

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 7 March 2017

(Extract from book 5)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 10 November 2016)

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Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
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Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
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Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

Ms Dunn, Mr Elasmarr, Mr Finn, Mr Melhem, Mr Morris, Ms Patten, Mr Ramsay

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Mr G. BARBER

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

² Appointed 15 April 2015

³ Resigned 27 May 2016

¹ Resigned 25 February 2015

⁴ Appointed 12 October 2016

PARTY ABBREVIATIONS

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

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Tuesday, 7 March 2017

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

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT — Order! On behalf of the Victorian Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations 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 28 February to:

**Children Legislation Amendment (Reportable Conduct) Act 2017
Climate Change Act 2017.**

PETITIONS

Following petitions presented to house:

Youth justice centres

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws attention to the Legislative Council that the residents and council of the City of Wyndham were never consulted about the Andrews Labor government's unfair decision to build a prison in Werribee South for violent youth thugs. Due to the recent mass escape from Malmsbury Youth Justice Centre, the following violent crime spree, and the way the Andrews Labor government has lost control of crime in our community, we are seriously concerned at the risk to our families and our children, especially in Werribee South, Point Cook, Werribee, Hoppers Crossing, Wyndham Vale, Laverton, Tarnet, Williams Landing and Truganina.

The petitioners therefore request that local members Tim Pallas MP, Jill Hennessy MP, Minister Jenny Mikakos and Premier Daniel Andrews reverse this unfair decision that puts our community in danger.

**By Mr FINN (Western Metropolitan)
(466 signatures).**

Laid on table.

Ordered to be considered next day on motion of Mr FINN (Western Metropolitan).

Upper Ferntree Gully building height limit

To the Legislative Council of Victoria:

This petition of residents of Victoria draws to the attention of the house the independent assessment and recommendations of Knox City Council amendment C141 *Upper Gully Strategic Plan*, by Planning Panels Victoria.

Attention is also drawn to the community's grave concern that after two years of extensive consultation and expenditure of public funds in excess of \$400 000, council officers, council legal representatives and professional consultants agreed with the Knox community and the panel that in order to protect the iconic gateway to the Dandenong Ranges and protect the vistas for future generations, mandatory height controls were required.

The panel agreed with the community that a maximum mandatory height limit of not more than 8.5 metres (two storeys) in the Upper Ferntree Gully activity centre should be embedded into the Knox planning scheme. The regional significance of the Dandenong Ranges foothills is demonstrated by existing policy that directs that urban consolidation objectives must not outweigh the environmental and landscape objectives, recognising the foothills metropolitan landscape significance by maintaining uninterrupted view lines and ensuring that buildings sit below the dominant tree canopy.

Knox councillors have resolved to abandon amendment C141 without due cause and revert to discretionary height controls.

We draw attention to the fact that this would place Upper Ferntree Gully, the gateway to the Dandenongs, as the only activity centre in the Knox foothills without mandatory maximum building height controls.

The petitioners therefore request that the government intervene on behalf of the community and approve amendment C141 with the mandatory maximum building height controls of 8.5 metres as recommended by the independent panel.

**By Mr O'DONOHUE (Eastern Victoria)
(2010 signatures).**

Laid on table.

Ordered to be considered next day on motion of Mr O'DONOHUE (Eastern Victoria).

QUESTIONS ON NOTICE

Answers

The PRESIDENT — Order! I might indicate at this juncture that several members have written to me about reinstatement of questions that they have received answers for but do not believe that those answers responded to the questions. I have received a letter from the Honourable Mary Wooldridge in respect of questions 7638 to 7639 and 7694 to 7698. They were all to the Minister for Roads and Road Safety. Having

looked at those questions and the responses given by the minister, I am of the view that I should order those questions to be reinstated. Ms Wooldridge also sought the reinstatement of two further questions, which were questions 7714 and 8522. Having looked at the answer to those, I am of a view that those should not be reinstated, because the answer was sufficient.

Mr O'Donohue has written to me in respect of questions on notice 9005 to 9404, 9423 to 9722 and 10 192 to 10 475 and requested the reinstatement of those questions. I am of the view that the responses were insufficient, and I reinstate those questions. Mr O'Donohue has also written to me in respect of questions on notice 10 476 to 10 479. I have perused those questions and the responses, and I am not of the opinion that I should reinstate those questions.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Retirement housing sector

Ms FITZHERBERT (Southern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Ms FITZHERBERT (Southern Metropolitan) — I move:

That the Council take note of the report.

It is a pleasure to table this report, which is the result of many months of work by the Standing Committee on Legal and Social Issues. This is another reference to this committee which has created considerable public interest, with many people in organisations making submissions and being very keen to appear. It was obvious from the outset that this was going to happen.

We have big growth in demand for retirement housing, and residents have changing expectations about what retirement living should look like. This creates a range of challenges for government and industry alike. A combination of demographics and social change combined with competition from developers means that the retirement housing industry is finding it difficult to supply enough housing to meet this demand. Some of the issues confronting the retirement housing sector, in particular availability and cost, are shared with the broader housing sector, and I note that the specific housing needs of older people were not addressed in

any way by the Andrews government in its recent announcements on housing.

It is also a challenge for government to ensure legislation keeps pace with the rapid change we are seeing in a way that protects consumers and provides the sector with the certainty that it needs to grow. In fact throughout this inquiry the committee faced the difficult act of balancing the, at times, conflicting interests of retirement housing residents and the sector itself. One of the major issues that was raised in evidence is that the existing dispute resolution process needs to be improved. Currently the process is broadly to use the dispute resolution process at the retirement village or the place where the retiree is living and after that it is off to VCAT. In other words, too often residents face a long and expensive road to resolve disputes at a time in their lives when this is particularly difficult.

Many of those who submitted to the committee called for an ombudsman. The committee resolved that this is appropriate and believes that it may be done by either expanding the jurisdiction of an existing ombudsman or through a new role. Other recommendations made by the committee include improving management standards in the sector and measures to improve the quality of legal advice for retirees; a complete review of the Retirement Villages Act 1986; adjusting how deferred management fees are calculated; and consideration of retirement housing zones in Victoria through planning law.

In addition, the variety of problems brought to the committee's attention included contracts that were complicated and not always well understood and the fact that reliable legal advice can be hard to access. Also there are cost-of-living pressures for those on fixed incomes, and relationships between residents and management can sometimes be fractious. I think that these are in summary the main themes of the evidence that was given to the committee, and I believe that the recommendations that have been made by the whole committee respond to these in an appropriate way.

I should say that the committee did not expect to solve every problem identified by residents and industry providers during the inquiry, nor did it have the ability to carry out a wholesale review of the several pieces of complicated legislation that cover retirement housing in Victoria. However, we did identify a number of opportunities for improvement, and the recommendations that I have referred to and others within the report we think go some way to addressing the key issues. In particular we believe the recommendation regarding an ombudsman with

binding decision-making powers will go a long way to improving a key issue that people raised with us.

The committee is grateful to everyone who made submissions to this inquiry and took the time to speak with us at our public hearings. The combination of professional expertise and personal experience was invaluable in helping us understand the key issues in this area. The committee also thanks the secretariat for their hard work on this inquiry: Mr Patrick O'Brien, Ms Michelle Kurrle, Mr Anthony Walsh, Ms Prue Purdey and the committee's administration assistants.

Finally, I would like to thank Mr Edward O'Donohue, who was chair of the committee for the majority of this inquiry, and also my parliamentary colleagues on the committee for the way they have worked together to produce this final report. I commend this report to the house.

Ms SPRINGLE (South Eastern Metropolitan) — I too would like to commend the good work of this committee, and particularly the staff. Patrick O'Brien, Michelle Kurrle, Anthony Walsh and Prue Purdey, as usual, have provided exceptional support to the committee on a really important inquiry for a good portion of the population. We were very pleased to see so many people submitting to the inquiry. It is an area that has been crying out for attention for quite some time, and I hope the work that the committee has done in this area will be of some benefit to people who have been struggling in terms of their accommodation in the retirement housing sector. Obviously we are not going to please everyone all the time, but we have come up with a good set of recommendations that address some of the key concerns of the community.

I would like to thank my colleagues on the committee. As usual we have managed to come up with a report and recommendations that are mainly policy based and not political, and I think that can be attributed to the goodwill that the committee brings to the table on all of its inquiries. I commend the report to the house.

Ms PATTEN (Northern Metropolitan) — I too would like to say a few brief words about the inquiry into the retirement housing sector. It was a fascinating inquiry. It is probably just the beginning of many in addressing this fast-growing sector of housing requirements. Seeing the variety of retirement housing as part of the inquiry also highlighted the complexity of finding regulation and legislation that meet the needs of that very diverse and growing sector.

We heard during the inquiry that there is a huge housing shortage, and that is only going to grow. This

inquiry started out by looking at the dispute resolution processes for retirement housing due to the complexity of contracts and the complexity of management fees and deferred payments. This committee has made some positive recommendations on how we can simplify this complexity. Certainly the recommendation for the establishment of a retirement housing ombudsman is very good and sound.

Looking at the Consumer Action Law Centre's press release today, it noted that to take a dispute about retirement housing through VCAT, which is the only option for people in retirement housing now, costs upward of \$250 000. This is entirely unacceptable for people who do not have the time to be going through a two-year process with VCAT, and also the need for that sort of money makes them unable to successfully state and argue their case. I hope that we have found a balance.

I would like to thank the secretariat and my fellow members, and I commend the report to the house.

Mrs PEULICH (South Eastern Metropolitan) — I also wish to just make a few brief comments on the occasion of the tabling of the Standing Committee on Legal and Social Issues report of its inquiry into the retirement housing sector. First and foremost I congratulate the new chair on being able to take over the compilation of the report and preside over its tabling, having taken over from Mr Ed O'Donohue. The committee has worked very collaboratively on this particular issue. It is not one of those divisive issues. We all recognise the challenges in this sector of retirement housing, especially given the ageing demographic, and also the cost of housing means that this is a huge investment by people as they make a choice about where they will live.

Most people actually aspire to age in place in their own homes, and can I say that most of them probably have to because to do otherwise is often not an attractive economic option. I commend the Prime Minister for placing housing affordability on the national agenda. In particular I would encourage all political parties and levels of government to look at what can be done to reduce the cost of housing and in particular the cost of downsizing for retirees and pensioners. Without that we will continue to have a chronic shortage.

Finding a cost-effective and binding mechanism for dispute resolution is necessary. Clearly the Victorian Civil and Administrative Tribunal, which was intended to be a people's court — cheap and fast — has not been that. The system therefore requires further refinement. This will evolve. It is not going to get rid of all the

problems, but I think it does strengthen the complaints mechanism. It gives residents a greater opportunity to have their concerns addressed, given the size of the investment. I commend the work of the committee but also Patrick O'Brien, the secretary, and his team. He has been outstanding in that role, and I thank him for it.

Mr O'DONOHUE (Eastern Victoria) — I would also like to just add a couple of comments in relation to the inquiry into the retirement housing sector and, like other speakers, to congratulate and thank the secretariat, led by Patrick O'Brien.

Several very important issues were raised through this inquiry: the issue of differential rates for retirement housing, in retirement villages in particular, which were made much more difficult by the rate capping policy decisions of the Labor government; and that of the ability to access cost-effective, binding and quick decision-making processes. That currently does not really exist. That is why the committee has recommended that either an existing ombudsman or a new ombudsman have jurisdiction to provide that dispute resolution mechanism, and I hope the government listens to that recommendation. As Ms Patten and Mrs Peulich said in relation to the issue of supply, the population is ageing, supply is not keeping pace with the increasing demand and that is creating cost challenges and cost pressures, which need to be addressed.

The issue of resourcing for committees I think is also raised by this report. There are some very complex issues and hundreds and hundreds of submissions received, and the secretariat works incredibly hard but simply does not have the resources to respond to all the issues that are raised in a complex inquiry such as this. I think that is something which the house should give consideration to at a later time.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 3 of 2017, including appendices.*

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Australian Children's Education and Care Quality Authority — Report, 2015–16.

Crown Land (Reserves) Act 1978 — Ministerial Orders for approval for leases in relation to Phillip Island Nature Park, dated 24 February 2017.

Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners — Report, 2015–16.

Essential Services Commission Act 2001 —

Review of the Act pursuant to section 66(3).

Government response to the Review of the Essential Services Commission Act 2001.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(4) in relation to Dangerous Goods (Explosives) Regulations 2011, Dangerous Goods (Storage and Handling) Regulations 2012, Dangerous Goods (Transport by Road or Rail) Regulations 2008 and Occupational Health and Safety Regulations 2001 and Statutory Rule No. 2.

Municipal Association of Victoria — Report, 2015–16.

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

Banyule, Boroondara, Manningham, Nillumbik, Stonnington and Yarra Planning Schemes — Amendment GC48.

Whitehorse Planning Scheme — Amendment C212.

Whittlesea Planning Scheme — Amendment C187.

Professional Standards Act 2003 — Instrument amending RICS Valuers Limited Scheme pursuant to section 14 of the Act, dated 7 February 2017.

Statutory Rules under the following Act of Parliament —

Dangerous Goods Act 1985 — No. 2.

Victorian Civil and Administrative Tribunal Act 1998 — No. 3.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 1 to 5.

Legislative Instruments and related documents under section 16B in respect of —

Assisted Reproductive Treatment Amendment Act 2016 — Guidelines pursuant to section 100A of the Act, dated 27 February 2017.

Victorian Commission for Gambling and Liquor Regulation Act 2011 — Approval of premises as suitable for gaming, dated 13 February 2017.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No. 1/2017, Gazetted 23 February 2017.

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

Estate Agents Amendment (Underquoting) Act 2016 — 1 May 2017 (*Gazette No. S35, 21 February 2017*).

Traditional Owner Settlement Amendment Act 2016 — Parts 1 and 3 and sections 4 to 10, 25 and 27 — 28 February 2017 (*Gazette No. S44, 28 February 2017*).

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 8 March 2017:

- (1) notice of motion given this day by Ms Crozier calling for business case documents for the Werribee youth justice prison;
- (2) notice of motion 356 standing in the name of Mr Davis in relation to the Melbourne Metro rail project;
- (3) notice of motion given this day by Ms Springle in relation to vilification and discrimination in Victoria;
- (4) notice of motion given this day by Ms Fitzherbert in relation to the second residence allowance; and
- (5) notice of motion 362 standing in the name of Mr O'Sullivan referring a matter to the Environment, Natural Resources and Regional Development Committee.

The PRESIDENT — Order! I will put the precedence motion in a second. I would just make the comment that, in terms of the precedence motion that Ms Wooldridge has moved, I advise the house that I have convened a meeting of the audit committee of Parliament, and the committee has requested PwC to conduct an audit in respect of the second residence allowance, which is the subject of one of the motions proposed for tomorrow. The motion actually calls on the Special Minister of State to take action. I would just advise the house in terms of any debate that might occur on that motion tomorrow that the audit committee will not be reporting back to me on that matter until late next week, and obviously part of that report will be whether or not the member or members had an entitlement to claim that allowance. So that is a matter that does need to be considered in terms of process in regard to that motion.

Motion agreed to.

MINISTERS STATEMENTS

Aboriginal children and young people

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on what the Andrews Labor government is doing to keep Aboriginal children in out-of-home care connected to their culture. Last Wednesday at the sixth Aboriginal children's forum I was proud to launch the Victorian Aboriginal Child Care Agency (VACCA) and the Gippsland and East Gippsland Aboriginal Cooperative (GEGAC) return to country framework. Since their commencement in October 2015 these forums have been instrumental in driving our shared agenda to improve the lives of at-risk Aboriginal children across the state. The framework will guide my department in making sure Aboriginal children and young people in out-of-home care maintain their connections to country.

We know that for an Aboriginal child to grow into a strong Aboriginal person they must be supported to learn about and maintain connections to land, family, community and culture. A pilot model will be undertaken in Gippsland, led by GEGAC and VACCA. The program will offer cultural and family connection programs over the next 18 months for 20 Aboriginal children and young people in Gippsland who live in out-of-home care. This will include travelling to their home country, meeting elders, visiting sacred sites, transferring knowledge and learnings about songs, stories, art, tracks, places, landforms, plants, animals and natural resources connected to their country.

This framework will give more Aboriginal children that important exposure to culture and family and will also allow Aboriginal communities and families flexibility to design programs that reflect their needs. The Andrews Labor government is committed to self-determination for Aboriginal people, and the return to country framework is an important step in that direction.

SPEAKER OF THE LEGISLATIVE ASSEMBLY

The PRESIDENT — Order! I take this opportunity to advise the house of the resignations of the Speaker of the Legislative Assembly and the Deputy Speaker of the Legislative Assembly following our last sitting week. I wish to place on record my personal thanks to the former Speaker, Telmo Languiller, for the support he provided to me in my responsibilities as President of the Legislative Council. We did work together well, and I am somewhat saddened by the fact that he has sought to resign in circumstances that are obviously

being reviewed. I make no comment on those circumstances, but I simply do express a regard for Mr Languiller and my appreciation for the work that he did with me.

It is now my very pleasant duty to advise the house that I am advised by the other place that Mr Colin Brooks, the member for Bundoora, has been elected by the house as the new Speaker. I indicate that I certainly look forward to working with him in ensuring that the Parliament's administration continues to service the members and the people of Victoria in an exemplary fashion. As I said, I certainly congratulate Mr Brooks on becoming the new Speaker of the Legislative Assembly.

MEMBERS STATEMENTS

Warragul Show

Mr BOURMAN (Eastern Victoria) — My members statement today concerns the Warragul Show. I went to the Warragul Show on Saturday, my first regional ag show in ages. I used to go to the St Arnaud Show in the 1980s when I was at school and a couple of Western District shows over the years whilst visiting my family.

An honourable member interjected.

Mr BOURMAN — Yes, I am showing my age. Nothing really has changed, and believe me that is good. Ag shows are there to showcase the many facets of rural life as well as the rides, show bags and all sorts of food that someone of my vintage should not be eating. There are all sorts of interesting things. The shows are a time for families, as well as those serious about the competitive aspects, to get together and enjoy themselves. The Warragul Show president, Harold Spargo, and his team did an amazing job in organising the show. The passion that Harold has for the show was evident, and I think he and the team can be very proud of the results of their labours.

Valerie Singer

Mr BOURMAN — On a separate note, I wish to mention my Aunty Val, who passed away on Friday morning of the last sitting week. Valerie Joy Singer, nee Knight, passed away after a long battle with cancer. Rest in peace, Aunty Val.

Member conduct

Ms WOOLDRIDGE (Eastern Metropolitan) — Not content with having lost three ministers and a Government Whip, the Andrews government has sunk

to a new low with a fresh crisis over the past fortnight: the unprecedented loss of a Speaker and a Deputy Speaker due to systemic rotting of the political entitlements system by these Labor MPs. The former Speaker of the Legislative Assembly, the member for Tarneit, told Parliament in 2004:

Anyone who tries to rot the system by claiming benefits they are not entitled to will be caught out.

Well, he was caught out living outside his electorate and claiming money for the privilege of that, but he did the honourable thing and resigned as Speaker, subjected himself to an audit and offered to pay the money back.

The Deputy Speaker, the member for Melton, on the other hand was also then caught out and found to be the biggest rotter in the history of this Parliament. It was the former Deputy Speaker who said in June 1996 in the Parliament:

It is not right to rot the system and misuse public funds, regardless of who is in government. That is one of the guiding principles, whether you are in opposition or in government.

The extent of the member for Melton's rorts is extraordinary. Mr Nardella lived kilometres away from his electorate, claimed allowances in Ocean Grove and had a Mordialloc base for his Melbourne residence, and even today there are revelations that he could have lived in Ballarat and claimed allowances for a number of years. Mr Nardella and Premier Andrews have failed to provide answers on this unacceptable situation to the Victorian community. Now Mr Nardella has resigned from the parliamentary Labor Party but no doubt remains a member of the ALP. Mr Andrews must rule out accepting the tainted vote of Mr Nardella.

Cyclist safety

Ms DUNN (Eastern Metropolitan) — We are nearing six months since the Economy and Infrastructure Committee tabled the final report of its inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015. The report includes common-sense recommendations on how to implement practical, enforceable laws coupled with community education to ensure understanding of and abidance by the law. The recommendations were informed by experience in other jurisdictions interstate and overseas. Since the report was handed down two cyclists have died in Melbourne and one has died in rural Victoria. This tragically highlights that cyclists continue to be vulnerable users of our state's roads.

There is broad support for these laws from cyclist advocacy groups, motorist groups, policy specialists and law enforcement agencies. The current situation of

leaving safe minimum passing distances undefined is simply inadequate and dangerous. It is well beyond time that the Andrews government act and pass the Greens' Road Safety Road Rules 2009 (Overtaking Bicycles) Bill. The Greens will continue to work with cycling groups and the community to push for these laws to be put in place.

TAFE Victoria

Mr ELASMAR (Northern Metropolitan) — On the morning of 9 February I attended an exceptional event held in the Federation Room, located in this beautiful building. The meeting was organised by TAFE Victoria. Several of my parliamentary colleagues were also present. It was with great pleasure that I watched the presentation specifically targeting young people who are considering further technical education and trade careers. The campaign 'TAFE will take you there' was launched by the Honourable Gayle Tierney, Minister for Training and Skills. Not only is this new strategy informative for potential trainees, it also spells out clear commercial benefits for employers, ultimately leading to a strong economic future for Victoria.

Darebin-Northcote Australian Greek Association

Mr ELASMAR — On another matter, I was invited to attend another special Greek festival in Northcote. The event was organised to celebrate the establishment of the Darebin-Northcote Australian Greek Association 38 years ago. There was folk dancing and plenty of tasty Greek food, and there were games for the children. I was delighted to join in their anniversary celebrations. I thank the organisers for their wonderful efforts in ensuring everyone had a good time.

Northern Hospital Koori maternity service

Mr ELASMAR — On another matter, along with other parliamentary colleagues from this chamber and the other house, on Friday, 17 February, I was present at the opening of the first Koori maternity birthing room located at the Northern Hospital. It was a splendid occasion, and I am sure that the new facility will be very much appreciated by our Koori sisters.

Upper Ferntree Gully building height limit

Mr O'DONOHUE (Eastern Victoria) — Earlier today I tabled a petition with 2010 signatures regarding height limits for the Upper Ferntree Gully activity centre. Local residents have received correspondence from Minister Wynne and the local member — the Deputy Premier, James Merlino — saying they can do

nothing about this issue. I would say to Minister Wynne and the Deputy Premier, the member for Monbulk, to pick up the phone to the council and talk about the process that has been abandoned — a process that Minister Wynne signed off on to commence and then appointed a planning panel that saw hundreds of thousands of dollars of taxpayers and ratepayers money spent before it was abandoned. To wash their hands of this issue and to walk away and say, 'There's nothing to see here. I've got nothing to do with it. I've got no power', is a joke and a farce.

We have the local member, the Deputy Premier of Victoria, and the planning minister saying they have no power and no control over this issue whatsoever. The local community want certainty. The fact that I tabled a petition with over 2000 signatures today demonstrates that they want certainty and they want this process followed. Surely the planning minister and the local member can pick up the phone to the council and work a process through to address this issue to give the Upper Ferntree Gully community the certainty they are looking for about the height limits of the activity centre.

Mambourin Enterprises

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to congratulate Mambourin, a disability enterprise based in Western Metropolitan Region not far from my office, on its recent announcement about entering into an agreement with Australian Community Logistics. Mambourin, members of which you may have met during the Queen's Hall exhibition back in December, has exercised a great deal of diligence and community conscience in this venture, which has saved close to 300 jobs. Prior to the agreement a number of traineeships were in danger of being left incomplete; however, trainees across four locations will now be able to finish their certificate qualifications.

Further, this new venture now enables Mambourin, together with a registered training organisation, to offer traineeships in warehousing and food processing to secondary school students and adults with a disability. This is fantastic news and a shining example of what a business can achieve when the dignity of all workers is held in high esteem and deeply entrenched in the organisation's culture and values. I commend Mambourin, under the able leadership of CEO Rohan Braddy, for what it has achieved, and I wish it every success in the future.

Statements interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I might just take this opportunity to advise the house of a visitor to the Parliament today who is in the public gallery with us, and that is Lord Laming from the British Parliament. He is a member of the House of Lords with a very distinguished career in the Westminster Parliament, and he was for a period the convener of the Independents in the House of Lords and also chairman of committees. Today, as I understand it, he is the whip for the Independents in the Parliament. There are a great many of those Independents in the upper house; I think it is 180, if I recall. The whips here have an easy job compared to Lord Laming. It is a delight to have him visit our Parliament on this occasion. We welcome you, sir.

MEMBERS STATEMENTS

Statements resumed.

Latrobe Valley employment

Ms SHING (Eastern Victoria) — It was wonderful to welcome the Premier back to the Latrobe Valley on Friday, 24 February, to make a number of announcements in relation to the development of a new forensics hub for Morwell to assist in a more efficient development and implementation of technology to expedite police investigations and legal proceedings.

The Premier has met and been engaged with this community on numerous occasions, not just subsequent to Engie's decision unilaterally to cease all operations from the end of March this year at Hazelwood, but in his final engagement as former opposition leader before being elected Premier of the state of Victoria he promised that the Latrobe Valley would not be left alone or abandoned and that in fact an Andrews Labor government would engage on a regular basis to provide assistance and support.

We have had a great deal of action in the Latrobe Valley, including in relation to a worker transfer scheme, which will enable in excess of 150 Hazelwood employees to continue to work within the energy sector. What we have also seen is an unprecedented investment of \$266 million, the establishment of the Latrobe Valley Authority and most recently for West Gippsland \$9.3 million for further operating facilities and an outpatient system. This will improve the facilities while we continue to move towards planning for a new hospital for the region.

Pedestrian traffic signals

Mr FINN (Western Metropolitan) — Just when we thought things could not get much more ridiculous in Daniel Andrews's Victoria, we awoke this morning to the news that VicRoads is squandering taxpayers hard-earned on — wait for it — putting little women on street crossing signs. We are told that little men, however androgynous they may be, are not sufficient for the politically correct capital of the Southern Hemisphere. We must now have stick figures wearing skirts to tell us when we can cross the road.

Thank the Lord there are no real problems here in Victoria! We are so fortunate not to have senior members of the Andrews government rorting the system in a systematic way. We surely do not have Labor MPs ripping off the taxpayer, do we? We are taking on the big issues instead. We are concerning ourselves with figures on traffic lights while a senior Muslim community leader recently told us that wife beating is acceptable. Where was the outrage from the government then? Where was the condemnation from EMILY's List? Where is the former MP who pledged to call out misogyny wherever it is?

The priorities of some are stupefyingly out of whack. Instead of expressing outrage over institutionalised domestic abuse within a religion, the taxpayer is forced to fund gratuitous stupidity by a government totally committed to tokenistic political correctness. Victorians deserve better. Come November next year, we will get it.

Footscray truck traffic

Ms HARTLAND (Western Metropolitan) — The Napier Street railway bridge has been hit 43 times. It sits between the Footscray town hall and the Footscray police station. I was actually in the town hall on one of the occasions it was hit, and it felt like there was a huge explosion going off. It was hit again yesterday, just after a great deal of work had been done on the bridge to stop containers coming off the trucks and landing on the busy cycling lane and footpath. This time it fell backwards onto a car. Luckily the three people in the car were not hurt. My point is: the government just seems to let this issue around trucks go on and on and on in Footscray. We have been incredibly lucky at Napier Street that nobody has been seriously hurt and nobody has died, but the bridge has been hit 43 times. What will happen next time when one of those containers falls off a truck and there is a child or a cyclist alongside? If the government was serious about protecting people in Footscray, it would actually deal

with the issues of trucks and not just say it will be all right in the long run. It is not all right; people are at risk.

International Women's Day

Mr EIDEH (Western Metropolitan) — International Women's Day is being celebrated around the world this week. I rise to congratulate the women who live, work and study in my electorate and all women in our state for the terrific contribution they make to our communities. International Women's Day is about celebrating the social, economic, political and cultural achievements of women. We witness their contribution every day, whether it be in the form of great work as mothers, the persistence of female students trying to achieve their educational goals or the hardworking professional women who work nine-to-five jobs. In fact we only have to look around us right now to see that we are in the presence of great women who are doing a wonderful job in leading our state.

However, there are still challenges and barriers which many women face every day. The gender pay gap is something that needs to be addressed. It is hard to believe that in this day and age a woman would have to work around 70 days extra to earn the same as a man. We need to work harder towards gender inclusiveness, and although we are getting closer, there is still much more to be done.

There are various events this week being held in my electorate to celebrate International Women's Day, and I encourage everyone to participate to show support for more gender-based equality. This year's theme for International Women's Day is 'Be bold for change'. It is a call to help forge a better working world which is more gender inclusive. Let us continue to be proud of the women who have worked hard to lead us towards more equality and fairness for women all over the world.

Jim Lane, OAM

Mr MORRIS (Western Victoria) — What an honour it was for Warrnambool's Jim and Maureen Lane and their family and friends to witness Her Excellency the Governor present Jim with his Medal of the Order of Australia in Warrnambool last Thursday. Jim received his OAM in the Australia Day honours for outstanding service to veterans and their families in the south-west of Victoria.

Jim is the son of a World War II veteran and served 30 years in the navy himself as an engineering mechanic and was on active duty in South-East Asia during the 1960s and 1970s. Since his retirement from

the navy in 1992 Jim's service continued with various roles in the RSL. He is the president of the Port Fairy sub-branch of the RSL and has been treasurer and also membership officer. He is also a founding member of the Naval Association of Australia south-west subsection. He acts as the group's treasurer and membership officer and is a passionate welfare advocate. Jim was also the chairman of the Warrnambool branch of Neighbourhood Watch from 1995 to 2013 and a justice of the peace from 1982 to 1992. But above all that, he is a good bloke, and together with Maureen they have always been there to lend a hand when needed and are always putting others ahead of themselves.

My colleague Roma Britnell in the Legislative Assembly said it was a very proud day for her to stand with the Lanes, their children and their friends last week for the very special investiture ceremony at the Lanes' Warrnambool home. It was very fitting that Her Excellency made a special trip to Warrnambool to honour a very special man in the community. Congratulations, Jim, and I wish you all the very best for the future.

Carry On (Victoria)

Mr MULINO (Eastern Victoria) — I would like to commend the work of Carry On, an organisation of tireless volunteers working to improve the welfare of veterans and their families throughout Victoria. Carry On opened an op shop in Hastings on the weekend, and it was my privilege to attend. This op shop will provide additional revenue for the organisation as well as an opportunity for its members to contribute back into the community.

Housing affordability

Mr MULINO — I would like to commend the housing affordability initiative which the Treasurer has led. This package includes a number of important initiatives, including the HomesVic initiative, in which the government will take an equity stake in some homes under particular circumstances — it is a very innovative piece of policy work — stamp duty cuts for first home buyers and an increase in the first home owners grant in regional areas. This package has even been given positive reviews by the federal Treasurer.

Economy

Mr MULINO — I would like to comment on the recent national accounts, in which Victoria's results were extremely strong. In particular Victorian state final demand, an important measure of aggregate

economic activity, rose 1.7 per cent in the December quarter to be 3.4 per cent higher over the year. This was the strongest result of all the states. Importantly this was balanced growth, with all components of Victorian final demand increasing in the December quarter. Importantly these aggregate economic measures are reflected in a very strong performance in the job market, which is one of the key measures of economic success of any government.

Frankston line elevated rail proposal

Mrs PEULICH (South Eastern Metropolitan) — The community along the Frankston line continue to be concerned about the prospect of having sky rail imposed upon them along the last three railway stations, which were announced yesterday by the government. Again it was announced in secret following a protracted fake consultation, during which time the government, through the Level Crossing Removal Authority, heard strong opposition to this particular level crossing solution despite the fact that no-one voted for sky rail. There has been little detail released except that it will still be a 16-metre construction, which will be a blight on the bayside landscape.

Certainly none of the concern has abated, and some of the responses in relation to this include that from Simon Johnson of the No Sky Rail group:

Twelve months ago Sonya Kilkenny accused community groups who opposed sky rail of running fear-based campaigns and spreading misinformation. In light of recent announcements at Edithvale and Bonbeach, it is time for Sonya Kilkenny to stand up for Carrum.

Cameron Howe of the Patterson Lakes community forum said:

Disappointingly Sonya Kilkenny has remained absent throughout the process, declined invitations to community meetings and continued to alienate the community by failing to vocalise community concerns.

Keith Maggs of No Skyrail: Frankston Line said:

There needs to be an upper house investigation into undergrounding option for the remaining ...

three level crossings. I would hope also that the Assembly member for Melton opposes the sky rail, given that he is a resident of Beach Road, Parkdale.

Australian Lebanese Medical Association

Mr MELHEM (Western Metropolitan) — On Saturday, 25 February, I attended the Australian Lebanese Medical Association ball, representing the

Premier and the Minister for Multicultural Affairs, the Honourable Robin Scott. I just want to take the opportunity to commend the invaluable and fantastic work that has been done by the association to champion better health services in Victoria. Also in attendance with me at that event were the Honourable Mary Wooldridge and Mr Elasmarr. I think it was a great night.

The Australian Lebanese Medical Association, the only one of its kind in our country, represents more than 1000 health professionals of Lebanese heritage working in Australia. Since its inception in 2012 the association has made significant contributions to the Australian and Lebanese health sectors, including last year the introduction of a ban on water pipes. Credit goes to the president of the association, Dr Wally Ahmar, who lobbied hard to make sure that we treat water pipes, otherwise known as nargile, the same way as we treat cigarettes. The legislation will take effect in August this year.

The association also looked at sponsoring and organising a memorandum of understanding between the Lebanese Society of Cardiology and Monash Health, which will facilitate cooperation in research. These feats do not go unnoticed. Those contributions help improve the lives of many people and foster a better understanding between two cultures. I want to finish off by congratulating them again on the good work they have done so far.

Mirboo North Italian Festa

Ms BATH (Eastern Victoria) — On 12 February I was delighted to attend a 50-year-old tradition when a statue of Saint Paul was paraded through Baromi Park, Mirboo North, as thousands flocked to the Italian festival known as Italian Festa. It brought together the very best of Italian culture, food, music and entertainment and celebrated a rich history and the significant contributions that Italians have brought to Gippsland. I congratulate Rosie Romano, Gina Carpinteri, Paula Calafiore and the fabulous committee who again delivered a great event.

No Excuses! Latrobe Valley

Ms BATH — Positive things happen when people come together through music. Presented by the School of Hard Knocks and Latrobe Valley Community Choir (LVCC), Victory Park in Traralgon was on Saturday evening the scene of the uplifting No Excuses! Latrobe Valley community concert. The aim of the event was to bring awareness of family violence through music and provide a strong message of support, a sense of respect,

peace and hope to communities struggling to come to terms with family violence. I congratulate all associated, including Tineka Westwood, Karen Whykes, Jane Barr, the LVCC, the Yallourn Madrigal Singers and Latrobe City Council, for an outstanding event.

Koonwarra Leongatha RSL Cricket Club

Ms BATH — Congratulations also go to Cricket Victoria and the Koonwarra Leongatha RSL Cricket Club committee, under the leadership of president Paris Buckley and secretary Jodie Arnup, for securing new cricket practice nets in the Koonwarra Recreation Reserve. Last Friday the official opening saw the lovely pitches being used. They will be used in the future by young cricketers in outdoor activity to promote their skills and harness positive activities in Gippsland. Well done also to cricket legend Rob Woods, who is a great advocate for Gippsland.

RESOURCES LEGISLATION AMENDMENT (FRACKING BAN) BILL 2016

Second reading

Debate resumed from 9 February; motion of Ms TIERNEY (Minister for Training and Skills).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon on behalf of the coalition to speak to the Resources Legislation Amendment (Fracking Ban) Bill 2016. The purpose of the bill is to cover a number of matters. It is a relatively small bill, the purpose of which is to prohibit onshore unconventional gas activity in Victoria; to legislate a moratorium on onshore conventional gas activity until 2020; to ensure retrospectively that the state is protected from being the subject of litigation in relation to those matters; and to empower the minister to purchase licences and permits affected by the ban.

To run through the structure of the bill, clause 4 inserts a new section into the 1990 act, which prohibits exploration for or mining coal seam gas on any land. Clause 5 inserts a new section that provides that any application for an exploration licence, mining licence or retention licence is ineffective and thus must not be accepted by the minister to the extent that it relates to coal seam gas. Clause 6 inserts a new section that requires any person who discovers coal seam gas on any land to report the discovery to the minister in writing as soon as practicable after the discovery. Clause 7 allows the minister to pay for the surrender

within six months of the commencement of this bill, which introduces the ban for any exploration, mining or retention licence that was in force immediately before the bill comes into operation and which entitles the licence-holder to explore for or mine coal seam gas — and subclause 2 of that clause allows the minister to prescribe the amount of payment by order published in the *Government Gazette*.

Clause 9 of the bill inserts new section 16A into the 1998 act to prohibit any person carrying out hydraulic fracturing when carrying out any petroleum operation, as defined in the principal act. Clause 10 inserts a new section into the act which legislates a moratorium until 30 June 2020, prohibiting any petroleum exploration or petroleum production under an exploration permit, retention lease or production licence from the day the bill comes into operation. This is the clause which gives effect to the moratorium on conventional gas exploration or production. Clause 11 of the bill amends the Petroleum Act 1998 and the Minerals Resources (Sustainable Development) Act 1990 to state that the state of Victoria is not liable in any way for loss, damage or injury whatsoever resulting directly or indirectly from the proposed amendments or from measures under a policy moratorium that commenced on 24 August 2012.

The bill covers a number of key areas. One of the areas in which there is, I think, broad agreement is the mechanism which creates a legislated ban on fracking — hydraulic fracturing — as defined in the bill and which ensures that there cannot be unconventional gas exploration and production in Victoria. This is something which has been the subject of widespread debate in the Victorian community, indeed in the Australian community, in recent years having regard in particular to the activities which have taken place in Queensland and in New South Wales where to varying extents unconventional gas development has taken place with varying degrees of community acceptance.

In Queensland the notion of unconventional gas has received relatively broad community acceptance. In New South Wales that has not been the case. There has been strong resistance, particularly in the Hunter Valley region of New South Wales, to the notion of unconventional gas, particularly where that unconventional gas activity would potentially conflict with the agricultural sector, with concerns expressed by the agricultural sector in New South Wales that the uncertainties related to fracking and unconventional gas more generally were too great a risk for those activities to be allowed in areas where agricultural production was taking place. That is a debate which has existed in New South Wales for an extensive period of time and

has led to a debate here in Victoria as to the role of unconventional gas in our state's energy supply and the way in which onshore unconventional gas, be it fracking or other unconventional gas production, could impact on the state's agricultural sector.

It is worth putting on record that agriculture is an important part of the Victorian economy. While having declined in a relative sense through the 20th century from the days when the Australian economy was described as riding on the sheep's back, we are now in a situation where in Victoria agriculture accounts for around 2.5 per cent of the state's total economic output. A large part of that of course is food and fibre production, with the dairy industry, particularly in the south-west of Victoria and Gippsland, being a major contributor to the state's export performance. While agriculture as a share of our economy is much smaller than it was when the Australian economy rode on the sheep's back, it is still an important part of our rural and regional economy and one that is valued by, I think, all Victorians, certainly by members of this house, as an important part of rural and regional life in Victoria and an important part of our export performance as a state.

With that in mind, the debate around unconventional gas has taken place in Victoria over the last five or six years. It was the coalition government under former Premier Denis Napthine that indicated that a coalition government would not support unconventional gas exploration and development onshore in this state. In 2012 we had a moratorium put in place which covered unconventional gas production in this state in recognition that there remained broad concerns in the community about the potential impact of fracking and other unconventional gas exploration on our regional communities, particularly agricultural production, and it was not considered appropriate for that activity to proceed while there were those questions in the mind of the community. As I said, that is something which has been extensively ventilated in the state over the last five years and indeed has flowed from similar concerns in New South Wales.

This bill today seeks to put in place a permanent ban on unconventional gas exploration and production. In particular but not exclusively it calls out hydraulic fracturing or fracking as a technology, the use of which will be banned by the passage of this legislation. The bill also seeks to put in place, though, a statutory moratorium on conventional gas production in this state, and this notion that the Parliament should legislate to put in place a statutory moratorium is something that the coalition is deeply concerned about.

We are now seeing a major shift in the energy market in Australia, and have been for several years. It is an energy market which has underpinned for decades the success of the Victorian economy, particularly the industrial economy in Victoria. For decades of the 20th century one of the great competitive advantages for the Victorian economy, and manufacturing in particular, was access to reliable and inexpensive energy. It was on the basis of the development of the Latrobe Valley from the early 1950s that Victoria established a very solid manufacturing industry which has served and continues to serve the state to this day.

Cheap and reliable energy was a competitive advantage for Victoria relative to other states and territories in Australia and it was a competitive advantage in the region in which we were exporting. It has been a very strong competitive advantage for Victoria, and to this day we continue to have estimates that there are around 400 years worth of supply of brown coal in the Latrobe Valley. This has underpinned our state's energy market and economy through the last century and could continue to supply and underpin competitive energy production and supply in Victoria into the future.

But what we are seeing are some significant shifts in the energy market in this state in the sources of the production of energy in Victoria and in Australia and in the use of those energy resources in Australia. We are seeing a shift away from brown coal usage in energy production. Of course the most obvious example of that will come in three or four weeks time with the closure of the Hazelwood power station in the Latrobe Valley, a facility which has for decades supplied cheap and reliable power to industry and to residential consumers in Victoria. It of course has been an important component in supplying the national energy market on the east coast of Australia over the several decades that that integrated market has existed.

We are seeing a shift away from the use of brown coal in electricity generation in this state. What we are not seeing though, particularly with the energy policy framework that this government has put in place, are the alternatives to that brown coal energy source which will provide the same reliability and security of supply that the state has enjoyed for decades along with the competitive price that we have experienced for decades, going back to the last century. Indeed what we have seen with energy policy from this government is quite the opposite.

We have seen this government focus its policy entirely on the shift to renewables, particularly on a shift to wind power, which is incapable of providing the reliability and security of supply that Victorians have

come to expect. It is incapable of providing power at the low cost that Victorians have come to expect. We are now largely at a tipping point. With the closure of Hazelwood and with the shift along with other jurisdictions in the national market, such as South Australia, towards renewable energy and in particular wind power, we are seeing the reliable and cheap energy that Australians and Victorians have taken for granted being put at risk.

This is something the consumers, residents, in South Australia have already experienced, with a number of significant outages in that state, particularly in the last 12 months; but we have seen that following a shift by the Weatherill government in South Australia to a policy of renewable energy. Wind power is a central theme of the South Australian government's energy policy. That is now starting to have consequences. It has had significant consequences for South Australian residents that were without power. It has had very significant consequences for South Australian industry.

We risk having the same situation here in Victoria, with a government which has put in place a policy framework which discourages the continued operation of coal-fired power stations in this state but has failed to put in place a policy setting which leads to alternative, reliable sources of energy to take the place of that coal-fired power. The energy policy document released by the Andrews government in 2016, by Lily D'Ambrosio when she was the responsible minister, in fact failed to even mention security of supply as part of the government's energy policy. It is astounding that a government would release an energy policy which was heavy on talking about a shift to renewables — wind power — and disowning coal-fired generation out of the Latrobe Valley but which failed to mention security of supply.

One of the key things we need from an energy policy is security of supply. If we are to have investment in heavy industry and if our existing industry is to continue to successfully operate, we must be able as a government and as a Parliament to guarantee reliability and security of supply. Yet security and reliability did not even get a mention in that policy document released by Minister D'Ambrosio, as she then was responsible for energy, and this government. That really reflects the direction we are seeing this government take with energy policy.

In fact we saw in recent weeks former Labor Premier John Brumby talk about the energy crisis which is now impacting Australia. This is John Brumby, who as Treasurer of this state and as regional development minister in the state had a very strong interest in energy

policy in Victoria, as he did in his later role as chairman of the Council of Australian Governments reform council, with a broader perspective on national energy policy. John Brumby has come out and said we have an energy crisis in this state because of policy settings by state governments. Central to that of course is the Victorian government and the direction in which it is taking this state's energy market and source of energy production. We have significant concerns with the direction that this legislation is taking us with respect to conventional onshore gas production. I will come to that in a minute.

The coalition supports the elements with respect to unconventional gas and fracking. It is worth noting that in Victoria 73 licences for unconventional gas exploration have been issued. And who have they been issued by? They were issued by the previous Labor government. We had 23 fracking licences issued. Who were those 23 fracking licences issued by? They were issued by the previous Labor government. So it is Labor that has form in supporting fracking and it is Labor that has form in supporting unconventional gas exploration more generally, with the issue of 23 fracking licences and 73 unconventional gas licences. So for the government to come forward now as the champion of a ban on fracking is to ignore the history of the Labor Party in putting in place 23 fracking licences and 73 exploration licences for unconventional gas. We are happy to support the ban on fracking, but we note the hypocrisy of the Labor Party as being the only party that issued fracking licences in this state.

Now, on the issue of conventional gas, this side of the house is very firmly of the view that the government needs a proper, considered policy framework with respect to the provision of future conventional gas supply in this state. We do not have in this bill anything other than an approach from the government that says, 'We don't want to deal with the issue. We will put in place a statutory moratorium, and we will kick the can down the road'. We are saying that that is not acceptable. We have seen significant shifts in the energy market in this state and country, particularly in the last 12 months, as the consequences of earlier policy decisions take effect, and we cannot afford to simply kick the can down the road further. So it is the coalition's proposition that this bill should be amended, and I would ask that the amendments now be circulated.

**Opposition amendments circulated by
Mr RICH-PHILLIPS (South Eastern Metropolitan)
pursuant to standing orders.**

Mr RICH-PHILLIPS — The coalition will propose three substantive amendments when the bill reaches the committee stage. The first one I will talk about would omit the statutory moratorium that this bill seeks to impose, and the reason we are seeking to remove that statutory moratorium is that, as I said, we cannot continue to simply kick the can down the path. Energy security — reliability of security of supply and cost — is something that the Victorian government and the Victorian Parliament need to address.

Creating a statutory moratorium — locking in by statute what currently sits as policy, and which was policy put in place by the coalition, and removing any prospect of flexibility over the next three years — is to ignore the challenges this state faces with its energy supply.

We recognise that as part of the debate around gas in this state, and particularly on the back of concerns about unconventional gas production in the state, that the issue of conventional gas production has been caught up in much of that public debate. Communities are concerned about the impact of gas production in their local areas; they are concerned about the impact of changes in energy pricing here in this state. We saw last year the government claim that the closure of Hazelwood would only have a minor impact on power prices — there would only be a 4 per cent impact on power prices — yet we have already seen residential power prices increase by 10 per cent this year. Consumers are concerned about what this government's suite of policies are going to mean for retail power prices. The minister and the government promised 4 per cent, and we have seen 10 per cent already this year, so consumers are concerned about the impact of this government's policies on energy prices. They are seeing it already in their electricity bills, they have been seeing it in their gas bills, and if the policies of this government remain the same they will continue to see it happen further.

Of course one of the challenges in this regard, particularly with gas production, has been the growth of the export market in Australia. Over the last 10 years we have seen a substantial growth in export of liquefied natural gas (LNG) from Australia. We have seen a substantial growth in LNG exports through the terminals in Queensland to the extent that Australia is now the third largest exporter of gas in the world, after Qatar and Malaysia. That is a major shift in the way the domestic gas market has operated and has led to major price shifts for consumers in Victoria and the other states as an ever-increasing proportion of domestic gas production is exported.

One of the amendments that the coalition will put forward today recognises that there is community concern about rising gas prices, particularly as a consequence of those exports. Accordingly we will seek to amend this bill, and consequently amend the Petroleum Act 1998, to provide that where the minister grants a new production licence for the production of gas, or petroleum, as defined in the act on land in Victoria, in the first instance production of gas can only be used in the domestic market — the Victorian market — until the minister can provide assurance and is satisfied that there is sufficient gas to meet the needs of the Victorian market.

We believe that this is a sensible step to provide reassurance to the Victorian community that if we go down the path of opening up further gas resources in this state they are for the primary benefit of the Victorian community — for citizens of Victoria who are concerned about rising gas prices and for businesses in Victoria that are increasingly concerned about not only rising gas prices but their inability to secure gas supply at any price. The number of large industry users of gas who are now saying they cannot get gas contracts at any price is of great concern.

We believe a mechanism which ensures that if we do open up future onshore conventional gas that gas is made available in the first instance to Victorians is a positive step. It goes to providing reassurance to the Victorian community that where onshore gas activities are opened up the benefit will be to Victorian businesses and Victorian consumers and not to the international export market.

In a similar vein we recognise there has been concern in the Victorian community about the impact of onshore gas activities on local communities and local landholders. That is why we are very clear that we support the ban on fracking and unconventional gas. But in the area of conventional gas, which is proven technology — onshore production of gas has been used successfully worldwide — we believe, as I indicated before, that not imposing that statutory moratorium to allow for flexibility with onshore gas and to allow for preparatory work and geotechnical work to be undertaken is a sensible step.

Also sensible is recognising the concerns and impacts that conventional onshore gas can have on landowners and local communities. So the other substantive amendment that the coalition proposes to put in place, which is also an amendment to the Petroleum Act 1998, is to provide that where the minister grants a new petroleum production licence after 1 July 2017, which is the intended date for the operation of these

amendments, the minister can only grant that petroleum production licence if the minister is satisfied that the applicant for that licence has obtained the consent of the owners and occupiers of the land on which the wellheads are to be located. This is to recognise that local landowners will be legitimately affected by the production of gas on their land. It is appropriate that that be recognised.

Providing those occupiers and landholders with a mechanism by which their consent is required means that they have some bargaining power in the decision around production on their land. It gives them the opportunity to negotiate with intending producers on their land, just as we see now with landowners — farmers — who face the possibility of having wind turbines on their land. Companies building wind turbines negotiate with landowners the placement of wind turbines on their land. Landowners get a financial benefit from allowing those wind turbines on their land.

The coalition proposes a similar mechanism where a landowner who is going to have a wellhead on their land will, by this mechanism, which requires the minister to be assured of a landowner's or occupier's consent, be able to negotiate with the intending producer to get an economic benefit from having that infrastructure located on their land. The intention is not to use it to block production but rather so that the landowner and the producer are able to ensure there are local benefits for local landowners flowing from local production in regional areas, just as we are seeing with wind turbines and the like now.

We believe it is not acceptable to kick the can down the road, as the government is proposing through its statutory moratorium, which does not allow any flexibility or the opportunity to meet the rapidly changing needs and circumstances in the gas market in Victoria. We believe that there is a role for future onshore conventional gas production in this state and for the preparation for future onshore conventional gas production in this state, but any production of that nature needs to have regard to local concerns. It needs to have regard to the fact that this resource should be available in the first instance for the benefit of Victorians, not for the export market. Our proposed amendment would give the minister the power to ensure that the Victorian market was satisfied before other markets were satisfied.

We believe it is appropriate that the local community be recognised through a mechanism that allows them a say in onshore conventional gas production. That is why the insertion of a mechanism where the minister needs to be assured of their consent will provide local

landholders with input on decisions on gas production in their area. We believe that removing the statutory moratorium or not imposing the statutory moratorium will allow the flexibility to address the rapidly changing circumstances in the energy market, and in the gas market more particularly, in Victoria before that proposed moratorium would expire in about three and a half years time.

The coalition does not oppose the fracking ban or the ban on unconventional gas more broadly. We do believe that these amendments are a sensible step towards getting the gas market and energy production in this state moving again in a way which addresses the concerns of the community while ensuring that we can have a return to reliable and inexpensive energy supply in the state. I would urge the house to support these amendments; they are a sensible step. The government has abrogated its responsibility on energy policy in this state. It is a government that does not even mention security of supply in its energy policy. We need an alternative approach to energy in this state, and the coalition through these amendments are offering such an approach.

Mr BARBER (Northern Metropolitan) — This bill represents a significant step in the right direction towards combating what is now humanity's greatest challenge — that is, global warming. What this bill does is remove and ban for all time the most environmentally damaging method of gas extraction — that is, fracking — put a permanent ban on the extraction of unconventional gas sources with all their attendant problems of extraction and push off until 2020 the opportunity to explore or move towards production of conventional gas on land in Victoria. That is a good thing, because we do not want or need at this time a massive expansion of fossil fuel production.

Governments around the world, including the Australian government and the Victorian government, have recognised that we need to move towards zero emissions asap. Even on the day that we achieve net zero emissions of greenhouse gases into the atmosphere, do not think that the climate is going to then start repairing itself. Whatever heating we have built into the system and whatever flow-on impacts that has had in terms of melting ice, rising sea levels, extreme rainfall events, drought and the knock-on effects to ecosystems, we then have to face the possibility that we have built in more feedback mechanisms that create even more warming. We are at about 1 degree of global warming now. The year we have just gone through gives you an idea of what 1.5 degrees of global warming looks like. I am here to tell you that 2 degrees is not just a little bit worse than

1.5 degrees; 2 degrees will be dramatically worse than 1.5 degrees, as all these factors continue to pile upon themselves.

Who will be most impacted? It will be vulnerable people, low-income people, farmers and those who rely on climate, weather, soil and water to earn a living. In particular some of the fiercest effects will be felt 23 degrees either side of the equator, in the tropical areas, where billions of people, most of them with brown skin, who do not have the safety nets that we in the wealthy, developed world have, will not just suffer but in fact, under runaway global warming, die in their millions. That is what we are building in when we continue to pollute in the way that we have. That is why it is important that we put in place not only these measures but also this rather short-term ban on conventional gas drilling — in fact it only applies to 2020, meaning that voters who go to the 2018 election, whether they expect a Labor or a Liberal government, will know that it could be only a year or two until they see gas drilling rigs rolling down their lanes and onto their farms.

So it has been a victory for people power to have gotten this far. On one side are those who seek to profit from some of the most polluting methods of energy production that could be dreamt up, but on the other side are ordinary people — initially citizens in rural areas, later in some major regional towns and eventually all the way to the inner city itself, where we organised a great coalition of people around this one cause who otherwise may not have had that much in common and may not have even interacted with each other.

I can tell you that in the inner city my constituents are not at all remote from or indifferent to the impact of these measures on farmers. In fact, Acting President Patten, some of the restaurants that you and I frequent do not just have the name of the producer on the wine bottle; these days we know the farm on which the actual piece of steak was produced, so I can say that in fact, far from being indifferent, city people these days are even more concerned about and engaged by where their food is coming from than we have seen for many, many years.

It is for that reason, as well as because of my general environmental bent, that I spent quite a bit of time travelling to some of these areas and meeting a range of people who are directly impacted. Some of them had quite a bone to pick with me on some of my other policies, but we got through that eventually, after an hour or two around the kitchen table, and we got down to the issue. The issue is that continued gas drilling, and

for that matter the exploration for new coalmines, which is currently legal here in Victoria, represents an existential threat to the livelihoods of those farmers. While fossil fuels represent at best a short-term profit-making enterprise, it is productive soils, clean water and what has previously been a variable but reasonably predictable climate that are the things we ought to be devoting 100 per cent of energy to.

Unfortunately the coalition has struggled a little bit with this issue. That is why they race in here with effectively about 20 hours notice and announce a new set of policies through this set of amendments. I gather there are about seven different speakers lined up from the coalition. That is because they need seven different speakers to explain the seven different positions that the coalition actually adopts on this question. And that is not after many, many years of debate; I am saying that today they still have seven different positions that require seven different factions from across the Victorian landscape.

There is this saying that there is no education in the second kick of a mule, the point being if you did not learn the first time you got kicked you are certainly not going to learn anything the second time. You just need to look at the results of the last election and some subsequent by-elections to understand that the coalition will never, ever learn on this question. It is right there in the numbers. Farmers in very, very small rural towns and even hamlets have turned up to vote and, for the first time in their lives, have shifted from voting Liberal-Nationals to voting Greens over this one issue. It is right there on the map.

Honourable members interjecting.

Mr BARBER — I am hearing they still have not got the message. Despite the fact that the National Party is one member down in this house as a result of that particular election — after they were beaten by the anti-fracking Independent, Mr Purcell, who no doubt we will hear from — they are still over there trying to throw good money after bad.

Then on energy policy we got this stroll down memory lane from Mr Rich-Phillips, telling us about everything that happened in energy policy in the 1950s through to the 1970s and the glory days, he says, of cheap, plentiful energy. To use an expression that no-one born after 1990 will understand, he sounds like a cracked record. All we ever hear from the coalition is, 'We've got 400 years worth of coal still to burn'. The problem is we have not got 400 years worth of atmosphere to pollute. We have not got 40 years where we can continue to pollute at this level. In fact we need to get

serious and start making deep cuts to our emissions in the next four years, giving us time to test at the 2018 election exactly which set of policies it is on energy that the voters are going to support.

Talking about kicking the can down the road, the coalition are stuck in memory lane and completely unable to articulate a set of policies that are going to get us through this crisis. I am not here warning about some future climate crisis; we are now in a climate crisis, and it is of course farmers who are feeling it first.

Regarding power prices, with all this screaming that the coalition has been doing about Hazelwood, the power companies, which in the past have been convicted in court and fined millions for systematically lying to their own customers — going door to door lying to people about their power bills — are now using the coalition's propaganda as an excuse to go and jack up everybody's power bills from January. The power bills being jacked up are now being used as propaganda by the Liberal Party to say why we should do nothing. In fact if I understand the coalition's latest policy on Hazelwood, it is basically to nationalise it, having sold it.

I thought Mr Rich-Phillips and I were reasonably big fans of efficient markets. I would have hoped that Mr Rich-Phillips would agree with me that the electricity baseload futures market — it is on the ASX; you can jump online and have a look — would be a reasonable indicator about our different market participants' views of the next year or two of wholesale power prices. Unfortunately there is another propaganda objective that they need to achieve, and that is why they are going around creating the very conditions the power companies, which of course donate to the coalition come election time, need in order to jack up power prices, and at that time of course the coalition could not be happier.

The reason we are here — and unfortunately, I fear, we will pass this bill by just one vote out of 40, just a one-vote margin to get this bill through — is as a result of a virtually unprecedented grassroots mobilisation across South Gippsland and across western Victoria that absolutely shattered the coalition because of how quickly it actually mobilised. There is a lesson there for all of us politicians, I think, about how you have got to work pretty hard just to stay ahead of the curve and about how public opinion on these matters can move very fast and mobilise very fast, the poor old coalition being a bit of a cautionary tale.

Of course the coalition have been around long enough that they ought to know better. It is the poor old

Shooters, Fishers and Farmers Party that I feel sorry for. They are new to this.

Ms Shing — What's the last word in their title?

Mr BARBER — Ms Shing's observation is quite correct. In 2007 they put their name on the ballot paper as the Shooters Party and got 21 000 votes. At the following election they changed their name to the Shooters and Fishers Party and got 44 000 votes. At that point they thought, 'Ah! We're onto something here. Let's just keep adding things to our name, and our vote will go up indefinitely'. Here is the Shooters, Fishers and Farmers Party, or as I call them, the F'ing party, but the latter F — the farmers — have risen up and pretty fast rebelled against them. The second kick of the mule did not really work in their case. They could go on adding four-wheel drivers, fathers and florists and keep doing it indefinitely, but I think we have all worked out it is easier to add another word on the end of your party title than it is to actually and genuinely represent that group. That is where they have fallen over today.

I believe the amendments they are going to put up are going to fail when we vote later today, but what the long-term future for the party is is hard to say. Their best seat is Northern Victoria Region, and the Greens actually outpolled them in two-thirds of all booths in that seat — and that is not our best seat, that is their best seat. We outpolled them in Walpeup, we outpolled them in Birchip and in fact we outpolled them in Dookie and Glenrowan as well. It is quite possible I think that there are farmers out there who are more inclined to vote for the Greens than they are to vote for the shooters. It is quite possible that some other group of independents or micro-parties — call them what you want — will be on those benches in 17 months time, but we will deal with that when we come to it.

I commend the government on bringing this bill before the house. They went to the election with an unclear policy on this matter. Their policy was to have an inquiry into the matter. They did have that inquiry. I know a number of members in this place participated in that inquiry, and many others of us watched it closely. Again, for those citizens active in this movement it was the first time that they actually got to sit in front of a group of politicians and the politicians had to listen while the farmers and the rural communities talked. Before that we had — what's name? — Peter Reith running around the country talking to his buddies, the people who were on his speed dial. That was under the coalition government, but at least we got to open up the matter in a parliamentary inquiry that had some degree of openness and transparency around who got to speak

and what they got to say, and there was a weighing of the evidence that came after that.

I understand that the Labor Party is still working through a number of issues around its industrial versus its environmental issues. On this bill it has made a significant step in the right direction. It is a measure of how much things have moved that after the Greens — myself — in the previous Parliament moved a motion calling for the banning of unconventional gas we received little support in the Parliament. We are going to pass a bill right now to do that very thing. I believe it will pass with at least 21 votes.

There are a number of amendments, though, that have been flagged. I think I need to have a quick talk about those. The Liberal Party proposes a kind of gas reservation policy. This is going to make the Greens party look like the Ayn Rand Institute compared to what these people are now proposing. It seems, having read this amendment in the 5 minutes that I got to look at it before I stood up, that if gas is drilled under one of these production licences it can only be supplied into the Victorian markets. You guys do know that all these pipelines are connected to each other; right? They are connected from the Northern Territory to South Australia into Victoria and even across the New South Wales border and up into Queensland.

But it gets worse, because if I understand this correctly, it is only new gas from new wells that will be restricted to sales in Victoria, whilst all the other gas from the Bass Strait and all the rest of the wells that have been going for some time will be able to arrive at Longford, turn right, work its way over the hills and eventually get to New South Wales to be sold, and somehow these different pools of gas are to be kept separate. They came in here talking about how they wanted better energy security, but I think the people who run the wholesale gas market in Victoria will be quaking in their boots if there is any chance whatsoever that these amendments will actually pass.

Speaking of nostalgia, we have grown up thinking that gas was the clean, green and cheap fuel and that those with a mind for it should actually try to make maximum use of it in their houses. We have very little gas-powered generation in Victoria. Thankfully we do not have baseload gas power stations. We have a certain amount of natural gas and fossil gas that is used in industrial processes and also for high-grade and even low-grade heat. If we could assist homes to disconnect from gas, not only would they be able to save on their daily connection charges but together with solar panels, renewable energy and new highly efficient electric appliances — from split-cycle heating and

air-conditioning systems through to stove tops — we would be able to save money, we would be able to save the planet and we would be able to solve this problem while actually reducing demand for gas use in some areas and making it available for those high-grade industrial processes that, for now at least, gas is the most convenient alternative for.

What were the coalition doing flat out right up until they lost the election? They were trying to extend reticulated gas to more and more homes.

Mr Ramsay — To more towns.

Mr BARBER — Well, to more towns. That was a very good correction there from you, Mr Ramsay. You have connected it to towns, whether it is connected to houses is a whole other question. That is a sunk cost now. This is the great irony. Some of the same communities that you wanted to give gas connections to, like Winchelsea, are the ones who are actually protesting against gas drilling. That is just an example of how now, in Victoria at least, the rural communities lead and the so-called rural parties actually bring up the rear. They are constantly being left behind by the action.

While there may be many people in rural communities who have some problems with some Greens policies, the fact is that at least we can keep our eyes up and open enough to see the social changes, the environmental changes and the technological changes to which you, Mr Ramsay, through you, Acting President, are blissfully unaware. In fact one of your more recent members to come into the Parliament representing the same communities I am referring to actually made his living as a gas salesman before he entered Parliament just a few months ago.

Mr Ramsay interjected.

Mr BARBER — I spent enough time on a polling booth with the member to get some of these facts during the by-election, during which the Greens vote grew to new levels off the back of this very issue. It does feel after a while a bit churlish to keep rubbing it in, but when I came in here, sat down and saw this set of amendments thrown together out of the internal politics of the coalition I just thought, ‘Well, it’s about time we gave these guys a learning’.

The second issue the coalition proposes in their set of amendments is one that sounds great at first blush, and that is that individual farmers and landholders ought to be able to decide whether gas drilling occurs on their land. So suddenly they have gone from being basically 1950s socialists with their government-led reservation

policies straight back to being the Ayn Rand policy institute, which says, 'I can do what I want on my piece of land and no-one else can tell me what to do on my piece of land'. But there is just one problem, and that is that it is more than just your piece of dirt with a fence around it that represents the common wealth, the common good and for that matter our shared future and livelihoods.

Aquifers tend to move from place to place, and, if that is not enough, the atmosphere is something that every one of us is dependent on and that we own jointly as members of a population of 7 billion. I think if some of these members had actually visited South Gippsland — and I am particularly talking about Seaspray — and seen the fate of landholders surrounded on all sides by existing wells that were ready to start pumping at a moment's notice before this moratorium was brought in, they would understand immediately that this is a failed idea, that it will set neighbour against neighbour and that over time it is simply, when examined seriously, a method of getting a thin end of the wedge in for what your plan is all along, which is open slather gas drilling in Victoria.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Member entitlements

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Special Minister of State as the minister responsible for the parliamentary salaries and superannuation allowance regulations. The member for Melton in the Legislative Assembly has claimed his home base is Ocean Grove in order to receive the second residence allowance under the regulations. Minister, does owning a caravan in Ocean Grove meet the definition of home base for the purposes of claiming a second residence allowance?

Mr JENNINGS (Special Minister of State) — I thank Ms Wooldridge for her question. President, I am not in the business of handballing to you, but I actually think in relation to responsibility this question could have been asked of the President. It could have been asked of the President because the President is the chair of the audit committee of the Parliament, which is the body that is assessing the validity of existing claims under the current regulations that relate to parliamentary salaries and superannuation entitlements. In fact entitlements are a concept that, I think, the community is indicating that it is putting us all collectively on notice in relation to whether they believe they are allowances or, at best, work-related

expenses. I think the community is saying in the way in which they have responded to this issue that they have high expectations that there would be a high degree of compliance with not only the literal interpretation of the guidelines or regulations themselves but also the spirit of them. The spirit that I have heard people refer to in relation to the legitimacy of this allowance is on the basis of members from regional and rural communities getting access to an allowance to provide them with residential accommodation in the city. That is what is colloquially understood to be the way in which this allowance was constructed in the first instance.

I think all of us have to be mindful as members of Parliament of the way in which we understand the differentiation between what might be the black letter writing of guidelines or processes that lead to claims being assessed by the Parliament as distinct from what might be available to members on the basis of their personal interpretation of matters.

Ms Wooldridge — On a point of order, President, the Leader of the Government, the Special Minister of State, has had over 2½ minutes to give context to the question, but the question is very narrow in relation to the definition of home base and whether a caravan fits that, and I ask you now to bring him back to answering the question, having provided extensive context.

The PRESIDENT — Order! The minister is actually being subject to quite a lot of interjection, and therefore it is not surprising that he might actually respond in the way he is, given that interjection. Yes, the question is narrow. The minister still has time available, and I would allow him to continue that answer.

Mr JENNINGS — Thank you, President. The reason I have given this context is that the formal obligation of the Parliament to consider this matter is, in my view, through the appropriate scrutiny that is going to be applied by the audit committee, which the President chairs, and the President has embarked along with the audit committee on the examination of this individual claim and other claims for that matter in relation to their compliance with the regulation and the compliance with the administrative practice that underpins this. It is the audit committee that will make the determination on this matter, and I think it is very important for the members of this chamber to understand this. I think it is very important for the community to understand this.

My view has been sought on the way in which reform should be made to the guidelines in future about whether they should be tightened to ensure that in fact

what has been the public commentary on the inappropriate use of this allowance for this purpose is assessed by the audit committee, and then once that has been done I will make some recommendations and hopefully work with the audit committee on the way in which these regulations will be tightened in the future, and I guarantee you they deserve to be tightened.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — The Special Minister of State has placed a great weight on the Parliament’s audit committee in his response to my question, so I ask: what information has the government provided to the audit committee regarding the definition of home base or other matters relating to these rorts?

Mr JENNINGS (Special Minister of State) — The audit committee, in my understanding of it, are the custodians of knowing what the regulation means and the way in which it is administered, and they will form their own view based upon the information that is being commissioned by them to make an assessment about whether this or any other claim is valid and whether it is in accordance with the guidelines and the directions that have been established by the Parliament and the way in which this program has been administered. So in fact it is not, in the first instance, the government’s obligation to provide any information to the audit committee. They are quite capable and competent of making that determination themselves. I look forward to working collaboratively with the audit committee on the way in which these guidelines can be improved and function in a far more satisfactory way in the future.

Mrs Peulich — On a point of order, President, the minister has indicated that he believes that the responsibility rests with the audit committee undertaking its work, but clearly in his role as Special Minister of State, as outlined in the *Cabinet Handbook* of January 2017, he has a much broader role, and I quote page 4, paragraph 1.7.4:

The Special Minister of State oversees the business of cabinet, committees and legislation on behalf of the Premier. This includes monitoring the implementation of the government’s short, medium, and long-term strategic objectives to ensure the timely progression of priorities.

I would have thought that as the minister responsible for integrity regimes his short-term, medium-term and long-term objectives were honesty and accountability and transparency in administering this government and this Parliament.

The PRESIDENT — Order! Can I indicate that in the first instance with Ms Wooldridge’s substantive question I was very close to ruling it out of order. The reason is that it actually sought an opinion from the minister, and that is against our standing orders, and indeed there are a number of rulings from past presidents that indicate that questions should not seek an opinion from a minister.

In the case of Mrs Peulich’s point of order, I am not exactly sure what the basis of that point of order was, albeit that she did indicate that the minister had a range of responsibilities in terms of the oversight of regulations and so forth in his role, but to be helpful to the house, the minister’s answer was accurate in the sense that the audit committee is undertaking a process, and frankly the audit committee — that is, me — would not wish to be advised by the government as to how the audit committee should interpret those regulations or proceed with the investigation or reach conclusions.

The Special Minister of State, as I understand from media reports and from a brief discussion that I have had with him, is looking at the regulations and entitlements regime separately, but apart from me writing to the minister, the Premier, the Leader of the Opposition and the Leader of the Greens to advise of my actions in commissioning PwC to undertake the audit process of this entitlement and the alleged breaches by two members of the entitlements, it has been a separate and deliberately quarantined exercise where I have had no instructions from the government, nor would I countenance any instructions from the government in this matter.

Member for Melton

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is also to the Special Minister of State as minister responsible for the parliamentary salaries and superannuation allowance regulations. Minister, for the avoidance of doubt, has the member for Melton breached those regulations in claiming the second residence allowance for his home base at Ocean Grove?

The PRESIDENT — Order! On advice, I will allow the minister to respond.

Mr JENNINGS (Special Minister of State) — Thank you, President. The question from Mr Rich-Phillips is entirely predicated on the hope that I will say something that falls foul of my responsibilities as minister and my respect and regard for the due process that you have just outlined to the house. I am not going to give him either.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. I note that the Premier today has sacked the member for Melton from the Labor Party. So given it is now two weeks since this matter arose and the Premier has taken that action, why can the minister not answer the question about whether the member breached the regulations?

Mr JENNINGS (Special Minister of State) — In his clarification to the chamber, the President has indicated the reason why.

Member for Melton

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is also to the Special Minister of State. In relation to the member for Melton's claim for a second residence allowance, the Premier has said:

It is my view that he should repay the money; he should do exactly the same thing as Telmo Languiller has done ...

As minister responsible for the parliamentary salaries and superannuation allowance regulations, what options have you explored to recover those funds from the member for Melton?

Mr JENNINGS (Special Minister of State) — Ms Wooldridge may try all she likes to actually take me from beyond what I have already said. I said on the steps this morning that I actually believe it is appropriate in the circumstances that the member for Melton repay the money; I have said that this morning. That is the view that has been expressed by a number of members of the government. That is our view on the basis of the public perception and the lack of confidence in the spirit and the administration of the guidelines that are being tested by the audit committee and being reviewed by me.

I think ultimately all of us should be mindful of what our appropriate powers and responsibilities may be at any particular point in time. I am very mindful of mine. I am very mindful — continually — of what I am obliged to do under statute and what I am obliged to do in relation to appropriate practice of parliamentary behaviour and ministerial behaviour. I am always mindful of that. There have been many occasions recently where I have actually defended a Victorian statute in this place at great cost in relation to how my defence of that statute has been perceived by the community. I think all of us should be mindful about what the limits of our powers are and what options are available to us to exercise them.

I know that there is a motion that is intended to be discussed in this chamber tomorrow about my ability to force any member of the Parliament to repay money. If any member can identify during the course of that debate tomorrow what power I have to insist on money being repaid, I am quite happy for them to volunteer it to me anytime between now and tomorrow so that I will have a different view about the way in which that debate will be handled. But at the moment I have not been advised of any power that I currently have that would enable me to acquit the expectation that is embedded in the question.

Mrs Peulich — On a point of order, President, the Special Minister of State in his response claimed that he was unaware of any other machinery that he could have used to obtain the information, get to the bottom of it and therefore respond. But in the *Code of Conduct for Ministers and Parliamentary Secretaries* under 'Private interests' it states at 8.1 that:

Ministers and parliamentary secretaries must comply with the requirements of the Members of Parliament (Register of Interests) Act 1978 and provide any additional information required by the Premier to the cabinet secretary and notify any significant change in their private interest within 28 days of its occurrence.

I remember when I was cabinet secretary that there were additional orders that were undertaken by the cabinet secretary on behalf of the Premier and cabinet.

Mr Dalidakis — When was that?

Mrs Peulich — It is certainly in this code. If you are not observing it, you have got problems. So quite clearly, President, there are obligations on the Special Minister of State, whose role is much broader, as outlined previously in the *Cabinet Handbook*, which basically means that he has not undertaken his due diligence, and as he is a minister for integrity regimes I think that is a real problem.

The PRESIDENT — Order! I am a little troubled by the line of questioning in the sense that there is an assumption that the member who has been named in the questions was not able to claim the entitlement. At this stage can I say that, to my satisfaction, that has not been established. The government are in a position where they are waiting for that position to be established by the audit committee before they consider any action at all. The thing is that certainly public perception was such that it was inappropriate for two members to claim the allowance. But within the entitlements as they are set down, there is a process that needs to happen to establish that. My concern is that if a member is found guilty of something before the evidence has been examined, there is a problem. The fact is that to my

knowledge and understanding — and as a Presiding Officer I have looked at some of this, though not in great detail — there is no power to actually recoup that money or for the minister to recoup that money. He has no head of power under my investigation.

There are courses of action that might well progress as a result of the findings of the audit committee. But I wonder how other members in this place might feel if there were suggestions that some of their entitlements should be taken from them when in fact they had abided by the strict letter of those entitlements. I do not know in this case whether that is true or not, because I am not conducting the investigation, for obvious reasons. I have employed a reputable organisation with experience in audit to investigate these matters and ensure that we know exactly the position in fairness to all — in fairness to the members who face these allegations and public scrutiny, in fairness to the Premier and the Special Minister of State, in fairness to the Parliament and in fairness to all members of this Parliament past, present and future. I am not sure how the point of order made by Mrs Peulich can actually be prosecuted in that sense.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — President, understanding your comments just then but also noting that the Special Minister of State has already said in this Parliament today that he thinks the member for Melton should repay the amount of money and noting his response to my substantive question, given that he believes, as he has said, that the member should repay the money, as does the Premier, the opposition and the widespread community, what discussions has he had with the member for Melton to achieve that outcome?

Mr JENNINGS (Special Minister of State) — In part I am glad that Ms Wooldridge acknowledged that she had listened to some of the things that I have said. There is no recognition, President, that she has heard anything that you have said. I would encourage her to think appropriately about the combination of what I have said and what the President has said about the appropriate due process that should be followed and understand the appropriate process to follow, the limits of head of power, the appropriate resource that should be undertaken and the sequence by which you make — —

Ms Wooldridge — On a point of order, President, there are only 24 seconds remaining. This is a very simple question and one that we ask in many contexts. The question is: what discussions has the Special

Minister of State had with the member for Melton about the repayment of the funds? I ask you to return him to that very simple, straightforward question.

The PRESIDENT — Order! Minister, it is my view that this is probably the closest question in terms of being able to be acquitted in today's proceedings. The minister to complete his answer.

Mr JENNINGS — The only conversation that I have had with the member for Melton over this matter was after he and the Premier had a discussion this morning and the member for Melton, at the request of the Premier, left the parliamentary Labor Party on the proviso that he was unable or unwilling at this point in time to return the money or to admit that he had actually made an error in this matter. That is the basis on which I had a discussion with him.

Member entitlements

Mrs PEULICH (South Eastern Metropolitan) — My question is also to the Special Minister of State, and I ask: how many Labor MPs are claiming the second residence allowance but do not live in their electorate?

Mr Dalidakis — On a point of order, President, the question goes to an allocation that is provided by the Parliament, not by the government, so that question certainly cannot be directed to the Special Minister of State, because he has no responsibility over the provision of such a payment.

Mr Rich-Phillips — On the point of order, President, the minister is the minister administering the Parliamentary Salaries and Superannuation (Allowances) Regulations 2013, and while some functions under those regulations may be delegated to other officials, such as clerks or secretaries of departments, it is the minister who is responsible to this house for the upholding of those regulations and the act which establishes the regulations. The nature of this question is no different from a question to another minister, such as questions we have had to Minister Mikakos with respect to activities under the families and children's act, where functions are exercised by delegation to the secretary but it is still the minister who is responsible for those activities in terms of being responsible to Parliament.

The PRESIDENT — Order! I will allow the minister to answer, but I would point out that Mr Dalidakis is correct. Yes, as Mr Rich-Phillips says, the minister is responsible for the regulations, but the minister would have, unless by anecdotal evidence, no knowledge of who is claiming the allowance, because indeed allowance claims are administered by the

Parliament, not by the minister. The process for those who are claiming it in this house, as you would know, is that members who have a second residence and are seeking to access that entitlement need to lodge a form with the Clerk of either of the houses of Parliament and administratively — provided they have indicated, particularly in the case of the Legislative Assembly with evidentiary proof, that they have a second residence, a second address — the Parliament arranges for the payment of that allowance.

There is no notification to the minister who is responsible for the overall regulations. Yes, the minister is responsible for the promulgation of the regulations but not the implementation of those regulations. It is the Parliament that administers the payment, so as I said, by anecdotal evidence the minister may well know and be able to respond to this question, but by and large it is a parliamentary responsibility.

I am just advised that the same evidence is required by both houses in terms of that second address. I will allow the minister an opportunity to answer the question.

Mr JENNINGS (Special Minister of State) — President, thank you for trying to provide the chamber with perhaps an appreciation of how acts are administered and the responsibilities that you have as President of this chamber, the role that you play in relation to chairing the audit committee and the role that you play with the Speaker in terms of providing structural governance for parliamentary services in Victoria. I think there is a clear lack of understanding of that on the opposition benches today.

How I would augment what the President has outlined to the house is that if this request is made of me — and the President has already indicated that it is beyond the scope of the information that would be available to me unless I specifically ask for it — if you want this information then the President may direct me to provide it, and the only way in which I would be able to provide it is by writing to the President and asking for the release of that information. And I assure you that, if I do write for that information, I will ask for everyone's information — everyone's.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — The question that I had asked earlier, which I will not restate, asked about the number of Labor MPs. It did not ask for the minister to name them. So I think in view of his own obligations under the code of conduct as a minister it is his obligation indeed to make sure that there is efficient and effective use of resources, facilities and personnel provided at public expense, which is

surely a part of his responsibility. But my supplementary is: have you satisfied yourself, Minister, that there are no Labor MPs who represent city electorates, other than the member for Tarneit and the member for Melton, who have claimed the second residence allowance in the 58th Parliament?

Mr JENNINGS (Special Minister of State) — In no way would I describe that in any circumstances am I satisfied with the circumstances around this matter. I guarantee to the member that in fact we will apply due diligence and consideration of the way in which these schemes are administered in the future, and that is the action that I am focusing on.

Member entitlements

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is also to the Special Minister of State. The opposition has stated that the second residence allowance should only be available where the member's home base is not only 80 kilometres from Melbourne but also within their own electorate. As minister responsible for the regulations, I ask him: will the government now amend those regulations to adopt that policy?

Mr JENNINGS (Special Minister of State) — I have not actually finally formed a view on the answer to your question because I am hopefully going to be able to see — on the basis of the work that the audit committee undertakes and the work that in fact I did in examining circumstances of the structure of these allowances and how they should be administered in the future — what is the best form which they should take.

As a general guide the government have already indicated that we believe there should be far greater transparency in the evidence trail that actually supports a claim, we should be far clearer about which electorates this applies to and where this may be available and we will actually seriously view it through the prism of what is a legitimate work-related expense as distinct from the way in which it has come to be understood and the uses that it has actually been put to by members over the years.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In February, or last month, Sky News reported, and I quote:

Mr Andrews says cabinet will start working on reforming the rules on Monday.

'I'm not going to waste any time on this, it'll take days, maybe weeks' ...

Given that two weeks have elapsed since the rort scandal broke, why has the government not closed that simple loophole within days, as indicated by the Premier?

Mr JENNINGS (Special Minister of State) — I think the issue that has been at the heart of every single question that has actually been raised by the opposition today fundamentally flies in the face of what is the responsibility of the audit committee in terms of examining the facts in relation to this matter, absolutely providing guidance for this, reflecting upon the rules and procedures in future and providing the opportunity for us to work in a collaborative way to make sure that these issues are not a recurring feature of parliamentary practice and that we remedy them. In that spirit I am waiting for some advice, which actually may come to us all collectively, from the considerations of the audit committee.

Member entitlements

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is again to the Special Minister of State. The Electoral Act 2002 requires that the suburb of residence of candidates for the Legislative Council be printed on the ballot paper. Will the government extend that requirement to Legislative Assembly candidates?

Mr JENNINGS (Special Minister of State) — That is not an issue that I have actually discussed at great length within the government. It may be an issue that we consider in the future. But clearly this is the party — when we were in government previously — that introduced the requirement in the Legislative Council in relation to the suburb of residence of candidates for the Legislative Council. So we were the first movers in that policy setting. We will reflect on whether in fact that is something that we on balance would recommend for the future in the other place.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. The minister is correct: that was introduced in legislation in 2003 for the Legislative Council, at which point the Labor Party opposed amendments to extend it to the Legislative Assembly. So I ask: why is the protection of absentee Labor MPs who live up to 90 kilometres away from their electorates more important than being transparent to voters?

Mr JENNINGS (Special Minister of State) — The Labor government at that time introduced parliamentary reform which made lasting changes to this chamber and, funnily enough, pretty much almost exclusively at the expense of the Labor Party ever since. We do not actually bask in the glory of allowing for proportional representation that actually has led to the change in profile of the chamber, but we have often been the victims of it. So we are not shrinking violets in relation to legitimate democratic reform. In fact we led that reform. We actually made that reform happen, and we have lived with the consequences of that in this chamber and in the other chamber ever since. The government is not shy in introducing reform and driving democratic institutions. Even if it leads to some pain and suffering in this place, we will not shrink from those reforms; we are very confident in them.

Taxi and hire car industry

Ms PATTEN (Northern Metropolitan) — My question is for the Minister for Public Transport, represented by Minister Pulford. The government's compensation scheme for taxi licence owners as part of the broader ridesharing reforms has caused a great deal of angst and is directly linked to the \$2 levy that the government proposes to introduce. A significant part of the problem is the design of the scheme, with many taxi licence owners of the view that it does not take into account their personal circumstances. We know from freedom of information requests by *Herald Sun* journalists that, for example, only 9 per cent of licences were purchased for more than \$400 000. Given that the government has this level of detail about licences and that what we are talking about is a relatively small number of individuals, as many have multiple licences, why is the government proposing a flat rate of compensation for licences rather than taking a more individual approach?

Ms PULFORD (Minister for Agriculture) — I thank Ms Patten for her question and for her interest in this matter. As Ms Patten knows, this has been the subject of a great many discussions. We recognise absolutely the challenges faced by taxi licence owners and operators as new disruptive technology has changed very much the way that they work. We recognise Ms Patten's and other members' long-time interest in what is a challenging area of reform.

As Ms Patten knows, legislation to address this matter is currently being considered by the Parliament and there will be an opportunity for the Parliament to fully consider all of these issues. So without wanting to get ahead of that and also not wanting to provide an answer to a quite detailed question in another minister's

portfolio, I will take any further detail that might be required to acquit that and seek a written response from Minister Allan.

Supplementary question

Ms PATTEN (Northern Metropolitan) — Thank you, Minister; I appreciate that, and I do appreciate that it is in front of us at the moment. But we have had the fairness fund going for some time, which is means tested by the government, and they are asking details about the licence-holder's assets, liabilities and financial position. Again, I would ask the Minister for Public Transport why this individualised approach taken to the fairness fund cannot be extended to the compensation scheme.

Ms PULFORD (Minister for Agriculture) — I thank Ms Patten for her supplementary question. I will also seek a written response from the minister.

Supervised injecting facilities

Ms HARTLAND (Western Metropolitan) — My question is for Minister Mikakos on behalf of Minister Foley. Last week I and the mayor of Yarra, Amanda Stone, went to Australia's only medically supervised injecting centre, in Kings Cross, Sydney. The facility has been operating successfully for 16 years and has an excellent relationship with local police, who are very supportive of the harm-minimisation work being done there. The supervised injecting centre saves lives, builds trust with injecting drug users and gets them on the path to treatment. It is clear that we need this kind of facility in Victoria, particularly in Richmond. The government has made it clear that it will not agree to a trial, but I ask Minister Foley: will he consider visiting Kings Cross to consult with the staff and local police so he can base his decision on evidence we have right here in Australia?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her question. In terms of the rationale for the government's position, I certainly would refer Ms Hartland and other members to a response that I gave to Ms Patten in relation to these matters but also the comments that were made, I believe, by the Leader of the Government during the course of a similar debate in the last sitting week. I know that Minister Foley is a person who thinks very deeply about these matters, and obviously he is taking action to address the issues around drug addiction in our community more broadly. He has demonstrated that through the *Ice Action Plan* that the government announced very early on when it came to office, but as for the minister's willingness to travel and his movements, obviously that will be a matter that I will

refer to him, and I am sure he would be very happy to provide a response to the member.

Supplementary question

Ms HARTLAND (Western Metropolitan) — A few weeks ago I went to Richmond to walk around with the residents to actually look at what the problem was. It reminded me very much of what Footscray was 20 years ago. I again ask the minister: will he meet with the mayor of Yarra, Amanda Stone, and residents to take a walk around Richmond and actually look at the absolutely debilitating problem that they have there and their concerns around their safety and the safety of injecting drug users?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Hartland for her supplementary question in respect of these matters. I know that Minister Foley is someone who likes to assess situations for himself. He is a very hands-on minister in that sense. I know that he would also be speaking with the local member, the member for Richmond, in regard to these issues. He is an individual who also takes a very hands-on approach and is very well connected to his electorate and to the issues being experienced by constituents in his electorate. But I am very happy to refer the specifics of Ms Hartland's question to Minister Foley for a written response.

Firearms

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Corrections, representing the Minister for Police in the other place. Legally recognised experts usually have demonstrated experience and qualifications to gain that recognition. After all, both in courtroom situations and in policy development the need to be correct is vital — vital to ensuring a fair trial is given and vital to ensuring that policy advice that is given is going to create policy that is fair and workable. My question is: can you please outline on what basis Victoria Police will generally recognise a Victoria Police employee as a subject matter expert?

Ms TIERNEY (Minister for Training and Skills) — I thank the member for his question. It is my understanding that the specifics of an expert role are essentially viewed in at least three different ways within Victoria Police. The first one is in relation to a person being recruited for a particular position within Victoria Police, in which case it needs to be considered whether the person has the particular qualifications and experience necessary for that position. The second aspect is whether a police officer would informally be

recognised within Victoria Police by their colleagues as having experience in a particular subject area by virtue of their experience within Victoria Police and matters that they may have worked on. The third area is that a police officer can provide expert evidence on a particular subject matter in court, and that is clearer, Mr Bourman, in terms of where we go to. In these circumstances, before evidence of that person's opinion may be admitted, under section 79 of the Evidence Act 2008 it must be established that their opinion is wholly or substantially based on specialised knowledge.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her answer. My supplementary question is: it is no secret that I have grave doubts about the advice that the Chief Commissioner of Police, and subsequently the Minister for Police, is receiving about matters relating to firearms. Will the minister please outline exactly what criteria the licensing and regulation department of Victoria Police use to qualify someone as a subject matter expert on firearms?

Ms TIERNEY (Minister for Training and Skills) — On the particulars in terms of advice received on firearms, I am unable to provide that information, but I will seek that information from the Minister for Police.

Written responses

The PRESIDENT — Order! In respect of today's questions I would seek a response from Mr Jennings in regard to Ms Wooldridge's second substantive question, which was the third question of the day.

In regard to Mr Rich-Phillips's second question to Mr Jennings, which was the fifth question of the day, I seek a response to the supplementary question. In regard to Mr Rich-Phillips's further question to Mr Jennings, his third for the day, I seek a response to the substantive and supplementary questions.

Regarding Ms Patten's question to Ms Pulford, I seek a response on both the substantive and supplementary questions. Regarding Ms Hartland's question to Ms Mikakos, I seek a response on the substantive and supplementary questions. It is two days for each of those — the questions to Ms Pulford and the questions to Ms Mikakos, because they involve ministers in another place.

In respect of a response that was provided to Ms Crozier, she has asked me for the reinstatement of a question that was put to the Special Minister of State in respect of an appointment of someone who lives in New York to the Treasury Corporation of Victoria. The

question was answered in all respects bar one, and that was that Ms Crozier had sought a cost. The number of flights were detailed, so the information in the answer is responsive and quite detailed, but it did not include the cost. In the context of that particular item I would reinstate it, but only for that matter.

Mr O'Donohue has also raised a matter with me. I am still considering that.

Mrs Peulich — On a point of order, President, I request that you consider asking the minister to respond to my substantive and my supplementary questions. Notwithstanding your comments, I draw your attention to the code of conduct for ministers and parliamentary secretaries and perhaps reflect on that — you may be able to decide now or later. The minister has an obligation to ensure the efficient and effective administration and allocation of resources, facilities and personnel provided at public expense. The government makes an allocation to Parliament, and the Department of Parliamentary Services is responsible for the administration of those funds. My questions did not go to the identification of those members but certainly the exercising of due diligence to make sure that the minister fulfils his responsibility as both outlined in the ministerial code of conduct as well as in the *Cabinet Handbook*. Therefore I believe that the minister would certainly be able to, and should be able to, answer those questions without transgressing into the area that you consider the responsibility of the Presiding Officers.

The PRESIDENT — Order! Can I make two very significant points. The first one is that if I reinstate those questions, then as the minister said, he is going to have to write to me and I am going to have to decide whether or not to release the information. Given that I have to consider the rights and the privacy of members of Parliament, given that the question was specific to a group of parliamentarians rather than the whole, given that there was an attempt to try to seek names in the way the question was framed, as I understood it, and apart from anything else, given that the audit is covering our administration and other members who might be covered by these allowances, I am going to be in a position where frankly I am going to say no to the minister. The minister is going to come back here tomorrow and say, 'Sorry — —

An honourable member interjected.

The PRESIDENT — Order! It might be two days, because it will take me a while to think about it. The minister is going to come back here and say, 'I cannot furnish an answer because the President has been obstinate'. That is the first thing.

But there is a far more important principle at work here. I fight tooth and nail, I can tell you, on the separation of powers. The fact is that the Parliament's administration is not the government's administration. In this matter it is Parliament's administration, and I will not provide for the answer on that basis.

Mrs Peulich — On the point of order, President, just to clarify, I was not asking for identifying information but the usual checking and verifying of the administration of policies and regulations for which the minister has responsibility. I think you have misunderstood. I am happy to provide you with a copy of the questions. It was not identifying information that I was seeking from the minister.

The PRESIDENT — Order! I have actually had advice from the clerks that I should not put this question to the minister by way of a written answer. You made a point that the minister was responsible, and I am at pains to say that the minister is not responsible; I am.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 7632, 7685, 7705, 7707–8, 7713–14, 7723, 8947–8, 8953, 8985–6, 8991, 10 503, 10 512, 10 515–20, 10 549, 10 586.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Public Transport. The government and the member for Shepparton in the Assembly made much fanfare of the new V/Line timetable, claiming it delivered an additional 4.31 p.m. service to Shepparton. This was a smoke-and-mirrors announcement, as we already had a 4.31 p.m. service that was a train to Seymour and then a bus to Shepparton. The replacement of the bus with a train is welcome, but the downside is the loss of our 6.22 p.m. train service. Many Shepparton line passengers are being and will continue to be inconvenienced by the timetable change that has meant the only service after 4.31 p.m. now does not depart Melbourne until 7.08 p.m. Constituents who work in Melbourne have complained to me that it is not practical for them to leave work in time to catch the 4.31 p.m. service, and a 7.08 p.m. departure means they do not arrive home in Shepparton until 9.45 p.m. — almost 10 o'clock at night. This makes for

a very long day, especially if you have had to catch the 5.15 a.m. train, the only train service that arrives in Melbourne prior to 9.00 a.m. My question is: will the minister reinstate the 6.22 p.m. train service from Melbourne to Shepparton?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is to the Minister for Local Government in the other place. One of the projects that was given funding in the previous round of the Growing Suburbs Fund was the Heatherbrae Recreation Reserve pavilion. It received money for a multi-use pavilion, a public art installation, car parking and landscaping. Construction of that project has been underway for some months. I ask that the minister provide clarification as to when that project will be completed and available for use.

Mr O'Donohue — On a point of order, President, I seek your guidance on whether the member asking a minister for clarification meets the guidelines of a constituency question.

The PRESIDENT — Order! I think clarification is in order, provided it is Mr Mulino now providing the clarification.

Mr MULINO — I am asking for the minister to provide me with a time line for when the project will be completed and available for use.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My matter is for the Minister for Public Transport, and it concerns safety on the sky rail construction between Caulfield and Dandenong. There have been a series of incidents, serious incidents, with one as recently as three days ago where illegal scaffolding on the sky rail tipped over and put an apprentice in hospital. There have been a series of these quite serious industrial and occupational health and safety incidents. I ask the Minister for Public Transport to answer the simple question: how many incidents have there been where there has been injury on the sky rail construction and what steps is she taking to ensure that people are not injured or indeed killed in this hasty construction process by the cowboy group at the Level Crossing Removal Authority?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to the Minister for Health, Jill Hennessy, and it pertains to the fact that yesterday I was lucky enough to be out with

Minister Hennessy at the opening of the new breast cancer centre at Maroondah Hospital. At another meeting after the opening I had the opportunity to talk to a number of people about this project and it being out of the ground and ready to go at the start of 2018. The question they posed to me, to which I did not know the answer, was: what is the geographical area that BreastScreen Victoria and Maroondah Hospital will service for women around this particular region and how far does the catchment area extend? I wish to get back to them and let them know the answer to that.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — On Sunday morning I received a phone call from a distressed constituent who lives just out of Leongatha. On Saturday evening he rang Leongatha police concerned about an incident he had seen, only to be told that there were no police available in South Gippsland at all. The constituency question I have is for the Minister for Police is: why were there no police available on Saturday night to respond to calls for assistance, and is this a result of the cuts to the frontline police we have seen under Daniel Andrews, or was there a specific reason why there were no police available in the Leongatha and South Gippsland region on Saturday night?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is addressed to the Minister for Multicultural Affairs, the Honourable Robin Scott, and it is related to the government's recent announcement of the Recruit Smarter anti-discrimination pilot program. My electorate covers the western part of metropolitan Melbourne and is as culturally diverse as it gets. It is a source of pride for me to represent an area as diverse as Western Metropolitan Region. I applaud the minister's initiative in the area of multicultural affairs and note that he has been actively working to ensure that multiculturalism is not something to be merely tolerated but something to be embraced. In that regard the question I ask the minister is: how will the Recruit Smarter program make a difference to my constituents in relation to their employment prospects and the discrimination they might be facing in the labour market?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Families and Children. The minister has claimed the government's decision to build a youth jail in Werribee

is subject to consultation. The Wyndham council has actually taken the minister at her word and is searching furiously to find somewhere within the municipality for a site that meets the yet-to-be-released specifications. Despite this, the member for Werribee without residence, Tim Pallas, says Werribee South is still the government's preferred site and is pushing ahead with that plan. I ask: is the belated consultation by the government nothing but a sham, and is the minister taking the good people of Wyndham for a ride?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My constituency question is to the Minister for Public Transport. As one of the end points of the Melbourne Metro project, Domain will be one of the launch sites for tunnel boring machines that will be used, as the name suggests, for boring tunnels between stations — but unfortunately not at Domain station itself, which will be built by cut and cover despite the desire of local residents. Melbourne Metro project minutes confirmed that a lifting crane will be required to position the tunnel boring machine in the launch shaft, which is to be expected, but the minutes noted that such a crane structure may have impact, and as a result Melbourne Metro has asked for details of the crane and construction methodology. Given this concern, Minister, what exactly is the expected impact of the enormous lifting crane, and when exactly will this happen?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is for the Minister for Emergency Services, and it is in relation to the Golden Plains shire seeking funding support for the construction of a new state-of-the-art emergency services precinct in Bannockburn. In fact I have raised this with the Minister for Planning in support of the council trying to secure a 30-year lease for the 1.4 hectares of nearby unused railway land for the purpose of relocating emergency services under the banner of an emergency services precinct. They are currently located in the heart of the township itself, and the council is seeking to move both the Country Fire Authority (CFA) and the State Emergency Service (SES) out to that unused railway land. So the question I am putting to the Minister for Emergency Services is: when can the community of Bannockburn expect to hear that the government has supported funding for the building of the new CFA and SES facilities?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is to the Minister for Public Transport, Minister Allan. I have raised this issue before in the house in relation to the ability for transport users to purchase Myki tickets from a newsagency in the McKinnon area. In her previous answer the minister responded that Public Transport Victoria (PTV) will continue to monitor the need for more Myki retail outlets, identify locations and do analysis. In the letter the minister says that there are currently three outlets located 1.5 kilometres from McKinnon station, but my constituent is constantly being asked if passengers and users can buy Myki tickets from her newsagency. So I ask the minister if she could provide the analysis and the monitoring PTV has done to ensure that these transport users are being serviced properly.

Mr Ramsay — On a point of order, Acting President, in relation to constituency questions, I raised a constituency question for Minister Tierney at least three sitting weeks ago in relation to the fate of the Glenormiston Agriculture College campus at Terang. It appears everyone in the community knows what the fate is except for me. It is not a hard question for the minister to respond to in an appropriate time, but after four weeks I am still waiting, and I ask for your guidance about what the appropriate time is for a response to a constituency question.

The ACTING PRESIDENT (Mr Elasmarr) — Order! The Chair has no power in regard to constituency questions. It is up to you to follow it up with the minister.

RESOURCES LEGISLATION AMENDMENT (FRACKING BAN) BILL 2016

Second reading

Debate resumed.

Mr BARBER (Northern Metropolitan) — Amongst these many, many positions that the Liberal Party are putting forward, they have got a new one, and that is that they are okay with drilling provided people can sign a piece of paper saying they do not want it on their front lawn. They are against fracking, but they are in favour of drilling. They are in favour of drilling, but not yet — but maybe — but now they have just changed it to decide that it is going to go earlier. You can have it here, but you cannot have it there. You can drill it, but you can only use it if it is to come out of someone's gas

stove, not to connect to a power station in New South Wales and so on and so forth.

This particular amendment in relation to requiring the consent of landowners should be seen for what it is. It is simply a method driven forward by the industry to get a thin end of the wedge in, to get into a particular community, to set neighbour against neighbour and ultimately to start paying people off to get access to a particular site. The industry, of course, will be very pleased to see that the Liberals are going down this road, but the Liberals do not want to admit that this is just another way for them to go for the same objective, which is to continue fossil fuel extraction and to continue burning and pollution, and they have offered up nothing except for nostalgia by way of an alternative energy policy.

They even compared it to their infamous 2-kilometre buffer around a wind farm. That was to give someone within 2 kilometres of a wind farm the right to veto the construction of that wind farm because they did not want to look at it. If only the impacts of gas drilling — dewatering, land scraping, noise, lights late at night and all the rest of it — could be maintained within the one property title, but that is a damn sight less than what the Libs were putting forward when it came to landholders' rights around a relatively innocuous wind turbine.

The last thing the coalition are doing — and it is probably the most damaging thing they are trying to do here today — is getting rid of the short-term moratorium on conventional gas drilling in Victoria, which by the way, from my understanding of the bill, brings up some matters under that act in relation to oil extraction as well.

What this means is that we can be sure that if there is a coalition government after 2018 and they have got that one extra vote that, by my assessment, they currently do not have, then those communities that have fought so hard to drive out this menace can expect it to be back on again. I would not be taking down the 'Gasfield free' triangle from my farm front gate just yet, because at the 2018 election those communities are going to have to mobilise all over again to make sure that the Liberal Party and the National Party and the shooters party and anyone else here who decides to vote for this particular amendment — —

Ms Shing interjected.

Mr BARBER — The F'ing Party. Correct, Ms Shing.

Ms Shing — I didn't say F'ing Party; I said Shooters, Fishers and Farmers. Don't misquote.

Mr BARBER — Okay. Very good. As you were. We are going to need to mobilise to make sure that that collection of parties does not form government through the lower house or get 21 votes in the upper house. That is unfortunate because, with respect to communities, their lifestyles and the types of investments they might want to make in new farming enterprises, and also in terms of energy policy, it is disturbing that we are going to live in a world of an on-again, off-again fossil fuel extraction — maybe, maybe not, maybe this year, maybe next year — setting. That is bad.

We have also got some imminent decisions about new coalmines in Victoria outside the existing Latrobe Valley area. We have got coal exploration mines in Bacchus Marsh stretching across one of our major food bowls. We have got a huge set of coal exploration licences right through the Strzeleckis, South Gippsland and around to Sale, where the landholders, many thousands of them, do not know whether their farms will flourish into perpetuity or whether someone will turn up at their door one day and say, ‘You’re about to become a giant coalmine’. In fact there were a number of grants being given out by the last government, continued by this government, to try and work out how to turn brown coal into various other things, including diesel oil and whatnot, all of it hugely expensive and polluting along the way.

For that matter we have got this government offering a tender right now to continue looking at the possibilities of carbon dioxide injection into the ground layer, the so-called clean coal dream. Since there is no way to bolt that kind of technology onto an existing coal-fired power station, it would go broke if you even tried to do it. The only reason for this Labor government to be continuing to investigate carbon capture and storage across Gippsland, and in the past in other areas, would be if they intend to build new polluting coal or gas-fired power stations through which they intend to capture the carbon and store it underground, with all the many technical and environmental difficulties associated with that. Never mind the cost. The fact is — —

Mr Dalidakis interjected.

Mr BARBER — Was it not the case that Mr Dalidakis was out there cheering on Kawasaki in relation to a new plan they have got to make a mess using brown coal, to convert it into hydrogen? These technological dead ends — —

Mr Dalidakis — Quite possibly I was, but can you remind me of when?

Mr BARBER — Just a few weeks ago. They never seem to be able to give up on these dead-end technologies and recognise that polluting and storage just get dearer and dearer and renewables get dramatically, rapidly — almost daily — cheaper. It is simple economics, even before one starts to charge a premium per tonne to allow these industries to put their waste product into the atmosphere with all the impacts that that is going to have across every human and every ecosystem in the planet.

To conclude, it is a welcome measure that the government has brought this bill before the Parliament today to implement a policy that my party has been campaigning for for quite some time. Other states and other state parliaments are looking carefully at this measure and the actions by the coalition and certain other parties — the Shooters, Fishers and, used to be, Farmers Party. They are looking at how it is that Victoria has set this new direction, and I think that other state parliaments in time will probably recognise the wisdom of this policy, which is to lock the gate on unconventional gas not just in individual farms or regions but on the whole of the state of Victoria, which then opens up many other opportunities and sets a much clearer direction that we need to meet our energy needs at the same time as living within those strict limits that the atmosphere and that the earth have given us.

Mr LEANE (Eastern Metropolitan) — I am very pleased to be speaking on this bill today. I just want to reflect on recent weeks and months. I know the coalition have claimed that the policy in this bill is their policy. That is a bit strange now. A week ago that was being claimed, but this week that position has completely changed. I am not sure if they are still claiming that this bill and this legislation is a result of their policy. I know other people are pretty keen to claim the policy in this bill. As a government MP I am not keen to do that at all.

I am saying this policy is the Victorian people’s policy, particularly the people of regional Victoria. I am saying this bill is a bill that belongs to the Victorian people, and it is especially a bill that belongs to Victoria’s regional people. I am also saying that this legislation, when it gets passed unamended — and let us hope that it gets passed unamended — is a bill that belongs to regional Victorians. This bill belongs completely to regional Victorians. This bill and this legislation, when it is passed unamended at the end of today, will belong to regional communities. It will belong to farmers. It will belong to the Victorian Farmers Federation, the farmers’ representatives. This bill will belong to people that have run tourism companies in regional Victoria

for years and years. This bill does not belong to any politicians. This bill does not belong to any political party. This bill does not belong to this government. This bill does not belong to the opposition. This bill belongs to regional Victorians.

I want to start off by congratulating them. As a member of the upper house committee — and I have to say it is one of the best things I have been involved in this term — that was charged with looking at a reference regarding fracking and unconventional gas and whether it should proceed in Victoria in any form, as a metropolitan member, a member for Eastern Metropolitan Region, I was overwhelmed by an issue that had not been completely on my radar until becoming a member of the committee. I was overwhelmed by the passion of regional communities. When I say regional communities, I am not talking about 50 per cent of them and I am not talking about 70 per cent of the communities; I am talking about near on 100 per cent of the communities that were saying to our committee, ‘We refuse to accept unconventional exploration and mining in our communities. We refuse to put in peril industries that have been successful in regions for decades and decades in agriculture, in tourism and in so many other successful industries’. These communities have based their success and they want to base their future success on these industries.

I can only congratulate them on the way they went about pushing this particular position. I can only congratulate them on the way they stood up to politicians and stood up to political parties — whether that be my party, the party opposite or any party — and gave no doubt to the members of the committee, as a minimum, that they will not accept unconventional gas mining and exploration in their particular areas. I was struck — —

Mr Ramsay interjected.

Mr LEANE — You can carry on, Mr Ramsay. You have ownership of nothing. You have — —

Mr Ramsay interjected.

Mr LEANE — I have actually touched on that. If you were here at the start, you would have heard that. I know — —

Mr Ramsay interjected.

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Ramsay, enough is enough. Mr Leane to continue.

Mr LEANE — I attended every regional hearing and every metropolitan hearing that we had, and one time I was really struck at Hamilton when five farmers sat in a row and gave their evidence. One farmer actually broke down the time he was putting into meetings around this particular issue — the time that was taking him away from his family and his farm, and the stress that — —

Mr Ramsay interjected.

Mr LEANE — Do you want to deride this particular farmer, Mr Ramsay? You want to be careful. You are a fool. You are just a goose. You will get a go. Are you saying the farmer in Hamilton was a Green? Are you saying that he was not a farmer? You are just a goose. And another farmer — they seem to know a lot about farming, Mr Ramsay — —

Mr Ramsay — On a point of order, Acting President, I have been called many things, but a goose is stretching the imagination even for Mr Leane. Apart from it being unparliamentary language, I ask you to have him withdraw that quite derisive word ‘goose’.

Mr LEANE — I withdraw the remark because I want to actually talk on this bill and not listen to an idiot, so I will just keep going.

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Leane!

Mr LEANE — I will withdraw the ‘idiot’ remark too.

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Ramsay, Mr Leane has withdrawn, but I am asking you to make no further interjections. Mr Leane, through the Chair, please.

Mr LEANE — I am happy to. In Hamilton the other thing that struck me was that a farmer who knew a lot about farming, I have to say, spoke about the certification process that he goes through to sell his product overseas. It is a certification process where he has to state if there is any unconventional gas or prospecting near his farm to be able to keep the clean, green product that he sells going overseas and bringing into the Victorian economy what he does bring in and support.

I think the amendments from the Liberal Party were really led by the Shooters, Fishers and Farmers Party. A week ago the Liberal-Nationals MPs were standing up saying, ‘We 100 per cent support the moratorium’, and then the Shooters, Fishers and Farmers Party say that they are going to put an amendment to say they do not

support the moratorium on unconventional gas, and then all of a sudden during the week the coalition go, 'Oh, yeah. Thanks, Shooters and Fishers. Actually we agree with that now'. After making big speeches in the chamber last week about how they support the moratorium, all of a sudden the smallest part of the right-wing coalition is the tail that is wagging the dog. I find that amazing.

I think that when it comes to any form of onshore gas exploration and mining, the problem is that regional Victorians have no faith and no trust in the proponents. They have no faith and no trust in the oil companies, and that came through clearly in the conversations and the verbal reports that we were getting through the committee. Trust had completely broken down. I have got to say that I struggled with trust. I was sitting there listening to some of the witnesses who were there talking on behalf of the oil companies saying, 'Fracking can be contained. You put proper regulations in, you put proper laws in and you'll never have a problem'.

I am sure Mr Ramsay will pull me up for using a prop, but I remember hearing that evidence, so I got on this thing, I looked up Google and I found there is a jurisdiction in New South Wales where they have stopped the process because it was believed that fracking had polluted the community's drinking water. This gets back to the oil companies saying, 'There's no problem with fracking; there's no problem with fracking at all', when it is not true. Why should the public have any confidence in the oil companies doing any onshore exploration and mining — —

Mr Ramsay interjected.

Mr LEANE — When it is your go, Mr Ramsay, you get up and tell them why they should have faith in these companies. Why should they have any faith whatsoever in the way that these companies engaged them and actually tried to convince them of something that is completely untrue? This is a matter of the public having no trust and no faith. That will have to be built up if there is ever going to be conventional onshore gas exploration. I do not know — in five years time it might not be necessary. I have got to say, though, that no-one could tell the committee if there are any possible commercially viable pockets of any type of onshore gas in Victoria. No-one could say it. Now we get the likes of Lakes Oil and Gina Rinehardt saying they are going to sue the Victorian taxpayers for \$1 billion. No-one even knows if there is anything there! Maybe we are doing them a favour; maybe they should give the taxpayers a dividend for saving them the cost of prospecting and finding out there is nothing

there. The minister has taken a position that we will need to scientifically find out if this is a fact.

I have got to say that there is this absolutely crazy notion that renewable energy is somehow evil. This is particularly believed by the extreme right members of the coalition. These are the same members who say this weird stuff about how they want to control what women do with their bodies and all that sort of stuff. I do not understand. We have got these modern day Don Quixotes on their invisible donkeys, with lances, charging at windmills because they think they are the tools of the devil. Well, they are not the tools of the devil; they are actually generators of electricity. That is the same as those opposite talking about generating electricity from onshore gas and saying, 'If we don't exploit it, it's going to drive up power prices', when there is a heap of gas being pumped from Bass Strait. It is Victorian gas. It gets pumped up to the top of the country, it gets turned into LPG and it gets sold to overseas clients at a cheaper price than we pay for gas here. So, Mr Ramsay, get up and rage against that; get up and say, 'That's what's driving up power prices'. But you will not, because you are a slave to donations. That is what it is all about. It is all about getting donations. You are a slave to donations. Your party would be horrified if you got up and said that. Your party would go, 'You're going to cost us a lot of money'.

I cannot understand this notion that wind and solar power is an evil thing. It is a fantastic thing. It is the way we are going to have to go. As Ms Shing and I said in our minority report, if we are going to be spending money on exploration for fracking or anything like that, why do we not just put the money towards regional renewable energy projects, like what is actually happening now?

I have not had long enough. I wanted to talk for longer than this. It is a shame Mr Ramsay is so stupid and has carried on, and I might look for leave to extend. But I just want to finish where I started; I want to reiterate something I said when I started. When it gets passed tonight this bill will not belong to Mr Ramsay, that is for sure. It will not belong to any MP in here. It will not belong to the government, it will not belong to any previous government and it will not belong to any future government. This bill when it passes will belong to the regional people of Victoria, and I cannot congratulate them enough. I cannot thank them enough for educating us as a government. I have got to say that this has been one of the best things I have ever been involved in as an MP, and I have been doing that for a while, so I thank them.

Mr O'SULLIVAN (Northern Victoria) — It is a pleasure to rise today to speak on the Resources Legislation Amendment (Fracking Ban) Bill 2016. From the start I would like to say that The Nationals have long been against fracking in Victoria; for a long time we have been against fracking in Victoria. We have been against fracking for a long time, and we remain against it today. Fracking is something that is not required and should not happen in this state. The Nationals are absolutely against fracking. We have been quite consistent for quite a while in terms of our opposition to fracking. No-one supports fracking. That is what you guys do not understand. You do not understand the issue well enough to know that no-one is arguing over fracking. Everyone is against fracking — —

Mr Barber — What does Barnaby say?

Mr O'SULLIVAN — I will take up that interjection. This is the Victorian Parliament. I am not going to speak on behalf of the federal Parliament. I am going to speak on behalf of The Nationals here in Victoria. We have taken a leadership role in relation to this issue, and, Mr Barber, during the Gippsland South by-election you came out and supported our position in relation to what we were saying — —

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Sullivan, continue on the subject, please.

Mr O'SULLIVAN — Acting President, this is on the subject, so I am quite happy to get to that. I do intend to get there. During the Gippsland South by-election this issue was quite prominent; it was the number one issue of the campaign. During that time The Nationals came out with a very clear policy against fracking. At the same time the Greens put out a press release. In their words they suggested that we only came to that position because they had forced us to. That is not quite right. At the same time, Mr Barber, the Greens supported and congratulated us on the position that we took at the time of the Gippsland South by-election. This is something that The Nationals have been very strong on over a period of time. There will be others in the chamber who will speak on behalf of the Liberal Party. I am sure Mr Ramsay will do so very strongly when he gets to make his contribution. We not only had this position during the Gippsland South by-election — which was obviously held in Gippsland — when we got to the west of the state, down to Polwarth and the South-West Coast, we again had strong commentary.

Mr Barber — South-West Coast?

Mr O'SULLIVAN — I spent time with Mr Barber down there, and I am happy to say that it was a unity ticket in relation to being against fracking for the whole of the campaign. Every candidate who stood at that election was against fracking.

Mr Dalidakis — How did you go? Did you win the seat?

Mr O'SULLIVAN — No, the Liberal Party won that seat, but they did so off the back of being against fracking. They were very clear about that. All the way through this The Nationals have been against fracking.

If you look at some of the other aspects of this bill, a lot of the discussion has been around conventional onshore gas. A moratorium has been in place since 2012. It was put in place and strongly supported at that time by then Leader of The Nationals and Deputy Premier Peter Ryan, who was also the member for Gippsland South. So the moratorium was put in place by the coalition government, supported by the Liberal Party and the National Party, and to be fair, both sides of politics have taken that through from that period up until now. So that is not new in relation to that proposition. That has continued through. Peter Ryan stood very strongly against this and stood up for his local community. As the Deputy Premier he stood up and put that moratorium in place. It has been carried forward through to this day.

We have stood strongly against fracking, and we have put the moratorium in place in relation to conventional gas as well. Right back as far as Peter Ryan, when he was talking about it then, through to the Gippsland South by-election and through to other by-elections and other discussions. The Nationals have been very clearly saying that we would never do anything that would put in jeopardy the environment, the water, the resources or the land. Obviously down in those areas farmers are the custodians of a lot of that land, so we have been very much in support of farmers being able to have a say over what happens on their land. We have stood very strongly right throughout because The Nationals have got a 100-year history of supporting farmers and regional communities. For 100 years we have been doing this, and we will continue to do it for a very long time into the future. What we will do is continue to support farmers and continue to support regional communities in relation to the activities that occur out in the regions.

What I find a bit hypocritical is the Labor politicians from the city going to the country a couple of times and all of a sudden they are experts on it. But I was very pleased to hear Mr Leane acknowledge the significant

role that regional Victoria plays in our community as a whole, and I am very pleased to be a part of that as well. Mr Dalidakis, you should get out to regional Victoria. I will take you out there and show you a bit of it any time.

Mr Dalidakis — Do you live in Fitzroy?

Mr O'SULLIVAN — No.

The ACTING PRESIDENT (Mr Elasmr) — Order! Those on my right side, I think the member is entitled to be heard in silence, so please, no more interjections.

Mr Dalidakis — Was it Brunswick, not Fitzroy?

The ACTING PRESIDENT (Mr Elasmr) — Order! I just said no more interjections.

Mr O'SULLIVAN — The Nationals have a long history of sticking up for farmers. We are a farmers party; there is no doubt about that. If you look at the agriculture sector and the role it plays in the Victorian economy — and if you want to go even broader, in the Australian economy — there was a report today saying that the farming industry is worth about \$64 billion to Australia. But if you wanted to bring that back to Victoria, through the food and fibre exports we have well above \$10 billion that gets exported through the agriculture sector, and that is very critical in terms of employment and wealth creation for the Victorian economy. We have got a vast array of agricultural pursuits in Victoria, and we are the Australian leaders in what we do. If you look at the dairy industry, the red meat industry and the grains industry, they are all very big players here in Victoria. Victoria has only got a very small land mass compared to other states in Australia, but we are well and truly batting above our average in terms of what we produce for export markets around the world.

People are very keen to understand that we have very clean air; that we have good, clean water; and that we have got a clean environment. So what we produce here is world class, and particularly in Asia, in the Middle East and in other parts of the world it is very much in high demand. We are never going to do anything that will jeopardise the significant role that that plays in the markets. Farmers rely on those export markets because we only consume about 20 per cent of what we produce in the agricultural sector here in Victoria. So it is very important, because there is about 80 per cent that we need to export, which creates wealth for farmers — it puts more money in their pockets. It also creates more jobs in regional communities as well as in the cities, and it creates a lot of wealth for this state. So the

importance of the agricultural sector will never, ever be put in jeopardy by The Nationals, because it is such a critical part of the economy.

That is why, in terms of this bill, we have been very strong all along in saying that farmers should have the right to say what goes on on their land. They should have a right to say that. I have got a farming interest myself which produces some grain up in the Mallee, and there is no way known that I would stand here and say to you that there should be anything done that would have a negative impact on that farming land. It is too critical for what we do on so many levels, and we have been very, very consistent for a long time in saying that there should be no fracking and that there will never be anything that will have a detrimental impact on the environment, on the land and on the water, and therefore this will protect our very, very valuable agriculture sector into the future.

In terms of what we did with the previous government under Peter Ryan, who was leading the charge on it, we banned a whole range of chemical use. Benzene, toluene, ethylbenzene, xylene chemicals — we banned the use of those in relation to the gas industry. We undertook exclusive community consultation in terms of what was going on so we could understand the views of people in the regional communities, and we were never going to put that in jeopardy. We put in place under the former Minister for Water, Peter Walsh, significant groundwater studies to try and understand what types of impacts there would be on the water sources, because in terms of agriculture and in terms of irrigation the water sources, the aquifers and so forth play a very vital role in agriculture.

Mr Barber — You only do that if you're going to introduce fracking.

Mr O'SULLIVAN — No, but we need to understand what all the impacts are, and if it was going to be a negative impact, we would not allow it. We would not allow it if it was going to have a negative impact on farming communities.

If you wanted to go back and have a look at the history of exploration here in Victoria, it was actually a Labor government that issued 23 fracking permits. It was the Labor Party that issued 23 fracking permits. Also, there were 73 licences for unconventional gas explorations that they put on the regional communities out there. It was not in Melbourne, where your seats are; it was not there. It was out in the regional areas that the Labor Party introduced 23 fracking permits and 73 licences for unconventional gas exploration.

By contrast, how many were issued under the Liberal-National party coalition? I will tell you how many fracking permits there were: zero. I will tell you how many licences for unconventional gas exploration there were: zero. So I find it a bit amusing that Mr Leane stands up here and pretends to be the friend of regional communities, because he has been out there three times as part of the committee hearings and says how much of a win it is for the regional communities that they have come to the party, where we have been for a long time, but in fact it was the Labor Party that introduced 23 fracking permits. So I find it a bit strange that the Labor Party are coming in here beating their own chest about how great they are for regional communities when they are the ones who actually implemented this in regional communities in the first place.

The Nationals very clearly have been able to stand up and look after the regional communities and look after the farmers. We have said farmers will not have to have anything on their farm if they do not want to. If they do not want it, they will not have to have it. I have said it before and I will say it again: we will never support anything that is going to be harmful for the environment, we will never support anything that is going to be harmful for water sources and we will never support anything that is going to be harmful for land resources in this state, because we are the party that looks after farmers, we are the party that looks after regional parties and we will never, ever allow that to happen.

Mr YOUNG (Northern Victoria) — I find myself in a situation at the moment having to do exactly what Mr O’Sullivan has just done — clarifying our position — because there is a lot that has been said about our party in the last few days to confuse that issue and there is a lot of rumour and conjecture going around about what we are actually trying to achieve today.

So firstly I would like very much to put on the record that the Shooters, Fishers and Farmers Party (SFFP) are 100 per cent supporting the ban on fracking, despite what has been bandied around by Labor Party social media, threatening that we are putting the ban on fracking at risk. It is simply not true. We have been committed to the ban on fracking since they won. We were actually the first party to come out in support of the government when they announced that they were going to bring in this legislation, so we have been there from day one. We have been supporting that ban, and we will continue to do so.

But the legislation goes further than to simply ban fracking. The government have given themselves an out. With the legislative moratorium there is no need for them to address the conventional gas issues until after the next election cycle at least. That is why we have a 2020 date; it is so far out that they can just push it away for now and not have to worry about it. They do not want to come back to this issue before 2018. They want it out of their head, and they want it to go quietly. But the 2020 moratorium simply is not going to solve this issue; it is just postponing it. If we really want to get on with something that could be a viable industry, we want to do it now, instead of just trying to kick along.

On 8 December 2015 the Legislative Council’s Standing Committee on the Environment and Planning handed down its report derived from an extensive inquiry into unconventional gas. Now, I sat on this inquiry, and the focus of it was very much on fracking as per the parameters of how it was set up. But as you can imagine, it is difficult to have a conversation about such a detailed inquiry without touching on conventional extraction. The information received spelt out very, very clearly the differences between the two, and that seems to have been lost in the campaign over recent months.

The government has actually taken steps over and above what was recommended in that report by way of the ban on fracking in legislating the current moratorium. The first instance I understand; I accept and support the ban on fracking. We know why they are doing it. It is over and above the recommendations out of the report, but we are on board with that and we acknowledge that. The Shooters, Fishers and Farmers Party have made it very clear from day one that we do support the ban on fracking. What we do not support is having a moratorium on conventional gas extraction extended or put into legislation. It is important to note that neither of those were recommendations of the committee. The recommendations focused on ensuring that regulations are put into place to control the impacts of this industry, such as strict standards and monitoring of well integrity or the proper use when disposing of by-products.

I now believe that at the time there should have been more focus on rehabilitation of sites that are no longer used, because that is something that has been a major concern of ours. After a company comes in and performs their operations, they are not actually remediating properly. That is something that we want to see really, really tightened up. Something that is absolutely critical to this industry going ahead is their ability to actually come back and make the space as it

was. There should have been more thought at the time and more effort put into coming down hard on companies that abuse the regulations with complete exclusion from future activities for those who have done the wrong thing. In such a serious issue like this I do believe that we should have a zero-tolerance policy. For anyone who is going to flout the rules on the way in which this industry goes ahead, I do not want to see them back in it.

The scope of the inquiry at the time probably should have included in greater detail other factors in the continuation of the conventional industry, such as rights of landholders to veto. That is something that has come up very recently, and it is something that we have been talking about for a little while. The basis of removing the moratorium from the legislation was not simply to remove the moratorium and allow things to go back as usual; there are other changes that we recognise need to happen, and a right to veto for landholders is absolutely one of them. We do support the rights of farmers to say no if they do not want these activities taking place on their land, and we will be supporting amendments along those lines.

Also the inquiry should have looked into royalties for communities. It is something else that certainly needs to be addressed. I am not saying I have a view one way or the other, but I would certainly like to explore the issue — royalties not just for people who have extraction taking place on their land but also for local communities, because this is such a widespread resource. The inquiry should have looked at ways in which a gas reservation would work for Victoria. The gas belongs to the state, it belongs to the people, it belongs to everyone here and we should be using it first. We should not be palming it off at cheap rates. We should be getting all the benefit that we can out of it.

Had all of those things been looked at before now, we could have had an industry proceeding that would have provided jobs and income to regional areas and would have helped to ease the ever-increasing rise in energy costs. Instead we have a big-ticket item in fracking and a ban that is creating more uncertainty until 2020, when we will do this all over again. If anyone thinks that having a moratorium until 2020 is the end of this story, they are absolutely kidding themselves. We are just going to have to rinse and repeat and rinse and repeat until we get a result. That result is going to be either a ban or going ahead with the industry but with enough regulation to make sure that it works. So the SFFP will be moving ahead with amendments to this bill in the hope that the government tightens up on the regulations required to make the industry viable, productive and safe.

Ms SHING (Eastern Victoria) — It is a profound honour to rise to speak about this bill today. I note, as have predecessor contributors to this particular debate, that it is a process that has been going on for many, many years. Since the beginning of the moratorium in 2012, and indeed predating this, the issue has been one that has vexed, frustrated and dismayed communities throughout regional Victoria. It is something that has gathered people around kitchen tables, in backyards, at barbecues, in pubs and on worksites right throughout Gippsland, the area that I am very proud to represent.

The communities of Gippsland are, remain and have always been resolute in their desire to be part of decisions that have a material impact on the way in which their land is regarded by governments. This is entirely fair and entirely reasonable. These landholdings have for so many families throughout Gippsland been in one surname for generations. They are the pride and the joy and the lifeblood and the DNA of communities throughout those areas beyond our metropolitan boundaries. In my mind they produce the best dairy, the best beef and the best in horticulture. Our communities throughout regional Victoria send produce to market that makes us the envy of the world. Our export opportunities, in the substance and in the quality of what we produce, rival so many other jurisdictions, who would kill to get a foothold in what it is that we currently enjoy in our positive reputation for prestigious goods.

What it does boil down to, though, beyond the trade and the commerce, beyond the chequebooks and the triple bottom lines, is what happens in these communities. And what has been happening in these communities for too long is uncertainty, is an enormous level of fear and is dismay at the apparent neglect by governments to discuss with them the impacts of an onshore gas industry in Victoria.

Those around the chamber who want to use this exercise for political point-scoring to become one of the many thousands of fathers of victory that we have dealt with and will deal with in the passage of this legislation as it relates to onshore unconventional gas are missing the point. They are missing the point because fundamentally this is a lesson in how social licence was never achieved. This is a lesson in how governments spoke of one thing and delivered not what was promised but something else entirely.

I remember debating Peter Ryan at the Mirboo North recreation reserve in 2014 and I remember him talking at length about a statement he had made in the house — 10 or 11 points based around the premise of doing no harm. Mr O'Sullivan has alluded to that in his

contribution today. He has alluded to the importance of the ban on fracking as it related to the Gippsland South by-election. What was missed in the contribution by Mr O'Sullivan today and by Mr Ryan at the time that that contribution was made, however, was the notion of social harm. It was the notion of harm occasioned through a lack of social licence.

What we saw when licences were originally granted were wells, flare pits and areas that were quarantined off from main roads, often beneath a row of palm trees or tucked away from the side of a dirt track, that became blights for entire communities, that divided communities, that pitted neighbours against neighbours and, that unpicked the fabric of what had been generations of living and working together on the land. What we saw was very different to what we hear now from those around the chamber about how various political parties have always opposed fracking. The point is that if we go back to the record, if we go back to the use —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmar) — Order! Ms Shing has the call.

Ms SHING — What we have seen in the past is the capacity for communities to learn from and to develop the way in which they respond to the challenges that operate on the ground in our farming communities. We saw DDT at one point being a very popular pesticide. We saw arsenic in sheep dip to control lice and ticks and other sorts of bugbears that existed on farms being used for quite some time, and we still see the remnants of that in soil testing today. Farming continues to get better with time. Knowledge continues to evolve with science. That is precisely what has occurred in this case.

It was in fact Labor — absolutely, it is on the record — that issued the licences in the first instance. Then, by referencing science, by referencing the notion of risk and by referencing the international evidence that clearly suggested there was a correlation between the undertaking of unconventional gas practices as far as exploration and extraction were concerned and the contamination of groundwater and aquifers, Labor learned from that to then say, 'We can do better'. 'We can do better' was the result of looking to the science and understanding that there was an appreciable risk. There was an appreciable risk not only to the pristine, clean, green reputation of our output. There was an appreciable risk to the interruption of current farming practices that had yielded some of the best products in this entire world. There was an appreciable risk to the

communities who were being riven by the way in which these licences were operating.

Labor called for the moratorium and did so clearly understanding the context that had preceded it. In calling for that moratorium we recognised that the science had not only caught up with the initial decision but had passed it. We promised a parliamentary inquiry, we set up a parliamentary inquiry and we ran that parliamentary inquiry. For us to sit here today and to hear contributions from those around the chamber is an interesting exercise in a rewrite of history that, however, fails to acknowledge the fact that we have had minority reports from the coalition that suggest in fact that a moratorium is not the best way forward. We have had minority reports from those who would seek to represent country communities, including those in Gippsland — and I am looking forward to what Ms Bath has to say in this regard — that say in the words of those who operate across the Liberal-Nationals coalition:

In these circumstances the coalition members of the committee proposed a further five-year moratorium on onshore gas exploration and production in Victoria.

This was a proposition that was rejected by the ALP members of the committee. Do you know why it was rejected? It was rejected because Mr Leane and I in our minority report called for a permanent ban, the permanent ban which is now intended to provide the certainty that was the subject of Mr Ryan's harm principle. Doing no harm includes not prolonging the uncertainty or kicking the can along the street in the way that Mr Rich-Phillips, the way that Mr O'Sullivan and the way that others around this chamber have continued to say will provide better certainty with the use of technology.

What we also see in relation to Mr Young's contribution is that he indeed voted for a permanent ban on onshore unconventional gas. The Shooters, Fishers and Farmers Party has gotten one thing right in this particular issue. What we see, however, is the amendments being proposed today depart from the words of those coalition members just across the hallway. There must be some time shift because one sitting week ago we heard a very different story. What is to say that in two years time, in three years time, in the event that there is a coalition government, all of a sudden it is all too easy to forget about history, to forget about science and to forget about the issues around social licence that promoted and encouraged 1942 people to make submissions to this inquiry, to sit at kitchen tables, barbecues and pubs and to stand around their cars and talk about what mattered to them? What is to stop that from happening?

We on this side of the chamber congratulate every single person who put pen to paper and every single person who wore their heart on their sleeve and came along to the hearings. Between us, Mr Leane and I attended every single one. We were absolutely moved. We were moved by the strength of conviction, by the passion, by the knowledge and by the enthusiasm that communities shared. These are time-poor communities.

I went out onto farms and I spoke with farmers, and I saw the love and joy that their livestock bring them. I discussed the way in which food clusters from East Gippsland right through to the Otway Basin make a world of difference not just in what they produce but in how they bring communities together.

When I look at the amendments that are being proposed today what I see is a last-minute, last-ditch effort, an attempt at cake eating by those opposite. And let us watch them very carefully to see who votes on what here, because it will be what people do and not what they say that ultimately matters. It will be in fact very telling as to the extent to which particularly those people who purport to represent regional communities can in fact walk the talk.

These amendments would do nothing more than prolong the uncertainty for those who have lived with it for far too long. We were elected to provide certainty and clarity in relation to this issue. The way in which the parliamentary committee was conducted was to give effect to those people at very much the grassroots level who hold particularly passionate views about this because they are living it. We listened, the bill has been proposed and it reflects the desire to provide that certainty. The bill reflects the desire to make sure that our production of agricultural and horticultural product, which contributes more than \$10 billion to state coffers and to federal coffers, is not compromised as the science around the world continues to catch up.

We have seen the way in which tainted aquifers have not only had a chemical effect on the environment but have also had a deleterious social impact. We have seen that these things are not quick to heal. In the same way that we continue to have arsenic residue in our soil and on our farms and in the same way that herds continue to be spooked for a long time after traffic patterns change and/or go back to normal, these things do not settle overnight.

Our communities need and deserve certainty. Our communities need and deserve an opportunity to have their agricultural and horticultural expertise continue to shine. Our communities throughout regional Victoria do not deserve amendments such as these, which will

yet again cast uncertainty and insert a political subtext and flavour to this around giving politicians down in Melbourne more of a say in considerations that perhaps have very little to do with the communities that are most affected by them. These amendments do not provide the solution that those opposite would have us believe they provide. They do not fix any of these purported policy shortcomings.

In relation to the export challenge proposed in this particular amendment, I note that the federal constitution in fact may be a very significant fetter to what has been proposed by the opposition. There are significant free trade and trade between states provisions that operate in the common-law constitution, and indeed it is a matter of mystery to me how we might separate those parts of the grid, because it is a grid. As Mr Barber indicated, it is all linked up. We cannot actually necessarily separate products that originate from one part of the grid from another.

What we should make sure that we understand is why this is being done — not what, not the four pages of amendments that are being proposed in their technical detail, but why. Let us look to see what certain proponents of the onshore gas industry would have us believe — that there is \$1.2 billion worth of lost opportunity here — let us have a think about why people are fighting so hard for these amendments and let us do the right thing in relation to recognising, respecting and providing a due response to those communities which so deserve a proper resolution to this longstanding issue.

Interjections from gallery.

The ACTING PRESIDENT (Ms Dunn) — Order!

Mr RAMSAY (Western Victoria) — I take this opportunity to speak on the Resources Legislation Amendment (Fracking Ban) Bill 2016. I was almost going to say it was a pleasure, but unfortunately from what I have heard from speakers on the opposite side, it is no pleasure for me to have to respond to the rhetoric, untruth and absolute propaganda that have been shovelled to us this afternoon particularly by Mr Leane, Mr Barber and Ms Shing.

Just for the record, the purpose of the bill is to amend the Mineral Resources (Sustainable Development) Act 1990 and the Petroleum Act 1998 in order to prevent the exploration and mining of coal seam gas, to ban hydraulic fracturing and to impose a moratorium on petroleum exploration until 30 June 2020. Mr Gordon Rich-Phillips has foreshadowed some coalition

amendments in relation to the moratorium and the domestic market.

Mr Leane interjected.

Mr RAMSAY — Can I just say at the outset, Mr Leane, thank you for your personal attacks throughout your presentation, calling me an idiot, a goose, a turncoat and a whole lot of adjectives. On my birthday I am very gratified to be able to get the summation of what you think my personal traits are, but typically you are just abusing the chamber and the Acting President by speaking over the top of my presentation, which you tend to do, because you do not want sensible and rational debate in this discussion, do you? You cannot stand the fact that intelligent debate is needed in relation to taking positions on this bill.

Mr Leane interjected.

The ACTING PRESIDENT (Ms Dunn) — Order! Mr Leane, I am on my feet.

Mr Ondarchie — On a point of order, Acting President, you may well have solved the problem. I know that Mr Leane is auditioning for the Melbourne comedy festival, but we are trying to hear Mr Ramsay's contribution, and I ask if you could bring him back to order.

The ACTING PRESIDENT (Ms Dunn) — Order! That is not a point of order. I ask Mr Ramsay to continue his contribution.

Mr RAMSAY — Thank you, Acting President. Can I say at the start that I have been a farmer for 40 years, and I am still continuing that practice of farming at Birregurra, where I raise cows and also trees. I am an active member of the Otway forestry group. I have been a strong supporter over many decades of Landcare and represented a farming organisation that in fact initiated the Landcare movement. So I think my environmental credentials are probably far superior to those of most in this chamber and certainly those speaking on the far side, particularly in relation to farming and the environment. It does gall me a bit when we have our suburban latte-sucking MPs on the other side of the house suddenly deciding to cast aspersions on members on this side, who have actually run small businesses and been part of the farming community for many generations.

But all that aside, I note also in the interactions and interruptions suggestions about Peter Reith having some involvement in some change in policy that the Liberal Party might have made. Well, guess who was doing the rounds of the Parliament in the last sitting

week. Theo Theophanous, who I think is an ex-Labor MP, was talking to us all, from both sides of the chamber, about how important it is to allow the gas industry to have opportunities to conventionally extract gas across Victoria — a former Labor MP.

Mr Leane interjected.

Mr RAMSAY — So you stand up there like Pontius Pilate, saying it is actually all the Libs' fault, when in fact it is an ex-Labor MP who has been seeking support for a change in the policy position that went through the Assembly.

Mr Leane interjected.

Mr RAMSAY — One of your own, Mr Leane. Hypocrisy is a word that fits very well on the government side of the chamber because, as has been said before, it was only the government side that offered fracking licences — 23 of them — in the past, and it is only the Andrews government and its MPs that are going around seeing if we can change policy positions in relation to the moratorium on conventional gas extraction onshore.

Moving on, though, in relation to the issues at hand, we totally support banning fracking. So all those people who are tweeting me at the moment saying 'You don't support banning fracking', that is more of the mystique and the lies and the cover-ups that Labor is making in relation to this bill. We do support banning fracking, Mr Leane. You should say that publicly, 'Yes, we are all at one. We want to ban fracking'. To the people in the gallery, I am here to say to you I support banning fracking in Victoria in relation to gas extraction. To Chloe Aldenhoven, to Alison Marchant, to Astar Slave, to all those people who have been tweeting me all morning, I can say: I support banning fracking. That is a position that the coalition is taking.

Mr Barber — On a point of order, Acting President, there are very good reasons why it is the custom and practice of the house that we do not enter into debate with members of the gallery or refer to members of the gallery. While they are welcome to come along and observe, we can see how quickly things would go badly if members started yelling at people who were in the gallery, let alone vice versa.

The ACTING PRESIDENT (Ms Dunn) — Order! I uphold the point of order and remind members that in their contributions they are not to address or engage with the gallery. It is not appropriate.

Mr RAMSAY — That is all very good, Acting President, but the two speakers on the other side were actually speaking to the gallery and enjoying the hospitality of their applause at the end of their presentation, so come on, get real!

I can also confirm that our position is that we are very cognisant of the impact of any extraction of minerals or petroleum in and around our food production areas across Victoria. I have said this, as Ms Shing and Mr Leane know, in all the public hearings of the standing committee in relation to the unconventional and conventional gas inquiry. That is very true what they say: 99.9 per cent of those who provided testimony to those hearings supported and pleaded with us to take a position of banning fracking, and that is what we did. Certainly, personally, I would never take a position that I thought would lead to our natural environment being contaminated by any sort of extraction, whether it be of minerals or petroleum.

What we also did was take a position in relation to a moratorium for conventional gas exploration to allow the science and some of the technical aspects to be explored in relation to extraction of conventional gas, and we still do. Even today, I can refer you to a press release that was put out less than an hour ago:

The Liberal-Nationals support the ban on fracking in Victoria. We don't support anything that would put at risk farmland or our water supplies.

Both the energy sector and the government need to undertake significant technical studies and consultation with rural communities about conventional onshore gas.

It is exactly what the inquiry recommended. It goes on:

We support a moratorium remaining — as has been in place since 2012 — while this work is conducted.

All we have done is allow some flexibility in the amendment so that we do not have a statutory regulation about the moratorium, but we support the moratorium continuing. There have been more lies and untruths from the government in relation to our position in relation to this amendment.

Certainly, there are, as there were during that inquiry, discussions about how we can provide a domestic market in the future for gas that will reduce the cost of gas for those who are reliant on it. And there are plenty of industries reliant on gas right across Victoria. Many of our food producing and processing industries rely on gas, whether it is milk processing or red meat processing or chicken processing. They all require large amounts of gas to provide for both heat washing and refrigeration, so gas is important to the communities of

Victoria. We have seen that through the success of our gas connections across regional Victoria, particularly in those small towns that historically for heat relied on firewood but unfortunately were not able to — —

Mr Barber — Tell us about the success!

Mr RAMSAY — Because of Mr Barber's native vegetation laws, they are now not able to get firewood for heat. They are having to look at gas and low-cost energy for their heating and other needs. So to say that gas is not important to regional Victoria is a total lie, and in fact it is going to play a significant part as Victoria loses those dirty emitters, coal-fired power stations. We are going to require gas to provide some baseload power. We cannot rely on wind; we have seen that in South Australia. We cannot rely on solar panels, as we have seen in Western Australia. But we can rely on a sensible mix. We can have a sensible mix of renewables and some of our fossil fuel energy supplies.

Mr Leane interjected.

Mr RAMSAY — And gas is a far more attractive proposition than coal is, Mr Leane. I am sure you agree on that, though I do not think you agree on anything else.

The amendment is really doing nothing except allowing some flexibility, which Labor MPs are running around calling for, in relation to allowing — if the science is right and the technical aspects are right — some conventional gas extraction under what are very strict rules. As Ms Shing would probably not know in relation to having to apply for a licence for mineral extraction, the hoops you have to go through — the water studies and the environmental studies and overlays galore — mean you are unlikely to ever get a permit, but what we have done is allow some flexibility with the amendment to allow gas companies to at least look at opportunities to provide gas domestically through conventional onshore methods. That is purposely to reduce the cost of living, to reduce the cost of energy, to create greater housing affordability and reduction in energy costs and also to provide energy security for regional Victoria —

Mr Leane interjected.

Mr RAMSAY — which you so much care about now, Mr Leane. Suddenly you have had a whole new lease of life and have seen that there is actually more of Victoria outside the tram tracks of the CBD. You had that great appreciation of travelling down to Gippsland with me, going across to Hamilton, as you said, and other parts of regional Victoria, where we have this bountiful lushness of hinterlands, trees, Leadbeater's

possums and all sorts of things that we can live in and enjoy, as I do at Birregurra, I might add. But that does not negate our responsibility to make sure that we have a secure energy source, that we are reducing the cost of living for Victorians and that we allow opportunities for industry, whether it is the gas industry or others, to be able to onshore conventionally extract without impacting on the natural environment. That includes the food-producing areas, the aquifers and other parts.

If Mr Barber had his way, we would have no industry at all. We would all be sitting there watching the wind fans go around in outback Victoria, relying on some sun. But of course there would be no industry, because it does not provide baseload power, and we have seen that in South Australia. The argument about being totally dependent on renewables is a fossil farce, as we have seen in South Australia.

The commonwealth has come to appreciate this in terms of the renewable energy target (RET), which is not sustainable under the Labor plan. We have said here that we would scrap the Victorian RET because we need to sit under a national renewable energy target. We cannot alone in Victoria expect to reduce greenhouse gas emissions as well as meet renewable energy targets that come at a significant cost.

Just putting this bill in perspective, we are all wanting to ban fracking. We certainly support that part of the bill. We are supportive of a moratorium remaining. We have said that today publicly in a press release. We are supportive of the science and technical work that needs to happen. You put \$10 million into allowing that to happen, and we have no disagreement with that. Let that work continue, even though a lot of that work has already been done. There are 63 wells already that have been operating in Victoria onshore conventionally over a number of years. But it does not matter. We can spend another \$10 million and just prove that there is no contamination or likely contamination in relation to that work.

As Ms Shing and the committee have supported through the work they did on that inquiry, we obviously do need to look at how we can preserve some gas, specifically for Victoria, to reduce the cost of gas. The domestic gas market in Victoria is part of it.

Ms Shing interjected.

Mr RAMSAY — That is true. A lot of the gas that is extracted in New South Wales and Queensland goes offshore. We know that. That is one of the reasons why we have been looking at ways where we can protect the domestic market, we can reduce the cost of living and

we can reduce the cost of energy to make it cheaper for households.

Ms Shing interjected.

Mr RAMSAY — I do not know why you would deny that, Ms Shing. I do not know why Mr Leane and Mr Barber would deny Victorians being able to have a cheaper energy source. All you want to do is increase the cost of energy now in relation to having a regulated — —

Honourable members interjecting.

Mr RAMSAY — It is not, it is the truth. That is what you are doing. What you are doing in the bill is putting in a regulation where there is no flexibility and allowing some conventional gas, if it meets the requirements in relation to the science and the technical aspects of no risk, nil risk of contamination in regional Victoria. I appreciate that I am nearly out of time, except my time was soaked up by interjections. I think this amendment is worthy of a proper, sensible debate, and my hope is that it will be supported at the end of the debate in the committee stage.

The ACTING PRESIDENT (Ms Dunn) — Order! Thank you, Mr Ramsay, for your contribution. Just before we move on to the next speaker I want to remind our visitors in the gallery today that they may of course be used to participating in local government and being members of the gallery there, but the Parliament operates a little bit differently in that visitors are considered guests of the Parliament, therefore they are here to observe and not participate. I just remind the members of the gallery of that, but we welcome you all.

Mr PURCELL (Western Victoria) — It gives me great pleasure today to stand and make a contribution to the Resources Legislation Amendment (Fracking Ban) Bill 2016. I commence by congratulating the government on bringing this bill to the Parliament. It has been a long time coming, and it is certainly a pleasure for me to be here as a part of this Parliament and as a part of the political process that actually gets this to a conclusion. Hopefully that conclusion is today.

This has been a grassroots campaign. I will give credit where credit is due: the Greens have had a consistent position on this all the way through. But where I do disagree with them is that I think it is now time where the signs can come down and we can all agree that fracking will not be seen in this state. We have got bipartisan agreement, and I have no doubt that no person in this room will see any fracking in Victoria. The campaign to get rid of fracking is over. It is

finished, and I believe that we now have bipartisan agreement that fracking will be finished.

I do not wish to take up too much of the chamber's time. My involvement in fracking started approximately 10 years ago. Anyone who listened to my maiden speech would have heard that it was a big part of my reason for being here. When I was on council, before being elected to Parliament, we were one of the first councils to be fracking free.

The first time I raised this issue I took it to the national congress of mayors in Canberra in 2010. The motion that my council put up was to limit all fracking in the country, in particular in Victoria. I discussed the issue at that congress, and then we voted on it. To my surprise we actually lost that vote, and that was the first time I thought that we really had an issue with regard to fracking in this country, in particular in Victoria. I was pleased that my council took that position. It was an unusual position some seven years ago, but it was one that many more took after that. The mayoral congress was eye-opening for me, and I realised at that stage that much more needed to be done.

For me, the issue with fracking particularly relates to groundwater. I, like many others in this chamber, have lived in rural Victoria, and without the groundwater that supplies our farming communities and also many of our smaller towns, we have a big problem that is going to be around forever if we destroy our aquifers.

My involvement in the anti-fracking movement — and anyone who visits my office will see an anti-fracking sign on my front window — culminated late last year when I was asked to be involved as a spokesman at the Macarthur and Bessiebelle anti-fracking launch, where 98 per cent of the community were against fracking. It was a pleasure to be there with a large contingency of local community members of all different persuasions. They were from the left, the right and the centre of politics, but they were all in agreement that fracking should be stopped. I believe it will happen today.

However, there are two parts to this bill, and the second part is in regard to conventional gas. I think we as a community have too easily put both those issues together. There needs to be an understanding that conventional gas is a completely different thing to fracking. Conventional gas extraction is as simple as drilling a hole for water, and if you find water, you can use it, but if you do not, you cannot. Conventional gas is the same. I did not agree with the original bill, so I approached the government and had some discussions about the ways in which I thought the bill could be improved. I must admit that the coalition and the

Liberal amendments go a fair way to helping me make up my mind, but they certainly do not go all the way, particularly the main issue, which I will go to in a second.

This is a press release — after I could not get the government to agree to it — that I put out on 8 February. It basically said that I was calling on the state government to establish a government-owned and operated gas industry that would benefit Victoria. What I basically said was that gas is an asset of this state, of the people of Victoria, and that we should use it. We really should not be exporting the gas and we should not be selling it to overseas operators as we have done in the past. I will keep on with what I said in the press release. I thought we should use it, firstly, for gas generation into power plants, and then we should use it for private property so that you and I would have cheaper gas. It should not be allowed to be sold, and I see that the opposition have picked that up.

The second issue I raised in that press release was that I thought that no property should be entered without the permission of the farmers — that again has been picked up by the opposition — and that royalties should be paid to the farmers for any gas that is found. You would not be forced to sell it to the farmers to enter their properties, but you would be able to with the farmer's permission. I can assure this house that there are many farmers who would welcome gas exploration on that basis.

The principal part of what I proposed to the government was that I felt that the government really needed to be in control of the gas. They needed to be the sole explorer and the sole producer of gas in the state. It should not be left to some of the companies who currently have the petroleum exploration permits. In my part of the world the petroleum exploration permit is owned by Lakes Oil. The principal shareholder of Lakes Oil is Gina Rinehart. For all the good things that Gina Rinehart may have done for herself and for her family, I do not believe she has the best interests of the Victorian people at heart. I cannot understand how we, whether it be the government or the opposition, could deal with a company who are currently in a legal stoush with the government. It is in the courts at the moment, and they are claiming \$2.7 billion from the people of Victoria for the change of this legislation. This is a company that suggests that they do not really know whether there is any gas in Victoria, yet they are claiming \$2.7 billion from the people of Victoria. I do not believe that this government or any future government should be dealing with that type of company.

One of the real problems that we have created for ourselves and the reason why this government or any future government should be involved in the production of gas is that we as a country have done the most stupid thing in that we are currently sending our gas from Victoria up to Gladstone, we are liquefying it in Gladstone and we are exporting the vast majority of it. I heard in the press reports and in the national news just a few minutes ago that now the South Australian government are looking to purchase that gas back from overseas companies to use it for a gas power plant in South Australia. In our wisdom we have decided to sell the gas from Victoria and the rest of the country — we have exported overseas — and now we are going to buy it back and use it ourselves. If that is clever government, I think we need to have a real look at our government system.

I am left in a bit of a quandary in that I think the Liberal amendments go a fair way towards what I believe should be done, but they really do not go to the major issue, and that is for the government to operate any gas production and own the gas for the people of Victoria, so I will be supporting the government and not supporting the amendments. One of the things that persuaded me was that the government has actually agreed to put \$10 million aside for determining during the moratorium the safety and also the amount of conventional gas that is available in Victoria. By the time the moratorium is complete we will have a much clearer picture of what is actually available in this state and also how we can use it.

In summary, I will be supporting the government's bill without amendment. Fracking for me, as I said in the beginning, is dangerous, but with the bipartisan support for the fracking ban, the argument about fracking in Victoria is now over. I will not be supporting the amendment for the main reason that I do not trust the companies involved. I, like many others, was approached by the company, who like to deal with like-minded people, and I must admit that I am not one of those. As I said, I will not be supporting the amendments until the state government is the only body that is able to produce gas in Victoria. Therefore with that I will conclude this and I will commend the bill without amendment to the house.

Interjections from gallery.

The ACTING PRESIDENT (Ms Dunn) — Order! I commend your enthusiasm, but I remind the gallery that the Parliament is not a place for those in the gallery to participate. I ask you to contain your enthusiasm in silence, please.

Mr EIDEH (Western Metropolitan) — I rise to speak briefly on the Resources Legislation Amendment (Fracking Ban) Bill 2016. Victoria has a well-deserved reputation as the national leader in and the largest producer of food and fibre products. In 2015–16 Victoria's food and fibre exports were valued at \$11.9 billion, and the sector accounts for 4.9 per cent of gross state product. In 2014–15 food and fibre products accounted for close to half of the state's total goods exports. They also accounted for 26 per cent of Australia's total food and fibre exports and continued as Australia's largest state export. In fact food and fibre has been identified as a key future industry for Victoria as part of the government's Future Industries Fund.

Some 195 000 Victorians, mostly in rural and regional areas, are employed in the agricultural sector, and I have no hesitation in saying that these people and these jobs need to be protected by the Victorian government.

One of the greatest threats to Victoria's agricultural sector is fracking and coal seam gas exploration. The Andrews Labor government is therefore banning fracking and coal seam gas exploration and production in Victoria. Victoria's farmers and regional communities have for years campaigned against these risky practices, and we have listened. There was a prolonged process of inquiry and consultation with local communities, governments, industry and other stakeholders. The result of this comprehensive analysis is the end to the anxiety felt across regional Victoria for far too long.

When in opposition, Labor announced our intention to establish an inquiry into fracking, and a parliamentary inquiry was subsequently established in May 2015. This inquiry received over 1600 submissions and heard from the community, from industry, from affected farmers, from the resources sector and from licence-holders, among many others. The culmination of this inquiry revealed that Victorian farmers and the agricultural industries were under direct threat from fracking. Farmers were rightly concerned about their land, and industry was concerned about the overt threat to Victoria's food and fibre industries as well as the threat to the environment, to land and to water quality from gas activities.

Those opposite have accused Labor of siding with extreme green groups in opposing any exploration for new forms of gas and engaging in scaremongering. In fact they now realise that the very constituency they proclaim to represent are the most vocal opponents of these practices.

This legislation is important and it is necessary. It will amend the Petroleum Act 1998 and the Mineral Resources (Sustainable Development) Act 1990. This involves a permanent ban on hydraulic fracturing — fracking — for all onshore gas activities. There will be a permanent ban on the exploration for and production of coal seam gas, which is the only unconventional gas type that can potentially be extracted without hydraulic fracturing, extending the current moratorium on onshore conventional gas to 30 June 2020.

This bill is before us because the Andrews Labor government has consulted and listened to Victorians. When we asked Victorians whether they wanted fracking and unconventional gas exploration, the response was an emphatic no. This was the case with local governments as well, with all of them either opposed to unconventional gas or accepting that it lacked a social licence to operate.

Those opposite really are all over the place on this issue. We have the Victorian Nationals and some Liberals supporting fracking, and then we have the federal Liberals and Nationals opposing it. A diversity of views within a political party is usually a sign of a healthy party, but in this instance it is just a sign of procrastination and indecision.

The Andrews Labor government has been united and decisive on this issue, and we make no apology for supporting our farmers and agricultural industries. We are protecting our international reputation for clean, green and high-quality food production, and we quite simply could not put that reputation at risk.

Ultimately, banning fracking and coal seam gas exploration protects Victorian industry, protects farmers and protects regional communities and provides them all with much-needed certainty. I commend the bill to the house.

Ms BATH (Eastern Victoria) — I rise to make a contribution on the Resources Legislation Amendment (Fracking Ban) Bill 2016. Before I look at and delve into the bill itself, I would like to state clearly that The Nationals support the ban on fracking, and I am pleased to support the ban on fracking as a permanent status.

In my first few days in this new position I undertook two years ago I made some comments which were reported in the media. When asked about my position, I said that maintaining the quality of our soil and our underground water resources is of paramount importance to me.

I grew up on a dairy farm in South Gippsland, so being a farmer is not a theoretical exercise in our family; it is

a lived reality. At the time my family bought our farm before Federation we were some of the primary developers of a small town in South Gippsland, so I understand the importance and the reality of having quality water for grass and crop production. I also understand that it is important to keep input costs down in order to produce that beautiful stuff called liquid milk.

The dairy industry is vitally important to Victoria's economy. It is the largest export by volume out of the port of Melbourne. Our beef, sheep, wool, vegetable, grains and other agricultural products are also vital to our economy. Any activity that endangers agricultural enterprises must not go ahead, and communities across Gippsland have said the same thing. I spoke to many people across Gippsland when I was on the environment and planning committee inquiry into onshore unconventional gas. Only today I was speaking with friends of mine from South Gippsland who have a dairy farm. Theirs is a good dairy, but not a massive one. They informed me that their monthly electricity bill is \$2500, so \$30 000 a year, to run their shed, to pump water and to create their business of producing milk.

At present in Victoria there is a moratorium on conventional gas exploration, and The Nationals support this remaining while work is conducted. Currently the Andrews government has commissioned the chief scientist, Dr Alan Finkel, to head up a team to do research on conventional gas in Victoria to solve the energy crisis we have in this state. If through extensive research it is found that there is an opportunity to safely utilise onshore conventional gas to solve the energy crisis or be part of the picture that solves the crisis — and there is one; it is looming — the Liberals and Nationals believe that if there is an onshore conventional gas industry, the farmers should have the right of veto in relation to any development on their properties and the right to say no to any activity in the area of their farm. We believe that they should also have the right to negotiate with industry. Any future onshore conventional gas development should be reserved for industry, homes and jobs in Victoria and by Victorians first and foremost.

The first part of the bill is to permanently prohibit onshore unconventional gas activity in Victoria. I would like to spend a little bit of time looking at the meaning of unconventional gas and also of conventional gas. Unconventional gas exists in the form of coal seam gas (CSG), shale gas and tight gas. It is the way in which natural gas, which is mostly methane, is housed underground in a geological strata that denotes whether it is CSG, tight, shale or conventional gas. Geologically, coal seam gas occurs in coal, as the

phrase suggests, at relatively shallow depths, from about 300 metres to 1 kilometre in depth. Shale is a fine-grain sedimentary rock that houses the gas in very small pockets of low permeability and low porosity between 1 kilometre and 3 kilometres in depth. It usually requires fracking to facilitate the flow of gas. Tight gas, as the name suggests, is trapped in compact sandstone and limestone hard rock formations. It is basically impermeable and non-porous. Tight gas occurs at 1 kilometre and below in depth. The practice of hydraulic fracturing — fracking — is required certainly for tight, shale and some coal seam gas.

Hydraulic fracturing involves injecting fluid made up of water, sand and chemicals into the well to fracture and split the rocks and allow that gas to flow out. The resulting fluid is made up of gas, saline — salt and water — and naturally occurring geogenic materials, some of which are hazardous chemicals. By contrast, conventional gas is found in sandstone and limestone rock of high porosity and high permeability, and gas flows freely when tapped, so no fracking is required for conventional gas. Conventional gas reservoirs usually have a layer of impermeable seal rock over the top. A simplified way of looking at this is to see it as an upturned bathtub filled with gas, and no fracking is required.

Looking at the bill, and just looking at a few clauses within the bill, clause 4 proposes to insert new section 8AC into the Mineral Resources (Sustainable Development) Act 1990, which prohibits the exploration or mining of coal seam gas on the land. Clause 5 inserts new section 15(1BAA) that provides that any application for an exploration licence, mining licence or retention licence is ineffective and must not be accepted by the minister to the extent that it relates to coal seam gas.

If I turn specifically to fracking, clause 9 inserts new section 16A into the Petroleum Act 1998 to prohibit any person carrying out hydraulic fracturing when carrying out any petroleum operation. Clause 11 amends both the Petroleum Act and the Mineral Resources (Sustainable Development) Act to state that the state government is not liable in any way for loss, damage or injury whatsoever resulting directly or indirectly from the proposed amendments or from measures under the policy moratorium that commenced in 2012.

Let me put some context around that 2012 moratorium. The previous Brumby-Bracks Labor governments issued 23 fracking permits and 73 licences for unconventional gas exploration with zero community consultation — nil and none. Let us compare that to The Nationals and the Liberals. The Nationals and

Liberals created the moratorium in 2012. In 2014 they banned the use of BTEX chemicals used in fracking — BTEX meaning benzene, toluene, ethylbenzene and xylenes. The World Health Organization's publication *Exposure to Benzene: A Major Public Health Concern* identified that it can be and is a contributor to cancer in human beings. I wish to acknowledge a former member and former Leader of The Nationals in the Assembly, Peter Ryan, for his advocacy in this area. The point I make is that no fracking has occurred under a Liberal-National government, and we are very happy to support that going forward.

In my remaining time I would like to make some comments about why we use and need gas. Gas is used in energy production and is also used in feedstock for a multiple range of products and industry. Energy prices are on the rise. With the closure of Hazelwood imminent — it is now only some days away, rather than months — we have seen the government talk about a 4 per cent rise in electricity costs. Now we are seeing it as a 10 per cent price rise, with Frontier Energy suggesting there will be an up to 18 to 20 per cent increase in electricity costs. Again I go back to on-farm costs, and those sorts of increases will make farming much more difficult.

Regarding the closure of Hazelwood, there is an interesting fact. Back in 2010 the Labor government, hand on heart, said, 'We will withdraw Hazelwood via a phased and staged closure'. That was their mandate back then. What do we see now? We see a slam-dunk closure on 31 March this year. Seven hundred and fifty workers will be out of a job. Contractors will have no severance pay; they will be gone. Where do they find work in my electorate? Small businesses will be negatively impacted right across Gippsland. Interestingly I spoke to a postie the other day who delivers in the Latrobe Valley, and he said he hates going to some houses because people are absolutely fearful of receiving electricity and gas bills. It is a real concern for them going forward.

Year after year businesses are reporting gas price increases from anywhere between 50 per cent and 120 per cent, and we have seen that in the media. Also in my electorate Australian Paper is most dependent on securing good and long-term gas supply for its production of paper. Mr Tony Wood, the energy program director of the Grattan Institute, explained to our environment and planning committee:

... there appears to be one thing on which all commentators agree: domestic prices will rise.

I find it quite galling sometimes to listen to the radio as I drive around my electorate. Only last week I heard the

Minister for Tourism and Major Events, the Honourable John Eren, happily state, as he has before, 'We are not a mining state. We are a wining and dining state'. Whilst the last point is true — we do have beautiful quality produce that we enjoy, and we encourage people from overseas to buy it and we attract tourists because of our beautiful produce and wines — I object to the first part: that we are not a mining state. This room was built on the fact that Victoria was a mining state. The fact is that Mr Eren can chill his pinot gris to a nice cool temperature because it comes from a fridge; the fridge used electricity and it also used gas. The fact that Mr Eren can flip his bespoke goats cheese pizza is because it was made in a pizza oven and the goats cheese was milked using electricity from baseload power. So I object to that statement. I think the Labor government, and Mr Eren as a representative of it, has lost track of reality in that respect. I feel as if they have lost track of their worker origins.

Also, in a submission to the environment and planning committee the Australian Workers Union said that the government should adopt a regulatory approach in the form of a gas reservation or a gas reservation-like policy. This is the theme of the amendments that the Liberals and The Nationals are putting forward today.

In summary, I fully support the ban on fracking — full stop. 'No unconventional gas in Victoria' — that is heard loud and clear, and I endorse that. But if in the future the onshore conventional gas industry goes ahead, then in order to support the long-term viability of businesses, small businesses, farms and industry in our state I believe that farmers should have a right to veto what goes on on their land. In those circumstance I believe that we should prioritise reserving onshore gas to be used first and foremost by Victorians before any other state.

Mr BOURMAN (Eastern Victoria) — First and foremost I want to reiterate our support for the ban on fracking. Much the same as Ms Bath, there are no ifs, butts or whys. Despite what is being spread around on social media, that is not our stance. We have no intention of doing anything that will affect the ban on fracking.

Now that I have got that out of the way, the moratorium on conventional gas is not a ban, and people need to remember this. If conventional gas was banned or that bad, why would it not be in this bill? Why is there only a moratorium on fracking? Is it a case of politics? We have been drilling for oil and we have been drilling for gas conventionally offshore since the 1800s, I believe. If there was a huge problem with it, one wonders why it would not have manifested.

Having said that, let me move on to energy security. I remember Mr Barber talking a little bit on this. South Australia has this love of renewables, but when the base load of Victoria goes offline, the lights go out in South Australia. We are going to lose Hazelwood soon, which will also take away some of our overload capacity. What should we use? We have to look to the future. I know there is a bit of contention over whether there is gas there or not. I am no geologist; I cannot really comment on that.

I am just going to cover off on a bit of Mr Barber's contribution, seeing as how he gave us a generous serve. The Greens can afford to be sanctimonious; they do not have to govern. The whole of Mr Barber's contribution was about what the problems were — criticism — but there was nothing about how to fix them and there was nothing about the future. What are we going to use? If we do not use gas, if we do not use coal, if we do not use oil and if renewables are not up to it, what are we going to use? I do not have the answers, but it appears that no-one else does either. I find that a lot people are very happy to say, 'I don't want this, that or the other'. What they are then saying is, 'I want to pay more for energy'.

We might have an overload now. That is not going to be forever. We need to look to the future. We also already have an onshore conventional gas well — for want of a better term — in the Western District, so again surely if there was a problem there we would have noticed. It would have been shut down or it would have been fixed.

There is a huge perception problem around what is going on here. There is too much politics and there are not enough actual facts. We really need to think about what we are doing for the future. We need to govern for the whole of Victoria. We also need to govern not just for now and not just for the next five years — what we are doing now is actually setting the future course for the next 10 or 20 years.

I have been advised that there is probably about 15 years of gas left in the gas fields as they are now. If that is true, then what comes after that? I do not have the answers, but if we do not start looking then in 15 years when the gas runs out we are not going to have time. That is basically where we are coming from.

Before I go: no fracking. There are no changes to that, and no matter what happens with this bill I know no-one wants to change that.

Ms PATTEN (Northern Metropolitan) — I am very pleased to rise to speak on the Resources Legislation Amendment (Fracking Ban) Bill 2016. I will not restate the purposes of the bill, because I think they have been covered in great detail and very well by previous speakers.

I have always supported a ban on fracking, and I note that everyone, with the exception I think of Mr Somyurek, agrees with that position. The Sex Party has had a policy on it since its inception but we did not have a policy on conventional gas, so this has been a really interesting process for me to learn more about this. I have read a lot more about it, and I note today that that is the fractious issue we are dealing with.

Ms Shing — Fractious!

Ms PATTEN — See what I did there? It is the extraction of onshore gas here in Victoria. It has been very interesting to see what the last 12 or 24 hours has brought out in this debate. To our left the government wants to extend the moratorium on onshore conventional gas until 2020. The Greens are in favour of a permanent ban. Over to my right the coalition's position on onshore conventional gas extraction has been a little less clear because last night they supported the moratorium on conventional gas. Mr Ramsay and Ms Bath, I listened closely to your contributions, yet the minority report says:

In these circumstances the coalition members of the committee proposed a further five year moratorium on onshore gas exploration and production in Victoria.

Mr Ramsay — That was before Hazelwood was closed.

Ms PATTEN — Thank you for clarifying that, Mr Ramsay, because I was not able to understand how yesterday you could support a moratorium but today you do not. I am pleased that now we have worked that out.

It was interesting to look in *Hansard* at some of the lower house debate on this bill. Some of your colleagues and members actually took credit for the moratorium.

I actually received an email from Mr Rich-Phillips about the reasons for your sudden change. This was at quarter past 11 this morning, so it was a very sudden decision.

We also heard from Mr Purcell. I thought his long history with this issue was very interesting. His position on onshore gas exploration was also interesting. It is not a protectionist position I would support, but it certainly

seems that the coalition was going some way towards a protectionist approach. But I will speak a little bit about that a little bit later. After seeing the coalition's amendments this morning I actually did do a little bit of a ring around to some of the companies and stakeholders that have an interest in the gas reservation amendment. Now, none of them seemed to be very supportive of the gas reservation amendment. In fact they did not think that it would be a good business proposition, and I will raise a couple of other examples in a minute.

All of the flux in the positions and everybody going from one position to another I think really highlights what we have here and also what the parliamentary inquiry found, which is uncertainty. We are very uncertain about onshore gas. We are very uncertain about the size and the extent of our onshore gas reserves. I have had some companies saying 'We could drill tomorrow' and then the next day saying 'Well, it'd probably take four years. If we got rid of the moratorium, it would take us at least four years to get there anyway'. So there seems to be an enormous amount of uncertainty around this — uncertainty in this chamber, uncertainty amongst the stakeholders and uncertainty certainly in our community. And this is not about fracking. As we have stated, there is complete certainty on unconventional gas exploration, coal seam gas and fracking. We are all in furious agreement about that, and we have heard at length how much we are in furious agreement about that.

I would like to note that — and I am certainly learning a lot more about this — when I spoke to the department and when I spoke to the federal department about this as well I learned that there are significant programs investigating conventional gas. They are going to be looking at the Otway Basin, and the geological surveys are suggesting that that will be a prospective place for onshore gas. So my friends and colleagues here with the Shooters, Fishers and Farmers Party need not worry; we will still be able to heat our pizzas and cook our duck using gas. These studies tell us what resources are out there, what the risks are, what the benefits are and what the impacts of those extractions are, and I go back to saying: we are having this debate because of the uncertainty. We will be looking at baseline environmental analysis, including soil and groundwater studies. At the start of Ms Bath's contribution she talked about her farm and the importance of the soil and the water in helping her grow those beautiful, healthy cows for that liquid milk they produce, and I thought that she would be supporting greater research into this issue, before we go down that hole, literally.

I am satisfied that during the moratorium, which will go until 2020, the time will be used effectively and that we can look at where we can do this. What are our water resources? What are our gas resources? Where are we going to do this in the future, and what do we need in the future? So I reject the amendments. In my notes I wrote that they were premature, but they were so quick and they came so late, I am getting completely confused. Again, I do not consider the analogy of wind farms and gas mining as being the same. I think they are very different, and as we have all said, there are large water tables down there, so if one landholder decides that it is all right on his land, there is no reason to suspect that it is not going to affect neighbouring landholders. This is why, again, I would like to see the moratorium.

Something that I took a genuine interest in when I heard about it was the reservation on the future use of gas. We heard a lot about international companies in the offshore gas industry piping their gas off to other countries causing us to have to buy it back and pay a higher rate. I had some considerable sympathy and interest in that section, but again, how are we going to keep it in Victoria?

Prior to being in this house I had considerable interest in section 92 of the constitution, which is about free trade between the states. The implications of these amendments I think really do question whether this would be in conflict with particularly section 92. But then when I went on to read about this, I got to new section 182B — the exemptions from restriction. The first exemption is if we have enough gas and we say, ‘Okay, we’ve got enough. You can give it to Tasmania’. The second exemption is unless it is not commercially viable to adhere to this restriction. So in actual fact there is no restriction if you can argue that it is not commercially viable to meet that restriction. The information I have from stakeholders is that it would not be commercially viable to meet that restriction.

I am looking forward to us moving away from coal towards renewable energy production, but it may be that we will still need gas-fired electricity in the near future. It may be that we will still want to bake our duck in a gas-fired oven. We may continue to do that in the future, but equally those reserves may not be sufficient. They may pose an environmental risk, and that is what I think this moratorium allows us to investigate. We were looking at the advances in technology — and I am optimistic about those advances — but this moratorium affords us the opportunity to give due diligence on this issue. I support the three-year moratorium on conventional gas extraction just as I support a

permanent ban on fracking, and I commend this bill to the house.

Ms PULFORD (Minister for Agriculture) — Just briefly, I would like to thank all members for their contributions to this debate. I do not think that the moment can pass without remarking on how the coalition have a different position to the one they had when they went to bed last night. It is quite breathtaking. I know that farming communities and rural communities across Victoria have been looking to us in the Parliament to provide some certainty on this issue. This is an issue of great importance to affected communities. We are standing with those communities, and we look on with a degree of incredulity at the extraordinary backflip from the coalition. From time to time in this place you do see people in certain circumstances changing their positions ever so slightly, but this is just an unbelievable flip. Mr Morris, the member for Mornington in the Legislative Assembly, as recently as two weeks ago said:

So should we ban hydraulic fracking? Absolutely. Should we continue the moratorium on onshore conventional gas until we get the regulatory framework right? Absolutely.

They are not so absolute about anything today, whether it is that on again, off again, on again, off again thing that happened last week with penalty rates or so many other things. But what has been demonstrated again — for about the gazillionth time — is that The Nationals just roll over every time the Liberals put the heat on. It is a great source of disappointment to rural communities. It has been an extraordinary 10 hours in Victorian politics, but we look forward to the committee stage. It is our hope that we can provide rural communities with the certainty that they need by day’s end.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (Mr Ramsay) — Order! I have considered the amendments circulated by Mr Rich-Phillips, and in my view amendments 2 and 5 are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 15.07 is required. I remind the house that an instruction to committee is a procedural debate. I now call on Mr Rich-Phillips to move his instruction motion.

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

That it be an instruction to the committee that they have the power to consider an amendment and a new clause to amend the Petroleum Act 1998 to provide that any petroleum extracted from land in Victoria, or petroleum recovered from any reservoir in Victoria if that petroleum was originally extracted from land in Victoria, must not be supplied other than to the Victorian market.

Motion agreed to.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order! The house has agreed to an instruction motion moved by Mr Rich-Phillips which gives the committee the power to consider his amendments 2 and 5 which seek to provide that any petroleum extracted from land in Victoria must not be supplied other than to the Victorian market. I call on Mr Rich-Phillips to move his amendment 1, which alters the purpose of the bill to replace the reference to the moratorium on petroleum exploration and production with the requirement of landholder consent in relation to the granting of application for petroleum production. This is a test for his amendments 3, 4 and 6 to 28.

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

1. Clause 1, page 2, lines 10 to 13, omit all words and expressions on those lines and insert —

“(O) to provide that the Minister may only grant a production licence if the applicant has the consent of the owners and occupiers of the land on which any wellhead is or is to be located within the area for which the licence is sought to carry out petroleum production in that area; and”.

Noting your introductory comments, Deputy President, you referred to amendment 4 in relation to it being tested by this amendment. Amendment 4, which I will come to in due course, relates to omitting the moratorium rather than to the subject matter of this amendment, so I indicate to the committee that I intend to test that amendment separately, notwithstanding the outcome of this amendment.

In formally moving amendment 1, which is to change the purpose clause, amendment 1 relates to my substantive amendment 3, which proposes to insert a new clause in the Petroleum Act 1988 with respect to imposing a new requirement for the minister in

considering the application for a petroleum production licence to be satisfied that the applicant for that licence has obtained the consent of the owners and occupiers of the land on which any wellhead is or is to be located within the production area to which the licence relates for the purposes of production or things related to production.

As indicated in the second-reading debate, the coalition’s intention with this amendment is to provide an opportunity for affected communities — landholders who would be affected by new production of conventional onshore gas — to have an opportunity to negotiate with the producers of that onshore gas to ensure there is a benefit to those landholders who are affected. The analogy I used in my contribution to the second-reading debate was the analogy with wind farms where the operators of wind farms, locating those wind farms on private land, entered into commercial negotiations with the landholders to provide financial benefit to the landholder in return for the placement of the wind farm.

It has been apparent from the debate around gas, including conventional gas, that communities and landholders are concerned that if there is conventional gas exploration and production on their land, they will not necessarily see a benefit from that. The purpose of this amendment is to put in place a mechanism which would of necessity require a producer to negotiate with a landholder to the benefit of that landholder. The coalition’s proposition is that this amendment would go at least part of the way to addressing community concerns about not having a benefit from the impact of conventional onshore gas production on their land, and therefore we propose that this amendment be supported.

I note that Mr Purcell in his contribution to the second-reading debate said he was supportive of the direction of these amendments, notwithstanding that they did not extend to his preferred option of a state-run gas industry. I guess in the context of the amendments I would say to Mr Purcell that even if the latter amendment we will consider in relation to the moratorium is not supported, in 2020 the proposed legislated moratorium would expire and Mr Purcell’s support of this amendment would at least mean that once that moratorium does expire there would be a mechanism in place by which landowners would have some leverage, some rights in the negotiations with producers.

Ms PULFORD (Minister for Agriculture) — The question at hand has been well canvassed during the course of the second-reading debate so I will be brief. The government will be opposing this amendment.

Mr Rich-Phillips's amendment runs absolutely counter to the objective of the legislation. This bill does a number of things. Firstly, it prevents the exploration and mining of coal seam gas and bans hydraulic fracturing. Its second main purpose is to oppose a moratorium on conventional gas exploration until June 2020. We recognise that there is very great ongoing concern held by a number of rural communities about the risk of onshore conventional gas. We also know that there is no proven or probable onshore gas in Victoria. We have undertaken to conduct during the period of the moratorium that is proposed a series of investigations so that we can properly understand the risks and the benefits.

This was actually not very different to the position of the coalition when we went to bed last night. There has been some strange thing happen to the opposition while everybody has been sleeping that will remain a mystery to rural communities and to farming families, probably for a long time. I think that all members are well aware of the intent of the coalition's proposed amendments, and these are not amendments that we can support.

Mr BARBER (Northern Metropolitan) — This might just be a question for the mover of the amendment, given that he just threw these things down when debate started earlier today. Beyond amendment 1 amending clause 1, what further amendments are linked to and relate to amendment 1? Am I right that amendment 3 connects and puts into operation the amendment to clause 1 proposed in his amendment 1?

Committee divided on amendment:

Ayes, 18

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

Noes, 20

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

Pairs

Morris, Mr	Jennings, Mr
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Amendment negatived.

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

2. Clause 1, page 2, after line 13 insert—

“() to provide that any petroleum extracted from land in Victoria, or petroleum recovered from any reservoir in Victoria if that petroleum was originally extracted from land in Victoria, must not be supplied other than to the Victorian market; and”.

Like the first amendment, this seeks to amend the purpose clause of the bill to reflect the intention of the coalition's amendment 5.

Amendment 5 seeks to insert two new sections in the Petroleum Act 1998 with respect to reservation. Again, this is something I addressed in the second-reading debate, and the intent of these two amendments is to provide that, where a new production licence is to be issued by the minister with effect from 1 July of this year for the production of any conventional onshore gas from that date, the restriction on the production licence will be that the licence-holder must not supply petroleum extracted from land in Victoria essentially outside Victoria. The amendment provides a mechanism to reflect subsequent downstream sales, with the intent that the ultimate consumer must be Victorian.

The amendment then goes on to create an exemption, which would allow the responsible minister to grant an exemption to a production licence-holder that is subject to that first requirement if the minister was satisfied that there was enough petroleum being produced within the relevant period to satisfy the Victorian market or if the licence-holder had taken steps to comply and it was not commercially viable to do so.

The intent of this amendment is again in recognition of community concerns around a move to onshore conventional gas. If that step is to be taken, whether it be now or whether it be with the expiration of the proposed moratorium in 2020, for the benefit of that extracted resource to accrue to Victorian interests ahead of any passage or any flow of that resource to either interstate or, as with the growth of the Far North Queensland LNG terminal, export interests, the intent is very much to recognise that, if we are to open up an onshore gas industry, there is a community expectation, particularly given rising gas prices, that the benefit or the resource that comes from the new onshore industry

will be essentially reserved for Victorian purposes. With that in mind, I commend the amendment to the house.

Ms PULFORD (Minister for Agriculture) — Just briefly on behalf of the government, in response to this next amendment from Mr Rich-Phillips, it is our proposition and the effect of the legislation that the government has brought for the chamber's consideration that there be no new production licences, as Mr Rich-Phillips suggests, during the period of the moratorium. So in a very similar vein to my earlier remarks, this runs counter to the government's intention, which is to provide certainty to the communities that are deeply concerned about this issue, to ensure that there is a period of time when significant studies can be undertaken and to put into effect a moratorium that provides the time and space for those studies to be undertaken.

Mr BARBER (Northern Metropolitan) — Just to give an idea of how completely half-baked this amendment is, the rationale for bringing in this amendment is so that gas that is pumped from these wells will be retained in Victoria. A further rationale is that gas is getting very expensive. So the only way this would operate would be if there was a significant differential between the price of gas in Victoria and the price that could be inserted into a national market and traded. For this to be even worthwhile there would have to be tens of thousands, if not millions, of gigajoules of gas being moved around. And yet they have made it a fine of 240 penalty units if you breach this provision — in other words, about a \$37 000 fine for what would probably be, if it needed to be enforced, a multimillion-dollar benefit to the operator of the gas well. This is just an indication that this is really a little fig leaf. As with all the other amendments, the Liberals have come in here with a little fig leaf, and there is absolutely no way they will take this policy of gas reservation to the next election, nor would this amendment in any way be successful in achieving that policy outcome, even if one wanted to do so.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I do say in response to Mr Barber, who described it as a fig leaf and talked about price impact, that the other element Mr Barber did not touch upon is reliability of supply or indeed availability in the marketplace, and as we heard through the course of the second-reading debate there are now large gas consumers who are concerned that they cannot get long-term supply contracts at any price.

Ms PULFORD (Minister for Agriculture) — Perhaps just for completeness, there is no proven or probable onshore gas resource in Victoria. There are some estimates. The best evidence suggests there might be 100 petajoules of onshore conventional gas, which would last Victoria all of six months. The context is important. And just in response to Mr Barber's comments about the position that the coalition may or may not take between now and the election or between now and the end of the moratorium in June 2020, I do not think anyone can have any certainty about that, because as recently as four weeks ago in the other place the member for South Barwon said, and I quote:

As far as conventional gas goes, we made it very clear at the by-elections in the seat of Polwarth and the seat of South-West Coast that we would support the extension of the moratorium until June 2020.

Now, I cannot recall precisely the date of those by-elections, but they were not that long ago.

Committee divided on amendment:

Ayes, 18

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

Noes, 20

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

Pairs

Morris, Mr	Jennings, Mr
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Amendment negatived.

Clause agreed to; clauses 2 to 6 agreed to.

Clause 7

Mr BARBER (Northern Metropolitan) — I have just one question for the minister on clause 7, specifically new section 121A. The purpose of this section, as I understand it, is to remove any claim that gas drilling companies may make against the state of

Victoria for any act in the past in relation to the issue of licences and also of course in relation to today's legislation, which will ban the issuing of those licences. I have read the statement of claim that Lakes Oil have introduced into the Supreme Court, and I am not wanting to cut across any judicial matter or get into any matter that is sub judice, but there is a lot of money at stake here. I have read the initial claim introduced by Lakes Oil, and I believe that new section 121A will be conclusive in terms of eliminating any claim that they or any other gas drilling company might have, and that is good. I am sure the minister will confirm that.

What I am worried about is the second claim that has been brought in by Lakes Oil after the tabling of this legislation in Parliament. They are requesting from taxpayers something like 2-point-something billion dollars, I understand, as compensation for the gas they thought they were going to drill but now cannot drill. I am not going to ask the minister to table her legal opinions on this. What I will ask is: can the minister assure the house in relation to both the claims that this section is sufficient and that she will not be coming back here in a week or two wanting to bring in more legislation to deal with the claim that has been made in that second instance?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his question. Clause 11 of the bill provides that the state is not liable for any loss, damage or injury resulting directly or indirectly from the amendments under the bill, the refusal to grant a relevant authority and other activities outlined in new section 251A(1). These activities are broad in scope and apply to a refusal, suspension, variation or extension made on or after 24 August 2012 and cover an exploration permit, a retention lease or a production licence. Accordingly new section 251A is likely to apply to both legal proceedings currently before the Supreme Court.

Mr BARBER (Northern Metropolitan) — That is in relation to clause 11, which I think would be the one that would be being considered in the courts, but I presume the minister is happy to make the same assurance in relation to clauses 7 and 11 together.

Ms PULFORD (Minister for Agriculture) — Yes.

Clause agreed to; clauses 8 and 9 agreed to.

Clause 10

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition's fourth amendment is to omit clause 10. Clause 10 is the operative clause that would impose the statutory moratorium on

conventional gas until 30 June 2020. It is the coalition's proposition that this moratorium should not be enshrined in legislation. As the house heard earlier, this moratorium was commenced by the coalition in 2012 and continues to this day. We believe it will continue and should continue.

However, we also believe that the rapidly changing nature of the energy market, particularly the gas market, in this state and indeed in the eastern seaboard more generally means that it is imprudent for the government to hardwire this moratorium in legislation where it is currently being given effect by virtue of a policy decision of government. No justification has been made for why this should be enshrined in legislation and in doing so send a signal to the market that effectively Victoria is closed for business in further developing gas resources until beyond 2020, given we have a rapidly changing gas market in this state, which has had significant impact on Victorian gas consumers, both domestic and industrial, in terms of price and even more significantly in terms of outright availability.

Ms PULFORD (Minister for Agriculture) — I think if we were looking for any greater evidence about why this protection needs to be enshrined in legislation, we need look no further than the strange goings-on in the coalition party room over the last 24 hours. The Leader of The Nationals in the other place, Mr Walsh, certainly previously seemed to be of the view that a moratorium was required so that information could be gathered to put these things together and go back to the Victorian community. Mr Danny O'Brien, The Nationals member for Gippsland South, has previously expressed his genuine concerns for agriculture. They seem to have gone somewhere. Emma Kealy, The Nationals member for Lowan, similarly had one view last month and another this month. She indicated in the debate on this legislation in another place that the coalition had announced a position in September 2015 and that their view remains unchanged. It is unchanged until the wind shifts.

We will be opposing this amendment that Mr Rich-Phillips is suggesting. We did already believe that communities needed certainty and surety around this, but if there was ever a compelling case put about why this needs to be enshrined in legislation, I think we have seen it in the last 24 hours. I will just add that it is also an important signal for industry. Industry needs to know what the government's intentions are. We have indicated that there are studies to be done to properly understand the risks and also whether there is in fact additional resource — our best information is there is very limited resource, and even that is something of an unknown — but having a time frame enshrined in the

legislation I think provides a clear signal to industry as well as a very clear signal to the community.

Mr BARBER (Northern Metropolitan) — The Greens will not be supporting this amendment. Maybe Peter Reith rules, or maybe it is Gina Rinehart; it could be Josh Frydenberg, the Liberal Party, the National Party, the Shooters, Fishers and Farmers Party — we really do not know. We have sat here for six years and we have sat here for a good part of 6 hours listening to the coalition explain what their policy is not. On a broader energy policy we are yet to hear what it actually is, but there is one thing that is very clear, and that is that regardless of the passage of this legislation and this particular vote on this clause — which is going to be a very close vote on my understanding — if we get to 2018 and we have the coalition as government in this state, watch out for a drilling rig to come rolling down your country lane, because they will have the ability in the lower house and presumably, with the change of just one or two votes, in the upper house to implement their policy, because the one policy that is clear is that they will not accept a 2020 moratorium on conventional gas. They will implement drilling for gas as soon as they are able — probably, if they can get legislation through, the day after they take government in 2018. It is actually now a very clear choice when you come to vote in Victoria: if you vote coalition, you will get drilling in 2018.

Mr Ramsay interjected.

The ACTING PRESIDENT (Mr Melhem) — Order! Mr Ramsay — —

Ms Shing interjected.

The ACTING PRESIDENT (Mr Melhem) — Order! Ms Shing! Mr Ramsay, you are not in your seat, so I ask you to be silent. If you want to comment, go back to your seat.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Melhem) — Order! Thank you, Mr Ramsay and Mr O'Sullivan! Mr Barber, you may resume your contribution.

Mr BARBER — Thank you, Acting President. Not only are they not in their places, but there is the added problem that they are now enunciating an eighth version of the particular party position that we have heard today. However, I urge the community to be vigilant, because once you have voted in 2018, as far as you know we might be implementing gas drilling for conventional gas from 2020. But as far as the coalition is concerned there are no longer any questions as to

what would happen. They would implement gas drilling for conventional purposes from 2018, and it is for that reason that we will be opposing their amendment to remove the moratorium from the bill.

Committee divided on clause:

Ayes, 20

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

Noes, 18

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

Pairs

Jennings, Mr	Morris, Mr
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Clause agreed to.

Clauses 11 to 13 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

CRIMES LEGISLATION FURTHER AMENDMENT BILL 2016

Second reading

Debate resumed from 24 November 2016; motion of Ms MIKAKOS (Minister for Families and Children).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Crimes Legislation Further Amendment Bill 2016 makes a number of technical amendments, particularly in relation to procedures in court with respect to evidence and criminal procedure

in the Supreme and County courts relating to an attempt to simplify attempt provisions where reasonable belief in consent is an element of a sexual offence and to ensure that relevant jury directions apply in all sexual offence cases.

To briefly run through the key provisions of the bill, clause 3 allows for the giving of concurrent or consecutive evidence by expert witnesses in criminal proceedings, as is the case in civil proceedings.

Clause 6 gives the Supreme and County courts the authority to hear a charge for a related summary offence where a charge for an indictable offence has been discontinued.

Clause 7 confers the authority outlined in clause 6 in relation to unrelated summary offences if the accused consents and expresses an intention to plead guilty to the charge.

Clause 13 establishes a simplified fault element in sexual offence cases involving a reasonable belief in consent, requiring the prosecution to prove that at the time of the attempted sexual act the accused did not reasonably believe that the alleged victim would consent to the sexual act in question.

Part 5 of the bill amends the Jury Directions Act 2015 to ensure that relevant jury directions apply to charges of conspiracy, incitement or attempt to commit a sexual offence.

The amendments that this bill makes are of themselves not controversial. There is a question over how in a practical sense clause 13, which relates to a simplified fault element in sexual offences cases, is going to work. Obviously as these procedures are yet to be introduced in the County and Supreme courts the practical impact of those — in terms of how the court is directed by the judge — is yet to be determined. There is a degree of ambiguity as to how that provision in clause 13 will work to give effect to the intention with respect to a simplified fault element. With the exception of the uncertainty on clause 13, the other provisions of the legislation are uncontroversial.

It is somewhat surprising that the house is being asked to deal with this legislation today. This is a bill which was introduced to the Parliament in 2016. It follows on from a period where the Attorney-General introduced a number of bills to give effect to policies and reforms started by the previous Attorney-General, the member for Box Hill in the other place, and following on from seeming to exhaust those bills which gave effect to a policy position and reforms introduced by the member for Box Hill in the other place.

The Attorney-General then embarked on a series of legislative changes which could best be described as housekeeping in nature, and this bill before the house this afternoon is one of those bills. These are minor changes, they are uncontroversial changes and they go basically to the smooth operation of the relevant courts, being the Supreme Court and the County Court.

What they do not do is address the growing concern in the Victorian community at the failure of this government to address the crime wave that we are experiencing. In the quarterly stats released by the Crime Statistics Agency we see great spikes in serious crimes across the majority of Melbourne's suburbs, be they inner suburbs or outer suburbs. Certainly in the south-east we have seen this, with increases upwards of 50 per cent in serious offences — assault, break and enter and burglary offences. We also see this in the number of home invasions, which have now become of such plague proportions as to be a broad topic of conversation in the general community, and they are certainly reflected in an unprecedented level of fear and concern in the general community at the prospect of being subject to home invasion.

We see the same thing with carjackings and the way in which the incidence of carjackings in Victoria, particularly in metropolitan Melbourne, has escalated to such an extent and has become so common and frequent that it is now a topic of concern to the general population. When you think back two or three years, members of the Victorian community were not talking about carjackings. They were not concerned about carjackings. They were not concerned about home invasions. You did not go to a community function and have people talk to you about home invasions or carjackings. Those things were for all intents and purposes unheard of. But we have seen since the election of this government and since its adoption of policies which reflect its soft-on-crime nature those sorts of problems explode. We have seen other serious violence offences such as assaults explode.

And what have we seen from the government? We have seen a weakening of bail laws, as occurred in the first year of this government. We have not subsequently seen the government reverse that decision to weaken bail laws, nor have we yet seen any change from the government to tighten those bail laws, which have become incredibly contentious, as we have seen time and time again offenders being released on bail where the risk to the community of subsequent offending is high, and the government has failed to step in.

We saw the recent example where the government attempted to hang bail justices out to dry on the basis

that they were somehow the problem in releasing offenders on bail. This was a convenient excuse for the government, which was faced with yet another bail crisis, yet the facts did not support that the problem was bail justices. In fact work that was commissioned by the previous government and reported by the previous Attorney-General indicated that, where a bail justice heard an application for bail that was opposed by police, in 80 per cent of cases they would remand the person in custody. By contrast, where a magistrate heard an application for bail which was opposed by the police, in 80 per cent of cases they would bail the person.

Despite the government's attempt to say that this is all the problem of bail justices and that it will therefore introduce a night court with magistrates, the reality is quite different. It was actually the magistracy that was making the decision to release people on bail, rather than the bail justices. That is something that to date has not been addressed by the government. There are a plethora of issues of that nature that go to reinforce the perception, which has become reality, that this government is soft on criminal activity and that criminals are getting the upper hand. We have seen that with the gang activity, which came to the forefront 12 months ago and has continued since those riots at Moomba in 2016. We saw the government in its first term repeal the move-on laws, which would have gone directly to addressing what happened at Moomba last year and would have gone directly to addressing what happened at White Night and at other major events in the last 12 months.

The bill before the house this afternoon is uncontroversial. These are minor technical changes which go to the issue of procedure in our courts, but they do not address the community's concern about this government's approach to law and order and the fact that this government has weakened laws in areas such as the move-on provisions, has weakened bail laws and now has a situation where crime in the community is out of control. People do not feel safe at home and do not feel safe in their communities, and this government is failing to do anything about it.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the Crimes Legislation Further Amendment Bill 2016. This bill makes amendments to the Crimes Act 1958, the Criminal Procedure Act 2009, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and the Jury Directions Act 2015. With regard to the Criminal Procedure Act, the bill amends that act to enable expert evidence to be given concurrently or consecutively in criminal trials and also amends the act so that when

there is a ruling on a no-case submission by an accused the trial judge may take into account the evidence already given by an expert witness called on behalf of any accused in the trial. It also amends the Criminal Procedure Act to enable the Supreme Court or County Court to hear and determine charges for summary offences when all charges for an indictable offence have been discontinued.

The bill amends the Crimes (Mental Impairment and Unfitness to be Tried) Act to enable expert evidence to be given concurrently or consecutively, as in the amendments to the Criminal Procedure Act, in investigations into fitness to stand trial and in special hearings. The bill amends the Crimes Act to clarify the offence of attempt where the substantive offence is a sexual offence involving an element of reasonable belief in consent. The prosecution must prove that the accused did not reasonably believe that the complainant would consent to the penetration or touching, as the case requires.

The bill amends the Jury Directions Act to ensure that relevant jury directions apply in cases of conspiracy, incitement or attempt to commit sexual offences. The provisions ensure that directions on consent and reasonable belief in consent are given in all sexual offence cases and that directions on delay and credibility are given in all sexual offence cases. I think these are more than, as was described by Mr Gordon Rich-Phillips, minor technical amendments; they are amendments to clarify some provisions in those acts and also to improve procedures in the courts under those acts.

The final amendment is to the Criminal Procedure Act 2009 to enable the Court of Appeal to substitute a conviction for an alternative offence where an appeal against conviction was successful following a guilty plea.

In reference to enabling expert evidence to be given concurrently or consecutively in criminal trials, which is colloquially known as 'hot tubbing', these provisions will allow for two or more expert witnesses to give evidence at the same time or directly following one another with the consent of the prosecution and the accused. It is noted in the second-reading speech that recent studies and commentary highlight a number of benefits of this, including reducing adversarial bias and the distortion of expert evidence; facilitating discussion and peer review; enhancing comprehension and analysis by the jury, which I think is a very important reason for introducing these provisions; distilling expert evidence to the key issues in dispute in a case; and reducing court time and costs.

More specifically concurrent evidence allows for two or more expert witnesses to be sworn in and to give evidence at the same time issue by issue. The experts explain their assumptions and opinions and are able to question the evidence of the other expert. Counsel and the trial judge can also ask questions of the expert witnesses. This will aid jury comprehension and streamline the process in giving expert evidence. It is noted that this procedure was used very successfully during the Royal Commission into Family Violence.

In an article by Steven Rares, which was published on the Federal Court website on 12 October 2013, on how concurrent expert evidence aids understanding issues, Australian courts and agencies were acknowledged as having the most experience with the hot tub concurrent expert evidence method. An article in the *Oregon Law Review* stated in 2009 that the innovation itself is attributable to Australia. Ian Freckelton, SC, recently echoed this tribute in the fifth edition of *Expert Evidence: Law, Practice, Procedure and Advocacy*, commenting that international interest is developing — for example, in the United States of America, Canada and the United Kingdom.

Because each expert knows his or her colleague can expose any inappropriate answer immediately and can also reinforce an appropriate one, the evidence generally proceeds directly to the critical and genuinely held points of difference. Sometimes these differences will be profound, and at other times the experts will agree that they are disagreeing about their emphasis but the point is not relevant to resolving their real dispute.

Justice McClellan described the process as:

... essentially a discussion chaired by the judge in which the various experts, the parties, advocates and the judge engage in an endeavour to identify the issues and arrive where possible at a common resolution of them. In relation to the issues where agreement is not possible a structured discussion, with the judge as chairperson, allows the experts to give their opinions without constraint by the advocates in a forum which enables them to respond directly to each other. The judge is not confined to the opinion of one advisor but has the benefit of multiple advisors who are rigorously examined in a public forum.

This differs from the current approach, where expert evidence can be given in a trial by different experts sometimes days apart, sometimes weeks apart and sometimes even further apart, so it can be confusing and difficult for the jury in particular to follow the arguments and also for the court to be able to distil the arguments down to their essence and to focus on those. For these reasons the Greens support this reform.

In terms of consecutive evidence, this allows experts to be called immediately following each other, which means the expert evidence stays fresh in the minds of members of the jury. This practical measure is fully supported by the Greens.

In reference to the amendments to the Jury Directions Act so that the directions on consent, reasonable belief in consent and delay and credibility of a complainant apply to all sexual offences, the Greens welcome these amendments. However, as we have previously stated in Parliament in reference to the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014 and the Jury Directions Bill 2015, we believe that these jury directions should be mandatory not discretionary, as should the directions in relation to family violence. We previously sought to amend the legislation in this regard. As I said, this is a matter that we have raised on previous occasions.

I note that this view on the need for mandatory jury directions for these matters is not only the view of the Greens but also the view of the Federation of Community Legal Centres and a further 11 organisations, including the Victorian Centres Against Sexual Assault, Domestic Violence Victoria and the Victorian Council of Social Service. This is because we cannot assume that all jury members and counsel — in fact all judicial officers — have a sophisticated understanding of these issues, let alone the community as a whole. A recent national community attitude survey found that about 20 per cent of Australians think that a woman is partly to blame for being sexually assaulted if she was drunk or drug-affected. Some prominent Australians have also made inappropriate comments that have amounted to victim blaming. While this attitude is significant in the community we believe that jury directions on sexual offences should be mandatory to ensure a fair and just trial.

This is a fairly straightforward bill with regard to the issues that I have covered. We believe that those issues will clarify the acts that the bill amends and introduce new provisions and procedures that will be of benefit to the courts.

Mr SOMYUREK (South Eastern Metropolitan) — I rise in support of the Crimes Legislation Further Amendment Bill 2016, which introduces several amendments to improve procedures and provide greater efficiency in criminal trials. The key improvements in the bill include the introduction of a new procedure for hearing expert evidence concurrently or consecutively in criminal trials and investigations into fitness and special hearings under the Crimes Act 1958;

improvements to the procedure for hearing and determining uplifted summary charges and the orders available to the Supreme or County courts on a successful appeal against conviction; and simplification of attempt provisions in the Crimes Act where the substantive offence is a sexual offence involving an element of reasonable belief in consent. The bill also makes minor amendments to the Jury Directions Act 2015 to ensure that relevant jury directions apply in all sexual offence cases.

The move to allow juries or judges to hear expert evidence concurrently or consecutively will facilitate greater understanding and comprehension of often technical and complex matters and also create greater cost and time efficiency within our courts. Expert evidence is required by the judicial system more than ever before, given the increased complexity of matters before it, such as technical, medical or technological evidence requiring expertise from narrower fields of specialisation.

Justice Steven Rares, in an article entitled 'Using the "hot tub": how concurrent expert evidence aids understanding issues', identifies a number of limitations in the current system, including that each expert is taken tediously through all his or her contested assumptions and is then asked to make his or her counterpart's assumptions; considerable court time is absorbed as each expert is cross-examined in turn; expert issues can become submerged or blurred in a maze of detail; juries, judges and tribunals frequently become concerned that an expert is partisan or biased; often the evidence is technical and difficult for lay people to understand properly; and the experts feel artificially constrained by having to answer questions that may be misconceived or misunderstood in their evidence.

There are more limitations. I will not go through the list, but it is important to know that these limitations that I have just delineated are not all there is.

In addition, often there is a time delay between the presentation of evidence given by one expert and that provided by another, and often a jury may not remember all that they should from the first presentation, so recall obviously will become a problem. Concurrent or consecutive expert evidence provision is also known as 'hot tubbing' and is currently used in numerous jurisdictions throughout Australia and internationally. According to US judges observing and implementing this evidence process in recent times, Australia has pioneered the use of so-called hot tubbing.

Some of its greatest advantages include the ability to better understand and comprehend the technical subject matter through a discussion-like process where all elements are discussed and greater clarity or further information is provided, by request, by two or more experts at the same time. There is greater efficiency in the use of court time and costs. Having one sitting of experts reduces the requirement for often numerous sittings of individual experts often being asked the same questions and the whole process taking at least double the amount of court time, depending on the number of experts called.

Justice Rares also identified that the process of concurrent evidence:

... removes the ordinary tension that exists in a conventional trial where expert evidence is led. The experts feel that they are able to explain their views, and if need be, defend them, in an intellectual discussion with their fellow expert or experts.

According to a range of judges, hot tubbing increases the objectivity and quality of expert evidence, makes comparisons easier and enhances the judge's ability to fulfil the court's role of fact finding. The bill also amends the Jury Directions Act 2015 so that jury directions specific to sexual offences also apply in cases of conspiracy, incitement and attempt to commit a sexual offence.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Mr SOMYUREK — Other criminal procedure reforms dealt with in this bill include minor technical amendments to improve the efficiency of court processes and indeed the clarity of the law.

In conclusion, these laws have been drafted following extensive consultation with relevant stakeholders from all aspects of Victoria's legal fraternity and legal system, which has been I think pretty keen to follow in the footsteps of other Australian jurisdictions in its pioneering of the concurrent or consecutive expert evidence model already deemed successful throughout the nation. With that I commend the bill to the house.

Ms FITZHERBERT (Southern Metropolitan) — The opposition will not be opposing this bill, which is generally non-contentious. The bill's key purpose is to enable the hearing of concurrent or consecutive expert evidence in criminal trials. This happens now in civil causes of action. A second issue is the Supreme and County courts being able to deal with summary matters that are heard at the same time as or along with indictable matters in the Supreme or County courts. There is currently no clear ability to conduct a summary

matter once the indictable components of the prosecution have been discontinued.

The bill also changes the law of attempt in relation to a number of serious sexual offences. The first set of changes that are dealt with in part 2 relate to the hearing of expert evidence consecutively or concurrently in a criminal trial. New section 232A(2) provides that:

The trial judge, with the consent of the prosecution and the accused, may direct that 2 or more expert witnesses give evidence concurrently or consecutively.

New section 232A(3) provides that:

In determining the procedure to be followed for the giving of evidence concurrently or consecutively, the trial judge may direct that any expert witness —

- (a) give evidence at any stage of the trial, including after all factual evidence has been adduced on behalf of the prosecution and the accused; or
- (b) give an oral exposition of the opinion of the expert witness on any issue; or
- (c) give the opinion of the expert witness of any opinion given by another expert witness; or
- (d) be examined, cross-examined or re-examined in a particular manner or sequence, including by putting to each expert witness in turn each question relevant to one matter or issue at a time; or
- e) be permitted to ask questions of any other expert witness who is concurrently giving evidence.

This section is largely non-contentious, although some concerns have been raised about how this might operate in practice. There may be very good reasons why it may be undesirable for a defendant's expert witness to submit to cross-examination and to the other steps that may be involved when evidence is given before there is an opportunity to make a no-case submission. I know that in the other place this issue has been covered quite thoroughly.

The bill also clarifies that the Court of Appeal can substitute a conviction on the same facts for a different offence. It also clarifies that that can be the case when the decision has resulted from a judge sitting alone rather than in the case of a jury trial. The bill also involves the law of attempt to commit an offence in relation to sexual offences. The government is attempting to clarify that a number of sexual offences included in the Crimes Act 1958 will be governed by new section 321N(2A).

The sexual offences are rape under section 38 of the Crimes Act, rape by compelling sexual penetration under section 39, sexual assault under section 40 or

sexual assault by compelling sexual touching under section 41. This means that the prosecution must prove that at the time of the attempt at the underlying offence, person A does not reasonably believe that the person against whom the offence is to be committed — person B — would consent to the penetration or the touching, as the case requires.

The explanatory memorandum goes on to say that the first change means that the accused's state of mind about whether the victim would consent to the penetration or touching must be determined as at the time of the alleged attempt — that is, at the time of the attempt A's state of mind concerning whether B would consent to the future conduct. It then goes on to say:

This belief about a possible future event is not relevant to the offence of attempt.

The cautionary issue with this is it will not necessarily be easy to establish the reasonableness of the belief, given provisions in the bill in relation to the difference in time between the attempt and the actual act which the accused has allegedly attempted to commit. It is possible to imagine a situation where an alleged victim may consent to an act when it occurred but did not consent at the time of the alleged attempt.

The bill also makes changes to the Jury Directions Act 2015. Logically, if the other changes that I have discussed and those that I have not gone into in any detail are made in terms of this bill, it is sensible that those changes also apply in jury directions.

As mentioned, these are all relatively minor changes. It strikes me that we are making some minor changes in relation to our criminal legislation at a time when we have seen crime increase in our community on a grand scale. The figures prove it, and people know it. These minor changes are good and they are worthy, but there are much more profound legislative changes that are really needed in Victoria. Mr Rich-Phillips noted this earlier when he was speaking about the Andrews government's weakening of bail laws on coming to office, and this issue remains very significant unfinished business. It is simply negligence on the part of the Andrews government to concentrate on relatively minor issues largely to do with criminal court proceedings when Victoria is experiencing an unprecedented crime wave in our streets and riots and violence in our prisons and youth detention centres.

I think also of the sort of behaviour we have seen from violent gangs, who are now known by name in our newspapers, and the riots that we have seen at family events — at Moomba around a year ago and also at another festival in the western suburbs just a few weeks

ago. This is outrageous behaviour. There is also the issue of things like carjacking. Mr Rich-Phillips noted, and it struck a chord with me, that we now see crimes like carjacking on a regular basis and all across Melbourne, and this was a crime that was virtually unknown in Melbourne just a couple of years ago. These are the real issues that matter to Victorians in the street every day. They go to the heart of personal safety in our community. It is an issue that literally keeps people awake at night. So I urge the government to finally address the real crime issues in Victoria and not just minor procedural changes to our laws. With these comments, I commend the bill to the house.

Mr RAMSAY (Western Victoria) — I am pleased to be able to make a small contribution tonight on the Crimes Legislation Further Amendment Bill 2016, and I do so noting that the coalition does not oppose this piece of legislation. The purpose of the bill — and it has been described by other contributors — is to improve the procedure for hearing expert evidence in criminal trials, make other changes to criminal procedure, simplify attempt provisions where a reasonable belief in consent is an element of a sexual offence and ensure relevant jury directions apply in all sexual offence cases.

The bill is not overly controversial, although there is a question about how clause 13 will work in practice. I am not clear if we are going into the committee stage on this bill, but there might well be questions — —

Ms Lovell — We are not.

Mr RAMSAY — No, we are not. Okay. Perhaps I can raise the concerns I have and some other contributors might wish to respond to them. The explanatory memorandum provides that it will be no defence to a charge of attempting to commit a relevant sexual offence for a defendant to argue that he or she honestly believed that the victim would change his or her mind by the time of the act the defendant attempted to commit. The expert evidence changes are sensible, although it will be important to ensure that in practice defendants who do not agree to the consecutive or concurrent evidence should not in practice face any unstated or subtle adverse consequences.

I will highlight a few clauses in relation to the bill and then speak a bit more broadly about other concerns around crime. Clause 3 allows for the giving of concurrent or consecutive evidence by expert witnesses in criminal proceedings, as is done in civil proceedings. Clause 6 gives the Supreme and County courts the authority to hear a charge for a related summary offence where a charge for an indictable offence has

been discontinued. Clause 7 confirms the authority outlined in clause 6 in relation to unrelated summary offences if the accused consents and expresses an intention to plead guilty to the charge.

Clause 13 establishes a simplified fault element in sexual offence cases involving a reasonable belief in consent, requiring the prosecution to prove that at the time of the attempted sexual act the accused did not reasonably believe the alleged victim would consent to the sexual act in question. Unfortunately I missed the contribution of the previous speaker, but I understand there was some detail around that clause, and I might come back to that in a minute. Part 5 amends the Jury Directions Act 2015 to ensure that the relevant jury directions apply to charges of conspiracy, incitement or attempt to commit a sexual offence. As I indicated, despite uncertainty about how clause 13 will operate in practice, there is no real opposition to this bill. In fact the coalition believes that the expert evidence changes are quite sensible and, as I understand it, both the Law Institute of Victoria and the Victorian Bar Council have not expressed any concerns.

For my own constituency, particularly in the Geelong region, there has been considerable concern about increased criminal activity. This bill attempts to deal with some of the issues around expert evidence provided in criminal trials, particularly in relation to sexual offence cases, and there are plenty of them in the Geelong area. There are more broader areas around civil disobedience that I just wanted to highlight in the time that I have. There is a growing trend, not specifically just sexual offences but offences generally, in the regions around Geelong and Bellarine where repeat offenders are facing court and the judiciary system on a repeated basis, whereby the fines, penalties and bail that are imposed are not providing a deterrent to stop the repeat offences.

There are problems with the judiciary system and problems with the resources that the police have in providing a prosecution case for these repeat offenders that are continually being brought before the courts. The new superintendent of police in Geelong was telling me that it is consuming an awful lot of police hours and resources in continually having to prosecute a case for repeat offenders that get a minimum sentence who are then allowed to go and reoffend. The police then have to again use their resources to provide another case for the courts in relation to the criminal activities. We are seeing specifically in the Geelong area — and I highlight the areas the member for Lara and the member for Geelong in the Legislative Assembly are responsible for — a significant increase in court time and police resources in relation to dealing

with repeat offenders, as well as the preparation of evidence that police have to provide as part of that sentencing regime.

We have had a significant increase in carjackings, and the shadow Minister for Police, who is also the shadow Minister for Corrections, has highlighted a number of times the significant increase in carjackings in the Geelong region — in fact on many of our national highways. I know that every time I travel to Melbourne the Geelong Ring Road is littered with cars that have been abandoned, burnt and stolen, and many members of the public have been subjected to significant violent carjackings.

Not only do we have problems associated with sexual offences, robberies, carjackings, home invasions, violent assaults and increased drug use, but invariably what that is doing is tying up police resources and also frontline services — the paramedics and emergency departments in our hospitals. You can ask staff at any hospital that I am responsible for across Western Victoria Region; they are all saying there has been a sharp spike, particularly in our larger regional cities, in relation to people seeking medical attention because of significant increases in domestic violence due to illicit and legal drug use — the abuse of alcohol and drugs such as heroin and in particular crystal meth, or ice as we know it. There has also been an increase in sexual assaults, which is a symptom of the increase in drug use activity. This is occurring not only in our younger demographic but now increasingly, according to the latest statistics, in our older demographic.

There is no doubt that not only are our more elderly citizens, particularly in the regions I am currently overseeing in Geelong and Bellarine, not feeling safe but even our younger demographic is now feeling unsafe, not only in their own homes but also when they are out socially, with the significant increase in predators canvassing the pubs and nightspots that not only our children but our youth are visiting, particularly over the weekend period. There is no doubt there is a significant spike in criminal activity during the weekends as well as domestic violence and violence generally.

While there is bipartisan support for this bill, there are significant concerns in relation to crime and the legislation that is required to try to combat the increase in crime generally, particularly in the areas I have highlighted, around Geelong and Bellarine. This is causing significant concern to the community in relation to safety and law and order but also in relation to the fact that there appears to be, particularly in our

larger regional cities, a total disrespect for law enforcement and those who have to provide it.

This is a culture that has grown over a period of time, and I suspect a lot of youth gangs and outlaw bikie gangs active in the criminal space have endeared themselves to those coming through the system of illegal activity. This is something that we really need to address, and I am not yet sure the judiciary has found the right pathway to do so. Certainly there is consensus support for this piece of legislation as to dealing with the issues that I have identified in relation to procedures for hearing expert evidence in criminal trials and in making provision in relation to consent as an element of a sexual offence. But the legislation does not really deal with the other more significant issues of responding to the lack of respect for law and order, the lack of police resources and the significant spike in criminal activity generally across all communities. The government has not been able to provide any significant response to help alleviate these significant social problems, which are becoming economic problems because of the significant cost to communities right across Victoria.

I leave with those words of concern in relation to the government's response at this time in relation to providing funding and appropriate resources to frontline police and to providing appropriate rehabilitation for those who are addicted to drugs and those who are subjected to significant increases in domestic violence, sexual offences and home invasions. My hope is that the government will deal with these social and economic issues with more vigour, proactiveness, intent and purpose than they have in the past.

Ms TIERNEY (Minister for Training and Skills) — In exercising the right of reply I thank all speakers on this bill before the house. As many speakers have indicated, this is not a controversial bill. It is a bill that is a result of court decisions, and its purpose is to encapsulate greater efficiency and practice and to improve the efficacy of the justice system. It does this by improving the procedure for hearing expert evidence in criminal trials, simplifying attempt provisions where a reasonable belief in consent is an element of a sexual offence, ensuring relevant jury directions apply in all sexual offence cases and increasing the efficacy of Victoria's criminal procedure law.

I do not wish to traverse those areas that have been well covered by contributing speakers to this debate this evening, but I have to say that you could not be forgiven for believing that this government is doing nothing in the area of community safety and combating crime. Just off the top of my head I can come up with a

number of works that we have undertaken in this house as well as in terms of resource allocation, so I think it is particularly unfair to try and characterise the government's active response in this area and say that we are doing very little, because we just happen to have before the house this evening a bill that essentially is to do with criminal procedure and court processes.

The things that this government has done, just by way of a taster, include dealing with and bringing through this house the Crimes Amendment (Carjacking and Home Invasion) Act 2016, the Bail Amendment Act 2016 — —

Mr O'Donohue interjected.

The ACTING PRESIDENT (Mr Melhem) — Order!

Ms TIERNEY — We made it a better bill, Mr O'Donohue. We made it a better bill. We doubled the maximum penalty for failure to appear. We added people charged with serious offences who had been convicted of failing to appear in the last five years to show cause in the bail category. We have also had the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016, which removed the ability of courts to impose community correction orders for very serious offences and restricted — —

Mr O'Donohue interjected.

The ACTING PRESIDENT (Mr Melhem) — Order! Mr O'Donohue, I called you to order earlier and you kept continuing to interject non-stop. I will not ask you again. If you continue to interrupt, I am happy to call the President.

Ms TIERNEY — Thank you, Acting President. We have removed the ability of courts to impose community correction orders for very serious offences and restricted their availability for other offences.

We have also introduced and passed criminal organisation control amendments — that is, the Criminal Organisations Control Amendment (Unlawful Associations) Act 2015. Indeed, we also produced a community safety statement prior to Christmas. It is a \$2 billion investment in Victoria Police which includes the recruitment of 2729 more police officers. We have also got the bail review, and that will be reporting in April. So no-one can come in here and say that we have done little in this space. We are doing a substantial amount in this space, and we are providing record amounts of money to back up what needs to be done in this space.

I thank all the speakers for making a contribution on this bill, but I did need to highlight the fact that some traversed areas in their contributions that are not contained in this bill, that do not reflect the reality and that do not provide a truthful assessment of what is happening in this state. In saying that, I wish to indicate that this bill is supported by all parties and individuals in this house. Therefore I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) — I move:

That the house do now adjourn.

Goulburn Valley Highway

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, and it is regarding the condition of the Goulburn Valley Highway from Shepparton to the New South Wales border, as well as the condition of many other roads across Northern Victoria Region. My request of the minister is that he gives an immediate and substantial commitment to undertake thorough maintenance on the A39 Goulburn Valley Highway from Shepparton to the New South Wales border.

I have recently had contact from yet another constituent fed up with the poor condition of the roads across the Shepparton electorate. In particular he specified the A39 Goulburn Valley Highway from Shepparton to Numurkah. He commented that the road has deteriorated rapidly from a lack of timely maintenance, saying grass is growing in the bitumen and that the patch-up work looks like it has been done by one of those travelling conmen that we hear about — cheap and shoddy.

Other issues he detailed include that roadside grass is too long and creates hazards, including obscuring some signposts; there is a lack of safety railing on at least one bridge; and in some places trees are growing alongside cable safety fences or so close to the road that trucks are clipping them as they drive past. He said high grass,

trees and debris fill the table drains, which he opined make it difficult to drain water away, thereby further deteriorating the road. His request of the government is as straightforward as it is reasonable and echoes the ongoing calls I have been making on behalf of the community. All he is asking is for the government to be more safety active and clean up the roadsides and repair the roads.

In addition to the Shepparton–Numurkah stretch of the highway, a 36-kilometre stretch of the A39 from Numurkah to the New South Wales border was recently named by the RACV as one of the deadliest country roads in Victoria. In the 2014 RACV report *Regional Victoria: Growing Pains*, the Goulburn Valley Highway is specified as a project in need of significant investment, with 16 per cent of the road ranked at only two Australian road assessment program (AusRAP) stars and 54 per cent at three stars, which is the minimum star rating that the Australian Automobile Association and AusRAP want to achieve across the entire Australian highway network. The RACV costs safety upgrades to the Goulburn Valley Highway from Shepparton to New South Wales to a minimum of 3-star AusRAP standard at \$25 million.

This stretch of the Goulburn Valley Highway can now be added to the already long yet ever-growing list of roads across the Shepparton district that need to be addressed, including the C357 between Tatura and Murchison; the C351 from Kyabram through Lancaster to Mooroopna; the C369 from Mooroopna through Old Toolamba to Murchison; the C357 between Tatura and Undera, especially between the Midland Highway and the Lancaster-Mooroopna Road; the C355 from Mooroopna to the Murray Valley Highway; and the C361 from Numurkah to Nathalia. My request of the minister is that he gives an immediate and substantial commitment to undertake thorough maintenance on the A39 Goulburn Valley Highway from Shepparton to the New South Wales border.

Ridesharing regulation

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to my colleague in the other place and Minister for Public Transport, the Honourable Jacinta Allan. I applaud the government for recently introducing legislation to regulate rideshare services, as it will make the taxi and hire car services industry safer, more responsive and more accessible. Indeed many positive things can be said of this bill. To begin with, the bill will effectively replace our state's complex licensing regime with a single registration system. This in turn will ensure stronger standards and safer services, in addition to creating 3500 local jobs. It

will also introduce the largest transition and support package in Australia in the amount of \$494 million for the existing taxi and hire care industry.

The package further includes \$50 million in targeted assistance for industry participants experiencing significant financial hardship and \$25 million for people with a disability. I also note that part of this bill will introduce a \$2 per trip levy, but it will not come into effect until next year. The action I seek is that the minister inform me how, in keeping with the spirit of this bill, the levy will reduce the cost of operating taxis, how it will pave the way for more competition and cheaper fares for passengers and, in particular, how that could lead to fair compensation for taxi licence holders.

Cowes police station

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Police. The Cowes police station on Phillip Island is soon to be demolished and rebuilt. When existing police stations are demolished or refurbished, it is usual practice that a temporary police station site be identified and that the cost of that be incorporated in the project. In this situation the Cowes police are being relocated to San Remo, and after the intervention of Bass Coast Shire Council an agreement has been struck where police can be located at the council offices one day per week. My concern is that police will therefore be taken off the island and located at San Remo, and if an emergency occurs, they could be some time away from response, particularly on busy weekends. For example, we have Easter coming up and school holidays. Traffic can get very busy during that period.

I have been contacted by several constituents and I know my colleague the member for Bass in the other place has also been contacted by many constituents who are concerned about Phillip Island having no permanent police presence while the Cowes police station rebuild project is undertaken. This would appear to me to be a case of misplaced cost saving that could potentially place island residents at risk.

I know there has been commentary in the local media that a police presence will be maintained and that patrols will take place, and I do not doubt that, but at the end of the day when police members are starting and finishing their shifts off the island, when they need to complete paperwork and other administrative tasks at the station, which is off the island, the only conclusion you can draw is that there will be a reduced, and potentially significantly reduced, police presence on Phillip Island. As I say, in off-peak times the commute can be relatively quick, but when there is a lot of traffic,

when it is extremely busy, that bridge between San Remo and Phillip Island can get very congested and the traffic can be very slow moving across the island.

The action I would seek from the minister is that she urgently intervene, given the demolition of this station is due to take place imminently, and ensure that a replacement temporary station is located at Cowes to ensure an ongoing police presence at Phillip Island while the Cowes police station is rebuilt.

Point Cook–Sneydes roads, Point Cook

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Roads and Road Safety. Now, as we know the suburb of Point Cook is known as the area that Labor forgot. It was developed over a number of years. The development was certainly very strong, and housing was very, very strong, but unfortunately the governments of the day — the Bracks and Brumby governments — did not put in the infrastructure that was necessary to enable a decent standard of living for people who live there. There are some magnificent homes in Point Cook — —

Mr Davis interjected.

Mr FINN — Well, the local lower house member, Jill Hennessy, of course does not live in the electorate. It is interesting to note that of the three lower house members that represent the City of Wyndham, none of them actually lives in their electorate, which is a pretty sad reflection on the ALP and their attitude to local representation at this particular time, or indeed at any time.

But Point Cook has missed out very, very badly, and I have experienced this over some years now. Recently I was in Point Cook on a Saturday morning, and I had reason to attempt to turn right from Sneydes Road into Point Cook Road. After 15 or 20 minutes I gave up and managed to get into the left lane and turn left instead. It was impossible to turn right. For all I know there may well be motorists who are still there waiting to turn right since that time I was there just a few weeks ago.

Clearly there is a need — a desperate and dire need, if you will — for a set of traffic lights on the corner of Point Cook Road and Sneydes Road in Point Cook. The frustration of motorists must be boiling over, and I can understand their anger. I well remember the former planning minister, Mr Guy, now in the Legislative Assembly, telling me that if ever there was an example of how not to do something it was the planning of Point Cook.

Mr Davis — There was another planning minister out there.

Mr FINN — There was another former planning minister involved in that, and he has gone on to be richly rewarded for his incompetence. My concern is that we do need the traffic lights, and I ask the minister to provide those traffic lights to the people of Point Cook, on the corner of Point Cook Road and Sneydes Road in Point Cook, as a matter of urgency.

Cancer medication

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for Health, the Honourable Jill Hennessy. I read with great interest an article in one of my local newspapers, *Star Weekly*, about one of my constituents, Ms Jenny Wu. Jenny Wu was diagnosed with a rare stage 4 lung cancer just before Christmas Day 2016 and is currently having to pay over \$8000 per month for the medication she needs to treat her illness and to potentially prolong her life. Ms Wu also appeared on the Channel 9 program *A Current Affair* last Thursday in what can only be described as a heartrending story. Since both the article in *Star Weekly* and the story on *A Current Affair* my office has been approached by many constituents asking what, if anything, the government can do to assist Ms Wu.

I would also like to pay tribute to charitable organisations Rare Cancers Australia and Westfad for their extraordinary and generous support to Ms Wu.

The medication Ms Wu requires, crizotinib, is not currently on the pharmaceutical benefits scheme (PBS). To think that there are life-saving medicines sitting on shelves at pharmaceutical companies that Ms Wu and other sufferers will not receive because of simple economics is tragic to say the least. I am aware that the PBS falls under the purview of the commonwealth government, but I ask the minister: is there anything the Victorian government, through the Victorian Minister for Health, can do to assist in the campaign to have this drug listed on the PBS? Also is there any support that can be provided to Ms Wu and those with similar rare cancers to alleviate the anxiety and stress of not being able to afford life-saving and life-prolonging medicines?

Family violence emergency relief

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for the Prevention of Family Violence — I think, but who knows? It could be the Special Minister for State,

because he is overseeing things as the minister got removed from her position, or it might even be the minister at the table, Minister Mikakos, but it relates to emergency relief. Somebody has contacted me about relief they wanted for a fridge — a payment. As a client of the Women's Health West program they sought and got assistance for child care and rent arrears, but they were without a fridge for three weeks and needed one, so they contacted me in desperation to ask what I could do to help.

I looked at the issue and I was quite concerned, because when I spoke to this individual she was very concerned that her caseworker was unable to progress what was needed. When I spoke to Women's Health West I had a very good conversation with Dr Robyn Gregory, who does a terrific job out there, and she really highlighted to me exactly what is going on in terms of the administration aspects and the issues that they have in being able to ensure that these women who need crisis relief get what they need. Because of the burdensome administration, there are some delays in the process.

We understand that we do not want roting of these programs, that there have got to be checks and balances in place and that they have to be administered in an appropriate manner, but for three weeks the fridge was unavailable during summertime and the rent arrears took some time to administer. In actual fact Women's Health West have had to bring on somebody to assist with the brokerage administration of all these requests.

So I really think it needs to be looked at, and that is why I am saying I am actually not quite sure which minister it is, because we have got so many ministers looking after the prevention of family violence that it is in a bit of a state of flux and confusion. The action I seek is for the minister to investigate how smoother administration can be better applied in crisis relief in situations as I have just highlighted to the house.

Murrumbeena police station

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment debate tonight is for the attention of the Minister for Police, and it relates to community safety in the City of Glen Eira in particular. The Glen Eira City Council has undertaken surveys in recent times which show that community safety is the single most important issue. Equally it is pretty clear that crime has grown in and around Murrumbeena in particular. A 46 per cent surge in the number of crimes reported in Murrumbeena shows that there is a real problem.

An FOI that I undertook some months ago shows that Victoria Police has heat maps that show that Murrumbeena is a crime hotspot. In Murrumbeena there is a police station that has been closed for many years. It is not officially closed; no-one says it is closed. There is even a button at the front that you can push and make a phone call through to the Caulfield police.

Ms Crozier — They are overstretched.

Mr DAVIS — They are overstretched, and it is clear that the whole area is overstretched. Both Glen Eira and Monash — all of that area; the whole of the Assembly Oakleigh electorate — face a real challenge with crime. Certainly survey work that I have done in the electorate makes it clear that crime is one of the major problems in the area and that people are concerned. This government has lost control of crime. There is more crime, it is of a different nature and it is more violent and more threatening to many members of the community.

The Liberal Party made an announcement in recent days to say that if we are re-elected we will reopen the Murrumbeena police station. We will spend \$1.5 million on refurbishing the police station, which is immediately opposite the Murrumbeena railway station. This is also important because the Murrumbeena railway station is one of the stations on the sky rail line. Running between Caulfield and Dandenong there are three sections of long, ugly, nasty sky rail that the government is building. It is cheaper, and what they told the community was quite different. They let the community believe, and the member for Oakleigh in the other place, Mr Dimopoulos, personally emailed people to say, that it would be rail under road. That is not what is being delivered through Carnegie, Murrumbeena and Hughesdale.

The community has been devastated by what is occurring with the building of that line. When the line is completed there will be graffiti and a crime zone underneath it. We see the importance of ensuring adequate policing as a high priority, hence the commitment of \$1.5 million to rebuild the police station and to negotiate the staffing of that police station to make sure there is adequate coverage.

What I call on the minister to do is to match the coalition's announcement and to announce before the election that he will make sure that the station is refurbished and is fully manned.

Burnet Park camp site

Ms BATH (Eastern Victoria) — My adjournment debate matter this evening is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan in the other place. The action I seek is that the minister work collaboratively with Latrobe City Council to secure recognised tenure over land via a peppercorn lease arrangement for Girl Guides Victoria to continue to use the Burnet Park camp site in Gippsland.

Burnet Park is located in Glengarry West, and it is a unique camp site that has provided camping and outdoor education facilities for generations of girl guides. The site was donated in 1967 by the Burnet family. At that time two second-hand buildings were put together and located on the side of a hill and named Illangi, meaning in Aboriginal language ‘camp on a hill’.

Ownership of the property is vested in the guides through a deed of trust. Last year the committee of management (COM) was established to implement a long-term management plan for the site. Prior to the establishment of the COM the park was managed by, essentially, volunteers. Part of the COM’s analysis has revealed that the camp site actually sits on an adjacent road reserve and a vacant land allotment. The road reserve runs through both a river and the side of a hill, so it really will never be used as a road. Over decades this camp site has been used by girl guides for growing leadership, having fun, sharing stories and providing a lovely space for women and young girls to develop their leadership capacity.

The COM is also looking at regenerating and rejuvenating the camp site and working out ways it can become more economically viable. But in order to do that it needs this deed of trust to be provided by the Latrobe City Council so that it can use it ongoingly by way of a peppercorn lease.

As I said, the request that I am making of the minister is that he help to secure a long-term lease arrangement much needed by Girl Guides Victoria so that future generations can use the camp site and so that girls can grow up and inspire each other, learn from each other and use the camp site going forward.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening I have received adjournment matters from Ms Lovell to the Minister for Roads and Road Safety, Mr Melhem to the Minister for Public Transport, Mr O’Donohue to the Minister for Police,

Mr Finn to the Minister for Roads and Road Safety, Mr Eideh to the Minister for Health, Mr Davis to the Minister for Police and Ms Bath to the Minister for Roads and Road Safety. I will direct all of those matters to the relevant ministers for response.

In response to Ms Crozier’s adjournment matter I have to say that I was quite puzzled by this matter that was raised, because we are more than two years into the term of this Parliament and Ms Crozier still does not know that family violence services actually sit within my portfolio responsibility. She has sought to direct the matter to potentially two other ministers. I am very happy to look into the matter that she has raised.

In the description that she gave of the matter it was not very clear exactly what crisis relief the constituent was seeking or what the circumstances were in which that assistance was being sought. I assume from the fact that the member sought to direct it to the Minister for the Prevention of Family Violence that family violence was involved in this particular case, in which case I can advise the member that our government has allocated \$17 million for flexible support packages, including allowing funding of up to \$7000 per claim. That includes items such as fridges, if that is what this particular individual is seeking, as well as some of the other matters that were referred to. It is very flexible in how it is being administered, and it is designed to support women and children fleeing family violence so that they can access supports to enable them to obtain alternative accommodation as well as other supports that they need. The matters that were raised appear to be within the scope of those types of relief grants.

I can also advise the member — —

Ms Crozier interjected.

Ms MIKAKOS — The more she interjects, the more she is just demonstrating her ignorance of these matters. The government also provided funding for the administration of these packages of 5 per cent of each package. I have had to make some assumptions about the matter, given that the member did not provide a lot of detail. I am always happy if members want to come to me with details about these kinds of matters to ensure that my department can assist the constituent involved as well as the agency involved in this particular case. It might well be the case that the agency itself is not familiar with how the funding is being administered. I am very happy to ensure that my department does have a discussion on an urgent basis with Women’s Health West about this particular program, and if Ms Crozier would like to provide me with the details of this individual, then I will certainly ensure that my

department is able to assist her to obtain the assistance that she does require.

Our government has provided a record \$572 million in funding to respond to the tragedy that is family violence. We have put out a long-term plan, a 10-year plan, to eradicate family violence in our state, and we are working assiduously to implement each of those 227 recommendations handed down by the family violence royal commission. We are yet to see a commitment from Ms Crozier as the shadow minister responsible that the coalition will similarly support each and every one of those recommendations. I really think that that just says so much about the coalition's commitment to these particular issues.

I can also add that I have received written responses to adjournment debate matters raised by nine members, and obviously those will be distributed to the relevant members.

The PRESIDENT — Order! On that basis the house stands adjourned.

House adjourned 7.20 p.m.