventually arrives, often asking for a rescoping. The 45 days starts again and the cycle continues. That has been a very, very common experience.

I think it is also fair to characterise it by saying that being evasive is a common approach as well — sometimes deliberately, sometimes not deliberately. I had a wonderful one recently where colour-coded graphs were sent in black and white, so they were unreadable and were unable to be used. We have had cheques lost, we have been asked to define terms that are very basic, and the list goes on.

I think it is fair to say as well that my experience with the Department of Health and Human Services FOI team is that while they try to be very helpful, they are clearly under-resourced. I have some examples that I will go through of FOI teams saying that things have been delayed largely because the workload is too much or that the time frame is just so long. Again and again the FOI team will work cooperatively with me and my office but then things get caught up with the powers that be through the approval process, and I think that is also a very common experience.

Just to go through a couple of examples of this, I made an FOI request of the DHHS capability review, which we will remember Mr Eccles helpfully told us had been done, and also documents relating to the capability review. That request first went in on 23 December 2015. On 24 February I appealed to the commissioner because of a delay; we were up to two months and still had not heard anything. It was 31 May before I was actually then able to rescope the FOI request. Some things had changed. The document itself had been provided at a Public Accounts and Estimates Committee hearing, but the request for briefs still had not been provided.

Five months on we were finally afforded an opportunity to rescope. Then at the end of July we still had not heard. Two months on we went to the commissioner

about the delays. We approached again on 13 September with a rescope, the second rescope, and we are now nearly nine months on from when the FOI request had gone in. So at the end of November I again appealed to the commissioner, and on 13 December 2016 the documents were received. It was nearly a full year for a fairly simple document with some briefs associated with it. It was a year, with three trips to the commissioners and three rescopings. And that is just a very classic example that I have experienced.

What has been interesting as well with this department is the difficulty in actually getting briefs. This is something that is very common — members of Parliament seeking briefs from ministers in relation to an issue. What I have found is that I will make an FOI request with a list of the brief names and then ask for specific briefs that come up on the list that is provided. I have one interesting example. There was a brief that was provided with a ministerial reference number called 'Construction of cardiac health hospital in Clayton'. I said I would like a copy of that brief or what is appropriate to provide of that brief. The brief I got was 'Training requirements for entry into the cardiac technology and echocardiology workforce'.

When I went back to the department and said, 'I requested one brief and you have provided me another', they said that no other briefing exists with that or a similar title. They went on to say that the ministerial reference number was exactly the same and that it is not unusual for briefings to undergo changes in title and terms and how they are recorded in the relevant departmental document management system. I do not know what the department is managing in their document management system if, in one FOI, I get a list saying it is about the cardiac hospital in Clayton and the brief with exactly the same number is actually about the training requirements of the cardiology workforce.

I will go now to an example of a request I made for the Public Accounts and Estimates Committee briefing folder. On 2 March 2016 I made the original request. On 15 June 2016 — so we are looking at a number of months later — the DHHS said in a hugely overdue reply that they requested a rescoping of the FOI request to about 300 pages. On 24 June 2016 I did rescope, down to six of the 27 briefs, which was about 300 pages. On 26 July DHHS then came back and refused the request overall. On 2 February 2017, some 10 or 11 months on, we are still negotiating with the commissioner in relation to getting information on that briefing.

The interesting thing is the department's letter. I quote from a letter I received from Stephanie Hamilton, manager, freedom of information, in the department:

In that letter, I stated that 'at present, any requests for documents in excess of 300 pages are likely to present unreasonable diversion of resources issues'. This statement was not intended to imply that any request capturing less than 300 pages was able to be processed by the department.

So they gave me something that said, 'Give me a list of less than 300 pages'. I gave them a list of requests under 300 pages and then they came back and rejected that. Stephanie actually apologised. She said:

I apologise for any confusion created by my reference to page numbers in my letter ... In future letters the range of factors will be made clearer.

What a ridiculous situation that it has taken 11 months only for me to be told to rescope to less than 300 pages, for me to rescope it to less than 300 pages and then to be rejected because it is still too much in terms of resources.

Interestingly, both the Department of Premier and Cabinet (DPC) and the Department of Treasury and Finance (DTF) have fulfilled exactly the same FOI requests, with 298 pages for DPC and 370 pages for DTF. What we are seeing happening in DHHS is starkly different from what is happening in other agencies under this government, as they seek to avoid the transparency and accountability in a process that is taking 11 months. The irony is that we are debating a bill where the government is purporting to change FOI response times from 45 days to 30, when if we get anything within a year we think we are doing pretty well.

I also regularly experience the department seeking unreasonable definitions of words. I asked under FOI for documents outlining the course names of all staff training courses paid for by the department. That was lodged at the end of June 2016. At the end of August, again well over the 45-day time frame, DHHS came back and said that the request was unclear. They actually asked, 'Specify what you mean by training course, specify if you mean internal or external providers, specify if you mean formal or informal training and define what you mean by "costs"'. I have got to say that any reasonable person in the street could answer those questions. What is a training course? What is the cost? How much does a training course cost? It is unbelievable that two months after the request has been lodged I get a clarification letter that seeks to reset the clock and asks some very basic questions that any person in the street would understand

the answers to. This is just another regular example that we have in terms of dealing with the department.

I also had another one along similar lines where I asked for each public service code of conduct breach by a Department of Health and Human Services employee. I asked for the date of the breach, a description of the breach and the action taken by the department. Once again I had a similar response — that the request, and I quote:

... indicates that you are seeking documents relating to the date, descriptions and actions taken in relation to 'breaches' of the code of conduct, however you have not specified whether you are intending to capture allegations of breaches or substantiated breaches.

They asked, 'What is "date of breach"? What does that mean?'. The letter goes on to say:

... the term 'description' of a breach may also have many interpretations ...

and then goes on to outline some of those interpretations. My use of the term 'action' is unclear and they ask what it actually relates to.

The department may take multiple courses of action in response to an allegation of a breach or a substantiated breach ...

the letter says. Seriously, these are very reasonable terms that people know and understand and could reasonably interpret, but the department persists in asking for simple definitions in relation to issues that are very clear.

The last one I want to mention briefly relates to a request I had for any briefs mentioning 'Djerriwarrah' — a very serious issue relating to deaths of unborn and newly born babies in relation to which I asked for the briefs. The department came back and said there were 13 briefs but went on in great detail to outline that, and I quote:

Although the terms of your request are relatively precise and there may be a public interest in disclosure of the documents, the department has estimated that it would take more than 12 weeks to process your request which is well in excess of the 45-day statutory time limit for processing requests.

They outlined in some detail that:

It is estimated that approximately 3.5 hours of meetings, phone calls, drafting of emails and other correspondence and drafting of advice would be required for each brief.

And that is just for the relevant program manager.

They said:

The areas of the department likely to be involved have capacity to dedicate 1–2 hours per working day to undertake the necessary work to provide advice.

They go on to say that once the relevant program area has taken 3.5 hours per brief, then in the relevant FOI unit, which currently has a workload in excess of 20 requests per officer and therefore 32 hours per week to process the requests, it would take an experienced FOI officer approximately 15 hours to assess each brief and approximately 6 hours to draft a decision letter and to notify relevant stakeholders of the decision. They said:

Even if an FOI officer worked full-time on your request at the exclusion of the rest of their caseload, it would take approximately 27 days to process.

How ridiculous! Twelve weeks to process and consider 13 briefs. This is something that other departments regularly provide, and the department is arguing in great detail that to process an FOI request for 13 briefs would take one worker 12 weeks full-time in order to consider it. This bill reflects the government trying to pretend they are making changes on the FOI front, but the experience on a day-to-day basis of anyone who deals with the department and the government in relation to FOIs knows that there are delays, knows that they are seeking to be evasive and knows that they are avoiding answering the questions. What we consistently see in terms of our experience is demonstrated every day in the FOI responses that we receive.

Motion agreed to.

Read second time.

Referral to committee

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

That the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 be referred to the legal and social issues committee for inquiry, consideration and report by 21 March 2017.

In doing so, we have heard through the course of the second-reading debate a number of concerns around the legislation in relation to the structure that is proposed to be put in place for the new FOI and privacy and data protection commissioners as well as hearing during Ms Wooldridge's contribution the substantial failings in the existing operation of the FOI system. Indeed, Mr Barber in his contribution spoke at some length

around those failings as well. Given the lack of consultation that was undertaken by the government in relation to the introduction of this legislation, which has been confirmed in comments that have been received back from some of the statutory officers concerned, we believe it is appropriate that there be an opportunity for those statutory officers to give evidence in relation to this legislation to publicly ventilate their views on the structure that is proposed and the implications for the operation of those officers as well as the changes that are proposed to the actual FOI framework.

Accordingly the coalition is moving this reference this afternoon for a short inquiry into this legislation. The referral is to the legal and social issues committee. I understand the government will seek to make a referral to a joint committee. It is our view that as this is an inquiry on behalf of the Legislative Council that will inform the Legislative Council's consideration of this bill at a subsequent committee stage and third reading it is appropriate that the inquiry be undertaken by the relevant Legislative Council standing committee.

I note there is some irony in the government's desire to refer this to a joint committee, given the arguments we are currently hearing about exclusive cognisance being run in the other place and indeed by the Leader of the Government the other day. There is considerable irony that the government is now seeking to refer to a joint committee a matter of concern to the Legislative Council.

We believe that this referral is necessary. There is a lot of evidence that needs to be taken from relevant stakeholders as to the impact of this legislation both structurally and in regards to the freedom of information framework, and we believe that the legal and social issues committee is the appropriate body to undertake that inquiry.

Ms SYMES (Northern Victoria) — I wish to make a brief contribution on Mr Gordon Rich-Phillips's proposal to refer this matter to the legal and social issues committee. Given time restraints I will not seek to discuss the merits of referral to a committee or not but simply draw to the attention of the house the appropriateness of the committee chosen by the opposition.

The Accountability and Oversight Committee is a joint parliamentary committee that I am actually on. The chair is Neil Angus from the Assembly, and Marsha Thomson, Michael Gidley and Nick Staikos from the Assembly are on it. Ms Bath and Mr Purcell from this house are also on it. That committee has a number of

functions, including monitoring, reviewing and reporting to Parliament on the performance of the Freedom of Information Commissioner; examining the annual report and other reports of the Freedom of Information Commissioner; inquiring into freedom of information matters referred to the committee by the Parliament; monitoring, reviewing and reporting to Parliament on the performance of the Ombudsman; examination of any reports of the bodies; and monitoring, reviewing and reporting to Parliament on the performance of the Victorian Inspectorate regarding the matters that it has oversight of.

The bill before the house also proposes that the new information commissioner will report to the Accountability and Oversight Committee (AOC) and expands the committee's mandate to also cover the information commissioner in his or her role under the act. This committee has travelled to New South Wales and Queensland and met with the equivalent bodies that are similar to those proposed by the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. The secretariat are very skilled and very experienced in this space. It is a subject area that they have been dealing with for some time. It is of note that the AOC has the resources to conduct a review of the bill as we only have one inquiry at the moment into the education, training and communications initiatives of Victorian oversight agencies, with a reporting date some months off.

The Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 is undoubtedly best placed to go to this committee. The argument that the upper house committees are also review committees in relation to legislation, with a key objective of scrutinising bills, has merit, but in the climate that we are currently experiencing the purpose of committees is quickly evolving into something that does not really marry up with what some may think the committees should be doing.

I am currently also on the legal and social issues committee, so there is no personal interest in it for me. I have to review the bill regardless, so this is not a matter of personal interest for me, but I am also best placed to give a view to the Parliament — this chamber — on which committee is best placed to deal with it. The legal and social issues committee is already meeting every Wednesday night and drawing us into Parliament in non-sitting weeks, bringing us out of our electorates for days on end. We are currently doing the youth justice inquiry, which is going to be quite time intensive, and Mr Gordon Rich-Phillips is asking for a short and sharp review of this bill. I find it a little bit

difficult to see how we are going to have all of the members of the legal and social issues committee finding some suitable dates to get these hearings underway.

I would say that it is actually illogical for Mr Rich-Phillips to seek to send this to the already stretched legal and social issues committee unless you of course look at this through a purely political lens. Mr Gordon Rich-Phillips is not on the Accountability and Oversight Committee but is a participating member on the legal and social issues committee and has a particular interest in this matter; we all know that.

As I have said, I do not have a personal interest; I am going to get it anyway. I would ask that the Greens support my amendment in bringing it to the most appropriate committee; however, I do understand that they might have political views as to why it may suit them better for it to go to the legal and social issues committee because they also do not have any representation on the Accountability and Oversight Committee.

I move:

For 'legal and social issues committee' substitute 'Accountability and Oversight Committee'.

If it is not clear, my amendment seeks to replace, in Mr Gordon Rich-Phillips's motion, 'legal and social issues committee' with 'Accountability and Oversight Committee'. I think I have pretty much outlined the fact that it really should be going to a committee that is better equipped and better resourced to deal with it. I think it is quite offensive to the chair, Mr Neil Angus, that his party are seeking to bypass him to use it as a political tool in the upper house committee. Please support the amendment.

Mr BARBER (Northern Metropolitan) — By way of comment on which committee the bill should be referred to, as I said during the second-reading debate, we were part of a process of establishing upper house committees which we expected to routinely scrutinise legislation, and so it is for that reason we are continuing in the same vein.

In relation to this new concept that the joint committee should suddenly be brought forth as the body that should play a role, I will just make a couple of points. Number one, they are being given new powers — new responsibilities — under this bill, so one would have thought that they would have been involved much earlier in the process, and in fact I think this bill was first produced in June 2016. I do not know if that

committee was involved during the drafting stage or whether it has been briefed since as to the content of the bill. Certainly we can say they have had more than six months if they wanted to initiate their own inquiry into a matter that certainly affects them and is within their area of responsibility, and they have not done it.

They have not done it on own motion, they have not done it formally or informally and they have not sought a referral from either chamber. It is only now that we try and send this off to an upper house committee that suddenly, six months after the bill first appeared, they say, 'No, no, that is ours. We want to have a close look at it, please'. It is for that reason I think the Greens are sitting with our original hand, which is that, the bill having already passed the lower house, we will send it to an upper house committee for scrutiny and recommendation back to the upper house as to how they should then deal with the bill in our chamber.

Committee divided on amendment:

Ayes, 16

Dalidakis, Mr	Mulino, Mr
Eideh, Mr	Patten, Ms
Elasmar, Mr	Pulford, Ms
Herbert, Mr (<i>Teller</i>)	Purcell, Mr
Jennings, Mr	Shing, Ms
Leane, Mr	Somyurek, Mr (<i>Teller</i>)
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

Noes, 24

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

Amendment negatived.

Motion agreed to.

CLIMATE CHANGE BILL 2016

Second reading

Debate resumed from 7 February; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the Climate Change Bill 2016. There is a history to this bill, as

people and some members in this chamber will remember. Prior to 2010 there had been a bill of this type in place. That was significantly modified in our period of government, with the distinct understanding that a national approach would occur and that the approach that had been adopted by the previous Brumby government was no longer appropriate.

This government announced that it would go forward with this particular bill. I think there are many things to say about this bill, but the first and most important is that it is largely a symbolic bill. It is a bill that has dubious machinery and dubious and doubtful capacity to deliver anything serious through the process that is laid out in the bill itself. The targets that are set out of zero or virtually zero carbon emissions by 2050 are very distant targets and, I think it would be fair to say, largely symbolic targets. The government's earlier targets for the nearer 2020 period are, as Mr Barber and I discussed earlier in the day, likely to be met in any event because of the decision of the government to close Hazelwood.

I want to say at the outset that I am not a person who does not think that there is an issue with climate change. I think there are some issues with climate change and we do need to respond, but I also think that this needs to be done — —

Mr Barber — Tell us a bit more about the issues of climate change.

Mr DAVIS — Well, I am going to go through this in a systematic way. I will take a little time to do that, but the point I want to make at the start is that, whatever your view, this bill is not the serious way forward. It is not a way forward that will provide the solution for the community. What I think will occur here is that this bill will, if enacted in its current form, provide some impact on a whole series of areas of the economy. What it lacks, though, very clearly is an understanding of the impact of many of these changes that are being sought, many of the changes that this government is seeking to implement.

Some of the changes that the government is seeking to implement are occurring in parallel or distinct from this particular bill and are occurring in any event. The government has set a renewable energy target, and there are significant issues with that renewable energy target. The government has a strong commitment to wind and solar, it says, and it is pushing forward with those matters. What is lacking in this is a serious view about how this can be done without major damage to the Victorian economy. What is lacking is any attempt to seriously catalogue and understand the impacts and

effects on job creation, on energy prices and on the stability of our energy markets, which, as we have seen in recent months, has become a very significant national issue. I am sure that these points will be referred to by others in the chamber as we go through and that this will become a point of significant debate, but the point I do make here is that this bill does not achieve what it sets out to achieve.

We will try to do three things through this process. We will seek to highlight the deficiencies in the bill. There will be a committee stage — and I know Mr Barber has a set of questions, I have a set of questions and, I suspect, others have sets of questions as well for the minister as we go forward in that process — but I will lay out a proposal prior to that point whereby the opposition will seek to refer this to the environment and planning committee.

We are very happy as this debate progresses to negotiate a suitable date with the respective parties. Perhaps what I would suggest is a date in May as an appropriate time. I am also very aware that people may have different proposals for dates, but I think the environment and planning committee is the appropriate committee for this and it would enable a proper process to enable the examination of this bill in great detail. It would enable the ability to see the impacts on the economy of the government's approach here, and the government would be, through its departments, in a position to put on the public record key matters about the impacts and what it seeks to achieve through this bill. What I think is important here, though, is that that opportunity for discussion of this bill occur.

I will come back to these in a moment, but there are some significant holes in the bill. There is no clear reporting of the impact of these proposals on families, on households, on businesses, on employment and on the whole economy, and there is no serious reporting as part of this on the different mechanisms that the government could use to achieve some of the points around this bill that it seeks to achieve in the bill's objectives. So there are serious holes in the bill in terms of reporting. There is reporting of emissions reductions achieved, but on the other hand there is no reporting of the best way to achieve that or the worst way to achieve that. There is no reporting of what happens to the businesses, to the households, to the economy and to employment through this process. There should, I think, through a parliamentary committee process be an opportunity to look at those key points.

Mr Dalidakis — Take it very personally that both of us are leaving.

Mr DAVIS — I am deeply relaxed, Mr Dalidakis, as to where you go and what you do, if I can be blunt. Let me continue though.

I want to look at some aspects of the second-reading speech given by the minister in this chamber, and I want to pick up some phrases that are used here. Part of this bill is about touching phrases and touching concepts. This is a bill that is all about symbolism rather than practical environmentalism and practical approaches that will actually deliver the outcomes that are in fact required. It says here:

It builds on the original Climate Change Act, which at the time was landmark legislation for the state of Victoria and Australia.

I do not actually think that is true. I think that the legislation at that time was also replete with symbolism and short on practical detail, and this act falls into those same problems again.

It does say, as I have said — and to be fair — that this bill is one component of a response to climate change by this government and thereby by the Victorian community, and that is why it is in the Parliament. It talks about the reduction of emissions. It talks about building the state's resilience. Well, we now know that this bill is very unlikely to build resilience. We know that there is a real problem with resilience in our electricity networks nationally.

We know from what has happened in South Australia where the lights have now repeatedly gone out — —

Mr Barber — Why's that?

Mr DAVIS — In part it is due to the specific circumstances of the storm, but it is also due to the failure to plan ahead of time for more intermittent sources of supply. As I alluded to before, this is probably a point that will become a point of debate in this chamber as we go forward. This seeks to 'build the state's resilience', but there is nothing in the bill that builds resilience. Everything in this bill diminishes our resilience. Everything in this bill puts at risk the way forward. We actually need to confront these issues — —

Mr Barber — So far you have told us the bill does nothing but it also does everything.

Mr DAVIS — No, what I have told you is that it fails to do many things that it ought to do. It claims to do things like:

... build the state's resilience and help Victoria attract the new, low-carbon industries and jobs which will underpin our future prosperity and livability.

That is what it claims to seek to do, but again there is no measurement of those industry impacts, no measurement of the jobs and no measurement of jobs lost. How can you know whether in net terms you are actually managing some of these issues if you are actually destroying jobs on the other side? This is a task to actually see proper measurement of some of the outcomes. I think a parliamentary committee could do good work in sharpening the reporting mechanisms around a bill of this nature so that all of the issues that ought to be reported on are reported on as part of this massive economic impact that is planned through this bill — and whether it is achieved is a separate question, but that is what the bill seeks and claims to do.

The second-reading speech says:

This work has been supported by the bringing together of the climate change and energy portfolios earlier this year ...

I know that machinery of government changes excite some people, but these things can be achieved separate to machinery of government changes. It talks about this being based in part on the memorandum of understanding on subnational global climate leadership, where:

States like Victoria have a key role to play and can make a difference.

This was one of the points that was debated in the previous Parliament when the national government laid out a national target and demanded that states get rid of their targets or align them perfectly with the national targets. Victoria complied at that time and changed the act that had been in place to reflect the new national thinking and the view that these things ought to be achieved at a national level. This seeks to head in the opposite direction again and to set up targets for Victoria which are separate from the national arrangements. Some will think that is a good idea; some will think that is a bad idea. I say it has got to be better measured.

Mr Barber — It is a bad idea to wait for your party to do anything on climate change.

Mr DAVIS — I have got to say whether doing this at a subnational level is the way to go is a point that I think will be —

Mr Barber — You are not doing it at all on a national level.

Mr DAVIS — The second-reading speech says:

States like Victoria have a key role to play and can make a difference.

Yes, but this has got to be measured. You need to know what is actually going to occur and you need to have clear ideas of where you are going to go.

It continues:

Australia's national emissions targets and policy frameworks are not sufficient to meet the objectives ...

That is a point that is hotly contested by the federal government and again something that should properly be looked at by a parliamentary committee in the examination of this bill:

Victoria is not waiting for this to change and is acting now.

I understand the motivation for that. It says that Victoria is being a responsible global citizen, and that is what the community wants. Whether this bill actually achieves its objectives is another question — and at what cost.

The speech continues:

This bill provides Victoria with a platform for effective, state-based climate action.

I would contest that strongly; I do not believe the bill does provide such a base for effective action. It continues:

It is designed to work effectively alongside, or to supplement, national action. It allows us to adjust our response depending on the international context, as well as action taken by other states and territories.

Nothing in this grapples properly with the challenge that we face in harmonising and working through the different jurisdictions and actually getting responses that are consistent. We now have the challenge of electricity markets that cross boundaries and we have seen some of the issues around that. Whether more connections are the only solution, as some are proposing, or the best solution is another point entirely, but I understand the motivation for trying to build more and better interconnectors and I understand the points that have been made about storage in recent weeks. By and large I think if you are going to have intermittent sources of energy, you do need to have better storage.

Mr Barber — How much?

Mr DAVIS — I am not claiming to be the world expert on how much, but I think there needs to be much more storage. Some of it will be distributed in the future, I believe, through the use of battery technologies, which are advancing significantly at the moment. I am sure Mr Barber will say more about that later, but there is clear opportunity for better storage through battery technologies. I think the Prime Minister has also been right in recent weeks to point to hydro-electric storage options as well — so-called ‘pumped hydro’ — and to look at the options for how that might operate. When the wind blows and the sun shines you can actually pump water uphill and harness the energy as it comes down at a point of your choosing. This is intuitively a logical way forward, and I welcome the decision of the Prime Minister to put some more robust understanding around how that approach may work, but the point that more storage is needed, I think, is correct, and it is particularly the case with these intermittent technologies.

The second-reading speech says:

... Victoria has some of the best renewable energy resources in the world, predominantly in wind, solar and marine and considerable expertise and capability in innovation, research and manufacturing.

Well, I think this again we need to look at closely, because I do not think the government is providing the right incentives, the right support, at a state level to enable these points to be sensibly maximised.

The speech talks about seeking to:

... decouple greenhouse gas emissions from economic growth and transition Victoria to a net zero economy.

Now, this is fine rhetoric, but there is nothing in this that actually succeeds in implementing that plan. I think it is fine rhetoric, and I think we would all like to see Victoria not face those challenges, but I think despite some of the major advances we are still a very long way from decoupling greenhouse gas emissions from economic growth. I think we do need to support that, and I know my colleague David Southwick in the other place is a very strong supporter of many of the renewable energy options and of innovation — —

Mr Barber — How does he support them?

Mr DAVIS — I will give you one very recent example, Mr Barber. He was out looking with me at a geothermal energy system in my electorate — —

Mr Barber — So you support renewables by looking at them.

Mr DAVIS — No, I am just indicating the — —

Mr Barber interjected.

Mr DAVIS — You asked me, now give me the opportunity to answer. I think understanding all of these diverse technologies is important, and I think he is very supportive of the options that are available there. We will make some policy announcements as we come towards the state election.

Mr Barber — You’re making one right now. You made one last week.

Mr DAVIS — We will be making some further policy announcements as we move towards the state election, and some of those issues, for those who are interested to see — —

Mr Barber — We haven’t even got a VRET now, and you’re scrapping it.

Mr DAVIS — I have got to say a divergent Victorian renewable energy target is not necessarily going to deliver the best outcome. Again the stability of the energy system in our state — —

Mr Barber — Can’t wait for the Liberal RET.

Mr DAVIS — Well, you’ll just have to stay tuned, Mr Barber, for further — —

Mr Barber — So you made a policy announcement last week.

The ACTING PRESIDENT (Ms Dunn) — Order!

Mr DAVIS — Well, we made one announcement last week, but we are entitled to make more than one policy announcement, Mr Barber, and we do intend to do so. But I want to make a point here about the second-reading speech saying that:

Early action will also ensure that Victoria remains resilient to changing and more extreme climatic conditions.

Again there is very little in this bill that will actually achieve these aims. This longwinded document that is the second-reading speech goes on to say:

The Andrews Labor government is already building climate change into our plans, strategies and legislation, such as the water plan, *Plan Melbourne* ...

Now, we are waiting, as Mr Barber will know, for the *Plan Melbourne* refresh, and we have been waiting for two years now. What was meant to be a minor tinkering with *Plan Melbourne* is now well over a year overdue. I look forward to seeing what matters are in the *Plan*

Melbourne refresh. I note there has been a very strong focus, as I am informed, on climate change. Again, as I understand it — from those who would tell me these things before the documents are released — that there is no costing in this for the impact of some of the *Plan Melbourne* changes.

I hasten to add that there are very many things that can be done through the planning system, but they have got to be thought through carefully. The opportunities in the planning system are significant. Our planning approach to achieving reductions in energy consumption, to achieving energy efficiency in a whole range of different ways, to achieving other aspects around water and water savings approaches and so forth — all of these are an important set of steps going forward.

But we have not seen these approaches from the government as yet. We are still waiting for the *Plan Melbourne* refresh, and when they do bring it they also need to show what it is going to cost. What is it going to do to housing affordability? What is it going to do to young families who do need to pay? This has got to be aligned in a sensible and practical way, and there is no sign in this that it will be aligned in a sensible and practical way.

The second-reading speech goes on to say:

... the government must ensure a just and orderly transition that supports all Victorians, particularly vulnerable communities, sectors and regions.

Well, they just closed Hazelwood cold turkey. That is what they have done, really. Let us be quite clear about what will happen in the Latrobe Valley — a very significant impact. They have not prepared the work there. They have not prepared the economy in that area, and this is true of this government's approach more broadly. They have not done the work to support vulnerable sectors, communities and regions in relation to their changes, and this bill does not do that either. That is very serious — —

Mr Barber — What did you do as health minister when the mine was on fire?

Mr DAVIS — I did a lot. I actually did a heck of a lot.

Mr Barber — What were you doing? What were you doing when the mine was on fire?

Mr DAVIS — Sorry, I provided significant support.

Mr Melhem — Like what?

Mr DAVIS — The testing regime that went down into the valley and the very significant community support that was provided was provided directly out of my department. So I pay tribute to many of the bureaucrats who worked extremely hard to deliver that support. But this bill does not actually honour any of that. It does not honour the damage that will be done when that is closed down. Let us face it: this government's carbon tax — its new tax that was put on in the recent budget — is a massive hit on the system, a massive hit that went straight to the heart of that power station down there.

We have got WorkSafe down there as well. You have got to ask some questions about the way that is being approached. It was pretty clear that what they wanted to do was to close that station, and that is what they are doing. This is government policy without preparation, without the background work put in place. The impact on our electricity system more broadly is going to be quite serious in the long run.

I want to pick some more points out of this long and cumbersome second-reading speech. It claims that it will be:

... driving transparency and accountability through regular information and reports.

There is a requirement for annual reporting and there is a requirement for reporting in 2020 and so forth for interim targets, but I think much more needs to be done to report on the impact of this bill as it is implemented. There is a lot of latitude in how it is implemented, but we understand the different impacts that there will be.

It goes on:

Victoria does not currently have a legislated emissions reduction target ...

We understand that. And it says:

... this government announced a long-term target ... of net zero greenhouse gas emissions by 2050.

Mr Barber will make some points, I know, about this. There is the need to report on progress more sharply as we approach that date and that target that is being set here, and we will say some more about how that can occur. It continues:

It requires Victoria to reduce our emissions to as close to zero as possible —

what exactly that is I am not sure, and to —

maximise the removal of greenhouse gases from the atmosphere through sequestration activities ...

This is clearly one important response, and I do not in any way diminish the importance of that, but it then talks about Victoria being required to:

... secure eligible offsets from outside of Victoria to make up the difference.

What is the cost of those eligible offsets outside Victoria? These are not handed out free; they actually have a significant cost.

Mr Barber interjected.

Mr DAVIS — This is a very interesting point with this government — what they want to do here. We will see exactly how they implement it.

What constitutes an 'eligible offset' will be prescribed in regulations to ensure that emissions have been genuinely and permanently sequestered or avoided.

I draw this point forward here to say let us be quite clear: an eligible offset will be defined in regulations. I will be asking questions of the minister later as to how these will be defined and what they will be defined as.

Under the interim targets it talks about the Premier and the minister being required 'to set five-yearly interim targets for 2020 onwards'. That is where I think improved reporting becomes particularly important.

These will contribute to an orderly, low-cost transition to 2050 ...

What will the cost be? The government has at no point put forward what the cost will actually be, and it needs to come clean on what the actual cost is modelled to be. Even if their assertion that it is a low-cost transition is correct, it is not a no-cost transition. We need them to be up-front and tell the Victorian community what the cost and the impact will be.

I understand that people will say there is a cost to not acting, and I actually accept that. But I also accept that there is a cost to acting, and they need to come forward with their costings and their attempts to model these matters. The government has not done that in a robust and honest way.

The advice must take into account a range of factors, including climate science, advances in technology as well as economic, environmental and social impacts.

Well, how? There is nothing in this that gives you confidence that these things will actually occur. We are taking a leap here and hoping that this will work in some way, but the government is not explaining how it will actually work.

Finally, when setting targets, the minister and Premier must have regard to published independent expert advice.

Which advice? I want to press the minister on what advice they will be relying upon and how they will step forward.

Talking of the policy objectives:

The bill facilitates this by introducing a principles-based approach, with a set of commonly agreed policy objectives and guiding principles to guide policymaking across the full range of government decisions ...

This is the essence of this: there are just broad objectives, and a lot of this is going to come in regulations and how it is going to be put forward.

The bill retains a series of guiding principles from the existing act, which are largely unchanged, except that the principle of complementarity has been replaced with the principle of compatibility. This substitution is to emphasise the importance of state-level action regardless of federal government ambition, while at the same time acknowledging the importance of policy coherence across and between different governments and levels of government.

That is a fine objective, but actually what we have seen is a significant divergence in views across our jurisdictions over the recent period. I think it is important to put on record that the terrible catastrophes that occurred in South Australia recently have changed people's thinking about these matters. There is a realisation that stability in the network is critical. There is now a stronger realisation that baseload power is going to play a more important role than was envisaged when this bill was cobbled together. It is true that storage is going to be seen as more important. All of these matters do require emphatic action across different jurisdictions, both state and commonwealth, and this does not provide an easy way forward on this.

The government has dug itself in with its renewable energy target. It has dug itself in with its attitude to working with the other jurisdictions. It is digging itself in to a position where our community will face real challenges into the future.

Mr Barber — You're digging your own political grave right now.

Mr DAVIS — Well, you may say that, Mr Barber, but families and businesses have a right to understand these points. The community has a right to understand how this is going to be implemented and what impacts it will have on particular communities. We have already seen massive escalation in power costs across the city occur. Any family member who is paying those bills knows the massive impact.

I recently surveyed the Oakleigh electorate on this matter, and there was an enormous response from people who were very concerned about the impact on their bills and very concerned about the impact on their quality of life. These matters have not been put front and centre in this bill. These significant steps that the community may wish to take with respect to energy have got to be put in a context, and they have got to be put forward in a way that actually does balance what are a number of difficult and challenging points.

The second-reading speech also states:

Under the bill, adaptation action plans must be developed every five years by nominated ministers, following the release of the climate change strategy, covering the following systems:

- built environment;
- health and human services;
- natural environment;
- primary production;
- education and training;
- transport; and
- the water cycle.

How these will operate is very open to question. Let me pick just one by way of example, but this could apply to any of them. Who is going to sign up for the processes that the government has put in the bill here? Who is going to develop the pledges that are referred to? Will this be largely government agencies? I know the bill points to the fact that councils have got a role — I do not diminish that, and I make the point that some councils have developed particular ways forward in this area already — but will these pledges be driven by government departments and agencies? What, when these pledges are made, will people say in terms of cost? What will come forward?

I know from my old portfolio of health, which was referred to before, that there is a very significant impact on our major health providers, our major hospitals. The carbon tax that was put in place by the previous federal government was a massive hit on our public hospital system. One hospital alone, the Austin, had a hit of more than \$1 million a year in additional energy costs. We went out and measured it; we looked at the bills. You could actually work it out very clearly. It was \$1 million a year in uplift due to the carbon tax — a huge hit on our health sector. It was \$14 million statewide in the public sector alone. That is not including the private sector as well.

So what is going to be done to insulate and cushion some of these sectors? I understand that energy efficiency techniques and other approaches, particularly through planning and through better building, can actually deliver good outcomes. I in no way diminish the importance of some of those approaches. The energy efficiency approach is very important. We actually did quite a lot in government, again, to deal with that. It is just basically good business sense to reduce costs in a number of those ways.

These plans and pledges that will be put in place — how are they intended to work? Nobody has explained that to the community, and the truth of the matter is that this will mean more costs for government agencies and more costs for government departments. Fewer services will be provided. Somebody needs to come forward and say what the impact is going to be. How many fewer services will be provided in schools, in hospitals and in the social sector? How much is the government intending, through these pledges and plans, to implement these steps towards emissions reductions? Whatever the view is, they need to come clean and be honest about the actual costs that will be delivered through these processes putting different arrangements in place.

Let me predict what I think will happen here. We will get a flurry of government agencies all jumping to get on board quickly, to sign up their pledges and to tick the box. In fact I reckon there will be agreements that will be required by government; the government will mandate this across the public sector. But what will be the cost of mandating these pledges in the public sector? Nobody knows. The minister does not know, I believe. The community do not know, but we need to hear more about how we are going to hear about those costs. The costs, I think, of this will be very significant indeed, and none of the points that have been made by the government to date satisfy me that they are going to be honest with these points.

The speech continues:

The bill enables flexibility in how sector pledges are prepared. This flexibility is critical for ensuring the pledges can evolve and respond to changing circumstances —

that sounds good —

be that technology or the broader regulatory environment — providing an overarching framework that allows future Victorian governments the capacity to respond to these changes ...

and so forth. It continues:

... it may be appropriate to divide the 'energy' pledge into supply-side and demand-side pledges ...

This is where I think a lot of this gets very, very tricky. I understand the pledges on one side and how we are going to deal with energy efficiency and how you might take steps to reduce energy consumption and thereby emissions. You might also substitute different energy sources to reduce emissions — none of which is cost free, I might add. But how will this work on the supply side? How are these pledges going to work on the supply side? Does this mean a mechanism whereby government departments, starting with a flurry of government agencies and departments signing up very quickly to some of this, will take energy only from certain sources? We have already seen the tram. We are going to have a solar tram. It is actually a little bit of sophistry; they are buying energy over here which they claim is from solar sources, but of course somehow or other this banking issue comes forward. How do you hold the energy?

Mr Barber — Well, you run an extension cord from the tram to the solar farm!

Mr DAVIS — What, you run it during the night? Is that how it is going to operate? You are going to have to push the tram at night if you are using energy from the sun, I am sorry to say. But otherwise you have to have the storage mechanisms, and the storage mechanisms are not there. Otherwise it is just a bit of spin and publicity to say that we are going to run this from solar sources. The supply side is focused on the structure of the electricity market and infrastructure. What is actually intended by the government here? We want to hear more — and on the demand side, more on energy efficiency.

Again, I give a tick to energy efficiency. It is good business practice. It makes sense in every regard. But it also involves the implementation of these measures, which does cost something very often, and we need to know what the government intends there.

The speech states further:

These arrangements will ensure that long-term planning and policy decisions for our biggest emitting sectors, such as energy, agriculture and transport, will drive and support the adoption of net zero practices and technologies.

It is fine rhetoric, but the implementation? Very sketchy. The cost of implementation? Not provided. The details of the impact on the economy? Not provided. The details of the impact on individual households? Not provided. The details of impacts on businesses? Not provided. The details of impacts on jobs? Not provided. Where is 'jobs' mentioned in terms of this? I know there is a new horizon of industries, and I welcome the innovation and the steps around that in

new energy technologies — I think that is a very important area for the community and the Parliament to pursue — but there is a long way from doing that to actually crunching industries on the other hand and crunching areas of the public sector, which I think will be the first target of this.

Every government department is signed up, as is every public hospital. There will be fanfare. There will be school signings. The full works will occur, all a repeat of the solar tram as we go forward. But what will be the cost of this? What is the budgetary impact of this? There is nothing provided on this — nothing provided anywhere on this — and I think the minister needs to come clean on this.

The speech states:

The bill introduces a series of reporting requirements to ensure that regular up-to-date information is provided to Parliament, and through it, the public on climate change generally and on progress towards meeting the interim and long-term targets.

There needs to be more flesh put on this. What is actually going to be reported? Yes, I understand that there is going to be a 'carbon dioxide tonnes emitted avoided' category — a cumulative carbon dioxide tonnes emitted avoided category which will add up to a big number which will be put out in a news release around the time when the report is tabled. I get that, and I understand that. There is nothing wrong with measuring those things, and that is critical. But at the same time there is no measurement on the other side of the equation. It continues:

A regular and comprehensive reporting regime will help to strengthen accountability for achieving emissions reduction and to drive action in the community.

I have got to say that those things are not obvious in this bill. The level of reporting is nowhere near what is required.

The speech says:

This bill is just and fair, and ensures that we will work with impacted communities as our state, and the world, transition to a low carbon future.

It does not do anything of the sort. This is an important objective, but the bill does not lay out the mechanisms for doing it. It does not in any way get to where we need to be as a community. It does not deal with those impacted communities, and we have seen the government flounder around on the issues concerning the Latrobe Valley. I have got to say, from what I hear from a range of sources in the business community at the moment, that the energy costs are having a massive

impact. Jobs will be lost as energy prices are jacked up under some of the current government's approaches. The noble sentiments need to be balanced with some hard-headed realism about how we go forward. Every family is looking at their bills. Every family understands the impact on their family and household budget of the surging energy costs that they are facing, and every family understands the impact on employment that is occurring across this state.

There needs to be a balance struck here. These are fine objectives, fine aims, but this second-reading speech and the bill do not provide the outcomes that the community would want. When you walk around the streets in your community you learn that people are getting very sick of some of the approaches that are being adopted and they think we need a more balanced approach. This bill does not provide that balance, so I will lay out the steps that the coalition intends to take. We will first seek to move this bill to a parliamentary committee for a very open examination for the length of time that would require. My suggestion is May, but we will move a motion to refer the bill at the end of the second reading. If that is not successful we will, along with Mr Barber and others, take this bill into committee and seek some information and assurances around the bill. We will seek to amend the bill to include an approach that requires better reporting of the impacts on families, households, businesses and employment. We think that is fair. We think that you cannot have a one-sided equation, which this bill currently is. I can see other reporting aspects of this bill that could usefully be strengthened. If those measures are not successful, we will oppose the bill.

Mr BARBER (Northern Metropolitan) — Seriously, I should not be able to be shocked anymore, these days, by anything that the Liberal and National parties do, but I am shocked. I am absolutely shocked that this fairly minor bill that simply sets up a framework under which a handful of ministers may or may not do something, with a couple of references to a couple of peripheral acts of Parliament under which they ought to do something, is going to be opposed by the coalition. But I should not be shocked because it is not just this bill that they are opposing. They oppose each and every effective action that is likely to reduce greenhouse gas emissions, and they are racking them up. Their opposition to each and every effective measure is just racking up, and I think the pace is accelerating.

They opposed the closure of Hazelwood, even though it was a decision made by Engie, the second-biggest energy utility in the world. In fact they do not just

oppose the closure of Hazelwood; they want to nationalise it to make sure that it stays open.

Mr Melhem — Who sold it again?

Mr BARBER — They sold it. They now regret that and they want to buy it back.

Mr Finn — Labor-Greens coalition working well over there.

Mr BARBER — We are going to come to Mr Finn and his unique place within the coalition's spectrum of climate policy shortly. They are now willing to nationalise a coal-fired power station in order to keep it going and keep it polluting, despite the fact that they have been advised by the grid operator that the closure does not pose a threat to power supplies.

We heard them say that they want to invest in clean coal, meaning coal that is not quite as dirty as Hazelwood, even though they want to buy Hazelwood to keep it open, which would mean no-one would invest in any other type of coal plant. But they ought to know that clean coal — low-emissions coal — is actually just incredibly expensive coal. Another word for 'clean' coal is 'incredibly expensive' coal, but we just heard for 45 minutes how they do not want power prices to go up.

When they were last in government they were trying to set up an export coal industry here in Victoria. They were trying to find ways to convert coal into diesel — maybe even throw some native forest woodchips into the hopper along with the coal — and they were fully supportive of exploration for new coalmines all over Victoria, including of course some of our best farmlands around Bacchus Marsh and South Gippsland.

The coalition oppose a Victorian renewable energy target. We have not even seen legislation for it yet before the Parliament, but they wanted to quickly get in last week and announce that, whatever it is, they oppose it and they will scrap it if they are ever in government. Federally of course Tony Abbott voted with Bill Shorten to reduce the federal renewable energy target, and I think the chances of a federal renewable energy target post-2020, when it expires, under any government, is basically nil. They support a return to gas drilling across Victoria's farmlands after 2020.

You just have to ask yourself: well, what is left? What meaningful action to reduce greenhouse gas emissions, to limit climate change, does this mob, the Liberal and National parties, actually propose? We know what they oppose, and the answer is everything that works. But what do they propose, because I do not think there is

too much left in the suite that is actually going to work to reduce emissions.

On this and on a whole range of issues now the coalition parties are dramatically separated from their own voter base. I think it has been a very, very long time, probably not in my political memory, since a political party has broken so free and moved so far from where the average voter is right now. Of course this is not just on issues of global warming; it is on a whole range of issues.

Why are they doing this? One problem that the coalition have is that they have been infected by post-modern theory. That is the idea that there are not really any facts, there are not really any realities. There is no science, there are no temperature measurements, there is just 'Your opinion is as good as my opinion. Your facts are as good as my alternate facts'. That is a pretty tragic end to a once-great party. In the time of my parents' generation, the Liberals and Robert Menzies were perceived as doing such a good job running the country that actually nobody even questioned their right to govern. But these days you would have a great deal of difficulty finding a Liberal voter who is willing to admit that they are indeed a Liberal voter.

We saw this just yesterday, and this is a very pertinent example in relation to the debate we are having: in relation to renewables, 70 per cent believe that the coalition is not doing enough on energy; 71 per cent of a sample think the federal government is not doing enough to ensure affordable, reliable and clean energy; and only 12 per cent rate the current effort as satisfactory. Even amongst their own constituency, Liberal and Nationals voters, 62 per cent of the sample said that the government was not doing enough. When asked about the ALP's aspirational goal — because they dumped their actual renewal target last week — for 50 per cent of energy from renewable sources by 2030, 65 per cent of voters registered their approval of that target.

That is all a little bit belated, given that the coalition here in Victoria announced last week that they would scrap any renewal target that the Labor government might bring in. It is pretty hard to imagine how a party can lose its way so dramatically and stop listening, even to its core voters.

The other problem they have got at the moment is that it is not that they are worried about the survival of the planet and every living creature, including humans, on it, because that is quite literally what we face with the continuing and accelerating effects of all these

greenhouse gases; they are actually a bit more worried about their own survival.

Mr Finn interjected.

Mr BARBER — Mr Finn puts a brave face on it at the moment, but he is worried about losing votes to the Pauline Hanson party. Or he is worried about losing his seat internally to a much more industrial-strength version of his own madness — to some young Turk who is going to come along and make Mr Bernie Finn look like Mr David Attenborough compared to some of the young Turks that are coming up inside the Liberal Party now.

But what they ought be worried about, if I can give them some advice, is this yawning gap between their current policies on global warming and their voters' views, and that is a gap that, first of all, is going to lose them a massive number of votes, and secondly, the Greens are going to race in there and collect those votes. When the Liberals lose enough votes, they are going to start losing seats to the Greens. In fact, it has already happened. This is the only thing that will actually get this mob to wake up. In fact, the process has already started with the member for Prahran in the Assembly. Really this message of being anti-renewables and anti-action and being pretty much on the opposite side of every question of public opinion is not going to get the coalition very far. But right now they are in the middle of their preselection. They are being hunted by Pauline Hanson and her refuge for conspiracy theories. Once upon a time it was just Mr Finn rolling out conspiracy theories. There is now a whole party devoted to it.

It is a funny thing about conspiracy theories and climate change denialism. Some research I read the other day out of the University of Kent says that people who believe in conspiracy theories are irrational in the sense that they will actually believe in mutually contradictory conspiracy theories. This study was done by a particular psychology professor, and she found that people who believe that Princess Diana in fact faked her death are statistically more likely to believe that Princess Diana was murdered by the Royal Family. Since both propositions clearly cannot hold, it has to be one or the other; it just goes to show what level of psychological denial you have to get into to start believing some of these conspiracy theories.

Right now Mr Finn is in danger. He is very thrilled; he thinks he is on a bit of a winner against Labor, but his greed is mixed with fear that Pauline Hanson is going to come in and, like a velociraptor, like a much more highly evolved version of Mr Finn, basically eat his

guts for lunch. This particular vote is just another vignette in this tragic story of the coalition, that has just basically lost its grip on reality.

Unfortunately, though, the bill does not offer much by way of certainty or protection for those of us, and there are many of us in the community, who do understand the urgent need for action and who do understand the great threat that global warming poses. This is not some environmental crisis we are heading towards, this is not some prediction; this is where we are right now. We are dealing with the climate crisis right now and we know what is causing it. We know that with just, in our instance, a bit over 1 degree of warming — and in the last year, globally I think it was more like 1.5 degrees of warming — it is going to get dramatically worse from here. As a result of the feedback mechanisms that are built into our climate system — the melting, for example, of the Arctic ice — 2 degrees of warming is not just twice as bad as 1 degree of warming; 2 degrees of warming will cross the threshold that will actually destabilise permanently for thousands of years to come some of those climate systems, the carbon balance in the oceans and on land, and the operation of certain currents and atmospheric systems. Once they fall out of balance, it is not as simple as turning them back to where they were. Whatever new climate we end up with on the day that we get to zero emissions, that is the new climate that we will be living with and that our children and our children's children and our children's children's children will live with for a very long time to come.

This bill sets the proposition that we should get to zero emissions by 2050. There are two problems with that. One is that it is too late. We have to be more ambitious and we have to be moving quicker than that — the science demands it. The other problem with that, which is the only actual in-built target in this entire piece of legislation, is that it does not really require anyone in government to do anything. The interim targets are to be set by future governments. Zero emissions by 2050 could be achieved by polluting flat out all the way up to 2049 and then stopping it all in one year. Since I will be dead and the Premier will be in a nursing home by the time we get to that particular target, this bill is not going to hold anybody to account for anything. What really matters is the action that the government takes in the next few years and any target that they might set during their remaining time in this term of Parliament. That is how this government is to be judged — by what it does during this term of Parliament and that act, and they are two years into their four years.

They have got a number of challenges that they have been avoiding for some time now. They are investing

money right now into considering opportunities for carbon capture and storage (CCS) — that is, taking the CO₂ and injecting it underground. If you bolt that onto an existing coal-fired power station as a mechanism, that power station will be unviable and will have to close down. The only option for carbon capture and storage is in fact to build new fossil fuel power stations and include CCS with that. I do not know why the government is issuing tenders to investigate geosequestration, unless it is that they are planning to build more coal and gas-fired power stations sometime soon.

They are continuing with policies and grants issued by the previous government to set up an export coal industry in Victoria. In fact they were out there with Kawasaki the other day and were talking about turning coal into hydrogen and shipping it off across the south coast of Australia somehow. Imminently, just coming up in May, they have got decisions to make about whether to reissue or continue to extend licences for the exploration of new coal mines in Victoria — that is, outside the existing Latrobe Valley area.

There is a Victorian renewable energy target coming apparently. The Greens went to the election with this policy. Labor went to the election deriding this policy. Labor now have got into power and have decided after all that they do want a Victorian renewable energy target, but there is no legislation before the Parliament if indeed they even intend to create a legislative framework to do that.

Of course last week we heard that the federal Labor Party has dumped any post-2020 renewable energy target. They voted with Tony Abbott to reduce the current one; they have now dumped their own policy. They too support a potential resumption of drilling for natural gas in Victoria post-2020. What will that do to our emissions? And there are a number of other questions that I think would be best raised during the committee stage of the bill, possibly at clause 1 of the bill.

The bill, as I said, is just a basic framework of setting targets and some reporting against those targets. When it comes to decisions or actions that a minister might be considering making we actually have to go all the way to schedule 1 of the bill, and here we find a list of legislation in relation to which the minister must consider the climate change target when they are taking an action under that legislation. There is a management plan under the Catchment and Land Protection Act 1994; there is a draft coastal strategy under the Coastal Management Act 1995; there is a works approval under the Environment Protection Act 1970, which would be

handy assuming of course that the polluting activity requires a works approval, but even then it will be the Environment Protection Agency not the minister held accountable for that one; there is the preparation or making of a flora and fauna guarantee strategy, which means if they are writing a strategy of how to save endangered species from global warming, they need to consider global warming; and so on and so forth.

What you will not find here is any reference to the Electricity Industry Act 2000. You will not find anything about the Mines Act 1958, the Petroleum Act 1998, the roads act, the Building Act 1993 or any of those major decisions that might actually create new sources of pollution — that might lock in pollution for many, many years, all the way up to 2049 apparently. No real decision that actually prevents or authorises pollution is actually listed in the schedule, which means the ministers making those decisions will go on blithely making all those decisions that will lock in pollution for many, many years to come and they will not make reference to their own stated target. That is how it was back in 2009 when Labor were last in government. They brought in the exact same piece of legislation with that same list of acts under the schedule. This just sets a bunch of frameworks that ministers may or may not be held accountable for and may or may not have to deliver on.

Just one other issue: the targets. As I say, there are no targets in the early years in this bill and there is a wholly unsatisfactory target in relation to how quickly we get to zero emissions. So by voting for this bill that sets up this framework the Greens are not endorsing Labor's targets. Let us make it very clear: we have our own suite of policies at both the state and the federal level that are informed by the science and the necessity of staying under 2 degrees — in fact, staying even lower if possible. We have our own schemes to do that. We have our own legislation that we have presented to parliaments at various times and that currently is before the federal Parliament. There is no mention of any closure of any coal-fired or gas-fired power station under this legislation or any of the material that Labor has produced in the run-up to the presentation of this bill. The Greens have their own set of policies and set of plans in that area.

This government is putting forward a bill that creates frameworks and that allows some future government, if they choose, to save us from climate change. But if a future government chooses not to, there is nothing in this bill that makes them. So the fact that this government has brought a rather weak piece of legislation before the house and the fact that we will support it against the coalition, who are going to vote

against even this suite of measures, does not imply that we endorse Labor's approach or that we endorse Labor's weak targets or lack of targets or lack of willingness to grasp the nettle and take those measures that have to be taken.

I want to make that very clear. We have our own view on that, but since the government has gone down this road and since they will surely oppose any amendment that we bring in to make this action stronger, because we have now heard the coalition are even going to vote against these weak measures, we have to support the bill for that reason. We will not be supporting the bill being sent off to a parliamentary inquiry, and that is for two reasons. Number one, if you listen to Mr David Davis the bill does everything but the bill also does nothing. Once he works out which one it is he can inform us, but my view is this bill is simply a framework that other ministers down the track will use if they choose to set actions. The other thing is that we had a comprehensive review that led to this day. We had a review set up with a panel of experts who made a number of recommendations, not just about legislation but in fact about the government's entire approach, and the government ignored a lot of that advice.

One of the things that the expert group said was that the Victorian government should set up an emissions intensity trading scheme amongst Victorian major emitters. Dan Andrews came out and ruled it out on day one; he ruled it out at the very moment that he released the experts' report so that was gone — one more tool locked down and saying, 'Well, we can't use that'. Meantime we hear that the federal Labor Party have now settled down and they want an emissions intensity scheme, which they think will aspirationally get them to 50 per cent renewables. But actually if you look at the experts who have looked at that scheme, what it will do is actually drive investment in gas in the short term, which is the last thing we want. We do not want more pollution, and we do not want investment in fossil fuel infrastructure which will then have to be scrapped within just a decade or two. That would be the worst of all possible outcomes for both investment and the climate.

What investors in the energy sector are desperate for now is some bipartisan agreement on a program of action. They are not getting it, because every time Labor weakens its stance the coalition go even further to the lunar right. And if you think lunar right is a strong term, Acting President, I will sit down in a minute and we will let Mr Finn have his go.

Mr Finn — A bit of common sense will not go astray.

Mr BARBER — Well, common sense is not that common, as Voltaire, I think, might have said. It is biophysical reality, Mr Finn. It is coming whether you like it or not. It does not matter how loud you yell. It does not matter how many conspiracy theories, through you, Acting President, he brings in here. It simply does not matter what Mr Finn chooses to believe. What matters is how many molecules of equivalent carbon dioxide go into the atmosphere and how quickly that warms the earth. That is what matters; it is biophysical reality.

We will know when the coalition finally decides to get serious about the most serious crisis that humanity has ever faced, and that will be when they actually lock Mr Finn in a cage and throw a blanket over it. But for now the fact that they are willing to let him off the chain to spout all this nonsense that he is about to spout is a sure sign that the coalition has lost their grip on reality and that they will be nothing but a great sea anchor on Australia and the nations of this world as they try to head us off from this crisis which is now right upon us.

Mr MULINO (Eastern Victoria) — I rise to speak in favour of this bill. I was expecting Mr Finn to be up, so it is with some disappointment that I have to put off, for 15 minutes, what is likely to be the most entertaining 15 minutes of today for all of us, if not the most illuminating.

Yet again we have the government putting forward a very sensible, evidence-based, policy-driven, strategic, long-sighted bill, with those opposite saying it is far too much action and those to my right on the crossbench saying it is nowhere near enough. It is those two responses which give me great confidence that yet again we are steering a sensible path.

This is an important bill that puts into legislation a long-term target which provides a vision for both the government and our society in terms of how we can move towards a zero-emissions economy and society. This is something which I think almost everybody in this chamber agrees we are going to have to achieve. I think Mr Davis said that he did not want to see quite so much action so quickly, but even he agreed that we do need to address this problem. I think even he agreed that climate change is human caused and that climate change is a problem. I look forward to Mr Finn's contribution to see whether that is a perspective that is universally held by those opposite.

I think what we see from those opposite is that they are supportive in principle of taking action and supportive in principle of dramatically reducing emissions, but

they are always finding excuses as to why we cannot do it right now — 'We need more studies', 'We need more certainty', 'We need more stability in the system'. There are always these excuses, and I will talk about those in a minute. What we see when we look at this issue is that the costs arising from climate change are already high and are rising quickly. There have been many who have modelled the likely costs for our society, for our environment and for our economy if we do not take action.

We are already seeing rising sea levels, and yes, we are seeing polar ice caps melting. We are seeing great volatility. We are seeing more and more extreme events. We have seen the 10 hottest years in Australian recorded history since 2002. We are seeing the environment changing literally before our eyes. If you are a Victorian farmer, if you are trying to produce food, if you are trying to produce fibre in this incredibly volatile environment, if you are being subjected to more and more extreme events, if you are living on the coast, if you are trying to run a ski field, if you are at the coalface, so to speak, of climate change, you are seeing already the impacts of rising temperatures but also greater volatility in temperatures and significantly greater volatility in climate events. The costs are already significant, and they are rising dramatically.

Those opposite say that we cannot do anything until we perfectly model every single aspect of what is going to happen until 2050. You cannot sit on your hands in this area of policy and expect that you are going to actually save costs. You are going to impose greater and greater costs. It is not just the costs, of course; it is the inequality in where they fall and the uncertainty in where they fall.

That is one side of the equation. All of the scientists agree that climate change is happening and all of the scientists agree that it is human caused, and we are seeing the costs rising dramatically. Every time we get updates from scientists they have higher costs, and every time we have updates from scientists they are more and more certain as to the path on which we are heading. The flip side of this is that the costs of taking action, the costs of adaptation, the costs of mitigation and the costs of reducing emissions are falling dramatically. What that says is that we should be starting now, not waiting until we do more modelling and not waiting until we give the opposition more and more time to run through political red herrings.

We need to start action now, and that is why it is critical that we provide an environment in which there is regulatory certainty, in which business can invest, in which research and development can be undertaken and

in which investment can be undertaken with certainty. We need to create an environment in which society can move over the lowest-cost-possible trajectory to a zero emissions future, which, again I reiterate, I suspect most in this chamber would agree is important.

When I say costs are falling, it is dramatically. It is exponentially. The *Economist* coined the term Swanson's law to refer to the fact that the cost of photovoltaic (PV) cells is falling exponentially, and the *Economist* article talked about the fact that we are seeing a reduction in costs of roughly 50 per cent every 10 years and that there is, according to some studies, a 20 per cent reduction in costs for every doubling of shipped volume. Regardless of the precise modelling of costs and how they have fallen in the past and how they might fall in the future, they have fallen dramatically and they are continuing to fall, while on the flip side the cost of coal and other high-emissions generation is rising.

As an example, the cost of PV cells was \$76.67 per watt in 1977. It was 36 cents per watt in 2014, and it is still falling. That is the kind of dramatic trajectory you get when you have a sustained exponential fall. It is exactly the parallel to what you might say Moore's law reflects in terms of the reduction in the cost of computing, and we have seen what a transformation that has created in our society in the IT sector. So surely that suggests that what we want to do is to hop onto that bandwagon. The notion that we would want to stick our flag in the sand and stick with coal in the face of those kinds of cost reductions is absolutely ludicrous.

We are seeing similar kinds of cost reductions when it comes to wind. We are seeing similar kinds of cost reduction when it comes to storage. So what we need to do is to put in place a framework where we have the appropriate regulation, where we have the appropriate incentives and where we have the appropriate research and development investment so we can continue to benefit from those cost reductions.

In addition, of course, there are the industry development opportunities. With all of that cost reduction and all of that dramatic increase in generation capacity in the renewables sector, there is a huge opportunity for jobs in the manufacturing of that renewable energy, potentially manufacturing it for export and even installing it in other countries. There are other economies, like Germany and China, which ironically have far less natural advantage in this space but are leaps and bounds ahead of us. It is exactly that kind of opportunity which setting a target like this will help us take advantage of. If we set legislated targets

such as those contained in this bill, it will put our economy on the right long-term trajectory.

Of course in December 2015, 195 countries, including Australia, reached a historic agreement to combat climate change. That agreement's central aim was to hold the average global temperature increase to below 2 degrees Celsius. Australia signed that, but what we see at the federal level, what we see nationally, is a complete lack of leadership and a complete lack of action. That is why Victoria is having to push the envelope through actions like this, through our Victorian renewable energy target and through actions aimed at promoting the industry. And we have seen great success already.

This target — what is contained in this bill — is a very important part of that overall strategy. It is critical that we set a vision, a target and a trajectory for our economy and our society for how we can move over the medium and long term. Indeed this bill contains a sensible and flexible arrangement by which we will be able to have interim targets along the way and adjust as we become aware of technological progress and other aspects of social, economic and environmental conditions that are relevant to the appropriate trajectory.

Victoria is taking leadership in this space, in the vacuum set by the federal government after signing the Paris treaty. This clarity — this certainty — everybody in the scientific community agrees is essential but importantly everybody in the business community agrees is essential. Everybody in the research community agrees it is essential.

If you ask people in the business community, what they say is critical is that they have certainty. If they are going to undertake large-scale long-term investments, which everybody agrees are going to be important if we are going to continue the cost reductions that we have seen; if we are going to see the large-scale investment, which everybody agrees is important if we are going to have the massive ramp-up in renewable generation capacity, we need certainty. We need industry to be able to invest, knowing how that investment is going to be treated moving forward. This bill is a critical component of that certainty.

Those opposite will say anything to get to political pointscoring. They do not want a solution here. Mr Davis of course talks about South Australian wind and the recent events there. He talks about stability in the system. It is red herring after red herring. It is political pointscoring after political pointscoring. On the one hand he says, 'I genuinely want to address this problem; I genuinely want a long-term solution', and

then he immerses himself in political pointscoreing in relation to issues of the day. Is he seriously saying we cannot get to a zero-emissions economy by 2050 because of debates around how the energy market operator should or should not have dealt with events in South Australia recently? Is he seriously saying that we need to hold off on long-term targets until we undertake detailed studies of the potential impacts on cost of living going out to 2050? What he is really saying is, firstly, he wants to use opposing a bill like this as a political pointscoreing machine; secondly, he wants to use issues like cost of living. These are genuine issues, but he wants to use them as an excuse to do nothing.

When I raise the issue of cost of living, this is a critical issue for the community. But I want to make this absolutely clear: the much greater risk for cost of living is doing nothing.

The much greater risk for cost of living is delaying implementation of renewable energy. As with any economic adjustment, if you need to make a major adjustment in any sphere of economics, and if that adjustment involves implementation of a large-scale investment, the lowest cost is almost always going to be a smooth trajectory of adjustment, a smooth trajectory of investment. It is going to be learning by doing. It is going to be research and development along the way. What Mr Davis is in fact saying, ironically, is that he wants to protect cost of living by doing nothing, by delaying action, and in effect he will be dramatically increasing the cost of living.

He claims to want to achieve long-term serious cuts in emissions. He claims to be on board with the vision, but let us listen to what he is really saying. If we go through his speech we find excuse after excuse after excuse to do nothing, excuse after excuse after excuse to continue what happened for their four sorry years in government. Not only that of course, it is not just excuse after excuse to do nothing, it is red herring after red herring, and it is sad politicisation of something which should be bipartisan.

This government is putting Victoria in a position where we can take a leadership role on a critical aspect of the way in which Australia is dealing with this issue. For those opposite to make it a political point-scoring exercise is, I think, short-sighted but also very sad and unfortunate. It is a matter of some pride that we on this side have put Victoria in a position where we have both a raft of short-term measures which are paying dividends now, but we also have put in place a vision for the future for which future generations will thank this Parliament.

Mr FINN (Western Metropolitan) — That was a fascinating contribution from Mr Mulino, but not as fascinating, I have to say, as the contribution from Mr Barber, which I found to be highly amusing and highly entertaining. I have to take issue with Mr Mulino's argument that this should be a bipartisan issue, because there are many views on this issue right throughout the community. From the community's perspective I think it is good to know that a good many of the views on this issue are represented on this side of the house. Only one view is represented on the other side of the house, so you have to ask: who are the true representatives of the community in this Parliament?

I rise to speak tonight on the Climate Change Bill 2016, and how very appropriate it is that it is called the Climate Change Bill 2016, because climate change is so very 2016, is it not? Because the world changed. The world has changed since 2016. The election of President Trump in the United States was a clear, unequivocal statement from the people of the United States that they think climate change is nonsense, and that they have had enough. Indeed Australian people are saying exactly the same thing. They are saying exactly the same thing — that they have had enough of the carry-on that we hear from the extreme Greens and indeed from the climate change industry. Those in the climate change industry might not be green at all, but geez, they are making a lot of money out of it! They are doing very nicely out of the caper indeed, and that is what it is.

What we are seeing now is a situation where we have got an industry which is making a huge amount of money out of screwing the workers — and that is what it is. I would have thought that members opposite would have been interested in defending the working people, the working families. I remember a few years ago the Labor Party used to rabbit on ad nauseam about working families, except of course when it comes to climate change, and then they belt them over the head with every tax that they can find.

I want to make reference to renewable energy targets. I have no great problem with renewable energy, as long as it is in its place. Ms Springle is looking at me with a perplexed look on her face, but I have to say I think solar energy can be very, very helpful in many ways. Perhaps that is not the case so much with wind energy, because that has been proven to be, let us say, not as efficient as many other forms of power. Certainly renewables have their place, but we do not want to go down the same path as South Australia.

Over the last 12 months we have seen South Australia plunged into darkness on a number of occasions,

basically because they have put all their eggs in the renewable basket, and that is an unfortunate fact of life for the people of South Australia. Despite the fact that 53 per cent of them voted for the Liberal Party at the last election, the Labor Party was re-elected with these disastrous policies. It will be interesting to see just how many votes for a continuation of darkness there will be after the next South Australian election. We do not need to go down the South Australian path, and it is worth pointing out that you need electricity even to make candles. That is something in South Australia they have probably discovered, because I think there is a shortage of candles over there because the electricity keeps failing them.

Sadly, with the way we are going in Victoria under this government, we will soon be joining our friends in South Australia.

Mr Ondarchie — In darkness.

Mr FINN — Absolutely, with the closure of the Hazelwood power station. You cannot just pull out 20 or 25 per cent of your base load and it have no impact. I mean, that is just a ludicrous suggestion. You cannot pull out 20 or 25 per cent of your base load and it have no impact on what people are using and what they need.

We have heard from some of the extremists of the environmental movement over recent years — people like Al Gore, for example. Remember his infamous movie, *An Inconvenient Truth*? The whole movie was an inconvenient truth for him, because it had more holes in it than Swiss cheese. It was proven time and time again to be just a load of baloney, but it made him a very, very rich con man indeed, and I suppose we should say good luck to him. He is probably the richest and most famous charlatan in the world. He must get down on his knees every night and thank the good Lord that George W. Bush defeated him back in 2000, because otherwise he would have been just a president, instead of being a billionaire on the back of this climate change nonsense.

You would not believe this. Just last week Al Gore said because of climate change Mecca will be uninhabitable. It will be uninhabitable. I am not sure what impact that has on anybody except the people of Mecca, but he seemed to think that was a particularly important point that should be made. He also made the point that because of climate change the toxicity of poison ivy will be increased no end. So Al is over there, he is clearly having a lend of us but he is having a good time, and when you have got that much money, why would you not?

We have got our own Al Gore over here, Sandbags Flannery, who told us years ago that the rain that fell from the sky would never again fill our dams and reservoirs. That was before the floods in Brisbane, the floods in Sydney, the floods in Gippsland, the floods in South Australia and, as I recall, the floods in Tasmania as well. But he is also one of these chaps who has told us that the sea levels are rising. It is interesting: whenever these so-called environmentalists predict that sea levels are rising, they seem to move toward buying a home near the water somewhere. We have seen it from Greg Combet, we have seen it from Sandbags Flannery and we have seen it from Al Gore, who has got a huge mansion over in Florida, I understand, just on the beach — we see this every time. You have got to wonder how silly people are to actually believe this. I mean, you can see these people are having a lend of us, and people are just blindly going along, saying, ‘Oh, yes, righto’. It is just extraordinary.

We have seen over recent years that global warming is no more, because quite frankly the climate change industry discovered that indeed there was no global warming, and there has not been any global warming for about 20 years. Some in the environmental movement have called that a pause; I would call that a fair dinkum stop. There was not much of an increase before that 20 years, but there has been no increase in the world temperature for 20 years. That is not an issue as far as the industry is concerned. They just describe it as climate change. Well, that can mean anything you want it to mean. When it is hot, it is climate change. When it is cold, it is climate change. When it is raining, it is climate change. When it is dry, it is climate change. Whatever conditions may be happening, it is climate change. It is not surprising that has changed. Here we are in February in Melbourne and two days out of this week we have had the heater on at our place because it has been freezing. This is summer in Melbourne. Of course, it is not global warming — it is climate change!

Mr Ondarchie interjected.

Mr FINN — There is major climate change underway in Werribee, Mr Ondarchie — don’t you worry about that.

What we are seeing is one of the great cons the world is yet to see exposed. It is staggering. I will not stand by and let these people get away with it. I think it is just appalling, because what is happening in our state at the moment will threaten the security of our electricity supply, and if you threaten the security of our electricity supply, you threaten our business, you threaten our industry, you threaten our jobs and you threaten families who need those jobs. That is something that no

responsible political party in the state should be promoting. I am glad that Mr Melhem is in the house, because I know he regards himself as being close to the workers — he regards himself as a workers' man — and he is actually one of the very few members opposite who does live in his electorate. It may be totally by accident, but he does live in his electorate.

When we talk about the damage of climate change, the damage is not to the planet. The damage of climate change is those who are what is known as global warmists, who promote this nonsense ad nauseam, and the threat that they pose is to other human beings — to families.

Mr Barber — You are digging your own grave right now.

Mr FINN — That is the great thing about the certainty of the Greens: they know they are right. I respect Mr Barber's religion. He genuflects at the altar of the Greens, and that is fine. If his belief is global warming, if his belief is climate change, that is fine, but that is what it is — it is a belief; it is a religion of its own — and the facts just do not stack up.

We have seen over many years now a campaign of bullying and intimidation against those who have spoken out against the industry, and that is not surprising at all, because there are a good many people across the face of the earth making millions of dollars out of this con, and they will fight very, very hard, as we have seen, to defend what is a damn good wicket from their point of view. But I am here today to say that I will be voting to support Mr Davis's amendment and, more to the point, I will be voting to protect Victoria's power supply, I will be voting to protect Victorian business, I will be voting to protect Victorian industry and I will be voting to protect Victorian families who need both — who need the jobs. I will be voting to protect farmers, Acting President Ramsay. I will be voting to protect ordinary Victorians who are threatened by this extreme climate change lunacy. We are going to have a situation here where people will not be able to afford to keep warm in winter and will not be able to afford to keep cool in summer, which is probably a good thing, because there will not be any electricity to do either if things keep going the way they are.

What we need in this state, in my personal view, is another coal-fired power station. That is what we need in this state. We have got more coal than we can poke a stick at. Why do we not use it? Is that logical? Does that not make sense? Let us get on with protecting our future, with protecting our families' future, with

protecting our industries' future and protecting the jobs of Victorians for generations. Let us get ahead and let us stop with all this nonsensical climate change rubbish.

Mr MELHEM (Western Metropolitan) — I also rise to speak on the Climate Change Bill 2016. It is quite amusing listening to Mr Finn. You have got to give it to Mr Finn. He does believe in what he says. Whether it is true or not, I believe he is committed to his cause. However, I got confused halfway about global warming, which he definitely does not believe in, yet he accepts that there is climate change. So I am not sure. He must stand somewhere in the middle, I suppose.

What this bill does is talk about setting targets and committing Victoria — because the federal government would not do anything — to honour our international commitment which we set as a country through the Paris agreement to work towards reducing emissions. The whole world — including China, I may add, who were the biggest polluters and who have now committed to a 15 per cent reduction by 2020 — has moved there. We have already signed the Paris agreement, and what we are doing as a state government is trying to live up to our commitment to our international obligation and also, more importantly in my view, to look after our children, to look after the environment and to make sure that the environment does not get hotter by 2 degrees Celsius and that the sea does not rise. With all these scientists, surely it is true they have got it sort of right. They might not be 100 per cent right, but they are close. So this bill will put a mechanism in place to start working on how we achieve these things.

There has been talk about Hazelwood. The government did not make the decision to shut Hazelwood down. It is the coalition that privatised the electricity industry in the 1990s. They are the ones who sold it. The operator of Hazelwood simply made a commercial decision, because the plant is no longer viable. Let me tell you: if Engie believed that they could still make money out of Hazelwood, they would not have shut it down. They would have kept it going, because they were under no legal obligation. They would not have shut it down.

Honourable members interjecting.

Mr MELHEM — Mr Davis talks about the carbon tax. Where is the carbon tax? It is gone. There is no carbon tax. They simply made a commercial decision in order to continue operation of the plant.

Mr Davis interjected.

Mr MELHEM — For your information, Mr Davis, in order to run an electricity company you need to reinvest in that every 10, 15, 20, 30 years. They have got a life span. So they made a decision. Do we invest half a billion dollars and keep it going, or do we shut it down? They decided to shut it down.

What is important for the Victorian government is to do two things. One is to make sure we have got reliability of supply and the other is to make sure workers are looked after. In relation to looking after the workers, I will not spend time talking about that. We have a number of initiatives in place to make sure we do just that. In relation to security of supply, I only have to quote your federal colleague, Minister Frydenberg — or Frighten-berg — basically saying that he had sought advice from the Australian Energy Market Operator and that they had told him that the supply would not be affected as a result of Hazelwood shutting down. That is your own minister, but that did not stop the Liberal Party making a political argument out of this to frighten everyone about security of supply.

We are interested in the security of supply. We are interested to make sure industry continues to operate in Victoria. Here is the proof: Alcoa and Portland aluminium. If it were not for the Andrews Labor government in Victoria, Alcoa would not be operating today. Let me give you the mail: if your lot were in government, Alcoa would not have got the assistance — the \$200 million that was committed by this government. And they are significant; they are the largest user of electricity. We made the hard decision. We wanted to support industry in this state. We have supported Alcoa.

I remember the days in my former job when I was pleading with the Baillieu government to support Point Henry. I got zero out of them — zero. ‘Don’t care. Not interested. Alcoa at Point Henry can go to the wall’ — and that is what actually happened. The feds put in \$40 million — I get it; that was the federal Labor government, it was not a coalition government — so do not lecture us about commitment to industries.

In relation to the South Australian experience, it is playing politics. The truth does not really matter in this debate. Are you telling me that if it had been a coal-powered electricity generation plant’s poles, that would have saved the poles and wires from collapsing during that storm, as opposed to the poles having been carrying electricity generated by renewables? To me it is the same thing. The current is the same. Why do you not stop lying and telling fibs and tell the truth for a change? The difficulty with South Australia was the

storm. The poles collapsed; they hit the ground. It was not because of the issue of renewable versus coal.

An honourable member interjected.

Mr MELHEM — It is true to say that a few weeks ago they got close. But they had a generator in place already; I think it was a gas-powered generator. They did not make the same mistake. They turned it on. We had the same thing in New South Wales recently where people started playing politics about renewable energy versus base load et cetera. Let me tell you, we got close there too, where the private operator had nearly made the decision not to turn on extra capacity because it would not make as much money so there was no point turning it on for a day. But they were told to do it, and that saved the aluminium smelter in New South Wales.

So let us face the facts. Yes, we do need to have and maintain baseload power; you will not have any argument from me. We need to maintain it for two reasons: one is that we need to maintain supply to make sure that our industry continues to operate in an efficient manner; and two is that we need to make sure there is enough power in the system to maintain stability.

On the other hand, I also believe in having targets to achieve zero emissions by 2050. If we can achieve it, that is great; if we cannot achieve it, this will work toward that, so we make sure that with the impact on the environment we reduce carbon emissions. What is wrong with that? The cost of producing clean energy is coming down by the day, not every year or every month. Going back five years, people would say that the cost of renewables, whether it was solar or wind, was far too expensive. But that is not the case today. We have had an announcement that a company is going to construct the first storage battery in Victoria. It is going to be able to store 20 megawatts of electricity and it is going to be ready for next summer, so the technology is there.

We can have the argument about what is the best model we should use as a state, whether we just do wind, solar, thermal, geothermal or water — hydro — and in the meantime continue with coal or gas. Let us have the debate about what we all agree on. We talk about this generation, but let us talk about the next generation. Let us talk about our kids, let us talk about people under the age of 30 or 40 — we are making decisions affecting their lives down the track — and what they want and what they think. I know what they will tell you: ‘We want to look at renewable energy, we want zero emissions’. That is what they want. So why do we want to take that away from them?

Let us talk about how we can balance the environment, how we can make sure we reduce emissions, how we can maintain supply to make sure industries and households have a continuous supply of electricity and how we can make sure we have a stable system. Let us not have the old ideological arguments that climate change does not exist, global warming does not exist or on the other hand that yes, it does, and the world is going to end in five years if we do not do anything. I think those arguments have been had already. I think there is some sort of agreement that we have to change. I think we agree on that. Therefore let us talk about how we get there, instead of just having political pointscoring and sticking our heads in the sand and pretending that the world is perfect and we do not need to change.

I will conclude by saying that this bill is all about putting enablers in place to make sure successive governments and ministers have plans in place to continue to work toward zero emissions and commit to renewable energy. Victoria is one of the main drivers to achieve this target. If we are talking about solar power, for example, Victoria is one of the leading states in having solar panels on household roofs et cetera.

Mr Barber — We're not really.

Mr MELHEM — We are not? We are getting there. With wind energy we are making some headway. I think there is more work to be done in relation to that. We should get behind that so it is no longer the beast that everybody is frightened about — the cost and the supply — and that it is not used when talking about the recent events in South Australia to scare people into believing that renewable energy means blackouts. Let us call it what it is. Let us not play politics on this. We all know that was not the reason that South Australia lost power, with the big storm. There is enough capacity in the system.

I agree that we actually need to balance our supply, making sure we have got enough base load, enough security so that our industries and households have electricity 24 hours a day and maintain supply so that when we have storms we are able to do so through the national grid. We need to have the facility for companies. In New South Wales they were arguing about whether or not to turn on the power in a particular plant that could have shut down massive employment in the aluminium smelter in the Hunter Valley. We need to make sure we strengthen our laws so that does not happen again.

I think it is a good bill. It has struck the right balance, continuing the commitment of our state toward renewable energy. I commend the bill to the house.

Mr RAMSAY (Western Victoria) — I want to make just a small contribution to the debate on the Climate Change Bill 2016. I note that Mr Davis has provided the chamber with an amendment and that part of that amendment is that this bill be referred to the environment and planning committee.

I have been a member of Parliament now for six years, and from the very first day of being in this chamber I have had to make contributions in relation to climate change, the renewable energy industry, the importance of our baseload power, the wonderful strengths that we have in this state in relation to our resources, whether it be in coal or gas, and the relationship that can provide coexistence between the use of our traditional energy supplies and a growing renewable energy industry. In all my contributions I have always supported the use of renewables as part of an energy mix.

I find it fascinating though that in the second-reading speech the minister in her second paragraph says:

The Andrews Labor government recognises that climate change is one of the most critical issues facing us today, and we are committed to taking serious and far-reaching action that makes Victoria a model for others to follow.

This bill does not do that. All it merely does is provide a quasi-framework for ministers to take responsibilities in their own portfolios in relation to greenhouse gas emissions.

The first line says, 'climate change is one of the most critical issues facing us today'; that is not what my surveys in my electorate say. One of the most critical issues facing my constituents is the cost of living. One of the concerns around cost of living of course is the increased cost of energy and energy supply. The second critical issue for my constituents is about law and order and the importance of feeling safe in their community. The third most critical issue for my constituents is about jobs and employment — being able to find a job and make a worthwhile contribution to the communities that they live in. Even in the context of the opening statements of the minister's second-reading speech, they are not the issues resonating in my electorate.

That aside, it is interesting to go back in time. I have had some experience in what is almost a national fatigue in finding the right balance with reducing greenhouse gas emissions. I believe we should have that as a longer term goal because it does affect climate change, and climate changes for a range of reasons,

whether they be human impact, environmental impact or industry impact through emissions into the air.

I remember the Prime Minister at the time, John Howard, tried to introduce a carbon pollution reduction scheme, a scheme that was actually supposed to provide incentives for industries to voluntarily start reducing their greenhouse gas emissions, and they were provided with a number of tools and mechanisms to do that. Unfortunately, if you remember, Kevin Rudd, when he became Prime Minister also described climate change as one of the most critical issues facing mankind. Of course he was keen to continue the work in relation to introducing a carbon pollution reduction scheme. Then it was merged into an emissions trading scheme. Then he was running off to Paris to the climate change convention that was happening. When he came back he decided that the best way to move forward was actually to start taxing industries for their greenhouse gas emissions.

History will tell you that of course he got rolled by Julia Gillard, and again she saw fit to take a policy position of reintroducing the Rudd carbon tax to the Australian electorate. Of course when she realised there was considerable resistance against introducing a costly carbon tax that would actually cost every man, woman and child in relation to industry's greenhouse gas emissions, she backpedalled on that and said the government she led would not introduce or reintroduce a carbon tax.

Then we had Prime Minister Abbott, who said he would get rid of the carbon tax. Then we had Malcolm Turnbull, who said he was open to looking at an emissions trading scheme — a more global trading scheme. Of course now that has been watered down to looking at a balance of traditional baseload power energy sources complemented by a range of other renewables and geothermal storage, hydrothermal storage and a lot of other tools that can provide additional support. Now we have just lately seen Bill Shorten running backwards at 100 miles an hour in relation to the federal Labor opposition's renewable energy target (RET).

Quite frankly the picture I am trying to paint is that even nationally there is no consistent support for or theme about how to deal with greenhouse gas emissions and the impact they are having on the ozone layer, which is different to what Victoria is trying to do, particularly the Andrews government, in introducing significant costs through a bill that really is not definitive in how much it will cost in relation to the legislative framework that they want to introduce and the actual impacts that that framework might have in

relation to reducing greenhouse gas emissions or in fact impacting on climate change at all.

I raise considerable concerns around what this bill is trying to accomplish and the lack of detail around what costs might be associated with the framework that is being proposed in this bill. As has been said before, as we know, it was no doubt the impact of the \$252 million of industry carbon tax applied to Hazelwood which determined the final decision of the company that owned that facility not to continue its operations. We know that came at a loss of nearly 2000 jobs. We know that without that power station we are going to lose 25 per cent of baseload power in Victoria. We know, thanks to the Greens trying to muddy the waters in relation to the fracking debate, that we are now having to remove ourselves from the debate around conventional onshore gas, which we have huge reserves of and which could offset some of the costs associated with the loss of Hazelwood and could importantly ensure that we have a continual, reliable supply of energy. We are now not able to have that sensible debate because of the ranting of the Greens and other like-minded souls who cannot differentiate between unconventional and conventional extraction of gas in Victoria.

We also have the problems with significant subsidies on the wind industry. We know it is a very costly industry to support. We do understand that there is a movement in a plethora of wind farm industrial parks around Victoria that, as I have said, have been strongly supported by the taxpayer and are not providing the ongoing baseload power that is required.

Mr Barber interjected.

Mr RAMSAY — Absolutely supported by the taxpayer, Mr Barber. We also see now in the competitive marketplace, with not as much subsidy, the better use of solar energy and better use of battery storage. That can play a significant role in the renewable industry portfolio.

The issue around targets is a dangerous one for the state to follow, and I am pleased to see the Liberal and National parties strongly taking a position in relation to the removal of the Dan Andrews RET, because we know it increases the cost to households. We know it comes at the expense of jobs. We know that it does not excite the sort of competition in the marketplace that we are seeking for other sources of energy. We know that we need to have a strong, clean coal-fired industry that will attract private investment but will also be complemented by other forms of energy, with a reduction in taxpayer support.

This bill really achieves little in relation to reducing greenhouse gas. It makes a number of motherhood statements; it is not providing a transition process for communities to be able to take on board the necessary mix of power. We cannot do it alone in Victoria; it is just nonsensical to suggest that Victoria can take a leadership role in climate change policy that will transition communities that have for decades or generations had a long, proud history of using our natural resources in the ground that have become very cheap and very competitive and have critical mass, as against the more costly, heavily subsidised renewable industries that still are in their birthing stages as far as providing a significant proportion of our energy use goes.

Sadly I am here to say that this bill is not up to it in relation to what it is trying to achieve. It certainly cannot do it by itself without a national framework that it can actually append to. I hope the chamber will see fit to support Mr Davis's amendment and allow more debate and discussion on the bill and more investigation into its merits.

Ms BATH (Eastern Victoria) — A week ago I attended a forum in the Latrobe Valley, which is a tipping point for energy at the moment. The forum was conducted by Brown Coal Innovation Australia, a not-for-profit research and development body which has scientists involved in it. There would have been about 100 people there, and Brown Coal Innovation Australia spent time discussing with the crowd the potential of turning brown coal into a liquid fuel — the fact that it can be liquefied and mixed with other organic material like waste wood and then burned as a fuel. They went into this in some detail. They explained that this process can work in the laboratory, in a test trial space. They also said that the Japanese are building a large, industrial-scale prototype for this form of energy and that they are most interested in turning our coal into energy. I often wonder if the Japanese were sitting where we are what they would be doing with our resources.

Mr Barber — We beat them in World War II or we'd know.

Ms BATH — Yes, that is true. I am taking up Mr Barber's interjection that we did beat the Japanese, and today we are a mixed race, I guess you could say. Our community encompasses all races.

The point I wanted to make is that Brown Coal Innovation Australia were adamant about the potential for carbon capture and storage and sequestering it in an inert form — that is, turning carbon dioxide into a

liquid form and sequestering it under the seabed, away from, we will call it, seismic activity or dangerous landmasses, one of which is Australia. It was interesting that when there were questions at the end the majority of questions came from green or environmental groups, who said, 'But this isn't good enough. There are other technologies. We don't want to do this'. I find it quite absurd that if through this process we can utilise our coal and sequester it so there is no net impact on carbon dioxide emissions in the atmosphere this is still not appropriate and is not good enough. I am not advocating for this process as a platform. What I am saying is that all things should be on the table to be looked at and comprehensively analysed to see whether they can come to fruition and whether they can provide net benefit to our community and our state without adding to overall carbon emissions.

Minister D'Ambrosio has talked about decarbonising. In fact we are made up of carbon. What we are looking at all around us in this chamber is carbon. Anything that is made of organic material is carbon. Trees are carbon. Humans are carbon. We do not want to decarbonise the world, otherwise we would cease to exist, but the emphasis should be on removing CO₂, and there are some technologies around that.

The Climate Change Bill 2016 repeals parts of the Climate Change Act 2010 and makes amendments to it. To my mind, this bill is more of an aspirational than a reasonable nature. Within this bill there is no action required until October 2018 and no target set until March 2020, so it is perplexing for me that the Andrews government is pushing this bill through Parliament without due consideration of its effects.

I note from Mr David Davis's speech that the coalition is making a number of suggestions. One is that the bill be referred to the environment and planning committee, of which I happen to be a member, for analysis of the bill's content. That would potentially take a couple of months before the committee would report back to the house. The second response from the opposition is an amendment to the bill that would require the government to report on important issues around the effects on the energy market of the outcomes of the bill. Both of those are positive options and should be looked at. In terms of what our position is, The Nationals will be opposing this legislation until such time as either the referral or the amendment goes through.

In December 2015, 195 countries, including Australia, signed the Paris agreement. The agreement deals with greenhouse gases — of which CO₂ is just one — mitigation, adaptation and finance, starting in 2020.

Australia's contribution was 1.46 per cent of the aimed reduction.

The fact that the climate has been changing over millennia is on the table — it is a fact. There was the ice age, and there has been global warming right through to the modern era. If we drill down into the Antarctic with ice cores, we can see that over many millennia CO₂ levels were stable, but with the industrial age there has been an increase in the melting of ice. Reducing greenhouse emissions should be the role of all responsible governments. However, I note that in Minister D'Ambrosio's second-reading speech she stated:

This bill, however, is just one component of the Andrews Labor government's comprehensive response to climate change. This includes a series of reforms to drive emissions reduction ...

This government is a government of 'Do as I say, not as I do'. The *Herald Sun* in 2016 highlighted the hypocrisy of the Andrews Labor government, saying:

The Andrews government's carbon emissions increased by almost 25 000 tonnes over the past year —

this is emissions from the Department of Premier and Cabinet —

at the same time it was telling the rest of Victoria to lower its carbon footprint.

The 2.6 per cent rise in emissions comes after Premier Daniel Andrews announced binding targets for Victoria to be carbon neutral by 2050.

Again, it is a 'Do as I say, not as I do' philosophy.

To be truthful, in my electorate of Eastern Victoria Region, in Gippsland, most of my constituents do not sit at their kitchen table and talk about global warming or climate change. Many of the people I speak to talk about three things. They talk about unemployment and the lack of jobs in the Latrobe Valley and across Gippsland as a wider consequence of the shutting down of the Hazelwood power station on 31 March. They talk about energy security, and again with the loss of Hazelwood there will be approximately 25 per cent of baseload power going out of the grid, and there is nothing at this stage to replace that. They talk about cost-of-living pressures and specifically the rising cost of energy prices. I want to talk briefly about each of those.

With the closing of the Hazelwood power station the ramifications on everyday people will be quite wide. I have had men who work in the power station come in and say to me, 'I just want to stop feeling sick. I don't know how I'm going to provide for my family, and it's

just a very sickening time for me'. As a parent you can understand their concern and frustration at not knowing what their next step will be after 31 March.

In terms of the closing of the power station, in 2010 *Hansard* records the Honourable Gavin Jennings as having stated:

Some people in the Latrobe Valley today may be anxious about this matter, but our government is very committed to ensuring that we provide the appropriate industry assistance and industry adjustment as we implement a staged closure of the Hazelwood power station.

I have heard from a broad range of people across my electorate, including workers and Construction, Forestry, Mining and Energy Union members, who have said that they feel quite betrayed that this government did not fight for and did not put on the table and work for a staged closure. A staged closure would have enabled those older workers across the power stations to transition, potentially, into early retirement. They could have stayed in the valley and been in and around their family where their roots are. The younger Hazelwood workers could have transitioned across and this would have made the impact so much less.

If we look at cost-of-living pressures, we see that previously the Premier has talked about a 4 per cent increase. We know electricity prices will go up 10 per cent with Frontier Economics forecasting upwards of 20 per cent. A JP Morgan analysis makes it in or around 15 per cent. What will this do? I will tell you what is already happening in various places across the state.

In the *Australian* on Saturday there was an article about the Mulcahy brothers in northern Victoria. Peter Mulcahy has made various comments. He owns a large dairy factory in northern Victoria, which exports great fresh A2 milk products to Malaysia, Singapore and China. Mr Mulcahy said:

It just makes business more uncompetitive. We don't understand why the government is doing this — why make Australia less competitive than the rest of Asia?

He goes on:

Everyone seems to be thinking solar and wind farms are the answer, but you've only got to look at the South Australian experience to know there are flaws in that.

Shutting down Hazelwood without having a viable alternative in place is foolhardy.

Mr Peter Mulcahy is a large employer in the area.

In every town across Gippsland there are high energy users. If we look at our butchers in our towns, if we look at Lion dairy locally in Morwell or if we go to Bairnsdale and look at Patties pies, the increase in electricity prices will have a negative impact on their business models, and I very much hope it will not mean a loss of jobs. Also if you look at the desalination plant, it is a high energy user. It is going to be turned on very shortly to justify its existence.

The other point I want to raise is in terms of a regulatory impact statement. What will it mean moving forward and why has there not been an analysis? The minister and the department have on separate occasions stressed that this bill will provide the certainty needed for business and markets. However, in their briefing the ministerial staff said that no regulatory impact statement or modelling had been done in relation to how this bill will affect businesses or the current increase in prices. In fact they went so far as to claim that the regulatory impact statement could not be done until it had been legislated, and I know that is not the case. Sitting on the Scrutiny of Acts and Regulations Committee I know there are many, many regulatory impact statements that are completed and modelled, and they give a good understanding about what the future impacts of various bills and/or regulations will be.

I think this is an appropriate way forward. Therefore I will certainly be supporting a referral to the Standing Committee on the Environment and Planning to look at the negative or positive effects on homes and businesses and, failing that, I will certainly be supporting Mr Davis's amendment.

House divided on motion:

Ayes, 21

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

Noes, 19

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

Motion agreed to.

Read second time.

Referral to committee

Mr DAVIS (Southern Metropolitan) — I move:

That the Climate Change Bill 2016 be referred to the environment and planning committee for inquiry, consideration and report by 25 May 2017.

I talked about this in my contribution to the second-reading debate. We think that this inquiry would enable much greater scrutiny of this bill. It would enable us as a Parliament to actually be able to see the costs and benefits of this, to very clearly see the reporting requirements and to look at other key aspects including those mechanisms which are more effective and less effective in terms of mitigation. This would be a very useful step to take. This bill, as I think one member said in their contribution in the chamber, had a report behind it and the government quickly ignored much of that report. This would enable a sensible process. I am open to amendments on the date if people have a different date that they think would better suit. I think that it is a reasonable way forward and it would also enable the business and household impacts to be more closely investigated, in which case we could end up with a better bill than the current one.

Mr JENNINGS (Special Minister of State) — The government will oppose Mr Davis's motion. We think that Mr Davis is actually creating a straw man in circumstances by which he ultimately intends to vote against the bill. He may as well not have that pretence to take us from now until May. He may, with some good fortune and some good management, have the opportunity to vote against the bill as early as today, and we are happy to provide him with that opportunity and for him to be very, very clearly identified with the reactionary agenda that underpins the obscure arguments that he may actually choose to make now.

This is consistent with what actually happened in 2010 in this Parliament when the Liberal and National parties at that point in time only voted in favour of a climate change bill in Victoria because they believed they had no political option but to do so and then immediately proceeded to dismantle it once they came to government. They have no interest in this field of public policy. The lines that are being run by the federal government at this point in time to create fear and apprehension but make no substantive contribution to the climate change agenda or the industry transition in this nation are galling and they are rejected by the

Victorian government. The government totally opposes the merry-go-round that Mr Davis wants to take us on.

Mr BARBER (Northern Metropolitan) — The Greens will not be supporting this motion. The mechanics of the bill are actually quite simple. I do not think there is any confusion as to what the bill actually does. In fact members over there just need to cast their mind back to where we were in 2010 when they did run an inquiry into the climate change framework and decided to actually start knocking it to pieces bit by bit. If Mr Davis wants to have an inquiry into what we ought to do about climate change, he can do that. This bill is merely a framework by which certain ministers at certain times might decide to do certain things. There is nothing unusual or exotic about the framework, as I said. The framework existed in 2010 until you started dismantling it. But it would be a good thing for the Liberals to have an inquiry into what they want to do about climate change, because when we heard the four different speakers on the bill, the only real merit that came from them was that they all disagreed with each other.

House divided on motion:

Ayes, 17

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

Noes, 23

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

Motion negatived.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Committed.

Committee

Clause 1

Mr DAVIS (Southern Metropolitan) — I circulate my amendments to clause 52, although we are not yet on that clause, but people may wish to look at them in the context of the committee.

I want to ask some questions in the initial phase that relate to the second-reading speech, and I think it is appropriate to do that on the purposes clause. I will start with the second-reading speech. I would like to point to page 2 of the second-reading speech, and I would like the minister to explain the memorandum of understanding on subnational global climate leadership and what significance that does have for Victoria.

Mr JENNINGS (Special Minister of State) — On my way through I will find the reference that Mr Davis refers to, which is on page 2 of the second-reading speech. The government understands that in terms of the international momentum on and recognition of the gravity of climate change and the policies that should be adopted on a global scale, on a national scale and on a subnational scale there are roles to play for governments, there are roles to play for industry and there are roles to play for communities in making a contribution to reduce greenhouse gas emissions, making a positive contribution to the environment by reducing the carbon load in the atmosphere and taking measures within their responsibilities to achieve that outcome.

A lot of conversations take place at a multinational level in relation to the parameters of emissions trading and the price of carbon on the basis on which global equity can be achieved in terms of supporting global development in the context of the challenge of climate change, the challenge of industry transformation and the mechanisms by which we can reduce the carbon load in the atmosphere and account for the maintenance of climate conditions so that they do not increase.

As the preceding paragraphs in the second-reading speech indicate that there is to be as much stabilisation of the temperature of the global atmosphere as possible in the decades ahead, I would have thought that most members of this chamber would recognise that within that context there are opportunities that are available to national governments and there are opportunities that are available to subnational governments, of which Victoria is one, to play a role in greenhouse gas abatement and mitigation and to play a role in adaptation in terms of trying to assist our economy and our community to deal with the circumstances of

industry transition and climate change pressures. In that context this piece of legislation does something to recognise the role that can be played by the state of Victoria, by government departments, by industry sectors and by the community as part of an international movement that Mr Davis's party may be doing its best to pay lip-service to in one instance and then totally denying its relevance and its significance at the same time. This government recognises that it is a continuum of rhetoric and action, and this bill is a demonstration of that.

Mr DAVIS (Southern Metropolitan) — That did not enlighten us terribly much, but I am just wondering about two things.

Mr Jennings — I doubt that I will enlighten you on anything today.

Mr Finn — Or any other day.

Mr Jennings — Yes, exactly.

Mr DAVIS — That is not true; the second one is not true. The memorandum of understanding on subnational global climate leadership — I wonder, does the minister have a copy of that available, and who signed it?

Mr JENNINGS (Special Minister of State) — Mr Davis, if you keep me in the committee for long enough, we will be able to download one from the website and provide you with a copy of it. It is an agreement that has actually been signed by 167 subnational governments of 33 countries across six continents. It is not a surprise and in fact it was part of the Paris conference in relation to climate change earlier this year. The federal government that the member would be supportive of were also signatories in terms of their national obligations in relation to Paris. It is just that he and his party in Victoria, for some reason, choose to ignore the role that subnational governments could play or Victoria could play. On Victoria's behalf Minister D'Ambrosio signed.

Mr DAVIS (Southern Metropolitan) — On what date did she sign that?

Deputy President, there is a process operating over in the box there, and maybe the minister wants to explain that, but there has been a very significant hiatus. Maybe he has come unprepared today, and he might want to reflect on that. If it is the case that he has not got the material ready today for this bill, including matters from the second-reading speech, does he perhaps need a little time, a break or to report progress or something? It is a nearly 5-minute hiatus, I make it.

Mr JENNINGS (Special Minister of State) — Deputy President, maybe Mr Davis could indicate why on earth this makes a difference to him. I do have an answer, but maybe he could explain to the committee why this is an important issue for him.

Mr DAVIS (Southern Metropolitan) — Let me be quite clear here. It is actually for the members of the chamber to ask the minister questions, rather than the other way around.

Mr JENNINGS (Special Minister of State) — Are you indicating to the committee, Mr Davis, that this is a frivolous question that does not mean anything to you? Have you got any reason why this is an important issue for you?

Mr DAVIS (Southern Metropolitan) — I am interested to know what obligations Victoria has signed up to and what the cost of those is. The minister might have some costings, some estimates, some work that has been done by the government preparatory to signing this international instrument.

Mr JENNINGS (Special Minister of State) — I still do not know what that has got to do with the date.

Mr DAVIS (Southern Metropolitan) — We need to know what date it was signed, under what circumstances and what preparatory work was done before it. The minister may want to enlighten himself on that. He clearly is not prepared today. He clearly has not done the background work. He clearly was unaware of the convention, as the questions rolled out. I understand it is not his portfolio, although it is true to say he is not unfamiliar with this area, having had similar responsibilities in the past.

Mr JENNINGS (Special Minister of State) — On 12 December 2016.

Mr DAVIS (Southern Metropolitan) — Then, Deputy President, I would seek from the minister some explanation as to the process and the work the government went through to establish what obligations and commitments were being undertaken through this process, and what costings were involved.

Mr JENNINGS (Special Minister of State) — After all that hiatus, Mr Davis, the hilarious thing about it is that you were not the slightest bit interested in the date. The date was 19 December 2016. You were not the slightest bit interested in the date. In fact you are indicating to the committee that your clear intention is in fact to try to delay the implementation of this matter, rather than to deal with any matter in substance.

I have a copy of the memorandum of understanding that I can furnish you with. I am happy to furnish you with it. It was signed by my colleague on 19 December 2016. As Mr Davis would be presumably aware there is a whole series of various levels of consideration of national and subnational governments stemming from the international conventions last year. Hopefully he has some appreciation of the international momentum to this endeavour, even though he is choosing to ignore it.

Mr DAVIS (Southern Metropolitan) — I appreciate that the minister has supplied that document and it was signed in December last year, and I would seek from him some indication as to the preparatory work that was done by the government in signing this subnational agreement. Clearly this is a document that has been signed by some jurisdictions and not others, and I seek to understand what work was done on this specific document.

Mr JENNINGS (Special Minister of State) — As I indicated to the committee previously, this document was signed by 167 jurisdictions across the world at a subnational level as part of an international movement for which there had been significant preparation undertaken at both national and subnational jurisdictional level to work out various roles and responsibilities of agencies across the world to lead a concerted effort in relation to climate change. Mr Davis, I think probably I could borrow the words from Mr Barber — —

Mr Barber — No charge.

Mr JENNINGS — ‘No charge’; thank you very much. In his support of us proceeding with this matter today rather than referring it off to a committee, he indicated that the substantive legislation that we are dealing with is a facilitative mechanism that will really be dependent on the targets and the actions that actually flow from it as a facilitating piece of legislation. So ultimately the tests that you want to assess, which are the apportionment of cost or the net impact of the actions that occur under this act, are yet to be developed and determined in relation to the actions that will flow from the framework. This is something that really depends upon the subsequent actions that occur from this piece of legislation rather than the cost structures that are embedded in either the memorandum, which is what you actually asked me a question about, or the bill that is before the committee.

Mr DAVIS (Southern Metropolitan) — I am quite interested in this agreement and how it will be implemented, given that the state government has now

undertaken these international commitments. One of the key points at B and C in the second section, ‘Reducing greenhouse gas emissions’, relates to targets for 2030. Mr Barber will be interested in this point too. It says:

... parties agree to undertake their own unique set of actions and plans in appendix A to reach 2030 reduction goals and related targets.

Given that the legislation that we have in front of us has a 2050 target and the government has already set some 2020 targets, how does the government propose to meet the requirements in this? Does it propose to set a 2030 target as well?

Mr JENNINGS (Special Minister of State) — I find that a little bit hard to believe, Mr Davis. If you had read the bill, you would actually know that the 2050 target is supported by a structure that is within the legislation of a rolling sequence of five-year targets that will be established through the mechanisms that are outlined within the bill, which include 2020 to 2025, 2025 to 2030, 2030 to 2035, 2035 to 2040, 2040 to 2045 and 2045 to 2050, so in fact there will be a whole series of targets that actually are set within the domain of the bill. If you are unaware of that, then I imagine we are going to have a very, very difficult committee.

Mr DAVIS (Southern Metropolitan) — You might want to be smart, Minister, but the reality is that this privileges and prioritises a 2030 target, which your legislation does not. Am I to take it by the mention of this in the second-reading speech that that 2030 target will take on a greater significance?

Mr JENNINGS (Special Minister of State) — No, it does not have to. It will be a significant target. Every target that will be met will be significant, but the ultimate trajectory that is outlined within the policy intent of the government is to achieve net zero emissions by 2050, and any — any — intervening target will actually be significant, including 2030.

Mr DAVIS (Southern Metropolitan) — Equally, in the same section, in A of that section II, ‘Reducing greenhouse gas emissions’, it says:

For parties to this MOU this means pursuing emission reductions consistent with a trajectory of 80 to 95 per cent below 1990 levels by 2050 and/or achieving a per capita annual emission goal of less than 2 metric tons ...

I just would be interested to hear the minister’s explanation of how that fits with the zero by 2050 target that is adopted. There just seems to be an inconsistency between what is in this document and what the

government has adopted. Is it simply that the government has been more ambitious?

Mr JENNINGS (Special Minister of State) — Yes, Mr Davis; we are more ambitious.

Mr DAVIS (Southern Metropolitan) — Did the government, in seeking that more ambitious target, cost the impact on the Victorian economy, and if so, will you give me a copy of those costings and estimates?

Mr JENNINGS (Special Minister of State) — I think I have answered that question in anticipation of it being asked on any number of occasions. What I have outlined to you is that this bill sets an ultimate trajectory in accordance with those international expectations and obligations. It will set interim targets and interim actions that will be designed to achieve those targets, and until those actions are enacted in accordance with the provision of the bill, then the costings have not been done and will not be done.

Mr DAVIS (Southern Metropolitan) — This is what I deeply suspected — that the government has signed onto this without having done those costings. Has the government at least done some indicative costings or some rough estimates of what may be the impact of this on Victorian households and businesses?

Mr JENNINGS (Special Minister of State) — Mr Davis, everything that is actually done in climate change policy around the world by all jurisdictions is continually assessing the way that is the least costly and the most effective way of driving this transformation. You may or may not be aware of the establishment of market mechanisms, of driving innovation and of reducing demand by running industry and households more efficiently to achieve an outcome. Without wanting to respond to your line of questioning by becoming flippant, in terms of a combination of the market mechanisms, of the technology and of demand management and efficiency in particular, depending on the mix of the mechanisms that could be available, it varies significantly — the cost structures that would be borne by industry or households now or into the future — and that will change significantly over the period of the next 32 years, which is the life of the trajectory of this piece of legislation.

If Mr Davis was to ask a similar question of the federal government, which is of his persuasion — —

Mr Davis — I'm not a federal MP, and we are in a state parliament.

Mr JENNINGS — What, did you delineate between the political persuasion that you hold and that of the federal government? Is that what you are doing?

Mr Davis interjected.

Mr JENNINGS — In fact it is the current federal government that has entered into arrangements in relation to the same Paris conference and the same national momentum that runs in parallel with the subnational jurisdictional buy-in by the state of Victoria. If you were to ask the federal government for its long-term projections in relation to this issue, I guarantee you that they would not be able to give you the answers that you are requiring in terms of their responsibilities over the same time frame.

Mr DAVIS (Southern Metropolitan) — Can I ask also: have all other state jurisdictions signed this particular memorandum in Australia?

Mr JENNINGS (Special Minister of State) — My enthusiasm when I went to the box was not so much about who signed, because in fact the ACT and South Australia have signed, which probably did not leave me with great excitement necessarily, apart from their being fellow travellers, which I am pleased about, but what I am really happy about is that the New South Wales government, who are not signatories, have a similar trajectory to the Victorian government. I think you should be very happy about the leadership being provided by that jurisdiction in relation to the political party with which you are still potentially associated.

Mr DAVIS (Southern Metropolitan) — To recap there so that I am super clear: South Australia and the ACT have signed, no Australian jurisdiction other than Victoria has signed and New South Wales is committed to the targets but has not signed this particular instrument?

Mr JENNINGS (Special Minister of State) — Yes, that is right.

Mr DAVIS (Southern Metropolitan) — All right. And are we aware of whether there has been any sharing between the states of implementation costs of this particular document?

Mr JENNINGS (Special Minister of State) — I do not believe so.

Mr DAVIS (Southern Metropolitan) — In the sense of Victoria's unique circumstances, with our traditional reliance on coal and the challenges we face going forward, we are obviously in a different position to that of other jurisdictions. Again I take it — and the

minister can correct me if my summation is wrong — that we have made no attempt to cost this out to see the impact of signing this instrument, given it is an actual set of obligations on our industry or household costs.

Mr JENNINGS (Special Minister of State) — We have traversed this area, and that question has been answered before.

Mr DAVIS (Southern Metropolitan) — I think that means that my summation is correct. Moving to D, in section II, ‘Specific areas of action, coordination, and cooperation’, I note that it lists a number of specific sectors, and I want to move to 2, ‘Traffic and transport’. This is about some of the obligations that the parties have taken on. It says:

The parties agree to take steps to reduce greenhouse gas emissions ...

Then it talks about the:

... goal of broad adoption of ‘zero emission vehicles’ and development of related zero emission infrastructure.

What steps does the government have planned in that specific respect?

Mr JENNINGS (Special Minister of State) — Mr Davis, I want to take you back to the instrument that is before the Parliament, as distinct from the document that you are relying on.

Mr Davis — Which is relied upon in your second-reading speech.

Mr JENNINGS — Yes, but it runs in parallel with what I have described to you as the organising principles within the bill that account for industry sectoral actions to be undertaken to actually reduce the emissions profile, of which transport is a general area of endeavour and it will be expected that both the pledges and indeed adaptation action plans will be developed in accordance with the bill. As Mr Davis already knows, there are a number of actions that are currently being undertaken by the Victorian government which are designed to reduce our emissions profile in terms of the transport sector. The Metro rail tunnel, which he is so vehemently opposed to, is one of those projects to try and reduce transport emissions in Victoria.

But the real answer to his question — because I can identify a number of those actions being taken by the government currently — is that the real effect of this bill will be what actions are implemented in accordance with the framework that has been established from 2020 onwards, both in terms of the target setting and the actions that are underpinned with it, and they will be

seen as a facilitation of those actions between 2020 and 2050.

Mr DAVIS (Southern Metropolitan) — Similarly with a number of these other points, and I could go on, but I will not in the interests of time. Under ‘Inventory, monitoring, accounting, transparency’ — this is again in section D:

The parties agree to work towards consistent monitoring, reporting, and verification across jurisdictions, and will work through mechanisms such as the Compact of States and Regions and the Compact of Mayors to that end.

Will this monitoring, accounting and transparency also report on the costs on businesses and households and the general economy?

Mr JENNINGS (Special Minister of State) — My assumption is that, yes, in terms of the development of proposals and issues that have already been taken around the globe for a number of decades in relation to this field of endeavour and the intention that has been replicated by international agreements on a number of occasions, all of them are implemented with a sense of what their effectiveness may be in terms of abatement or greenhouse gas mitigation — what the effectiveness of that might be, what the cost to industry, the cost to consumers and the cost to government may be, and that is a very dynamic field of endeavour here and around the world. It will be a feature of public policy into the decades ahead, and governments, industry and on a domestic scale people will be mindful of the cost benefits of those actions. I am certain that that will be a regular feature of public policy consideration, if not a political dynamic that is evident in the years to come.

Mr DAVIS (Southern Metropolitan) — Thank you, Minister. Referring to a further section here, ‘IV. Means of implementation’, it says at A:

Parties agree to collaborate and coordinate to advance respective interim targets consistent with 2050 goals and climate actions at the annual conference of parties and other international climate events.

Were Victorian officials at the conferences that saw this document promulgated, or was this done, as it were, by remote later? Did we sign this and mail it off, or were we over there in glorious presence advocating strongly? Is that how it worked?

Mr JENNINGS (Special Minister of State) — I want to share with you, Mr Davis, given that you are very concerned about the cost structure that underpins this agreement and the reforms that it is associated with over time, that we did it the most economically efficient way that we possibly could — we did it online.

Mr DAVIS (Southern Metropolitan) — I am pleased to hear it, Minister. Is it the intention of the government, consistent with its agreement here, to seek to have people present at this annual conference of parties and other international climate events? Is that the government's intention as part of monitoring the implementation of this agreement that you have signed?

Mr JENNINGS (Special Minister of State) — Mr Davis, if you want to put us on notice that you would prefer us to continue to transact that business online, I will take that on notice, but it is a matter of how you demonstrate your bona fides in an international situation without being perhaps indulgent in the way in which that connection is made. I think probably there is a balance to be struck between the mutual recognition and regard and the sharing of opportunities and the meeting of minds that actually may come from representatives of Victoria being in the company of other jurisdictions in terms of providing leadership and sharing insights and ideas. That has a value. If your concern is that that is excessive compared to the value of just our intellectual property being shared online, I will be mindful of that, but I am not in a position to be able to necessarily make commitments between here and 2050 about whether I am actually going to have a blanket ban on representatives of the state of Victoria travelling for that purpose.

Mr DAVIS (Southern Metropolitan) — We will monitor that. If I can move to page 3 of the second-reading speech:

The government is already undertaking major initiatives to decouple greenhouse gas emissions from economic growth and transition Victoria to a net zero economy.

What is the cost of those decoupling initiatives?

Mr JENNINGS (Special Minister of State) — I sit here on the precipice of actually having a very long night with you, Mr Davis, in relation to what might be the hairsplitting and analysis that might take place for the rest of the committee stage. I am mindful that recently in the Parliament we had a very lengthy committee stage — it seemed very lengthy — for a matter to deal with feed-in tariffs, in terms of the adjustments that are actually going to be made in the future in relation to what might be support to domestic households that have solar panels on their roofs, making a contribution to the demand reduction and the general capacity of electricity that is available in our community. We spent a very long time — Mr Barber, Mrs Peulich and I — discussing that one item. It seems to me that there is great potential for us to spend a long time dealing with those individual cost structures and the cross-subsidies that actually may take place in a

micro-economic way that could keep us here for a long period of time.

In relation to these initiatives, I referred before to how the Victorian government is trying to drive a better emissions profile and reduce energy intensity within the Victorian economy. For every program that has been introduced, whether it be for industry support or household transition, there are cost structures embedded in them. These will increasingly be a feature of the Victorian economy into the future, and some of them may be market based and actually lead to a netting off or even a reduction in cost structures, depending on energy use. This is the environment where it actually becomes potentially cumbersome and complex to talk about the variation and the effect on a domestic scale or an individual consumer scale in terms of these initiatives.

I have provided you with the caution that I have in terms of entering into this analysis. We want to provide the opportunity for us to work through the implications of this material. The Victorian government is very mindful of the ability of industry and consumers to pay and very mindful of the rate of change that is achievable, and that will be the balancing act of anything that is actually facilitated under the scope of this piece of legislation.

Mr DAVIS (Southern Metropolitan) — I think the answer means that there is not such an analysis in existence. If I move to page 4, the first paragraph makes a number of comments about specific plans. Some of the plans that are referred to the minister may wish to take on notice and perhaps provide me with a summary of their impacts later. The water plan; *Plan Melbourne*, on which we are still waiting for a refresh; the biodiversity plan; and the new marine and coastal act — some of these, as is alluded to, do contain matters that will seek to reduce greenhouse gas emissions. Maybe the minister would take on notice a summary of the impacts of those various plans in this area.

Mr JENNINGS (Special Minister of State) — I think in terms of taking them on notice it is a matter of what the expectation of me taking them on notice may be. In some instances, Mr Davis, you would understand that a couple of those plans deal with adaptation strategies, whether they be in biodiversity or with the marine and coastal act. Those plans by and large are looking at ways in which we can try to ensure that the impact of climate change does not actually come with adverse outcomes in relation to environmental values.

In relation to the water plan, which does in part do that — in part it deals with adaptation — it also deals with the efficiency of the distribution of the water network and the way in which water is used in an appropriate fashion to reduce the energy consumption associated with water movement and water use. That is the example in relation to the water plan.

In relation to *Plan Melbourne*, as you would understand, Mr Davis, by design it would be the intention of that plan to try to mitigate against inefficient transport use and transport costs in particular. By design our suburbs may have the appropriate green spaces within them. They may be energy efficient by design in terms of the construction of dwellings, the built form and the way in which we can try to reduce inefficient transport links across the urban form. They are all reinforcing in terms of reducing demand for energy consumption or energy use and how they are embedded in those plans. Of the plans mentioned, most of those are publicly available already.

Mr Davis — No, it says:

... building climate change into our plans, strategies — —

Mr JENNINGS — Yes, but the water plan — that is out. *Plan Melbourne*, which you already identified as not being out, is not out.

Mr Davis — The new refresh?

Mr JENNINGS — Of those the *Plan Melbourne* refresh is the only one of which we are waiting for release. All of the others have either been published or are currently publicly available in terms of the discussion papers that underpin them.

Mr DAVIS (Southern Metropolitan) — You obviously will not take that on notice. The other point I wanted to follow up is on the same page — page 4. The speech states that:

... government can continue to lead Victoria's transition to a net zero emissions ...

Given the shape of the bill with its plans and its pledges and so forth, is it the government's intention that government agencies and departments will lead this progress?

Mr JENNINGS (Special Minister of State) — Lead by example, lead by their actions — whether government agencies do all the heavy lifting for the greenhouse gas abatement, I think any assessment of whether government departments are actually the highest energy intensive sector of the economy would

reveal that the answer is no, but they will certainly take action and they will certainly take leadership.

Mr DAVIS (Southern Metropolitan) — Before they undertake those actions and that leadership will there be a costing of how these will impact on their bottom line and their ability to deliver the services that are their responsibility?

Mr JENNINGS (Special Minister of State) — It is the policy intention of the government that these obligations not come at the expense of public service obligations or lead to an erosion of service delivery. The government is very confident that action will be able to take place through efficiencies, through innovation and through new practices that will enable the public service and the public sector more broadly to make a positive contribution to greenhouse gas abatement, and to pledge and then deliver on those pledges.

The DEPUTY PRESIDENT — Order! Pursuant to standing orders I have to interrupt business and report progress.

Progress reported.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

CLIMATE CHANGE BILL 2016

Committee

Resumed; further discussion of clause 1.

Mr DAVIS (Southern Metropolitan) — I want to take the minister to page 5 of the second-reading speech now and particularly to a paragraph that states:

The target requires us to have net zero emissions by the year 2050. It requires Victoria to reduce our emissions to as close to zero as possible, maximise the removal of greenhouse gases ...

through a series of processes. At the end of the paragraph it talks about:

... secure eligible offsets from outside of Victoria to make up the difference.

What is the government's plan with respect to eligible offsets and does the government intend to spend money to purchase these offsets offshore?

Mr JENNINGS (Special Minister of State) — What I have been reassured of when I have been advised on this matter is that the eligible offset is a netting item at

the conclusion of the target period to ensure that there is a rounding off and a netting of the target being met rather than it being the contributing factor to the way in which the target is met. It is not the policy intention of the government or the thinking that is embedded within this act that our emissions profile stays business as usual in any of the intervening years in terms of meeting targets. It is to ensure that if an absolute net delivery of the target is unlikely to be met at the conclusion of each of those five-year periods, the government will enable offsets to be purchased, which could occur nationally or internationally, to achieve that target but not to abrogate the state's responsibilities and its intention of delivering on the target.

Mr DAVIS (Southern Metropolitan) — The minister is in sort of a strange place there. He is saying, 'Yes, it will be used to achieve these targets, but it won't be necessarily used to achieve these targets'. The answer is, I think, that in fact it is the government's intention that if it needs to purchase these to get to its target, it will. It could be onshore and it could be offshore. The implication is: 'We may not actually make the target the government has set, so we'll go and buy credits'. I think that is a fair summary, is it not, Minister?

Mr JENNINGS (Special Minister of State) — It is a summary, but not a fair summary, because I actually made it very clear that it is not the intention of the government that they be used in the way that Mr Davis is wanting to construct — his description. It is a netting, a port of last recall, to actually achieve the target with the policy intention of achieving that domestically within the state of Victoria, and that is the spirit by which the legislation has been drafted, and it is the intention of the current government to achieve that outcome.

Mr BARBER (Northern Metropolitan) — The bill throughout refers to 2005 as the baseline year on which these various targets are set. Just to avoid any confusion down the track, Minister, can you tell me how many tonnes of CO₂ were emitted in Victoria in 2005, and is that the amount that the government will be using as its baseline as we go along?

Mr JENNINGS (Special Minister of State) — My guess was about 120 million tonnes, and the answer is 123 139 000. My friends — if you want to ask for the subsequent year — are going to currently extract it for me. I think you will find that it is not far off that number.

Mr BARBER (Northern Metropolitan) — Thank you, Minister. I am presuming that figure includes land use, land use change and forestry, because when I used the ageis.climatechange.gov.au database I came up with 127 million tonnes. So is that the reason for the variation?

Mr JENNINGS (Special Minister of State) — I am relying on the Australian National Greenhouse Accounts state and territory greenhouse gas inventories of 2014; that is what I am relying on. I have provided the net number that is actually identified within that inventory. In terms of the attribution of forestry matters, in terms of land use, land use change and forestry in that year, according to the netting of all the items that are actually within that category, they say that is minus 4 123 000 tonnes.

Mr BARBER (Northern Metropolitan) — It was not meant to be one of those trick questions. It is just that forevermore and in the setting of every target under this bill there needs to be an actual real number, which was the official number at the time, and the number we seem to have got to is 123 million.

Mr JENNINGS (Special Minister of State) — Yes.

Mr BARBER (Northern Metropolitan) — Does the minister also have a number for the most recent inventory year that is available — I think it might have been 2014 — and what was that number?

Mr JENNINGS (Special Minister of State) — Yes, I will extract that, because in fact I asked for that a few minutes ago and it was not quite immediately evident to me. I just want to make a point on the way through as I go and get it. You would think, Mr Barber, that your assertion was correct, that in fact we would get a net number, we would be confident about that number here and forever and that it would actually be a benchmark. What I am told is that in fact with the way in which these inventories and these numbers are counted, they vary over time so that even with a retrospective reconciliation of those numbers, those numbers may shift depending upon the science and the analysis that underpins it. And so in the future the inventory that you and I have to rely on may actually change that 2005 figure up or down a little bit. So it is not a fixed science and a fixed accounting framework, but we are in the ballpark of 123 million tonnes. For 2014, the same source, the same year's assessment, the net number is 118.1 million tonnes.

Mr BARBER (Northern Metropolitan) — Thank you, Minister. The government has set itself a target already of a 15 to 20 per cent reduction in emissions by 2020. In relation to the closure of Hazelwood the information from the Australian Energy Market Operator is that it produced about 10 000 gigawatt hours last year. Does the government agree that that is equivalent to somewhere in the realm of 40 million tonnes of CO₂?

Mr JENNINGS (Special Minister of State) — Yes.

Mr BARBER (Northern Metropolitan) — Thank you. Hazelwood is going to close shortly. While it produced about 10 000 gigawatt hours of electricity, Victoria also exported more than 6000 gigawatt hours of electricity. So one way to look at it is that of the output of Hazelwood, two-thirds were surplus to Victoria's requirements and went out of the state. If next year Hazelwood is not operating and instead of being a net exporter of electrons, we become something of a small importer, does the government have a view as to whether Hazelwood's output — 10 000 gigawatt hours of which two-thirds are exported — is likely to be taken up by a Victorian coal-fired power station that would take up the slack or as to whether we would import some proportion of the 6000 gigawatt hours? Therefore what is the effect of Hazelwood closing down? Does it simply reduce all of those 14 million tonnes, does it cause another coal-fired power station to fire up or do we import those electrons from another state, which of course will not be counted towards Victoria's target or target reduction?

Mr JENNINGS (Special Minister of State) — It is a crossover between the policy intent of the government and the accounting treatment in relation to those emissions. Can I say that the combination of the accounting and the policy intent of the Victorian government means that, as much as possible, we will see a reduction of 14 million tonnes as being the outcome.

Mr BARBER (Northern Metropolitan) — In relation to the Victorian renewable energy target, which is also another government initiative that has a target associated with 2020, if the target for 2020 is 25 per cent renewables, how many gigawatt hours of electricity does the government intend to contract for or legislate for in order to achieve that 2020 target?

Mr JENNINGS (Special Minister of State) — I have lost the question, sorry.

Mr BARBER (Northern Metropolitan) — We do not have the legislation before the house for the

Victorian renewable energy target yet — I am not even sure if there will be legislation — but the government has committed to 25 per cent renewable energy by 2020. That has to actually be denominated in terms of gigawatt hours, which is the numerator, and then the denominator is how much electricity we use. So what I am asking is: when the government says they are going to do 25 per cent by 2020, how many gigawatt hours of renewable energy production is that per annum?

Mr JENNINGS (Special Minister of State) — Rather than me do the maths here, I will ask my advisers. The caution of my friends in the box is not necessarily for what Mr Barber might do with my answer but what Mr Davis might do with my answer. The real answer will be provided in legislation during the course of this year, so there will be a legislative response to this question.

I think I could have done some rough maths, and I think Mr Barber could probably do some rough maths, about what the current generation capacity is in Victoria net of what the removal of Hazelwood might be. We could then have a look at what the investment profile might be that we might actually see in terms of renewables coming on-stream which have already been either accounted for by investment decisions or maybe facilitated by the legislation. Probably the simple moving parts of that equation may not be so difficult to identify.

The real question that will get the coalition agitated is what form of more conventional types of energy generation might be added to the mix in the circumstances where the economics of it and the technology of it may be somewhat dubious. Those more energy-intensive solutions are not currently being advocated by the Victorian government. But future investment decisions, as Mr Barber will be aware, are a very contested policy space between the federal government and state jurisdictions and other parts of the community at the moment. The policy intention of Victoria will be to have the appropriate profile of renewable investment but at the same time be able to account for energy security and limit the cost impost on both consumers and government. It is not our intention to be supporting redundant technology.

Mr BARBER (Northern Metropolitan) — I guess I will have to wait for the legislation to find out what the gigawatt hour target is. I just wanted to note, though, that in the 2005 baseline year it will be 123 million tonnes. We are already at 118 million tonnes, and you seem to accept that the closure of Hazelwood is likely to reduce that by at least another 14 million tonnes. That gets us down to 104, which is in fact a 15.4 per

cent reduction on the 2005 year. Your government's policy announcement was about getting to somewhere between 15 and 20 per cent by 2020. The fact is we are already at 15 per cent once Hazelwood closes. Say yes into the microphone. It picks up the pea rattling inside you.

Mr JENNINGS (Special Minister of State) — The answer is yes. I cannot confirm the pea.

Mr BARBER (Northern Metropolitan) — We have already achieved 15 per cent by doing nothing, or by doing nothing significant or by doing nothing new.

Mr JENNINGS (Special Minister of State) — As you know, Mr Barber, you and your colleagues actually take credit for closing Hazelwood, so it is all down to you.

Mr BARBER (Northern Metropolitan) — I have watched the government run a million miles from taking credit for the closure of Hazelwood. You inherited a position in 2014 of 118 million tonnes. You had nothing to do with the closure of Hazelwood. You have already smashed your 15 per cent target without doing anything.

Mr Davis interjected.

Mr BARBER — You can disagree if you want to; I am just saying that the government have announced a 15 per cent reduction and they have actually got a 15 per cent reduction while sitting on their hands. Maybe the Victorian renewable energy target (VRET) will be large enough to then provide another 5 per cent. We will wait and see when the legislation comes around.

I just wanted to ask one or two quick things. The government also announced a 30 per cent reduction in government — I think it is departmental — emissions. Just a couple of years ago the commissioner for environmental sustainability said that the government did not know what its emissions were. Does the government now know what its emissions are and how that relates therefore to the 30 per cent government emissions reduction target — the departmental target?

Mr JENNINGS (Special Minister of State) — Yes, I am advised that in fact we do actually have a greater degree of confidence in the way in which that is measured, although I am going to have to take some advice if you want to know on whose authority we assert that.

Mr BARBER (Northern Metropolitan) — Yes, please.

Mr JENNINGS (Special Minister of State) — Let me come back to you. Mr Barber, you and I could go down a trail and Mr Davis and I on a different trail that Mr Davis and I were going on before.

I have been advised that, in accordance with the financial reporting direction (FRD) 24C responsibility under the Financial Management Act 1994, departments establish their environmental management framework and report against that requirement, but they do so with a methodology that they establish and then are measured by the finance department in relation to the appropriateness of that reporting framework. I am advised that that has led to an increased confidence in our ability to measure greenhouse gases.

Mr BARBER (Northern Metropolitan) — How many tonnes is that that the government departments emit, when your press release says you will be reducing that number by 30 per cent?

Mr JENNINGS (Special Minister of State) — This number is currently being added up from the attributions in annual reports. Mr Barber might have done that earlier; he might have prepared one.

Mr BARBER (Northern Metropolitan) — I did not do that earlier, I just read the press release headed 'Emissions target kicks off more climate change action' and dated 29 January 2017. It says that the government plans to reduce its own emissions from government departments by 30 per cent, so one day we will get that number, and then I will take 30 per cent of it, which is actually based on 2015 levels not on 2005 levels, so that does not help me tot up any extra emissions here.

I will just ask a couple of extra questions. The government has also decided to prop up the coal-fired consumption of Alcoa via Loy Yang to the tune of some \$200 million over four years — I think that is about 600 megawatts of energy demand — so that certainly takes us through to 2021. Can the government inform us, and I think you will remember, Minister, that I asked this in question time: what is the actual mechanism by which that \$200 million is provided to Alcoa or Loy Yang? Is it a grant? Is it a subsidy? Is it tied to their energy consumption? How will that work?

Mr JENNINGS (Special Minister of State) — It is not an energy subsidy. It is not a grant. It is a financial contribution to the ongoing economic viability of the enterprise and to support the community of the south-west job support package, and actually it is in the form of an industry support mechanism to ensure, as much as the Victorian government can, the viability of

the enterprise. It does not act as a continuation of the energy subsidy.

Mr BARBER (Northern Metropolitan) — So it is not a grant, it is not a subsidy, it is an industry assistance program. It sounds like we are just paying \$50 million a year so that we can have a smelter. I am presuming the \$50 million is something equating to their profit margin. However, what this means, if I understand it correctly, is that if they produce less aluminium, they will use less electricity, which would be a good thing if they use less coal-fired electricity, but they do not have any disincentive to do that, because they will get paid the money anyway, even if they reduce their energy consumption.

I will just ask another question or two. Why has the government chosen not to include a climate change charter, as recommended by the independent review, or a climate test as advocated for by environmental groups? Does it not effectively mean that there is no benchmark that a future government has to adhere to? If a government comes along and they do not want to act on climate change, there is nothing in the bill that forces them to act on climate change in any of these particular interim periods.

Mr JENNINGS (Special Minister of State) — I think what Mr Barber is suggesting is effectively an additional statutory requirement in terms of what is a ministerial responsibility, which is beyond the scope of the legislation. Whilst in some ways what we are dealing with is a simple, elegant framing which is actually designed to facilitate a fairly dynamic industry transformation — the transformation of our economy, which will be measured by this in future generations — I think that there is quite an onerous obligation. If the government of the day is going to take this legislation seriously, then it will be quite an onerous obligation that the ministers have in accordance with this legislation regardless of any further instrument to increase the onerous nature of that responsibility.

I, who was associated with a previous iteration of this bill, personally lamented each and every day since losing office in 2010 the opportunity that was lost to the state of Victoria by reactionary actions taken by the previous administration, compounded by federal policy settings and the inability of the federal government of both persuasions to end up with a transformative policy and market-based approach to climate change. Many of the actions that took place between 2010 and 2016 I have lamented each and every day.

Mr Barber — 2014.

Mr JENNINGS — No, until this very day, because in fact we barely started to claw back what we started off in that period of time. Whilst, Mr Barber — we talked about Hazelwood before and we talked about the circumstances at the moment — you actually say that the current government is running a million miles away from the responsibility for it, I stood up in this place in 2010 with a plan and an intention to close Hazelwood. That outcome has occurred by and large through a market-based decision — an international corporation seeing its obligation in terms of its financial circumstances and its environmental obligations — and that should be the hallmark of transformation into the future. It is government's opportunity and perhaps, in my view, responsibility to try to lead and assist that transformation. If I was the minister responsible for this piece of legislation going forward, I would take that obligation extremely seriously, and I expect successive ministers who are charged with this legislation to do the same.

Mr BARBER (Northern Metropolitan) — Thank you, Minister. And yet the evidence is that there is no guarantee of that. You just said the Baillieu government got in, and not only did they ignore this legislation, not only did they treat its intent and its mechanics as a bit of a joke, but they actually just kind of scrapped various parts of it. The preamble to the bill says:

... Parliament ...recognises on behalf of the people of Victoria that the international community has reached agreement to hold the global average temperature increase to well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels ...

but that is basically the last time we hear about 2 degrees or 1.5 degrees.

My question about the charter, as recommended by your independent review, is that it would set up that benchmark. The purpose of the mechanics of this bill is not simply to have some mechanics, but also to aim to assist in keeping the temperature below 2 degrees and hopefully closer to 1.5 degrees. My question was that the bill itself would be meaningless under a future government that does not want to act on climate change, and I think the minister is agreeing with me. So I ask: why did you not build in that stronger mechanism?

Mr JENNINGS (Special Minister of State) — I do not really think that I was necessarily agreeing that it was a stronger mechanism. If you want recognition that the value of this legislation or any piece of legislation is in fact the integrity and the continuity of the policy intent of the government of the day and the will of the

Parliament in terms of the structure of the legislation, they are the two things that need to be kept in accord with the legislative intent and the policy and intention of the government. Regardless of whether there is any connection to what might be the global temperature that is affected by greenhouse gases, the only impact that that may have in terms of the target setting would be, by implication, that in a climate emergency that target would be actually brought forward, otherwise the intention of net zero carbon emissions by 2050 is quite a significant undertaking that is being committed to in the spirit of living within that expectation. How that actually sits in with the global emissions profile and whether Victoria could do any better in a different time frame will be something that is tested over time. The alignment of that climate ambition and our emissions profile has been done with the best of intent to drive that transformation and deliver the optimal situation for Victoria, and if in the future a combination of the wisdom of the Victorian, national and international communities means that we can drive that transformation quicker, then I will be, for as long as I am around during that period of time, a happy person.

Mr BARBER (Northern Metropolitan) — Yes, but I am just asking about what the bill might actually do to assist with that. Unfortunately the 2050 zero emissions target, while it puts some kind of constraint on that, does not really do the job. Theoretically a series of governments could pollute like crazy all the way up until 2049 and then bring the thing to a grinding halt. It matters because this government and other governments may be considering permitting investments in long-lived but polluting assets. Some of those assets might have a 30 or 40-year time frame associated with them, and it is only at that point that the 2050 target starts to impact on today's decision-making.

When Labor and the Greens cooperated at the federal level to bring in a package of measures to reduce emissions, there were a lot of mechanisms built in that made it very, very hard for them to dismantle, and we are still here today because even Tony Abbott found it near impossible to dismantle some of that architecture. My point is that that is not in the bill. I could skip forward to clause 8, where it simply says:

The Premier and the Minister must ensure that the State achieves the long-term emissions reduction target.

It does not provide any mechanism; it does not give any sanction; it does not allow a third party or a citizens group to enforce that on them. For that matter, in clause 12, where there is independent expert advice in relation to interim emissions reduction targets, there is

no 2 degree or 1.5 degree target built in there either. There could have easily been, and that would have required those independent experts to keep giving advice on the basis that we are still aiming for that kind of target.

Mr Jennings — But presumably those are not the protections you've been referring to in the federal jurisdiction.

Mr BARBER — No, not at all. I am just questioning you in relation to your bill. Where is the actual protection or guarantee against a future anti-green minister? Let us call him or her an anti-environmental minister. It just appears to be that a government, if it feels like it, can use this legislation to set a target for a part of the time that it is in government. But there were submissions made and there were suggestions from your own independent review that actually you go with something stronger than that, and it is not here. That is the point I was making.

Mr JENNINGS (Special Minister of State) — Yes, I think I have already actually answered this. I think Mr Barber was looking for the opportunity to play a productive role in policy development and legislative reform in the state of Victoria. If he is, good on him, and I look forward to that day. On the issue of the question that I have not answered previously, the estimation of the total greenhouse gas emissions of the Victorian public service, as measured in accordance with FRD 24C under the Financial Management Act, is 1 012 199 tonnes in the year 2015–16.

Mr BARBER (Northern Metropolitan) — Thank you for that, Minister. That says that your 30 per cent government target adds about another 300 000 tonnes to the reduction.

I just have another question. Is there anything in this bill — because I have not found it — that gives the minister or the Premier the ability to set a closure date for an existing coal-fired power station? Is there anything in this bill that gives the minister or the Premier the power to close an existing coal-fired power station?

Mr JENNINGS (Special Minister of State) — The power to; I do not believe so. Whether in fact there may be a policy intent that may seem to be appropriate at the time — driven by a range of policy or other regulatory reforms to achieve that outcome, which could be regulation, could be pollution control measures or could be market-based mechanisms — there are a variety of ways. It could be occupational health and safety wise. It

could actually be a variety of other statutory obligations that an enterprise may fall short of that may mean that a minister has power, but not within the scope or the specific provision within this bill. The scope is afforded in relation to the action plans that would be warranted in accordance with the pledges and the various trajectories that are embedded within the framing of the targets and the actions that would be required to achieve those targets.

Mr BARBER (Northern Metropolitan) — Thank you, Minister. I understand about the trajectories. I understand about the frameworks. I understand about the 2050 zero-emissions target. I see it in the schedule that the Environment Protection Act 1970, in relation to the issue of a works approval, must take consideration of targets that would be set under the act. What I do not see is the ability to actually close a coal-fired power station, and I do not understand how it is you think you can keep reducing Victoria's emissions if you never close coal-fired power stations.

Mr JENNINGS (Special Minister of State) — Mr Barber, you have actually identified a nexus that I referred to in my answer about what the interlocking regulatory regime may be and the specific powers that may be afforded to various ministers of state instrumentalities in relation to specific measures that may lead to the implementation of those actions. You have identified one of them, so I stand by my substantive answer. In terms of the issue of the net zero emissions profile by 2050, I will not be alive, but I would be absolutely amazed by the technological transformation that would see any coal-powered stations in Victoria under those circumstances.

Clause agreed to; clauses 2 to 51 agreed to.

Clause 52

Mr DAVIS (Southern Metropolitan) — As circulated earlier, the coalition proposes some amendments. I move:

1. Clause 52, line 15, omit "appropriate." and insert "appropriate; and".
2. Clause 52, after line 15 insert—
 - “(d) the new and cumulative cost impacts of any steps taken to reduce the State's greenhouse gas emissions on—
 - (i) the Victorian economy, including employment; and
 - (ii) Victorian households; and
 - (iii) Victorian businesses.”.

What I would say on these amendments, for which I seek the support of the house, is that this is the section of the bill that relates to the annual greenhouse gas emissions report. This amendment would in no way disturb the functioning of the minister's bill, the operation of the bill or the attempts to achieve various targets, but what it would do is insert some reporting requirements. It is very clear, if this bill is passed and the government proceeds with its plans, that there will be a number of impacts on the economy, on costs for households and on costs for businesses. The government, if it proceeds with its plans, will report under this section and a parallel section in clause 55 — for which there are similar amendments, but one would be sufficient to act as a test — on a range of matters, including emissions and including the various achievements that the government has around the bill, such as the achievements may be.

What we seek to do here is to insert a set of clear requirements that, as part of that annual greenhouse gas emissions report and in parallel clause 55, the interim target report, the government assess these impacts and report them to the community. It is very clear that the Victorian economy will be impacted. It is very clear that households and Victorian businesses — —

Mr Barber interjected.

Mr DAVIS — That is the question. It is very clear that there will be cost impacts, and they can well report these points. I think this will be of assistance to the community; the community should see. If it is a negative cost impact, that would be one outcome, but let us see what those cost impacts are and make that transparent to the Victorian community. This is a very one-sided bill when it comes to reporting. It does not report on the impacts on the economy of the government's actions.

Mr BARBER (Northern Metropolitan) — The Greens will not support this amendment because it sets up a reporting requirement that is basically to infinity and beyond. The cost impacts on the economy is a colloquial term. Mr Davis might think he knows what he means, but it does not actually bring any precision to the question of the impacts of various measures on all the many things that go into the economy. If he had brought an amendment that said that for all the measures that had been taken under the bill the government was to report on the number of tonnes saved by each measure and the cost of each measure, that would actually be a very useful contribution — —

Mr Davis — We would welcome that addition.

Mr BARBER — Well, that is not what your amendment says. Each year we would get a report saying that we rolled out an energy efficiency program in 10 000 homes, the net cost was actually a benefit, not a cost, it paid for itself and then some — and Ms Shing knows what I am talking about — and then we saved so many tonnes. It would be useful to learn with each of the measures that were implemented what the cost of each measure was and what the tonnes saved were.

That is more or less what we are getting from his good mate Greg Hunt through the programs that he is rolling out up there. We are getting regular reporting on each auction for emissions reductions and the cost per tonne, but that is not what Mr Davis has proposed in this amendment. He has essentially asked for an open-ended report on the impact that any of this might have on the economy. That is intermingled with everything that the government is doing at the time and everything that the government is reporting at the time, and it really actually would probably confuse most people if they attempted to understand what any numbers — assuming the government could even produce such numbers — actually meant.

Mr JENNINGS (Special Minister of State) — Just quickly, let me take Mr Barber's lead in this instance. Mr Davis has actually gone to infinity and beyond. He would actually like to say infinity and beyond. It is a level of detail that in fact could bedevil every action that could be undertaken in accordance with the bill.

I remind the house that already within clause 12 there is an obligation for the targets to be set on the basis of expert advice. That advice must look at the opportunities to reduce emissions across the economy in the most efficient and cost-effective manner. That advice must be taken notice of. It includes the economic circumstances in particular, like the impact of the target on the economy and the competitiveness of the particular sectors of the economy. In relation to this very clause, clause 55, which Mr Davis seeks to amend, it also relies on the minister to report on the implementation and effectiveness, including the cost-effectiveness, of the pledges that are contained within the bill. On that basis we think that this is a level of detail that is onerous and would prevent the effective implementation of the bill.

Mr DAVIS (Southern Metropolitan) — In response to the minister's comments, it is sad for the minister that it might be onerous to report on the impact on Victorian households, sad that it is onerous to report on the impact on Victorian businesses, large and small, and sad that it is onerous for the government to report on the impact on jobs. I mean, that is one of the

problems here. Essentially what is going on here is that the government does not want to report on these matters because it will impact on jobs. It will impact on families. It will jack up the price of power. It very much will.

It is very likely the government will botch some of the implementation. I have no confidence in the government's approach in terms of 'Oh, we'll listen to some experts'. There you are. That is a slight problem when they have already ignored their own experts. I would have ignored some of their experts too. I do not trust many of the experts across this area or easily take them at face value.

Minister, you will need to think more carefully about this. The government will need to make sure that it does actually report properly —

Ms Shing — On a point of order, Acting President, I draw your attention to the content of Mr Davis's monologue and note that it constitutes tedious repetition within the meaning of the standing orders. On that basis I would ask that you get him to come to the point and stop wasting time or otherwise to conclude his remarks.

The ACTING PRESIDENT (Mr Melhem) — Order! Mr Davis, the committee stage is not to be used for long debates on these matters, and I ask you to conclude your comments.

Mr DAVIS — I will conclude, of course, Acting President, when I have finished my contribution, but I do want to make some further points —

An honourable member interjected.

Mr DAVIS — The minister referred to experts in his contribution.

Ms Shing interjected.

The ACTING PRESIDENT (Mr Melhem) — Order! Ms Shing, I have made a ruling. Mr Davis, I remind you that your right of reply relates to replying to comments by the minister and not to repeat yourself and start a new debate. I remind you to go back to the matter at hand which is replying to the minister's comments.

Mr DAVIS — Thank you, Acting President. The minister made the point that he is relying on experts to advise him on this issue and he pointed to the clause, very directly, that says the government must pay attention to those experts. We already have an example here where the minister's baseline report was ignored in part, and I would not want to hand over responsibility

in this area to experts. The actual impact on individuals, households and businesses is something that the Parliament must take responsibility for, and asking for proper reports on this and proper transparency is entirely responsible.

Committee divided on amendments:

Ayes, 19

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

Noes, 21

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

Amendments negated.

Progress reported.

Business interrupted pursuant to standing orders.

VICTORIAN PLANNING AUTHORITY BILL 2016

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms TIERNEY (Minister for Training and Skills).

Mr Davis — On a point of order, President, I understood that this was government business and that government business has now concluded.

The PRESIDENT — Order! It is a message from the Assembly. The convention, Mr Davis, is that I report a message to the house at the earliest opportunity. It is not government business; it is a report to the house.

Mr Davis — On the point of order, President, I do not believe that this should be processed at this hour. The house has already completed its allotted time.

The PRESIDENT — Order! The second reading will be postponed until the next day of meeting.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

West Gippsland Hospital

Ms WOOLDRIDGE (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Health in the other place, and the action I seek is that she provide funding to build the new West Gippsland Hospital on the hospital-owned greenfield site at Drouin East or at least commit to progress the business case for this important new hospital on this new site. The West Gippsland Hospital is something that the coalition has been committed to for a long time. In fact in government we doubled the size of the emergency department. Interestingly, even with that doubling it is already at capacity, so there is clearly more need.

This is a community where the population is growing substantially, both in Drouin and in Warragul. There is a need in the Baw Baw shire for health services to meet the growth of the population now and into the future. I was very pleased to attend the West Gippsland Hospital with Gary Blackwood, the wonderful member for Narracan in the Legislative Assembly, and also Matthew Guy, the Leader of the Opposition in the Legislative Assembly, to announce the Liberal-Nationals commitment that a new West Gippsland Hospital would be built on the greenfield site on the corner of Princes Way and Lardners Track in Drouin East.

This is an important commitment for a number of reasons. Work done by the hospital has shown that it is a much cheaper option to build a new hospital rather than trying to refurbish the old hospital. While the old hospital has served and continues to serve the residents very well, it is no doubt an ageing facility and has reached capacity. There is need for more space, more theatres, more treatment capacity and more beds to meet the needs of the Warragul and Drouin communities.

The fact is that building a new hospital realised cost savings in an operational sense — rather than trying to refurbish the site. Also the work done by the hospital —

and I have to congratulate the management team and the CEO down there — means that — —

Ms Shing — What's his name?

Ms WOOLDRIDGE — Dan, actually; yes. Didn't see you there.

Ms Shing — Dan who?

Ms WOOLDRIDGE — Dan Weeks — so yes, yes.

Ms Shing — First time you'd met him, was it?

Ms WOOLDRIDGE — No, it was not in fact. I have been there a number of times.

The hospital would be completed and built in under five years. Refurbishing the site could take up to 10 years. So there is a lot of very good work done by the management team down there to make sure that this is a sensible decision to build on the new site. That site was donated — purchased with donations — by the West Gippsland Hospital back in 2007, but their focus is that it needs to be built on this new greenfield site and it needs to meet the needs of the community in the future. That is why it was such a good thing to be able, with Gary Blackwood, to support a commitment from the Liberal-Nationals perspective that just reinforces the commitment that the Liberal-Nationals have to this area. I ask the minister to make sure that she too commits to progressing.

Homeschooling

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter tonight is directed to the Minister for Education, Minister Merlino, and it is about homeschooling. The action I seek is that the changes to regulations currently proposed, without any genuine consultation, be abandoned and that the Victorian Registration and Qualifications Authority (VRQA) restart the process, starting with the collection of genuine data on home education, so that they do not need to rely on the unfounded assumptions currently used as the basis for the changes to regulations, and possibly the appointment of an official panel of home educators to assist them in their review.

As Minister Merlino would be aware, there are a number of parents who are exercising their right to homeschool, and that is on the rise. According to the VRQA's own data, in 2008, 1564 children from 859 families were registered to homeschool, and that has now risen to 4192 children from 2604 families in 2016.

I would like to highlight that parents choose to homeschool for a number of reasons. This is their right, and it should continue to be their right. I do wonder why this government is so insistent on undermining parents' rights. When I hear of parents having child protection services call on them for choosing to homeschool their sick child my blood absolutely boils. But that is more, I guess, a matter in Minister Mikakos's portfolio.

To return to Minister Merlino, I note that parents homeschool for a number of reasons — because the approach is better suited to their child's learning style and needs or because of learning differences, special needs and emotional wellbeing, which are not adequately dealt with at the school that is within their district. They may do so for religious conviction-related or medical reasons or simply — and I find increasingly — because of disillusionment with the state system and as a result of considering certain curricular activities being inappropriate.

The bias against homeschooling within the VRQA is quite frankly insulting. It is insulting to parents like myself. I withdrew my son for a period of time from school and successfully homeschooled him — until he re-entered school through an alternative school — due to his needs at that time and the inappropriateness of mainstream schooling for him at that time. It is also insulting to the constituents of mine whose eldest daughter, home educated throughout her schooling, has established a successful business to support her higher education studies in vet nursing; it is insulting to the social worker who presented at the homeschooling forum at Nossal High School on Friday night who has held the same job since graduation and was homeschooled for her entire career; and it is insulting to the mother in tears over being dobbed in to child protection and subsequently threatened with the removal of her children for homeschooling just one of her children, who has extreme medical needs.

Surely it is time for the VRQA to get their facts right before prejudging parents who choose to homeschool. I call on Minister Merlino to undertake meaningful consultation within the homeschooling community.

West Gippsland Hospital

Ms SHING (Eastern Victoria) — The matter which I wish to raise this evening is for the attention of the Minister for Health, Ms Hennessy, and it relates to the Warragul hospital — the West Gippsland health service — located where I live in Warragul. In particular it relates to the work that has been undertaken intensively by this government after the former

government failed to do anything but offer empty promises in relation to a new health facility for the area.

As we have heard from Ms Wooldridge, who had firsthand information when she was sitting around the cabinet table, this is an area which is experiencing intensive population growth. In fact we have seen over 1000 births at the hospital, and this number keeps on growing. The catchment area, despite what Ms Wooldridge has indicated in this chamber, is not just confined to Drouin and Warragul; it reaches to Neerim South, further into the Latrobe city area and down to South Gippsland and the Bass Coast area as well.

On this basis, and given the specialist services which are required to be offered now and into the future with increasing frequency, I would ask the minister to visit the West Gippsland Hospital and to return to the site where we have had numerous meetings and discussions about the healthcare needs of this particular part of West Gippsland to accommodate population growth and the changing needs of the community. In this regard I would invite the minister to address specifically the vague, uncertain and undetailed lofty promises levelled at the community which were given in the heat, may I say cynically, of a preselection battle which amounted to no time frames from the coalition in relation to when they proposed to build this new hospital. There were no costings in relation to what this new hospital would amount to and no indication of how the cost would in fact be shared between the state and the commonwealth.

Given that we have just recently seen the commonwealth government dragged kicking and screaming to an anticipated \$4 million announcement nearly one year after we committed to fund \$4 million to upgrade the West Gippsland performing arts centre would be refreshing if indeed the commonwealth were able to come to the party and finally put its money where its mouth is. Given the absence of detail from the coalition, I would also ask that when the minister visits the West Gippsland Hospital we look at how in fact the existing needs of the hospital can be better utilised, how additional funding may assist the hospital to continue to provide health services to the community and also to reconfirm and repeat the ongoing commitment which I, the minister and this government have made — that it is not simply a question of whether the hospital is required to be rebuilt but when — and in order to do this we have to get on and do the work properly and thoroughly, unlike those opposite, who like to develop policy via media release.

Mr O'Donohue — On a point of order, President, Ms Shing in her adjournment matter this evening has raised a number of questions. Your rulings previously have been very clear about the precise action that is being called for. Ms Shing meandered from a critique of the opposition's policy to calling on the minister to provide a further critique of the opposition's policy to reaffirming already existing government policy and a range of other actions. I think it would be very difficult for the minister to discern which action is the one that she wishes to be actioned. I submit to you that the adjournment matter should be ruled out of order.

Mr Dalidakis — On the point of order, President, I must say that I thank the kind and good-hearted Mr O'Donohue for looking out for me. I can assure Mr O'Donohue that the action item was very clearly stated. At the beginning of Ms Shing's contribution it included asking the Minister for Health to come and speak to the local community at the hospital. Then she raised a number of issues that would be contemplated by the health minister in that contribution at the local hospital. Mr O'Donohue has tried to assist the minister at the desk, being me, but I can assure both you and the rest of the chamber that I am very capable of undertaking this role.

Mrs Peulich — On the same point of order, President, despite the intellectual agility of the minister at the table can I suggest that indeed you uphold Mr O'Donohue's point of order, given that Ms Shing's adjournment matter is certainly in breach of the many instructions that you have given in the past of how to frame adjournment matters and that it is not question time.

The PRESIDENT — Order! In respect of the point of order raised by Mr O'Donohue, I do not uphold that point of order. I think that it is very clear what the action sought was, which in fact was a visit by the minister. The rest of the points Ms Shing made were about things that the minister might take into account on that visit and perhaps preparing the minister for the discussion that was going to happen should that visit occur. Therefore I do agree with Mr Dalidakis's point of order.

However, I also do have some agreement with Mrs Peulich, in the sense that what did concern me about Ms Shing's contribution tonight was that it was very close to a setpiece speech, that it went into a number of matters which did in fact appraise a proposition put by the opposition in recent days, and to the extent that the supporting information seeking the visit was raised, it did get very close to a setpiece speech. I remind members that that is not part of the

adjournment debate as such, that the matters to be raised are simply to support the action that is sought. This one scrapes in, and certainly the visit was, in my mind, quite indelible as the action sought.

Belfast Coastal Reserve

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the Minister for Energy, Environment and Climate Change. The action I am seeking from the minister is for her to make a determination and inform the house whether the Warrnambool Racing Club has entered into a lawful agreement with D. K. Weir Racing that provided access to beaches and/or dunes in the Belfast Coastal Reserve for the purpose of commercial racehorse training.

As the minister will be aware, commercial racehorse training on beaches within the Belfast Coastal Reserve is currently unlawful. In fact, existing legislation, such as the Crown Land (Reserves) Act 1978 and the Wildlife Act 1975, seem to prevent such an activity from taking place in an area where vulnerable species live and breed. Despite this, the government has proposed a licensing scheme to allow and regulate the use of beaches between Port Fairy and Warrnambool for commercial racehorse training. We moved a motion to disallow this. The Greens think that these beaches need to be out of bounds for racehorses, both for the protection of the bird species that nest there as well as for the safety and amenity of the local community.

Unfortunately commercial racehorse training has continued on these beaches unabated — despite being unlawful in our opinion. In particular, trainers employed by D. K. Weir Racing have been making swift and destructive use of these beaches. The unlawful use of the reserve intensified more than 12 months ago. One of its principal proponents, the Warrnambool Racing Club, has even conceded publicly that the reserve's use by the trainers is unlawful. This would suggest that the Warrnambool Racing Club may have entered into an unlawful agreement itself with D. K. Weir Racing to provide this access to beaches and/or dunes. It also brings into question, then, whether the club is a fit and proper party to hold and oversee this sort of licence, which itself is a subordinate instrument below the original permission that was given by the minister.

So I ask the minister to consult with these parties as well as the Minister for Racing to find out whether in fact these are unlawful activities, if they are occurring, and to report back to the Council about actions that can be taken to remedy this situation.

The PRESIDENT — Order! Mr Barber, the minister actually raised with me privately a valid point. As I understand the action item at this point, it is to determine whether or not the club has entered into an agreement with another party. I am at a bit of a loss to understand the minister's role in addressing the concerns that you have raised in support of trying to establish whether or not such an agreement has been struck. Could you just clarify as an action item your expectation of the minister?

Mr BARBER — President, that is in fact precisely the matter. The permissions to even operate on those beaches come from the minister and they come from various acts of Parliament. However, it appears that Warrnambool Racing Club has then decided to sublicense those activities to another party. That would be unlawful if the original approval or the original use of the beaches was unlawful, and so the determination we need from the minister is precisely that: was it lawful for Warrnambool racing to be operating on those beaches and for it to then give a licence to a third party?

The PRESIDENT — Order! The Clerk suggests that instead the more appropriate action might be that the minister investigate said agreement.

Mr Dalidakis — If I may suggest that in fact it would be under the purview of the Minister for Racing to have that discussion with the Warrnambool Racing Club. At this point in time I would be happy to take that adjournment matter for the Minister for Racing so that he may deal with the question raised.

The PRESIDENT — Order! It is my understanding that the concern is about environmental damage to the beach, and that is the responsibility of the Minister for Energy, Environment and Climate Change rather than the Minister for Racing, so perhaps I would invite Mr Barber to seek an investigation into this agreement.

Mr BARBER — Thank you, President. It has got nothing to do with the Minister for Racing, because it has to do with the lawfulness of access to public land, which is under the Minister for Energy, Environment and Climate Change. I requested the minister make a determination, but if it assists, I request an investigation followed by a determination as to the lawfulness of this ongoing activity.

Rushworth State Forest

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Energy, Environment and Climate Change, and it is regarding the unacceptable actions her department has recently

taken in felling 193 live trees, 92 dead trees and 33 branches to block the Telecom track in the Whroo forest. My request of the minister is that she ensures the review she has ordered is a thorough investigation into the destruction of the trees in the forest; that she facilitates environmental repatriation of the area and the restoration and reopening of the cycling, walking and riding track by professional track-makers; and that she oversees a cultural change within the department to ensure nothing like this is repeated in future.

Last week Forest Fire Management Victoria — which is made up of staff from the Department of Environment, Land, Water and Planning; Parks Victoria; and VicForests — admitted they were responsible for the extraordinary and widely condemned action of felling track-adjacent trees along a number of kilometres of the Telecom trail in the Whroo forest near Rushworth. They say this was done to restrict track access and allow the track to regenerate after increased off-road use of the area by trail bikes. Their spokesperson, Paul Bates, also told me it was somewhere around 100 trees; however, local residents have counted 193 live trees, 92 dead trees, 33 branches and countless understorey species destroyed. It has been noted that large machinery was used to push some of the trees over and that this machinery caused significant damage to native flora. Forest Fire Management Victoria's claim that this work is to protect the bushland is absolutely backwards; in reality it has amounted to nothing more than environmental vandalism.

The community are unhappy not only about the destruction but also because there was no community consultation. Residents claim that prior to the department's actions the track was in good condition with no ruts or other damage. It is described as a good all-purpose track for walking and riding on. The department's actions have caused more issues than they would have solved, including that the new obstructions present a danger to current legal users of the track and that dirt bike riders will now just ride around the felled trees and damage the environment to make new tracks. A dirt bike rider on social media actually claimed that the obstacles will just make the track more interesting for them.

There is a balance needed. These forests should be able to be freely and appropriately used by the public, but environmental concerns, including forest conservation and protection of ecosystems, must also be addressed. It is the minister's responsibility to ensure this balance is achieved. The department has acknowledged that in hindsight it should have done things differently, but unfortunately there is no way to turn back time. Instead

the minister must look into the situation and create safeguards to protect the environment from future such actions as well as to allow the public fair access and use. One of my constituents summed up the issue quite clearly saying, 'We hope this is not a precedent — —

The PRESIDENT — Time! Thank you, Ms Lovell.

Ambulance services

Mr MELHEM (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Ambulance Services, the Honourable Jill Hennessy. It is in regard to the government's recent work to bring down ambulance response times and save lives. I commend the Andrews Labor government's \$500 million plan to improve ambulance response times, with 450 new paramedics to hit the streets in the next three years and 48 of those recently beginning their induction training, 10 of whom will be based in Western Metropolitan Region. This government is going about getting real action done. This comes in addition to the government's concise handling of the paramedic dispute that resulted from the Liberal-Nationals coalition's four years of neglect.

This government is not only a welcome sight to the paramedics of Victoria but also a welcome relief to the Victorian people. Going forward I am glad to see even more investment is being made into these vital services, including building 15 new and upgraded ambulance stations, creating 12 new services in rural and remote towns and establishing six new innovative super response centres.

The action I seek is that the minister outline when the next wave of paramedics will begin their induction training with Ambulance Victoria, because the sooner we have more paramedics hitting our streets the sooner we can get on with fixing the previous government's mess.

Endeavour Hills police station

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter this evening is for the attention of the Minister for Police, and the action I seek is that the minister provide a summary of the trial of reduced hours at the Endeavour Hills police station and advise what the outcome of that trial will be. We have seen under this government a number of police stations across Victoria either close or have their opening hours cut. The Waurin Ponds police station, just near the electorate boundary of the police minister, had its opening hours on weekends cut. We have seen the new Ballarat West police station have its opening hours cut

on weekends soon after it was opened, and indeed the Burwood police station is virtually closed. The Somerville police station has never been opened despite former chief commissioner Ken Lay saying it would be open 16 hours a day in October 2014.

In relation to Endeavour Hills, the police and the government announced that a three-month trial of reduced opening hours on the weekends — closing at 5.00 p.m. rather than 11.00 p.m. — would commence in August. That was then delayed after concerns were raised by the local community, and it kicked off in November. That trial concluded earlier this month, but there has been no public statement — or not one that I can discern from the minister — about the outcome of that trial. Clearly the citizens of Casey are concerned about the significant increase in crime they have experienced in recent times — the gang violence, the carjackings, the home invasions and all the other crime.

Casey was identified by the Police Association of Victoria as an area that needs one of the largest injections of additional frontline police when considering the population growth and the growth in crime, so I think it is perplexing to many residents of Endeavour Hills that, with such strong population growth and such an increase in crime, the opening hours of the police station would be cut, particularly given that there are only three police stations in the City of Casey serving such an enormous and growing population. There are many people in Casey and many people in the Endeavour Hills part of Casey who are very interested to know whether the former opening hours of the police station will be reinstated or whether this cut in service — this cut in opening hours — is to be a permanent fixture, as has happened so many other times under this government.

Solar energy

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Planning. The City of Yarra has a large number of properties where residents and businesses have installed rooftop solar panels, usually voluntarily on older buildings, with a commitment to reducing their carbon footprint. This action is supported by the Yarra council and also state government policies. It is also encouraged in the Yarra planning scheme. However, with many new applications for taller buildings in recent years, smaller buildings are finding their solar panels are being overshadowed, with no protection in the planning scheme, as various Victorian Civil and Administrative Tribunal cases and decisions have demonstrated. This contradiction in planning policy serves to undermine the efforts of citizens to take their own steps to address

climate change, at their own significant cost, instead of supporting and encouraging, and it needs to be addressed.

The action I seek is that the Minister for Planning investigate ways to resolve the contradiction in state planning policy to ensure protection for existing solar panels from overshadowing and to support citizens who are taking action to reduce their own energy footprints, as encouraged by state and local policies.

Sunbury development

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Planning. It concerns housing developments in Sunbury and in particular one on Lancefield Road, a property development that involves the building of 19 000 homes on 1234 hectares. However, I can tell the house that there is a compelling case to exempt a small but critical parcel of historical and environmentally significant land.

The 34 hectares bounded by Jackson Creek and Racecourse Road are rich in Indigenous and European history, and I am sure it will be of great interest to the house to know that that is home to the following historical sites: 1000-year-old Aboriginal earth rings, which are Indigenous ceremonial sites; the stately mansion Rupertswood, the legendary birthplace of the cricket Ashes; Emu Bottom, Victoria's oldest homestead and the first European farm in Victoria; and Cannon Gully, which is considered to be the only remaining evidence of the gathering of the volunteer militia encampments, which were popular community events in the 1860s and 1870s. You can imagine that that does cover both Aboriginal and European history.

It also, I hasten to add, is vitally important to the future of the swift parrot and the growling grass frog, which I am sure the house will be aware are very important to the future of the state. It should also be pointed out that this particular piece of land contains one of the most thriving platypus communities in Victoria. We have a variety of reasons to keep this 34 hectares development free.

I am asking the minister to examine this at greater length and to make — —

Mr Barber interjected.

Mr FINN — Mr Barber, I am being an environmental warrior, if you would just leave me alone.

I am asking the minister to examine this and to exempt this 34-hectare area from the current proposed development. It equates to 406 homes out of 19 000, so this is not a great price to pay for the protection of a great environmental and historical part of this section of Victoria — namely, in Sunbury.

Ballarat bus services

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Public Transport, and it relates to the recent review of the bus system in Ballarat. The action I seek is that the minister undertake a wholesale re-review, with genuine consultation, of the new bus routes that have been announced for Ballarat.

I have previously detailed to the house the significant concerns that have been raised with me by residents about the appropriateness of bus stops in Skipton Street and Bridge Street, Sebastopol, along with Gracefield Road and Hummfray Street in Brown Hill. Further concerns have been raised regarding the Sebastopol bus route — that it cannot get children to school on time. The buses leave either far too early or far too late to get many children to school on time.

The public transport system in Ballarat, up until the new timetable and bus routes were released, had been serving the community adequately, and to this juncture the new bus routes that have been announced seem to be disadvantaging everybody without advantaging anybody at all. I ask that the minister undertake this wholesale re-review of the bus system in Ballarat.

Commercial passenger vehicle industry

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Public Transport, Jacinta Allan, and the action I seek of her is to re-evaluate the merits and impacts of the reform tax on the taxi and Uber industry and the compensation for taxi licences, especially in regional Victoria.

I continue to have discussions with very distressed taxi licence owners from western Victoria, and I can report that they are rightly distressed. I have spoken with taxi operators in small towns in our region, like Jan Uebergang in Hamilton and also Steve Armstrong in Ballarat, and they are the only generally flexible and personalised transport system, through their taxi services, for many people, particularly the elderly. For example, in one case a licence-holder purchased six perpetual licences at \$150 000 each, with a total cost of \$900 000, in a regulated market. Under the minister's

proposed compensation scheme, this country owner will get just \$125 000.

Add to this burden the cost of the proposed \$2 tax per trip to pay for the compensation. This operator completes between 5000 and 6000 trips per month. On 5000 trips they would pay a taxi tax of \$10 000 per month, or \$120 000 per year. I am advised that this \$2 tax will be a huge burden to passengers; the vast majority are elderly and on fixed incomes. For an average trip of \$8 — and this is what happens in regional Victoria — this levy will represent a 25 per cent tax price hike. Other taxi owners in western Victoria advise that the financial impost of becoming a debt collection agency for the government is not part of their business structure. It would force them to create new and burdensome administrative processes, and this cost load will also have to be carried by the passenger.

A Ballarat taxi operator has advised me of one elderly client who will be financially bludgeoned by the taxi tax. This lady uses the taxi service six days a week, with each trip costing about \$14. By the return trip she will have paid \$4 a day for the tax, adding \$24 a week to her expenses.

The Premier talks about duds; this tax is one of the biggest of all. Country Victoria is again penalised for what is essentially a metropolitan problem. I ask the minister to axe the tax and to increase the compensation package before many of these taxi operators go to the wall.

Gatwick Hotel

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Police. The action that I am seeking is her response to my letter of 16 January of this year, in which I sought response figures for police for the Gatwick Hotel during calendar years 2015 and 2016. I wrote to the minister back on 16 January, and I requested these figures under freedom of information, in the knowledge that it was appropriate to go to her directly on this.

I knew this because of a response that Ms Crozier had received when she had sought similar information under freedom of information. She received a letter of 22 November last year from Victoria Police advising that it was not appropriate to seek it under freedom of information but that Victoria Police has an arrangement in place in relation to statistical information and that that was the appropriate course to take. It says, and I quote:

I am advised by the office of the chief commissioner that in accordance with established protocols, state members of

Parliament requesting information from Victoria Police regarding operational matters are required to write to the Minister for Police and Emergency Services. I ... therefore ... advise you to direct your request to the minister's office for appropriate attention.

And that is what I have done. I note that at the same time as I made this request I made a similar request — in fact, an almost identical request — of Ambulance Victoria, and they provided the figures within around two weeks. These were simply aggregate figures and figures broken down into occurrence by week. They did not identify any individuals or any circumstances of the call-out, simply the numbers. What I have sought from the minister is similar.

I add that I have had my office phone her office twice, on 11 February and 18 February. On the first occasion my staff member was told that nothing is acknowledged in under a month. We were simply seeking to follow up on a request that had been made and see that it had been made appropriately and could be dealt with in the way that was sought. Just to reiterate, the action that I am seeking from the minister is a response to my letter of 16 January.

School capital works

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Education, the Honourable James Merlino, in the other place. The action I seek from the minister is to grant authority for state school principals and councils to engage the best tender for small capital works of up to \$400 000 rather than having to yield to the Department of Education and Training (DET) appointed preferred contractors, which are often overpriced and do not use local tradespeople.

A principal in my electorate of Eastern Victoria Region sat head in hands as they explained to me the disparity in the Andrews Labor government's directive paper 'Pride and confidence in our schools', which loosely states that within every community the government is going to create a great school that the community can be proud of and vice versa. This principal felt that the rhetoric was certainly different to the reality.

This principal informed me that the school required a maintenance infrastructure upgrade at a cost of under \$100 000 and as a result this principal sought quotes from local tradespeople — people whose children attended the school. Let us say the quotes were of X and Y value. They appeared reasonable, and both the principal and the council agreed that they were quite comprehensive. Therefore the principal contacted the Department of Education and Training to seek approval

for this important upgrade, to be told that neither contractor was suitable and that the school must use a preferred contractor based in Melbourne for the value of Z expense.

But there are two major problems with this situation: one, the DET-preferred contractor was almost double the cost of the local tradespeople, which in my opinion is a great big waste of money and resources; and two, the damage to the credibility of the hardworking principal and school council, who had to front the parents and justify why a Melbourne-based, hit-and-run contractor with no investment in the school was the chosen option. Post completion a local professional could make minor adjustments in a timely manner because they had a business reputation to uphold in the community. The principal would really have Buckley's chance of having defects fixed by a Melbourne-based contractor with no great investment.

The frustration on behalf of this principal was palpable. School budgets are tight in small communities, and I believe that principals and councils should be given the autonomy to utilise local tenders where appropriate on small capital maintenance upgrades.

Kilmore-Wallan bypass

Mr O'SULLIVAN (Northern Victoria) — The action I am seeking is for the Minister for Roads and Road Safety to meet with concerned residents of Kilmore in relation to the new route chosen for the Kilmore bypass at the north end and consult with them over the new proposed route.

Along with my colleague the member for Euroa in the Assembly, I met with some concerned residents from Kilmore in relation to the new route that had just been chosen for the Kilmore bypass. Previously the government through VicRoads had proposed a route near the Goulburn Valley treatment plant at the north end of the proposed bypass. On Tuesday, 7 February, on the front page of the *Kilmore North Central Review* newspaper a member for Northern Victoria Region, Ms Symes, had a big colour photo of her announcing a new route. The new route was a complete surprise to all the residents impacted by the announcement. They were not consulted, they were not informed and they were very shocked and angry at the lack of respect in relation to the way this announcement was made and that they had had to read about it on the front page of the newspaper. The new route for a freeway with trucks and cars going past is just 30 metres from a house with a family living in it.

But what the impacted residents found particularly galling was the fact that the independent investigation conducted by reputable company RMCG into the Wandong interchange, or the south end of the bypass, was highly critical of the government for a lack of consultation with local residents. The report recommended better communications with local residents, better engagement with residents, the establishment of a stakeholder working group and better communication in relation to planning for the northern end of the project.

The people who are directly impacted by the proposed new route have had many sleepless nights worrying about the impact of the route. They have a thousand questions and very few answers. The residents that have a proposed new freeway going just 30 metres from their house certainly deserve some answers. So the action I seek is that the Minister for Roads and Road Safety meet with the impacted residents to hear their views on the new road and give them the decency of a fair hearing with proper consultation.

Ms Symes interjected.

Mr O'SULLIVAN — Surely, Ms Symes, this is not too much to ask.

Ms Shing — On a point of order, President, can I just ask for clarification? In the course of my adjournment matter there was a view expressed by you that what I was saying sailed dangerously close to being a setpiece speech. I had one document that I referred to, which was an opposition media release, and then I moved on. Mr O'Sullivan has just completed an adjournment matter, and he did set out the action. I do not raise any issue with that; however, he had his eyes down reading the document for the entire time that he was raising the matter. I seek some guidance from you as to what constitutes a setpiece speech and what constitutes an adjournment matter in the way that you would ideally see it be presented.

The PRESIDENT — Order! In the first instance, I am a little bit more lenient on people using notes in both 90-second statements and adjournment matters because there is a limited time available and therefore it is fairly easy to get distracted and not get across your total matter. So I am okay about notes. Of course Mr O'Sullivan is a relatively new member still, and to that extent his familiarity with some of these matters that he might bring to the Parliament is not yet as established as it is perhaps for some other members.

In regard to the speech itself, this is difficult territory because what is a setpiece speech? I have had situations

where the speeches that have been presented are obviously really just a press release that has already probably gone to the media, but for authenticity it comes here as an adjournment item. Clearly they read as a setpiece speech. I think Mr O'Sullivan actually did try to provide some context to the concerns that he had as to why he was seeking that the minister come to that place and as to the experience of some of the people there.

In terms of the contrast with your own adjournment matter — and you will note that I allowed it to stand — my concern was that whilst you indicated that you only used one press release from the opposition, I actually felt that there was a fair reliance on what the opposition had been doing and reference to one of their internal party processes and so forth, which to me suggested that it was perhaps constructed in a different way to what I would normally expect. From time to time it is a judgement call. I probably do not always get it right, but I certainly try.

North Road, Ormond, level crossing

Ms CROZIER (Southern Metropolitan) — My adjournment matter is for the Minister for Water, Lisa Neville in the other place, and it relates to a flooding incident on 29 December 2016 in the area of Cadby Avenue and Murray Road in Ormond. This area was flooded in 2011, and it was a significant rain event; around 140 millimetres of rain fell at that time. Water levels rose very quickly but subsided very quickly. In December 2016 there was only 40 millimetres of rain, but the waters subsided very slowly and caused much more damage than that flood event of 2011.

In 2014 Melbourne Water investigated what was going on and the pipes that were required and gave some advice in relation to mitigation of flood risk around that area. But with the change of government and the Level Crossing Removal Authority (LXRA) works that have occurred for the North Road, Ormond, level crossing, it appears that the LXRA have taken control of the pipes and the sites and that Melbourne Water has had very little to do with their assets. The question I would like the minister to provide me with answers to is: what investigation has been undertaken by Melbourne Water since 2014 and, more recently, have they been requested to undertake any investigations in relation to the latest flood event?

Responses

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — President, can I say at the outset that having been on the receiving end of a

number of your decisions in this place, I think you get it right nearly all the time, especially on the odd occasion when you have asked me to take leave of the chamber for a small period of time or called me back for a greater period of time to take questions from the opposition.

That said, we have adjournment matters tonight from the Honourable Ms Wooldridge to the Minister for Health in relation to providing funding or a commitment to a business case in relation to the West Gippsland Hospital announcement the opposition made in a recent preselection battle; from Dr Carling-Jenkins to the Minister for Education to ask that the Victorian Registration and Qualifications Authority restart a process on home education reviews; and from Ms Shing to the Minister for Health asking the health minister to undertake a visit to the West Gippsland Healthcare Group, specifically the Warragul hospital, and prepare to have a conversation with the community about plans from the government into the region.

We have matters from Mr Barber to the Minister for Energy, Environment and Climate Change regarding an investigation into the lawfulness of an agreement between the Warrnambool Racing Club and a private racing trainer, D. K. Weir; from Ms Lovell to the Minister for Energy, Environment and Climate Change in relation to a review into the destruction of trees along a walking track; from Mr Melhem to the Minister for Ambulance Services asking the minister to outline when the next line of paramedics will be entering his community; from Mr O'Donohue to the Minister for Police asking for a summary in relation to the trial of a reduction of hours for the Endeavour Hills police station; from Ms Dunn to the Minister for Planning in relation to the City of Yarra, specifically asking if the minister could investigate the contradictions in relation to solar panel shadowing; and from Mr Finn to the Minister for Planning asking for an area of 34 hectares on Lancefield Road to be exempted from development.

We also have matters from Mr Morris to the Minister for Public Transport asking for a wholesale review of new bus routes into Ballarat; from Mr Ramsay to the Minister for Public Transport asking the minister to re-evaluate the merits of and the reform tax on ridesharing services; from Ms Fitzherbert to the Minister for Police asking for a response to her letter of 16 January 2017; from Ms Bath to the Minister for Education asking the minister to grant an authority to school principals and councils for infrastructure and/or procurement of up to \$400 000 to be done locally by the school community; from Mr O'Sullivan to the Minister for Roads and Road Safety in relation to an investigation into the Kilmore bypass, the north end

section of the new route; and from Ms Crozier to the Minister for Water regarding flooding in Cadby Avenue and Murray Road, Ormond, and asking whether there has been an investigation since 2014 and indeed since the most recent flooding event at the end of 2016.

In addition to that, I have a written response to one adjournment debate matter raised by Mr O'Donohue on 8 November 2016.

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

House adjourned 9.28 p.m.

