PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 28 November 2017

(Extract from book 21)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 15 October 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

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

Legislative Council committees

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

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

Legislative Council standing committees

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

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Elasmar, #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 Elasmar, Ms Fitzherbert, #Ms Hartland, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

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

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John[1]	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina[2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David[7]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[3]	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew[8]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin[4]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini[9]	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark[5]	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[6]	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

[1] Resigned 28 September 2017
[2] Appointed 15 April 2015
[3] DLP until 26 June 2017
[4] Resigned 27 May 2016
[5] Appointed 7 June 2017
[6] Resigned 6 April 2017
[7] Resigned 25 February 2015
[8] Appointed 12 October 2016
[9] Appointed 18 October 2017

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 28 NOVEMBER 2017

Tuesday, 28 November 2017

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

ACKNOWLEDGEMENT OF COUNTRY

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

ROYAL ASSENT

Message read advising royal assent on 22 November to Caulfield Racecourse Reserve Act 2017.

VOLUNTARY ASSISTED DYING BILL 2017

Clerk's amendments

The PRESIDENT (12:06) — Under standing order 14.33, I have received a report from the Clerk of the Legislative Council informing the house that he has made corrections to the Voluntary Assisted Dying Bill 2017 and the schedule of amendments to the bill made by this house. The report is as follows:

> Under standing order 14.33, I have made corrections in the Voluntary Assisted Dying Bill 2017 and the schedule of amendments to the bill made by the Legislative Council, listed as follows:
>
> In clause 119, line 11, I have removed the quotation mark and second full stop. In amendment 28 of the schedule, I have removed the initial quotation mark.
>
> Amendment 28 of the schedule to the bill adds a note to the text to be inserted by clause 119 to the Coroners Act 2008. These punctuation marks are not required as the text being inserted by clause 119 and the note being inserted by amendment 28 are to be inserted into the Coroners Act 2008 as one piece of text.

PETITIONS

Following petitions presented to house:

Corinella foreshore

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the decision of the Bass Coast Shire Council to implement a permit scheme under its local law to restrict access to 925 metres of beach at Coronet Bay, Corinella, to members of public with horses, from December 2017.

The decision of the council precludes members of the community, such as children, with an oppressive and costly permit scheme.

We, the undersigned, are petitioning against the proposed ban or permit system of horse access to and on the Corinella foreshore, accessed via Norsemens Road, Coronet Bay.

Without the presentation of evidence and based on the opinions and views of detractors and anti-horse people, the decision is contrary to its commitment to the community to make evidence-based decisions.

Horse ownership in Victoria is among the highest with the equine industry as the third largest employer in Australia, with in excess of 100 people employed locally to Corinella, as the industry based here with this beach is the last small section of permissible beach to access.

Not unlike dog owners, horse owners enjoy taking their horses to the beach and reaping the well-known benefits to their physical and mental wellbeing.

Riding horses in natural areas is part of the cultural heritage of Australia and a source of pleasure and enjoyment for many people, and is permitted in some other parks and wildlife-managed lands in locations where the impacts are considered manageable, and —

> to ban horses from the beach is un-Australian;
>
> it is about giving everyone a fair opportunity and the freedom to enjoy our beautiful beaches;
>
> above all it is a place for immense enjoyment and fun for those involved with horses and should not be limited to dog owners.

A council-owned wetland section and private rural land zoned non-residential, 'rural activity' abuts the foreshore along approximately 925-metre section. Also, this section of beach contains a well-used pedestrian and cycling path which offers all-weather beachside access between Coronet Bay and Corinella.

Current health and safety initiatives in place include council signage indicating where horses may use beach, where dogs must be on leash and where pedestrians and cyclists can opt to use the adjacent coastal path between Coronet Bay and Corinella.

The petitioners therefore request that the Legislative Council call on the government to restore free access to the beach for horse owners by —

(1) reviewing the decision of council with consideration to the Charter of Human Rights and Responsibilities to consider measures to ensure freedom, rights and inclusion for all members of public;

(2) abolishing any permit scheme that precludes individuals or groups by way of cost and insurance burden; and

(3) acknowledging and identify the views and opinion of anti-horse activists and detractors and separate from fact and evidence.

(4) the government should obtain and consider evidence of the following —

(a) access time and volume of the beach by the public with horses and identify, if any, an increase or recent change that has increased risk;

(b) identify those risks before and after any change and identify reduction methods other than a permit scheme or ban;

(c) identify degradation, if any, to the natural environment and reduction methods in consultation with other parks and wildlife authorities;

(d) implement measures that seek to limit restrictive regulatory burden;

(e) require a regulatory impact statement for any proposed regulatory measures; and

(f) classify this 925-metre section as a recreational horse beach; this would also help reduce concerns of beachgoers.

By Mr BOURMAN (Eastern Victoria) (744 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr BOURMAN (Eastern Victoria).

Corinella foreshore

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the decision of the Bass Coast Shire Council to implement a permit scheme under its local law to restrict access to 925 metres of beach at Coronet Bay, Corinella, to members of public with horses, from December 2017.

The decision of the council precludes members of the community, such as children, with an oppressive and costly permit scheme.

We, the undersigned, are petitioning against the proposed ban or permit system of horse access to and on the Corinella Foreshore, accessed via Norsemens Road, Coronet Bay.

Without the presentation of evidence and based on the opinions and views of detractors and anti-horse people, the decision is contrary to its commitment to the community to make evidence-based decisions.

Horse ownership in Victoria is among the highest with the equine industry as the third largest employer in Australia, with in excess of 100 people employed locally to Corinella, as the industry based here with this beach is the last small section of permissible beach to access.

Not unlike dog owners, horse owners enjoy taking their horses to the beach and reaping the well-known benefits to their physical and mental wellbeing.

Riding horses in natural areas is part of the cultural heritage of Australia and a source of pleasure and enjoyment for many people, and is permitted in some other parks and wildlife-managed lands in locations where the impacts are considered manageable, and —

to ban horses from the beach is un-Australian;

it is about giving everyone a fair opportunity and the freedom to enjoy our beautiful beaches;

above all it is a place for immense enjoyment and fun for those involved with horses and should not be limited to dog owners.

A council-owned wetland section and private rural land zoned non-residential, 'rural activity' abuts the foreshore along approximately 925-metre section. Also, this section of beach contains a well-used pedestrian and cycling path which offers all-weather beachside access between Coronet Bay and Corinella.

Current health and safety initiatives in place include council signage indicating where horses may use beach, where dogs must be on leash and where pedestrians and cyclists can opt to use the adjacent coastal path between Coronet Bay and Corinella.

The petitioners therefore request that the Legislative Council call on the government to restore free access to the beach for horse owners by —

(1) reviewing the decision of council with consideration to the Charter of Human Rights and Responsibilities to consider measures to ensure freedom, rights and inclusion for all members of public;

(2) abolishing any permit scheme that precludes individuals or groups by way of cost and insurance burden; and

(3) acknowledging and identify the views and opinion of anti-horse activists and detractors and separate from fact and evidence.

(4) the government should obtain and consider evidence of the following —

(a) access time and volume of the beach by the public with horses and identify, if any, an increase or recent change that has increased risk;

(b) identify those risks before and after any change and identify reduction methods other than a permit scheme or ban;

(c) identify degradation, if any, to the natural environment and reduction methods in consultation with other parks and wildlife authorities;

(d) implement measures that seek to limit restrictive regulatory burden;

(e) require a regulatory impact statement for any proposed regulatory measures; and

(f) classify this 925-metre section as a recreational horse beach; this would also help reduce concerns of beachgoers.

By Mr BOURMAN (Eastern Victoria) (116 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr BOURMAN (Eastern Victoria).

Crime prevention

To the Legislative Council of Victoria:

The petition of residents in Victoria calls on the Legislative Council to note that there is a crime tsunami engulfing Victorians. Small businesses are regularly being targeted, residents feel unsafe in their own homes and going to work, and Victorians are losing faith in our justice system.

The petitioners therefore respectfully request that the Legislative Council calls on the Andrews Labor government to match the coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

By Ms CROZIER (Southern Metropolitan) (50 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms CROZIER (Southern Metropolitan).

ABORIGINAL AFFAIRS

Victorian government report 2017

Mr DALIDAKIS (Minister for Trade and Investment), by leave, presented report.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 17

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 17 of 2017, including appendices.

Laid on table.

Ordered to be published.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Financial and performance outcomes 2015–16

The Clerk, pursuant to section 36(2)(c) of the Parliamentary Committees Act 2003, presented government response.

Laid on table.

PAPERS

Laid on table by Clerk:

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

A lease in relation to Flagstaff Gardens, dated 26 November 2017.

A licence in relation to Yellingbo Nature Conservation Reserve, dated 27 November 2017.

Legal Service Council and Commissioner for Uniform Legal Services Regulation — Report, 2016–17.

Planning and Environment Act 1987 — Notice of Approval of the following amendment to a planning scheme — Victorian Planning Provisions — Amendment VC141.

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — No. 115.

Family Violence Protection Act 2008 — No. 112.

National Domestic Violence Order Scheme Act 2016 — No. 113.

Retirement Villages Act 1986 — No. 116.

Road Safety Act 1986 — No. 117.

Supreme Court Act 1986 — No. 114.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 116 and 121.

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

Family Violence Protection Amendment Act 2017 — Parts 3, 4 and 5 — 16 November 2017; Division 2 of Part 9 — 25 November 2017 (Gazette No. S388, 15 November 2017).

National Domestic Violence Order Scheme Act 2016 — remaining provisions — 25 November 2017 (Gazette No. S388, 15 November 2017).

Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017 — Division 2 of Part 2 — 15 November 2017 (Gazette No. S388, 15 November 2017).

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (12:16) — By leave, I move:

That precedence be given to the following general business on Wednesday, 29 November 2017:

(1) notice of motion 490 standing in the name of Mr Rich-Phillips in relation to the revocation of amendment C117 to the Frankston planning scheme;

(2) notice of motion 487 standing in the name of Ms Crozier in relation to graffiti in Bentleigh;

(3) notice of motion 477 standing in the name of Dr Carling-Jenkins in relation to the increase of violent crime, sentencing and Victoria Police;

(4) notice of motion 489 standing in the name of Mr Morris in relation to the Ballarat railway precinct; and

(5) notice of motion 485 standing in the name of Ms Bath in relation to Auslan training and courses.

Motion agreed to.

The PRESIDENT — Mr Jennings had leave to move a motion, but it will now be dealt with tomorrow because the motion had not been circulated. The import of Mr Jennings's proposed motion is essentially to extend the period for the ringing of division bells next year while we transition to the new building. It will be a 4-minute bell rather than a 3-minute bell to ensure that we have adequate time to adjust to the new accommodation.

MINISTERS STATEMENTS

Aboriginal children and young people

Ms MIKAKOS (Minister for Families and Children) (12:17) — As Minister for Families and Children I rise to inform the house of how the Andrews Labor government is progressing self-determination for Aboriginal people, particularly when it comes to making sure Aboriginal people are at the forefront of decision-making for their own children. Friday, 24 November 2017, was a historic day for Victoria. In an Australian first I launched the section 18 initiative Aboriginal Children in Aboriginal Care. Last week the secretary of my department officially signed over the first legal guardianship of Aboriginal children in care to the CEO of an Aboriginal-controlled organisation, Professor Muriel Bamblett of the Victorian Aboriginal Child Care Agency (VACCA). It has been more than 12 years since the Bracks government introduced section 18 to the Children, Youth and Families Act 2005. One of the Andrews government's first acts was to legislate to provide greater legal clarity in these matters.

We know that Aboriginal children in care do better when they are closely connected to their culture. Aboriginal people are the knowledge holders who understand how best to help their children to connect to family, culture, country and community. That is why our government has invested nearly $2 million in piloting and is now implementing section 18. A successful pilot was run by VACCA, and one is underway currently by the Bendigo and District Aboriginal Cooperative. VACCA's pilot supported six of the original 13 children to be safely reunified with their families. VACCA has been selected as the first organisation to officially have responsibility for case planning and case management of 36 Aboriginal children. I take this opportunity to congratulate them on 40 years of leadership and care of Aboriginal children in Victoria. At the event we also launched Deadly Story, which is an online cultural portal which enables Aboriginal children in care to keep in touch with their culture.

The Andrews Labor government is leading the nation in making Aboriginal self-determination a reality and reducing the number of Aboriginal children in out-of-home care. I take this opportunity also to call on the Turnbull government to do more to assist all states and territories in this matter.

Early childhood education

Ms MIKAKOS (Minister for Early Childhood Education) (12:19) — On another matter, in my capacity as Minister for Early Childhood Education, I rise to update the house on how the Andrews Labor government is continuing to support children and students with disabilities and strengthen inclusive education as part of building the Education State in Victoria. Yesterday I was both pleased and proud to stand with the Premier, the Minister for Education and the member for Mordialloc in the Assembly, Tim Richardson, at Yarrabah School to announce a $61 million suite of inclusive education initiatives, including $19 million in early childhood initiatives.

We all know that early intervention and support for young children, particularly those with disabilities, can have a significant effect on their future development, health and wellbeing. Among the initiatives in this package, we are investing $6.4 million to upgrade early childhood infrastructure and equipment, including playgrounds, across the state and support grants for kinders to provide safe and more inclusive

environments. Kindergartens will also be able to purchase equipment such as wheelchair access ramps, safety surfacing and adjustable tables and chairs to suit children of all abilities.

We are also providing a further $3.2 million for the kindergarten inclusion support program to give 225 more children with disabilities or developmental delay access to state-funded kindergarten in 2018 and 2019. There is $3 million to train 5000 early childhood educators in the new Early Abilities Based Learning and Education Support online assessment tool, better known as Early ABLES, as well as $1.1 million to train all maternal and child health nurses in the early identification of signs of autism. Other elements of the package include $3.3 million to provide further support as we transition early childhood intervention services into the national disability insurance scheme and $1 million to provide practical advice to parents, early childhood educators and their communities to generate awareness of inclusive education.

I want to thank all the parents who participated in a number of round tables with the Premier, the Minister for Education and me for their feedback and support in shaping this package. This investment is part of realising our vision to make our early childhood system inclusive and welcoming of all children.

Victorian Youth Congress

Ms MIKAKOS (Minister for Youth Affairs) (12:21) — On a final matter, in my capacity as Minister for Youth Affairs, I rise to update the house on the meaningful and practical approach the Andrews Labor government is taking to ensure young Victorians are given a fair go. In 2016 I launched *Youth Policy: Building Stronger Youth Engagement in Victoria* after significant consultation with young people and the youth sector. Since then our government has been getting things done. We have been implementing the flagship initiatives of the policy, including our first youth summit in March attended by over 400 young Victorians.

On Sunday I was delighted to meet with members of the inaugural Victorian Youth Congress at their training and induction. These are young people who are passionate about improving the lives of all young people across Victoria. Members of the youth congress are aged between 12 and 25 years old and come from metropolitan and rural areas. They are an inspirational group of young people. They represent the diversity of young people living in Victoria, including Aboriginal young people, LGBTI young people, young people living with a disability, young people from culturally and linguistically diverse backgrounds and young people who have experienced adversity as well.

As a flagship program of the youth policy, the Victorian Youth Congress will provide advice to government on key priority issues for young people and will also allow them opportunities to meet with ministers about these issues. We are committed to helping to amplify the voices of young Victorians and making sure that all young people are involved in decisions that directly affect them. Young people are our state's future, and for that reason it is important that they are involved in the decisions that impact on them, because who better to take action on these issues than young people themselves.

I take this opportunity to congratulate all the young individuals who were selected to participate in the inaugural youth congress. I am already inspired by their energy and their ideas on Sunday, and I look forward to working with them in 2018.

MEMBERS STATEMENTS

Crime prevention

Ms LOVELL (Northern Victoria) (12:24) — Like all Victorians, I am fed up with Daniel Andrews and his government being soft on crime. On this side of the house we know that any spruiking by Daniel Andrews of Labor's commitment to law and order is just more deception that he hopes the Victorian public will swallow. But they are awake to Deceitful Dan, because the people of Victoria know that their communities are not what they were three years ago. They know that crime has risen in their neighbourhoods, they know that more violent offenders are on our streets than ever before and they know that they do not feel safe. They just know, and their friends and family know.

Let us look at law and order in Victoria in the three years of the Andrews Labor government. Crime has risen across the state, offenders have been released on bail and immediately reoffended, police stations have closed and prison rioters have been rewarded for their anarchy with pizza deliveries. In my home town of Shepparton the total crime rate has risen by over 26 per cent since the election of Daniel Andrews. Shepparton police do a fantastic job with the limited resources they have, but like all police around the state they are under constant pressure to deliver the policing service that the community expects.

Daniel Andrews has allowed crime to flourish since becoming Premier. He has failed the people of Victoria,

and I have no doubt they will send Deceitful Dan a message on 24 November 2018.

United Arab Emirates National Day

Mr ELASMAR (Northern Metropolitan) (12:25) — On Thursday, 23 November, I was invited, along with several of my esteemed parliamentary colleagues, to a reception hosted by His Excellency the Consul General of the United Arab Emirates, Mr Saeed Alqemzi, to celebrate their 45th National Day. The theme of the evening was 'Spirit of the union'.

Mr Davis — Was Mr Eideh there?

Mr ELASMAR — Actually the President was there. The evening occasion was very well attended by community members. Importantly, as always, this event fosters and promotes harmony within the Australian-United Arab Emirates community here in Melbourne.

Lebanon Independence Day

Mr ELASMAR — On Monday, 27 November, I had the honour to be present at the 74th anniversary of the Independence Day of Lebanon. The event was hosted by the Consul General of Lebanon, His Excellency Ghassan El Khatib. I must admit to a special affinity with this occasion as this is an event predominantly close to my heart, and together with several of my parliamentary colleagues — you, President; Mrs Peulich; and fellow Australian-Lebanese friends — I enjoyed celebrating this memorable occasion. It was also an opportunity for me to farewell Mr El Khatib, who will be appointed as an ambassador after returning to Lebanon first. I wish him a safe journey home.

North-east link

Ms DUNN (Eastern Metropolitan) (12:27) — On Sunday, 26 November, I joined with members of the community from Balwyn, Bulleen, Heidelberg, Doncaster and surrounds to protest against the north-east link. The way the Andrews government has gone about announcing this project is deplorable. It is unacceptable that this was leaked by the government to Channel 7 last Tuesday with scarce detail about the route. Residents then had to wait days for official confirmation that the government intended to carve up their suburbs for this toll road. The North East Link Authority had been lying to residents up until Tuesday, telling them that no decision had been made; this is deplorable.

The entire consultation process has been a sham. The government wanted option A from the start, as was clear from its simplistic technical report, and has deliberately sown division in the community. Now that option A has been selected the community is coalescing into a grassroots movement backing an alternative infrastructure plan for the north-east. The Victorian Greens will stand with the community in opposing this toll road, protecting our green spaces and investing more in public transport.

North-east link

Mr DAVIS (Southern Metropolitan) (12:28) — I note that the Andrews Labor government announced it would build the north-east link without building the east–west link, thereby dumping enormous traffic on the Eastern Freeway. We already know that that freeway comes to a screeching halt at the end and no-one can move forward. It cannot be long before the announcement about tolls comes; Daniel Andrews has form on this, as does his government. In the case of EastLink on the eastern side of the city they promised there would be no tolls, but now it is clear they are set to backflip on more tolls for the Eastern Freeway to pay for their massive blowout on the north-east link — blown out already in just a short period of time.

The truth of the matter is that both roads need to be built. The north-east link is an important road and the east–west link is also an important road. They both need to be built, but the government has undergone, yet again, another sham consultation process with a predetermined outcome in the case of the north-east link.

I say, importantly, that the government is also in confusion on what it will do with bus lanes. It was only a short period ago, about a month ago, that they rejected the Transdev offer of a fast bus lane, and now they say they will not have that fast bus lane but they will have a different fast bus lane. Honestly, this is a shambles, it is confusing and I tell you what: everyone in the east should be very fearful about Daniel Andrews tolls on the Eastern Freeway.

Youth for Life

Dr CARLING-JENKINS (Western Metropolitan) (12:29) — Yesterday I had the great pleasure of meeting with Youth for Life members, who set up a quiet demonstration on the front steps of Parliament. They were promoting life in all its preborn stages by engaging in respectful conversations and holding up posters. This group is participating in a ride for human rights, which is an innovative, grassroots, youth-led

national roadshow seeking to speak out on the issue of abortion from the perspective of the next generation. Youth for Life's aim is to create a world in which all human life is treated with equal rights and equal dignity. I applaud their commitment and the sacrifice they have made to participate in this ride. There is a better way for the next generation, and Youth for Life are to be commended for being leaders in this very space.

Don Burke

Mr FINN (Western Metropolitan) (12:30) — I do not know Don Burke. Given everything I have heard about him this week, I am probably glad I do not know Don Burke. By his own admission he is a particularly unpleasant individual. I also do not know if all or any of the allegations against this man are true or false. What I do know is that to use Asperger's syndrome as an excuse for this deplorable behaviour is in itself despicable.

Mr Burke may have amazing abilities of self-diagnosis, but his knowledge of Asperger's leaves an enormous amount to be desired. Having Asperger's does not make anyone a filthy, perverted sleazebag. It does not lead to sexual assault. It does not lead to the sort of activity Mr Burke stands accused of. Mr Burke owes the Asperger's community of Australia a huge apology. They have enough to deal with without having to put up with a feral desperado getting on national television and slandering them. I am in no position to judge Mr Burke's guilt or otherwise of the tsunami of allegations swamping him, but I can say with total certainty that he is wrong — indeed weak and cowardly — to use the autism spectrum as some sort of shield.

After Don Burke apologises he might like to do a little study and discover for himself how out of line he is, and if he cares, try to imagine the hurt and pain he has caused to so many. Don Burke stands condemned as someone who has misused a community that does not deserve this derision. I was stunned when I heard him blame Asperger's, and I was not alone. I do not care what was going through his head when he said it; what I want to hear now is him saying clearly, 'I'm sorry'.

Vic Dey

Mr MELHEM (Western Metropolitan) (12:32) — I rise today to remember the life and contribution of Vic Dey. Vic was a decorated army veteran who served his country from 1948 to 1953. In the Korean War Vic served in the 3rd Battalion of the Royal Australian Regiment on a 12-month tour of duty. Upon his posting to Korea, Vic joined 1st platoon until he was transferred back to Japan and subsequently Melbourne in April 1954.

After his service Vic returned to Australia, where he became highly prominent in the veteran community. In 1994, after years of involvement in different veterans groups, Vic became national president of the Korean Veterans Association of Australia, a position he held until his recent passing. In 2001 Vic received the Australia Day Award for valued contribution to the local community. On Australia Day 2002 Vic was awarded the Order of Australia for services to veterans through the Korean Veterans Association of Australia. Vic's sacrifice for his countrymen, both on the battlefield and back at home, is unparalleled. Even in his later years Vic continued to engage heavily in veterans affairs. In 2016 he became vice-president of the Melbourne Korean War Memorial Committee.

Unfortunately Vic missed out on the turning of the sod of the Korean War memorial, which was held yesterday in Maribyrnong. You were also present there, President. Unfortunately Vic was not there to witness the fruits of his labour, but finally Melbourne will recognise its Korean War veterans. Construction will commence on the memorial shortly. Hopefully it will be ready in March next year.

Vic is remembered by his wife, Edna, their four children, 15 grandchildren, 29 great-grandchildren and two great-great-grandchildren. Vic's outstanding legacy will live on through his selfless deeds and the lives he impacted.

Sovereign Hill

Mr MORRIS (Western Victoria) (12:34) — I am pleased to congratulate Sovereign Hill, a great tourism attraction in Ballarat, and president Adrian Doyle and CEO Jeremy Johnson, who for the fourth year in a row have taken out the RACV Victorian Tourism Awards Major Tourist Attractions gong. Sovereign Hill is not only a great attraction but also a great supporter of the Ballarat economy. I wish to congratulate all involved at Sovereign Hill for winning the same award for the fourth year in a row. It is a great acknowledgement of the great work that they do.

Ballarat Cup

Mr MORRIS — I also want to congratulate the chairman of the Ballarat Turf Club, Mr Con Powell, and the CEO, Lachlan McKenzie, for a fabulous Ballarat Cup that was held on Saturday. I do note this is the second Ballarat Cup that has been held on a

Saturday, and it was another great success. Lachlan McKenzie did a fabulous job in ensuring that the track was prepared exceptionally well. Unfortunately Mr Powell did not come to the party with the weather that he was supposed to bring. But more seriously, I do congratulate all the connections of Grand Dreamer, the winner of the Ballarat Cup. It was a great day, and certainly I am looking forward to the future success of the turf club, which is a great contributor to the economy in Ballarat.

Manus Island detention centre

Ms SPRINGLE (South Eastern Metropolitan) (12:35) — I rise to express deep concern for and solidarity with refugees currently being forcibly removed to new accommodation in the wake of the closure of the Manus Island detention centre. I note protests over the weekend in a number of cities around Australia, including hundreds of people in Melbourne, calling for those on Manus Island to be brought to Australia immediately. I note that only yesterday a group of eminent Australian doctors, psychiatrists and surgeons have offered their services pro bono to undertake an urgent review of asylum seekers on Manus Island.

We have probably all lost count of the number of times the United Nations has expressed grave concerns about Australia's offshore processing centres, calling them 'unsustainable, inhumane and contrary to its human rights obligations'. Many of us — probably all of us — have stood in this chamber to speak about dark periods in history and express our sorrow and regret at the pain, humiliation and suffering experienced at the hands of historic governments. It is high time that we recognise the unfolding disaster on Manus is one of those dark periods and one of our own making.

Fire season preparedness

Mr O'SULLIVAN (Northern Victoria) (12:37) — On Friday, 1 December, summer starts. As we know, summer is the peak fire season and it is bearing down upon us very quickly. There have already been fires in some parts of the state, but what we have seen from this government is its failure to resolve the fire services issue here in Victoria. They have brought the legislation to the chamber, and they also forced us to have a rushed select committee in July and August, many months ago. There has been endless debate and endless discussion, yet this issue remains unresolved.

The Premier declared many months ago that he had fixed this issue. Clearly he has not; it is worse than ever. The government now refuses to bring this legislation to the Parliament. It has been sitting on the notice paper for months. I noticed on the notice paper today it is listed at number 13, so clearly the government has no intention of bringing it on anytime soon. The government know this legislation does not treat volunteers fairly. The government know that they are continuing to wage a war on volunteers, and they continue to treat them with disdain. Volunteers deserve our respect. They are there to save lives and to save property, and they are the last line of defence when fires come bearing down on communities, families and homes. The government has failed the people of Victoria in terms of fire preparedness as a result of this.

Hampton Life Saving Club

Ms FITZHERBERT (Southern Metropolitan) (12:38) — I rise today to speak about the fifth anniversary celebration of Starfish Nippers last Saturday, which I was absolutely delighted to attend, at Hampton Life Saving Club, which is my local club. I was there at the start of this program five years ago, I just love how it has grown and I want to pay credit to those who have been behind this.

Starfish Nippers is lifesaving, beach and water skills for children with a disability aged between five and 18. It originally started at the Anglesea Surf Lifesaving Club and now operates around Australia. It caters for children and young people with a variety of different disabilities, including autism, Asperger's, attention deficit disorder, global developmental delay and learning difficulties, and it runs with strong support from volunteers. The program ensures that students with disabilities and their parents can be involved with surf skills and lifesaving like their siblings, friends and others on the beach. Each Starfish has a mentor. To me this is truly what inclusion is about, and it is off the back of community participation and support.

Five years ago Hampton Lifesaving Club had five kids who were doing Starfish Nippers; this summer they will have 19. I want to pay particular tribute to Kerrie Curtis, who is the Starfish Nippers manager at Hampton Lifesaving Club, and her team. Kerrie has shown absolutely outstanding community leadership in initiating and running this excellent program.

FINES REFORM AMENDMENT BILL 2017

Second reading

Debate resumed from 2 November; motion of Mr JENNINGS (Special Minister of State).

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:40) — I am pleased to rise this afternoon to make some remarks on the Fines Reform Amendment Bill 2017. This is the latest tranche of legislation to restructure the operation of the fines penalty system in Victoria. The fines infringement system is one of the key planks of our justice system in terms of providing sanctions for low-level offending, obviously across a very wide range of low-level offences. In many respects a big part of that mechanism is keeping matters out of the courts and allowing for matters to be dealt with in an administrative manner and in a way which avoids tying up a lot of court time.

We have had a PERIN system in place for many years now, and it has worked quite effectively. One of the challenges though that we have seen in recent years has been the level of outstanding unpaid fines, which has been a problem for successive governments. That not only leads to a very significant amount of forgone revenue from a Treasury perspective, and certainly that was something I saw a fair bit of in government, but it also goes to the issue of the administration of justice. If people are having penalties imposed on them by way of fines and those fines are not being paid, that is a matter that goes to the administration of justice as well as being a cash matter for the budget. There have been a number of initiatives over recent years to try to address that backlog in fines and also to reduce the administrative cost of our fines system. This bill goes partially in that direction as well with the changes it makes to Fines Victoria and the role that Fines Victoria will assume in terms of administering the fine system.

The main area that this bill seeks to operate in is in relation to fines associated with people who are the victims of family violence. The bill creates a new mechanism for a new family violence scheme under which people who are victims of family violence will have the capacity to apply to the director of Fines Victoria for their circumstances as a victim of family violence to be taken into consideration as part of the administration of their fines. The bill requires that a person who is making such an application be able to state that the family violence substantially contributed to the circumstances around their conduct which led to the fine or led to their inability to pay a fine. The director of Fines Victoria will be empowered to consider the application, halt proceedings against a person for outstanding fines and then consider whether those factors come into effect in determining the way in which those fines are dealt with.

This mechanism arises from recommendations 112 and 113 of the Royal Commission into Family Violence, recognising that many people who are the subject of family violence and are obviously in very desperate circumstances end up in a situation where they undertake low-level offending and subsequently have fines imposed upon them for that low-level offending arising from the circumstance of their family violence, or they are in circumstances where by virtue of being a victim of family violence they are unable to acquit their responsibilities for other outstanding fine matters. The royal commission was of the view that the justice system should have regard to circumstances where family violence victims are caught up in the justice system as a consequence of their family violence. This bill seeks to create a mechanism through Fines Victoria so that where family violence is a substantially contributing factor that is taken into account in the imposition and administration of fines.

In that regard the coalition is happy not to oppose this regime. We think it is a reasonable mechanism that that factor be taken into consideration. Obviously it is important that where family violence becomes a consideration in the administration of fines we do not see applications being made purely to avoid the default administration of fines. Applications need to be genuine, and they need to be considered carefully on their merits. The bill seeks to do that in the sense of requiring family violence to have substantially contributed to the circumstances around the conduct of the person leading to their default on fines or the imposition of penalties. We believe it is a reasonable mechanism that it has to be a substantial contributing factor, because the nexus between family violence and the circumstances of the person needs to be strong if they are to take advantage of the family violence scheme that is proposed by this legislation. We believe it is an appropriate element that that nexus be demonstrated and that access to the family violence scheme not be used simply as a way to get around fines.

Likewise the bill is very prescriptive in terms of when an application needs to be made in relation to seeking the use of the family violence system. That application needs to be triggered before certain default activities take place through the fines system. Again we believe it is appropriate that a person who is genuinely experiencing hardship by virtue of family violence makes that known early in the administration of their fines and that this is not something that is thrown up as a last-ditch effort to avoid the otherwise default

administration of the fine mechanism. So we believe those are appropriate safeguards for this legislation in introducing a family violence scheme.

I understand that there will be some amendments moved in relation to the causal link between family violence and access to the family violence scheme. To the extent that we have seen those informally, the coalition is concerned that they seek to break the nexus or limit the nexus too much between the occurrence of family violence and the circumstances relating to fines. I think a scheme like this will be acceptable to the Victorian community provided that the Victorian community has confidence that there is a strong link between a victim of family violence and the circumstances of that victim and what occurs through the fines system. If there is not that nexus, the level of community support is likely to be limited. We have seen that in other aspects of changes to the fines system.

Earlier this year Parliament dealt with changes to fines in relation to custodial prisoners. People who were serving time in Victorian prisons through the time served scheme were able to have their fines effectively waived simultaneous with serving their prison sentences. It was not evident to the coalition at that time and is still not evident that that mechanism is something that is acceptable to the Victorian community. An otherwise law-abiding Victorian citizen who is the subject of infringement penalties is required to pay those penalties. The fact that prisoners in custody now have a mechanism where they do not have to pay their penalties purely by virtue of being in custody is something that we do not believe is acceptable to the Victorian community, and it is important in putting in place the family violence scheme that the nexus between a person's exposure to family violence and what occurs through the fines system is strong so that community support for that scheme is maintained.

As I said at the outset, there have been a range of reforms undertaken in relation to fine penalties over recent years, one of which has been the proposed introduction of VIEW — the Victorian infringement enforcement and warrant system — which is seeking to be an IT platform to manage the administration of fines in Victoria. It has become evident through the introduction and timing of this bill as well as material that has come to the Parliament through the work of the Public Accounts and Estimates Committee that, once again with the VIEW system being administered through the Department of Justice and Regulation, we see an IT platform which seemingly is behind schedule in its rollout and implementation.

When you look at the history of IT projects run by the Victorian government it is not a strong track record, and it is regrettable that it seems the VIEW system —

Ms Crozier — Victorian Labor governments.

Mr RICH-PHILLIPS — By Labor governments, Ms Crozier. We had the combined Auditor-General's and Ombudsman's report in 2011, I think it was, which highlighted a sample of a dozen projects, all of which were at least 50 per cent over budget and well behind schedule. That record seems to be continuing with the rollout of the VIEW project for administration of fines in this state. I note that as a passing reference to what is happening with the administration of fines. It is one area where we do have concerns, as we do have concerns with the time served scheme available for custodial prisoners, but in respect of the bill before the house this afternoon we believe that the family violence scheme is a reasonable mechanism. Its implementation by the director of Fines Victoria will have to be carefully considered. It will only have community support if its implementation is genuine and the way in which relief under this mechanism is made available to victims of family violence is genuine and the cases are genuine.

We believe that the framework in the bill is reasonable for that, but it will come down to the way in which the director of Fines Victoria seeks to implement that, and presumably we may see also some judicial decisions with respect to the application of this bill in due course, which will frame the way in which the director of Fines Victoria implements this framework. At this point in time the coalition parties are happy not to oppose this mechanism. We believe that the threshold that has been established by the bill is reasonable, and on that basis we will not support an amendment to that, but we look forward to seeing how this mechanism actually works in implementation.

My expectations with respect to an amendment have been confirmed with respect to changing that threshold in relation to the substantial contribution required between the occurrence of family violence and the circumstances relating to fines. My understanding is that the intention is to remove the 'substantially' component, so it just makes it a contributing factor between family violence and the administrational circumstances relating to fines. Our concern is that that is not a strong enough nexus for this scheme to be supported in the community, so we would seek to maintain the nexus that the relationship between the occurrence of family violence and the circumstance with fines is a substantial contribution rather than simply just a contribution. With those words the

coalition parties will not oppose this bill, and I look forward to exploring that amendment in the committee in due course.

Ms PENNICUIK (Southern Metropolitan) (12:55) — I am pleased to contribute today to the Fines Reform Amendment Bill 2017, and this bill follows from a similar bill last year and makes amendments to the Fines Reform Act 2014 which will establish a new fines recovery model for the collection and enforcement of infringement fines and court fines. Responsibility for this will vest in the director of a new administrative body to be known as Fines Victoria.

The bill also amends the Fines Reform Act 2014 to establish a scheme to assist persons who are victims of family violence who come into contact with the infringement system. The key clauses are clauses 5 and 7, which aim to implement recommendations 102 and 103 of the Royal Commission into Family Violence. There are two aspects to this family violence scheme. The first allows victim survivors to have fines withdrawn or revoked where they incurred the fines as a result of their own offending that was, under the bill, substantially contributed to by their own experience of family violence. This reform to the Fines Reform Act is in conjunction with victims still being able to apply for fines to be revoked or withdrawn under the special circumstances list in the Infringements Act 2006, which was an amendment to that act made last year and in fact an amendment moved by me and supported by the rest of the chamber.

The second thing is that, where a victim survivor is liable for infringement for a road safety offence by being unable to nominate the perpetrator, the bill allows for that fine also to be revoked. However, the most serious infringement notices are excluded from the scheme, such as drink-driving, drug driving and excessive speed. I do have a question that I will ask the minister in committee with regard to the excessive speed part of it.

The bill also makes amendments to support the introduction of the new fines recovery model by enabling the courts to refer to the director of Fines Victoria and empowering the director of Fines Victoria to deal with fines that are the subject of hearings or a person defaulting on an order; to further standardise the powers available to the courts to deal with a person who defaults on a court fine or infringement fine; and to provide the sheriff with certain powers with regard to detaining or immobilising vehicles. The bill also makes a range of minor and technical consequential amendments to ensure the efficient and proper operation of the fines recovery model to be established under the act.

Under the family violence scheme the bill will further implement recommendation 113 of the Royal Commission into Family Violence; that recommendation was that the Victorian government amend the Infringements Act 2006 to provide that the experience of family violence may be a special circumstance entitling a person to have a traffic infringement withdrawn or revoked.

In reference to its recommendation 112 the commission said on page 121 of the report:

> The commission's preferred option is to amend the Infringements Act to ensure that family violence is a special circumstance that can 'contribute to' rather than 'results in' the offending conduct.

Last year I attempted to have family violence added as a special circumstance to the Infringements Act with the test 'contributing to' rather than 'results in', but this was not successful. I did manage to have family violence added as a special circumstance to the act, which the Attorney-General acknowledged in the second-reading speech without attributing it to me or the Greens. He also stated:

> However, the royal commission's recommendations reflect concerns that attempting to fit victim survivors of family violence into existing processes — nomination, internal review and revocations based on 'special circumstances' — does not provide for just outcomes. Most significantly, in many cases including under 'special circumstances', a victim survivor must admit the offending to be eligible for revocation.
>
> Consequently, while retaining the option for a victim survivor to apply under 'special circumstances', this bill introduces measures to establish a new standalone scheme for victim survivors of family violence to be managed within the infringements system.

He went on to say that this will be administered by trained specialist staff within Fines Victoria, providing consistent management for all victim survivors whether they have become liable for an infringement as a result of their own offending that, under new section 10T of the bill, is 'substantially contributed to' by their experience of family violence. Clause 7 of the bill amends section 165(2) of the Fines Reform Act so that a Magistrates Court has the power to discharge fines or take action if the person in default is a victim of family violence and that has substantially contributed to the person being unable to control the conduct which constituted the offending.

I argue that in keeping with recommendation 113 of the royal commission these provisions should be reworded to say 'if the family violence contributed to the offending'; that was the recommendation of the royal commission. The royal commission did not recommend using the wording 'substantially contributed to'. Hence I have had some amendments drawn up to remove that word 'substantially' from clauses 5 and 7, and I am happy to have those circulated.

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

Ms PENNICUIK — The bill also seeks to implement recommendation 112 of the royal commission, which is the second part of the family violence scheme and which again I requested the government implement in the bill last year. This states in effect that the government should investigate amending the Road Safety Act 1986 so that if a perpetrator of family violence incurs traffic fines while driving a car registered in the name of the victim, the victim is able to have the fines revoked by declaring that they were not the driver at the time of the offending and that they are a victim of family violence and are unable to identify the person in control of the vehicle at the time for safety reasons.

The bill provides for this under new sections 10T and 10V in clause 5 of the bill. The amendments that I have just had circulated remove the word 'substantially', because under the bill in order to have an infringement notice revoked the family violence must have 'substantially contributed to the applicant being unable to control the conduct'; this is not what was recommended by the royal commission. I also think that establishing that the family violence contributed to the offending is probably a difficult enough process for a victim of family violence to go through without having to establish that it not only contributed to but substantially contributed to the offending. I also think 'substantially' is quite a subjective term; 'substantially' in one person's view may not be 'substantially' in another's. I do not think there is necessarily an objective test to establish whether something would substantially contribute to offending or not. That is why in this circumstance I think we should stick with the recommendation of the royal commission, which did not recommend using that high a bar. The bill sets out all the requirements necessary for Fines Victoria to be satisfied before determining applications for eligibility under the family violence scheme.

Another change that has been raised is in clause 12, which inserts new section 23 into the Fines Reform Act 2014. Subsection (3) states:

> On the service of the notice of final demand, the prescribed fee is payable by the person.

This will remove the three-week grace period that presently exists under the act. At the moment the legislation allows fine defaulters a period in which to take action regarding their fines — for example, by applying for a payment plan, an enforcement review or a work or development permit. This particular subsection seems to remove that three-week grace period, and I am not quite sure whether that is what the government intended. Certainly we will be asking some questions about that because that seems to be a retrograde step in the bill before us.

The bill also requires the family violence scheme to be reviewed within two years of commencement of the scheme. This review must be conducted in accordance with the terms of reference determined by the minister. A written report must be provided by the person appointed by the minister to conduct the review. The bill makes other technical amendments to the Fines Reform Act and to other acts.

While we are on this subject, I would like to raise again some issues I have raised whenever we have discussed fines and infringements bills in this place. We certainly welcome the government allowing concession-based fines — that is, fines that are in proportion to what a person can afford. The current system of fines continues to have a disproportionate impact on people with low incomes. As outlined by Homeless Law, an infringement for not having a ticket on public transport is approximately 83 per cent of a Newstart recipient's weekly income, and a fine for being drunk in a public place is 235 per cent of that weekly income. In addition, enforcement fees and costs are added to the original infringement penalty at different stages of the infringement system.

A concession scheme was also recommended by the Sentencing Advisory Council in its 2014 report *The Imposition and Enforcement of Court Fines and Infringement Penalties* for people experiencing hardship. That is in recommendations 39 and 40 of that report. Provision for concession-based fines would not only allow for a fairer system but also allow for a more efficient collection of fines.

In its submission to the Department of Justice and Regulation review of infringement regulations the Law Institute of Victoria also recommended that the amount of a person's fine should be proportionate to their

income to prevent the criminalisation of poverty. Victoria Legal Aid also supports such a move based on the recommendations from the Sentencing Advisory Council. They have said they believe the council's recommendation that infringement penalties be reduced by 50 per cent for people on government concessions is much fairer. It will help to ensure that people who do not have the means to pay fines are not dealt with more harshly than those who can afford to do so.

Furthermore, they refer to the infringements working group reporting that issuing infringements is not always an appropriate mechanism to address the underlying cause of offending. There are instances where a warning and linking an offender to support services would be more appropriate than issuing an infringement — for example, for offences such as being drunk in a public place. The increasing use of infringement notices also means that community legal centres and Victoria Legal Aid are increasingly burdened with a rising number of people requiring assistance with these matters.

A matter that has been raised by me and others in this place is the escalating number of infringement matters and fine defaults that the community legal sector is having to deal with, and it really is something that the government needs to look clearly at because it is impacting on the most vulnerable and disadvantaged people in the community. I might say too that it was many, many years ago, under this government and the previous two governments, when changes were made to the fines and infringements system that I said this was going to be the likely outcome of it — that more and more people in vulnerable positions would find themselves not being able to pay fines, then incurring fees and costs for not being able to pay those infringements and deal with those infringement matters. This is a burden that is falling on the community legal centre sector.

There should be a reduction of fines for all infringements for children under 18 years of age as well, and consideration should be given to taking reforms further in relation to public transport by abolishing public transport fines for all young people under 18 years of age and providing free public transport for students and/or those under 18 years of age.

As highlighted in the Law Institute of Victoria's submission and also in the WEstjustice and co-located Visy Cares Hub youth support workers report, public transport infringements and other infringements are extremely problematic for young people, who usually have far less income than adults with which to pay their fines. Offences that impose the same monetary penalty on children as on adults include refusing to move on, being drunk in a public place, disorderly conduct, possession of a graffiti implement and carrying a knife. The Sentencing Advisory Council also made similar recommendations in their report for fines to be lower for children to ensure that the infringement system is fairer and more equitable.

WEstjustice also recommends abolishing the public transport fines system for all young people under the age of 18. The WEstjustice report highlights the difficulties that many disadvantaged and low-income families have with meeting the costs of education at all, let alone dealing with Myki infringement fines incurred by their young children who are students. These issues have been raised many times with the government, and I think it is something that they really need to set their mind to looking at. The last one is to transfer toll debt collection to the civil justice system to relieve pressure on Victoria's Magistrates Court, support services, communities and families.

There is still more to do with regard to fines reform and making the fines and infringements system in this state fairer and more equitable than it is. Having said that, the Greens welcome this bill in terms of the family violence scheme that is established by the bill. However, I think some sections of that have set the bar a bit high, and that is why I will move my amendments to change that. Otherwise the Greens will be supporting the bill.

Mr ELASMAR (Northern Metropolitan) (13:13) — I rise to speak to the Fines Reform Amendment Bill 2017. One of the most important aspects of this bill is that it will deliver on the government's commitment to implement the recommendations of the Royal Commission into Family Violence through the establishment of a scheme to assist victims of family violence who come into contact with the infringements system. The Fines Reform Act 2014 established a new model for the collection and enforcement of court fines and infringement fines. This new model makes it simpler for people to deal with their fines and provides enhanced tools to deter and manage non-payment of fines. The new model is administered by the director of a new administrative body known as Fines Victoria. The Fines Reform Act, supported by the Fines Reform and Infringement Acts Amendment Act 2016 and the proposals in this bill, will deliver improvements to the infringement management and debt recovery system.

This bill will amend the Fines Reform Act and other relevant legislation to establish a new, customised and separate scheme for victim survivors of family violence

who come into contact with the infringements system and will empower the courts to refer fines subject to certain orders made at fine default enforcement hearings to the director, Fines Victoria, for payment only or for payment and enforcement, and enable the director to deal with these fines.

This bill also enables sheriff's officers to effectively carry out their designated roles. For many years sheriff's officers have been intimidated and in some cases assaulted in the course of their duties. The bill contains powers that will legitimise their restraint of individuals who are attempting to obstruct them from their duties by detaining or immobilising a motor vehicle or by removal of a motor vehicle's numberplates under the act. Over the years too many sheriffs have been run off or assaulted by fine defaulters carrying weapons. The amendments to the sheriff powers will ensure that sheriff's officers can safely and effectively carry out their duties.

At the request of the courts this bill provides a mechanism for the courts to refer fines that are subject to certain enforcement hearing orders to the director, Fines Victoria, and will enhance the capacity of the director to administer and enforce fines by enabling the office to serve as a single point of contact for debtors. This will make engagement by the public with the fines system easier and fairer and will ease the administrative burden of collecting and enforcing fines on the courts. It will further harmonise the powers available to the courts to make orders with respect to court fine defaults and infringement fine defaults.

Wide consultation on particular aspects of the bill has occurred with Victoria Police, the Magistrates Court of Victoria, the County Court of Victoria, enforcement agencies and the family violence and community legal sectors. This bill is exceptional and a long time coming. Many millions of dollars are owed to state and local government agencies. The fines and infringement management system needed an overhaul, so I am very pleased to commend the bill to the house.

Ms CROZIER (Southern Metropolitan) (13:17) — I want to make a short contribution to the debate because this is actually an important debate that we are having this afternoon in relation to the Fines Reform Amendment Bill 2017. I say that because the bill recognises recommendations from the Royal Commission into Family Violence. Recommendation 112 is:

> The Department of Justice and Regulation investigate whether the Road Safety Act 1986 (Vic) should be amended so that, if a perpetrator of family violence incurs traffic fines while driving a car registered in the name of the victim, the victim is able to have the fines revoked [within 12 months] by declaring:
>
> > they were not the driver of the vehicle at the time of the offending.
> >
> > they are a victim of family violence — as evidenced by a statutory declaration, a copy of a family violence safety notice or family violence intervention order, or a support letter from a family violence worker, general practitioner or other appropriate professional.
> >
> > they are unable to identify the person in control of the vehicle at the time for safety reasons.

At recommendation 113 the royal commission goes on to recommend:

> The Victorian government amend the Infringements Act 2006 … to provide that the experience of family violence may be a special circumstance entitling a person to have a traffic infringement withdrawn or revoked [within 12 months].

As has been stated by previous speakers and also by the Leader of the Government in his second-reading speech in relation to what this bill will do, the bill will amend the Fines Reform Act 2014 to establish a scheme to assist those persons who are victims of family violence and who come into contact with the infringements system. As was heard throughout the course of the Royal Commission into Family Violence and as has certainly been heard from others who have talked about their experiences, there are circumstances where infringement notices are issued in the name of victims when actually they may not have been, for example, driving the car. These are very significant issues and can cause an enormous amount of stress.

Obviously we know that family violence comes in various forms. It can be physical, emotional, sexual, psychological or economic. This bill addresses part of what I see as both economic and psychological abuse in relation to how these infringement issues play out. Very clearly reform is required, and I know that even the shadow Attorney-General in his second-reading speech spoke about reform of the fines system and what has been happening over a number of years in various jurisdictions and here in Victoria in terms of us reviewing some of those infringement notices and issues that arise for those people who are in circumstances not of their own making and are particularly disadvantaged.

This bill not only goes to those recommendations that have come out of the Royal Commission into Family Violence but also is looking at other aspects. As the explanatory memorandum states:

> The bill will … make amendments to support the introduction of the new fines recovery model by —

> enabling the courts to refer to the director, Fines Victoria, and empowering the director, Fines Victoria, to deal with fines that are the subject of hearings for a person defaulting on an order …

I just want to mention that because the bill is really designing a system that is making it a lot easier for those people that need to access it, and then it will obviously be able to manage the non-payment of fines. It is my understanding that Fines Victoria will be established in the Department of Justice and Regulation, or the process will be there.

An element in the minister's second-reading speech was in relation to the Victorian infringement enforcement and warrant (VIEW) model, which has been spoken about by my colleague Mr Rich-Phillips. As noted by the minister, the bill will make a range of amendments to support the implementation of the VIEW system to assist with the operation of the new fines management model. It was scheduled to be aligned with the default commencement of the amended Fines Reform Act, which was to be 31 December of this year, but due to a number of issues the default commencement date has been extended to 31 May 2018 to allow for these issues that have arisen.

Mr Rich-Phillips knows about this because he was the responsible minister that came in to fix up the many IT bungles of the previous Labor government prior to 2010, and of course when we were in government he did a very thorough and extensive job in understanding the billions of dollars that were wasted in terms of those many IT systems that were put in place under the former Labor government. The government has a history of not getting right IT systems and management of such systems, so I think it is prudent that those issues be taken into consideration by the default commencement date, as has been highlighted in the minister's second-reading speech. I do hope that we can be confident that the actual issues will be sorted out by that time.

The VIEW model is designed, as I understand it, to be a single point of contact, so it will be that centralised point of administration. I think what also needs to be taken into consideration is how it will operate in practice. Those issues have certainly been highlighted by other members in relation to applicants to the scheme who might apply to have their fines reviewed or revoked. Again, the community needs to be very confident that those people applying are legitimate in terms of their actual requirements. I do not mean that in a derogatory sense in any way, because I think there are many, many people that actually do need this very valid and worthy system to have fines which have nothing to do with them sorted out. Clearly that form of abuse, which I spoke about earlier, is no fault of their own. What we do not want is there to be an ability for others to abuse this system. That would then set the community up to have no confidence in the system. To understand that and to have the ability of that nexus, as Mr Gordon Rich-Phillips spoke about, is very, very important I believe in this bill.

I note that Mr Rich-Phillips spoke about Ms Pennicuik's amendments, which refer to this issue in terms of the eligibility of a person in division 2 of new part 2B, dealing with the determination of family violence scheme applications under proposed section 10T. Ms Pennicuik's proposed amendments remove the word 'substantially'. I think that is the point in terms of why we will not be supporting Ms Pennicuik's amendments. The community really need to have that confidence in terms of understanding that the applicants who are applying for these schemes are eligible and will not be abusing the scheme.

The other point I want to make in relation to that, as is pointed out in clause 3 of the bill, is in relation to eligible offences. The infringement offences that will be eligible within the scheme do not include such serious infringements as non-registrable infringement offences and drink-driving, drug-driving and excessive speed offences. The clause then goes on to talk about other offences, to which section 95 of the Transport (Safety Schemes Compliance and Enforcement) Act 2014 applies. Those areas are around what many, many people who will apply for this scheme will want acknowledged. They should be able to have those infringements reviewed and dealt with in a timely manner. I am hoping that this bill, once it has had issues sorted out through the IT component and is understood to be working to the best of its capacity, will see that those people who apply through this scheme will have their fines dealt with in a timely fashion.

I, along with Mr Rich-Phillips, will not be opposing this bill, because of the elements that I have spoken about, but I will not be supporting Ms Pennicuik's amendments in relation to that very important issue around eligibility.

Ms TIERNEY (Minister for Training and Skills) (13:27) — I am pleased to rise to sum up what has been an interesting discussion on this important bill before the house. This government is committed to supporting victims of family violence, and we are proud to introduce a bill which will assist people suffering from family violence who come into contact with Victoria's infringement system.

The bill acquits two recommendations of the Royal Commission into Family Violence. The new standalone scheme has been developed in close consultation with family violence prevention and advocacy organisations, the community legal sector, road safety and enforcement agencies, and relevant government departments.

It essentially aims to have a consistent and customised approach for victims of family violence. It recognises that while victims sometimes become liable for infringement offences because of their own offending, they can also become liable for infringement offences they did not commit because they are unable to, or are too scared to, nominate or indeed reject nomination from a perpetrator. Victims who can demonstrate that they have experienced family violence and that the experience substantially contributed to their liability for any infringement offence will be entitled to have the relevant infringement offences withdrawn. The new scheme will be administered by trained specialist staff within Fines Victoria.

In a previous bill the government acquitted recommendation 113 by introducing family violence as a 'special circumstance' under existing review and revocation mechanisms. However, this special circumstance still requires the applicant to admit or accept fault for the offending behaviour regardless of whether they committed it. We will retain this option as it might suit some applicants, but this new scheme is required to fully address the royal commission's recommendations and assist family violence victims who come into contact with the infringement system.

In respect to comments that have been made by those opposite, I note that the coalition is not opposing this bill and I welcome that. I am very glad that we have a bipartisan approach to assisting family violence victims who interact with the fines system. However, the coalition has raised some questions around the rigour with which the new family violence scheme will be administered and enforced. What I can say is that I can assure the coalition that in designing the new family violence scheme the government has ensured that the integrity of the fines system will be maintained while providing for family violence victims to be treated in a supported and fair way. I will take the house through a couple of the key aspects of the scheme in order to put the coalition members' minds at ease.

In respect to eligibility, the scheme will be available to victim survivors who unfairly incur fines as a result of a perpetrator using their vehicle. It will also be available to victims who incur fines as a result of their own offending that was substantially contributed to by the experience of family violence, such as fleeing unsafe environments or circumstances.

Currently in order to apply to have their fines revoked victim survivors are required to wrongly admit to committing the offence or to nominate the driver, which can place them at risk. The new scheme will allow eligible applicants to have their relevant fines withdrawn without naming the perpetrator, ensuring that the debts do not contribute to the cycle of violence.

A person will be eligible to participate in the family violence scheme if the person was served with an infringement notice in relation to an offence that is included in the family violence scheme; the person is a victim of family violence; and either the family violence substantially contributed to the person being unable to control the conduct that constitutes the relevant offence, or, in the case of an infringement offence that is an operator-onus offence within the meaning of part 6AA of the Road Safety Act 1986, if the person was the registered operator of the vehicle at the time of the offence but was not the driver and the family violence substantially contributed to the applicant being unable to make a known user statement in relation to the offence.

There are also offences that are excluded. Some offences in the infringement system will not be eligible for the family violence scheme because of the very high level of risk that they pose to public safety. These offences include drink-driving, drug driving and speeding at 25 kilometres per hour over the speed limit, as well as similar offences under marine safety and transport safety legislation. This is consistent with the current excluded offences under the existing revocation and review processes.

In respect to the administration of the scheme, there is obviously a need to handle family violence victims sensitively, particularly given it is expected that Fines Victoria will be dealing with victims who may not have previously engaged with support services. Fines Victoria will have dedicated staff to administer the family violence scheme, and I think this is particularly important. These staff will have a broad remit to assist victims of family violence that will go beyond merely considering an application and making a recommendation to the director.

The staff will, among other things, do things such as speaking to the applicant rather than just dealing with the matter largely on the paperwork. They will support the victim to identify and obtain the required information and complete an application to the proposed family violence scheme. They will act as a

contact point for other providers of support to family violence victims, such as community legal centres and financial counselling in relation to the scheme. They will also act as a contact point for enforcement agencies with respect to those whose offences have been the subject of an application — for example, they will also be able to liaise with local government. They will work with victims to support them in deciding whether to pursue options enabling the perpetrator to be held to account — that is, the option to put the relevant infringement offences on hold for up to six months in order that the victim can consider whether they are able to make a known user statement and be responsible for family violence information sharing. I think that is particularly important to note.

It is expected that family violence scheme applicants would not have felt able to report family violence to police or obtain a family violence intervention order. This means that applicants may not have had a formal — what is called — paper trail, demonstrating the circumstances of the family violence that they have experienced. So accordingly the scheme will have the flexibility in respect of the documents applicants will be required to provide about their circumstances. The director of Fines Victoria will be given a broad, flexible power to obtain information from applicants about their circumstances, and this will enable the director to balance accessibility with the need to protect and maintain the integrity of the infringement system. It is expected that the information required will include a statutory declaration as well as either a family violence safety notice or a family violence intervention order. If a person does not have either of those, the director will be able to accept another type of evidence. The department will publish a non-legislative guidance note setting out examples of evidence that may be acceptable. The bill includes a power to obtain statutory declarations to verify aspects of an application.

Another point that was raised by Mr Rich-Phillips and Ms Crozier was in relation to the commencement date. To roll out the new family violence scheme and appropriately integrate it into the new Fines Victoria Victorian infringement enforcement and warrant (VIEW) IT system, it may be necessary to extend the legislation's default commencement date. The commencement of the VIEW system is scheduled to align with the default commencement of the Fines Reform Act 2014. VIEW requires customisation to reflect the proposed family violence scheme. While it is intended that the Fines Reform Act will commence on 31 December this year, the bill extends the default commencement date to 31 May 2018 to allow time to consider necessary changes to VIEW to support these reforms and maintain the integrity of Victoria's infringement system.

Just quickly in terms of other amendments to the bill that are not family violence related, with respect to the referral of enforcement hearing order fines and harmonising court orders, these amendments will empower the courts to refer fines that are subject to certain enforcement hearing orders to the director, Fines Victoria, for payment only or for both payment and enforcement. This will further centralise the administration and the enforcement of court fines and infringement fines, enhancing the director's capacity to serve as a single contact point for debtors.

In addition the bill will harmonise the powers available to the courts to make orders with respect to court fine defaults and infringement fine defaulters consistent with the 2014 Sentencing Advisory Council report recommendations on the imposition of enforcement of court fines and infringement penalties in Victoria. For the amendments to address the anomaly in the sheriff's office powers, this bill ensures that sheriff officers can use their powers to restrain and direct if a person is actively resisting or hindering the detainment or the immobilisation of a motor vehicle or the removal of a vehicle's numberplates. This reflects that sheriff officers' powers to detain or immobilise a vehicle are often used prior to the formal execution of a warrant and will assist officers when faced with aggressive vehicle owners or bystanders.

The bill also makes a range of amendments to support the implementation of the new VIEW IT system and the operation and administration of the new fines management model. The bill also makes a range of minor and technical and consequential amendments necessary to enable the efficient and proper operation of the act. This includes permitting attached debt directions to be served on banks by electronic means, removing redundant references in the Children, Youth and Families Act 2005 and transitional issues concerning the referral of court applications for revocation.

There was also the issue that Mr Rich-Phillips raised in relation to time served schemes. Options for Victorian prisoners to apply to have their outstanding infringement debts converted into prison time have been available for decades. The time served scheme amends the previous program and aims to reduce repeat offending and support rehabilitation. We simply do not want people leaving prison with massive fine debt hanging over their heads only to commit further crime in order to pay it off and winding up back behind bars. The sheriff prison program and the new time served

scheme are only available to people who are already serving a term of imprisonment. They are not available to people on bail. I could go into that more but I am running out of time very quickly. All I can say, though, is I confirm that this is not a tick-and-flick process. Prisoners must apply to be considered for the scheme and magistrates can reject the application, discharge the remaining fine amounts after time served in part or in full, make a time to pay or an instalment order, make a community order or extend their imprisonment.

The other matter that I am sure will be dealt with in committee is the amendments sought by the Greens party. The government will oppose those amendments that essentially knock out the word 'substantially', and I will go into that in the committee process.

Needless to say, as I said at the beginning, we are very proud of this bill. We think it is a significant step forward. It is about hearing what the community is saying and what things we can do as a government to make life a little easier for those that are having a really horrific time with respect to family violence. As I said, this bill has had enormous consultation with the community legal sector, advocates that are there for victims of family violence, and I am very pleased to be part of a government that has seen fit to make sure that we have this bill before us today. Hopefully it will be passed and we can all celebrate.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) (13:44) — My question on clause 1 goes to the issue of demerit points and whether this family violence scheme covers demerit points that may be incurred with fines and infringements, particularly relating to road traffic.

Ms TIERNEY (Minister for Training and Skills) (13:44) — Demerit points will be cancelled if the application is successful, I am advised.

Clause agreed to; clause 2 agreed to.

Clause 3

Ms PENNICUIK — Minister, my question on clause 3 is in regard to the eligible offences. You mentioned in your summing up that, for example, under clause 3, 'FVS eligible offence', paragraph (b), an excessive speed infringement would be exempted from the scheme. I understand the reasons for that, of course, because it is a dangerous activity, but what has been pointed out, for example — this is what someone sent to me — is that if an abusive partner was driving their partner's car at 39 kilometres an hour over the speed limit, the partner would be eligible for the new scheme because the fine would be sent to them if they were fearful to nominate the partner as a driver. However, if the abusive partner was driving the car at 41 kilometres an hour over the speed limit, they would not be eligible for the new scheme even if they were still too fearful to nominate the driver.

Ms TIERNEY — This is a deemed conviction offence, and it is excluded from the existing special circumstances review process. The deemed conviction and exclusion from the review mechanisms reflects the seriousness of the offence. Excluding this from the family violence scheme we believe strikes the appropriate balance between the safety of the family violence victim survivors and road safety of the broader community, Ms Pennicuik.

Ms PENNICUIK — Yes, thank you, Minister, I understand that, but it seems in terms of that cut-off point that the person who is fearful to nominate the driver is still being penalised for the behaviour of that driver rather than being included in the scheme because of their own fears for their safety.

Ms TIERNEY — The advice I have received is that it is not appropriate to be dealt with administratively, but a victim can object, which is heard by the court.

Ms PENNICUIK — Thanks, Minister, for that. I suppose my concern really is that if the family violence scheme (FVS) does not cover the more serious speeding fines, for example, then the person who is applying to have that penalty revoked, if in fact that is not accepted, is being exposed to a higher penalty, given the higher level of offending by the driver, which was not them.

Ms TIERNEY — This goes to a previous point, and that is essentially striking that balance between one set of circumstances and also wanting to protect the safety of the broader community.

Ms PENNICUIK — Yes, Minister, I do understand that balance. It still leaves the person under the scheme responsible for the behaviour of another person. That I suppose is my point — whether or not that is dangerous offending on behalf of that person — but I take your point.

Clause agreed to; clause 4 agreed to.

Clause 5

The ACTING PRESIDENT (**Mr Elasmar**) — I invite Ms Pennicuik to move her amendments 1 to 3, which will be a test for her amendment 4.

Ms PENNICUIK — I move:

1. Clause 5, page 10, line 19 omit "substantially".

2. Clause 5, page 11, line 2 omit "substantially".

3. Clause 5, page 17, line 19 omit "substantially".

These amendments remove the adverb 'substantially' from the phrase:

> … the family violence substantially contributed to the FVS applicant being unable to control the conduct that constituted the FVS eligible offence …

That is in new section 10T. It also amends the phrase:

> … the family violence substantially contributed to the FVS applicant being unable to make a known user statement (within the meaning of part 6AA of the **Road Safety Act 1986**) in relation to the offence.

These are under the same provision in the bill. I move the amendments because of the Royal Commission into Family Violence recommendation 112 in relation to family violence contributing to the offending. The royal commission did not recommend setting a high bar by saying that it 'substantially contributed to'. Further, the commission preferred the phrase 'contributed to' rather than 'resulted in' as well. It goes to the same point that I am making — that the royal commission did not recommend a high bar with regard to this provision. Consistent with the amendments I moved last year, I move these amendments again.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (13:54) — The coalition will not support Ms Pennicuik's suite of amendments, which seek to remove the word 'substantially' from the criteria for connecting a family violence event to circumstances around a fine. As indicated in the second-reading speech, we believe that for community support of the scheme there needs to be a strong nexus between the family violence that a person suffers and their circumstances related to the management of their fines or offences leading to fines, therefore we believe that the phrasing used in the legislation around 'substantially contributed to' is an important nexus. We do not believe that taking out the word 'substantially' leaves sufficient nexus between the circumstances of the person and the administration of their fines, and for that reason we will not support Ms Pennicuik's amendments.

Ms TIERNEY — The government believes that the use of the words 'substantially contributed to' addresses concerns raised by road safety enforcement agencies that there should be a demonstrated nexus between the experience of family violence and the offending in order for the infringement offence to be withdrawn.

The scheme is designed to be fair, flexible and accessible to family violence victims whilst maintaining the integrity of the infringements system. Without the 'substantially contributed to' threshold, the scheme would be potentially open to misuse. The word 'substantially' is necessary to the operation of the scheme, because road safety laws and regulations are vital to keep our roads safe and enhance road safety. These rules and regulations must be enforceable to ensure that road users abide by them.

The universal application of the laws and limited exceptions ensure that road rules are respected and upheld, and the family violence scheme implements recommendations 112 and 113 of the royal commission. The scheme recognises the sometimes unjust application of enforcement action in circumstances where people's experience of family violence has substantially contributed to the receipt of a fine for an infringeable offence. The wording of the bill, we believe, achieves the appropriate balance between ensuring the integrity of the fine system and the universal application and ensuring that the experience of victim survivors is recognised and the system responds to their experiences justly.

Again I will say that the bill was drafted following extensive consultation with Victoria Police and VicRoads, and the wording of the provisions reflect this consultation. The Department of Justice and Regulation has also undertaken extensive consultation on the proposed family violence scheme, with stakeholders representing, as I have said, the community legal sector and the family violence prevention sector, including the advocacy sector. These are the reasons why the government will not be supporting the amendment put forward by the Greens party.

Ms PENNICUIK — Thank you, Minister, for your explanation as to the reasons why the government is including this wording in the bill. I understand everything that you have said, but I also made the point in my second-reading contribution that 'substantially' is not a precise term. It is a term of some subjectivity in terms of establishing what is substantial and what is not substantial.

I also wish to respond to your point that by not including the word 'substantially' the scheme could be

open to abuse. I am not sure that would be the case, because the scheme is still administered by the family violence scheme, part of Fines Victoria. People would still have to apply and be accepted as eligible for the scheme, so I do not necessarily see how that could happen. But I do definitely feel that the word 'substantially' is not a precise term, and it could lead to the sorts of injustices which I think the bill is trying to overcome in terms of the establishment of the family violence scheme in Fines Victoria and the ability of people to not have to pay fines that have been directed to them but have in fact been incurred by partners of theirs who have been driving their cars. That is the injustice the bill is trying to overcome.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Bourke Street tragedy

Ms WOOLDRIDGE (Eastern Metropolitan) (14:00) — My question is to the Leader of the Government. Minister, in the face of scathing criticism by the Supreme Court how can you explain to the victims, families and broader community, so affected by the Bourke Street tragedy in January, your government's unacceptable delay in providing documents required in criminal proceedings against Mr Gargasoulas, the man alleged to have committed the atrocities in that case?

Mr JENNINGS (Special Minister of State) (14:01) — I thank Ms Wooldridge for her question. If the comments made that come out of the Supreme Court indicate that the judiciary is of the view that the government should act in good faith and government agencies and the police should operate in their best endeavours to bring the appropriate consideration of this matter before the court to enable it to actually be undertaken properly, then the government would share that view that in fact all relevant matters and preparation to facilitate the adequate consideration of the court should be expedited. Beyond that I am obviously not privy in terms of my responsibility in relation to the nature of information and the time frame by which information is actually shared with relevant parties within those proceedings. I am happy to take advice on that matter. But if the member is actually conveying on behalf of the community concerns that may be held in the community about this matter being dealt with appropriately before the courts and with the sufficient gravity that it should be dealt with, I share her view about the gravity of the situation and the confidence that the community should have in relation to the way in which court proceedings should be undertaken.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (14:02) — Thank you, Minister. Isn't it a fact that the Andrews government has been aware of the need to provide the required documents for some time and that your government's delay just highlights your failure to reform bail laws, which remain unchanged nearly 11 months after the Bourke Street tragedy?

Mr JENNINGS (Special Minister of State) (14:03) — The answer is no, and those matters are not related.

GOTAFE

Mrs PEULICH (South Eastern Metropolitan) (14:03) — My question is for the Minister for Training and Skills. On November 16 you said there 'might be another area' of GOTAFE's qualifications which is under investigation and said you would be happy to provide the answer in writing. Given your written response to that question did not address whether or not you were aware of another area of GOTAFE's qualifications and you have now had two weeks to check with the department, I again ask: are there concerns about any qualifications delivered by GOTAFE other than those already reported by the *Age*?

Ms TIERNEY (Minister for Training and Skills) (14:03) — I have not received any further information on this matter. In relation to GOTAFE, there are further investigations being conducted, and I have asked the department as a matter of urgency to provide me with a timetable on when all the information will be provided, Mrs Peulich.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) (14:04) — Also on 16 November you said that GOTAFE is now subject to a quality review which will be provided to you fairly shortly. Minister, has the review been provided to you and will you commit to publicly releasing it?

Ms TIERNEY (Minister for Training and Skills) (14:04) — I thank the member for her question. I have not received that review. I have made further inquiries today as to when I would receive that, and I look forward to receiving that review.

Energy concessions

Ms CROZIER (Southern Metropolitan) (14:05) — My question is to the Minister for Families and Children. Minister, can you advise how many Victorians currently receiving the annual electricity concession are on standing offers from Origin, AGL and EnergyAustralia and will therefore get the new rebate on their power bills from 1 January?

Ms MIKAKOS (Minister for Families and Children) (14:05) — I thank the member for her question and her interest in relation to concessions and energy prices. I am pretty sure this is the first time I have been asked a question in relation to concessions for three years, so I welcome the member's belated interest in relation to these matters.

I am pleased to advise the house that in 2017–18 the Victorian government will spend an estimated $568.6 million on concessions because it is very much committed to assisting those on fixed incomes, on government benefits — those who are doing it tough in our community — to access a range of energy concessions in this way. In relation to the matter that the member has raised, obviously these are issues that do fall squarely in the portfolio responsibilities of Minister D'Ambrosio, but I can advise her that as a government we have welcomed the release of the independent review into the electricity and gas retail markets in Victoria. This is an important review that is looking at the operation of the retail energy market and has provided recommendations to government aiming to get a better deal for customers, including low-income and vulnerable households. So we as a government are ensuring that we can provide a range of supports to those low-income households. There are approximately 914 000 Victorian households that will receive the mains electricity concession and 669 000-odd households that will receive the mains gas concession during the course of this financial year. This is an enormous benefit to so many Victorian households.

In terms of the announcement that Minister D'Ambrosio made with the Premier at the weekend there will be a new set of rebates for households on costly default electricity deals. The rebates will be funded by Victoria's major energy retailers — Origin, AGL and EnergyAustralia. This is designed to slash electricity prices by up to 28 per cent for more than 285 000 customers and will apply to their electricity bills from 1 January 2018. This is an important way that our government is working to ensure that those people who do need that additional assistance on the default electricity deals are able to access a better deal in this way. So we will continue as a government to take steps to ensure that the community does get a fair deal from our energy retailers, and we particularly also encourage consumers to access the online price comparison tool, Victorian Energy Compare, which enables consumers to look at what better offers they can access to save money.

In relation to the specific number that the member has asked about, I am happy to take that matter on notice and to provide the member with the number, but I can say to her that, unlike those opposite, we are taking action to ensure that energy consumers get a better deal in Victoria.

Supplementary question

Ms CROZIER (Southern Metropolitan) (14:09) — Minister, I look forward to receiving those figures as soon as you can provide them to me. As a result of the energy companies' new rebate, there is an expected $9 million reduction in the annual electricity concession cost to government from 1 January 2018. What will you do with this money to benefit vulnerable Victorians?

Ms MIKAKOS (Minister for Families and Children) (14:10) — The member seems to be suggesting that she thinks the steps that we are taking are a positive thing, and that might be the first time that those opposite have in fact had something positive to say around energy policy for a very long time. What I can say to the member is that we as a government are putting in place measures to ensure that energy customers across Victoria are getting a good deal. We have as a government put in more funding to ensure Victorian concession card holders can access these concessions, because we care about Victorian consumers. Those opposite fail to understand that there were federal government changes to the pension that had an impact on eligibility, so we will continue to take steps to ensure that Victorian concession card holders get the benefit of cheaper electricity prices.

Animal Welfare Victoria

Mr RAMSAY (Western Victoria) (14:11) — My question is to the Minister for Agriculture. Minister, twice in the past two weeks you have told Parliament that animal welfare was important to the racing industry. You told us that it was important to farmers, important to food processors, important for our food industries, important to consumers and important to our export markets. Did you consult with any of these stakeholders regarding the formation of Animal Welfare Victoria?

Ms PULFORD (Minister for Agriculture) (14:12) — I thank Mr Ramsay for his question and his interest in Animal Welfare Victoria and the work of the government to improve animal welfare. Mr Ramsay is absolutely right that those organisations and industries do care about animal welfare. Animal Welfare Victoria is a new dedicated public service group. At the moment the people in the department who work on animal welfare are not working together as well as they could be, and essentially we are seeking to bring them together. Agriculture Victoria commenced an internal process to improve animal welfare and domestic animal policy and management. There was a formal clause 10 process started with relevant staff back on 11 October. This was in response to a need for more coordinated and effective policy support for the government's animal welfare reforms.

Supplementary question

Mr RAMSAY (Western Victoria) (14:13) — Thank you, Minister, for your response. Minister, the Animal Justice Party had been briefed on the structure of Animal Welfare Victoria. However, you did not consult with the Victorian Farmers Federation, the Australian Veterinary Association or even the RSPCA, which are arguably the most important stakeholders on animal welfare issues. My supplementary question is: why not?

Ms PULFORD (Minister for Agriculture) (14:14) — As is typically the case when the jobs of public servants are being moved around within the department, the people who are consulted are consulted in accordance with the arrangements that govern their employment conditions. So I refer to my substantive answer on the consultation process — the clause 10 process, as it is known — which was commenced with relevant staff on 11 October.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT (14:14) — I must issue an apology for this, because I was delayed in terms of making this announcement and unfortunately the visit to the chamber was all too brief, but for the official record I would acknowledge that we did have in the gallery for part of our proceedings today the new Israeli ambassador, Mr Mark Sofer. We obviously were delighted to have him here, and I think the chamber was particularly well behaved during his brief time in the gallery. I think he is still in the building, and perhaps if Mr Southwick from the Assembly or Mr Dalidakis is seen in the company of a distinguished gentleman who is delighted to be out of Canberra, you might like to say hello and be introduced to Mr Sofer.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Animal Welfare Victoria

Mr O'SULLIVAN (Northern Victoria) (14:15) — My question is to the Minister for Agriculture. Minister, last week you told Parliament that you made the decision to form Animal Welfare Victoria, and I quote, 'within a number of days' of the announcement. The livestock industry consultative committee, chaired by chief vet Charles Milne, held a meeting on Monday, 16 October. Minister, had you made your decision before the livestock industry consultative committee had met?

Ms PULFORD (Minister for Agriculture) (14:16) — As I have indicated, partly in answer to Mr Ramsay earlier in question time today and in response to questions on this in the house last week, and as I hope members are aware, the government is committed to improving animal welfare in Victoria and working with stakeholders to that end. The consultation that has been undertaken as part of the development of the animal welfare action plan is extensive.

Ms Wooldridge interjected.

Ms PULFORD — Just because you have not heard of it does not mean that people in Victoria with an interest in animal welfare have not, because they have as there has been extensive consultation. The RSPCA have been consulted. The Victorian Farmers Federation have been consulted. There have been extensive discussions with organisations and members of the community. There has actually been an incredibly public process where people have been able to have their input into the draft animal welfare action plan over many months, and we are looking forward to releasing that plan later in the year.

As I indicated, we have a desire to have our public servants who support the work of the government in animal welfare working together more effectively. The process to bring those separate parts of work into closer alignment commenced some time ago, and as I indicated, staff are being appropriately consulted, as is the normal course of events when you move bureaucrats around within the department. This is about making sure that I have, as minister, more effective support from our policy teams in the departments that support the work that we are doing in animal welfare,

and there is a bit on the go. Ms Pennicuik was interested recently, and I know remains interested, in the issue of greyhound muzzling, and we look forward to being able to provide a response to that by the end of the year. The animal welfare action plan has been a very big piece of work and underpins —

Ms Wooldridge — On a point of order, President, I ask you to bring the minister back to the question, which was actually quite a narrow question. Last week she did say that she had made her decision within days of the announcement, so the question goes to whether that decision had been made before the meeting occurred on the Monday. I ask you to bring her back to the question.

The PRESIDENT — The minister still does have 1 minute and 31 seconds in which to address that particular aspect of the question, which as you have indicated was a narrow question, and she has certainly provided significant context.

Ms PULFORD — Thank you, President. I am concerned by the inference coming from members opposite that our farmers do not care about animal welfare. This is certainly not my experience. Our livestock farmers do care about animal welfare; I think they care about it a great deal. There are issues like the potential to develop electronic fencing technology, for instance — something farmers would very much like to avail themselves of — that cannot be further developed in Victoria at the moment because of the restrictive nature of our dated animal welfare laws, which is why we are committed to modernising them.

In response to Mr O'Sullivan's question, I am conscious of the clock and I do not think I could in the remaining 40 seconds run off a list of everything that we are doing in animal welfare, but from stingrays to puppy farms there is a lot going on, and making sure that our bureaucrats are working together well is, I think, an effective use of public sector resources. I stand by the answer that I previously provided.

Supplementary question

Mr O'SULLIVAN (Northern Victoria) (14:21) — Minister, noting that you did not answer that question, I will try again more specifically: did you consult with the livestock industry consultative committee chair and chief vet, Charles Milne, before making your decision to form Animal Welfare Victoria?

Ms PULFORD (Minister for Agriculture) (14:21) — This question has been asked and answered. This is a new dedicated public sector group. Work was already underway prior to the announcement of the name Animal Welfare Victoria as a new public sector group. Work was already underway to bring the work of different groups of bureaucrats into better and more effective alignment. As I indicated to Mr O'Sullivan — indeed he quoted to me my answer from last time — the decision on Animal Welfare Victoria was made in the days before the announcement was made.

Northcote by-election

Ms FITZHERBERT (Southern Metropolitan) (14:22) — My question is to the Minister for Agriculture. Minister, when you made the decision to form Animal Welfare Victoria were you aware that your decision could impact Animal Justice Party preferences for the Northcote by-election?

Ms PULFORD (Minister for Agriculture) (14:22) — The establishment of a new public sector group that we are calling Animal Welfare Victoria is about ensuring that we have the most effective use of our public servants' work as a resource to support what is a busy agenda to improve animal welfare. We plan to modernise the animal welfare legislation. We have been doing a great deal of work to crack down on puppy farms in this state. There is the greyhound muzzling question that I referred to a few minutes ago. We have been working very closely with Greyhound Racing Victoria and the RSPCA to improve animal welfare standards in the greyhound racing industry. There are of course all of the day-to-day animal welfare issues as well as a significant body of reform that the government is undertaking.

The animal welfare action plan has been the subject of extensive consultation with people, with stakeholders and with members of the community who wish to have their say on these matters. I stand by my earlier answers: animal welfare matters to this government because it matters to the Victorian community, it matters to Victorian industries, and we will continue to work closely with industries to ensure the best possible animal welfare standards that we can. It makes good business sense for them. Our farmers care about animal welfare. Our industries that have animals involved in them care about animal welfare. Social licence is incredibly important, and the demands on our bureaucrats who work in our animal welfare areas have increased dramatically over recent years.

Ms Fitzherbert — On a point of order, President, I have been listening for some time. My question was very narrow. It was about whether the decision to form Animal Welfare Victoria was done in the knowledge that that decision could impact Animal Justice Party preferences, and animal justice preferences have not yet

been mentioned by the minister, so I ask you to bring her back to the question.

Ms Shing — On the point of order, President, again we have 2 minutes and 10 seconds to go, and based on the interjections that have been occurring throughout the chamber I would imagine that the minister has been well within her scope to respond to those, unparliamentary as they are.

The PRESIDENT — The minister does have 2 minutes and 8 seconds.

Ms Shing — Sorry; I didn't mean to mislead the house.

The PRESIDENT — It took you 2 seconds to rise, apparently. Therefore the minister does have ample time to address the specific question put by Ms Fitzherbert.

Ms PULFORD — Thank you, President. As I was saying, the government has a lot going on in the animal welfare area, and that is something that we hope that the community has noticed and we hope that the community has recognised, including people who care deeply about animal welfare issues. There are many, many people in the Victorian community who are involved in animal welfare in lots of different ways, be it in industry or as members of the community who do fantastic work as volunteers in rescue organisations — you name it. This is something a lot of people care about. As to Ms Fitzherbert's question about decisions made by the Animal Justice Party, I think that is probably a matter that Ms Fitzherbert might wish to raise with them.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (14:26) — Minister, my question is: was $500 000 worth of taxpayers money a fair price to pay for the measly 282 preferences from the Animal Justice Party to Clare Burns — a figure of $1773 in taxpayer funds per purchased vote?

Ms PULFORD (Minister for Agriculture) (14:27) — I thank Ms Fitzherbert for her question and her interest in animal welfare grants. This is an initiative that was created by the former government — a government that did not have a particularly strong record on animal welfare, but credit where credit is due. The animal welfare grants that were established by my predecessor, Peter Walsh, is an initiative that has run since 2011. The animal welfare grants program —

Ms Wooldridge interjected.

The PRESIDENT — Order! The minister, without assistance, thank you.

Ms PULFORD — Ms Wooldridge is wrong. It is not a program that is funded willy-nilly from one year to another. It is a program that is required to be run by the government and it is required to be conducted, and the existence of that program is spelt out in the Domestic Animals Act. Your government legislated for the grants —

The PRESIDENT — Thank you, Minister.

Firearm regulation

Mr BOURMAN (Eastern Victoria) (14:28) — My question today is for the Minister for Police, represented by Minister Tierney. Recently the licensing and regulation division (LRD) of Victoria Police, out of the blue, have begun questioning licensed firearm owners who have submitted an application for a permit to acquire when they have more than 10 of the firearm category that the permit application is for. There used to be another policy of not having more than three rifles of any calibre, but that seems to have disappeared recently in favour of this new 10 limit.

Notwithstanding the predictable calls of 'Who needs that many?', I note that the firearms act itself does not give an actual number to be reached before the chief commissioner can question or refuse a permit application. It is also noteworthy that at least one appeal of the LRD's decision to the Firearms Appeals Committee was sent to VCAT, as the LRD obviously refused to abide by the Firearms Appeals Committee's decision, where as far as I can tell VCAT declined to decide. My question is: on what factual basis was the number 10 arrived at and what happened to the policy of no more than three of the same calibre?

Ms TIERNEY (Minister for Training and Skills) (14:29) — I thank the member for his question and note his ongoing interest in this area. In respect to the issue of a proposed or potential policy change in relation to licensing regulations, I will refer that matter to the Minister for Police, who will provide that response in writing within the guidelines.

Supplementary question

Mr BOURMAN (Eastern Victoria) (14:29) — I thank the minister for her answer. My supplementary question is: why is licensing and regulation ignoring the decisions of a legally constituted body and forcing people to head to VCAT over an arbitrary number that was decided internally in the department?

Ms TIERNEY (Minister for Training and Skills) (14:30) — I thank the member for his supplementary question. Again, I will convey that question to the appropriate minister and seek the rationale for any proposed change.

Department of Health and Human Services

Dr CARLING-JENKINS (Western Metropolitan) (14:30) — My question is for the minister representing the Minister for Health. Minister, I was recently asked for an up-to-date list of particular disability and health services in a particular area of Victoria. I did not think this was an unreasonable request, nor that it would be an onerous task. However, I soon discovered that such a list was almost impossible to obtain. The Department of Health and Human Services (DHHS) website is difficult to navigate and has links that do not always work, and a list of services is not easily obtainable. My staff had to navigate through Yellow Pages then phone services individually to check their up-to-date details to compile a list, many of which we found had already shut.

A best practice example of accessibility can be found on the Tasmanian government's DHHS website, where the home page has a user-friendly search function with drop-down boxes and maps to assist in accessing lists of essential services, from hospitals to palliative care, disability services and gambling support.

Minister, given the reliance of many people in our community on web searches, will you consider overhauling our DHHS website to enable a similar level of accessibility, or is this lack of transparency a deliberate design to discourage accessibility to essential services which are currently overstretched in our state?

Ms MIKAKOS (Minister for Families and Children) (14:31) — I thank the member for her question. She did direct this question to the Minister for Health, who is the coordinating minister for the Department of Health and Human Services. Obviously none of us as ministers are directly responsible for the content of our websites, but I am aware that the department is currently doing some work to make the website more user-friendly. I am happy to follow up this issue that the member has raised with my colleagues who are other DHHS ministers and certainly provide a response to the member.

But I can say to her that I am aware that increasingly Victorians are accessing information online. Just this morning I was involved in launching some findings of a survey undertaken by the Parenting Research Centre. I take this opportunity to congratulate them on that. Among their findings from a very comprehensive survey of parents across Victoria was the reliance that parents have on accessing parenting information online. So it is important that information is able to be presented in a format or a manner that is user-friendly for Victorians, whatever their purpose, whatever the information they are seeking. Particularly when it comes to accessing government information it is important that that information is available in a user-friendly format.

As a government we have taken a number of steps to ensure greater transparency around a range of matters, certainly as they relate to my portfolio, with more data being provided online on the DHHS website than we have seen in the past, and certainly also the Minister for Health has made additional data available, implementing election commitments in relation to data transparency as well.

But the member has specifically raised access to information about disability and health services in a particular location. I am guessing this might well be the member's own electorate. I am happy to convey that feedback to the Minister for Health in terms of ensuring that we can deliver this type of information to the Victorian community in a manner that is as readily understandable and easy to access as Victorians would expect.

VicForests

Ms DUNN (Eastern Metropolitan) (14:34) — My question is for the Special Minister of State representing the Minister for Energy, Environment and Climate Change. Minister, on 18 June 2017 a koala was found dead following the logging of the Mont Blanc coupe in the Acheron Valley. The necropsy report found that the koala had suffered a traumatic wound, with haemorrhaging, bruising and ligament damage which suggested trauma prior to death. Why has the Andrews government not charged VicForests under section 43 of the Wildlife Act 1975, which states, 'A person must not hunt, take or destroy … protected wildlife', with a penalty of 50 penalty units or six months imprisonment or both?

Mr JENNINGS (Special Minister of State) (14:35) — I thank Ms Dunn for her question. I would almost say I believe it is exactly the same question she asked my colleague Minister Pulford a week or so ago — maybe two or three sitting weeks ago; we have been in a continual cycle in the chamber so it is a bit hard for us to know exactly when it was. I think it was pretty much exactly the same question, and in fact I am certain that my colleague Ms Pulford in answering

regarding her part of the responsibilities for this matter would have referred to considerations and investigations that have actually been undertaken by the relevant agencies in terms of trying to ascertain what is known about the circumstances of this unfortunate koala death.

Ms Dunn is quite right to indicate that there are special conditions in relation to biodiversity protections in this state that would actually mean that taking the life of a koala is an action that needs to be authorised — otherwise it is an illegal act — and she is correct in relation to the potential sanctions that could apply, so I can confirm that. What I cannot confirm are the absolute circumstances by which this death has occurred and what the results of the investigation may be, but I am certain that my colleague the Minister for Energy, Environment and Climate Change would be better informed than me in relation to the status of that investigation and what might follow from it.

Supplementary question

Ms DUNN (Eastern Metropolitan) (14:37) — I thank the Special Minister of State for his answer. In relation to the supplementary, Minister, could you advise how many more protected species have to perish at the hands of VicForests before they are properly investigated for their conduct?

The PRESIDENT — Ms Dunn, could you rephrase that? That is speculative. The minister is not in a position to respond to that question. He may like to, but I do not wish him to respond to such a speculative question.

Ms DUNN — Thank you, President, for your guidance on this matter. Minister, I am wondering — and it will be a matter, of course, for the Minister for Energy, Environment and Climate Change — whether the environment minister can advise in terms of the investigative rigour in relation to the code of timber practice breaches how many more breaches there need to be before we see proper investigations into the conduct across all cases, not just the koala case?

Ms Shing — No, that is the same thing.

The PRESIDENT — It is better phrased, however.

Mr JENNINGS (Special Minister of State) (14:38) — Thank you, President. I think you may think that Ms Dunn's question is a better question. I do not necessarily believe that it is a better question myself, but let me say the answer is none, and the answer to the original question was none, because in fact a proper investigation is already occurring in relation to the last matter which you referred to.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:38) — I have answers to the following 11 questions on notice: 11 607–8, 11 833–4, 11 837, 11 841, 11 854–5, 11 863–4, 12 264.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:39) — In respect of today's questions I direct written responses to Ms Wooldridge's first question to Mr Jennings, the substantive question, within two days. Mr Jennings actually indicated he would seek some further information in respect of that question. I direct a written response to Mrs Peulich's question to Ms Tierney, just the substantive question, and that is one day; Ms Crozier's question to Ms Mikakos, the substantive question, one day; and Mr Ramsay's questions to Ms Pulford, both the substantive and supplementary; Mr O'Sullivan's questions to Ms Pulford, both the substantive and supplementary; Ms Fitzherbert's question to Ms Pulford, just the substantive question — all of those are one day. I direct written responses to Mr Bourman's questions to Ms Tierney, the substantive and supplementary questions, within two days; Dr Carling-Jenkins's question to Ms Mikakos involving a minister in another place is two days. Although the minister did provide quite a comprehensive answer, she also undertook to see if there was further input from the Minister for Health. I direct a written response to Ms Dunn's question to Mr Jennings, just the substantive question because it involves a minister in another place, and again that is two days.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (14:40) — I have received a letter from Ms Wooldridge seeking the reinstatement of question 10 599. It was posed through the then Minister for Small Business, Innovation and Trade to the Minister for Sport in another place. I have had the answer reviewed and am of the view that that question ought to be reinstated.

Mrs Peulich — On a point of order, President, thank you for the determination that the answer to my

substantive question still needed to be provided. However, could I suggest that the answer to the supplementary question also was deficient, insofar as the minister has not responded to my question about whether she will commit to publically release the review once it is completed.

The PRESIDENT — I actually thought the supplementary question was in a different vein. You posed the alternative supplementary; that is your question?

Mrs Peulich — Yes.

The PRESIDENT — All right. I certainly did not hear an answer that was apposite to that. On that basis, I will also require a written response to the supplementary question. That was Mrs Peulich's question to Ms Tierney.

Ms Wooldridge — On a point of order, President, the Special Minister of State responded to a question from last Tuesday in a written form which we received today. The question was:

> Did the Leader of the Government, the Premier or the Premier's office play any role in the development of the Animal Welfare Victoria package?

I put to the house that his response did not answer that question. There are some words about the Westminster cabinet decision-making process, which seek to obfuscate and not actually answer the question itself while pretending to try to. Could I ask that that question be reinstated in relation to the written response that we have received.

The PRESIDENT — In respect of the question Ms Wooldridge has brought to my attention — the original question was actually posed by Mr Rich-Phillips — I note that the question sought to understand whether or not the Premier or the Premier's office had been involved in any discussions in respect of the Animal Welfare Victoria package, obviously in the context of other matters that have been raised by the opposition in their line of questioning both last week and this week. In reading the answer I could conclude, by the way the answer was couched, only the single minister had any involvement, but that is not really an assumption that I can afford to take, so in that respect I do reinstate the question.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (14:43) — My question is to the Minister for Roads and Road Safety in the other place. The question my constituents would like answered is: can the minister guarantee that no section of any freeway between Springvale Road and Hoddle Street will be tolled? We had the announcement of the north-east link last week — a leaked announcement following a very poor consultation process with a lack of transparency about the information that is being provided. You just need to ask Banyule council or Boroondara council in relation to the lack of engagement in the process. We have had weasel words from the government about it not being their intention to toll. We know, and the community knows, that this government and Daniel Andrews say one thing and do another at the expense of taxpayers. My constituents would like to know: will the minister provide that ironclad guarantee that there will be no tolls on any freeway between Springvale Road and Hoddle Street?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:45) — My question is to the Minister for Public Transport. I am not sure what is going on in the depths of the cabinet room as once again I have been forced to use a constituency question to re-ask an original question that a minister cannot seem to answer. Maybe they are too busy asking each other what happened in Northcote to properly answer questions. On 21 September I asked the Minister for Public Transport to give a commitment to establish a much-needed car park at the Hurstbridge railway station. In her response the minister spoke of additional car parks at Watsonia and Montmorency stations.

Hurstbridge is the first and last stop on the line, and commuters that come from towns further north like St Andrews and Arthurs Creek need parking at Hurstbridge, not at Watsonia or Montmorency. Maybe Minister Allan is too busy crunching her numbers and getting ready for a run at the Premier's job to answer my question, but I ask her again: will the minister give a commitment to fund the establishment of a car park on the Public Transport Victoria-owned railway reserve, situated on the western side of the railway line adjacent to the Hurstbridge railway station?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) (14:46) — My question is to the Minister for Local Government in the other place. It relates to the Growing Suburbs Fund, a fund that has supported many significant projects in my electorate, in which a number of the interface councils are located. My specific question for the minister is: could she please clarify which projects in Cardinia shire were successful in relation to that fund in 2017–18?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:46) — My constituency question is to the Minister for Public Transport. The government has indicated that it is going to fund the western distributor by extending the concessional toll arrangements for CityLink for 12 years and perhaps longer. This will have an enormous impact on my electorate, and particularly those in the municipalities of Whitehorse, Boroondara, Stonnington, Kingston and Glen Eira, and indeed further into the south-east as well. What I seek from the minister is for her to indicate how many billions of dollars residents of these municipalities will pay over the 12 years or longer of the extension. I specifically ask: will the minister make available her estimates of the billions of dollars that will be paid by residents in each of those municipalities over the 12 years or longer extension of the CityLink deed?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:47) — My constituency question is to the Minister for Public Transport. As I am hoping the minister is aware, Sunbury is a rapidly growing community that is about to experience a major population explosion. A third railway crossing in the town has been on the agenda for many years and locals are now expecting action. Cassandra Marr, the next member for Sunbury in the other place, informs me that the Sunbury community is losing its patience. The two railway crossings currently servicing the town are just not enough. I ask: will the minister review the plans for Sunbury's third railway crossing and put it firmly on her list for action?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:48) — My constituency question is to the Honourable James Merlino, the Minister for Emergency Services. I have brought this question to his attention before, but I understand he was somewhat confused by the question and the response I was seeking. It refers to the Point Lonsdale back beach surf club, known as the H. C. Windmill Back Beach Base building. The building provides surf lifesaving volunteers with storage for equipment and a watching tower when they patrol that very dangerous back beach. Unfortunately this particular building has concrete cancer. Whilst the minister readily admits the government supports funding for the front beach redevelopment of the surf club, it is the back beach club that needs immediate funds, through the emergency fund, which Mr Merlino has access to. Half a million dollars is needed to repair the damage caused by concrete cancer so that this very vital patrol service for swimmers using the back beach is provided with storage to house equipment and a watching tower to oversee the beach.

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (14:49) — My constituency question is to the Minister for Roads and Road Safety in the other place. A number of constituents have raised with me the streetscape of Fitzroy Street in St Kilda and what is effectively a division between the north and south sides of the street because of the tramline's configuration at the Beaconsfield Parade end of Fitzroy Street. Minister, do you have firm plans and funding to address this practical problem?

FINES REFORM AMENDMENT BILL 2017

Committee

Resumed; further discussion of clause 5 and Ms Pennicuik's amendments:

1. Clause 5, page 10, line 19 omit "substantially".
2. Clause 5, page 11, line 2 omit "substantially".
3. Clause 5, page 17, line 19 omit "substantially".

Committee divided on amendments:

Ayes, 5

Dunn, Ms (*Teller*)	Ratnam, Dr
Hartland, Ms (*Teller*)	Springle, Ms
Pennicuik, Ms	

Noes, 34

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

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

Amendments negatived.

Clause agreed to; clauses 6 to 11 agreed to.

Clause 12

Ms PENNICUIK (Southern Metropolitan) (14:56) — My question on clause 12 goes to subclause (3), which says:

> On the service of the notice of final demand, the prescribed fee is payable by the person …

which appears to remove the three-week grace period that exists already. I wonder if the minister can clarify that and whether the new sections under clause 5 — I think they are 10V and 10W — actually address that?

Ms TIERNEY (Minister for Training and Skills) (14:58) — Ms Pennicuik, I think you might have misread the intent of the clause. This amendment seeks to clarify that upon the service of a notice of final demand an additional fee becomes payable. This is consistent with the current practice under which a fee becomes payable at the equivalent stage in the enforcement life cycle. The amendment does not change the time frame in which a person must pay the outstanding fine before enforcement action may be taken. The advice I have received is that under section 24 of the Fines Reform Act 2014 a notice of final demand must state that the enforcement action may be taken if a person against whom the notice of final demand has been served defaults for a period of more than 21 days. This time period is not affected by the amendment.

Ms PENNICUIK — Thank you, Minister. That is really just a request for clarification that had been raised with me by a stakeholder. They wanted to make sure that that three-week grace period was still intact, and you are saying it is. That is good.

Clause agreed to; clauses 13 to 136 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

VICTORIAN DATA SHARING BILL 2017

Second reading

Debate resumed from 2 November; motion of Mr JENNINGS (Special Minister of State).

Mr RICH-PHILLIPS (South Eastern Metropolitan) (15:01) — I am pleased this afternoon to speak on the Victorian Data Sharing Bill 2017. It was the previous coalition government that led the way in opening up and recognising the value of data access in the Victorian jurisdiction — the value that data can have when made available to the private sector, when made available on a public access basis and when used within government for policy development and analysis. It was part of the whole-of-government ICT strategy, which was launched by the previous government in 2012–13 and which set up the framework for what became known as the DataVic access policy.

The DataVic access policy was about recognising that the Victorian government and its hundreds of agencies hold vast quantities of data and typically do very little with it. They may be historic datasets or they may be contemporary datasets relating to the operations of various agencies, but typically those agencies other than carrying out their day-to-day functions do very little with their data. They do not undertake much analysis, if any; they typically do not do a lot of data sharing with other agencies, so there is a vast quantity of data that resides in the public sector, across public sector agencies, which is not being used. For that reason our government put in place the DataVic access policy, which was endorsed by cabinet and applied to the whole of government, starting with the general government sector, requiring agencies to identify and publish in machine-readable format datasets in their custody.

The default position that the policy established was an obligation on agencies to publish datasets unless there was a reason not to publish them. The reason this policy was put in place was the recognition that the private sector and the sector outside government more generally was very well placed to recognise the value of these datasets in ways which government, frankly, did not, and it was well-placed to harness the potential those datasets created for the development of applications and for analysis and policy development outside government so that we actually harnessed the value of what was residing within government.

That was a challenging process because, as many members of the chamber would appreciate, there can be

a lot of inertia within government, and a policy change which requires agencies to default to the release of information as business as usual, to do it in a machine-readable format and to do it through a portal where it is available for easy access is a big cultural change and it is a cultural change which requires consistent pressure from government and from responsible ministers and heads of agencies to make sure that it continues to happen.

My understanding is that the current government has maintained that DataVic access policy to promote the release of Victorian government data publicly for that purpose. That is something that is incredibly valuable for the Victorian economy and the Victorian community. There were, I think, when the coalition left government, something in the order of 1400 individual datasets which had been released through the DataVic access portal — for example, there was data from the State Revenue Office around the revenue by postcode of various types of duties and taxes which are imposed; there was data from the Victorian WorkCover Authority around accident rates in different industries; and there was also data around payroll levels in different industries, which is also collected in great detail by WorkCover as part of running the insurance business of that agency. This is data which had not been in the public domain previously but which is incredibly valuable.

To take that WorkCover data as an example, understanding the size of payroll by industry sector at a very detailed level — I think a six-digit Australian and New Zealand standard industrial classification level — is incredibly valuable data. It had been sitting in WorkCover for 30 years, only ever being used to administer the insurance business. To have that in the public domain — obviously de-identified as aggregated data by industry sector — was incredibly valuable to understanding the size of different elements of the economy at a six-digit industry level where we had never had data like that before.

But encouraging agencies to do that and to keep doing that is a constant challenge for government, one which requires constant pressure by the responsible minister, in this case now the Special Minister of State, and indeed the individual portfolio ministers. It was something that our government took particularly seriously. Without straying into the realms of cabinet discussions it was something that our government required regular aggregated reporting on across government back to the centre so that there was visibility at a cabinet level on an ongoing basis as to how much data had been released on a periodic basis once the policy was in place.

The value of data release is very well recognised. The other aspect of the use of data is how it can be used within government: the value of the same datasets being available within government for aggregation and analysis across the public sector. Again this is an area where there is a huge opportunity for policy development and for data to drive policy development. It is an area where, again, there has not been huge progress. Government agencies tend to work in silos. The culture of working in silos is very strong. Developing a culture where the sharing of data between the silos occurs, let alone between the silos and the outside world, does require a great deal of leadership from government and constant leadership from government. But the potential of doing that — of being able to integrate datasets from different agencies to drive policy outcomes and really understand policy questions — is an incredible opportunity for government and one that needs to be supported and encouraged. It is something that certainly the previous government was very enthusiastic about developing. It is one which frankly all contemporary governments need to be enthusiastic about, because using big data to drive policy decisions is definitely the way of the future for good policy development and something that we need the tools to be able to do.

That brings us to the bill which is before the house this afternoon: the Victorian Data Sharing Bill 2017. It is a relatively small bill. It establishes the office of the chief data officer (CDO) as a person employed by the secretary of the department responsible for administering the bill, which I expect will be the Department of Premier and Cabinet (DPC), with the chief data officer to be responsible for:

> … data integration and data analytics work to inform government policy-making, service planning and design …

and other related functions.

That is contained within part 2 of the bill. Part 3 of the bill sets out the mechanism by which the chief data officer can make a formal request to other agencies or bureaucrats at other agencies for the release of certain datasets for sharing within the public sector. Part 4 of the bill sets out the circumstances and the processes in which identifiable data may be disclosed across public sector agencies. This of course strays into the realm of moving away from the identified datasets to those which may contain data which can be linked back to particular entities or particular individuals, which of course requires a higher threshold of management than de-identified data. So much of what can be achieved in terms of the policy development through data analytics can be done with de-identified data, but where

identifiable data is required the framework required for that is obviously at the higher threshold. Part 5 of the bill sets out a suite of offences for when people access, use or disclose data or information obtained under this framework other than in accordance with the legislation.

What the government is seeking to do with this bill is create through statute the office of the chief data officer and then provide a mechanism for bilateral sharing of data between other agencies and other departments, with effectively the Department of Premier and Cabinet as the home for the CDO. It is not an unreasonable framework, but we do have some concerns about the potential implications of putting this in a statutory framework. One of the challenges — and I appreciate the government's challenge in coming forward with a statutory framework — is to send a clear signal that the sharing of data is supported by statute. The difficulty with doing that is you then risk creating a culture where anything outside that statutory framework is deemed within the broader public service as no longer being acceptable. Anything that is done outside what will be a new statutory framework risks coming to a halt. We risk seeing agencies which share data bilaterally — for example, maybe the Department of Education and Training sharing directly with the Department of Health and Human Services, obviously not through the framework of the chief data officer through DPC — ceasing those bilateral exchanges because they are not under the framework that is being created by statute today. I think it would be very unfortunate if, as a consequence of the creation of this statutory framework, we saw data sharing bilaterally between other agencies outside this framework come to a halt because the view was created within the public sector that because we have a statutory framework we must use that statutory framework only and we cannot continue to share data bilaterally as we may have been doing over a period of time.

Likewise, in relation to the DataVic access framework, which is a public disclosure framework, because it is outside the statutory framework being created now we risk having a view develop within the public sector that it can no longer release data except through the data sharing statutory framework, which risks leading to a cessation of data sharing and public release of data through the DataVic access policy. Now, I accept that is not the intention of this framework, but I do believe that there is a very real risk if you create a statutory framework that comes to be seen as the only framework — being the statutory framework — that the other mechanisms which have been in place will fall by the wayside and we will have the perverse outcome of agencies no longer releasing datasets publicly or no longer having the bilateral sharing of data between agencies outside the CDO framework. I think it is a very real risk once we start enshrining a mechanism like this in statute.

It is interesting the government and the minister have chosen to come forward with a statutory framework rather than doing it by policy. Having worked on policy in this area, I can appreciate why the minister has felt the need to come forward with a statute to put this framework in place. But I think that enshrining this element in statute risks undermining the other activities which have currently been occurring in data sharing within government and in data sharing external to government.

But on the whole the coalition regards the sharing of data within government as an incredibly important opportunity for policy development and the analytics that go along with the management of that data. We hear from time to time increasingly about big data analysis and the way it is being used incredibly effectively in the private sector with companies such as Apple and Google and Facebook to drive very powerful analytics and to drive really remarkable outcomes in consumer transactions and in retail. Obviously the focus for the government is not going to be there, but the capacity for government to harness big data, be it government data or be it data brought in from outside to drive policy decisions within government, is incredibly exciting, is incredibly valuable for policy development, and should be encouraged.

The coalition does not oppose this legislation. We do wonder about the necessity for a statutory framework to achieve this outcome. We do have concerns about the risk of a statutory framework deterring other bilateral data sharing activities and external data sharing activities, but we think certainly the idea of data analytics within government and the aggregation of data within government to drive policy development is a good one, and in 12 months time with the hopeful return of a coalition government we look forward to doing some more of it.

Ms SPRINGLE (South Eastern Metropolitan) (15:16) — I rise to speak on the Victorian Data Sharing Bill 2017. The Greens will not be opposing this bill. However, we do have a number of concerns that we urge the government to take on board through implementation and beyond.

Evidence-based policymaking cannot be effective without good data. The ability to gather, share and analyse that data is therefore fundamental to evidence-based policymaking and ultimately

fundamental to the best possible outcomes for the people of Victoria. A huge amount of data is collected and maintained by Victorian departments and agencies, but its potential to drive policy outcomes and service delivery is not being fully exploited. Existing legislation on data sharing is complex and has led to a culture of risk aversion that often precludes or slows the process of sharing data and ultimately undermines good policy outcomes.

The Greens are supportive of the need to establish strong and effective mechanisms to share data across government departments and agencies for the purposes of policymaking and service delivery. The Greens are strongly supportive of the responsible use of data to drive better outcomes for Victorians, but the legislative regime that enables this to happen must be subject to rigorous and thoughtful consultation and debate. Data sharing on this scale, where the parameters are set very wide, entails serious risks.

The Greens do have concerns relating to the de-identification of data and anonymity. These concerns are shared by a number of stakeholders who are actively engaged in issues around data sharing, integration, analytics, privacy and digital rights. On that note we have spoken to numerous stakeholders with substantial expertise and strong views that have not formally contributed to the development of this bill. We understand that the government has consulted on the bill, but we note that the public consultation was extremely basic and effectively limited to three multiple-choice responses with a comments field. Widespread expert consultation remains a concern.

We have spoken to leading academics in Melbourne as well as to the Australian Privacy Foundation, Electronic Frontiers Australia, Liberty Victoria and Consumer Action Law Centre. All of these organisations have a strong interest and expertise in these areas. Organisations working nationally on these issues have a particularly valuable perspective given their membership and experience, not only in Victoria but in New South Wales and South Australia, where similar legislation exists, and internationally. The Greens and digital rights and privacy experts with whom we have consulted have concerns about definitions, purpose and the use of data and penalties, which I would appreciate the minister addressing in summing up.

The bill has very broad definitions for ‘data analytics body’ and ‘data sharing body’. This means that every department will effectively be able to share identified data and integrate identified data for the sake of data matching. Similarly, the definition of ‘data analytics work’ is broad enough to include any form of analysis, not even necessarily computational, especially considering ‘data’ is defined as broadly as it is. This means that there are very broad parameters for the types of data that can be shared, the types of bodies that can receive data and the circumstances under which it might occur.

There are effectively two exercises that the bill facilitates — data analysis and data integration. The bill seems to specify that data analysis should occur only on de-identified data, but data integration can occur on identified data. This means effectively any agency can perform a data matching exercise by linking their own datasets with data received from the chief data officer. It would be good if the minister could also address the following questions in his summing up. What are the purposes of this data integration and matching? The specified purpose is informing government policymaking, service planning and design, but what does this include and exclude? Would data matching exercises similar to Centrelink or the Australian Taxation Office robo-debt be allowed? Does service planning and design potentially have an enforcement angle?

Victoria Police also participates in the scheme. Potentially the movement of identified data under clause 15 and its integration under clause 16 enables data sharing for functions beyond policy design. The movement of identified data between departments also heightens the risks of data breach. It seems that the purposes of the regimes may fit what can be achieved by data analytics on de-identified data, but the purposes of data integration generally — that is, enforcement — seem out of step with the purpose of the bill as specified.

In summary, the risks related to establish a regime such as this are significant. These were recognised in the New South Wales Parliament during debate on equivalent legislation in 2015 and were regarded as significant enough to warrant referral to an inquiry. While the inquiry did not happen, it did have substantial support from the opposition and the Greens at the time. I also note the significant challenges experienced in New South Wales in implementing similar legislation there since it came into effect in November 2015.

In her annual report for 2015–16 the New South Wales privacy commissioner noted that in the latter half of 2015–16 it became apparent that an important area for capability development was the capacity of the public sector in relation to big data and specifically how they provide personal and health information under the Data Sharing (Government Sector) Act 2015. The privacy commissioner noted that capacity building would

remain a priority going into 2017, indicating the scale of the challenge in relation to implementation.

Given the importance of regulations and guidelines in clarifying aspects of the regime and in ensuring that current cultural barriers to sharing data are effectively addressed, ensuring adequate lead time will be crucial. Noting that the bill's date of commencement is the day after royal assent, can the minister outline the extent of preparations to date in relation to regulations, guidelines and any additional instruments to support secure and effective implementation?

This bill is important, it is historic and it is complex. In summary the Greens will not oppose the bill, but in doing so I strongly urge continued engagement with relevant experts throughout the implementation phase and beyond. I also urge the government to take on board our concerns.

Honourable members interjecting.

Mr GEPP (Northern Victoria) (15:23) — I thought I had the answer to this question already wrapped up, but as a result of some interjection across the chamber I am now not sure how to pronounce the word 'data', so during the course of my contribution I may well go with both pronunciations and just add to the confusion —

Mr Rich-Phillips interjected.

Mr GEPP — Like my friend Mr Rich-Phillips. This bill is of course to promote the use of government data and to treat it as a public asset. It has been said very eloquently by other speakers that the amount of data the Victorian government collects across all of the multitude of agencies is quite enormous. Our ability to harness that information, share that information and use it for the further development of public policy, service delivery and development is paramount in this bill. It is about lifting our capability and capacity in that area. The range of data that we collect — and I will use the pronunciation 'data' at this point — comes from all manner of different policy areas: education, health, business communities, infrastructure and the environment. There is an opportunity for us to more widely share and use this data to improve our policymaking and of course our services for Victorians.

This view is of course supported by the Productivity Commission inquiry into data availability — I will just switch it up there in use — which found Australia is losing out on the potential opportunities of using data better. I think Mr Rich-Phillips was making that very point — that there are many occasions where we can open ourselves up and share that information so that we can enhance the policy development work that is before us. Picking up on Ms Springle's contribution, in doing so what we must also do is provide comfort to people in Victoria that we are using this data in a way that is developing our public policy objectives, improving our service delivery and development and maintaining those elements of privacy and indeed security.

Earlier this year in the 2016–17 budget the Andrews Labor government provided funding for the establishment of Victoria's first Victorian Centre for Data Insights. The centre is responsible for whole-of-government data integration and analytics and works collaboratively across government to help transform the way the Victorian government uses data to inform policymaking and service design. This bill, the Victorian Data Sharing Bill 2017, supports the work of the centre by establishing some of those powers to ensure that government agencies can proactively share the data while ensuring strong safeguards and oversights to make sure it is used in the correct way. Government collects vast quantities of data, as has been mentioned on a number of occasions, across all aspects of its work. The value of this data lies in what we do with it and how we can use it.

I am reminded of a quote from a former executive, president and chair of Hewlett Packard, who said that:

> … the goal is to transform data into information and information into insight.

That is what is at the heart of this bill. For too long government data has been held in agency silos, where agencies have been very, very protective of the information they have collected. I dare say that our legislative framework over the journey has also contributed to that sort of environment. But by enabling data to be shared and used across government we can generate insights to know what works and why and then make the most informed policy decisions that deliver the tailored services people expect. This bill will enable departments and agencies to work together to tackle policy problems such as addressing family violence. Of course we know the contribution that the Royal Commission into Family Violence made in relation to this area, with its findings encouraging all agencies to share information as much as possible to address that scourge in our community.

I want to talk very quickly about the consultation that Ms Springle touched upon. We believe that there has been extensive consultation throughout the development of this bill, including with organisations such as the Ethnic Communities Council of Victoria, the Victorian Aboriginal Legal Service and the Council on the Ageing. We have also engaged directly with the

community on their views regarding data sharing. We know that in an age when our personal information is sent around throughout cyberspace again and again and again there is a genuine concern amongst the community about ensuring that their information is kept in the highest possible standards, so we have gone out and talked to the community throughout the development of this bill.

In early 2017 research was conducted to better understand Victorians' attitudes and awareness of information and data use. Over 1700 Victorians participated in that research, including through online and telephone surveys, focus groups and individual interviews. Key findings from that research revealed that there was an expectation that government should be doing more with the information it collects. So the community understands that it gives a wide range of information to a myriad of government departments. It expects that we join that information up and that we share that information for the development of good public policy.

Also following this research, in August this year we sought feedback from Victorians on how and why the government should use their data. One hundred and thirty-five responses were received from individuals and organisations through the government online consultation tool Engage Victoria, which included suggestions on projects that the Victorian Centre for Data Insights should focus on and ways in which the centre can build trust with the community regarding data sharing and analytics. There were a couple of specific concerns raised through the public consultation phase, and they have been incorporated in the bill. They include the need for strong governance and oversight on how data is being used and strong privacy, as well as other protections.

In terms of the mechanics of the bill, the complexity of existing legislation sometimes makes it difficult to know what data can be shared with whom and for what purpose, and this does contribute to a culture of risk aversion that Mr Rich-Phillips touched on in his contribution. This bill will strengthen evidence-based policy and practice by promoting government data as an asset that should be shared and used to inform policymaking, service planning and design.

The bill creates an enabling framework for data sharing — it is not a mandatory disclosure regime; it is an enabling regime — and it provides departments and agencies with a clear legal authority to share that information. Under current legislation, information-sharing agreements — memorandums of understanding — can take months to negotiate before any data can be shared or used, and they need to be negotiated and agreed between departments on each and every occasion. It is very time consuming and contributes to that culture of risk aversion. This bill addresses this by providing a clear legal pathway for departments and agencies to share that data and to use the data for policy and service design. It establishes a request and response regime where the chief data officer has the power to request data and departments and agencies have an obligation to respond by providing either the data requested or a written reason for refusal.

So again, in terms of that leadership aspect that Mr Rich-Phillips touched on in his contribution, the very fact that departments and agencies will now have to respond to the request of the chief data officer and set out their reasons hopefully does provide some encouragement for that data information to be shared across government. However, it still does allow for independent oversight bodies such as IBAC and the Victorian Auditor-General's Office. They have no obligation to respond to a chief data officer request. They can choose to either comply with that request or not. It also enables cross-government sharing of identifiable data by allowing departments and other agencies prescribed by regulation to receive such data for integration. Importantly it then requires that reasonable steps be taken to de-identify the data before any analytics work is conducted.

I will not go into too much more detail, except to say that there are safeguards built into this scheme. It is important to note that the bill creates an enabling scheme, as I have mentioned, not a mandatory disclosure scheme — that is, it provides departments and agencies that want to share their data with a clear legal authority to share and an expectation of sharing, unless exemptions apply. However, there are no penalties for non-compliance. The bill includes a broad range of protections and safeguards that include providing that all data handled under the bill must be approved for the purposes of informing policymaking, service planning and design, and requiring that prior to using data for analytics reasonable steps are taken to ensure that no individual can reasonably be identified from the data and that annual reports on the centre's operations and functions and reports on potential breaches of privacy law are made to the Office of the Victorian Information Commissioner and the health complaints commissioner.

As has been mentioned, the centre sits within the Department of Premier and Cabinet, and there will also be accountabilities back through that department to the secretary and obviously up through to the Special

Minister of State and the Premier. To ensure independent oversight the bill also requires that the chief data officer report at least annually to the Victorian information commissioner and health complaints commissioner on its operations and functions. I should also say that when the chief data officer makes a request for data they have to set out a project plan so that all the stakeholders involved can clearly see what sorts of expectations and what analytics will occur throughout the anticipated project behind the data collection.

There is a risk management structure that sits behind all of the decision-making. It is called the five safes framework. It is a common risk assessment framework that is used for assessing and mitigating risks when accessing, sharing and disclosing data to ensure that the appropriate privacy and security controls are applied. The headings of the five safes are: projects, data, people, settings and outputs. Each of those would be analysed independently and then evaluated jointly to measure the overall level of risk of each of the projects, which then informs the appropriate level of control to be applied for each safe.

We believe all of those mechanisms in terms of the reporting functions, the governance and the risk matrix that I have just outlined provide the necessary protections that people have talked about previously. In summary, this bill will allow the government and agencies to be smarter, more responsive and more insightful; to provide better results in public policy; and to plan for an even better Victoria. It is an important step in data reform and is being replicated in other jurisdictions, particularly I note in New South Wales and South Australia. It provides the protections and certainty that Victorians expect about their data and clarity to agencies. I commend the bill to the house.

Mr JENNINGS (Special Minister of State) (15:38) — I thank Mr Rich-Phillips, Ms Springle and Mr Gepp for their contributions. They have collectively created an interesting frame for me to answer some questions in and hopefully get through the eye of the needle of the community's expectations in relation to the appropriate consideration of information sharing, datasets and their appropriate use within the Victorian community that actually gets the right balance between what might be privacy protections for our citizens and what might be the expectations of our community to get access to datasets that assist them in terms of empowering themselves in being better informed about the range of services and about the conditions of the social, economic and environmental wellbeing across the state. There are a series of balancing components that need to be addressed in relation to how you appropriately provide opportunities for data sharing.

Within the contribution that Mr Rich-Phillips made, his centre of gravity as I understand — I was not in the chamber, but I have been informed — was in relation to this piece of the framework maybe being restrictive in its operation, that it may impact in some ways in relation to what might be open access for information and that it may in fact mitigate against productivity or other benefits that may derive from economic activity or other activity across the state of Victoria. I think he is quite within his rights to be concerned about whether this will be an imposition in relation to open access data and in fact whether it may be used to prevent the Victorian government and its agencies from releasing information in open access.

It is not the intention of government to close down those datasets. That is not the intention, and this is in fact something that we have to be alive to. There are already an extreme number — thousands — of open access datasets that are currently available, and it is the intention of the government for those to continue to be available. This is dealing with matters that may, in terms of the information and the way it is currently constructed in its various datasets, have some degree of privacy protection or confidentiality associated with them and how you then develop a set of protocols and interconnections within government for collating that information in a de-identified form ultimately to be able to be used to support policy decisions and the design of service delivery into the future. That is the objective — that is, to collate it for that purpose. It is not for compliance, not for enforcement, as Ms Springle has raised, and not to unduly prejudice the interests of our citizens in relation to privacy provisions. It is meant to be collated in a way that assists us in greater policy design and integration in the future. That is the logical construct of the bill and that is the policy intent, and we are trying to find the right balance.

In terms of this we actually established a number of mechanisms within the bill to try to achieve that outcome, which includes the establishment of the first chief data officer to work within the Victorian Centre for Data Insights. Mr Gepp has reminded the chamber that this is going to be housed within the Department of Premier and Cabinet.

Mr Dalidakis — And your appointment of the first chief information security officer will help protect the data as well.

Mr JENNINGS — Exactly. Minister Dalidakis is encouraging me to refer to the important reform that we

introduced in September — or that started in September subject to earlier reform — to create the Office of the Victorian Information Commissioner, which brought together the agencies of privacy protection and the Freedom of Information Commissioner, both of whom maintain those statutory responsibilities but in a combined office where in fact perhaps the most recent record of delivery to the Victorian community is that there were unmet expectations in the community in relation to acquitting those responsibilities.

We hope, with the new structure of the office of the information commissioner and those delegated responsibilities back on the privacy side and on the freedom of information side, that in fact we might have a more cogent, robust system. Indeed the centre for data insights will be within the purview of the commissioner to look at the appropriate collection and use of the information that will be afforded under this bill, so it is able to provide the legal authority for identifiable data to be shared and used, but subject to certain secrecy provisions and protections that have been derived to make sure that we can have greater policymaking, service planning and design capability in Victoria than we have had before.

We believe that it actually has strong safeguards in place, and there are sanctions in place in this bill that will be applied to unauthorised use or intrusive use of this information, and I will outline that shortly. We have been asked to comment about how this relates to other jurisdictions. In the case of the interlocking connections between the centre for data insights and how its work is scrutinised. In Victoria, as I have outlined, the degree of scrutiny would actually in the first instance go to the information commissioner and be subject to reporting requirements, which would include reporting in the public domain. We believe this is actually different to what is provided for in South Australia and in New South Wales. It is different in South Australia, because in fact there is no privacy commissioner that operates within South Australia. Indeed in New South Wales the line of authority and accountability goes directly to the minister, not through a commissioner role in terms of the overseeing of this activity, and in New South Wales there are no offences such as there are under this piece of legislation.

So there are some safeguards that are embedded within this bill. To give a snapshot of what those safeguards are, the bill provides that all data must be approved for the purpose of informing policymaking, service planning and design; it requires that prior to using data for analytics reasonable steps are taken to ensure no individual can reasonably be identified from the data; it establishes annual reporting on the centre's operations, functions and potential breaches of privacy law to the Office of the Victorian Information Commissioner and the health complaints commissioner; it provides that existing obligations under privacy legislation continue to apply; and it creates new offences for unauthorised access, use or disclosure of information.

Mr Gepp has outlined to the chamber the way in which the policies, guidelines and framework have been established to support that. He has referred to the five safes framework and other elements of risk mitigation, which includes treating the data and de-identification techniques, a requirement for privacy risk provisions and indeed a framework that makes sure that our practices are mindful and cognisant of risk indicators and the overall requirements of the project governance within the way in which the material is being used. The reason why the five safes framework is important is that it is recognised within information sharing and data analytics as being a common framework that applies in a number of situations for assessing and mitigating risk to make sure that at each level in relation to the project itself — the datasets, the people, the settings and the outputs; they are the five elements of the framework — there are interlocking protocols and assessments to achieve a rigour in the way in which information is shared, thereby cumulatively making the information safe to share.

The information commissioner — which as I indicated was established by statute earlier this year, taking up office in September — in Victoria is the primary regulator and the source of independent advice to government on how the public sector collects, uses and shares its information. In fact in establishing the office and the work that actually had previously been undertaken in consultation — yes, even in a contested environment — we met with the previous privacy commissioner and the acting Freedom of Information Commissioner. We engaged in extensive consultation with them in relation to the way in which this bill harmonises with the bill that we introduced earlier in the year to create the office of the information commissioner. We required a resource effort that was actually dedicated to the information commissioner to make sure that the oversight function that was going to be required of that office was acquitted within the resource allocation to the commissioner.

Mr Gepp reminded the chamber in the last few minutes, before I started to rise to speak, about the extensive community consultation that was undertaken which led to the preparation of this bill and which included extensive community attitudes research during the course of earlier this year. Approximately 1700 people in Victoria participated in that consultation and

discussed what their views were about the ways in which information could or should be shared and their awareness of what information sources may be available to them and how they might like to use them into the future. Indeed the government online platform, Engage Victoria, was also available during the course of the year for input from citizens on an online forum about how their expectations should be met through this piece of legislation.

Indeed I understand there is a legitimate question mark about the degree of community buy-in and concern about it, but there have been active processes to include consultation with the community and avenues available through formal forums that were created by the government to enable that input to be assessed and to be taken on board in relation to getting the balance right on these issues.

The last issue that I want to refer to is unauthorised access. This is contained in provisions of this piece of legislation; it is not necessarily a feature of other jurisdictions. This bill creates two new offences for unauthorised access, use or disclosure of information. The summary offence, which encapsulates all of those matters, carries a penalty of 240 penalty units or two years imprisonment, or both; and the indictable offence carries a penalty of 600 penalty units or five years imprisonment, or both, and it applies to unauthorised access to, use of or disclosure of data by a person who knows or is reckless as to whether the data may be used to endanger the life or physical safety of any person, to commit an offence or to interfere with the administration of justice.

Acting President, as you can see, the government have tried to address the balance of community expectations in relation to getting open access to data and making that available to our citizens. If the government have information we try to compile it in a way which has clear safeguards, practices and protocols in place to make sure that the information that is shared is used for the right purpose — that is, to design better policies and provide better services to support our community — not as an enforcement tool and not as something that is going to be a compliance regulator or be used in a Big Brother way, in which some in the chamber may have been concerned it may be used. As an additional safeguard, beyond the scrutiny of the information commissioner, there are specific penalties that will apply that do not apply in other jurisdictions for the unauthorised use of that information.

We believe that there is sufficient rigour. We believe we have had many conversations with the Victorian community and across government and agencies in relation to this matter, and we would encourage all members of the chamber to support this legislation and enable us to introduce this important initiative to give life to the Centre for Data Insights and what might flow from improved data sharing in Victoria.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017

Second reading

Debate resumed from 2 November; motion of Mr JENNINGS (Special Minister of State).

Mr DAVIS (Southern Metropolitan) (15:54) — I am pleased to rise to make a contribution to the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017 and in doing so indicate that the opposition has some concerns about this bill, and I will highlight those. It is the case that in the lower house we did not oppose the bill but we pointed to a series of issues, many of which have not been dealt with by the government. Consequently we will seek to amend aspects of this bill.

The circulation of those amendments can occur when the clerks are at the point that they are able to do so. I know there have been discussions between the clerks and parliamentary counsel, and when that moment comes they will no doubt let me know and we will be able to circulate those amendments. What I can indicate to the chamber is that I will review the detail of the bill in a minute, but I will just lay out for the chamber's benefit the direction of our amendments.

The first is that we will seek to require the minister to order an independent review of the transitional funding arrangements — those arrangements where licence-holders have been paid some additional amount, usually a very small amount in the context of the value of their licences, as a capital amount. In the case of licences the formula was $100 000 and then $50 000 for any subsequent licences. The man I met, for example, who had 18 licences received $250 000. So the damage and the issues for individuals who held

licences and for their families and the destruction of their capital have been very significant, and the compensation as such — or the government's claim to compensation — has gone nowhere near what the actual costs and impacts on people have been.

The so-called Fairness Fund, which many in the industry are calling an unfairness fund and I think with some justification, has been applied in a patchy, non-transparent way, with a massive amount of information required and a high degree of unfairness about the way it has been approached. So my amendment will seek to have that independent review occur before 1 July next year. We think that is a very reasonable requirement, and we will seek to amend this bill to require that to occur.

We will also seek to amend the bill to protect those who have hire car plates. We are concerned that the minister appears to have taken a personal set against the hire car industry and the legitimate requests for those in the hire car industry to maintain their plates. They have built a business, many of them a very successful business — and they are obviously niche businesses — and they have built this independently of the broader taxi arrangements. But I think it is wrong and unfair for the government to strip those people of the ability to maintain their licence plates and indeed, where they expand their business, to have an equivalent licence plate for another car in their fleet. So we will seek to put in some protection for them.

One of the key sticking points with this bill, I think, has been the failure of the government to provide a solution for those who seek to hail a ride from a rank as opposed to those who book a cab, a Uber car or indeed a ride from another firm. I have no doubt that many of the pre-bookings through the large taxi firms and the Uber arrangements will work in many cases relatively smoothly, but there is clear evidence and a clear propensity for or prospect of seeing an unfair outcome occur for many particularly older and vulnerable people who would seek to hail a cab from the side of the road or indeed those who would seek to go to a taxi rank and then be forced to negotiate. This is in a sense trying to avoid a tuktuk-type phenomenon where people have to haggle perhaps at a point of weakness, with significant disadvantage. Those who have various disabilities or impairments may face greater difficulty.

What we will seek to do is twofold. One is to make sure that those who are old and vulnerable are able to have a code of practice brought in to ensure that some parameters are put around the approach that is adopted by those who under this legislation go to those taxi rank locations or indeed hail a cab from the roadside. The amendments will go further to actually say that there must be metering and indeed known rates so that the metering and the rates are understood. This is an attempt to put some fairness around the legislation. We think the government has not thought this through as well as it should have.

I understand and I hasten to put on record that there is a recognition in the opposition — and indeed we led the way in many respects on this recognition that the economy was changing here — that the new applications that were available would in fact enable people to communicate directly with their chosen mode of transport and the applications would in many ways revolutionise this sector of the economy. That is not something to be feared in itself. Change is occurring; there are new modes that the economy will operate in. I am not in any way saying that we should resile from that.

Parallel with that, there is nothing wrong with recognising that there are those who had a stake in the industry, many of whom had licences for a long period and many of whom have their family superannuation, their nest egg, their life savings in many cases bound up in taxi licences and the businesses that they operated. I put on record the fact that I have been moved by many of those people. I have seen families that will very much struggle. Many are migrant families who have worked very hard to build a significant position for themselves and their children in a new country. They are small business people who are to be commended in many respects. I think that our hearts should go out to them. We should say, 'Look, we recognise that you have come from a highly regulated industry, an industry where many of you bought taxi plates at $500 000, or in those orders of magnitude, and those plates were a valuable commodity'.

As I have said in the chamber before, those plates have been found by the High Court to be property in every meaningful sense of that word. The taxation department regards them as property. It is only the Victorian government that has taken a different view. I know the compensation arrangements that have been implemented around the country have largely been more generous than here. Western Australia is going back and saying, 'Actually we got it wrong; we need to relook at some of those matters and get a fair outcome'. I welcome that decision in Western Australia, and I see that as a model for Victoria to follow by stepping back and saying, 'Look, what we did was too harsh. It did not recognise that people had built up these assets under a regime that was lawful and in fact that they had responded to the parameters and lawful arrangements that were in place at the time'. I in no way judge people

for doing that, because that was the law of the land as it was at the time. Now, the law changes — I understand that — but that does not mean that you should throw thousands of families on the scrap heap and treat them with such disdain, as has been the case with this minister. Her focus, I think, has been harsh; I think indeed it has been cruel. I think that we should not be afraid to actually point out the attitude of the government in this respect.

We need to look at ways to redress that, hence the amendment that I am proposing, which will be circulated at the appropriate point, to ensure that there is an independent review of the arrangements that the government has put in place, that it is concluded quickly and that it is truly an independent review so that somebody can look from outside and see the chaotic decision-making that has occurred with the transition fund; the patchy decision-making that has provided one solution here and a different solution elsewhere, in cases where you would have thought on any reasonable examination parallel solutions should have been provided; and the intrusiveness of much of the work that has gone on there with the requirements for enormous volumes of old records. Effectively what is occurring here is there is no recognition that these were actually assets that are now by government action being stripped away from people. I think at the heart there is a problem, but there is also a mechanical problem that has occurred within the department where they have not acted fairly, not acted even-handedly and not acted in a way that has delivered the right outcomes for people who are in genuine hardship and who face genuine challenges for their financial future. There are a number of these cases that have come to light, and I will talk about some of those in a moment, but my first purpose is to lay out the framework of the act.

Let me begin by saying there is much in this act that re-enacts what already exists, so there is a rollover aspect of the act, and I think we should all start with that aspect in mind. The bill seeks to provide a new framework for the regulation of the commercial passenger vehicle industry in Victoria and make a series of follow-on or consequential amendments. The main purposes are to provide the new framework, new safety duties for commercial vehicle and industry participants, registration schemes for commercial passenger vehicles and booking service providers, an accreditation scheme for drivers of commercial vehicles and certain protections for consumers of the commercial vehicle services and indeed drivers. We should not forget that drivers really need every protection that is able to be afforded to them. It is true that in the new ridesharing economy there are some protections in the sense that the passenger is known, they have often prebooked with their credit card, they have got a track record and drivers and passengers rate each other in many cases, so there is a known pool of information in many respects for these sorts of cases. However, that does not mean that incidents will not occur, that registration arrangements that are wrongly implemented will not occur or that either passengers or drivers will not be subject to real incidents that we need to protect them from.

The bill does, as I said, re-enact with modifications certain provisions of the Transport (Compliance and Miscellaneous) Act 1983, and it makes a series of consequential amendments to the Transport (Compliance and Miscellaneous) Act and a range of other acts. Part 1 of the bill lays out the purpose. Part 2 makes various amendments to the Commercial Passenger Vehicle Industry Act 2017. It inserts new definitions in the Commercial Passenger Vehicle Industry Act and provides for a new objective of that act. The objective spells out that the regulatory framework is primarily concerned with the safety of the driver and the passenger, as I have outlined. New part 2 establishes a so-called contemporary safety duties framework for the commercial passenger vehicle industry. It sets out the principles. Safety duties are also included in the bill.

I make the point that much of the follow-on work will occur through regulatory steps that the government is yet to take. I understand that a regulatory impact statement (RIS) will occur, and I am looking in the committee stage to hear that directly and to have some understanding from the minister at the table about the nature of the RIS — whether it will be a full regulatory impact statement and whether it will be public and the opportunity will be there for everyone to have their input into that process.

Part 3 will establish a simple vehicle registration scheme to replace the complex licensing system that is currently in place. A person who wishes to use their vehicle, whether on a casual basis to provide ridesharing services or on an ongoing basis to provide dedicated commercial passenger vehicle services, will be able to register their vehicle on a commercial passenger basis. The bill also makes booking service providers accountable by making it an offence for a booking provider to supply a booking to persons who use unregistered vehicles.

Part 4 will re-enact a scheme relating to booking service providers. All persons who provide booking services will be required to register. The bill maintains measures introduced in the first round of legislation,

designed to ensure that booking service providers comply with the law.

Part 5 will re-enact the commercial passenger vehicle driver accreditation scheme. The bill also simplifies the driver accreditation process, eliminating the requirement for a driver to renew accreditation every three years. In its place the Commercial Passenger Vehicle Commission will monitor all accredited drivers. It will check the criminal background of all drivers, and that is an important measure.

The Commercial Passenger Vehicle Commission will have new responsibilities to monitor fares for services, including requirements to report annually on how fares are changing. The monitoring task will include monitoring the impact of the per trip levy for fares. We have certainly put on record our concerns about the levy, particularly the levy's use for funding the bureaucracy. I put on record again here my suspicion that Treasury is at work. They love to defray the cost of regulating any area and push the costs of that regulatory and administrative load onto the industry through some collection device. This bill is made in heaven for the boffins at Treasury, but not, I might add, for passengers, who will be clobbered with the costs where that need not have been the case.

Part 10 establishes a public register of industry participants. New parts 12 to 15 provide for general provisions necessary for the administration of the regulatory framework. New regulations, as I said, will be made to replace the existing regulations, and again I want to hear the RIS details.

The opposition has consulted with a wide range of people. I thank those across the sector and across the industry: the Victorian Taxi Association, the Victorian Taxi and Hire-Car Families, many of the chauffeur groups, the Taxi Action Group Victoria, Uber, the Victorian Hire Car Association and many of the taxi families who have been in close contact with members of Parliament, including me, to put out their —

Mr Finn — And they have been treated abysmally.

Mr DAVIS — Indeed, and I know you will have something to say about that, Mr Finn. I know your inquiry was a very valuable addition to understanding what was going on with this bill, and in my view, more is the pity that the government did not choose to respond to many of the very reasonable points made in the inquiry. Indeed I am sure Mr Finn will have more to say about that.

There has been, as I said, a lot of correspondence from people within the sector. Many have said that there are real issues, as I have already outlined, with the preliminary things that are occurring here. Unfairness occurred because people had licences in different structures, so some who had dispersed licences got more compensation than others who had all of their licences in one entity. There are real issues there. The transition payments, as I said, are unfair. They have clearly been botched in the way they have been managed.

I make the point that there appears — and I have made this point in the chamber before, in fact in a formal adjournment matter — that it does appear that those who have been politically active and spoken out publically have been targeted by Minister Allan, and I think that is deeply, deeply unfortunate. It is a developing trend with this government that if you speak out, you will be punished, you will be subjected to thuggery and you will be bullied into silence, and there are a number of cases that we should lay out in regard to that. I note the case that was brought to the attention of this Parliament a little while ago. Andy Thompson has lost pretty much everything. He is currently living in a warehouse. He was offered by the minister the opportunity of public housing. Here is a man who had assets that he had derived legitimately through hard work stripped away by the government in a very, very unfair move.

Mr Finn — Some people might call it theft.

Mr DAVIS — Well, expropriation is what it is — it is the word I would use — and theft is a pretty close approximation of that. In his case he owned a number of licences; he had built up a business. That has been clobbered by the government. His family life has become very difficult. He has been living in a small factory that he owned — a relatively low value factory. Yet instead of the government compensating him fairly and compensating him properly for what were government-regulated licences, they have said, 'Look, we'll find you a public housing spot, but you'll have to sell your factory first'. This is one of his last remaining assets. I say that this is harsh. I say it is cruel, I say it is unfair and I say that the minister was out of touch in her response when she said to him, 'You'll have to get rid of your factory, but we will find you some public housing somewhere'. A proud man who had done enormous work to build up his assets is laid low by this approach. I think it is humiliating, demoralising —

Mr Finn — Shameful.

Mr DAVIS — and shameful, and I think those points are something that seem to have been lost on many of the members of the government. I just do not

think that they have understood in full the unfairness that has been meted out in a number of these cases.

I should also say that there has been a very sad outcome with many of the hire car people. I think there is a view that many of those who had built up a successful business are also about to be clobbered by having their plates stripped from them, with at a minimum no new plates to be issued. I think this is something the government need not do. There is no requirement for the government to persist with this particular approach; there is none at all. I would ask the government to think about this and to step back.

I want to acknowledge the advocacy of Sandy Spanos and the Victorian Taxi and Hire-Car Families that have fought tooth and nail. I want to say to government members: please, think carefully here, because what has occurred is very unfair, but people will respond. There is no question that part of the electoral result in Northcote was because of very active and mobilised taxi families. There are hundreds of people with links to taxi-owning families in that Northcote electorate, many old and established Italian and Greek families, and they became very active.

I hasten to add that they were not impressed by the behaviour of the Greens political party — they were not — but nonetheless they faced the choice of whom to vote for. Many of them said that we should be running there. I understand their point of view, but as Matthew Guy has said, 'We're not a preference machine for Daniel Andrews', and in this case we did not run. Many of them said to me that they would run a very active campaign to put Labor last: 'Vote for whomever you want but put Labor last'. Many of them were active with their very large and extended families in many cases in making that point, and the view is that it did have a very significant effect in that election.

Of course it was not the only factor; there were many, many factors — not least the bullying and negative behaviour of the Premier, which is transparent to everyone to see these days. People know that he is a person that you cannot rely on and a person that is prepared to be very thuggish, if required, to get his way. You need only ask some of his former ministers and many of the former bureaucrats that have been run out of their position within the bureaucracy.

I think I have said enough on this bill at this moment. I will circulate my amendments in due course, but I thank the chamber for its indulgence.

Mr MULINO (Eastern Victoria) (16:21) — I rise to speak in support of the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017. This is a very important bill relating to an industry that has been in a state of considerable flux over recent years, not just in this state but in other states in Australia and indeed around the world. It is very important in situations like the one that we are facing, where there is considerable technological change and considerable behaviour change on the part of consumers, that regulation, firstly, keep pace with that change and, secondly, be flexible enough to deal with a situation that is not always easy to forecast.

This is part of the Andrews government's action in relation to establishing Australia's first fully open and competitive commercial passenger vehicle industry. As a result of the reforms in this bill and the reforms contained in a previous bill which was passed earlier by this Parliament, commercial passenger vehicle services such as taxis, rideshare services, hire cars and other similar kinds of transport that form such an integral part of the transport system will be regulated in a more systematic way. These modes of transport are a critical part of our transport system. They fill many gaps in the transport network for our society. Indeed they form an important part of the transport options for many vulnerable people in particular, and I will speak about that later on.

As I alluded to earlier, these modes of transport — taxis, hire cars and rideshare services — have been subject to very, very dramatic and rapid technological change: technological change that relates to networking, the interconnectedness of vehicles, the connectivity between vehicles and consumers, and the use of data around individual consumers and individual transport service providers. Many, many aspects of the transport service offering have been the subject of rapid technological change, and this has been a significant challenge for regulators around the world.

We are facing not just technological change but also an environment in which consumers have exhibited a willingness to embrace that changed environment, and that has also been a challenge that regulators have had to face. In some areas in our society technological change has galloped ahead, but we do not always find environments in which technological change marries with a willingness on the part of consumers to embrace that change in quite the same way that we have seen here. It is those two changes, I would argue, that have been particularly potent and that have demanded a significant regulatory change.

The regulatory change that we see in this bill, which continues on, as I said, from a previous bill passed by this Parliament, promotes regulation that reflects a level playing field and promotes greater competition, while at the same time protecting both the users of these services and the providers of services in relation to the quality and safety of services. It provides for greater competition, which should result in greater innovation, a greater range of services and also a lower cost of services, but at the same time it provides appropriate protections for those using these services.

As I said earlier, the bill also provides a regulatory framework for all of these benefits, but it does so in a way that is sustainable. I would argue that there are regulatory approaches in other jurisdictions that are incomplete or that do not provide the kind of flexibility that is needed or the holistic approach that is needed and that will be found wanting in the not-too-distant future. What we find with this regulatory framework is a regulatory framework that will stand the test of time.

Firstly, this regulatory framework provides for better services for users, and of course that is the key underpinning motivation for any kind of regulatory structure such as this. What we had prior to this regulatory structure was a licensing arrangement that was very complicated and very dense and that had essentially been largely unchanged for many decades, arguably since the Great Depression. What we see now is a fundamental change in that structure that will bring considerable competitive forces to bear for the benefit of consumers.

This bill will create a level playing field for taxis to compete with hire car and rideshare services and encourage new operators to enter the market. This will boost competition. It will provide for greater competition in terms of prices but also in terms of the range of services offered. We have already seen a number of new entrants being talked about that will provide very niche, specialised services to the benefit of particular groups of consumers.

One group of consumers that I believe will benefit particularly from the new regulatory structure will be people with a disability. To ensure that the benefits of these reforms flow through to people with a disability the government is appointing a new commissioner for the industry regulator that has specific responsibilities and accountabilities in relation to the safe and reliable delivery of services to people with mobility impairments. The government is also investing more in subsidies and other forms of assistance, including $25 million from the government's Fairness Fund. These initiatives complement a range of other reforms contained in the bill. The bill will also substantially reduce red tape.

Another key element of this new regulatory structure is that it will provide for a safer and more accountable industry. Clearly the safety of people using and operating commercial passenger vehicle services is of utmost importance. For this reason the bill will introduce new measures to help improve the safety of commercial passenger vehicle services. For example, each participant in the commercial passenger vehicle industry will be held to account for the safety of passengers of their commercial passenger vehicles. The industry regulator will also continue to conduct weekly criminal background checks on all drivers of commercial passenger vehicles. An example of how this can be put to good effect in the interests of consumers is the action that Transport for London has recently taken to not renew the licence of a major rideshare service provider on the grounds that it is not a fit and proper organisation to operate in London. The new Victorian law means that the Victorian industry regulator will have the powers to take similar actions where they are warranted.

The Taxi Services Commission will continue to regulate the industry under the new regime. The bill renames the commission to the Commercial Passenger Vehicle Commission to reflect the change in the scope of services of that commission and the change in scope of the services regulated.

The regulatory regime that we are talking about here today will also provide the industry with the flexibility to set their own fares. This is going to be critical to providing lower fares. Greater competition in this industry will benefit consumers significantly. But of course it is important for there to be suitable protection for consumers in relation to transparency of fares and also in relation to protecting particular vulnerable consumers, so the government has committed to reviewing the impact of reforms, including the levy on fares, particularly fares paid by people with a disability and people in country areas.

The reduction in licensing costs is expected to fully offset the costs of imposing a $1 levy on the provision of commercial passenger vehicle rides in the metropolitan, urban and large regional and rural zones. However, the reduction in licensing costs may not completely offset levy costs in the country zone. For this reason the government has undertaken to provide rebates to address any circumstances where the implications of replacing licence costs with a levy has led to geographically inequitable operating costs and fare structures.

The overall structure of this regulatory regime is such that it will provide significant benefits for consumers. It will provide for greater competition, greater innovation and a greater range of services being offered while at the same time providing significant protections for vulnerable passengers, providing significant transparency and also ensuring appropriate safety. It also provides for all of this within a regulatory structure that is significantly flexible and holistic to ensure that this regulatory structure stands the test of time. That is absolutely critical given the degree of change that we are seeing.

Mr Davis spoke about the various elements of the bill, and it does represent a significant rewrite. There are some sections that are rolled over, as he indicated, but this bill represents a significant rewrite of the elements of key regulatory structure. Clause 18 of the bill inserts new parts 2 through to 10, so nine new parts in the Commercial Passenger Vehicle Industry Act 2017. New part 2 establishes a contemporary safety duties framework for the commercial passenger vehicle industry. New part 3 establishes a simple vehicle registration scheme to replace the current dense and complicated licensing arrangements. New part 4 will re-enact a scheme related to booking service providers. New part 5 will re-enact the commercial passenger vehicle driver accreditation scheme. New part 6 provides for certain consumer protections and driver protections, and as I indicated earlier, it is so critical that consumer protection and driver protection remain a focus of any regulatory regime, particularly in light of all the change that we are experiencing. New part 7 provides for compliance and investigation powers. New parts 8 and 9 provide for enforcement measures, and new part 10 establishes a public register of industry participants. There are a range of other new parts included. Part 3 of the bill will make a range of other consequential amendments.

This is clearly a very substantial historic reform, and it is a historic reform of an industry that touches so many people's lives. It is a reform of an industry that has millions of consumers, so it is absolutely critical that we ensure not only that the changes we are seeing cascade through that industry benefit as much as possible those consumers but also that those benefits do not come at the expense of transparency or the expense of safety. This bill reflects a regulatory structure that gets that balance right. It allows for greater competition, it allows for greater fare flexibility, it allows for greater innovation. All of that will be greatly to the benefit of consumers. But it does so while maintaining protections where appropriate. I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak to the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017, and isn't that an interesting title for this bill — 'further reforms'? The reason we have a bill before us called 'further reforms' is that the government got it wrong in the first place. The industry and the state opposition pointed out the errors, as did the Economy and Infrastructure Committee in its report. I sat on that committee with Mr Finn and I think Mr Morris at the time as well to go through the elements of the reform. Quite openly the message from that committee was clear: the minister had got this wrong and people were going to hurt. As it turned out and as we expected it to be, the committee was right. It was right that this would never work fairly and equitably for the industry and its participants.

Mr Morris — Acting President, this is an incredibly important bill. I would just like to ensure that members are listening to this debate, so I draw your attention to the state of the house. We have only one government member in the house.

Quorum formed.

Mr ONDARCHIE — The point is that the Economy and Infrastructure Committee went right through the initial bill and pointed out a number of fundamental errors, and the government did not listen. So here we are, some months later, and it is back again, now called the 'further reforms' bill, which as I pointed out is code for 'We didn't get it right the first time, so we're having another go'.

I say to the minister and the government: if only you had listened in the first place, because the recommendations that came through the report were very clear. I recall that some of those recommendations were rejected by the government, but I will point out one in particular. It was a recommendation that the committee made, and it was this:

> That the Victorian government consider increasing compensation to primary and subsequent licence-holders in an independent and clearly articulated, transparent, equitable and non-arbitrary model for the valuation of perpetual licences and that this model be based on market value valuation methodology.

They knocked it back and said, 'No, we're not going to do that. We're going to give them 100 grand for the first, 50 for the rest and then we'll see how we go after that'.

What has happened? Let us look at what has happened here. What has happened is that families have been hurt and individuals have been hurt. Sadly there have been

reports, as my colleague Mr Finn pointed out today, of some people having taken their own lives in reaction to this poor business model of the government. It is a sad indictment of this government that when they have refused to listen some people because of the circumstances in which they have been put by the government have chosen that way to deal with it. It is very sad.

When the bill initially passed the upper house through the vote of the government, there was a taxi licence holder in the building who was very distressed. She was crying, she was shaking and she was nauseous. We had to get someone to attend to her. Many members of Parliament — Mr Davis, Mr Finn, me and many others — and some staff attended to this lady because her life had crumbled financially in front of her as a result of the decision of this government.

I refer to the example of someone who I am not going to name but have spoken to. I have written to the minister about this particular person. This person, who is a constituent of mine and who lives in Meadow Heights, said:

> I entered the taxi industry as an investor in good faith of the state government of Victoria and its regulations. I completed the required taxi operator course in 2005 and maintained accreditation to be able to purchase a perpetual taxi licence on the Bendigo Stock Exchange in January 2006 for $358 000 and again in September 2014 for $288 000.
>
> To break even I was anticipating $400 000 from the so-called 'Fairness Fund'. After waiting for six months and revocation of my perpetual taxi licences and cessation of income from these on 9 October, I have received a letter from the 'Fairness Fund' on 1 November, dated 26 October stating:
>
> > I am writing to advise you that based upon an independent audit of the information you provided, you have met the eligibility criteria for the fund. You will receive a payment of $50 000 from the fund.
> >
> > This result is final and there is no further opportunity for review.

So let us just review that ourselves for a moment. This person in good faith spent $358 000 on their first licence in January 2006 and $288 000 in September 2014, and her request to the Fairness Fund was that it provide $400 000 to help her break even. After that she received the $50 000 letter, with no hope of review. Essentially, if I could paraphrase, the letter said, 'Here's 50 grand. Shut up, and tough luck'. That is pretty well what it said.

I have met with her, and she is rightfully very distressed. She has said:

> My family with four children aged six to 18, my husband, aged 48 with physical and emotional stress and myself aged 50 with thyroid problems for two years due to stress. As a family we have been and are still stressed and depressed due to the financial strain of the Victorian state government's doing.
>
> We still have an outstanding loan of $250 000 for the now non-existent perpetual licences.
>
> In plain English this means the state government of Victoria has confiscated my perpetual licences and almost half my house with no recompense.

This lady goes on to say:

> The Premier Daniel Andrews and transport minister Jacinta Allan had promised our loans would be cleared.

She reports anecdotally that she heard that a fellow licence-holder had received between $50 000 and $350 000. One fellow, she reports, bought a licence for $260 000 around three years ago and received $150 000 from the Fairness Fund plus transition payments, and he is only out of pocket by $10 000. Rightfully this lady is saying, 'So what happened to me?'.

There is issue after issue after issue of taxi licence holders who have been hurt badly by this government, which failed to consult and failed to take up the recommendation that they seek advice from an independent assessor about what the value of the licences might be. It goes on and on and on. Quite frankly this government has made a mess of it.

When Leo Mauro first moved to Victoria from Italy in the 1960s he was offered a deal by a neighbour who had decided to return to his native Israel. The man was offering to sell his taxi licence for $12 000 — about $150 000 in today's money — and his house a few doors down from Mr Mauro also for $12 000. Today that house is worth about $1.8 million; the taxi licence is worth nothing. Mr Mauro, who celebrated his 84th birthday not that long ago in June, has said that he knows of two people who have committed suicide, and another one has tried. Someone had a heart attack on the steps of Parliament House. Mr Mauro is one of thousands of taxidrivers and owners across the country who have seen their life savings or worse, an asset bought with a bank loan, completely wiped out by the state government's legislation.

At their peak taxi licences on the Bendigo Stock Exchange were worth around $540 000, meaning that Mr Mauro's licences, of which he held 11 — the last one he purchased over a quarter of a century ago — were worth close to $6 million. Under a buyback scheme the government said, 'You can have $100 000'.

It is no wonder that these taxi owners are stressing. Many of them have been very hard workers over a long

period of time. Many came to this country with no English and little education to start a new life with their families. What did they do? Simply, they worked hard. They got up early in the morning, put on a uniform, made sure their car was clean and presentable, and spent the day driving Victorians around from point to point. So what do they get for their effort of many, many years? As the lady who wrote to me and others have said, some of them worked over 60, 70 or 80 hours a week over many years, giving up valuable time with families and giving up valuable opportunities, and they have got a measly $100 000 for their efforts and have been told, 'Good luck to you; you'll be okay'.

The reason we have this reform bill before us is that the government mucked it up in the first place. Others in the chamber today have gone through every element of the bill, and for the efficiency of the house I will not do that now, other than to say, Minister, that you have made a big mistake. You failed to consult. You failed to talk to the industry. You failed to go to them in the first place and say, 'This is what I'm thinking about doing. Can we work out a solution?'. You made an arbitrary decision that has hurt families and has hurt individuals, and some of those individuals made the ultimate sacrifice by taking their lives because they could not handle it any longer, and now their families are suffering for it. There are families that have no income, no family member and often no money. There are a lot of questions to be asked about this bill in terms of what the government has done, and I will look to do that in the committee stage.

Mr MORRIS (Western Victoria) (16:46) — I rise to make my contribution on the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017. I note that it is quite a lengthy bill. It is one that I think is best categorised, as Mr Ondarchie said, by the fact that the government refused to take on board the work that has been done in several inquiries now by committees of this place to understand the best way through what is a change in the industry.

We all recognise that there is significant change occurring in the commercial passenger vehicle industry and that there are many evolutions that are occurring with a variety of different providers providing services to the community, and I for one certainly believe that is a good thing. I think it is a good thing that consumers are being given choice, and I think it is a good thing that there are a variety of services to meet the needs of the community.

However, what is not welcome, and one thing that the community has been very strong about, is the fact that the government is not accepting —

Mr Ondarchie — Acting President, this is a very important bit of legislation going through this house. I am somewhat surprised that the government is not here trying to support its own bill. I draw your attention to the state of the house.

Quorum formed.

Mr MORRIS — I was saying that what is not welcome is the way that this government has failed to provide to the taxi and hire car industry the appropriate compensation that should be afforded to them considering what has happened to their licences and the approach this government has taken.

I note that the approach that this government has taken by effectively removing taxi licences and the like is not an approach that has been taken in other jurisdictions. In fact the government has chosen the worst of the worst possible scenarios for those who held taxi and hire car licences. In New South Wales rather than scrapping wholesale licences the government chose to keep them in place and not issue any more. After that decision was taken taxi licences relatively held their values in New South Wales. There was an asset there which taxi licence holders held. They continue to hold them, and they continue to hold their value.

But what we have seen here in the state of Victoria is that the government has seen fit to remove taxi operators' licences and not give them fair compensation. Mr Davis made the point that the High Court has made it very clear that these licences are assets and should be treated as such, but what we are seeing from this government is the removal of these assets without right, just and fair compensation. We are seeing the government, and indeed the Premier, bullying people out of the industry. They are not being given fair compensation. They are having an asset stripped from them without due consideration for the value of that asset and indeed the fact that the state over time has done quite well out of the sale of these licences, and that money has gone into government coffers. In spite of this the government has not seen fit to ensure that this has been passed on to the operators, who purchased the licences in good faith to operate and work very hard in this industry, which has undergone this change.

I do note that there are many, many hardworking taxi and hire car operators. I think the government at times have tried to demonise the industry by saying that they are wealthy people who own a mass number of licences, that there is no need to compensate these people because they have made a living over time out

of these assets and that it is fair that they give this minuscule compensation that they have been offering.

However, I would contend that there are many people who are placed in a very difficult position as a result of this government's actions. There are people who have placed at risk not only their livelihoods but also their homes and other assets because many people still owe money on loans as a result of buying these licences. Many people are placed in a very difficult position where they expected that some of these licences could be held in effect as superannuation. I indeed had meetings here in Strangers Corridor in Parliament House and conversations with people who in good faith purchased these licences expecting that they would be able to lease them out to other operators and that the price of the licences would be used in effect as superannuation for them.

What we have seen is that the value of those licences has been cut by the government to $50 000 in compensation. This is a marked reduction from the value that many people paid for their licences and indeed what they expected. People expected that there was going to be growth of these licences and that the price of them was going to rise, as one generally would expect of licences into the future where there is a scarcity of them. So for the government to go through and not give due compensation is of serious concern, and I note that Mr Ondarchie commented in his contribution that people have attempted, and unfortunately committed, suicide as a result of what we have seen here.

I certainly look forward to further examination of Mr Davis's amendments once they have been circulated in the house, and I do certainly hope that the house does support them, because there is a lot of work that needs to be done to fix this bill. This bill has many flaws, and I congratulate Mr Davis on doing the work that he has done in an attempt to improve this bill. I certainly hope the house does support the amendments once they have been circulated. At that juncture, thank you, Acting President, and I look forward to hearing contributions from others in this house.

Ms PATTEN (Northern Metropolitan) (16:55) — I am very pleased to rise to speak on the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017. This is something I have taken a great interest in really since I was first elected into this house. This bill is establishing a new and modernised regulatory regime for the commercial passenger vehicle industry. It is replacing the existing systems. It is not trying to latch onto existing systems; it is not trying to extend or amend existing systems. This really is introducing a new regime. This will be for taxis, for hire cars or for whatever term you would like to call commercial passenger vehicles. I think this is a very good approach. A lot of other states have taken a much more modest approach, a much more conservative approach, to this. I said earlier, when we were going through the first tranche of commercial passenger vehicle legislation, that these were not really a light touch, as we have seen in other jurisdictions in Australia.

I know governments do not like to be called this, but I feel that this is actually quite brave legislation and that these are fairly expansive reforms and I think ones that will see us through to the future. These are reforms that are looking to a future market in a very quickly changing technological revolution and information revolution that we are going through. Only five or six years ago no-one would have imagined something like Uber. No-one would have imagined something like UberEATS or that type of ridesharing. No-one can probably foresee, although we are starting to consider, what the next generation of commercial passenger vehicles will be. They may be autonomous buses; they may be autonomous vehicles of another nature. We do not know, but I think this bill is embracing the innovation and is developing legislation that will not become obsolete as new technology emerges. This bill will enable us to go forward in an industry that will look very different in five years time, the same way it looks very different to what the industry was five years ago.

I do not think it is a perfect bill, and I think there are some areas that could be improved. When my amendments are ready to be circulated, possibly during the committee process, I feel that I will have introduced some amendments that will help with the main purpose of this bill, which is to establish a new and modern regulatory regime for commercial passenger vehicles that focuses on safety and the provision of consumer protections. These are paramount issues, and I think the most important is in those anonymous unbooked services.

This is typically known as your rank and hail work, when the consumer does not have the security of prebooking the service, when the consumer does not have the security of the applications and knowing who that driver is, knowing whose car that is, knowing what the fare is going to be, and does not have that protection that we are now becoming very accustomed to through the new ridesharing apps and through taxi companies introducing their own phone apps and computer applications.

When we were briefed by the minister on this bill the briefing notes stated that, amongst other things, there could be regulation around rank and hail services being metered. We were also given assurance back in June that this tranche of legislation would also provide for the provision of CCTV cameras in rank and hail services, as we see currently in our taxis. In reality neither of those things are the case under the existing bill. They could be provided for by regulation, but they are not a feature of this legislation, and I think that is an oversight. We do need to continue to have greater protection around those unbooked rank and hail services that are still going to be offered. I think that should be statutory protection, not just through regulations, which is why I am proposing amendments that will address this.

Metered fares and CCTV cameras are the two best consumer protection and safety mechanisms that are currently available for anonymous services. When we jump into a cab at the end of a late night here we know that that trip is being recorded through CCTV and we know that we have a fair idea of what the fare is going to be because of the metered service. That is not the case under this current legislation, so I believe we need to incorporate these in such a way that is not too prescriptive and in a way in which it can evolve with technology because, as I repeat, I think this bill is robust enough to evolve as technology evolves.

I am proposing that there be a capped fare rate on unbooked services. In times of competition a deregulated market will benefit the consumer, no doubt, but where a driver has the ability to set their own fare this may not be the case in an uncompetitive market.

I was looking at the scenario of it being 2.00 a.m., pouring with rain and we are down in Mr Purcell's area of Warrnambool. It is raining and there is only one cab to be seen.

Mr Purcell — It wouldn't be raining.

Ms PATTEN — 'It wouldn't be raining', says Mr Purcell — of course it would not be raining. Now the driver tells you it will cost you $100 to get home, where it would normally be $10 or $20. It is take it or leave it under the proposed legislation. Or consider the scenario where customers, rather than queueing, are mobbing a taxi rank at Melbourne Airport and are saying, 'Mate, I'll give you $100', and another guy says, 'I'll top that at $150'. This legislation does not provide any protection to the consumer in those sorts of scenarios, and I think they are both quite realistic and could be expected to occur in those unbooked rank and hail scenarios.

As a safeguard I am proposing that there be a metered fare cap, an upper limit that a provider or driver cannot increase the fare above. This would be done through the commissioner. They would develop the fares with the industry, as they do. The fare would be reviewed on an annual basis, and this would be working with providers and with all levels of the commercial passenger industry. This is a sensible amendment, and I will be very happy to speak more about it in the committee process. These are just ways to protect the consumer to ensure that as we transition with these new technologies, as we transition in this new and exciting industry, we ensure that this bill keeps its first objective, which is to focus on the safety and provision of consumer protections. Rank and hail commercial passenger vehicles should have meters, CCTV and a maximum fare rate to avoid exorbitant quoting or exploitation of vulnerable customers.

I would encourage all members to support these amendments. Otherwise, I do think that this is a forward-thinking bill. This bill does go farther than other jurisdictions, and so it should. Taking the bull by the horns, as it were, and holus bolus introducing regulation that does not tack onto old regulation, that creates a whole new safe space and that creates a level playing field for the industry as a whole is a forward-thinking and sensible way to address the emerging commercial passenger vehicle industry in Victoria. I am excited about the changes that it will make. I am excited about how this will affect the way that we travel, so that instead of using taxis it may be that vehicles as a whole will become available to us. I am excited about what ridesharing entails and the congestion that that may reduce for us in the future.

This bill provides us with a very good basis and platform for the future of our commercial passenger vehicle industry. I commend the bill.

Ms DUNN (Eastern Metropolitan) (17:07) — I rise today to speak on the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017. There is no doubt that this bill comes at a time of unprecedented upheaval in the industry — the changes following the Fels inquiry in 2011, the entry of Uber into the passenger vehicle market in 2013, well before any regulatory context for that service type, and the unification of the industry by the Andrews government earlier this year. We must recognise that this upheaval has led to a huge disruption to the lives of many people.

For customers in inner Melbourne this has led to more choice in the industry, with the option of choosing either taxi services or ridesharing for their point-to-point travel. For passengers with a disability

there has generally been the ongoing experience of long wait times for the arrival of a taxi and the need to book well in advance to have any hope of getting to a doctor's appointment, going to see relatives or indeed going to your local shopping centre. Melbourne taxidrivers have experienced several years of lean times as they have received less taxi fares due to competition from unregulated ridesharing. Now that the industry has been formally deregulated drivers may have more work opportunities presented to them and the ability to switch network providers or to operate using their own vehicles or on a ridesharing platform if they so want.

For taxidrivers and customers in rural areas and most regional cities there has been next to no change in their local taxi services, although they now seem to be subject to a lot of industry changes — not least the levy — that are very Melbourne-centric. For taxi licence owners the past couple of years have been exceptionally traumatic. Taxi licences were expected to be rock-solid nest eggs, providing an annuity through the twilight years of their owners. The abolishment of taxi licences has had a varying degree of impact on the financial circumstances of these persons. In some cases it has been exceptionally negative, with the potential for those individuals to lose their homes and other assets as they are swallowed up by debts that were taken out to purchase the licence.

I recognise that many taxi licence owners have moved on or reinvested their licence compensation funds in expanding their operations in the new deregulated industry. However, some families have been broken by this experience and have been close to homeless. The Fairness Fund has not yet come to final judgement on some of these claimants and has not yet disbursed payments for many of the claims it has already processed. This is unacceptable; these cases need to be expedited as quickly as possible.

I am told this is the heftiest bill of this term of Parliament and one of the thickest amendment bills in parliamentary history. These metrics are impressive, yet they belie what is missing from this bill. This bill does not adequately address what happens with continuing protections for passengers in unbooked rank and hail services. It also does not adequately address how we will ensure improvement in services or, failing that, no degradation of services provided to people with disabilities, particularly those that require a wheelchair-accessible taxi. This bill also does not adequately address the implicit cross-subsidies from the country to the city created with the statewide implementation of the levy.

I will now address each of these three issues in turn. With regard to unbooked rank and hail services, these will be the mainstay for people who have no desire to make the transition to app-based booking systems. This may include people that choose not to own a smartphone, or indeed any mobile phone, or those that rely on the ready service provided at taxi ranks at key locations such as outside hospitals, supermarkets or civic centres. The deregulation of fares envisioned by this bill extends to the rank and hail market. Now, this can lead to a situation where there is an information asymmetry between the driver and the passenger. The passenger will have little basis on which to judge whether the quoted maximum fare from the driver is reasonable. There may be high-demand situations where such rank and hail fares become intolerably high. Maximum rates and fair caps in this scenario make sense. The government has taken the approach that such instruments can be implemented through regulation, but that does not provide comfort to me that sufficient protections will be in place for vulnerable passenger groups. It would seem to me that a maximum tariff and fair cap imposed by the Essential Services Commission or the Taxi Services Commission would be a straightforward way of addressing these concerns and providing great comfort to users of rank and hail taxi services.

The second issue is the provision of wheelchair taxis. Providing a taxi that is compliant with the commonwealth Disability Discrimination Act 1992 (DDA) is a considerable expense. I am advised by representatives from the industry that it requires structural strengthening of the frame of an existing passenger van to allow for the extra weight and restraint points, installation of a hydraulic lift and other major modifications. The bill for modifications runs into tens of thousands of dollars on top of the purchase cost of a large van. To date the only way that running a wheelchair taxi has been viable has been that operators have taken non-wheelchair trips when they can, operating as maxi taxis or regular taxis. This has meant that when demand for an actual wheelchair accessible service has arisen, sometimes all nearby wheelchair-accessible taxis have been ferrying able-bodied people instead. Hence the blowout in wait times and unsatisfactory service levels experienced by people that require a wheelchair.

The Andrews government is confident that with full deregulation a thousand flowers will bloom and many innovators will come into the market, including in the provision of taxi services for people with disabilities. While I have no doubt that the entrepreneurial experience of Victorians will lead to many new options in the point-to-point passenger space, I have yet to see

evidence or a convincing argument that they will successfully meet the very specific needs of people that require a wheelchair. Yes, there may be some innovation in the space of transportation of people that require low-level mobility assistance, but we will not suddenly see a flood of DDA-compliant taxis.

I do think there needs to be a major overhaul in the way that we approach the provision of point-to-point transport for people with a disability, particularly those that use a wheelchair. Including this passenger group in the full deregulation of the industry is not likely to lead to positive outcomes. The problems that have faced the provision of wheelchair-accessible taxis have not been due to over-regulation, they have been due to market failures, and deregulation will not lead to the end of those market failures — indeed it may well exacerbate them. Considering that the provision of services to people with disabilities is caught in the major changes occurring at the interface between the state and commonwealth governments as part of the rollout of the national disability insurance scheme (NDIS), I strongly encourage the state government to consider whether the best value for money may be found in the provision of a government-provided wheelchair-accessible taxi fleet that is solely dedicated to that customer segment.

The third issue is the application of the levy in country areas. I called on the government to remove the levy from country areas in the first tranche of this legislation. The reason for this is that taxi operators in country areas will not be the recipients of any meaningful fraction of the industry transitional assistance packages. Customers in country areas have also not been the beneficiaries of the competition provided by ridesharing, which has caused so much disruption in the metropolitan taxi markets. Therefore the Victorian Greens do not see why country areas should be forced to subsidise transition payments in city areas. The minister has not sufficiently addressed this issue. The government's post-transactional rebate of the levy in cases where inequity is determined is simply a whitewash for the fact that they do not want to remove this impost on country areas. This is not good enough, and hence I will be proceeding with amendments to the bill to remove the levy from country areas. I ask if my amendments could be circulated, please.

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

Ms DUNN — Thank you, Acting President. Yes, as you rightly say, they are amendments and new clauses to be proposed in the committee of the whole. They are suggested amendments because of the fact that they are financial in nature. At this point in my contribution I think I will leave any further commentary to the process of committee of the whole, not only for my amendments but the amendments referred to by others in their contributions today.

Mr FINN (Western Metropolitan) (17:17) — I rise to speak this afternoon on the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017. It is a great pity that I actually have to speak on this particular bill because the fact that this bill is before the house today is a sure and complete indication that the government has stuffed this up. We would not need this bill today if the government had actually got it right. They spent two and a half years working this through, thinking about it, sitting there, cogitating and contemplating their navels about this particular matter, and then they got the legislation to the Parliament and they realised — well, I do not think they realised, but everybody else realised — that they had got it so terribly, terribly wrong.

I have to say that I think what has happened to the taxi industry and the families who have owned and operated taxis in this state over a long period of time is one of the great tragedies that we have seen in this state for a very long time. What we have seen is a lot of families lose their homes; we have seen a lot of families lose their incomes; we have seen a lot of families lose their superannuation; and sadly, as was referred to by Mr Ondarchie, we have seen a number of them lose members of their families who in fact have committed suicide, and that is most certainly the most distressing and most tragic element of this tragedy in three parts. It is just unbelievable that a government could do this to a group of people in the community, with such dreadful impact.

I have just had handed to me some amendments which are to be moved by Mr Davis. I understand they are now ready to be circulated, so I ask that they be circulated on behalf of Mr Davis at this point.

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

Mr FINN — I would like to take this opportunity to offer my condolences to those who have lost family members as a result of the changes in the taxi industry — those who either lost their lives via suicide or indeed had heart attacks or other health problems that cost them their lives. I cannot help but think just how tragic it was, because it was so unnecessary.

As chairman of the Economy and Infrastructure Committee, I and other members sat and we listened and we gathered. This was a committee with members across the parties, from all sides of the house — we had Liberals, we had Labor, we had the Greens, we had the Shooters, Fishers and Farmers Party. We had people from across the political spectrum. I have to say, going back to that time a few months ago, that I did not think we would have a hope in hell of actually agreeing on anything. But we did. We actually put aside our partisan political views and we put forward recommendations which would have benefited not just the operators and the owners but indeed the entire state.

Unfortunately the Minister for Public Transport and the Premier just wiped those recommendations, totally ignored those recommendations. It just goes to show what an arrogant Premier we have in this state, and I have to say also a bullying Premier, because he was going to get his way come what may. He did not care and still does not care what happens to the operators. He does not care what happens to the owners. I mean, he could show just a little bit of sympathy for those who are suffering. He could show a little bit of empathy with those who are suffering. But, no, not Daniel Andrews, because Daniel Andrews, like he does on everything else, is bullying his way through. He does not care about people who have lost their homes. He does not care about people who have lost their livelihoods. He does not care about people who have worked all their lives only to have their superannuation ripped from under them, so people in their 70s and in their 80s are now living in poverty. He does not care about that. And he does not care about the people who have lost their lives. He does not care about the families who have lost members through either taking their own lives or health problems. It amazes me.

I cannot help but think in this particular situation of my grandfather, who was a Labor man to the back teeth, a staunch Labor man. I got him to vote Liberal once, and that was in 1992. That was the year that I was elected. Even though he was not in my electorate, he said he would vote Liberal. He said, 'If my grandson's going to be one, I suppose I'd better vote for the mongrels'. It may have been a bit stronger than that, but we did get him to vote Liberal just that once. In 1996 he went straight back from whence he came, and that is the way he voted until — well, I do not think he got another chance after that.

My grandfather was your typical Labor man, the old-style Labor man. He was a butcher, he was a carpenter; he was a bloke who worked with his hands. He was quite creative, I suppose, in his own way. Indeed he built the house that I grew up in. But quintessentially he was a worker, and back when he was a lad that is who the Labor Party represented: they represented the workers. He would be horrified at what the Andrews government has done to this group of workers. He would be horrified to think that the Andrews government would destroy an industry in the way that it has. He would be horrified to think that the Labor Party that he supported in every election, except one, for his entire life had done this to people whose only crime had been to work hard. That is all they have done all their lives — work hard — and this is the way they are treated by the Labor Party in 2017. It is a very, very long way from what he knew as the Labor Party. I am not sure what he would call it — in fact it might be very colourful what he would call this modern Labor Party — but it is not a party of workers anymore, no way. There is no way that the Andrews Labor Party can be described as the party of the workers, not after what they have done to these people.

What they have done to these people is despicable and disgraceful. The Labor Party has walked away from its history. It has walked away from what it has always stood for. This Labor Party is a Labor Party of the people, of the workers, no more. You just have to go and talk to some of the people about the place — people that I have spoken to and people that Mr Ondarchie, I am sure, knows in his electorate. These people have voted Labor all their lives.

Mr Ondarchie interjected.

Mr FINN — And they are being bullied; my word they are being bullied. But they have voted Labor all their lives, and they are being treated abysmally. They are being treated like second-class or third-class citizens. And why? Because Daniel Andrews must get his own way at all costs.

I think it is a tragedy, as I said before. If only the government had listened to the Economy and Infrastructure Committee. I see Mr Leane over there; he was on the committee, and I commend him for the work that he did to find an equitable solution to this problem. Mr Eideh was on that committee, and I commend him on the work that he did to find an equitable solution. Mr Ondarchie was on the committee —

An honourable member — Mr Morris.

Mr FINN — Was Mr Morris on that committee then? He might have done a runner by that stage.

An honourable member interjected.

Mr FINN — He was there for a little while. I commend those fellow members of the committee that I chaired because, as I said before, we put our partisan political attitudes to one side and worked for what was best for the community. A lot of people in society, not just in Australia but across the Western world, look at politicians now with disdain and with distrust. I think if we saw more of what the Economy and Infrastructure Committee was able to do on this particular issue, we would all have a great deal more respect in the community than we do now. There were no games being played. It was all about taking into account the genuine issues and the very real concerns that people had. That was what was driving our decision-making process, and that was what gave us, in the end, something that we could all, right across the political spectrum, agree on.

It is very, very sad that we had the solution — it was not perfect, but it was a damn sight better than what the government has proposed — but Daniel Andrews and Jacinta Allan just walked away. They did not want to know about it. I feel for those in the taxi industry, who have suffered and are suffering and will continue to suffer as a result of that particular decision by a government, as I said, that sat on its hands for two and a half years and then, when it finally made a decision, decided just to push it through without thought for anyone — without thought for the people who were being affected the most, whose livelihoods were being affected and whose families were being affected. No consideration was given to them at all.

When the history of this government is being written — and I think that history can start being written in November next year — there will be a decidedly black mark on this particular episode. It sticks in my throat to think that we actually had a solution and we could have fixed this if only the government had listened and if only the government had done the right thing by the hardworking people of this state whose only crime, if you can call it a crime, was actually to work hard, save, look after their families and pay taxes — to do the sorts of things that everybody who is normally considered a model citizen would be doing. But on this occasion they have been punished abysmally, savagely, viciously and cruelly by the government and by a Premier who just wants to bully his way through.

I have to say I do not understand the mindset that does that to people. I do not understand what can lead somebody to be almost bloodthirsty in the way the Premier is with regard to so many things. To savage an entire industry in the way that he has on this occasion is to my way of thinking totally shameful. If ever there was an example of the Premier dividing and conquering — we know just how much he loves to do that — it is with this industry and this legislation. As I said, I offer my sympathy to those in the taxi community, and I wish them all well for the future.

Mr RAMSAY (Western Victoria) (17:32) — My contribution will be short, because I gather the chamber has a thirst for gambling this afternoon. I want to take the opportunity to acknowledge those in regional areas that provide a taxi service. This bill, the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017, has a number of functions. It amends the Commercial Passenger Vehicle Industry Act 2017 to provide new safety duties for commercial passenger vehicle participants, registration schemes for commercial passenger vehicles and booking service providers, an accreditation scheme for drivers of commercial passenger vehicles and certain protections for consumers of commercial passenger vehicle services and drivers of commercial passenger vehicles.

I think that is all very good. In fact Jeff Kennett had the same aims when he tried to clean up the taxi industry by making the taxis yellow, putting taxidrivers in uniform, putting in a code of conduct in relation to the cleanliness of the taxis and making sure that drivers had some sense of where some of the streetscapes were within the CBD particularly. But I do want to at least raise concerns about the journey, particularly for those small taxi businesses in regional areas. They have come from the Kennett era, where principally the government tried to clean up the taxi industry in Melbourne. They went through the era when we were in government of trying to break the monopoly of the owners of taxi plates and open it up for more competition, which would provide a better service. And now they have gone through this journey with the Andrews government in relation to their current assets, their taxi plates, being reduced in value by up to 60 or 70 per cent.

Many of these regional, small business taxi operators had borrowed significantly against their home to purchase these taxi plates. They were given guarantees that the market would not, in relation to providing competition, have direct influence on the value of those plates, and then they have seen with the annual licence fees the significant reduction in the value of taxi plates. They are typically small business people who have lost potentially 50 or 60 per cent of their taxi plate values, which has caused significant financial stress to those owners.

It is not the regional taxi operators' fault. The services, particularly in Melbourne and the CBD, were by any standard poor, but in fact in regional Victoria they were

providing a very good service. They run at very low profit margins and do a lot of the work that currently is not being done by our suburban taxi services, certainly in trips for the disabled, in those short trips where they do not charge a full meter charge and in providing support and help, like putting in luggage, taking it out and moving people onto train station platforms — all those extra duties you would not normally get in metro areas. In regional Victoria those small businesses provide that benefit with the service.

I understand that there are a range of amendments. Mr Davis and Ms Dunn have already foreshadowed their amendments. I understand there will be more amendments. My hope is that through the committee stage it is clearly shown that the government through its transition fund, through its Fairness Fund and through its compensation fund is basically not providing anywhere near the sort of value that those taxi plates were purchased at and borrowed against and is now putting those operators under severe financial stress. The quicker we can provide even a miniscule amount of the compensation and fairness money that the government is offering to those taxi operators the better so the banks' threat to take away their homes does not become a reality.

Sadly, we have seen a lot of transitions in the passenger carrying service. Mostly we have seen that regional operators that provide a good service and that run as small businesses with very small profit margins are being put at risk because of the need to provide competition in the marketplace in the city with additional services like Uber and others that no doubt will come into the field. Also, this bill provides a fare setting, which no doubt will also have a significant impact on our regional taxi operators. They cannot significantly increase fares, otherwise they will lose their clients who do not have the capacity to pay. A lot of our regional taxi users do not have the capacity to pay more for a taxi service, which is almost an essential service in the country. Again, they will be put at risk by the government's wish to provide more competition in this marketplace and also greater flexibility and fare settings.

My role is to make sure that we do not lose our regional taxi service businesses in regional Victoria. I will be looking on and listening with interest in the committee stage to make sure that the government does confirm that that money will flow very quickly to those operators that are losing significant value and wealth from the devaluation of their taxi plates. I will leave it at that. I look forward to the committee stage, where I may well ask questions of the minister.

Ms PULFORD (Minister for Agriculture) (17:38) — I thank all members for their contributions to the debate on this important issue. This has been a challenging journey for many in the Victorian community as government has sought to respond to the impacts of new technology on the way people access commercial passenger vehicles. We certainly recognise that the people who have had taxi licences have been greatly impacted by the change in consumer preference as a result of new entrants. It has been the government's desire to provide a level playing field in the new environment that enables new participants to enter, for ridesharing services that have become very popular to be properly regulated to ensure that the community is safe, and to ensure that existing taxi operators and their drivers can also exist and participate in the level playing field.

These are not simple reforms, and as members are aware, it was the government's decision to approach this reform with a legislative approach to managing this in two parts. Earlier in the year we had an extensive debate in the Parliament and an extensive committee stage on the arrangements for the first part of this reform, and this bill represents the second part. Of course the first part did enable compensation to start flowing from the Fairness Fund and the establishment of the $1 levy per trip. I thank members for their work in enabling us to finalise the first bill so that people could be provided with the compensation that they were certainly seeking resolution of.

Since that time, in not that many months, more than $350 million of payments have been made from the Fairness Fund. There has been some commentary on this in the debate today. I would simply respond by saying that at no point has the coalition offered any constructive suggestions about what alternative forms of compensation it might make. We have a compensation regime in place that is up and running and providing financial relief to people who have been impacted by this new disruptive technology. We will continue to work with people who are making applications to the Fairness Fund to ensure the expeditious assessment of their applications.

The advent of this technological disruption and the change in passenger movements that have necessitated this reform are of course not unique to Victoria. There have been decisions as far away as London in recent weeks that have changed the arrangements again for commercial passenger vehicle arrangements. But what we have done in Victoria is that we have been able to deliver a compensation scheme that is the most generous of any scheme in Australia.

We have been presented during the course of the debate with amendments from a number of members; Mr Davis, Ms Patten and Ms Dunn have all presented the government with amendments. I think on the whole that what we can observe of these is that there is a shared desire among us to ensure outcomes in terms of the operation of a rebate scheme, security issues and the extension of protections to consumers. I think what the debate around the amendments will be, when we get to it, is a discussion between us about how we achieve those objectives. The government is certainly mindful of the need for strong, robust consumer protections, and it is committed to working through these issues. Without getting into the amendments in too much detail now, because we will have the opportunity to explore these in the committee of the whole, some of these are questions of whether these things exist in regulation or in legislation.

On the question of fare deregulation in relation to rank and hail, what the government is seeking to do is simply extend to metropolitan areas the deregulation of fares that the former government provided for in country Victoria in 2014. But we absolutely acknowledge the concerns around consumer protections and recognise the importance of these things.

In relation to Ms Dunn's amendment on the arrangements for a rebate scheme that we committed to during the debate on the first bill, I would again offer our assurance to Ms Dunn that we are committed to that and perhaps point Ms Dunn to new section 15A in the bill as an example of our goodwill on this. It is certainly our intent on this. That section, for members' information, relates to the State Revenue Office's responsibility to collect information that would underpin such a scheme. We stand by that commitment, and we look forward to the opportunity to have further discussions with members over the coming hours and perhaps into tomorrow. No doubt members will wish to have an extensive discussion about these issues in committee of the whole.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

GAMBLING REGULATION AMENDMENT (GAMING MACHINE ARRANGEMENTS) BILL 2017

Second reading

Debate resumed from 2 November; motion of Mr JENNINGS (Special Minister of State).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to take the call for the opposition in relation to the Gambling Regulation Amendment (Gaming Machine Arrangements) Bill 2017, and I indicate at the outset that the opposition will not oppose this bill. I note that today there have been a number of amendments circulated in relation to this bill, principally by Ms Hartland, and I look forward to fulsome discussion around those matters in the committee. I have a number of issues I wish to prosecute in the committee of the whole, and I look forward to Mr Melhem's involvement in that process as well.

This bill is principally about the allocation of gaming machine entitlements post-2022. It is worth just noting the history of gaming machine entitlement allocations under Labor governments. Most members would be familiar with the Auditor-General's report of 2012, which looked into the allocation of gaming machine entitlements by the previous Labor government. The Auditor-General found that, give or take, the Victorian taxpayer was short-changed around $3 billion. If you think of what that would be worth now, perhaps it would be $4 billion or more with inflation and cost escalation. I suppose a starting point in relation to this legislation and this process of the government is one of scepticism, given that scathing 2012 report of the Auditor-General into the previous allocation of gaming machine entitlements.

The gaming landscape has changed quite significantly in recent years. There has been a proliferation of gambling advertising, which I think causes significant concern within the community. There has also been a proliferation of online gaming, and of course from a state jurisdiction perspective that is very difficult to regulate and very difficult to control, and it creates all sorts of risks for gamblers, where literally they can gamble away their life savings playing with an app on their phone while watching TV at home. The role of education is more and more critical when it comes to responsible gambling and when it comes to giving people the tools they need to make sure that they do not get into trouble when it comes to gambling.

When the coalition was in opposition last time the then shadow gaming spokesperson, Michael O'Brien, put together a very clear and robust reform agenda in the liquor and gaming space. He recommended the merger of the liquor regulator and the gaming regulator, given the obvious synergies — particularly with the gaming venues, which all have liquor licences — and the creation of the Victorian Commission for Gambling and Liquor Regulation. He also recognised the looming risk, the growing threat, posed by online gaming beyond the reach of state-based regulation and beyond the reach of the Victorian government in so many ways.

The Victorian Responsible Gambling Foundation (VRGF) was established, and it was provided with $150 million of funding over four years. It was given an independent board and a CEO. The VRGF moved from the department of justice office to North Melbourne, and that physical separation, I think, was a good idea. Unfortunately the funding for the VRGF has been cut. If you take $150 million of funding in 2011–12 dollars and transport that to the funding that was provided by the Andrews government — from memory, $148 million over four years — that represents a cut in funding of around 10 per cent. So at a time when Sportsbet advertising has proliferated and online gaming represents more and more of a risk, the government, despite those revenues that are generated from the gaming industry, has cut funding in real terms for education programs, assistance programs and all the other work that the Victorian Responsible Gambling Foundation does. I think that is a real shame and a real disappointment.

Some would legitimately ask: why are we dealing with the allocation of gaming machine entitlements from 2022 onwards now when there are many years left to run — roughly five years — on the current entitlements? It is a legitimate question. What is the rush? What is the need? Why do we need to do that? While now may arguably be a bit premature, there is a very solid case for operators having certainty for the lead time to make capital improvements to their premises and operations and for operators that have debt liabilities to be able to provide to lenders some certainty about the nature of those entitlements and the security of the future of those entitlements.

Again there is a degree of scepticism from me and from this side of the chamber that no matter how much the Andrews government increases its revenue base through increased taxes, it spends money at a faster rate. We just have to look at the cost escalation of the north-east link in recent months to be concerned about the government's capacity to forecast expenditure, to forecast capital spend and to manage its finances, so there is scepticism from our side that this is a short-term cash grab by the government. By the same token we understand that for a club in country Victoria to make investment decisions for the future, they cannot be made in isolation of the future use or availability of these entitlements, so the role in the marketplace and the lead time for capital improvement and investment is something for us to consider.

The purposes of the bill, as outlined in the purposes clause, are:

> (a) to amend the **Gambling Regulation Act 2003** to make special provision for gaming machine entitlements that take effect on or after 16 August 2022, including by—
>
> (i) providing a scheme for the surrender of those entitlements; and
>
> (ii) providing for the Minister to declare what percentage of those entitlements must be club gaming machine entitlements —

which I will talk about in a minute —

> and what percentage must be hotel gaming machine entitlements; and
>
> (iii) providing different taxation arrangements in relation to those entitlements; and
>
> (iv) changing the amount that a venue operator must pay to the Treasurer on transferring any of those entitlements to another venue operator; and
>
> (v) providing for those entitlements to expire after 20 years.

Clause (1)(b) says:

> (i) to provide for the assignment of gaming machine entitlements; and
>
> (ii) for an increase in the number of club gaming machine entitlements in which a venue operator may have an interest; and
>
> (iii) to provide different arrangements for Responsible Gambling Codes of Conduct and self-exclusion programs; and
>
> (iv) to provide for the Minister to make standard conditions that deal with matters relating to gaming machine entitlements, the provision of monitoring services and the provision of responsible gambling services.

This is quite a technical and substantial bill that is before the chamber tonight, but in many ways its intent is very clear. I spoke before about the reform agenda that Michael O'Brien took to the 2010 election and that was then implemented from 2010 to 2014. We have not seen a similar agenda from the Andrews government. The now Attorney-General used to make a lot of noise

in opposition about what he would do in this space, but of course he did not assume the role of Minister for Consumer Affairs, Gaming and Liquor Regulation in the Andrews government. We had a very competent minister in the Andrews government, a very respected minister, one who many people in the community regarded as a leader. Across the chamber we can with a sense of bipartisanship acknowledge the skills, capacity and integrity of the previous Minister for Consumer Affairs, Gaming and Liquor Regulation. That of course was Jane Garrett. She did a great job in the portfolios that she had before she was sacked because of her preparedness to stand up for what she and what I think most members of the community thought was right. The Country Fire Authority dispute that has caused so much angst also caused collateral damage in the management of the liquor and gaming portfolio. Ms Kairouz has had that responsibility since Ms Garrett was sacked from that role.

The bill does a few minor things in relation to responsible gambling initiatives. When I say 'few' and 'minor', I mean few and minor. The bill provides that clubs will have different payment options compared to hotels. The bill will increase the maximum number of entitlements that can be held by any operator from 420 to 840 entitlements. Importantly the 105 entitlements per venue remains the same. A hallmark of the difference between the New South Wales industry and the Victorian industry is that New South Wales has a lot more machines and a lot more entitlements than Victoria, but those entitlements are concentrated in some very large venues that really are not comparable to venues in Victoria, with perhaps the exception of the casino. I think the cap on the number of entitlements is very important.

The bill removes the current entitlement ratio from a 50-50 club and hotel split to allow unused club entitlements to be taken up by the hotel industry. This is only possible after a six-month time lag from when club machines must be offered to other club operators first. After that the minister can approve the transfer of club entitlements to hotels. I wish to explore this issue in committee in a little more detail. I think that that 50-50 split has served the community well. If I think about some of the clubs that have entitlements in my own electorate, many of those clubs do fantastic work in the community. I would be concerned if there was an expectation that the process established by this bill would see over time a significant transfer of entitlements from the club sector to the hotel sector, because the clubs, particularly in country Victoria in electorates such as mine, do so much, and much of the revenue that they gain from those entitlements is ploughed back into the community.

The current municipal and regional caps will remain in place. Just to talk through some of the financial aspects, the deposit for clubs will be 2.5 per cent in February 2018 and 2019 — a total deposit of 5 per cent — with a payment duration of seven years and with a two-year hardship clause if the test for that is met. The interest rate is currently around 2.6 per cent, so it is around the government bond rate. For hotels their deposit requirement is higher, at 5 per cent required in February 2018 and February 2019, with a five-year payment period and a potential hardship extension to seven years in total.

The bill will also introduce the post-2022 tax structure, with a new tax bracket for venues earning on average between $6667 and $12 050 per machine per month, and a higher tax rate will apply to the top tax bracket in excess of $12 500 per machine per month on average. The entitlement price structure for a hotel or club is relevant to the revenue that has been made by that machine over the previous four years. Therefore a venue that averages a higher profit per machine will pay a higher price per entitlement. Again, something the Auditor-General's report uncovered was that the auction process itself from the last time the previous Labor government had a go at this was fundamentally flawed and did not encourage proper competition, and the taxpayer was the loser.

This is a very important piece of legislation. The balance for the community and for us as legislators is to ensure that there are appropriate risk management processes in place and appropriate ways to prevent problem gambling and to help as a community those that do have problem gambling while recognising the right of individuals for recreation purposes to play the pokies, entertain themselves and socialise at these venues. I think we need to recognise the role that clubs in particular play in country communities. The local sporting club, which may have 40 or 50 machines, can often be integral to the lifeblood of a small community.

There are many unanswered questions, though, with this bill, and I look forward to the opportunity of considering those in detail through the committee stage. As I said, we have received amendments from the Greens today and I look forward to, together with other members of the chamber, working through those through the committee-of-the-whole process.

Let me conclude where I began and say let us hope that the processes that the government, the Department of Treasury and Finance and the Department of Justice and Regulation have gone through to put this legislation together, to put financial models together and to understand the marketplace will enable us to set prices

that represent fair value for the asset and that represent good value for the taxpayer. Let us hope the lessons from last time, where the Victorian community was short-changed by $3 billion, have been learned and appreciated and are not being repeated through this legislation. The opposition will not be opposing this bill but will have extensive and detailed questions to pose during the committee stage. I look forward to the passage of the second-reading motion to enable that process to occur.

Ms HARTLAND (Western Metropolitan) (18:07) — This bill does not actually have much that is of benefit to the community. It has a huge amount of benefit to the large pokie venues and especially to Crown Casino. The bill determines what will happen after 2022. It extends licences from 10 to 20 years and stops pokie numbers growing from their current total, but that also means that these numbers will not decrease. I find that really interesting when you consider that a number of areas in Melbourne are already completely saturated with pokie machines.

I would like to read out a letter from Brimbank City Council, which of course takes in part of the gaming minister's own electorate and which is profoundly affected by pokies. Cr John Hedditch has sent me a few personal remarks, which I will quote, and then I will read the formal letter from the council. Cr Hedditch would like me to mention:

> … the ongoing harm that would be done by this legislation being passed 'as is' to places like Brimbank, where the government has been stepping over the mark in a most unfair way for decades …
>
> Surely the minister for gaming with her local constituency in Brimbank can do something better than the current 'protection of revenue' piece of legislation.

The formal letter from the Brimbank council states:

> This email is sent following receipt of a joint letter from the Victorian Local Governance Association and the Alliance for Gambling Reform encouraging concerned community members to make contact with Victorian upper house MPs in their region.
>
> Legislation to extend poker machine entitlements for 20 years from 2022 until 2042 was passed through the Legislative Assembly and the bill is to be debated in the Legislative Council as early as this week.
>
> The VLGA believe that the legislation could be improved if the Legislative Council took time to consider evidence-based amendments to reduce the harm that poker machines cause.
>
> As you know, Brimbank fares worst of all Victorian local government areas when poker machine loss data is released. The social harm in this community is enormous.
>
> A recent University of Queensland report revealed gambling inflicts $7 billion in social harm on Victoria. Given Brimbank's status as the biggest pokies loser one can only wonder what slice of the $7 billion social harm is attributable to this community?
>
> While the government collects $60 million in tax revenue each year from Brimbank little comes back to enable community infrastructure alternatives e.g. sport and recreation, arts and culture facilities to be built. The tax is supposed to come back in the form of hospitals and charities funding but one can only wonder how the ledger is being balanced when the past 20 years of losses in Brimbank alone are considered. 20 years x $60 000 per annum = $1.2 billion. I don't see anything like that level of investment in our local health and wellbeing systems.
>
> There is no requirement to rush the bill through the house. Existing EGM entitlements do not run out for another five years.
>
> The legislation and policy caps Brimbank's poker machine numbers at existing levels. All this does is lock in the highest level of social harm imposed on a community for another 20 years at least. Brimbank actually needs less poker machines.
>
> If the proposed legislation proceeds unchanged then over the next 20 years at least another $1.2 billion in pokies tax revenue will be collected from Brimbank while council, police and service providers are left to mop up the social mess left behind.
>
> This atrocious social outcome for Brimbank and the wider west has to be stopped in its tracks and the government reminded that this policy is far from fair.
>
> I am therefore seeking your assistance to make sure the bill is properly debated and amendments are considered.
>
> Specifically, the VLGA and Alliance for Gambling Reform are seeking the following changes to the bill:
>
> 1. a ban on cashless gambling;
> 2. a reduction in the amount of cash that can be withdrawn in venues to $200 per day;
> 3. an increase in the minimum closing period for venues from 4 hours to 10 hours;
> 4. maintain the 50-50 split in EGM numbers between clubs and hotels;
> 5. lower maximum bets from $5 to $1;
> 6. maintain the existing licence term at 10 years.
>
> The preferred option is that the bill be referred to a standing committee so that these amendments can be fully considered and properly consulted on with community.

In relation to all of these things that the Victorian Local Governance Association and Brimbank council have written about, I have also had similar letters from Moreland council and Hobsons Bay council. They are also very concerned about this legislation.

I want to talk about some very particular things in this bill. We will talk more about cashless gambling in the committee of the whole. I see it as being of total detriment to people who already have problems with gambling. Imposing a limit of $500 on EFTPOS withdrawals is way too high; $500 can just about wipe out someone's pay, and they can do it every 24 hours. It is not like there is a limit in a week. We think the bare minimum should be $200. I can remember when we negotiated to have ATMs taken out of pokies venues in my first term of Parliament because we saw ATMs in pokies venues as being an absolute enabler. People did not have to leave a venue; they could just keep losing their money.

The government should really think about putting this bill on hold, especially because again today we have had more allegations about tampering at Crown Casino. The government keeps on saying that it is fine and that the regulator can look at it, but really should the regulator, the people who should have been putting a stop to this, be the ones who should be investigating it? I think it should be the police. The Greens have written to the Ombudsman about this matter because we do not think that the regulator should be investigating themselves or Crown.

In relation to dollar bets, it is a logical thing that should happen. The Greens have previously put forward a private members bill about this very issue. When we did our calculations the interesting thing to us was that about 80 per cent of people already have their own form of dollar bet. They take their $20, they lose their $20 and they go home. We are talking about the need for dollar bets for people who are serious problem gamblers — the people who will lose their entire pay packet in one hit and who will lose the mortgage and the food money in one hit. They are the people we should be targeting.

As I have already said, the government is putting forward the $500 a day limit as some kind of harm minimisation move. It is not at all. In fact a government study shows that problem gamblers withdraw an average of $318 per gambling session versus $66 for a non-problem gambler, so why do we need $500 a hit? It just is not good enough, and we have support from the Victorian Local Governance Association and the alliance to say that there should be a limit of $200.

Venues should be closed for at least 10 hours a day. This is not in the bill. I do not understand why venues need to be open for 20 hours a day. All you are doing is encouraging people to lose money. All you are doing is allowing pokies venues to rip people off as much as possible. There seems to be no regard by the minister on this issue for problem gamblers.

The 50-50 rule should be maintained. At the moment half of the licences go to clubs and half to hotels, but the bill will allow the minister to change this ratio. It could see a couple of hundred unused club licences. Remember that a lot of those club licences belong to small sporting clubs, and my experience in talking to these people is that actually the pokie machines have not been a financial windfall; they have been a financial detriment. There are many smaller clubs that would gladly give up their licences, which means that the big providers, the people who rip people off the most, would get more machines.

The bill increases the maximum number of club entitlements owned by one operator from 420 to 840, doubling their entitlement. These are the organisations that deliberately set out to rip money out of people's pockets. These are not benevolent societies; these are people who do not care about the people who come through their front doors. They just want to take as much money out of their pockets as possible. That means that any one operator can now own 35 per cent of hotel entitlements, which is 4813 machines. That is currently about how many Woolworths own. I think people should think about that when they go shopping at Woolworths — that Woolworths are also a major pokies owner. They do not care how much they rip out of people's pockets.

In the committee of the whole I will be asking a range of questions, and I will be talking to my amendments. But for me the bottom line is that, especially living in the western suburbs, I see absolutely no benefit from pokie machines. I do not understand why it is acceptable to have large numbers in low socio-economic areas or why it is that the AFL thinks it is acceptable to have large numbers of machines in areas where they are basically ripping people off. I think we have to start looking seriously at this issue of pokies and the damage they do and also at the fact that governments of all colours are completely addicted to the money they receive from taxes from pokie venues.

Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).

Debate adjourned until next day.

ADJOURNMENT

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

That the house do now adjourn.

GenesisCare

Ms LOVELL (Northern Victoria) (18:19) — My adjournment matter is for the Minister for Health. In telling the tragic story of the late Cherry Thompson and with the general manager of GenesisCare recently advising me that they have been granted a health program grant by the federal government for a licence to establish radiotherapy services in Shepparton, the state government has been provided with a clear pathway to ensure publicly funded radiotherapy is available to all Shepparton patients. After listening to Cherry's story, as told by her daughter Sharelle, will the minister give a commitment to work with GenesisCare and establish a public-private partnership with them to ensure access to publicly funded radiotherapy services in Shepparton?

Members in this place would know that I have continuously highlighted this need by telling the stories of cancer survivors who were forced to travel long distances to receive life-saving radiotherapy treatment. My story today is sadly a different one, and it is told by Sharelle Thompson, who recently lost her beloved mother, Cherry, to brain cancer. It also highlights the need for all public patients to be able to access services in Shepparton so that some are not forced to travel because they cannot afford private treatment or do not meet the guidelines of a shared service. Cherry gave up treatment because she could not cope with travelling to Albury from her home in Mooroopna. I think Sharelle's own words tell her mother's story best, and I would like to read the email she wrote to me:

> I just read this article from the *Shepparton News* …

on the need for radiotherapy services at GV Health —

> and felt like I would like to share my experience with the absolute need for this in Shepparton.
>
> My mother was diagnosed with brain cancer in March of this year. It was an aggressive grade 4 glioblastoma tumour and was given a prognosis of 14 months with treatment. The treatment involved oral chemotherapy and a course of radiation. We were sent to the regional cancer centre in Albury where we organised for her to stay in the accommodation there, but as my dad is elderly and doesn't drive anymore and following brain surgery my mother was not able to drive, it provided a massive obstacle in getting her to and from Albury weekly and even walking the 10 minutes to the hospital from the accommodation as she had difficulty walking due to the part of the brain that was affected. After two treatments she made the decision to not continue treatment as she didn't want to travel and be away from family and friends for weeks on end. She wanted to be home surrounded by family. She said if the treatment was available in Shepparton, she would have done it to try and fight it, but her desire to not travel every week and stay home was stronger.
>
> Unfortunately, she passed away in palliative care in July, five months after diagnosis.
>
> If this story or if I can do anything to assist getting radiation services to Shepparton, I would be happy to assist in any way …

The general manager of GenesisCare recently advised me that they have been granted a health program grant by the federal government for a licence to establish radiotherapy services in Shepparton. As GenesisCare is a private provider, it is now crucial that the government works with GenesisCare to ensure the new facility will operate under a public-private partnership to ensure all public patients will have access to publicly funded radiotherapy in Shepparton, not just selected patients, as it would be under a shared care arrangement.

Werribee Park National Equestrian Centre

Mr MELHEM (Western Metropolitan) (18:23) — My adjournment matter is directed to the Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans, the Honourable John Eren. The matter relates to the proposed upgrade of Victoria's premier venue for grassroots, national and international equestrian events in Werribee. Since 1984 the Victorian state equestrian centre at Werribee Park has featured indoor and outdoor equestrian facilities for major equestrian events and elite training, including dressage, showjumping, show horse polo and cross-country. These events are a huge boost to tourism, jobs and local businesses, showcasing the best of everything Victoria has to offer.

The planned future development will boost participation at the grassroots level and support our very best elite Olympic heroes. Australian equestrian champions have done us proud, having won 21 Olympic and Paralympic medals and nine World Equestrian Games medals. The facility also caters for over 200 affiliated clubs and 5000 registered athletes, from pony clubs to show horsing, and it has strong community support and participation.

Our modern makeover of the Victorian state equestrian centre will deliver state-of-the-art facilities which are needed to train our next generation of world-class heroes. The action I seek from the minister is for him to provide me with further details about what the plans are

for the upgrade and what sort of support the state government is willing to invest in upgrading that important facility. I seek his support for the upgrade of that facility and putting some serious investment into the facility so we can make sure it remains a first-class facility for our athletes.

Les Twentyman Foundation

Mr FINN (Western Metropolitan) (18:25) — My adjournment matter is for the Minister for Youth Affairs. We are all aware of the wonderful work that Sir Les Twentyman does in the western suburbs of Melbourne. I have spoken of him and the work that he does on a semiregular basis, I suppose, in here for some years. But I have not spoken at any length at all on the work that his foundation, the Les Twentyman Foundation, does. It is doing some extraordinary things not just in the western suburbs but beyond as well — certainly in the western suburbs but well beyond the established home ground, as it were.

The Les Twentyman Foundation is not just saving kids but also actually turning them into community leaders. It is turning them into leaders of communities that quite frankly have been floundering due to a lack of leadership. They are predominantly young people from countries that have been ripped apart by war who have escaped quite often in fear of their lives. What the Les Twentyman Foundation is doing is getting those young people, turning them into something special and showing them what leadership skills they have and what leadership skills can do for them and their communities. It is in fact empowering young people in a way that a lot of these young people have never been empowered in before. They are not just changing individual young people's lives; they are changing whole communities as a result of what they are doing. What they are doing is absolutely remarkable, and I have visited them many times. I have seen, spoken with and met these young people myself, and you cannot help but walk away with enormous admiration not just for them but for those who are turning their lives around.

Having discussed this with some of the people down there lately, I can understand why they are concerned. They are getting nowhere near the government support that some of the other groups and charitable organisations are getting. Quite frankly I think that stinks. Given that the Les Twentyman Foundation is doing such a remarkable job, I think it is only fair and decent that they get a fair slice of government funding. So I ask the minister to take that on board and to provide some sizeable funding to the Les Twentyman Foundation.

Western Highway duplication

Mr RAMSAY (Western Victoria) (18:28) — My adjournment matter tonight is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan, and the action I am seeking is for him to, if required, intervene in the stalemate over the duplication of the Western Highway between Buangor and Ararat. I took the opportunity of travelling to Horsham on Sunday, and to my horror I noticed that around Trawalla — which is part of the duplication that has already been built — the pavement that is barely 12 months old is being ripped up again. I am wondering what on earth could have happened in 12 months to have led to brand-new pavement being ripped up again. Although this is not my request of the minister, I am horrified that there seem to be problems associated with the duplication of the Western Highway whereby it appears some foundation or some material is substandard to the point where we are now having to rip up and re-lay pavement that has only recently been installed.

The matter that I want to raise with the minister is that $162 million has already been allocated to the Buangor to Ararat duplication. We know the project has been contested through the Supreme Court in relation to some community members' concerns about the current route. Nevertheless, the Ararat Rural City Council has supported the planning approval for the work to continue and the money is in the bank, yet there are no roadworks happening. So the action I seek is for the minister to use whatever influence he has to get this work up and underway, given that the money has already been allocated, VicRoads has already chosen the preferred route and Ararat Rural City Council has supported the planning approval process.

Neighbourhood houses

Ms CROZIER (Southern Metropolitan) (18:30) — Neighbourhood houses provide a range of extremely worthy programs and activities which assist thousands of Victorians each week. Those activities and programs may include child care, assistance with family violence or mental health issues, and programs to do with literacy or isolation, especially in regional and rural Victoria, where some of the most disadvantaged Victorians reside, some of whom do not have the same access to services as people who live in metropolitan Melbourne or the larger regional centres.

Mr Dalidakis — Which minister?

Ms CROZIER — For Minister Mikakos, I beg your pardon.

Neighbourhood houses are situated in every electorate and every local government area across the state, and they have not received any funding since funding was provided by the former Liberal-Nationals government. I have been approached over the past few weeks by a number of concerned community members who are completely exasperated in relation to what they can do regarding the failure of the Andrews government to deliver on this very important election promise.

What is at risk if this funding is not delivered is that some neighbourhood houses may in fact close. The 2014 ALP policy platform headed 'Neighbourhood houses and community enrichment' states:

> Feeling connected to the community is critical to wellbeing. Labor recognises the investment required to provide opportunities for social and economic participation, education, recreation and social inclusion. Labor recognises the important role facilities like neighbourhood houses and men's sheds play in being places of inclusion for many people, as well as assisting in social cohesion, the provision of education and the opportunity to volunteer in local communities.

Whilst I acknowledge government activity in the men's shed area — I know that the minister has been out there providing funding for men's sheds, and I commend that — the neighbourhood houses really are at a loss, as I said, in relation to what they can do to achieve what require. For them to remain open, to remain viable and to provide those services to thousands of Victorians, they need that funding that was promised.

The action I seek is for the minister to urgently provide the funding that was promised in 2014 to those neighbourhood houses across the state so they can continue with the very good work that they undertake every single day in providing support and assistance to so many vulnerable Victorians.

Darebin–Yarra trail link

Ms DUNN (Eastern Metropolitan) (18:32) — My adjournment matter is for the Minister for Roads and Road Safety, Luke Donnellan, MP. Residents in Alphington were delighted with the announcement by the Andrews government that the Yarra cycling trail will finally be completed. However, they want to see the Farm Road link constructed in synchrony with the Darebin Creek bike path bridge, and they want that to occur before the bridge and the bike path connecting to the main Yarra trail are opened, otherwise residents from South Alphington will be unable to access this path from their neighbourhood and will be forced to ride to Heidelberg Road to get onto it. Furthermore, there will be economies of scale if both projects are completed together. The action I seek is that the Minister for Roads and Road Safety ensure construction of both projects is expedited to provide a complete cycling link.

Melbourne Metro rail project

Mr DAVIS (Southern Metropolitan) (18:33) — My matter is for the attention of the Minister for Public Transport in the other place. It concerns the recent placement on government websites of a series of further plans regarding the Metro Tunnel — main works, heritage permits, the proposed site plans, a slew of aspects that impact directly on the activities of the Metro project and particularly the protections that may be put in place with respect to heritage parklands in Docklands, around the Shrine of Remembrance and the Edmund Herring oval, and other key steps that need to be taken.

These are all on extremely short time frames. The placement of those plans at this point, with closure dates in mid-December and early December in some cases, means that meaningful consultation and input is unlikely to occur. Given that many of the assets involved are important heritage assets, I believe that there is a reasonable case for an extension that enables the community to put its view forward. Two weeks, or even three weeks, is a very short period for a series of very large and complex documents.

I note that this applies to the works plans. It also applies to permits that are within the purview of Heritage Victoria, and that is obviously within the Minister for Planning's purview. But Heritage Victoria cannot unilaterally extend the period for notification and the period for consultation. It requires the approval of the Melbourne Metro Rail Authority to enable Heritage Victoria to continue to take submissions after this period. I know many people in the area of the proposed Domain station and the heritage assets that surround it do want to make submissions to make sure that those heritage assets are protected in this process.

We all want to see the tunnels go forward; we all want to see the minimum impact. I am on the record indicating that I have concerns about the government's particular approach, but in this circumstance there are very specific points that many people from around the area of the Domain station will want to make, and that will require some time given the complexity of the large number of submissions, and I have only listed a number of the ones that have appeared in this recent period. I ask the Minister for Public Transport to please support a sensible and balanced extension.

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (18:36) — I have had adjournment matters this evening from Ms Lovell to the Minister for Health in relation to the ongoing concern about radiotherapy services in her electorate; from Mr Melhem asking the Minister for Tourism and Major Events to provide plans for the upgrade of the Werribee Equestrian Centre, including funding for it; from Mr Finn to the Minister for Youth Affairs asking the minister to provide additional dollars to the Les Twentyman Foundation to continue the good work that the Les Twentyman Foundation undertakes; from Mr Ramsay to the Minister for Roads and Road Safety regarding the duplication of the Western Highway; from Ms Crozier to the Minister for Families and Children regarding funding for neighbourhood houses; from Ms Dunn to the Minister for Roads and Road Safety asking that he expedite two bike path constructions; and from Mr Davis to the Minister for Public Transport asking for an extension of consultation dates by the Melbourne Metro Rail Authority in relation to heritage assets.

Further to that I have written responses to 14 adjournment matters.

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

House adjourned 6.38 p.m.