

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 10 May 2017**

**(Extract from book 8)**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

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(from 10 November 2016)

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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, 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, Mr O’Donohue, 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, Ms Garrett 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 O’Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

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

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

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

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

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

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

### Heads of parliamentary departments

*Assembly* — 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**

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**Deputy Leader of the Government:**

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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 <sup>2</sup>	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David <sup>1</sup>	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 <sup>4</sup>	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin <sup>3</sup>	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
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 <sup>5</sup>	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

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

<sup>3</sup> Resigned 27 May 2016

<sup>5</sup> Resigned 6 April 2017

<sup>1</sup> Resigned 25 February 2015

<sup>4</sup> Appointed 12 October 2016

**PARTY ABBREVIATIONS**

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



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## Wednesday, 10 May 2017

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.**

**Ms Wooldridge** — On a point of order, President, can I just say that there was a member who was on his mobile phone while we were all standing doing the Lord's prayer, and I would like you to provide some advice to the house in relation to appropriate actions through the commencement of the day.

**The PRESIDENT** — Order! It obviously is inappropriate, and I am sure it will not happen again now that it has been brought to the attention of the house.

**Mr Dalidakis** interjected.

**The PRESIDENT** — Order! That is not a good start.

**Mr Dalidakis** interjected.

**Mrs Peulich** — On a point of order, President — —

### SUSPENSION OF MEMBER

#### Mr Dalidakis

**The PRESIDENT** — Order! I do not think we need a point of order, because I am actually going to ask Mr Dalidakis to go outside and think about it. Five minutes should be enough, I hope. The nature of some of those remarks that crossed the chamber in those few minutes were beneath us all.

Mrs Peulich, did your point of order go to any different area?

**Mrs Peulich** — I found it personally offensive, the extrapolation of the event, and I was asking you to rule on that.

**The PRESIDENT** — Order! I have dealt with it.

### PAPERS

#### Laid on table by Clerk:

Auditor-General's Reports on —

Public Participation and Community Engagement: Local Government Sector, May 2017 (*Ordered to be published*).

Public Participation in Government Decision-Making, May 2017 (*Ordered to be published*).

Federation Training — Minister's report of failure to submit —

2015 report to the Minister within the prescribed period and the reason therefor.

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

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A Statutory Rule under the following Act of Parliament —

Evidence (Miscellaneous Provisions) Act 1958 — No. 26.

Wodonga Institute of TAFE — Minister's report of failure to submit 2016 report to the Minister within the prescribed period and the reason therefor.

### MINISTERS STATEMENTS

#### Family violence action plan

**Ms MIKAKOS** (Minister for Families and Children) — I rise to update the house on how the Andrews Labor government is working to end and respond to family violence. Last week I was immensely proud to be part of a government that announced a

\$1.9 billion package to respond to Victoria's biggest law and order issue. The Andrews Labor government established Australia's first family violence royal commission and committed to implementing all 227 of its recommendations. Last Tuesday we matched this commitment by providing more funding for this issue than the federal government and all other states and territories combined.

Importantly the Andrews Labor government recognises that children are often the invisible victims of family violence. Family violence is a factor in 75 per cent of substantiated child protection cases each year. Our government has committed \$72.2 million to employ 450 new child protection workers — the biggest ever expansion of our child protection workforce. We have provided \$59.6 million to fund nearly 2000 more home-based care placements and 100 additional targeted care packages to move even more children from residential care into home-based placements. This will ensure that children who are victims of family violence or other abuse are able to get the protection and support they need. We have provided \$101.4 million to ensure that 11 000 more women and children who are victims of family violence will have access to counselling and support.

In respect of perpetrators of family violence we are investing \$49.45 million to strengthen case management services for men who use violence, to expand intake services and to trial new perpetrator intervention programs.

This is what tackling this issue looks like. It represents a broad whole-of-government response, and I am very proud to play a part in tackling this issue in order to end family violence and respond to it.

### **Ballarat GovHub**

**Ms PULFORD** (Minister for Agriculture) — I rise to update the house on a project announced in the 2017–18 Victorian government budget, the Ballarat GovHub, for which there was a subsequent announcement last Thursday. I joined the Premier and my parliamentary colleagues Sharon Knight, the member for Wendouree, and Geoff Howard, the member for Buninyong, at the civic hall site in Ballarat to announce that \$47.8 million allocated in the budget will fund the development of a Victorian government office hub in the civic hall precinct.

The GovHub will be home to 1000 government employees — including 600 new positions and consolidating 400 existing positions in Ballarat. This brand-new office will include employees across the

Department of Education and Training, the Department of Justice and Regulation, the Department of Economic Development, Jobs, Transport and Resources, Consumer Affairs Victoria, the Department of Environment, Land, Water and Planning, the State Revenue Office, VicRoads and Service Victoria. Development Victoria will lead the establishment of the new government office. The site will be developed in partnership with the Ballarat City Council, and the plans will complement the council's and the local community's aspirations for part of the site.

The design of GovHub will be carefully planned to complement the Ballarat CBD and to comply with planning requirements. To assist in this the Office of the Victorian Government Architect, Heritage Victoria and the City of Ballarat will be part of the planning and design process. Development Victoria will work with all stakeholders to ensure that a whole-of-site outcome is achieved with high standards of design and site integration.

As part of the project the Labor government will work with the local council to improve CBD car parking and offset the loss of parking at the civic hall site. This includes providing \$2 million towards the council's CBD parking action plan, which will enable the council to deliver at least 1000 nearby car parking spaces.

Construction of the Ballarat GovHub is expected to commence in the middle of 2018 and will be completed in 2020. This project will create 500 jobs during construction. This transformative project, which is being delivered by our government, will activate the Ballarat CBD and create a further 600 public sector jobs in our community.

### **Catalyst Consortium**

**Ms TIERNEY** (Minister for Corrections) — I rise to update the house on the Andrews government's initiatives to further protect the Victorian community from violent and sexual offending. Recently I had the pleasure of officially opening the Catalyst Consortium at Swinburne University of Technology, which is conducting world-leading research into serious violent and sexual offending. With \$1.6 million from the Andrews Labor government, Catalyst will improve our understanding of what causes repeat violent and sexual offending to help authorities better manage offenders and ensure community safety.

When the most serious crimes hit the headlines they are often met with emotive responses. But as a government with community safety as a priority, we need to have a response that reduces the risk to the community from

these kinds of crimes, a response that helps protect the community by assisting those offenders to avoid committing these kinds of crimes again, a response grounded in evidence and research that is about addressing and treating the causes of serious violent and sexual crime.

Forensic psychologists Professor James Ogloff, AM, director of the centre, and Professor Michael Daffern will lead a network of researchers in Australia, Canada, New Zealand, the UK and the United States at the centre. The consortium is part of Labor's response to the Harper review. We have taken significant action over the last two years to provide stronger oversight and management of serious offenders. By improving our understanding of the causes of repeat violent and sexual offending we will contribute to creating safer communities.

## MEMBERS STATEMENTS

### Country Fire Authority memorial service

**Mr BOURMAN** (Eastern Victoria) — On Sunday I went to Federation University Australia at Churchill for the annual Country Fire Authority (CFA) memorial service. The memorial service honours those who gave their lives in the line of duty — fighting fires and responding to calls for help from the Country Fire Authority and its predecessors. A bell was rung for each of the 67 names that were read out. It was even more sobering when it was clear that a single incident had taken multiple lives and in some cases decimated a single CFA station. All the lives lost were tragic, but the ones that stick with me are the losses sustained during the Ash Wednesday fires of 1983, which I recall clearly, and the Linton fires, as I used to shoot in that area at about that time.

Efforts to make fire trucks safer will hopefully preclude future large-scale loss of life, but every time one of the CFA members responds to a call for help, they are putting their life on the line, and we need to remember that selfless act. I remind all CFA members to take care when performing their duties so we do not have to add another name to the memorial wall for a long time.

### Wear Orange Wednesday

**Mr BOURMAN** — Today is Wear Orange Wednesday, which I have failed to do, when we honour the work that the State Emergency Service (SES) does. I would like to thank all volunteers and paid people from the Country Fire Authority and the SES for the work they do for the community.

### Virgin Mary Mosque

**Ms HARTLAND** (Western Metropolitan) — On Saturday I went to the Virgin Mary Mosque at Deer Park for their open day, which was organised by the Islamic Council of Victoria. One of the great things about mosque open days is that the community has an opportunity to see what really happens inside a mosque and to talk to Muslims about their lives. A chat over a halal sausage — and no, I did not become a Muslim because I ate a halal sausage — with tomato sauce on white bread is a way that we can look at people's lives and understand each other in a better way.

A lot of children came that day — there was a jumping castle and a carnival atmosphere. That is the kind of community that I want to live in. I do not want to live in a divisive community in which people like Pauline Hanson tell me that I should be hating all Muslims. They are my friends, I respect them, and I think the open days have done a great deal to help the community understand each other.

### AIM BRAIN Project

**Ms FITZHERBERT** (Southern Metropolitan) — Last night the federal government announced \$1.4 million in funding for paediatric brain cancer research, including the AIM BRAIN Project, which is an initiative of the Robert Connor Dawes Foundation together with the Australian and New Zealand Children's Haematology/Oncology Group. The project will ensure that every child in Australia and New Zealand has the opportunity to access the best and most accurate diagnostic information about their brain tumour.

Brain cancer is currently the biggest cancer killer of young people, and this project will help to ensure that treatment is informed by research and will build children's chances of surviving a diagnosis that currently has dreadfully low survival rates. The AIM BRAIN Project will also build capacity in Australia and New Zealand for participation in research, including clinical trials, in the future. With a better understanding of the specific nature of each tumour, a more personalised treatment can be formulated, and there are less debilitating treatment side effects than there are currently for more intensive treatments. This is at the very forefront of cancer treatment globally and is currently available in only a few countries.

This funding is another great acknowledgement of the terrific success of the Robert Connor Dawes Foundation and its amazing founder Liz Dawes. The foundation has been Liz's response to an awful

personal tragedy four years ago, which was the death of her 18-year-old son, Connor. She has made an extraordinary contribution in response to this awful personal tragedy, and our community is better for it.

### **West Gate tunnel project**

**Mr EIDEH** (Western Metropolitan) — I was pleased at the announcement that a design and a builder for the West Gate tunnel have now been chosen and that work will be underway soon. Over the past few years we have witnessed extraordinary population growth in the western suburbs, with many residents now using the West Gate Bridge to cross to Melbourne's CBD and eastern suburbs. These residents deserve an alternative to this, so this new project will be welcomed by residents of my electorate.

This tunnel will be Victoria's longest road tunnel and will include two three-lane tunnels spanning 4 kilometres, as well as features to boost safety for cyclists and pedestrians, including 14 kilometres of new cycling and walking paths and bridges over Whitehall Street and Footscray Road. This tunnel is a vital alternative to the West Gate Bridge, on which drivers at times sit stuck amongst trucks and large transport vehicles in heavily congested traffic. It will give people in my electorate a choice — the tunnel or the bridge — when travelling eastbound. As well as creating a new alternative to the West Gate Bridge, construction of this vital road tunnel will create 6000 new jobs. This includes 500 apprenticeships and around 150 jobs for former auto workers as well as 400 jobs in the western suburbs. I am also pleased that this project will incorporate over 90 per cent local content and 92 per cent local steel, which helps create more jobs throughout the supply chain.

### **Australian Summit Against Sexual Exploitation**

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise today to speak about the Australian Summit Against Sexual Exploitation, which I attended and spoke at last weekend in Brisbane. The summit was attended by 16 organisations and over 150 individuals from around the country that are working towards ending sexual exploitation in Australia. In particular there was a large focus on how to stop child exploitation, the harms of pornography on children and how to stop the exploitation of prostituted women.

Highlights of the summit were four resolutions that the organisations reached, calling on different levels of government to take action. The first calls on the federal government to recognise that pornography is a public

health hazard which leads to many individual and public health harms and to take steps to address this problem through appointing an expert panel to investigate the public health effects and societal harms of pornography to both children and adults and to make policy recommendations to Parliament.

The second resolution calls on the federal government to conduct a full review of the classification system and the self-regulatory system of the Advertising Standards Board, as it has no power to penalise advertisers who breach the code. It also says that advertising decisions must be made in the best interests of children and calls for appropriate penalties to be enforced for organisations and advertisers who refuse to comply.

The third resolution seeks to address the failings of the Family Court system in Australia, including sending children to live with convicted sex offenders. The final resolution, which is of particular interest to me, calls on all state governments, including the Victorian government, to adopt the Nordic model of prostitution legislation, which recognises that prostitution and sex trafficking are harmful to prostituted and trafficked persons.

I commend the organisers of the first annual Australian Summit Against Sexual Exploitation on a successful event and for promoting conversation around very difficult topics that many are unwilling to discuss.

### **Cyclist safety**

**Ms PENNICUIK** (Southern Metropolitan) — This morning a large number of Melbourne cyclists gathered on the steps of Parliament House in support of the A Metre Matters legislation. I would like to congratulate my colleague, Samantha Dunn, and her office on their fantastic work on the A Metre Matters campaign, which culminated in the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015, which Ms Dunn herself described as a catchy title. This bill will be debated in the house this afternoon.

Too many cyclists have been killed and injured on Victorian roads over the years, and I send my condolences to the families of those cyclists and to those cyclists who still carry the effects of the injuries they have suffered on Victorian roads.

I have been cycling on Victorian roads since cycling to high school in the 1970s, and in the 1980s I was car doored. I was cycling to university in Footscray when a motorist opened their door, I flew over the door and my bike went under a truck; I was lucky not to go under the truck myself. The attitude of the driver was that it was

my fault because I should not have been there. We need to improve safety on Victorian roads for cyclists so that more of the people who would like to cycle but do not because they are afraid of being hit by cars can do it.

### **National Volunteer Week**

**Ms BATH** (Eastern Victoria) — This week is National Volunteer Week. The Nationals recognise and thank the thousands of selfless community members who donate their time and expertise to make their community a better, safer, healthier, cleaner and more resilient place. We express our gratitude to the State Emergency Service volunteers, who go out in the most atrocious weather securing roofs and chainsawing to clear our country roads. We thank the marine coast guard for being an ever-present source of information, guidance and support to boat users. We thank the various community service groups, including Lions, Rotary and those who serve in hospitals and nursing homes raising funds for charities.

I thank Geoff Marriott and his team for their work in raising over \$31 000 for Fun on the Green 4 Charity in the Latrobe Valley. We thank the tremendous role models who inspire our scouting movement, and we also thank the girl guide leaders, who do so well in the girl guide movement. We acknowledge the members of our many surf lifesaving clubs, who watch and protect beachgoers and encourage healthy competition and personal development. We thank those who provide valuable driving hours to our youth in the L2P learn-to-drive program.

In particular The Nationals thank the Country Fire Authority (CFA) volunteers for their selfless dedication to protecting life and property, their commitment to maintaining high training standards and their professionalism in the face of uncertain times. The fact that the Premier's secretive and underhand fire services task force was not prepared to consult with the CFA chairman or the board is an indication that Labor is planning to sell out volunteers by splitting the CFA. This is not respect, and it is not good enough.

### **Yarra Ranges Tech School**

**Mr LEANE** (Eastern Metropolitan) — I was pleased during the long break between parliamentary sittings to attend the official opening of this government's first new tech school, which Labor committed to when in opposition. It is located at the site of the former Lilydale TAFE, which Box Hill Institute has taken over. Lilydale was unfortunately closed by the previous government, leaving a lot of people who live in the outer east with no access to TAFE education.

I very much appreciate that this campus is open — bigger and better — and that the new tech school opened there a few weeks ago. It was officially opened by the Premier, Daniel Andrews, and the Deputy Premier, James Merlino. The opening was also attended by local MLC Daniel Mulino who is a great local member.

It is a great facility, where many local schools will be involved and where young students can be exposed to industries in their local area. It is fantastic that local industries have got involved as well. They understand what employment opportunities there are in their local area and what occupations students could be looking at to be successfully employed in well into the future. I want to congratulate Norman Gray from Box Hill Institute and everyone involved in this very successful venture.

### **Queen Victoria Market development**

**Ms PATTEN** (Northern Metropolitan) — On 28 March I attended the rally organised by Friends of the Queen Victoria Market, which was protesting the lack of consultation on the redevelopment. Traders and the public are angry. Rather than refreshing the market, the plan seems to be a total redevelopment that will extinguish all that makes our market great. Authenticity is what makes the Queen Victoria Market so special — the sights and smells, the hustle and bustle, and the absolute chaos at times. No-one wants it to become a supermarket. Many of the traders have worked at the market for decades, some in businesses started by their parents and even their grandparents. We cannot extinguish what makes the market great. There are also concerns around the proposed high-rise development, which seems to be at odds with the market atmosphere. All that the traders and the public want is transparency and a say.

### **Victorian Parliamentary Friends of Faith Communities**

**Mrs PEULICH** (South Eastern Metropolitan) — President, I would like to first of all thank you and thank Mr Eideh, Mr Southwick, the member for Caulfield in the Assembly, and Dr Carling-Jenkins for participating in the most recent Victorian Parliamentary Friends of Faith Communities parliamentary briefing, which was convened here in the Legislative Council, with representatives from the major religions being briefed on major issues of interest to and passion for them. It was a great success, and we hope to continue this initiative.

### Mother's Day

**Mrs PEULICH** — On another note, I would just like to take the opportunity of wishing all of the mothers, grandmothers and sisters a very happy Mother's Day on Sunday and to say that Mother's Day is a day, according to Wikipedia, which honours 'the mother of the family, as well as motherhood, maternal bonds, and the influence of mothers in society'.

I certainly want to say that my mother has been a great inspiration to me. A woman who received no formal education, she was a child of the war who spent time in a concentration camp but was still able, with the support of her husband, to bring her children to a new country in which they could build better lives and she could run her own business and even learn how to drive a car. For me she has been a great inspiration.

That is why I am so dismayed that a school such as Moonee Ponds West Primary School should deem it inappropriate to celebrate Mother's Day. It is absolutely inconceivable that something like that should not be honoured. Schools are not a Petri dish for the cultivation of alternative and left-wing value systems. They ought to celebrate what we are and who we are. I call on the Minister for Education to intervene to make sure that all of our schools have the freedom to honour Mother's Day or any other religious holiday as a reflection of the importance that they serve in our society.

### Victorian Association for Newsagents

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Recently I had the pleasure of speaking at the Victorian Association for Newsagents awards night. It was led by Chris Samartzis, the general manager here in Victoria, and it was a celebration of the contribution that newsagents play in their local communities, especially in rural and regional Victoria. I also had the pleasure of presenting an award to the Richards family. The Richards family are fourth-generation newsagents in Victoria. They started at 422 Bridge Road, Richmond, in approximately 1928. The following are the locations of other newsagencies owned by various members of the same family: Richmond, Carnegie, Cheltenham, South Melbourne, Bendigo, Yarrowonga, Brunswick, Werribee, Lorne, Elsternwick, Frankston, Swan Hill, Moe and Clayton. Of the last two, Moe was run for 14 years and Clayton for 43 years.

Can I also say that it was an opportunity to meet with many different members, including none other than Gary Lovell, the brother of Wendy Lovell, a member in

this place. He has run the newsagency in Shepparton for a very long time and has actually sold 51 first division Tattsлото prize-winning tickets, the most of anybody in the room. The next closest was 37 and the third closest was 16. Can I suggest, President, that maybe we should all go and meet Mr Lovell at his agency in Shepparton and take a syndicate for the large Powerball this Thursday night.

### National Volunteer Week

**Mr RAMSAY** (Western Victoria) — My members statement today is to honour all our hardworking volunteers and recognise the enormous contribution they make all over Australia to their local communities in this National Volunteer Week. Today I specifically wear my arguably orange tie to recognise the State Emergency Service.

In this National Volunteer Week can I say how sickened and saddened I am that the Premier of Victoria, Dan Andrews, would see fit to try to dismantle one of the largest volunteer organisations in the world whose members tirelessly and at risk to themselves protect our communities as volunteer firefighters and have done for 100 years or more. Dan Andrews is so desperate to appease the wrath of the United Firefighters Union (UFU) and its secretary, Peter Marshall, to fulfil that shoddy deal they made at the last election to push volunteers out of integrated fire stations in return for the UFU support for the Labor Party that he and a select few within cabinet are considering a range of options to split the fire service and extend the Metropolitan Fire Brigade boundaries to further push out volunteers away from semi-urban Victoria. Such is the desperation of Dan Andrews to have the UFU and Country Fire Authority (CFA) enterprise bargaining agreement (EBA) signed that he is looking at any which way to sidestep the new commonwealth legislation amendment to the Fair Work Act to protect volunteers so that the EBA can be signed off without impacting the UFU totalitarian power of authority over the CFA.

The splitting of the CFA is a means to an end for the UFU and the Labor Party to keep faith with their shoddy, dirty deal, and the casualties will be volunteers in fire stations like Ocean Grove, Ballarat city, Geelong city, Melton and Warrnambool. CFA volunteers and supporters of the CFA must stand up and fight and be heard about this disgusting betrayal of our volunteer firefighting service. Communities are being put at risk by the reckless behaviour of the Andrews government.

## Anzac Day

**Ms TIERNEY** (Minister for Training and Skills) — One of the best features of the two Anzac Day services I attended was the engagement of young people and children in the ceremonies and the dignity and respect they brought to the events. This was especially so at Portarlinton, where school students and sporting team members attended, but it was also evident at Geelong's pre-dawn service. Both had significant numbers of community members turning out despite the wet weather.

To understand the commemoration of death and sacrifice in wars that now date back over 100 years is so very, very important. It is a time every year for all of us, but especially young Australians, to appreciate our tradition of conducting ceremonies that are simple, reflective and contemplative. This year four students from my electorate of Western Victoria Region won the Premier's Spirit of Anzac Prize, and another two were finalists. Hannah Loveday, Rebecca Zerbe and Piper Hinkley of Warrnambool, Rebekah Albrecht of Dimboola and Joshua Newcombe and Lauren Huth from Camperdown wrote sensitively about the impact of war on the lives of service people in the First World War. They showed that they understand how war impacts on communities, including women and young people, in both different and negative ways. I congratulate these six students on their research and writing but also importantly their teachers.

Congratulations also to those who organised Anzac Day services throughout western Victoria. It is an important national day that gives us a chance to value our shared past while looking forward with optimism.

## Country Fire Authority enterprise bargaining agreement

**Ms CROZIER** (Southern Metropolitan) — Reports confirm what Victorians already know — that is, the Victorian Premier governs for his own self-serving interests and not those of the greater Victorian community. I refer to reports of an extraordinary display of not having trust in his own cabinet over the disgraceful decision to wreck the iconic Country Fire Authority (CFA) — a volunteer organisation that has served our state so well for over 70 years and one of the largest volunteer organisations in the country — by setting up a secret subcommittee of the cabinet to oversee a task force that his own cabinet was not even aware of.

What does that say about this Premier who is running our state? What does it say about his trust of his own

cabinet members, and what does it say about the workings of cabinet? What does it say about the entire Andrews government? It says a lot actually about a man so desperate to stay in power that he will not even confide in his own cabinet. He is prepared to do secret deals. Why will Daniel Andrews not just come clean on the deal he has done with Peter Marshall? Victorians know some sort of deal has been done. Why else would Daniel Andrews get rid of his own cabinet minister in Jane Garrett and sack Lucinda Nolan — two strong, capable women?

What is more, the Premier did not even have the decency to consult either the CFA or the Metropolitan Fire Brigade about the task force or the decision that had been made. No consultation is pretty standard for this government. They just bulldoze their way through and think that Victorians will accept this attitude of 'My way or the highway'. We have seen it with sky rail. We have seen it with Metro Tunnel and what will be the literal bulldozing of another Melbourne icon, the world-famous St Kilda Road boulevard. It is more than a pity that Daniel Andrews has no regard for thousands of volunteers and thousands of concerned community members when this government's decisions are destructive and irreversible.

## PRODUCTION OF DOCUMENTS

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I am pleased today to move:

That in accordance with standing order 11.01, this house requires the Minister for Families and Children to table in the Council by 9.30 a.m. on Wednesday, 24 May 2017 —

- (1) a copy of the Public Accounts and Estimates Committee (PAEC) briefing folder provided to and used by the Secretary of the Department of Health and Human Services when appearing before the PAEC inquiry into the 2013–14 and 2014–15 financial and performance outcomes on 18 February 2016;
- (2) a copy of the PAEC briefing folder provided to and used by the Secretary of the Department of Health and Human Services when appearing before the PAEC inquiry into the 2015–16 financial and performance outcomes on 15 February 2017;

and any response should conform with standing orders 11.02(3) and 11.03(1)(a).

I am very pleased to have the opportunity to both move and speak to this important documents motion today. This documents motion actually has quite a bit of history in its context. What I am finding consistently and repeatedly in relation to freedom of information requests and the provision of information by the Department of Health and Human Services (DHHS) is there is a very strong culture of secrecy, lack of

transparency and seeking to use all mechanisms possible to delay.

My experience in seeking the PAEC folder from the 2013–14 and 2014–15 financial and performance outcomes hearings is a case study of my experience more broadly, which is what has led to this motion being put forward by the opposition today — that is, the repeated and continual refusal of the Department of Health and Human Services to provide such information, in contrast to many of the other departments across government.

Interestingly, as the PAEC inquiries are about to begin — they start on Friday and continue next week — even just a quick look on the website last night for the PAEC questionnaire showed that every single department except for the Department of Health and Human Services has actually provided the questionnaire response in preparation for PAEC so that PAEC members can do their preparation for questions and make sure the hearings are as extensive and comprehensive as possible. This is just another simple, little example of the continued fight and battle for anyone who seeks to get information from the Department of Health and Human Services through the FOI process or through our other parliamentary mechanisms, and this continues with the responses to questions taken on notice, many of which are responded to but some of which are overtly not responded to.

In coming to the motion in relation to these PAEC documents, I just want to take the house through a chronology of my experience of seeking these documents through FOI. On 2 March 2016 I submitted an FOI request for a copy of the PAEC briefing folder provided to and used by the departmental secretary when appearing before the PAEC inquiry. On 15 June, 105 days later, DHHS responded seeking a rescoping of the request. Given that just last night we debated the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 in which the government is seeking to reduce the response time from 45 days to 30 days, this is just another example of the department taking 105 days to actually respond to request a rescope.

The letter that I received was from FOI officer Stephanie Hamilton, who is dealing with this process. She says in her response, talking about an unreasonable diversion of resources — and there are a lot of pages and detail in relation to it:

Before I refuse to grant access to the documents sought by you, I am providing you with a reasonable opportunity to consult so as to remove the grounds for refusal.

To assist you to avoid refusal under 25A(1), I have included below the table of contents of the folder to which you seek access. I propose that you narrow the scope of your request by selecting a category or categories from the table of contents with which you wish to proceed. You may then make further separate FOI applications for any remaining categories.

In making a determination about which categories you seek to access, please note that, at present, any requests for documents in excess of 300 pages are likely to present unreasonable diversion of resources issues.

**Mr Barber** — Is that in the act somewhere? Three hundred pages — is that in the act somewhere?

**Ms WOOLDRIDGE** — As is raised, 300 pages is an arbitrary figure that has been used, but interestingly a clear direction. It is appreciated that after 105 days there is a helpful response, which is what is meant to happen, about how you rescope the process. An interesting thing then happened though, because of course very quickly — I think within about eight or nine days — I went back and used the helpful table provided with the number of briefings under each of the folders and narrowed and rescoped my request as suggested. A month after that I did get a letter back from Stephanie saying that access had been denied across the board. One of the comments in relation to that was that there were 57 briefs totalling approximately 300 pages. Fantastic! My rescoped request had done exactly what I was asked to do in the process, which was to get it down to 300 pages.

**The PRESIDENT** — Order! Just on a small matter, do you have a surname for the person you referred to?

**Ms WOOLDRIDGE** — I said that earlier, yes.

**The PRESIDENT** — Order! When members refer to people I would prefer that they use their surnames rather than first names, thank you.

**Ms WOOLDRIDGE** — Certainly. So in this letter, as I say, from Ms Hamilton she goes on to say that:

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

Three and a half hours for each brief! She goes on to say:

It would therefore take in excess of 30 weeks to provide advice on the relevant documents.

I think that really stretches the bounds of credibility in terms of the process required under FOI. So after now 105 days, the department asking for a rescope, a quick response from me and another month, access has fully been denied.

Not surprisingly, I did go to the FOI commissioner to ask for some advice in terms of this process and to see if it could be looked at. I understand there were extensive negotiations and discussions. Once again, the FOI commissioner's response times are sometimes quite a bit longer than is required, but we know that they are working on it, and sometimes, once again, it is the responsiveness of the department to that. On 12 January 2017 I actually got a letter from DHHS, from Ms Hamilton, saying:

I apologise for any confusion created by my reference to page numbers in my letter of 10 June 2016. In future letters the range of factors will be made clearer.

I appreciate the fact that an apology was provided by the department for what I think was quite a misleading process. Of course all of this has resulted in the documents not being provided through that quite extensive, confusing and misleading process, so we get to this point.

Now, part of the context of this is that these are FOIs that have been done across the government. We have not had the refusal from many departments that we have had from the Department of Health and Human Services. In fact from the Department of Premier and Cabinet we received a 298-page document with exactly the details requested — the secretary's notes. There are some reasonable redactions. We absolutely do not quibble with the fact there may be redactions of personal details or on other bases that are well outlined in the act. Similarly for this motion we would support the framework that has been established by the government in relation to relevant redactions, but from DPC we received 298 pages. From the Department of Treasury and Finance 370 pages were provided. From the Department of Environment, Land, Water and Planning we received 388 pages. From the Department of Education and Training we received 224 pages.

So I do not move this documents motion in isolation or without having made very reasonable attempts through an FOI process and this experience being in stark contrast to how other departments have responded to exactly the same FOI process. That is why I put to the chamber today that this is a very reasonable documents motion relating to a request that has been refused on the basis of decisions made by the FOI officers. I am sure in the context the relevant ministers in the Department of Health and Human Services will have had input into that process as well, and it really flies in the face of the whole FOI process and the actions of other parts of the government as well.

That is the basis for this very straightforward documents motion today. We think it is a reasonable

request. It is one that has been attempted in appropriate other forums over an extensive period of time. It is one that has not been denied by other departments of the government, and it has been a particular decision of the Department of Health and Human Services to have a lack of transparency in relation to this information that we are seeking. Therefore I commend the motion to the house.

**Mr MULINO** (Eastern Victoria) — I rise to speak in relation to this motion, not to oppose it but I suppose to query in a sense how serious it is and to query whether or not in moving this motion the opposition is doing anything more than, frankly, a little bit of political pointscoring.

Ms Wooldridge worked through a bit of a potted history of her interactions with the Department of Health and Human Services in seeking a range of documents. I will not go through the details of that history that she had with the department in relation to this particular request, but what I would say by way of context is this. When I see motions of this sort put forward by the Greens, for example, I take them more at face value in the sense that they have more consistently argued for more open government. We have argued these points between us throughout the course of this term and of course well before that. That is just a reflection of how things stood when I came to this place. We have debated the merits of governments providing documents into the public sphere and the degree to which they should do so. I think that there is probably a lot of agreement between members of the government and the Greens on the degree to which there should be disclosure. We all agree, I think, that there should be substantive disclosure, but at the fringes there are disagreements in relation to whether or not certain categories of documents should be made public for reasons of executive privilege, commercial in confidence and so forth. That is a longstanding debate that we have had on many motions.

When it comes to motions put forward by the opposition, however, I often feel as though there is a bit of unreality; sometimes they become a bit surreal. Quite often it is shadow ministers moving motions. Ms Wooldridge has moved a number of these motions, as has Mr Davis. Quite often it is senior members of the opposition who themselves not long ago, when they were in government, had very different form.

I very much doubt that, if we go back through the history of the previous government, Ms Wooldridge released too many folders of her Public Accounts and Estimates Committee (PAEC) briefing notes or allowed or supported the release of too many folders of her

secretary's PAEC briefing notes. I do not doubt that there are others in this chamber that would be open to that kind of release, but I would love to see what form Ms Wooldridge, Mr Davis and other coalition members had when they were ministers in releasing such documents.

**Ms Wooldridge** interjected.

**Mr MULINO** — There may or may not have been a specific request of that sort, but it takes us back to a number of other previous documents motions where those opposite stood up and sanctimoniously asked for documents that were created by their government and that they did not release.

This is really part of a broader set of what can only be described as highly disingenuous and at times hypocritical motions. Not that long ago in the bigger scheme of things, when they were on the Treasury benches, these coalition members were not releasing documents, and now in opposition they are claiming that these documents must be released for the public good. It is extremely difficult to see how that argument can be sustained — how people on the other side who were themselves not long ago serial non-disclosers can now with a straight face move these motions and speak to them with hand on heart. It is frankly quite ridiculous.

I do not claim to have 100 per cent knowledge of this, but I am pretty confident that not a single PAEC folder from the previous government has been released. I am pretty confident that that is the case, and I doubt very much whether any members opposite speaking to this motion will be able to point to such disclosures. I doubt whether it is in the opposition's speaking points. Those opposite are now suddenly the paragons of disclosure.

Again I go back to some of the previous motions. The irony of a lot of the motions those opposite are putting forward is that some of the documents they have asked for in previous documents motions have actually been documents they themselves created and they themselves refused to disclose. The level of gall sometimes in these motions beggars belief.

**Mr Leane** interjected.

**Mr MULINO** — Actually I have quite a lot of belief; I have a very wide range of belief, so it does not beggar my belief but it nonetheless appals me.

Let us also go to some of the points Ms Wooldridge made. I think any government will of course take on notice criticisms around process and I think any government would want to continue to improve FOI

processes; I think all of us in this chamber would agree to that. Ms Wooldridge has stepped through a process that has taken a long time, and undoubtedly one can point to FOI processes over the past few years, both of this government and of previous governments, which probably were not perfect. That is why the FOI framework is a work in progress and is constantly looking to be improved.

I would say though that there is a serious question around resourcing. It is not a frivolous comeback for a department to say that some queries, especially when they are consciously fishing expeditions — and I am not saying that was necessarily the case in relation to this query, but there clearly have been fishing expedition queries over recent years — if they were to be taken at face value would be extremely resource-intensive for departments to comply with, and to what end? It is often very unclear whether or not those resources would be justified.

I guess all I would say is that clearly the number of pages being requested is a relevant factor. It is not the only factor; there are other issues at play, such as the sensitivity. There are some documents that are relatively short but where there might be very sensitive information interspersed with public information which could actually take quite a long time to work through. There are other instances where it might be quite a lengthy document but it takes very little time to process. It is clearly a combination of a number of factors, but when you are looking at PAEC briefing folders one can only imagine that many of the briefing notes that secretaries and indeed ministers use would often involve sensitive material being interspersed with information that is on the public record, so one can imagine that these kinds of folders would take a significant amount of time to work through.

**Mr Barber** — How long would it take?

**Mr MULINO** — Again, it depends. If you are asking for complete PAEC briefing folders, I would expect that would take a long time to work through because it is a combination of a lot of material and very sensitive material, so I do not think it is any surprise that this was the department's response. I think one has to ask: does this have the characteristic of a targeted fact-finding request? Does it have the kind of characteristic where somebody is putting in a request to find out something specific about a policy matter, or is it somebody saying 'I want every single folder used by a department in a PAEC process' when the person putting in the request knows full well that those folders have not been given up by any previous government? That person knows full well that that covers a very

wide range of policy matters. That person knows full well that those documents contain all sorts of sensitive information interspersed with publicly available information. They are surprised that processing those documents is going to take many hours, weeks or months, but to me that does not seem surprising at all.

In fact, if there were some specific information that Ms Wooldridge was after, if there were some specific policy issues and if there were some specific data issues, it would have been very easy for her to home in on some specific questions and for her questions to have been answered. What she is clearly going through in this instance is an extremely broad request which is either, A, a fishing expedition, or B, to make a political point somehow — which might well be the case because it has generated a motion here that she has obviously put to the top of the order of today's motions list — that this government will not give up PAEC briefing folders. I do not quite know what exactly she wants to do with that point because, as I said, she did not give up any PAEC briefing folders; no previous government has. I do not think it is something which anybody would expect would be the ordinary course of business in government.

**Ms Wooldridge** interjected.

**Mr MULINO** — I have got to say when I look at the nature of the request Ms Wooldridge put in, to me it is not a matter of whether 300 pages as a threshold makes sense or does not make sense as a kind of defining point for whether something is onerous or not. Clearly what government departments are trying to do is to interact with people putting in requests to come up with sensible processes where you iterate with people putting in requests so that if they have a particular focused query then you can deal with that and give them the required information as quickly as possible.

But as I said, if the request is 'I want briefing notes used in a number of different public processes across every single policy, across multiple ministers, across a whole department that spends more than a third of the government's budget; I want all of the briefing points accessible to the secretary in all of those processes', that is getting to be what one could only describe as very close to a fishing expedition. It is very hard to see what exactly it is that Ms Wooldridge is trying to get at here from a public policy or government accountability perspective.

When Ms Wooldridge complains about the length of time the department said it would take to process her request, I do not think she is on strong ground at all. I think that at a time when all governments are

resource-constrained it is not a trivial question when governments ask themselves, 'Where do we spend our resources?'. Clearly FOI is an important function within government — disclosure and transparency are important — but you do not want government departments spending months of people's time processing these kinds of requests when those people's time could be spent on other things like policy and frontline service delivery. We are not talking about a costless decision if government departments were to allocate months of people's time to processing requests like this.

I could run through a whole series of comments around the policy issues that Ms Wooldridge has raised; I could talk about what the government has done in health and human services and family violence. I am not going to go through all of the issues around the policy matters that we are discussing. There is a lot of material on the public record in relation to these policy issues. I really wanted to focus on the specifics of the FOI request, the data request.

I think in principle all of us in this chamber would agree that disclosure and transparency are important. In very general terms I would say that there are some in this chamber who would err on the side of more disclosure than would others. Some of those on the crossbenches would probably, as a matter of principle, lean more that way. The parties that tend to form government tend to understand better from practical experience some of the trade-offs that are involved in the day-to-day management of information and privacy and commercial in confidence —

**Mr Barber** — Are you saying the Greens haven't formed government?

**Mr MULINO** — No, I am just saying those that have more commonly formed government. A long time ago I lived in the ACT briefly, and in the ACT they have been in government.

**Mr Barber** — What about Tasmania?

**Mr MULINO** — No, I have not lived there, but I do acknowledge that the Greens have formed government at points in time.

The point that I was alluding to is that clearly those opposite, and particularly senior members of the opposition — Ms Wooldridge, but also Mr Davis and others opposite — know all too well from personal experience the kinds of challenges that governments wrestle with when they are managing disclosure in day-to-day terms. Of course governments want to be open and transparent, but there are issues that have to

be considered such as executive privilege, commercial in confidence, personal privacy and so forth.

The point I would make there, just to reiterate finally, is that Ms Wooldridge would be fully aware of the difficulty of disclosing large, complicated documents, such as briefing folders. That is why they have not been disclosed in the past. That is why they are very tricky documents to work through, and I frankly would expect that she would have known full well that working through complete briefing folders of the nature that she requested would have been a very complicated, resource-intensive, time-consuming task. We do not oppose the motion, but I did want to put on the record the fact that I fully expect that Ms Wooldridge, being well aware of all of that, is not being necessarily totally transparent herself in her motivations for this motion.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens also will support the motion put forward by Ms Wooldridge this morning. As is well known, the Greens have put forward many documents motions over our time here and generally would support documents motions put forward by other members of the Council and other parties because we believe that government needs to be much more open and transparent than it is.

I take up Mr Mulino's point when he mentioned that those who have more commonly been in government would understand the tensions between releasing information and not releasing information. I think it is of interest to the people in this chamber and the people in the wider community that in terms of releasing information held by governments and government departments, Australia is pretty behind the eight ball when compared to other jurisdictions around the world that routinely release a lot more information to the public than is the tradition in Australia, particularly by state governments.

That has not just been our experience with this state government. We have had experiences with this government and previous state governments that have been very guarded in the amount of information they have released. There are lots of documents motions calling for information that we believe should be openly available to the public and is not. Release-of-documents requests are refused on spurious grounds such as commercial-in-confidence and cabinet-in-confidence reasons. All sorts of other reasons are given that are not even legal and the credence of which is also doubtful. I think governments in Australia could get a lot better at releasing information to the public, particularly information about the way their own taxpayer funds are being spent.

The motion that Ms Wooldridge has put before the house today asks for a copy of the Public Accounts and Estimates Committee briefing folder provided to and used by the Secretary of the Department of Health and Human Services (DHHS) when appearing before the inquiry into the financial and performance outcomes in February 2016 and also in February 2017. The hearings into the financial and performance outcomes are only a recent development by the Public Accounts and Estimates Committee and have only actually been occurring for two years.

I fully supported the introduction of that function by the Public Accounts and Estimates Committee, because it is in fact a public accounts function and one that is carried out in a more extensive way in most other Australian states and in the federal Parliament than has been the case traditionally in Victoria. It has been a very good initiative of the Public Accounts and Estimates Committee. I spoke last year when the report into the financial and performance outcomes was tabled. I made the comment that it was a good development for Victoria to have these hearings and for departments to not only attend these hearings but also to provide answers to questions about the performance outcomes of the particular departments in the lead-up to the hearings. I made the point in my contribution that there was a lot of very good information in the report that was tabled in Parliament last May, and we are looking forward to the tabling of the next one in the next sitting week. As I have also said, there is a lot of very interesting and useful information for the Parliament and the public in those reports.

What Ms Wooldridge is seeking are copies of the briefing notes provided to the secretary. Her description of her experience of the FOI process and the request for the documents from the Department of Health and Human Services certainly was interesting in terms of compliance with the act, to start with, and it being a very long drawn out process. It is particularly interesting given Ms Wooldridge did tell us that she has received briefing papers from, for example, the Department of Premier and Cabinet, the Department of Treasury and Finance, the Department of Environment, Land, Water and Planning, and the Department of Education and Training — some hundreds of pages from each of those departments — without too much trouble. Those departments have been able to provide the same documents that the Department of Health and Human Services has not so far provided, and that is why Ms Wooldridge has moved this motion here.

You have to question why the motion would have to come here at all and why if most departments could supply the information, the DHHS could not. I

understand and acknowledge that the DHHS would have probably a lot more sensitive information than, say, some of the other departments would have in the briefing papers, but of course that sensitive information can be redacted when the papers are provided.

Of course there is a very real risk in calling for and providing these documents that in future the secretaries, deputy secretaries and departments will come to the hearings with less information in their documents if they think they will be released. That is the risk of this process. On the other hand, if all departments apart from the DHHS can in fact supply hundreds of pages of their briefing notes to the member, it begs the question as to whether that information, if it has been released to Ms Wooldridge by all the other departments, should not be released publicly anyway by those departments — that is, in terms of the conduct of the hearings, whether those briefing notes, with sensitive or personal information redacted, should not actually be provided to the Public Accounts and Estimates Committee and subsequently put on the Public Accounts and Estimates Committee website.

I go back to the point I made before that other governments around the world do routinely provide that sort of information to the public. The information that we are talking about here is information that the committee is asking about: how the money that has been appropriated to those departments by the budget has actually been spent in the months intervening between a budget in May and the hearings of the Public Accounts and Estimates Committee into the financial and performance outcomes the following February. That is important information that should be available to the public in any case.

I have noticed in the hearings, too, that the departments do come very well prepared and are able to answer pretty well any question that is put to them by committee members. They clearly go to a lot of trouble to prepare their briefing notes so there is good information in them. I will repeat what I just said before: why is that information not made more widely available when it is about the expenditure of public money? I would like to see the departments come to the hearings armed with the same comprehensive information, and I hope that that will continue.

#### **Motion agreed to.**

## **ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE**

### **Reference**

**Mr O'SULLIVAN** (Northern Victoria) — I move:

That, pursuant to section 33 of the Parliamentary Committees Act 2003, this house requires the Environment, Natural Resources and Regional Development Committee to inquire into, consider and report, no later than 27 November 2017, on the management, governance and use of environmental water in Victoria including, but not limited to —

- (1) the assessment of the role of environmental water management in preventing or causing 'blackwater' events;
- (2) how environmental water and environmental water managers interact with, and utilise, management tools such as carryover and whether the carryover of environmental water impacts on the availability of water for irrigators;
- (3) consideration of what barriers exist to the more efficient use of environmental water and how these may be addressed; and
- (4) assessment of fees and charges applied to environmental water and whether these differ from those imposed on other water users.

This is the motion we have in front of us today, and I am very pleased to be able to speak to it and be the lead speaker. Environmental water is very important in our ecology system right throughout the whole of Victoria but it is of particular relevance and importance in the north where it is a bit drier, including in the northern part of my electorate. Environmental water plays a very crucial role.

Over a number of years we have seen the use of water and the operation of our river and stream systems change from when, once upon a time many, many years ago — in fact probably early last century — some of the rivers were unfettered in terms of the management structures that were in place in relation to the way the water moved throughout our systems. Essentially back in those days the water was free to move in any way it wished, depending on how much water was actually available at the time and depending also on where the water wanted to run.

What we would see quite regularly was almost a bust and boom with our waterway systems up in the north. At times of heavy rainfall we would see floods — we would see flooding in the Murray River and the Goulburn River and a whole range of other rivers up in northern Victoria. At that time because there were no man-made barriers in place to stop that water just

flowing downstream the water did flow downstream, and it flowed downstream at a pace and a rate consistent with the fall of the topography in terms. The water ran particularly into the Murray River, down into South Australia, and it ended up running into the ocean through Lake Alexandrina. When there was less rainfall we would get to the point when drought would occur, and there would not be anywhere near as much water. If you look back on some of the history, there is evidence recorded, in articles and reports and books and so forth, that it was possible to actually walk from one side of the Murray River to the other. That was quite common — you could actually just walk across the Murray River. There was absolutely no water in it, because of those dry times, and no barriers that were in the way to hold the water back from just rushing straight out into the ocean in South Australia. That was the way it worked back in that time.

Since then our civilisation has become a little bit more sophisticated. A view developed that that water could probably be used for purposes other than just allowing it to flow naturally where it wanted to at any time. This is not something that is unique to northern Victoria or just Victoria; in fact it is something that is done pretty much right around the civilised world. People understand, and communities understand, how important water is for just about everything that we do. We drink it every day, we bathe in it, we shower in it — we use it throughout the household for a whole range of purposes. Right now we could not imagine a scenario where that was not the case. It is a luxury we have that we probably take for granted in terms of what we use water for. It is a crucial part of our whole lifestyle and the way we exist nowadays.

Around the world some communities use water better than others and some understand its value better than others. Quite often that depends on the amount of water that is freely available for whatever use it might have. Certainly if you look beyond just the towns or the cities, water can be used for a whole range of other purposes, particularly if you look at the concept of the value of water for growing food. We understand that all of the food that we eat relies in one shape or another on a water source to allow that food to actually grow. Whether it is plant matter, through grains and vegetables and fruits and so forth in the horticultural sector, or whether it is through the animals that we consume, which eat grasses and so forth to grow and drink water to survive, just about every aspect of our whole existence revolves around the importance of water.

I grew up in a very dry part of this continent, a little place up in the Mallee called Patchewollock. I

remember in my early years of life that we did not have a direct water source available on our property other than the rainwater tank that used to collect water off the roof of our house. We were in a fairly dry climate, so quite often we would have to be very careful with the tank water storages that we had, particularly during the droughts, because the tank would get quite low. The only other water that was available on our farm at that time was bore water that used to be drawn up from underneath the ground, which we would use as drinking water for the sheep and cattle on the property. But that water was very salty. It was not able to be used for drinking water in the house because of the salinity of that water. What it was certainly good for was being used for stock purposes.

Even with the water that we had available, it was too salty to actually grow any plants or fruit trees or a garden or vegie patch or anything like that. I remember when I was quite young that we had a very limited garden around the house because we just did not have the water available to sustain any sort of garden or vegie patch. A lot of people take for granted that they have that opportunity nowadays, but we did not have access to that on our place. That was something that you got used to, and the garden that we did have around the house was very much centred on plants and so forth that required very little water. There was quite a bit of cactus and there were the natural trees that were growing — gum trees that did not need regular water to keep them sustained. From a very young age I certainly had a very strong appreciation of the importance of water and how you can adapt to the water that you have available to you.

As I moved into my teenage years that changed, and we were able to build ourselves a dam some 15 kilometres from the farm, which was fed by the channel system. I remember the excitement of building the dam, with the anticipation that we would get some fresh water that we would be able to use for a whole range of purposes. The dam was built and the pipe was laid some 15 kilometres from near where the golf course was to the end of the channel system where the water flowed from the Grampians. We were able to get fresh water, beyond the tank water that used to be collected off the house, for the first time when I was about 13 or 14 years of age.

That was very exciting, because for the first time we could actually have a garden — we could have a vegie patch and grow some fruit trees and things like that. The difference made by having that access to a reliable water source and what that really meant, in particular being able to grow tomatoes in the front yard, became very stark in my memory. I used to love getting out there, watering and feeding the tomatoes, and growing

fruit that we could actually eat — those tomatoes — was a tremendous thing. I loved going out there, picking them and putting one of them in a sandwich.

But I digress. I do understand the importance of water, and I am very pleased to be able to talk about some aspects of that today. Just flowing on from that, it has made me realise the importance of the irrigation system that we have in Victoria, and I will go on to talk more about that in a little bit.

A lot of people who live in the capital cities do not often get out into the country to see for themselves where the food that they eat actually comes from. People in the city tend to go to supermarkets, and people who live in Melbourne are very fortunate to be able to go to their local supermarket and see the types of fruits, vegetables and other fresh food that is available to them. They are very lucky to have access to such an array of fresh, quality fruit, vegetables, meats, nuts and so forth — there are a whole range of things that I think people probably do tend to take for granted — but that food actually has to come from somewhere; it has to be grown. There are many farmers and irrigators across regional Victoria, but particularly in the north, for whom that is their job — growing food for people. They do it very effectively, but they need water, particularly the irrigators, and they need a lot of water to be able to grow the food that we take for granted when we walk into a supermarket. That is why the irrigation water is so very important. I will certainly come back and talk about that a little later on.

One of the areas that I do want to focus on this morning in relation to this motion is about the blackwater events that occur throughout our river systems in northern Victoria. They are not so much of a problem over in the west of the state and not so much of a problem down in Gippsland, but certainly over the last 10 years we have seen a lot more of these blackwater events in the north of the state — up in my electorate. I want to talk about some of that today. I have seen these blackwater events for myself. They are sort of a new phenomenon, if you like. I will read out the technical definition of what a blackwater event is, and then I will come back and explain it in a form that most of us will be able to understand. The Murray-Darling Freshwater Research Centre has given a definition of what blackwater is, and I will read that out. It is a little bit technical. It says:

Blackwater is characterised by a high concentration of dissolved organic carbon in the water column. Transfer of organic carbon from flood plains to the river channel is vital for the sustenance of riverine food webs. However, microbial respiration of this carbon consumes oxygen and if oxygen consumption exceeds re-aeration, dissolved oxygen

concentrations may fall to levels insufficient to support aquatic biota. This is known as hypoxic blackwater.

That is an extremely technical way of explaining what it is. That is why I will take a little bit of time to explain what blackwater means for us normal people who would not understand what that means. Essentially it occurs when we have a flood event in our river systems, when we have large volumes of water come down the river to the point where the amount of water coming down is greater than the capacity of the channel, river or stream to handle it. As a result of that the water then goes over the banks and starts to flood out onto the land on the side of the river. While that is fine and that does happen naturally from time to time, it can also happen in a man-made way. In these blackwater events the water goes over onto the banks and rests amongst the trees, grasses and so forth on the banks and on the land on each side of the river. Then what happens as the water starts to recede after a period of time is that water starts to flow back into the river. When it is over the land it picks up little twigs, sticks, leaves, grass matter and so forth — organic matter — and brings that back into the river, although it can actually happen while it is still sitting out on those flood banks. What then happens is that matter starts to disintegrate, and as it disintegrates in the water it then starts to take the oxygen out of the water. That water then becomes very stale and discoloured.

**Mr Barber** — Stale?

**Mr O'SULLIVAN** — Yes, very stale. The problem really starts to occur when the animals, particularly the fish, that rely on that water or live in that water and use that water to breathe do not have as much oxygen in that water. In some cases the oxygen almost entirely disappears from the water and those fish struggle to breathe. What can and does happen on varying scales is those fish then die.

I love fish. I love fishing, and I love everything to do with fish. I actually quite like just going down to a store, watching all the different fish and trying to identify which types they are; but I digress.

In terms of those fish, in my personal opinion the native fish that we have in our waterways in northern Victoria are some of the most exquisite in existence. We have got the iconic Murray cod, which is one of the world's great fish. They are very, very difficult to catch. Sometimes there are a few of them around, but quite often there are not many around. It is one of those fish that everyone likes to say they have been able to catch.

Your concern levels rise when you see these blackwater events and understand the environmental damage they can do to the aquatic life. Not only do they impact the Murray cod but they also impact other native fish that are iconic in their own right but probably do not have the profile of the Murray cod. There is the silver perch, which is also impacted by these events. One of my other favourite fish is the golden perch, which is more widely known as the yellow belly. Being a fisherman, whenever I go fishing I strive to catch a Murray cod, but that is very difficult to do. In fact in my whole fishing career — I have been going fishing since I was 10 years old — I have only ever been able to catch two Murray cod myself. The excitement levels when you catch a Murray cod are just amazing. I caught my first Murray cod when I was probably about 27 or 30 years of age. I was in a boat with my good friend Jason Scott, and we were able to catch a Murray cod. It was not a big Murray cod; it was only about 56 centimetres, which was legal at that point in time, and it weighed about 6 pounds, from memory. The excitement of being able to catch that Murray cod, which was my very first one, is something I will never forget as long as I live. I want other people to be able to go out and have that same thrill of catching a Murray cod for themselves.

Some people have been very lucky to have caught many Murray cod. Other people have been fishing for years and years and have never been able to catch one. The Murray cod is an iconic fish. People right around Australia and beyond have heard of the Murray cod — they are iconic. It is a bit like the barramundi. The barramundi is very much an iconic fish, particularly in the northern part of Australia. We have seen in recent times some barramundi trials taking place down in Gippsland at the Hazelwood pondage. There has been much interest around that experiment. I think that is a good thing too. From a Victorian point of view, I think the Murray cod is the most iconic and sought after fish you can catch. So I am very keen that through this reference we potentially see what can be done to ensure that none of the iconic Murray cod are killed through events such as blackwater.

Blackwater events will happen. Natural floods will create blackwater events from time to time that will kill fish, but there is nothing we can do about that. What I would be interested to know is: are there other reasons, other aspects and other things that occur that cause blackwater events? I am hoping that through this reference we might be able to explore some of those scenarios to find out if there is anything going on in terms of the way our water system is managed that might help us to be able to protect more of these great fish.

The Minister for Agriculture, who is responsible for fish, would be very much in agreement with me about the importance of the Murray cod. I hope she supports this motion, because I certainly want to look after the Murray cod here in Victoria.

The second Murray cod that I caught was actually earlier this year. It was only a few months ago up on the Goulburn River at Nagambie. I went out fishing with a couple of other guys. I had a line out, and we were just about to shift to a new spot because we had not had a bite. Just as I was reeling in my rod a Murray cod took the bait and I was able to land it. What was even more pleasing on that occasion was that my brother Paddy and my first cousin Danny just happened to turn up in a boat at the very same time I caught the Murray cod. As I pulled it out of the water, they were both there to witness me catching the Murray cod. I am sure that they would not have believed it if they had not seen it with their own eyes. I was very pleased that both of those gentlemen were able to see that Murray cod I caught.

In terms of the blackwater events, I just want to make reference to some of the occurrences that we have had in Victoria and New South Wales over the past few years. Blackwater events did happen from time to time many years ago, but it was really only after a significant flood. What we have seen in recent times, and particularly in less than the last 10 years, are a number of blackwater events which have been detrimental to the freshwater fish that we so greatly appreciate in our waterways. One of the most significant of these events was back in 2010. It was experienced throughout the Broken Creek, the Goulburn River and the Murray River, and also downstream of the Goulburn River just south of Shepparton. That was the first one, which was back in December 2010. We had had a dry spell throughout the first decade of the 2000s, but in 2010 we saw a breaking of the drought and there was a flood along those rivers which created a blackwater event.

In October 2011 we saw another flood, which also caused a blackwater event. So essentially we had two in under a year. It was a significant flood along the Murray River in particular that stretched for some 700 kilometres. Its magnitude saw water going above the banks of the Murray, flowing out onto neighbouring land and bringing debris made up of sticks, leaves and other organic matter back into the water, stagnating and de-oxygenating that water and making it very difficult for the fish to survive.

Anecdotal evidence at that time from the locals who lived around those areas reported that there were tens of thousands of Murray freshwater crayfish fleeing the blackwater. It would have been an amazing sight.

Probably not many people actually know about these Murray freshwater crays. Wintertime is really the only time that you can catch them. Not many people do it, although there are some people who go out and do it. They are like a normal crayfish but they are darker in colour and a bit smaller than your average crayfish. I have never actually caught one, but I have certainly seen them.

As a result of the blackwater event in 2011 the Murray freshwater crays were fleeing the Murray River — they were scurrying to get out of the Murray River, which had a blackwater event. There was no oxygen in the water, so these crayfish, that almost never come out on land, decided that the best way to try to survive was to escape the water. The Murray crays live in water, breathe in water and eat in water. They never come up onto the banks for any reason. As a result of the blackwater event they decided that the situation was dire. There was so little oxygen in the water that they knew they would die if they stayed in the water, so they had to escape the blackwater and come up onto the banks. They had to escape the Murray River looking for fresh water. Unfortunately there was no other water that they could really escape to.

Once those Murray crays leave the river, it is illegal for anyone to pick them up and take them home and eat them or anything like that. So essentially what happened was that those tens of thousands of Murray crays came up onto the bank. A couple of things can happen to them. They do not find fresh water, so they either stay in the sun or they look for some shade. As they are looking for water, the sun and the heat when they are not in the water essentially will kill them. They also run out of oxygen because they breathe oxygen through the water and if they are not in water, they will live for only a short time before they die. There were tens of thousands of them, and that is tragic. No-one likes to see that happening to those iconic freshwater crayfish. The anecdotal evidence was that some of the crays were even trying to climb trees as they were escaping and looking for some way to be able to survive.

At that time the locals also reported that there were massive Murray cod that could not escape. They could not do what the crays did, because the crays could get out of the water and look for another option somewhere, which ended up being futile, but they were doing their best to try to survive. The poor old Murray cod cannot get out of the water and look for a better option. They have to try to survive in the water where there is no oxygen. What they will try to do is swim somewhere to find fresh water that they might be able to survive in. They look very quickly for a better option

in terms of swimming but with this particular event, with the blackwater and the floods along 700 kilometres of the Murray River, there was no place for those Murray cod to go. After a period of time they ran out of oxygen in the water and the Murray cod died and floated to the top.

I have seen it for myself. It is not a pretty sight when you see the beautiful iconic Murray cod on top of the water. It seems to me — this is only my view — it is the larger Murray cod that struggle with blackwater more perhaps than the small ones. Maybe it is just that the big ones are more visible because they are so large. A big Murray cod can grow up to 1, 1.1 or 1.2 metres in length, so they are a big fish.

**Mr Barber** — Tell us a few old fishy tales.

**Mr O'SULLIVAN** — I will take up the interjection by Mr Barber. The biggest one I have ever caught was a 56-centimetre Murray cod. The second one I caught was only 45 centimetres, so he got released for another day. So I have not got too many tales to tell about my Murray cod exploits, but I would certainly like to be able to in the future. I will be out there trying — if we can get them to survive.

**Mr Barber** interjected.

**Mr O'SULLIVAN** — Well, that is a big fish.

What is really disappointing when you are out in a boat or walking along those rivers anywhere is if you see those iconic big Murray cod floating upside down or lying on the banks rotting. It is a pretty tragic sight. That is something that where possible we should try to avoid. If we can do anything through this reference in terms of maybe coming up with a couple of different ideas or a couple of recommendations on how we think we might be able to assist in the management of water in terms of eliminating or minimising the impacts of blackwater, that is a cause that is well worthy of being taken up. I am certainly going to do that, and I am hoping that others will support us in doing that.

Another event took place in 2011–12. That again was through the Barmah forest. A significant amount of environmental water was released and it caused a blackwater event throughout the Barmah forest area. Again, that made it difficult for the fish to survive.

In November–December 2016 there was another blackwater event along the Murray River up towards Mildura, near Lake Victoria. There was a comment by a guy from Manangatang who actually made a few videos in relation to the blackwater events at that time and put them on YouTube. Rod Mackenzie from

Manangatang is an avid fisherman, as all fishermen are. To be fishermen there have to be fish for them to catch, so they are very supportive of fish thriving in their natural environments. No-one wants to see anything occur in their natural environments which will take away those opportunities for those fish to exist.

Rod Mackenzie, through the videos on YouTube that he was taking particularly up the Rufus River near Lake Victoria, showed examples of a blackwater event where the fish had actually left the Murray River and gone up the Rufus River, which is one of small rivers which allows the water from Lake Victoria to come back into the Murray River. The fish had left the Murray River and taken what is probably a 5-kilometre trip up the Rufus River trying to get to the source of that river to try to get some fresh water coming out of Lake Victoria. Unfortunately on that occasion they could not find any, and around the Rufus River area there were a lot of Murray cod again found floating. I think on that occasion, they are saying, there were something like 200 dead and dying Murray cod in an 8-kilometre stretch around Lake Victoria, and that would be a very distressing occurrence.

At that time there was also a blackwater event that occurred on the Goulburn River just downstream from Shepparton. Just in January this year there were a number of dead fish — yellowbelly, cod and shrimp — lying on the banks of the river as a result of a blackwater event just near Shepparton, where fishermen were witness to those fish that were in a pretty bad way and dying or dead. So that was the latest occurrence that we have seen, although it seems like it was only an isolated area around Shepparton.

Since 2010 we have seen some five blackwater events. That is more than we have probably seen in the previous 20 years before that, so as part of the reference for this committee I think it would be good to have an understanding as to why those blackwater events occurred and what things can be done to potentially minimise any of those events in the future. There is no doubt that some of those blackwater events were caused by natural flooding. Yes, that is going to happen, but also it appears that some of them could have been as a result of environmental water being released, particularly the one in Barmah, where they are reporting that environmental water released prior to that had caused that event there.

I am not blaming environmental water for causing these, but I do wonder if there is something that could be done in terms of the management of our water management systems. When the environmental water was set up by Peter Walsh when he was the Minister

for Water I do think that the occurrences of blackwater events probably were not taken into consideration with the significance that they may well have had. Now that we know there have been more blackwater events in the last seven years I would like to be in a position where we can, after the setting up of the environmental water holder in Victoria, see whether there is anything that can be done in terms of the better management of the way they operate their systems.

I would actually be interested to know what credence the environmental water holder actually gives to blackwater events potentially occurring as a result of any water that they have released for environmental purposes. I would be certainly interested to know whether there is any consideration of that. There might be a better way of doing it in terms of the timing of those waters being released and also the severity or the significance in terms of what type of flood is created by those waters being released.

I would like to put on the record, particularly for Mr Barber here, that I totally support environmental flows. They are critical to the health of our river systems. They are critical to the health of our environment in Northern Victoria Region, which is very much a dry part of the world. So in terms of keeping our rivers healthy I totally support that, as it supports the relevant aquatic life and animal life that is sustained from the water. I totally support that.

I mentioned earlier in my contribution that there was not much water around when I was a kid on our farm, and I have got a real appreciation of the significance, when you live in some of the driest parts of this whole country up in the Mallee area, and the benefits that having some water in your local community can have. I think people tend to take that for granted, but when I was a kid there were no lakes anywhere close to us. The Murray River was the closest natural water source that you could go to to enjoy the water. To get from our farm out to the Murray River — and we would go up to Hattah whenever we could on a weekend during summer — was probably a 150-kilometre drive to our nearest significant waterway. So I have a particular appreciation of what the amenity of water in your local environment can do.

I am very pleased to see that, in the last little bit, the whole community has got a better appreciation of that. We are starting to see some lakes pop up all over the place, because it is very important if you live in a dry community that you can go somewhere and actually experience the water and overlook the water. The kids can play in the water, you can swim in it or you can do some boating in it or whatever recreational activities

you would like. It is good for mental health if you live in dry areas to be able to be a part of those waterways that are healthy, clean and there for everyone's use.

I would imagine that just about everyone who sits in this chamber and beyond in the community and so forth — everyone on their holidays and whatever else — likes to go down to the beach or go to a lake for the long weekend or so forth. People up in the country who do not have much water around certainly appreciate that and want to have those opportunities as much as the people who do have those opportunities and probably take those opportunities for granted. Up in my part of the world in the Mallee you see what putting some water into the lake at Hopetoun has done. It has revitalised the town. It has created a whole range of economic activity for the town, and it has made the people who live in that town feel like they have got somewhere that they can go to enjoy the water and recreational activities.

I am very pleased that the last coalition government, with Peter Walsh as water minister, put in place a scenario where there could be a lake created and opened up in the township of Ouyen. I have been keeping a very close eye on that along with local Nationals member Peter Crisp. We go there every few weeks to check the progress of that. They are hoping to have water go into the lake at Ouyen once it is completed later this year, and they are hoping to have it filled by Easter next year. So, Mr Barber, I would invite you to come up to the Ouyen lake when it is finished and have a look at what a tremendous impact that will have on the local community for those people who live up in the Mallee.

I just want to go back if I can for a moment to the importance of fishing in Victoria, and I am very pleased to say that the fishing community is supported by the current government but also by the opposition and hopefully by everyone in this chamber, because fishing is a great recreational hobby that many people like to do. It gives people the chance to get out onto the waterways, whether it be the ocean, the freshwater lakes and rivers in northern Victoria, down in Gippsland or in western Victoria. Fishing plays an incredibly important recreational function in our community, and as I said, it has been supported by both coalition and Labor governments, who have been very supportive of the fishing fraternity here in Victoria.

It is interesting to see that the government has got a target to achieve 1 million fishermen in Victoria. That would be a good thing, if they can get to that. I am not sure that they are anywhere near it at the moment. I think there are about 350 000 licences in Victoria, so

we have still got a way to go to get to 1 million, but the government is spending a lot of money encouraging people to go fishing, and I support that. But what I am also very pleased to note is that there has been a significant investment by both sides of government — I am happy to acknowledge that — in terms of fish stocking, which creates more opportunities for people to go fishing and actually be able to catch a fish when they are fishing.

There is a hatchery up at Snobs Creek which does tremendous work in breeding fish that are released out into the waterways. In terms of the investment that is made, it is a significant amount of money, and a significant amount of fish is released out into our waterways every year, and that number is increasing. The number of little hatchlings that gets released is well into the millions, and hopefully they can form a part of the ecology of our waterways and grow up into big fish that people can catch.

In terms of those hatchlings that get released, one of the things that I think we need to do is ensure they have an environment they can thrive in. With all the time, effort and investment that has gone into breeding those fish and then releasing those fish, we would hate to see a scenario where there were significant amounts of fish released, whether that be Murray cod, whether that be golden perch or whatever it may be, and those fish then got caught up in a blackwater event and all died. That would be tragic, and it would undermine the whole premise in terms of being able to have fish in the environment for people to catch. So I would certainly hope that if you look at organisations like Fisheries Victoria, VRFish and those other groups out there who — —

**Mr Barber** — Native Fish Australia. They do good work; do not forget them — Tim Curmi and the boys.

**Mr O'SULLIVAN** — Native Fish Australia — yes, absolutely. I would hope that all those organisations would be able to participate in this reference and be able to provide assistance, information and background on what they understand in terms of how fish are impacted beyond what we see in terms of their natural death. But those organisations might have a whole range of scenarios and information that they would be able to contribute to this reference through the hearings in terms of finding better ways to make sure that our native environment and the fish can survive.

Going back to environmental water for a moment if I can, I would like to make reference to one of the great environmental water exercises that has been undertaken by the Mallee Catchment Management Authority

(CMA) up at Hattah Lakes, and it is one that is worth making mention of. It absolutely demonstrates to the nth degree the value of environmental water when it is managed properly and the benefits that can arise from environmental water. I want to use Hattah Lakes as the example that I will talk about today.

There is a project that was completed probably only three or four years ago — the Hattah Lakes project. Essentially the Hattah Lakes are up in the Mallee, just off the Murray River, about 60 kilometres south of Mildura in the Hattah-Kulkyne National Park. There is a fairly large area there which consists of about 12 different lakes that make up the Hattah Lakes — about 12 different lakes of varying sizes. It is a fairly dry environment up in that part of the world, and throughout history when there were not so many barriers in the river system in terms of weirs and locks and so forth water would regularly flow out into the Hattah Lakes, which would then set up their own natural ecology in terms of fish breeding up, birds breeding up and all the other animals being able to breed up and take advantage of that in such a harsh, dry environment. Trees were also able to grow and thrive and survive as a result of those floods that would occur out in the Hattah Lakes.

But over time as water from the region was allocated for other purposes, such as recreational activities, irrigation and so forth, those water flows have changed, and there are not as many floods out in the Hattah Lakes as there once were. So the Mallee CMA — with the cooperation of the New South Wales, Victorian, South Australian, ACT and commonwealth governments, along with the Murray-Darling Basin Authority and Goulburn-Murray Water through the Living Murray program — were able to come up with some engineering works that would enable the Hattah Lakes to be flooded using environmental water. They are quite impressive, and I have actually been there and seen the project — but unfortunately I have not seen it when it has actually been in operation, which is something I will certainly endeavour to do this year. It is a series of pumps coming out of the Murray River — there are, I think, about eight of them. They are quite large electric pumps which pump significant amounts of water fed from the Murray River through a channel out into the Hattah Lakes project.

Through the availability of the environmental water, at the appropriate times the environmental water holder in conjunction with the water authorities and the Mallee Catchment Management Authority turn on those pumps and pump significant amounts of water out into the Hattah Lakes, which absolutely does wonders for those lakes and all the ecologies. The environmental benefits

that you get are through fish breeding naturally, through birds coming to the area and thriving and through all the kangaroos and other native animals living in that area — they absolutely thrive as a result of all this water going out into the Hattah Lakes.

It becomes a real tourist attraction as well. I am sure Mr Barber has been up to the Hattah Lakes to have a look at it, because that is the sort of thing that I know he is particularly interested in. People flock from all over the state to go and have a look at the Hattah Lakes when they are in flood, because the animals that you can see there when you go are very impressive, and the ongoing benefits to the local community and the local environment are tremendous. I would like to quote Sharyon Peart, who is the chair of the Mallee CMA, in terms of her view of it. She said:

The Hattah project is a good example of how environmental works and measures can offer a more accessible and effective way to deliver basin plan environmental outcomes in wetlands and flood plains along the Murray.

I totally agree with her, and everyone who has been there acknowledges the benefits that have occurred as a result of those environmental waters being used and managed in a way that does not create any damage and does not create any problems — it creates a significant number of benefits. That is one example of where I think environmental water has done an amazing job. I would like to see more projects like that occur. I think in terms of the Murray-Darling Basin plan there are some more works and measures required to enable environmental water to be used more efficiently and more effectively to achieve the outcomes that are intended through the use of that water.

One of the things in relation to those works and measures for the water that is available through the Murray-Darling Basin Authority is that we need to ensure that those engineering works are done in a way that, when those waters are released, does not create man-made floods on farmland, which is a contributor to what potentially could be blackwater events in the future. So when those works and measures that need to be undertaken are being done to shift the volumes of water required down our waterways, it will be critically important to make sure that those works and measures are undertaken in a way that will be able to cope with that volume of water being released at those times. I am sure that there would be plenty of people who would come along to these hearings, if we get the chance to have them, and who would give us a view as to how they think some of those works and measures can be best put in place to achieve the outcomes that we all want to see from the Murray-Darling Basin plan.

The Murray-Darling Basin plan is one of those scenarios that I think was started under John Howard when he was the Prime Minister and has then been followed on by successive commonwealth governments. I think the current Prime Minister, Malcolm Turnbull, was the water minister at the time of the act going through the commonwealth Parliament, which put the Murray-Darling plan into play. That ensured that there would be a balance created between water being able to be used for the community, water being able to be used for irrigators to grow the food that we all eat and water being available for the environment to keep our waterways healthy and to keep our river systems clean so that they can be used by everyone involved, whether they be tourists, people who live along the rivers or the animals — the birds, the fish — who rely on those systems to be as healthy and to be as clean as we can possibly get them to ensure that we get the best possible outcomes.

Just while I am on the Murray River and the best possible outcomes in terms of clean water I want to make mention of the carp virus that is being created with a view to being able to be released out into our waterways to kill the European carp. We know that European carp are a menace in our waterways. Essentially the European carp is like the rabbit: once released they have bred up very quickly and have taken over a lot of our waterways. The European carp is an absolute pest. They grow to a fairly large size. They eat native fish, shrimp and yabbies and so forth. The way they go about it is, when a European carp eats, they take in a mouthful of mud, swirl it around in their mouth to find if there is anything that they can eat and then they spit it back out again. As a result of that the European carp has made a lot of our waterways quite muddy and very coloured, and it does not look all that pretty at times.

I remember my father telling me that when he was a teenager up at the Murray River he would be able to stand up to his chest in water and be able to see his toes because the water was that clean. By contrast now in the Murray River you could probably only see a few centimetres before the colour of the Murray water in terms of the brown from the mud stirred up by the European carp takes over. So the river is not as healthy as it once was, and I think that is largely due to the number of European carp in the river system. As we have done with rabbits over the years, we have introduced viruses that impact only on the particular species we are trying to eradicate or control. We had myxomatosis released back in the 1970s, Mr Ramsay? Myxomatosis was released back in the 1970s?

**Mr Ramsay** interjected.

**Mr O'SULLIVAN** — Yes. At some time around there myxomatosis was released to have an impact on the rabbits. It worked for a long period of time, but over time they got resistant to it, and then the calicivirus was released, I think, in the 1990s. It did not impact on any other species, only on rabbits to control the number of rabbits in the environment.

In terms of the carp virus that has been developed, I think it has been proven that it does not impact any species other than carp. I would like to see that virus released into our waterways to kill off the European carp. That would allow our waterways to be in much better condition and would allow our native fish to thrive without being encroached on by European carp, which I would think would be of benefit to the whole community.

I would certainly like to see the Victorian government and the minister for fisheries release the virus. I think people are a bit nervous about releasing it. Obviously there will certainly be impacts. There are suggestions that we could kill up to 70 per cent to 80 per cent of all European carp. If that was to occur, I think that would be a tremendous win for the environment. That is not directly relevant to this reference, but I would certainly encourage the minister for fisheries to release the carp virus as soon as possible so we can get on with cleaning up our waterways. That is not relevant directly to this reference, so I will come back to the reference that we have in hand.

I would like to see that we might be able to look at better ways of being able to manage our river systems and better ways of being able to manage any environmental water that was released into our waterways, including the Murray River, the Goulburn River and other rivers. We might be able to create more value or have a better value for water that is released if we can try and eliminate or minimise these blackwater events. There is nothing more stressful if you are walking down the river or going for your morning stroll along the Murray River and you see all these dead Murray cod — big Murray cod, up to a metre long, floating upside down in the water. That is a terrible sight and we do not want to see that, but we do not want to see the Murray crays get to a situation where the water is so deoxygenated that they have to try and escape the water and go up onto the banks in search of some fresh water or another alternative to be able to exist. We know that once a Murray cray leaves the water its chances of surviving are almost nil, because the water over the bank is quite often deoxygenated and is part of the blackwater event as well. They cannot find any reprieve, so they end up dying as well.

Really this motion is designed for us to be able to have a reference where we can call the experts in who can provide us with information. There may be a better way in which we can manage our water system here in Victoria. The Victorian Environmental Water Holder has only been in existence for about four years, so there might be better ways that we can ascertain how we can manage our water systems in terms of the use of environmental water. I think everybody agrees that environmental water plays a critical role in the health of our river systems and our local communities in northern Victoria. We are certainly not trying to do anything in terms of attacking the role that environmental water plays — that is absolutely critical. What we are looking to do is find out if there are some ideas that we can hear about. We could talk to the experts, let them come and talk to the committee to see if there is a way of being able to come up with some recommendations whereby we can get a much better outcome in terms of minimising blackwater events. They will occur — we know that; they are a natural part of our existence — but we do not want them to occur when they do not need to occur. If we can find a few areas that will help minimise blackwater events, that would be a terrific result.

With those few words I would like to commend the motion to the house.

**Ms SYMES** (Northern Victoria) — It is a pleasure to follow Mr O’Sullivan in relation to the motion today. I would not describe your contribution as a few words, Mr O’Sullivan, but you did cover a lot of really interesting topics. You have a strong history in fishing, which I cannot match — I have been fishing only a few times — but I do support the policy of fishing, and particularly our Target One Million. I think Mr O’Sullivan referred to 350 000 licences as falling short of the 1 million target, but I know how excited my dad was when he turned 60, and the only thing that made him excited about turning 60 was that he did not require a fishing licence over 60. I reckon there would be quite a few over-60s that would be pushing us up to that 1 million target.

This is a good opportunity to get these issues discussed in the Parliament. Of course environmental water management is a significant and important management issue relevant to all Victorians. It was great to hear Mr O’Sullivan’s approval of the great work of the experts in this space and his unwavering support of environmental flows.

I have got to say that I do not think that the contribution of Mr O’Sullivan really matched the intent of the review. I thought that everything he said was worthy of

discussion, and I do not think there is much that I disagreed with; I just do not necessarily agree that all of that equals the need for a parliamentary review when much of the work is being done by very competent experts in this field.

We would maintain that the proposed inquiry comes after this government has already undertaken substantial community and stakeholder engagement to develop the policy and actions in *Water for Victoria*. We have committed to significant investment and further progress in this regard. *Water for Victoria* outlines major investment and policy reforms to further build on our comprehensive framework for environmental water management. Actions that the government have already committed to include a review of the Victorian Environmental Water Holder (VEWH) to build on their prior performance and ensure that they have the right tools and processes to most efficiently and effectively deliver environmental outcomes, particularly in light of the changing climate; a review of environmental water charges to inform the next round of water pricing submissions to the Essential Services Commission to ensure transparent and equitable charging arrangements; and a major investment in environmental works and measures for priority watering sites to better use existing environmental water.

It is important to note that the VEWH has a trading strategy to ensure that there are no market distortions as a result of any trade actions they may undertake. The VEWH currently uses environmental water to mitigate blackwater events where this is possible, and the work programs include construction of fishways that enable fish to move and escape from blackwater events and perhaps end up on the line of Mr O’Sullivan.

Going through the items in the motion that the house is being asked to refer to the committee for consideration, it starts with the assessment of the role of environmental water management in preventing or causing blackwater events. Over the past 10 years environmental watering has reduced the build-up of organic matter in many areas, lessening the impact of blackwater events. When I first got elected this was not a policy area I was overly familiar with, but I was told that a simple way to explain it to people who are not familiar with water policy is that it is similar to the way planned burns can lessen the impact of bushfires. Just as land managers carry out frequent cool burns to avoid one big hot, damaging bushfire, environmental water managers try to reduce excessive leaf litter build-up on the flood plains with regular flooding. Aside from boosting vegetation and providing connectivity across a

flood plain, this flooding aims to reduce the negative impact of blackwater events.

There is not enough environmental water available to dilute blackwater events in large systems like the Murray. However, environmental water can help in smaller, isolated waterways and is currently used to provide refuges for fish and other animals to escape from blackwater, if it occurs — for example, environmental water is currently being used to try to limit the chance of hypoxic blackwater occurring in parts of the Loddon River. The Goulburn Broken Catchment Management Authority worked with Goulburn-Murray Water to coordinate environmental water deliveries to help improve water quality in Broken Creek. Environmental water deliveries continue until the end of the irrigation season to maintain water quality and provide habitat and shelter for native fish such as the Murray cod — and we have heard a little bit about Murray cod today.

I will use this opportunity to give a bit of a shout-out to the Goulburn Broken Catchment Management Authority. Mr O'Sullivan obviously has a good relationship with the Mallee Catchment Management Authority; we heard him reporting on the good work they do. I have had a fair bit to do with the Goulburn Broken mob, and I am in awe of their dedication to the environment and their ongoing efforts to engage with the community and work on really important community projects. I would just like to say that they do a great job and it is great working with them in northern Victoria.

There is daily monitoring and adaptive water management being done collaboratively and it is helping to limit the impacts of blackwater events. I understand that past and current investment in works such as the removal of fish barriers has also increased the ability of fish to escape during blackwater events. The Goulburn Broken Catchment Management Authority, to which I have just given a pump-up of its tyres, has also recently undertaken a review and documented its findings following the blackwater events of January this year.

Mr O'Sullivan's motion also seeks an inquiry into how environmental water and environmental water managers interact with and utilise management tools such as carryover and whether the carryover of environmental water impacts on the availability of water for irrigators. Water management is now much more targeted, efficient and effective, with new tools that reduce the need to recover more water for the environment. More cost-effective environmental benefits can be achieved through small-scale changes to

river management, with reduced economic and regional impacts when compared with large-scale water recovery programs.

Water allocation trade is one of the tools the VEWH uses to effectively manage environmental water. Water trading allows the VEWH to move water to the system where it is most needed and to smooth out some of the variability in water availability systems across many years. The VEWH ensures its trading activities are carried out in a manner that is consistent with trading rules under the Victorian Water Act 1989 and the basin plan water trading rules under the federal Water Act 2007 for the Victorian part of the Murray-Darling Basin.

Decisions to trade environmental water are made by the VEWH as part of the VEWH's standard portfolio management practice. While the primary focus of VEWH operations is the delivery of environmental water to maximise environmental outcomes, carryover and trade are also important tools that can help the VEWH manage seasonal water availability and maximise benefits to the environment. The VEWH regularly assesses its environmental demand and supply position throughout the year, considering factors such as environmental condition and demand, current and forecast climate conditions and water availability, carryover capacity and of course the relevant market conditions. Carryover is an important tool that is used to help ensure environmental water can be delivered at a time when it is of the optimum benefit to the environment — for example, environmental water demand is often highest in winter and spring and carryover can help ensure demands can be met where there is a risk that low seasonal determinations may have been made at the beginning of the season.

At the end of each year the VEWH may undertake administrative transfers between VEWH accounts to maximise carryover opportunity. Such transfers may occur within particular systems or trading zones or across systems or trading zones, subject to some of the trade limits that are in place. Trade is the mechanism used to shepherd environmental water flows down the Murray and across the border from Victoria to South Australia, so the flows are not regulated for supply to consumptive users in either state. This re-use policy is known as 'return flows'. It is available for environmental water delivered from the VEWH Goulburn, Murray and Campaspe entitlements in northern Victoria. It increases the efficiency of environmental water use and helps reduce the volume of water needed to be recovered for the environment from consumptive water users. It is important to note that the VEWH reports annually on the management

and use of environmental water in Victoria, including on all of the carryover practices and trade, through its annual reports and reflections.

Mr O'Sullivan's motion also asks for consideration of what barriers exist to more efficient use of environmental water and how these may be addressed. The VEWH has the same rights as other water users and there are no policy constraints other than those that apply to all water holders. Making the most efficient and effective use of environmental water is important because it will reduce the need to recover more water for the environment now and into the future, and obviously that is important for maintaining our fish supplies, our environmental conditions and some of those recreational pursuits that Mr O'Sullivan spoke at length about which are important to communities, particularly country communities in some of the driest parts of Victoria, particularly in our shared region of northern Victoria.

*Water for Victoria* commits to continued investment in environmental works and measures for priority watering sites to better use environmental water. Victoria already has a significant and ongoing program of environmental works and measures and is currently developing a policy to clarify asset ownership and maintenance arrangements. The *Water for Victoria* document also outlines the commitment to exploring how we can use stormwater, recycled water and the water grid to achieve better environmental water outcomes. *Water for Victoria* goes on to further commit to an integrated catchment management approach that maximises the broader benefits of environmental water delivery.

Where environmental water is used to promote fish movement and migration, in-stream barriers, such as road crossings, weirs and things like that, can increase the volume of environmental water required. This can be needed to 'drown out' effectively those barriers. This is being addressed by funding catchment management authorities to provide for fish passage at priority sites, meaning less environmental water is actually needed to aid those fish movements through these barriers.

The motion also seeks to look at the assessment of fees and charges that are applied to environmental water and whether they differ from those imposed on other water users. Coming back to the *Water for Victoria* policy, it commits that water corporations will work with the Department of Environment, Land, Water and Planning (DELWP) and environmental water holders to ensure clear, transparent and equitable charging arrangements. DELWP has recently commenced a review of environmental water charges to implement this action,

so putting this part of the reference into an inquiry, we would maintain, would purely duplicate the work that very competent experts have commenced.

*Water for Victoria* outlines the following principles that will apply to charging arrangements for environmental water: prices for services to environmental water holders will reflect costs, prices to reflect the level of services received, prices to provide signals for the efficient and sustainable use of water infrastructure, and prices will not deter environmental watering. The government requires environmental water holders to pay applicable charges for the costs incurred by storage and system operators to store and deliver environmental water. While charges have been applied to all environmental water entitlements since July 2014, there are varying approaches to charging across different water corporations.

There may be different levels of service provided for environmental water, most often in water delivery systems. We certainly need to consider the revenue requirements of water corporations to maintain future infrastructure needs. A fair and reasonable contribution to system costs should be made by all users in line with the level of service that they receive. A collaborative planning process that involves all relevant parties will allow environmental water holders to engage in the process of cost allocation and provide transparency and accountability.

The Essential Services Commission is responsible for approving the price proposals of water corporations consistent with policies that are set by government. This is in line with the pricing processes for other water users. For example, in the Wimmera region, GWMWater has established charges for water storage and delivery. Taking into account the broader public benefit of the recreational water entitlement and the high cost of water delivery, GWMWater went through a process to seek water customer agreement to contribute to a subsidised rate for charges applicable to water used for recreation. Approval was received from the Essential Services Commission.

In conclusion, we would say that this is a worthy debate to have. It is great to have these conversations about environmental water. Everybody in this house sounds as though they are a big supporter of environmental flows, but given the good work of the experts and given the reviews that are already going on, not to mention the resource pressures on the parliamentary committees, we would say that it is a worthy debate but not a worthy reference for a parliamentary committee.

**Business interrupted pursuant to sessional orders.**

**QUESTIONS WITHOUT NOTICE**

**Ms Bath** — On a point of order, President, yesterday the Minister for Training and Skills, in relation to a question I asked during question time about Shelley Pasquill and the Bubble at Federation Training, made a comment, and her comment was:

... if this politician was serious about your future, she would have raised this issue with me way before today.

President, as I mentioned yesterday, on 8 December I raised an adjournment matter with regard to the Bubble and Federation Training. I actually have a response to the minister from that adjournment, and it states:

Federation Training has reviewed the effectiveness of the Bubble, and has made decisions to move towards an integrated support service ...

That was on 8 February. Also, on 10 April this year I raised another issue in relation to Ms Pasquill and her further study. What I am putting to you, President, is that the minister has clearly misled the house in relation to my comments and contribution, and I ask her to make a personal explanation.

**Ms Shing** — Further to the point of order that Ms Bath has raised, President, the adjournment matter that was raised in December last year was in fact the subject of a response to Ms Bath where further information, including a contact at Federation Training, was provided to Ms Bath to provide to the constituent. That was then the subject of further discussion. In fact when Ms Bath raised a separate matter with the minister the constituent was not referred to by name in the first adjournment matter, and secondly, the response that was put by Ms Bath, arising from a query around Ms Pasquill's access to assistance, related to support for a trip and an excursion to attend Monash University rather than anything that related in any way, shape or form to the Bubble.

For Ms Bath to now allege that the minister has misled the house omits a number of components of this particular issue, and when Ms Bath wrote to the minister and indicated that this was a matter of concern around Ms Pasquill's access to assistance she failed to provide the information that was set out very clearly in the letter back from the minister to Ms Bath following the adjournment issue.

**Mrs Peulich** — On the same point of order, President, clearly Ms Shing's —

**The PRESIDENT** — Order! Can I just advise you to make a point of order, because the two statements I have heard so far are not points of order.

**Mrs Peulich** — I think the point of order Ms Bath raised was that the minister had either inadvertently or otherwise misled the house, and she sought that the record be corrected because it reflected on her as a representative. The reason why Ms Shing's response in actual fact substantiates that case is, number one, she referred to a couple of instances of where Ms Bath has raised matters in relation to this constituent and this issue, and secondly, the minister's comment yesterday that if the member really cared about her constituent, she would have raised this matter with the minister earlier. Clearly she has, irrespective of what pathway was being advocated. I suggest that you ask the minister to correct the record.

**Ms Tierney** — On the point of order, President, I do appreciate the opportunity to speak. I certainly reject any notion that I have misled the house or inadvertently misled the house. The fact of the matter is this: when the substantive question was asked, the constituent's name was not mentioned at all, and in fact when the adjournment matter that Ms Bath mentioned was raised, the constituent's name was not mentioned. So I dealt with the adjournment matter on the basis of the issue, and the issue was the hub and ongoing services that would be provided to assist students.

After question time yesterday I then made inquiries as to whether I had ever received a piece of correspondence or an email from Ms Bath in relation to this constituent. I had. It was received on 12 April, and it was in relation to her requesting me to make an intervention to assist this constituent and some other students to go on an excursion to Monash University, which I have responded to. So how I have possibly misled or inadvertently misled the house — it beggars belief.

**The PRESIDENT** — Order! In the first instance, if there is an allegation that a minister has misled the house it would be more properly prosecuted by way of a substantive motion. Certainly there are opportunities that we have entertained in this house where members have invited a minister to reflect on some statement that they had made in the house and perhaps voluntarily look at correcting that record. That is a procedure that I think is a relevant one and is helpful to the house, and it certainly can ensure that a minister is comfortable with what they have put to the house in the circumstances.

In regard to this matter, the items that have been raised by each of the four people prosecuting a point of order are not really points of order, but I think there has certainly been some airing by both sides of the concerns around this matter. If Ms Bath wants to take it further, I think she should do so by way of a motion or perhaps through the use of a 90-second statement or such like rather than by making points of order.

**Wyndham youth justice facility**

**Ms SPRINGLE** (South Eastern Metropolitan) — My question is for the Minister for Families and Children. In relation to the new youth justice facility that the government proposes to build in Werribee, what specific evidence or advice did the government rely on to arrive at the figure of the 224 beds that will make up the facility?

**Ms MIKAKOS** (Minister for Families and Children) — I begin by, firstly, congratulating Ms Springle, who is the first member in this house to actually ask the government a question about this year's budget. Well done to Ms Springle in that regard. Can I also say that I welcome a full media contingent back in this house as well. Can I say to the member that our government has delivered in the state budget this year the biggest ever investment in our youth justice system.

**An honourable member** interjected.

**Ms MIKAKOS** — That is because we have had to address a significant underinvestment left to us by those opposite in relation to our infrastructure. So we have been getting on with overhauling our youth justice system, and I have spoken about these matters at some length in this place. The budget does fully deliver on a brand-new youth justice facility that I have spoken about in this house. It does deliver — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I think members are aware that this particular minister is always keen to use up the entire allocation of time that she has, and at this moment I am contemplating extending the amount of time that she has because of interjections. Beware.

**Ms MIKAKOS** — I can think of nothing better, President, than getting more than 4 minutes to talk about what we are doing in youth justice. As I was saying, our budget has delivered in full on the announcement that the Premier and I made with the Treasurer earlier this year in respect of a brand-new \$288 million fit-for-purpose high-security youth justice facility. We have embarked upon a very detailed process in relation to this matter, and I have spoken about this matter before. We did develop a business case. A lengthy process was undertaken to develop a business case in relation to the need for this facility, and as part of that business case there was modelling undertaken that related to future capacity and projections around future needs. So in terms of the member's question around the number of beds decided upon in relation to these matters, this was part of the

business case that was undertaken to consider the capacity issues in our system as it stands at the moment, and also looking at future projections.

Capacity of course is something that we need to always keep an eye on as legislation changes and circumstances change, but we know that those opposite certainly never planned for the future. They did not think about capacity. We are making sure that we work with the local community in the vicinity of Cherry Creek to keep them informed about this project, and there is currently a process underway to establish a community advisory group as well that will work with my department around these issues. That will go to a range of issues, such as design as well.

There is a lot more I could say about this issue, but I look forward to the member's supplementary question.

*Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — I thank the minister for her answer. The evidence from around the world is against the idea of building one mass facility where you incarcerate young people. The evidence is in favour of building a series of smaller facilities with very high ratios of suitably qualified and trained staff, who will work with young people to address the causes of their offending behaviour. I understand that the proposal for this new facility comes from the report of Neil Comrie, who is a retired police commissioner. In relation to the decision to build the new centre at Werribee, did the government rely on any advice or evidence from experts in what works to effectively address the causes of young people's offending behaviour?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question, although she did give a bit of a slight there to Neil Comrie, who is a very distinguished individual who has a great deal of expertise around these issues. I am very grateful for the advice that he has provided to me and my government in relation to security upgrades. We are investing through the budget not just in building the new facility but also in upgrading Parkville and Malmsbury with a further \$72 million and fixing up problems with Malmsbury that the previous government left for me, because they built secure facilities there that were just not up to scratch. We are needing to go in there and address these particular issues.

The member is clearly talking to people about these issues. I have got expert advice around these issues. If the Greens party want to go out and nominate the dozen

or so sites where they believe youth justice facilities should be built, they can do that.

### Youth justice system

**Ms SPRINGLE** (South Eastern Metropolitan) — My question is for Minister Mikakos. The Children, Youth and Families Act 2005 sets out a number of responsibilities the government has in relation to young people who are in custody on remand or on sentence. Section 482(2) of the act requires young people in custody to have their developmental needs met. These include age-appropriate educational needs, health and wellbeing needs, recreational needs, socialisation needs and the teaching of life skills. What measures or targets does the government use to ensure that it is meeting those responsibilities under the act in relation to incarcerated young people in its care?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question on this matter. I have spoken about these issues on a number of occasions. I have spoken about the various services that are provided to young offenders in custody. I have also spoken about the fact that I did ask KPMG expert Penny Armytage, together with Professor James Ogloff, to undertake a review of our youth justice system, given that the youth justice framework had not been updated for 16 years — something that those opposite failed to take an interest in. That advice is going to be completed very soon and be provided to me in relation to making recommendations for further reforms in this respect.

There are performance measures set out in the budget that relate to issues around community justice. There are measures in the budget that relate to the numbers of young people in custody. Clearly the department takes its obligations very seriously in terms of service provision to young offenders, including access to education and other programs. And of course the system is independently oversighted. We have got independent oversight from the Commission for Children and Young People. There is independent oversight from the Ombudsman as well. There are obligations on the Department of Justice and Regulation in respect of these matters, and in the legislation that the member has referred to, if she goes on to look further in those sections, she will see that there is also an obligation on the department to provide me with advice around the secretary's acquittal of the statutory obligations. So there is an ability to provide me with reporting around these issues.

The department takes its obligations seriously, but we are looking at what further enhancements can be made

around these types of supports for young offenders. The starting point of course has got to be providing a safe and secure facility, because without that you cannot rehabilitate anybody, and we are putting those safe and secure facilities in place. We are focusing now on what further reforms can be put in place to ensure that we can put greater focus and emphasis on rehabilitation, because of course the objective has to be to ensure that these young offenders on release can be successfully reintegrated back into the community and be productive members of society.

### *Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — Thank you, Minister, for your answer. Given the staff on the ground are the people who are in practice implementing the government's responsibilities in this area, what are the targets, key performance indicators or measurements which apply to staff performance in relation to ensuring that young people's developmental needs are met under the act?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her supplementary question. Look, we have been working on very significant reforms in relation to the capacity and capability of our staff. The staff do incredibly important work and in very challenging circumstances. Our government has been involved in rolling out an enhanced training model to all of our youth justice staff, and that work is well underway. Of course staff themselves, as individuals, are subject to performance reviews, as you would expect any public sector employee to be under those kinds of obligations. We are working incredibly hard to ensure that our staff are better trained to intervene early and help prevent escalating situations from happening. We are talking about a range of staff here. There are custodial staff and then there are specialist staff in these facilities, including teachers and allied health professionals, who all perform different functions and have different roles and responsibilities. The member did not make it very specific what she was referring to, but I can say to her that we are looking at enhancing our training specifically for our custodial staff.

### **Voluntary assisted dying**

**Dr CARLING-JENKINS** (Western Metropolitan) — My question is also for Minister Mikakos, but in her capacity as representing the Minister for Health. It relates to the expert ministerial advisory panel established by Minister Hennessy to advise on a legislative framework for voluntary assisted dying. Minister, a number of

people have raised concerns with me that the panel has crossed the line into activism rather than sticking to the guidelines given to them. A number of people and organisations have made submissions to the panel, and they are concerned that their viewpoints will not be adequately represented due to the panel's perceived bias. There are a number of others, particularly people in the disability community, where opposition is such that they wanted to express their opinion that no such attempts to make suicide safe would be satisfactory, who were advised by panel members that if they put in submissions they would be excluded. To avoid the appearance of bias and in the name of transparency, at the time of publishing the final report will this panel be publishing submissions received as well as publishing the transcripts of meetings and interviews with interested parties?

**Ms MIKAKOS** (Minister for Families and Children) — I thank Dr Carling-Jenkins for her question. These are obviously very sensitive matters that I know members on both sides of the house may have very strong views about one way or the other. I know that the Minister for Health has embarked upon a very considered process in relation to this very sensitive subject matter, and she has put in place a ministerial advisory panel with a broad range of expertise in relation to these issues to assist her by providing advice. I am sure that members will have made available to them at some point in time when we further consider these issues as a Parliament a broad range of views from a range of stakeholders. Obviously people with disabilities will have a very important role to play in expressing their views around these particular matters.

In terms of the specifics that the member has raised around process, I will need to seek some advice from the Minister for Health because it does relate to her panel and the process that has been embarked upon. I will be very happy to provide the member with a written response in relation to these issues around process.

*Supplementary question*

**Dr CARLING-JENKINS** (Western Metropolitan) — Thank you, Minister. I look forward to receiving that advice on process. My supplementary question is simply: given that the interim report from the panel is now overdue, will the panel be extending their final report publishing date, which is currently scheduled for July?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her supplementary question. I will ensure that the supplementary question is also addressed in the written response.

**Duck season**

**Mr YOUNG** (Northern Victoria) — My question is for the Minister for Agriculture. We are now well underway in what has in some ways been one of the more successful duck seasons of recent years due to higher numbers of birds and available habitat. Victoria is home to some of the greatest hunting locations in the world, including internationally recognised wetlands under the Ramsar convention, most of which are located in our state game reserves. Earlier in the season the government saw fit to close certain wetlands to hunting due to the presence of threatened species. I might add that they are threatened in terms of their status, not by hunters. It has come to my attention through local knowledge that bird movements have seen these species move on and they are no longer in the numbers that caused the closures, particularly freckled duck at Lake Cooper. Minister, when will Lake Cooper — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Given the position from which Mr Young is speaking and the fact that there is commentary just across the aisle means the minister and I are both struggling to hear. Can you go back about three sentences for the minister, please?

**Mr YOUNG** — Not a problem at all, President. Earlier in the season the government saw fit to close certain wetlands to hunting due to the presence of threatened species. I might add that they are not threatened by hunters but in terms of their status. It has come to my attention through local knowledge that bird movements have seen these species move on and they are no longer in the numbers that caused the closures, particularly freckled duck at Lake Cooper. Minister, when will Lake Cooper be reopened for hunting?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his question and for his interest in the arrangements that are in place to ensure legal duck hunting activity in a number of locations across the state. Conditions have been very different from what they were for the two previous years, and certainly that has enabled more people to participate in duck hunting and to have a more successful time of it than had been the case in earlier years when we were experiencing much drier conditions. There have, as is the normal course of events, been a number of wetlands that have

been closed due to the presence of threatened and endangered species.

As I think Mr Young will recall, we had in place some really archaic arrangements around notification of emergency closures and when the reason for the closure had ceased the same arrangements applied in reverse to reopen the wetland. The Parliament was able to consider this matter during the course of last year, and we have new arrangements in place this year that enable these things to be done administratively more quickly, with all of the same checks and balances in place to satisfy everyone but with less of the paperwork and rigmarole that unnecessarily slow these things down. Certainly Ms Pennicuik has a strong interest in this and was interjecting while the question was being asked, but Mr Young and his constituents also have a strong interest in this, so we have better arrangements in place for both.

The wetlands are monitored throughout the season. I receive advice from the Game Management Authority (GMA) about when it is appropriate not only to enact closures but also to reverse closures. I have not received any advice on the specific area that Mr Young has referred to in his question. I will ask the question of the GMA, but as of today I have received no advice so there are no plans at the moment to make that change.

*Supplementary question*

**Mr YOUNG** (Northern Victoria) — I thank the minister for her answer. It certainly was enlightening to see that process change recently to have a more streamlined effort in doing these closures and openings, but unfortunately we have only seen closures. We have not seen that streamlined process apply to any openings, and it is for the reason that it seems that the surveys are not being done and these places are not being monitored. My supplementary question simply is: Minister, is it the intention of the government to leave these places closed for the duration of the season regardless of whether surveys produce acceptable numbers or if they are done at all?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his further question. The government has no agenda to do as Mr Young suggests. We will respond to changing circumstances. We have in place arrangements that are now better for dealing with changing circumstances. If there are reasons for those wetlands to be reopened, then they will be reopened. As I indicated in my answer to the substantive question, I will inquire of the GMA where the schedule of surveys is currently at, but in the ordinary course of events, and indeed as was the case in

previous years, there have been occasions where it has been appropriate to reopen and we have acted accordingly. We plan to do the same throughout the remainder of the season.

**Community correction orders**

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister for Corrections. Minister, the Victorian Auditor-General's report *Managing Community Correction Orders* revealed that the number of high-risk offenders remaining in the community on community correction orders (CCO) has dramatically increased under your government, from just 128 in 2014 to 3180 in 2016. Minister, with the 2017–18 budget figures revealing that the number of criminals on community correction orders will increase by over 1000, can you confirm that for the first time in Victoria's history over 3500 high-risk offenders will be living in our neighbourhoods on community correction orders?

**Ms TIERNEY** (Minister for Corrections) — I thank the member for his question. The fact is that the reason there has been a big increase in CCO numbers is complex, but there has been a 63 per cent increase in the number of offenders subject to supervised court orders, and that was between 30 June 2014 and 31 March this year, Mr O'Donohue. That was a trend that was started under your government. This was due to the abolition of suspended sentences under the previous government and the guideline judgement from the County Court in December 2015, the Boulton case. So why has there been — —

**Mr O'Donohue** — On a point of order, President, I am concerned the minister is misleading the Parliament. She referred to a County Court decision of December 2015. I think she is referring to a Court of Appeal decision of December 2014.

**The PRESIDENT** — Order! That is not a point of order as such. If there is an issue with information that the minister provides where there is concern about its accuracy, then, as I indicated at the outset of question time, there are other opportunities to pursue that matter.

**Ms TIERNEY** — As you know, this government introduced a new operating model in terms of CCOs, and that was because of the deplorable state in which we found the whole system. Yes, it was the previous government that introduced the system, but it left it completely under-resourced. As a result of that we have invested heavily. We have put extra resources into the system. We have ensured that there are more timely and more extensive risk assessments of every individual.

These sorts of things were not in existence under your watch, and they are under ours.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — I note the minister did not rebut the fact that there will be 3500 high-risk offenders living in our neighbourhoods on community correction orders in the coming financial year. I ask by way of supplementary: Minister, Victoria Police yesterday issued a media release for one such high-risk individual, calling for public assistance to locate an offender who allegedly breached a CCO order, obtained property by deception and committed theft, careless driving and armed robbery. It followed a reported terrifying armed hold-up in Daylesford. Minister, how can the Victorian community have confidence in a justice system where high-risk criminals who should be in jail are instead out on CCOs and continuing to offend?

**Ms TIERNEY** (Minister for Corrections) — The facts are that we have brought about a new model as of January and we are applying massive resources to ensure that we have a properly operating CCO system. That announcement was applauded right across the justice community — and at the time, Mr O'Donohue, you were silent, because you also knew that the system was a good system and it actually needed new resources to have it working properly.

In addition to that, what also has occurred in the recent budget is that we have made sure that we have put extra resources into programs in prison and outside of prison in terms of the step up, step down regime and every other program you can think of to make sure that people who have offended and have been sentenced can move into the community and not reoffend.

**Vocational education and training**

**Mrs PEULICH** (South Eastern Metropolitan) — My question is to the Minister for Training and Skills. Minister, you have previously said that good private vocational education and training (VET) providers have the support of you and the government in Victoria's market-driven system. Can you detail to the house then what the impact will be on these good private providers because of the Andrews Labor government's ideological decision to ban these same organisations from training government school students?

*Honourable members interjecting.*

**Ms TIERNEY** (Minister for Training and Skills) — I agree with the interjection by Mr Leane. I turned to Ms Shing and Mr Leane in absolute disbelief at the

question. The fact of the matter is that this government does support those that are private providers, particularly those under the umbrella of the Australian Council for Private Education and Training. I did have the opportunity to speak to them at their recent conference, and I did also have the opportunity to field a number of questions.

It is true that this government does support the role of good private providers in the skills and training system in this state, and that is because there are many of them that fill the gaps that others cannot. But also they provide quality training in areas that may not be traditionally delivered by other organisations. I have confirmed with the private providers that we will continue to support them, and what we will also do is continue to improve the quality of the private providers in the way that we process the registration of private providers. Now, that has come about through the blitz exercise that was started under the former minister. We have a new registration process that was undertaken at the end of last year. Private providers will also be notified very shortly of the timetable for the process for registration this time around. So we know and they know that there is certainly a place for private providers within the training system here in Victoria, and we look forward to continuing that relationship with them.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — I thank the minister for her answer, though she does seem to be a bit confused, especially about the \$208 000 she contracted to Grant Thornton Australia Limited to provide advice to her on, and I quote, 'the exclusive provision of VET programs for government school students by TAFE institutes'. So I ask: Minister, as of the March 2017 enrolment for government school students undertaking VET programs, how many students will be affected by this ideological decision and what Victorian secondary schools will be affected?

**Ms TIERNEY** (Minister for Training and Skills) — I thank the member for her question. In terms of the specific details, I do not have them on me and I am happy to provide them in writing — but I reject any notion that any decision has been made on pure ideology.

**Prison security**

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister for Corrections. Minister, on 22 March you told the house, with regard to dealing with prisoners, 'I am very concerned to see that we demonstrate great love and care for those that are in our

care'. Minister, does your new doctrine of love and care for prisoners take into account the hardworking Corrections Victoria officers, one of whom was seriously assaulted and hospitalised after being attacked by a prisoner earlier this week?

**Ms TIERNEY** (Minister for Corrections) — I thank the member for his question. The fact of the matter is — and I have said this time and time again — that any assault in a prison is not acceptable, whether it be on a prison officer or prisoner on prisoner. Each and every one of these incidents are subject to a police investigation. And in terms of those assaults on prison staff, absolutely we condemn each and every one of them — because every person deserves the right to be able to go to work and come home from work alive and indeed not injured. So this is a very important thing and needs to be reinforced time and time again.

Corrections Victoria is doing a wonderful job managing our prisons, but as Mr O'Donohue knows, prisons are very, very complex environments and these incidents unfortunately do occur. But to then extrapolate from that the beginning of his question I think essentially is preposterous, and it certainly does not deserve any headlines. He purposely has taken those comments out of context. I was referring to having made a members statement because I had gone down and spoken to a range of Indigenous organisations that week in Geelong. We talked about the services and the provision of services to our Indigenous community and we talked about how we have a disproportionate number of seriously damaged people in our systems. With damaged people, we need to extend a range of different strategies to ensure that they recognise that they have offended but also that they can turn themselves around through rehabilitation — and sometimes you do actually need to extend some care.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — I thank the minister for her answer and ask by way of supplementary: Minister, given your stated focus yesterday on rigour, what is the evidence base to demonstrate that your policy of love and care for criminals, whether Indigenous or otherwise, will fix the chaos we see — —

*Honourable members interjecting.*

**Mr O'DONOHUE** — What is the policy basis that your love and care for criminals, whether Indigenous or otherwise, will fix the chaos we see on an almost daily basis in our prison system, which includes higher recidivism, floods of contraband, riots, escapes and

increasing violence against prison staff and, just this morning, prisoners at the Karreenga annex?

**Ms TIERNEY** (Minister for Corrections) — I thank the member for his question. The fact of the matter is that under the coalition our prisons were actually creating criminals — because you were not rehabilitating them. The facts speak for themselves: because of their mismanagement, nearly half of the released prisoners reoffended.

*Honourable members interjecting.*

**Ms TIERNEY** — It is in the annual reports. In contrast, under Labor we had our first reduction in recidivism in years. But still we have plenty of work to do. We know that — and you need to get on board as well. We know that we need to return the figure to what it was seven years ago, when it was 10 per cent lower — a figure that was achieved by a Labor government and can only be achieved under a Labor government, because we invest in rehabilitation programs.

**Melbourne Polytechnic**

**Mr ONDARCHIE** (Northern Metropolitan) — My question is to the Minister for Training and Skills. Melbourne Polytechnic's annual report shows it now has 14 600 fewer students than it did in 2015. Student numbers at the TAFE have halved since Labor came to office. Former minister Steve Herbert said that under Labor the TAFE would improve student numbers. Is it not a fact that the opposite has actually occurred?

**Ms TIERNEY** (Minister for Training and Skills) — This is almost a repeat of the theme from yesterday. The fact of the matter is that student enrolments across the board have reduced, but in terms of the market share there has been a significant increase in TAFE and the dual sector. One thing that you cannot work out is that in terms of student reductions it has happened in the private sector, where we have flushed out those that should not have been operating and feeding off those that are vulnerable.

In terms of Melbourne Polytechnic there have been a number of significant issues that they have had to deal with, but can I say their reopening of the Greensborough campus is a shining light for education provision in the northern suburbs of this city and is a very welcome education precinct. For you to sit there and defy that speaks volumes to the communities that you represent. In terms of Melbourne Polytechnic, generally they have been successful in securing a number of significant contracts in recent times, and I

look forward to seeing their enrolments and their course offerings meet every success possible.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — Minister, to quote you, the fact of the matter is that student numbers have actually reduced. Last year Melbourne Polytechnic spent more than \$2.8 million on advertising to boost student enrolments — more than twice that of any other TAFE — yet a halving of student numbers on your watch has left it in serious financial trouble, with an underlying deficit of \$36.5 million. Minister, why are the Melbourne Polytechnic student numbers and its financial performance so much worse under Labor?

**Ms TIERNEY** (Minister for Training and Skills) — I thank the member for the question, because it is the answer that I provided yesterday. You think just because there is a change of government and there is a change of policy that automatically things overnight happen like that. The fact is policies leave us — —

**Mr Ondarchie** interjected.

**Ms TIERNEY** — Skills First only came into effect on 1 January this year. It is not even six months old. So you do not even understand the new funding arrangements. You refuse to understand it. You have refused to acknowledge that the reduction in student numbers across the sector is a result of those non-students that were ticked in boxes that did not exist under your watch in the private sector. So now we are rebuilding TAFE and we are proud of it. There is a government guarantee. There is confidence. There is a real spring in our step — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! The barrage of interjection on the minister is unacceptable. It is discourteous to the minister. It is discourteous to the house. Minister, your time has elapsed.

**Residential care facilities**

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, what is the cost per week of a young person in residential care requiring 24-hour supervision by two staff and sole occupancy of a residential care unit?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. It is pretty blatantly clear where this is going. Can I just say to the member that I am very proud of the fact that our

budget has delivered great outcomes for the families and children portfolio — great outcomes in terms of the biggest ever expansion of our child protection workforce, with 450 new staff funded in the budget, more funding for home-based care placements and more funding for targeted care packages to enable more people to actually transition out of residential care into home-based care. The targeted care packages that our government introduced back in our first year in office have already seen 330 young people transition out of residential care into home-based care options, and there is also more funding for family services. So this \$161 million is designed to continue our reform agenda that I outlined last year in the *Roadmap for Reform*, which is shifting the focus away from a crisis response to more focus on prevention and early intervention.

In relation to the residential care that the member has specifically asked about, I am very proud that we have put a number of reforms in place since we have been in office, starting from introducing spot audits in our residential care units for the very first time. That was announced in my first 100 days as minister in fact. We have also put in place from our first year in office additional staffing in our residential care units to ensure the safety of young people living in care, and also — —

**Ms Wooldridge** — Sorry, we funded that.

**Ms MIKAKOS** — Well, actually you did not, Ms Wooldridge. The uplift that happened in residential care started in 2015 in terms of extending it to all of our units. In terms of — —

**Ms Wooldridge** interjected.

**Ms MIKAKOS** — Ms Wooldridge, you just like to rewrite history. Why do you not go back, when you are asking for the Department of Health and Human Services Public Accounts and Estimates Committee folders, and look at the Ombudsman's report on Loddon Mallee, where you were fiddling the figures and closing child protection cases before the end of the financial year to make the numbers look better? What a disgrace you are.

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

**An honourable member** — You poked the bear.

**The PRESIDENT** — Order! Yes, and therein is the problem. Minister, I would advise you to ignore the interjection and just provide a response to the person who asked the question. I know you were provoked by interjection, but you had the option of ignoring it, and that is the option I would prefer you took.

**Ms MIKAKOS** — Thank you, President. We have put in place a number of safeguards in relation to these matters — —

**Ms Crozier** — On a point of order, President, we have been listening to the minister for almost 3½ minutes, and I would like her to come back specifically to the question I asked, which was regarding the cost; if she could come back to this specific question.

**The PRESIDENT** — Order! Ms Crozier, I am quite happy to have that occur. The point I would make is that it is actually fairly difficult for me to get the minister to respond to the question when she is being hit with interjections that might also require, in her view, a response. I have sought her preparedness to actually focus on the question and ignore the interjections, but the fact is that for most of the time that you talked about in the point of order she was subject to interjections, and she took them up. We should not be surprised. The minister to complete her answer.

**Ms MIKAKOS** — We make no apology for the fact that where a young person is assessed to be at greater risk additional staffing measures would be put in place to ensure the safety of the young person in care as well as of the community. It is extraordinary that the shadow Minister for Families and Children, Ms Crozier, would actually come in here and essentially say that the department should not put in place measures that ensure safer outcomes for the community.

**Ms Crozier** — I am asking what the cost is, Minister.

**Ms MIKAKOS** — Well, given the tone and the manner in which you have asked this question, effectively you are saying these measures should not be in place. Effectively that is what you are saying: we should not be putting in place measures to ensure the safety of the community. I am happy to provide a written response to the member, but she should really reflect — —

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

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — A young person with such requirements often is also required to have limited interactions with others. When this occurs, how is education provided to the young person and at what cost?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her supplementary question. It is rather odd that she has prefaced her substantive question with questions around why my department would have the temerity to put in place additional supervision of a young person — ‘Why would they put in additional supervision of a young person?’ — and then she expresses concern at their access to educational outcomes. What I can say to the member is our government has put in place far-reaching reforms to ensure that young people in out-of-home care are in fact engaged with education. I spoke last year in fact about the Lookout centres that the Minister for Education has funded and that are making sure we link every young person in out-of-home care into education. I am happy to provide the member with a written response.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) — We have an extraordinary 1905 written responses to the following questions on notice: 502–6, 548–52, 558–62, 5362–8, 7728–8100, 8101–510, 8525–921, 8946, 8984, 9005–404, 9423–722, 10 619.

**The PRESIDENT** — Order! Thank you, Minister. I have this awful feeling that I am going to see about 1700 of them come back at me.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** — Order! In regard to today’s questions, Ms Springle’s first question to Ms Mikakos, a written response on the supplementary question please. Ms Springle’s second question to Ms Mikakos, both the substantive and supplementary questions, written responses please. In both cases they are one day. Dr Carling-Jenkins’s question to Ms Mikakos involved a minister in another place, both the substantive and supplementary questions, so that is two days. Mr Young’s question to Ms Pulford, just the substantive question, and that is one day. Mrs Peulich’s substantive and supplementary questions to Ms Tierney is one day. Mr Ondarchie’s question to Ms Tierney, the supplementary question only, is one day. And Ms Mikakos has volunteered to provide written responses to the substantive and supplementary questions from Ms Crozier, and I would have been seeking that anyway.

## RULINGS BY THE CHAIR

### Questions on notice

**The PRESIDENT** — Order! In respect of some other questions, I have had requests from Ms Wooldridge for the reinstatement of a number of questions. The questions she seeks answers for are 10 505, 10 508, 10 525, 10 587, 10 951, 10 965, 10 970 and 10 979. Having perused those questions and the responses that were provided, I do order that those questions be reinstated. Mr O'Donohue sought the reinstatement of questions on notice 9723 and 9724. Having considered those questions and answers, I do not reinstate those questions. With regard to questions of Mr Morris, who sought reinstatement of question 10 910, having considered that question and answer, I do reinstate that question.

I have also had raised with me by Ms Pulford an adjournment item that was raised by Mr Morris seeking that the minister provide a clarification and suggesting that she may have misled the house in respect of matters concerning the Ballarat City Council and a particular project involving a football ground there, which goes back to a campaign commitment the Labor Party made prior to the last election. I am of a view that the matters that were raised in that adjournment item and the previous constituency question item were matters for which the minister is not responsible; they are part of the jurisdiction of the city council, and the negotiations that were referred to by Mr Morris were in fact negotiations principally between the city council, the directors of one of the major football clubs in Ballarat and certainly the tenants of the football ground that is involved.

To that extent I think the minister tried to be helpful with what was her knowledge of what was happening there, but she cannot be expected to know exactly what those arrangements were, because she was not party to those negotiations; they were in the jurisdiction of the council rather than the minister. I point out, as I did earlier with Ms Bath's point of order today, that if there was an answer through which the minister had misled the house, then in fact it ought to be pursued by a substantive motion. I do not require the minister to provide a response to that adjournment item.

**Mr O'Donohue** — On a point of order, President, I would submit to you that in my first question I asked a very specific question of the minister — that she confirm the number of high-risk offenders. I ask that a written answer be provided as no answer was provided in her response.

**The PRESIDENT** — Order! When you rose for your supplementary question you actually acknowledged that the minister had not disputed the figure that you provided in the substantive question, and I thought that that was therefore a concession that the information that you put to the house stands without qualification by the minister.

**Sitting suspended 1.03 p.m. until 2.07 p.m.**

## CONSTITUENCY QUESTIONS

### Eastern Victoria Region

**Ms SHING** (Eastern Victoria) — The matter that I wish to raise today and the question I raise is for the Minister for Public Transport in the other place, the Honourable Jacinta Allan. It relates to the Andrews Labor government's commitment to spend \$1.45 billion on regional rail upgrades which have been significantly needed for some period of time. This once-in-a-generation improvement requires duplications, upgrades and improvements to go alongside our unprecedented investment in rolling stock and better facilities.

Gippsland was promised \$435 million plus a further \$95 million to upgrade and duplicate sections of the line. As a consequence of the asset recycling scheme, that money is Victoria's. New South Wales in last night's budget had no difficulty having a bonanza of billions realised for its state coffers, yet Victoria has fallen short.

I would ask the minister to provide information about how the state can actually fund crucial infrastructure upgrades for rail given the abject failure by the commonwealth coalition to deliver on something that is owed to us.

**Mr Finn** — On a point of order, Acting President, Ms Shing has in fact not met the qualifications of a constituency question in that she has asked for an action. She has in fact given an adjournment speech this afternoon, a little bit earlier than we would have expected, but she has not asked the minister a question.

**Ms Shing** — On the point of order, Acting President, I have in fact asked the minister for information about — —

**Mr Finn** — You asked the minister to provide the information.

**Ms Shing** — That is a question, Mr Finn.

**Mr Finn** — No, it is not. It is an action.

**The ACTING PRESIDENT (Mr Morris)** — Order! Ms Shing, if it is a point of order, please make it to the Chair rather than Mr Finn.

**Ms Shing** — My apology, Acting President. I am happy to make that further point through you. In relation to the matter that I have raised for the minister, it relates to a question around how the state can secure improvements to regional upgrades as a consequence of the abject failure by the commonwealth coalition to deliver funding to Victoria in the same way that it did to New South Wales under the asset recycling scheme that it honoured in Sydney but will not deliver here in Victoria.

**The ACTING PRESIDENT (Mr Morris)** — Order! I think this might be a lineball, so I might ask the President to have a look at the constituency question and make a ruling on this particular matter.

### **Southern Metropolitan Region**

**Ms FITZHERBERT** (Southern Metropolitan) — My question is to the Minister for Public Transport. A heritage permit has just been granted under section 74 of the Heritage Act 1995 that allows the Andrews government to remove trees on St Kilda Road and at the South African Soldiers Memorial on Albert Reserve in relation to construction of Domain station. Thousands of locals objected to these applications, even though objections were required by 14 December last year and 4 January this year.

FOI documents show that Melbourne Metro was still wondering if heritage permits were needed for this site well into 2016, so applications did not happen until November and December last year. FOI also shows that full occupation, to use the term from the documents, of St Kilda Road for the construction was due to happen in April this year. I am told it was delayed to the Queen's Birthday weekend and then to July. Locals still do not know when this massive disruption is going to happen. Minister, when will you tell locals what they need to know about the disruption to their neighbourhood so that they can make their arrangements accordingly?

### **Northern Victoria Region**

**Mr YOUNG** (Northern Victoria) — My question today is for the Minister for Environment and Climate Change and relates to the Barmah National Park. It has been brought to my attention that departmental officials and park managers have been conducting consultation forums in the area surrounding the park in relation to brumbies. Many locals are concerned about the attitude and seemingly predetermined outcome of this

consultation process. It is their belief that targets for invasive species management have changed since the change to a national park was made, and managers see eradicating the brumbies as an easy win in order to meet their statewide obligations. Minister, what is the status of the consultation that is taking place, and are there any interim findings or outcomes that may have arisen?

### **Eastern Metropolitan Region**

**Mr LEANE** (Eastern Metropolitan) — Recently I attended a launch of two community safety projects. I want to direct a constituency question to the Minister for Police, the Honourable Lisa Neville, in line with the question that was asked of me. These two projects in Croydon include making safer the connection between Croydon railway station, the Croydon civic centre and Swinburne TAFE. This requires work on the pathway to provide extra lighting and other security measures. There is also a Croydon youth graffiti prevention project. Due to the success of these two projects a number of people have asked me to ask the minister if there would be a chance of future grants for similar projects.

### **Western Victoria Region**

**Mr RAMSAY** (Western Victoria) — My constituency question is to the Minister for Emergency Services, the Honourable James Merlino. It relates to a recent visit I had last weekend to Point Lonsdale Surf Lifesaving Club, where I inspected new designs for the clubhouse with the club's president, Matthew Ponsford. Whilst there is no doubt the club is long overdue for a new surf lifesaving club, a more immediate priority is the refit of the back beach surf club building, which provides oversight of the often dangerous back beach. This facility is suffering from concrete cancer and needs an immediate rebuild at a cost of \$800 000. I understand a funding application through Life Saving Victoria to the minister for \$500 000 has been requested. I ask the minister if he could give this application for funding his urgent attention and support so this important facility can be rebuilt to enable appropriate lifesaving supervision of this popular beach.

### **Western Metropolitan Region**

**Mr EIDEH** (Western Metropolitan) — My question today is for the Minister for Police, the Honourable Lisa Neville. My electorate office has been approached by many of my constituents voicing their concerns about the increase in youth crime in Melbourne's west. Crimes such as home invasion, car theft and assault are

forcing many of my constituents to consider arming themselves in their own homes and to create strategies and responses for dealing with home invasion, carjacking and other violent crimes.

There is no doubt there are many nervous and frightened people in Melbourne's west, and this issue is without a doubt one of the most pronounced issues raised with me. My constituents, rightly, have an expectation that their community is safe for them and their families. My question to the minister is: what strategies does the state government have in place to deal with this increasing problem and what is the response from Victoria Police?

### South Eastern Metropolitan Region

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise my constituency question with the Minister for Roads and Road Safety in another place, Mr Luke Donellan. It concerns the completion of the Kingston leg of the bay trail, a matter on which I have received a lot of communication from very concerned local residents because it seems now that the Kingston council is dominated by Labor and led by not the mayor, Cr Eden, but the deputy mayor, Cr Rosemary West, who is extremely well connected in the Labor Party, and her offsider, Cr Steve Staikos, a former employee of Judith Graley, the member for Narre Warren South in the Assembly.

The previous consultation has determined that the bay trail should be completed with a back-of-kerb option. Now it seems they are wanting to narrow Beach Road, which would have dramatic consequences for visitors as well as residents. I am calling on the minister to intervene to make sure there is progress on this and asking him to intervene forthwith.

**Mr Ondarchie** — Acting President, in this 58th Parliament here we are together today to debate whatever needs to be debated today and there is no government minister in the house. This government is in complete disarray. I draw your attention to the state of the house.

### Quorum formed.

**Mr Finn** — On a point of order, Acting President, there is no minister in the house. That requires the house to cease business for a period, I understand, of some 15 minutes. It is not a quorum, in fact. Oh, look who's back.

**An honourable member** interjected.

**Mr Dalidakis** — It's not my duty.

**Mr Finn** — It's not his fault!

**Mr Dalidakis** — That is not what I said. I am happy to sit here, especially to listen to Mr Ondarchie. It is my pleasure.

**Mr Ondarchie** — Further on the point of order, Acting President, this is a government in complete disarray, and when a minister did walk into the chamber he said 'It's not my job'.

**Mr Dalidakis** — No, that is not what I said at all.

**Mr Ondarchie** — I just do not know what this government is about. We saw it yesterday and we are seeing it again today. Victorians could be well respected for thinking this government is in complete disarray.

*Honourable members interjecting.*

**Mr Dalidakis** — On a point of order, President, Mr Ondarchie just lied. He barefaced lied on *Hansard*, and I ask him to withdraw the lie.

**The PRESIDENT** — Order! I am unable to find out what he said.

Let us first deal with the matter of the function of the house. It is not incorporated in standing orders specifically that a minister needs to be in the house, but nevertheless from the day this house started it has been recognised that the government ought to be represented in the house by a minister. It is the convention of this house that if it is drawn to the attention of the President, the presiding officer or one of the acting presidents at the time or indeed if any of them were to notice themselves that there was not a minister present in the house, our practice is to adjourn the house for a period of time to allow the government to find somebody who might give the courtesy to the house of having a minister represented.

On this occasion I am not sure what has happened. Indeed we have had incidents in the past where there have been ministers just behind here who have not been visible to the presiding officer and queries have been raised. I have sought as a matter of courtesy that they are within a situation of visibility for the presiding officer so that we do not get into this sort of problem.

In this case I do not believe that there was a minister even at the steps. It was drawn to the attention of the Acting President at the time and appropriately brought to their attention. There are matters that can occur in the house where it might be imperative at the time to refer to the minister, and if there is none present then there is

a real dilemma for the presiding officer. I think everybody realises that on this occasion a mistake has been made, and so be it.

To then have this raising again of the hackles and this argument across the chamber about so-and-so said such and such, particularly when it comes out of a situation where in fact the original point of order to the Acting President was a correct point of order and it was appropriate to draw it to the attention of the Chair, and to have it escalate on the basis presumably of some offensive defence is not respectful to the house and ought not happen. We now have a minister in the house, and I see every reason for the house to actually proceed as it would. I will turn the chair over again to the Acting President.

**Mr Leane** interjected.

**The PRESIDENT** — Order! I think he is quite capable of taking care of himself, notwithstanding the relief he expressed when I came in!

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) — My constituency question is for the Minister for Families and Children, and I am delighted to see she is in the house — indeed I am glad to see that any minister is in the house. Given the speculation surrounding the environmental impact and Aboriginal sensitivities of the new site for Labor's youth justice centre in Little River, will the minister tell us what she intends to do if subsequent studies find the Little River site is unsuitable for her youth jail and she has once again stuffed up the process?

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) — My constituency question today is for the attention of the Minister for Police, and it relates to the Murrumbena police station. We are very concerned that the government has acted to strip the police station of its signage, turn the gas off and effectively decommission the police station. We believe that police station should be operational. Crime has risen significantly in the City of Monash and in the City of Glen Eira, and the nature of crime has become much more serious too. It is important that police station is there, and what is very important here is that that police station is able to function and keep the community safe. So what I seek from the minister is a response to the question: will the minister reverse the decision to decommission the police station at Murrumbena and reopen it?

### Western Victoria Region

**Mr MORRIS** (Western Victoria) — I rise for my constituency question, which is directed to the Premier, and it is in relation to the ridiculously named GovHub in Ballarat. Now I would like to be standing here congratulating the government on bringing public service jobs to Ballarat, but really what they have done here is just water down the plan that we made in March 2014. I note that during the media event that was held at the civic hall site the Premier lied to the assembled journalists in saying that all the former government had done was release a media release, because indeed a lot of work had been done. The Department of Treasury and Finance had costed the project, so a significant amount of work had gone into it. The question I would like to ask the Premier is: can he detail the precise jobs, not just the names of the departments, of the people who will be moved to the Ballarat site?

## ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

### Reference

**Debate resumed.**

**Debate adjourned on motion of Mr BARBER (Northern Metropolitan).**

**Debate adjourned until later this day.**

## ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015

*Second reading*

**Debate resumed from 18 March 2015; motion of Ms DUNN (Eastern Metropolitan).**

**Mr LEANE** (Eastern Metropolitan) — I am pleased to speak on the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015. This is a private members bill that was introduced by Ms Dunn and which actually triggered a committee inquiry. It is a private members bill which was presented to a committee about the safety of cyclists when they are travelling and sharing the road with other vehicles, in particular cars, trucks and buses, and how they can safely interact. This interaction is obviously something that has been happening for decades, but with our roads getting busier and, thankfully and happily, more and more people taking up cycling, I think the committee hearings were quite timely.

The position the government has taken on this particular private members bill is that it will not be supporting the bill because of what was rattled out during the committee, where a number of important stakeholders in road safety in Victoria opposed the bill for a number of reasons, which I will go into in my contribution. Also, a number of road user groups and associations had concerns as well, in particular motorcyclist groups, which had concerns particularly around this bill allowing motorists to cross over double lines to some degree, which would obviously mean they would be travelling on the wrong side of the road. That was of particular concern to Victoria Police in how to police that particular aspect of the bill.

In saying that, the government in its response to the committee report stated that the concerns brought up by cyclists need to be noted and should be acted on, and therefore the government has embarked upon, via the Transport Accident Commission, an information program for the next 12 months, particularly in terms of signage and advertising, as well as running an awareness campaign for motorists and all road users around the particular safety of cyclists and how to safely interact with them on the road.

When the committee heard from other jurisdictions that have introduced similar things to what is proposed here, the emphasis in those particular jurisdictions was put on education programs they implemented. I remember asking a question of a representative of one of those jurisdictions around, 'Do you believe that road use as far as interactions between cyclists and other vehicles would be made safer via an education program or would be made safer via legislation that may be introduced?', and they could not actually answer that question.

Rather than rushing into a set of laws that a number of important stakeholders in road safety do not believe should be put into place and that a number of road users believe might put them at more peril if people are crossing double lines, the government may want to embark on an education program and at the end of that program assess whether it has made a difference. As I have discussed, this would be similar to other jurisdictions. From that assessment the government could possibly embark on a trial period of something similar to the 1-metre rule, which has been proposed in this bill and in other jurisdictions.

As a member of the Standing Committee on the Economy and Infrastructure, I have to say that I had sympathy for all the witnesses who appeared at the inquiry. I do not think any witnesses came before the committee with any intent other than to improve road

safety. I do not think there was any other intent whatsoever from anyone. Their intent was to make the roads safer for all users. When I was unpacking the evidence of the cyclists, other committee members probably thought it was a bit tedious, but I was pretty interested in the standard width of a carriageway, a road; the space that one cyclist uses — half a metre from the edge of the road; and how that would afford a metre for a standard sedan to pass a cyclist on a standard laneway without going across the double lines.

I think in most instances that can be afforded today. It is prescribed by VicRoads that cyclists do everything in their means to afford a metre distance between a cyclist and a vehicle without breaking any other laws — and this is a problem with this particular bill. A perfect example would be where it is legal for cyclists to travel down a carriageway two abreast. My own mathematical formula, that I am pretty fond of, means that that obviously increases the distance by another metre or metre and a half. If there are double lines, that will push passing motor vehicles over them. I have to say that I was a little bit disappointed with some of the cyclist groups when I came up with the theory that maybe in the inner city on certain roads — for example, Royal Parade, where there are high shoulders — we could look at having cyclists travel in single file. I was a little bit disappointed that they would not embrace that idea and were pretty bloody-minded, saying, 'No, we've got the right to ride two abreast'. I respect that, but I think that all road users need to get to a point of acknowledging that sharing the roads and making sure that the roads are free of congestion where they can be is important and that safety is the number one aspect.

The part of the legislation that would enable people to travel over double lines was something that Victoria Police was strongly against. They had a problem with how they would actually police that as far as proving, if a person had infringed, that that person was passing a cyclist at that particular time.

During the committee's deliberations one of the things that swayed me against rushing into this particular legislation was hearing that motorcyclist groups believe that the law affording a motorist — whether it be a truck, a bus or a sedan — the ability to go over double lines to pass a cyclist, which would mean that they would be partially travelling on the wrong side of the road, would actually put motorcyclists at more risk, particularly, they said, if a motorcyclist was coming from around a bend up the road. Motorcyclists believe that when they are travelling from the opposite direction to car, bus or truck drivers and those drivers have moved across the double lines, it is harder for the

drivers to detect them, being motorcyclists. They strongly advocated against this bill.

For me, unless we do a lot of research and work, it is a real problem to implement something when we have a group of road users saying that it would put their safety at greater risk. It is a little bit self-defeating that when introducing a piece of legislation that is generally trying to make one road user safer — in their belief — we are being told by another group of road users that they feel that their safety would be more at peril if we introduced it. We have to take advice from the experts, we have to take advice from Victoria Police, we have to take advice from the Transport Accident Commission (TAC), we have to take advice from VicRoads and we have to take the advice of other user groups before our jurisdiction rushes into something that we have concerns with and that other user groups are telling us they have concerns with. Just because other jurisdictions have embraced something does not mean that Victoria should. Victoria has a fantastic history in road safety. It was the first jurisdiction to introduce seatbelts, and it has a rich, strong history in road safety. We can rest on our record of being a serious jurisdiction that actually leads the world in road safety, and we are very mindful that we should never rush into something unless research, statistics and facts indicate that it is the way to go.

The government is not saying that what has been suggested in this bill should be completely ruled out. We think that with this bill the committee has flushed out a good process where I think a lot of parties have accepted that more work needs to be done on educating motorists that cyclists are bona fide road users like anyone else, that they need to be respected and that they need to be safer — as safe as any other road user.

I think that has fleshed out that the government is committing, for at least the next 12 months, to an education program similar to what other jurisdictions have done when they have introduced such measures. Some of the evidence that the committee received includes some really good initiatives around simple signage on roads that are well used by cyclists, which those jurisdictions believe can help. I have got to say that I was impressed with some of the examples of signage that those jurisdictions used in their campaigns.

I compliment the government for going forward with pushing road safety for cyclists. I think we need to put it in people's faces. As I said, there needs to be an advertising campaign around signage. The government has committed to doing that and, after a period of time, will assess if it has actually improved things for cyclists. If not, the government may have to look at a

measure such as what this bill is attempting to introduce. As I said, such measures will not be introduced unless the government has an opportunity to trial other options first. We will not be implementing something which is not going to do what it is intended to do and which could potentially make other areas of our roads unsafe.

I appreciate that cyclists cannot be on off-road tracks all the time to get to where they want to go. I think everyone in this chamber appreciates the uptake of cycling and the many benefits it brings for people's health, for easing congestion and for reducing pollution. Everyone in this chamber should really appreciate that. As I said, the safest way for cyclists to travel is on cycling paths. The government has committed to putting a lot of money into off-road cycling paths, shared use paths — —

**Mr Barber** — Really? How much?

**Mr LEANE** — A lot of money, Mr Barber. I can give you some projects, if that will make you feel better. I have got to say that I have seen firsthand that there has not been a level crossing removal where there has not also been a link to a bike path implemented along the rail line where the removal occurred. A new path will be under the West Gate Freeway.

**Mr Ondarchie** interjected.

**Mr LEANE** — Mr Ondarchie is correct: there will be a bike track under the Caulfield to Dandenong sky rail project. I think elevating that line actually affords that bike lane. The sky rail is an extra benefit for a lot of people, including cyclists. I look forward to the contributions of the other committee members. I do not know if they were as kind to the cyclists — —

**An honourable member** — Some were.

**Mr LEANE** — I have got to say that some were. I think the chair of the committee, Mr Morris, was all ears, but I do not know about a couple of the other members of the committee. I do not know if they were that sympathetic towards cyclists, and I am surprised to hear that the coalition will be supporting this bill. It seems contrary to the way coalition committee members approached the inquiry. Maybe they have had a change of mind, and that is good for them.

Obviously the opportunity that the upgrade of a number of roads and rail lines brings means we can separate cyclists from motorists on the Chandler Highway project, the Swan Street project, the Shepherd Bridge upgrade and, as was pointed out, the CD9 elevated rail project. They are opportunities that will enable cyclists

to cover all of the metropolitan area and other regional areas separated from the road.

The bottom line for the government is that it needs to do some more research before it can commit to what is proposed in this bill. As I said, I think it was a good thing that the committee proposed that there can be more education and there can be more advertising to hopefully make cycling safer. There can be more awareness — absolutely there can be more awareness.

I understand an amendment has been proposed. We will not oppose the amendment. We believe it improves the bill, but, in saying that, for a number of reasons the government is in no position to support the bill at this stage.

**Mr ONDARCHIE** (Northern Metropolitan) — The Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015, commonly known as the A Metre Matters bill, is what I rise to speak to today. The purpose of the bill is to require motor vehicle drivers and motorbike riders to maintain a prescribed distance when overtaking bicycles on a road. Before I proceed, can I acknowledge the work of Ms Dunn and her stewardship on this private members bill since 2015. At that time the bill was referred to the Standing Committee on Economy and Infrastructure, on which I sit. I would like to, in the house, acknowledge her work and her stewardship on this bill.

The main provision of this private members bill is that it mandates that drivers overtaking bicycles on a road where the speed limit is up to 60 kilometres an hour must keep a safe distance from the bicycle of at least 1 metre. It also mandates that drivers overtaking bicycles on a road where the speed is greater than 60 kilometres an hour must keep a distance from the bicycle of at least 1.5 metres. It allows drivers to cross double centre lines if necessary when overtaking a bicycle, which is particularly relevant for some of our rural and regional roads.

I have to say, and this may come as no surprise to members in this chamber, that clearly by my physique I am not a cyclist. I was for a time —

**Mr Finn** — When were you a cyclist?

**Mr ONDARCHIE** — I will explain this to you, Mr Finn. I was not lycra-esque, I have to say, but we bought a couple of lovely bicycles when the kids were little, because they had bicycles as well and the intention was that as a family we would ride our bicycles around the local park and along the bike tracks. That was the intention. I have to say my bicycle has hung beautifully from the garage wall since about day

one and remains there. The tyres are probably the worse for wear not because of use but just because of the natural degradation of the rubber as the bicycle hangs on the wall.

I am part of the Standing Committee on the Economy and Infrastructure. We made a number of recommendations, each of which featured in the inquiry report that was tabled in September 2016. For the efficiency of the house, Ms Dunn, you will be pleased to know I am not going to read through every one of those recommendations — although I will if you like — save to say that recommendation 1 is that the bill be amended so that all references to ‘overtake’ and ‘overtaking’ are replaced with references to ‘overtake or pass’ and ‘overtaking or passing’, and that is pretty well what the amendments that are about to be circulated by the Greens say. The Matthew Guy-led coalition will be supporting those amendments.

I also acknowledge the great work of the Amy Gillett Foundation in their campaign A Metre Matters. They supplied significant information to the community and of course to the committee on the issues associated with this particular bill. This information is publicly available and is also referred to in the committee report, which is available. For the efficiency of the house I choose not to run through every one of those details today. Suffice to say, they are supportive of the legislation at hand.

There are some concerns around the policing of the distance from cyclists and also for any enforcement, which hopefully will not be required. It will be difficult for people to accurately judge that 1 metre, or 1.5 metres in the case of roads with speed limits of over 60 kilometres an hour. There is also a concern that drivers may be concentrating on the lateral distance rather than the road ahead. We need as few distractions for drivers as possible. As I drive to Parliament and other places I sit in a car that is somewhat higher on the road than others, and can I just use this opportunity to say to people ‘Could you stop texting and driving, please?’ and ‘Could you stop using Facebook and driving?’. I can see people doing that alongside me as I drive along. In some cases the lights have turned green but the car in front of me does not move and it becomes apparent that that person is busy texting or on Facebook or something in their car. I ask them not to do that, because we need as few distractions as possible.

It is also a worry, I have to say, that cyclists may take a new level of comfort from the legislation and ride a little further out from the road’s left edge than they previously would, because they know they are going to get at least 1 metre. It worries me a bit how we combine

the use of the 1-metre or 1.5-metre rule and motor vehicles. We do not want any cyclist to be injured, but in saying this I do think this is a shared responsibility. This in a sense touches on some of the commentary from Mr Leane in his contribution today. He thought some members of the committee might not be as kind to cyclists as they could be; I am uncertain whether he was referring to me in that regard, but let me take it up nonetheless.

If this legislation passes, there is an onus on drivers and other road users to observe what this is recommending they do, but equally there is a responsibility on cyclists to observe what this is trying to do. The law says they should be riding no more than two abreast, but I have been privy to some information over the last 48 hours that shows that in parts of Melbourne they are riding six, eight or 10 abreast across the roads. That makes it very difficult for drivers and cyclists to have a harmonious relationship on the road. So I say to cyclists, 'You carry some responsibility in this as well'.

I regularly travel to work, to Parliament, down Smith Street, Collingwood. There is simply not enough room with parked cars, cyclists, motor vehicles and trams to truly observe the 1-metre rule. Generally, I have to say, it does not really matter because the cars are stopped and the cyclists are moving, but I have to say to cyclists riding down Smith Street, Collingwood, 'Give the drivers a bit of a break too. There's only so much room to move'. I say to that cyclist who punched and broke my mirror on the way through in some frustration, 'You're not doing the cycling fraternity any favours by doing that'. This can work harmoniously if we all carry some responsibility and it is shared.

Ms Dunn, I say to you, 'Congratulations on bringing this piece of legislation forward'. The Matthew Guy-led coalition supports this bill, and we look forward to its safe passage through the house.

**Mr MORRIS** (Western Victoria) — I also rise to make my contribution on the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015. As Mr Ondarchie has already outlined, the Liberal Party and indeed the coalition are very pleased to support this particular piece of legislation. This particular piece of legislation contains provisions that have been introduced in every other state in Australia. I am led to believe that the Northern Territory and Victoria are the only jurisdictions that do not currently have legislation such as this to provide protection for cyclists on our roads.

I was pleased to join Mr Leane, Mr Finn, Mr Ondarchie and Ms Hartland on the committee that looked into this particular —

**Mr Finn** interjected.

**Mr MORRIS** — Mr Elasmarr and Mr Eideh as well indeed, Mr Finn, although they are not presently in the chamber.

**Mr Finn** interjected.

**Mr MORRIS** — They certainly were, Mr Finn; you are right. We were very pleased to have Ms Dunn come before the committee and provide some information about this piece of legislation.

As we were going through the inquiry — and I note that Mr Leane was rather fastidious in his references to the width of the road and what can fit on the road and the like, and I certainly listened very intently to these discussions — and having these discussions I thought, 'Well, if you're not going to give a cyclist a metre, then how much space are you going to give them?'. I think it is broadly acknowledged that cyclists are legitimate road users. There are may be some people on the fringes of the community who do not necessarily feel this way. There may be some who do not necessarily feel that way, but I think the vast majority of people in the community understand that all cyclists are legitimate road users, whether they are young children riding their bikes to school or middle-aged accountants out on a Saturday morning for a bit of a ride.

I will declare my hand and say that I might describe myself as a cyclist, although it has been a little while since I have been on a bike. My son actually asked for a bike with clipless pedals recently, and I said, 'No, son, they're only for people who ride their bikes long distances'. At which point he said to me, 'Well, then, Dad, why do you have them?'. I took that as a message that perhaps I need to be getting back on the bike a little more. I do enjoy getting on a bike, and I certainly recognise the importance of remaining safe on a bike at all times.

Is this legislation perfect? I would accept that this is not a perfect piece of legislation. I think Mr Leane has raised some very legitimate concerns about crossing double white lines and indeed different areas where cyclists are riding two abreast. But during the many committee hearings — and there were many committee hearings with regard to this particular inquiry — I found myself wondering, 'What if we were to reverse-engineer this? What if we did have a law giving cyclists a metre and we were asking if we should repeal

it?'. I was trying to imagine a circumstance in which we would do that.

I am quoting Mr Leane a lot here in saying that if we in Victoria are indeed the world leaders in road safety, why is it that we are lagging behind on this? I think this is an opportunity for us to be pressing ahead. Indeed the introduction of mandatory seatbelt usage is a great legacy for us here in Victoria, and this piece of legislation is one that will allow us to continue that great history we have.

I would also like to note the Amy Gillett Foundation, which has been a strong advocate for the A Metre Matters campaign. The inquiry that we had certainly heard from a large range of road users who had a variety of views on this, but I think on balance this is not a perfect piece of legislation as there is no perfect solution. But I do think cultural change needs to be a part of what we are seeing here. I think people do need to accept each other on the road. I think that sometimes people behave differently on the roads than they would in any other part of their life. That is something that we should change. We should be more accepting and understanding of other road users, whether they are on bikes, whether they are pedestrians or whether they are on motorcycles.

I am very pleased that the Liberal Party and our coalition partners are supporting this particular piece of legislation. I look forward to hearing the contributions of others.

**Mr FINN** (Western Metropolitan) — This bill is an interesting piece of legislation, to say the very least. I too was on the Standing Committee on the Economy and Infrastructure, and indeed still am on the economy and infrastructure committee, and we did examine this legislation at some length. As Mr Morris has pointed out, we did have numerous meetings. We did have numerous public hearings; they went on forever. In fact we looked at this from every angle, and I think it is safe to say that there is nothing more that we could have examined than what we did.

I have to say to you that I would be much, much happier with this legislation if it had a clause in it which required cyclists to learn the road rules. I would be very, very happy if this bill had a clause in it which required cyclists to actually understand what their responsibilities are on the road. This is because of my experience of driving over a number of years, particularly in inner Melbourne. I am talking about driving through Carlton and sometimes Brunswick on my way to Parliament. I quite often find myself in a — what would you call it? — a mess of cyclists who

descend upon me from I am not quite sure where. None of them seem to understand the road rules. None of them seem to understand that red lights mean stop, and none of them seem to understand that they should —

**Mr Ondarchie** interjected.

**Mr FINN** — Well, none of them seem to, I have to say. I am talking about the inner-city ones. I am talking about the ones who possibly vote for the Greens. I would not know; I am just imagining it. The Brunswick and the Carlton ones do not seem to have much regard for other road users. This legislation is about protecting these people, and clearly they do need protection, just as every other one of God's creatures deserves protection, but they really should try very hard to protect themselves. Quite often they do not do that. Flying through a red light at a busy intersection is something that I have witnessed cyclists doing on many occasions. It is something that is clearly not compatible with sustaining life, in my view. Perhaps we need some legislation here to deal with that, because it is all very well to bring in legislation that says motorists are vile and everything that happens on the road is the motorists' fault, but the fact of the matter is, in my experience, that is not the case. That is not the case at all.

I think it is unfortunate that those who have brought this bill to the house may have an attitude that cyclists are superior in some way to motorists. I do not believe that. In fact I believe quite the opposite. I do not believe that that is the situation at all. I have heard from friends from the other side of town — I do not get to Brighton or to Beaumaris very often — and I understand that down along Beach Road on a Saturday or Sunday morning there is very little regard for any other form of human life, or indeed animal life for that matter, on the part of these cyclists who gather in large numbers and go at very high speed down the road. God help you if you get in the way. If you get in the way, that is the end of you. I can only express my sympathy for those people who have to deal with that on a weekly basis.

We have a similar situation over our side of town. I find it very frustrating when cyclists are not happy enough to ride two abreast, which is annoying enough, but some of them will ride three or four abreast, which makes this legislation just a tad impractical, I have to say, in that particular situation. Nonetheless on balance it is legislation that is probably worth consideration, and on that basis the opposition is supporting the bill. But in doing so, I would suggest that a good number of members on this side express their deep concerns about the need for those on both sides of the argument, if you like, to respect the law because there is some conflict

between motorists and cyclists. There are some cyclists about who are arrogant beyond words, who think the road does belong to them. As I say, I have seen them on regular occasions.

Whilst this legislation will pass, I am very hopeful that both motorists and cyclists alike will take on board the comments that I have made today and they will show respect for each other, because whilst this legislation clearly is aimed at motorists, it perhaps could and should just as easily be aimed at cyclists.

**Mr RAMSAY** (Western Victoria) — I do want to make a contribution on the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015 brought to this chamber by Ms Dunn. I do so on the basis that I gave a commitment, three years ago I think, in Ballarat at the national cycling championships where I was approached by the Amy Gillett Foundation and asked would I support A Metre Matters. I spent three days at that race meet. In fact I was lucky enough to go in the lead car, which is quite a frightening experience when you are doing 80 kilometres an hour through Buninyong behind a professional cyclist. It is a speed which, as I said, is quite nerve-racking. Nevertheless, I think I was hooked then in relation to cycling.

I have always been a strong advocate for people getting outdoors and being involved in sport, as I have with my children and with the constituency of Western Victoria Region that I represent when opportunities arise where I can strongly advocate and lobby for investment in infrastructure that leads to more outdoor pursuits or even indoor pursuits as long as they are active. On that basis I think it is important that we do what we can to provide encouragement and safety, which is what this bill is all about, to those who want to pursue an outdoor activity. In this case, it is cyclists. As I said, I have had long discussions with the Amy Gillett Foundation over a number of years in relation to how to bring forward the A Metre Matters bill. In that respect, Ms Dunn has my support in the work that she has done in bringing this bill to the chamber. I was out on the steps this morning to show my support to the number of cyclists who were there. I suspect that they were not all Greens voters. I would like to think that there were some Liberals voters amongst them as in fact they are keen cyclists as well.

The community where I live, in Barwon Heads, is a well-known cycling area. In fact a well-known cyclist, Cadel Evans, resides in Barwon Heads when he is not professionally competing overseas. He is now in semi-retirement, but nevertheless his legacy and name live on in the annual Cadel Evans road cycle race. I had the good fortune to participate in the people's ride this

year. I am now much more aware of the dangers of cycling, particularly on the narrow country roads where there is not a lot of space between cyclists and vehicular road users.

It brings me to the point that my hope is that our party will look at potential policies in relation to providing dedicated pavements for cyclists, particularly where there is coexistence between vehicles and cyclists on our roads and our future roads. I think it is a good policy to provide pavements, whether it is for coexistence or off road to bike trails, and so remove some of the danger for cyclists.

Good points were made today about how this legislation — if it goes through, and I hope it will — will be policed in relation to drivers providing that metre safety space when passing cyclists. Mr Finn and others made good points when they said that on many occasions cyclists do not help themselves. If I travel from Birregurra to Lorne on what is a very narrow, winding road that has pitches up and down and quite steep gradients up and down, on many occasions riders see fit to use at least three-quarters of the road. There is very low visibility and drivers of cars do have trouble seeing other cars approaching. To go with this bill there should be an education process about an expectation that cyclists behave themselves in the way that they use the road and share the road with vehicles. You cannot have three or four riding abreast on country roads where it is not possible for drivers of vehicles to provide a metre space, particularly when overtaking.

Common sense, I hope, will prevail when this legislation goes through. I hope cyclists will be much more aware of the difficulties that motorists have in providing that metre space. As Mr Finn and Mr Ondarchie said, in the city it is a very different circumstance. You have a number of vehicles moving in all sorts of directions and providing the metre space might almost be impossible. Nevertheless I think this legislation is designed to make drivers more aware that they need to give more space to cyclists to allow them to travel in safety. It is also for the safety awareness of motorists in relation to not endangering the lives of cyclists. Cyclists sit on a 20-kilo frame whereas a motorist is sitting in a 1-tonne or 2-tonne metal cocoon, so there is quite a difference and the damage that will be done will certainly be different.

As I said, hopefully common sense will prevail and this legislation will provide greater awareness of the need for motorists to give cyclists more space and there will be greater education about that. At the same time, as my colleagues have indicated, while we support the bill we do want to make sure that through the process of the

legislation and the media surrounding it cyclists take responsibility to make sure that they accommodate motorists in providing that metre space either by riding single file or being very aware on country roads where it is almost impossible for motorists to meet the law requirements in providing a metre when the cyclists are not helping at all in how they are behaving on the road.

**Ms DUNN** (Eastern Metropolitan) — I would like to thank members for their contributions today. Firstly, I think it is important to talk to the foreshadowed amendments. Before I do that, I ask that they be circulated.

**Greens amendments circulated on motion of Ms DUNN (Eastern Metropolitan) pursuant to standing orders.**

**Ms DUNN** — As a brief explanation, these amendments relate to the parliamentary committee's inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015. They are a reflection of recommendation 1 of that inquiry. I would like to thank the committee that undertook that inquiry on its guidance on this particular matter. Evidence and submissions were provided that sought clarity around overtaking and passing. The committee has recommended, in relation to making sure that the bill is very, very clear that it is about passing or overtaking bicycles, that the bill be amended to give absolute clarity in relation to that. These amendments are a reflection of the committee's view word for word in terms of its recommendations and they flow through the bill.

There are a couple of things I want to touch on in summing up. First, I refer to Mr Leane's contribution when he talked about crossing double lines. He probably also wanted to reflect on solid single lines. I just want to advise the house that it is in fact lawful to cross these lines if you are passing an obstacle. If there is an obstacle on the road, you can actually cross those lines now, as the law stands. However, if you are passing a bicycle, you cannot legally cross those lines, so the bill seeks to address that anomaly and make sure that it is lawful to cross those double lines or solid single lines. Of course that is under the guise of overtaking or passing only when it is safe to do so, as reflected in our road rules on any matter in relation to overtaking or passing.

I want to touch briefly on the advice and the evidence that the committee received as part of its inquiry. I think it is particularly pertinent to look at the study published by the Centre for Accident Research and Road Safety in Queensland in 2016, which in reviewing the

implementation of A Metre Matters laws in that jurisdiction found that most riders, 73.2 per cent, and 59.5 per cent of drivers agreed or strongly agreed that they have observed motorists giving bicycle riders more room when overtaking than they used to. Two-thirds of riders and one-third of drivers said the rule has made it safer for cyclists. Observational studies showed that compliance with the passing distance rules at low speeds was 88 per cent and compliance at high speeds was 79 per cent. There were fewer serious — and with that, fatal or hospitalising — bicycle crashes in the first 18 months after the laws were introduced.

Furthermore, evidence provided at the inquiry into the bill from the researchers was that police officers said that their observation was that driver behaviour had changed. Drivers were leaving more room when passing cyclists, and police officers were supportive of the rule staying in place. In general there was a reasonably good community acceptance and a reasonably good level of compliance with that rule. It was heartening to hear that Assistant Commissioner Keating from Queensland Police stated:

We are certainly seeing a good reporting back from motorists that they understand there is a new rule. In my personal observation I see people trying to give more room.

He went on to say:

I believe overall that the program has encouraged cyclists to be aware of their own safety, but it has certainly given motorists more information and a greater understanding of their requirement to make sure that they provide a safe environment for bicycle riders that they are near.

He also said:

... we believe there is a reduction in incidents between cyclists and motorists which result in injury.

The positive experience with minimum passing distance laws has been shared by all stakeholders: cyclists and cycling advocates, drivers, the Royal Automobile Club of Queensland, Queensland Police and the Queensland Department of Transport and Main Roads.

It is also worth noting in relation to the implementation across the country that in fact every jurisdiction in this country, setting aside the Northern Territory and Victoria, has either some A Metre Matters legislation or trials in place. In the case of Western Australia we see the Labor government there of course committing to implement minimum passing distance laws.

I also want to touch briefly on a comment Mr Finn made. He stated that motorists are vile. I just wanted to clarify for the record that the bill in no way reflects that

motorists are vile. It is certainly not the intent in any way to describe motorists as vile.

**Mr Finn** — There is a clear inference.

**Ms DUNN** — However, although we may not agree on that, Mr Finn, what we do agree on is that, yes, every road user should respect the law. It does not matter if you are on a bicycle or a motorcycle or in a bus, a truck or a car; you should be respecting the laws at hand.

I want to make a few brief points on why this legislation is so important. We actually teach learner drivers to leave 1 metre. It is part of the learner driver program. As I have stated, we already know that cars can cross white lines to pass obstacles and hazards. In the learner driver guide there are even diagrams of what 1 metre clearance looks like when you are overtaking cyclists or motorcycles. I remind members that there was a federal inquiry held by the Rural and Regional Affairs and Transport References Committee. The committee recommended that the National Transport Commission amend the model Australian rules to mandate a safe passing distance across the country.

The bill seeks to clarify what a safe distance is because at the moment it is unclear, as the road rules stand, what that actually means. I am sure I do not really have to spend time telling members what the bill says, but it provides that you should leave a distance of 1 metre if you are driving at 60 kilometres an hour or less and if you are going above that, you should make sure you leave a safe passing distance of 1.5 metres. There has been some speculation on it being difficult to gauge measurements, but I remind members that our road rules are in fact littered with laws that have distances in them that motorists must comply with as part of those rules. There are a range of different rules in place where motorists need to determine distances and sometimes at very short notice. The reality is that when driving or cycling it is in a very dynamic environment, and you do need to make split-second decisions. Road rules are based on there being an ability of drivers to gauge distances at very short notice. The one important thing about this is that we know laws guide behaviour.

I wanted to touch on enforcement because I think it is probably quite erroneous to suggest that every single road rule is enforced to the letter of the law. I make the point in relation to mobile phones and texting. There is not a police officer looking at every single car and every single person texting in their car. We do not have an expectation that that law is enforced to the letter in every vehicle, so it is an incredibly high benchmark to expect that a law that will keep cyclists safe needs to be

enforced in every single case. What is important is that if you breach that law, there is in fact something in place for cyclists in terms of having an enforcement mechanism and an evidence basis for them.

I just wanted to briefly mention the inquiry report because I was pleased to submit to the committee, and I thank the members of it for their questions. I think it is notable that that committee is made up of government members, opposition members, the Greens and crossbenchers and in fact there was no minority report in relation to the report that was handed down. I think we have even heard in contributions today that there was a general acceptance that providing a 1-metre clearance is in fact the safest way to treat cyclists on our roads.

In summing up I will say that if there are specific questions about the amendments that have been circulated, I will be happy to answer them in the committee of the whole. I will need to move the amendments as part of that committee process. And finally I say: cyclists are somebody's family members. They belong to somebody's family, they are somebody's friend. They are incredibly vulnerable road users. To do anything less than enshrine this protection in law risks their lives. It is very important that we look after these most vulnerable road users, and I would like to think that all members support this bill and all members support these incredibly vulnerable road users, because a metre really does matter.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr ONDARCHIE** (Northern Metropolitan) — Ms Dunn, how many other states support A Metre Matters legislation now?

**Ms DUNN** (Eastern Metropolitan) — I thank Mr Ondarchie for his question. To go state by state, Queensland has legislation in place, New South Wales has a trial of legislation in place, the ACT has a trial in place, Tasmania has legislation, South Australia has legislation, the Northern Territory has no legislation or trial — nor does Victoria — and the Western Australian government committed to a trial in April 2017.

**Mr ONDARCHIE** (Northern Metropolitan) — So do I take it from what you are telling the house, Ms Dunn, that the Labor states of Queensland, South Australia and Western Australia, together with the ACT, support A Metre Matters legislation?

**Ms DUNN** (Eastern Metropolitan) — Yes, I can report that those states have either legislated, are trialling or have committed to minimum passing distance laws.

**Mr ONDARCHIE** (Northern Metropolitan) — In relation to clause 1 and the information that has been provided in response to the first two questions, Ms Dunn, what is the message then to the cyclists of Victoria — that they have been abandoned by the Victorian Labor government?

**Ms DUNN** (Eastern Metropolitan) — I think that is probably a question best directed to the government. However, it is extraordinary that Victoria, given the amount of cycling and the popularity of cycling in our state, is missing in action in relation to this legislation.

**The DEPUTY PRESIDENT** — Order! I ask Ms Dunn to move her amendment 1, which is a test for her amendments 3 to 17.

**Ms DUNN** (Eastern Metropolitan) — I move:

1. Clause 1, line 5, after “overtaking” insert “or passing”.

This amendment is a response to recommendation 1 of the inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015 and seeks to clarify that the bill is in relation to overtaking and/or passing of bicycles.

**Amendment agreed to; amended clause agreed to.**

#### Clause 2

**Ms DUNN** (Eastern Metropolitan) — I move:

2. Clause 2, line 10, omit “2016” and insert “2018”.

This is in relation to changing the commencement date of the bill to 1 January 2018.

**Amendment agreed to; amended clause agreed to.**

#### Clause 3

**Ms DUNN** (Eastern Metropolitan) — I move:

3. Clause 3, line 5, after “overtaking” insert “or passing”.
4. Clause 3, line 8, after “overtake” insert “or pass”.
5. Clause 3, line 10, after “overtake” insert “or pass”.

6. Clause 3, line 12, after “overtake” insert “or pass”.
7. Clause 3, line 14, after “overtake” insert “or pass”.
8. Clause 3, line 16, after “overtake” insert “or pass”.
9. Clause 3, line 18, after “overtake” insert “or pass”.

These seek to amend road rule 139 to ensure that every reference to ‘overtaking’ and ‘overtake’ also includes overtaking a bicycle. It is a rule in relation to obstacles and just inserts ‘bicycle’ in there so the same parameters that apply to overtaking obstacles do in fact apply to bicycles as well.

**Amendments agreed to; amended clause agreed to.**

#### Heading to clause 4

**Ms DUNN** (Eastern Metropolitan) — I move:

10. Heading to clause 4, after “Overtaking” insert “or passing”.

This seeks to insert at the end of rule 144 some definitions around what sufficient distance is.

**Amendment agreed to; amended heading agreed to.**

#### Clause 4

**Ms DUNN** (Eastern Metropolitan) — I move:

11. Clause 4, line 25, after “overtaking” insert “or passing”.
12. Clause 4, line 30, after “overtaking” insert “or passing”.
13. Clause 4, page 3, line 3, after “overtaking” insert “or passing”.
14. Clause 4, page 3, line 8, after “overtaking” insert “or passing”.

These are further amendments in relation to defining what sufficient distance is, and they indicate 1 metre at 60 kilometres per hour and less or 1.5 metres for overtaking or passing at speeds higher than 60 kilometres per hour.

**Amendments agreed to; amended clause agreed to.**

#### Clause 5

**Ms DUNN** (Eastern Metropolitan) — I move:

15. Clause 5, line 34, after “overtaking” insert “or passing”.
16. Clause 5, page 4, line 3, after “overtaking” insert “or passing”.
17. Clause 5, page 4, line 7, after “overtaking” insert “or passing”.

These seek to amend road rules 146, 147 and 150 of the safety road rules, and that is to clarify in there that any provision in relation to those rules where it relates to avoiding an obstruction also relates to and refers to overtaking or passing a bicycle.

**Amendments agreed to; amended clause agreed to; clauses 6 to 7 agreed to.**

**Reported to house with amendments.**

**Report adopted.**

*Third reading*

**The ACTING PRESIDENT (Mr Morris)** — Order! The question is:

That the bill be now read a third time and do pass.

**House divided on question:**

*Ayes, 21*

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

*Noes, 17*

Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	Pulford, Ms
Dalidakis, Mr	Purcell, Mr
Eideh, Mr	Shing, Ms
Elasmar, Mr	Somyurek, Mr ( <i>Teller</i> )
Jennings, Mr	Symes, Ms ( <i>Teller</i> )
Leane, Mr	Tierney, Mr
Melhem, Mr	Young, Mr
Mikakos, Ms	

*Pairs*

Lovell, Ms	ALP vacancy
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**Question agreed to.**

**Read third time.**

## RULINGS BY THE CHAIR

### Adjournment matters

**The PRESIDENT** — Order! The Deputy President referred to me a matter from the adjournment debate last night in regard to an adjournment matter that Ms Shing had put to the minister. There was a question from another member as to whether or not it constituted

a proper adjournment matter. There were a number of points of order. It is my view on reading the adjournment item that it was legitimate, and it will stand.

## ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

### Reference

**Debate resumed from earlier this day; motion of Mr O'SULLIVAN (Northern Victoria):**

That, pursuant to section 33 of the Parliamentary Committees Act 2003, this house requires the Environment, Natural Resources and Regional Development Committee to inquire into, consider and report, no later than 27 November 2017, on the management, governance and use of environmental water in Victoria including, but not limited to —

- (1) the assessment of the role of environmental water management in preventing or causing 'blackwater' events;
- (2) how environmental water and environmental water managers interact with, and utilise, management tools such as carryover and whether the carryover of environmental water impacts on the availability of water for irrigators;
- (3) consideration of what barriers exist to the more efficient use of environmental water and how these may be addressed; and
- (4) assessment of fees and charges applied to environmental water and whether these differ from those imposed on other water users.

**Mr BARBER** (Northern Metropolitan) — Mr O'Sullivan, the mover of this motion, came in here earlier today and he sounded like the world's biggest greenie. He professed his concern for all aquatic creatures great and small. At one stage I thought he was going to burst into tears over the fate of the fishies and the birdies and the dragonflies, but anybody who has followed this issue knows that the National Party are far and away the most hostile group of individuals when it comes to the protection of the environment, and particularly of the Murray River. Members should not be fooled when they see this motion.

This is all about the National Party continuing their radical opposition to the provision of water for environmental flows. It is Mr O'Sullivan and his party colleagues who stand up and applaud when irrigators set fire to copies of the Murray-Darling Basin plan in the streets as if burning such effigies and dancing around them was going to make it rain. That is why he is here today urging all of you to take the microscopic

amount of environmental water that is available here in Victoria and put it under the microscope. I cannot believe he does not understand the real reasons for these environmental problems that we have been having with the Murray River, but if he truly does not understand it, he could quickly have found out with a few phone calls.

Let me make it very clear what it is that has been going on up in the Murray River. I hope at the end of it we will be satisfied that we do not need to have an inquiry when the phenomenon at play is already so clear. When water sits on the land surface for some time, it picks up and starts to degrade any organic material that has been lying on that land surface. As the material breaks down, tannins and other chemicals contained within the organic material start to discolour the water and you get something that is called blackwater. However, it is not blackwater per se that causes some of the environmental problems that Mr O'Sullivan alludes to; it is actually water that does not contain oxygen. If that water is quite heavy with rotting vegetation and if the water is at a high temperature, then oxygen is removed from the water. When that anoxic water moves down into river systems where fish and other creatures are in place, it can cause the death of those fish if it is not sufficiently diluted with the water that it meets in the river. The dilution is in fact quite a key issue. I have a couple of figures here that might explain this. The carrying capacity of the Murray channel is around 10 gegalitres a day.

**Ms Shing** interjected.

**Mr BARBER** — I can do a David Bellamy. Will that help? In order to get an environmental flow event — that is, to flood the forests along the fringes of the river — typically about 15 gegalitres of water is put into that Murray channel, at which point the water goes over the embankments and starts flooding the forests on either side. In October last year, however, just prior to the anoxic event that Mr O'Sullivan referred to, we had a natural flood — that is, a flood that was caused by weather, not by any environmental watering efforts — of 180 gegalitres at Yarrowonga. In other words, this was more than 10 times the size of the amount of flow that would typically be delivered as part of an environmental watering effort.

Of course what happened then is that water flowed out not just over public land or forests but actually over private land. During environmental watering events, environmental managers are prohibited from flooding private land. However, in this event, 10 times the size of any environmental watering effort, private land was flooded, so vast amounts of organic material was no

doubt picked up from private land, where it must have been lying for some great time.

While we talk about a flood as a natural event, certainly in terms of size it was quite large, but in terms of frequency these so-called 'natural' floods are very infrequent these days. That means large amounts of organic material is there to be picked up, not just from public land but particularly from private land. So a month or so later down the Murray there was an anoxic event that Mr O'Sullivan was referring to. In fact this was the biggest flood since 1993 in the Upper Murray area. That is how long it had been since we had seen a natural flood of a similar size.

Ask anybody involved in water management, flood mitigation, biology, environmental watering — you could have spoken to any of the catchment management authorities up there — and they would have all told you quite simply what it was that was going on. There is no need for some enormous parliamentary inquiry, where National Party members want to just keep whipping along this attack on the small amount of water that has been made available for environmental purposes. Make no mistake, The Nationals are the most radical party in the Victorian Parliament. They are radical in the sense that their policies are so far removed from that of the ordinary, average Victorian, and they will oppose any measures that we put forward for the environment on land or on water. I was going to call them Neanderthals but of course that would be a very false analogy. The Neanderthals were living very much in tune with their environment over many, many thousands of years, the result of which was that they were able to grow their population and expand their geographic range. When we look at the population known as the National Party we see the exact opposite. They are shrinking endlessly. In fact if it was possible to put the leader of the federal National Party, Mr Barnaby Joyce, into a time machine and send him back to that epoch, I believe he would in fact be bullied by the Neanderthals: I think they would be slapping the guy around trying to get some sense into him.

And just as it was that homo sapiens came along and actually out-competed the Neanderthals — homo sapiens had greater cognitive ability, leading to better technology; certainly more adaptability — so it is that the Greens party has come along and is going to replace the National Party as the dominant species in country Victoria. It is stunts like this that just embed the inevitable extinction of the National Party. The bigger drongo you carry on as, the faster you will rise within the National Party because you are appealing to a particular constituency and you are bringing into it a

studied ignorance of very basic facts, like what the environmental watering regime in Victoria consists of and where these effects come from.

I have read the newspaper articles that are appearing in Mr O'Sullivan's electorate. I read his local papers in the same way as I read all the ones in my electorate and there is a bit of a story getting whipped up there at the moment that it was environmental water — with brackets around the greenies — that caused the blackwater event, which we know accurately we should refer to as an anoxic event, because the two things are not exactly the same. If we want to avoid such events and if we want to ensure that our rivers remain healthy — because, as Mr O'Sullivan rightly said, it is essential that they are healthy for the amenity of communities that enjoy those rivers for recreation; that they are healthy for the species that live in them in their own right, or for people like Mr O'Sullivan and I who like to fish and want to hook them out; that they provide drinking water for humans; that they provide water for stock; and that the channels and the river banks are usable and not constantly suffering from all sorts of environmental problems, including algal bloom — it is necessary to bring the rivers back to a more natural regime.

Mr O'Sullivan constantly talked about the iconic species such as Murray cod, but his party's plan for the Murray River will actually lead to the extinction of the iconic Murray River ecosystem itself. Ecosystem decline, species extinction, is the direct result of the policies implemented by the National Party at the state and federal levels. At the moment there is no breakthrough made available, and I am talking about at both state and federal levels whenever the coalition has been in government. For example, there is the earlier instance of setting fire to copies of the Murray-Darling Basin plan because it provided additional environmental water, even though scientists are telling us that the sorts of volumes of water that have been contemplated by any of the plans put forward by any government are all woefully inadequate and will in fact over time guarantee the extinction of the Murray River ecosystem and all the species that go along with it. So their policy is a policy for extinction. And nobody is fooled. I certainly hope members in this house are not going to be lulled by Mr O'Sullivan's warm words when he talked about all creatures great and small, because right there at dot point (1) is:

the assessment of the role of environmental water management in preventing or causing 'blackwater' events.

As I have said, the amount of environmental water that is provided for these events is so minuscule. What is

causing these events are the sorts of policies that have been put in place and retained by both the Liberal-Nationals coalition and to a fair extent I would also say the Labor Party, and at the moment they remain absolutely implacable in relation to any meaningful change that would provide the sort of water we need to bring this back to a healthy system.

**Mr O'Sullivan** — Ban all irrigation.

**Mr BARBER** — There you go, you see? I asked for more water for environment, and he yells out, 'Ban all irrigation'. That is what he said. The cat is out of the bag. 'It's my water; you can't have it. Nick off' — that is basically the politics of the National Party.

**Mr O'Sullivan** — That is not quite what I said.

**Mr BARBER** — It is not quite what he said. But it is what you say when you are up there talking to your irrigator friends. It is a different story you have been saying down here in the Legislative Council today; that is the point I am making. And no-one is fooled.

We need to bring back a more natural flooding regime. The amount of water that is provided now is minimal, but I share the exact same observations that Mr O'Sullivan made earlier: when you get a bit of water — a small amount of environmental water — get it down that channel, off the river and into the Hattah Lakes and leave that water there for a good season, nature just comes to life. It is like an oasis down there. Creatures appear that you cannot imagine where they have come from. I have sat on those lakes at Hattah after the environmental watering events and seen hawks hunting dragonflies over the source of the water, and that has been simply just a dry dustbowl under the existing highly unnatural regime that has been put in place over many, many years.

I am not saying it is an easy thing to fix; I am not saying there is some simple solution. Mr O'Sullivan reverted to type when he brought in his simplistic 'Shut down all irrigation' mantra, guaranteed to get the troops all fired up, but it is hardly a response to the clear science that Mr O'Sullivan and his party seem to want to shy away from. Mr O'Sullivan would do better to go and talk to the experts and the water managers and understand a little bit more about how water management is occurring rather than coming into the Parliament and expecting that it will send a reference to a parliamentary committee to do his homework for him. That is not a good use of the Parliament's time. It would not be a particularly good use of the Parliament's time to add to all the many, many inquiries about the crisis in the Murray-Darling system, because there have

been hundreds of those, backed by thousands of scientific studies, and that is not what we need right now. For that reason, the Greens will be opposing this motion.

**Mr RAMSAY** (Western Victoria) — Again I seem to be placed in the speakers list after Mr Barber. I am always having to respond to his contributions, where he spends some time telling us how much he hates farmers, how much he hates food producers, how much he hates irrigators, how much he hates the National Party and how he hates generally anything or anyone that is not in sympathy with his ideology. So again I have got to clean up after Mr Barber's contribution to say that I am speaking in support of this motion brought to the house by Mr O'Sullivan in relation to requiring the Environment, Natural Resources and Regional Development Committee — a committee I admit I sit on — to inquire into, consider and report, no later than 27 November 2017, on the management, governance and use of environmental water in Victoria including, but not limited to the assessment of the role of environmental water management in preventing or causing 'blackwater' events; how environmental water and environmental water managers interact with and utilise management tools; consideration of what barriers exist to the more efficient use of environmental water and how these may be addressed; and assessment of fees and charges applied to environmental water and whether these differ from those imposed on other water users.

It is fair and reasonable, I would have thought, to look at what has been happening with the use of environmental water and the impact that blackwater has had on our water systems since the Victorian Environmental Water Holder was introduced by the coalition in 2011, given it has been six years now since that independent body was formed and has had responsibility for some of the work that is being foreshadowed in this reference. A joint parliamentary committee should take the opportunity to look at the work that the environmental water holder has been doing on behalf of Victorians but also look at the impact of blackwater.

As has been suggested, I suspect many people would not know what blackwater is, so they will be certainly after this inquiry much more informed in relation to the impact that has on our fishing stock — and that has been much discussed in contributions by Mr O'Sullivan. Certainly some of the flooding that has been happening and the returning of floodwater, which has high elevated levels of dissolved organic carbons, does impact on our fish life and the sustainability of fish life in our waterways. So it is an important

reference to look at some of the impact that blackwater has, and I say this with some knowledge given that at the time I was president of the Victorian Farmers Federation a Liberal Prime Minister, John Howard, provided \$10 billion to provide a Murray-Darling Basin management plan to create an authority. He gave a significant amount of money to the states to improve their infrastructure and he provided a commonwealth environmental holder that looked after the shared water between the irrigators, the environment and some of the urban uses that require a long-term strategy in the basin. It was good to see a Liberal Prime Minister make a significant investment in saving the Murray-Darling Basin at the time and put the dollars at work to help achieve that outcome.

In the meantime, as Mr Barber will remember, in 2007 the Water Act — in fact, it was the commonwealth Water Act — was amended. If I remember correctly, I think it was the current Prime Minister who was the federal Minister for the Environment and Water Resources at the time. I remember that the minister and I had many a long night of exchanges on how the responsibilities of the states would work with the commonwealth in relation to providing long-term sustainability in water use in the Murray-Darling Basin. I am pleased to say that at the time the Victorian Farmers Federation had a significant input on not only providing practical and sensible advice to the federal minister about sustainability in the basin but also on how responsibility could be shared between the irrigators, the food producers of this state, and the \$8 billion or \$9 billion that the northern irrigators provide in food product or in agriculture product and how we share and sustain water set aside for the environment.

In the negotiations between the states and the commonwealth an appropriate balance was trying to be achieved in relation to an agreed position on the responsibilities, certainly within the states and their role in managing water but also that of the commonwealth — which was pared back, if my memory serves me, to it having responsibilities contained in and around the basin that did not compromise our state irrigators at the time. We introduced an amended Victorian Water Act 1989 that also tried to find the right balance between the environment and environmental water and the long-term sustainability of the Murray-Darling Basin. Of course that was always compromised by the lack of inflows as a result of the long periods of drought we had through that period.

If I remember rightly, from back in 2005 I think the period of drought and very low inflows into the basin at

that time almost extended right through until 2010, when we were trying to develop a plan for the basin and also provide a shared water resource between the environment and the irrigators.

At the same time in Victoria we tried to provide, with the commonwealth, significant infrastructure — about \$2 billion of shared investment — to upgrade some of our channels and automatic metering systems in the northern part of Victoria that could make our irrigators more efficient users of water and also provide a more efficient use of environmental water to provide the sorts of environmental outcomes that were sought to be achieved by the federal Liberal government at the time and also the state government.

As I said, it was actually a coalition government and the Minister for Water in the previous Parliament, Peter Walsh, who initiated the Victorian Environmental Water Holder. As I said, it has been some six years now since that independent body started working, and it is appropriate that we now look at some of the achievements of that body and also at what has been achieved in preserving the environmental water under the plan and at the impact on our irrigators that work within the water resource of the Murray-Darling Basin and the constraints that they are under in relation to the water put aside for environmental use and the impact of the environmental water that has been used to flood and build up water storages for, as has been indicated, recreational use and further environmental use.

Of course at the other end we have South Australia, which will never be satisfied with any sort of agreement made within the basin about surcharge or discharge in relation to water flows flowing out from New South Wales and Victoria to South Australia and also the environmental water that has been used or put aside for environmental purposes.

Without prolonging this debate, I think it is appropriate that the Environment, Natural Resources and Regional Development Committee has the opportunity to look at and consider the management, governance and use of environmental water in Victoria and also look at particularly the impact that blackwater has on our current fish supplies and the environs around where flooding occurs and at the return of the floodwater. As I said, in the most part it has been contaminated by high levels of organic carbons, which in fact have a significant impact on fish life.

I concur with Mr Barber in one respect though — that this committee has been saddled with a number of inquiries. It now has quite a large inquiry into the sustainability of local government. My hope is that we

can do justice to all inquiries prior to the finish of this term of Parliament and that the committee has the opportunity to be able to inquire in depth and provide reports to the Parliament on the inquiries that have been referenced to it.

**Ms BATH** (Eastern Victoria) — I rise this afternoon to speak on and support the motion put forward by my colleague Mr O'Sullivan. I will just make a brief contribution this afternoon. The motion relates to sending to the Environment, Natural Resources and Regional Development Committee an inquiry looking into environmental flows and the effects of environmental flows in terms of blackwater.

I note that Mr Barber is like the man with the curl in front of his forehead — when he is good he is very, very good, and when he is bad he is horrid, and sometimes today I found that it was the latter rather than the former. It is all very interesting until you are in government, is it not?

In talking about environmental flows and specifically the poisoning effect of blackwater and what it can do in terms of wildlife and native fish and crustaceans, it can have quite a devastating effect. Other members have commented on how when there is a massive flood event — so a natural flood or an environmental flow — water can tip over the edges of a river and go into the plains and then sit there for many, many months and sometimes years. That water can become debris logged and brackish, as we will call it. It then flows back into the river and starts to do its damage. I guess the major damage that it causes is that, as it decays in the centre of the river, oxygen becomes depleted as the organic matter starts to decompose. The effect that has on native fish and crustaceans, as I said, can be quite widespread and damaging. In fact there are a number of cases of where this has occurred.

I will go to a couple of cases. In the Murray-Darling Basin, around the time of the 2010–11 floods, in the southern part of the basin there were large amounts of organic matter that accumulated in the flood plains, came back into the river and along a 700-to-800-kilometre stretch of water killed Murray cod, crayfish and yabbies. As recently as December 2016, also in the very north-western part of the state, 200 Murray cod were found dead and dying in an 8-kilometre stretch of water in and around Lake Victoria. The fish were searching for this oxygen so they moved onto the shores of Lake Victoria and perished, sadly.

In an article published in December 2016 the *Weekly Times* reported varying comments on this issue. One

comment came from local Manangatang resident Mr Mackenzie. According to the *Weekly Times*:

Angry at the losses, he wants to challenge the Murray Darling Basin Authority on how the management of environmental water may have caused events of this scale.

'We know from spending our lives on the river that what is happening isn't right', he said.

'You have natural blackwater events — no-one is disputing that — but generally they are small and localised'.

Mr Mackenzie's argument is in fact that environmental water stored in forests for long periods of time before coming back into the river has very dark consequences. Mr Mackenzie is quoted in the article as having also said:

The only link to this is environmental flooding into the bush — did this flood pick up a payload of toxic environmental water that had been held in the Yamba forest since last summer and drag it down the river?

If it's true what the locals say, and that water has been sitting in 40 degrees in the bush for six months, how much oxygen would it have left in it?

Mr Mackenzie raises important issues about the quantity and location of the release. Finally, he said that he has concerns that:

We'll end up with no fish left in the river.

Others, however, have different opinions, and I would like to put that on the record. They say that blackwater has no link to the management of environmental water but rather that debris has been washed into the river from surrounding land which had not flooded for years — the floodwaters naturally brought it back in. A gentleman by the name of Carl Binning, from the Murray-Darling Basin Authority, made this counter case. He said:

'One thing that's clear is that environmental watering and works programs on the Murray did not give rise to the blackwater we're now seeing'.

I think these differing opinions emphasise that there needs to be an investigation into this blackwater and its effect on environment flows. It needs to be looked at in terms of questions such as 'Can this be done in a better way?', 'What are the governance issues around it?' and 'What can make it a better structural system?'.

Finally, we know that fishing in the Murray is a massively important and interesting sport. We have some serious anglers right across our river systems. Back in 2009 there were almost 800 000 Victorians participating in recreational fishing. The recreational fishing grants program report in 2010 told us that

almost 2 million hours of fishing time was spent by anglers in the fishery, and the total Murray cod catch was estimated within the study to be over 113 000 fish, of which just over 8000 were harvested. We want to see fish and crustaceans remaining in our river systems. We also know that anglers get rid of carp, and they can often remove quite large quantities of carp — up to 74 tonnes from a river stream of 1500 kilometres.

There is economic benefit to towns along the rivers where there is fishing and angling. I fully support Mr O'Sullivan's motion. Send this to a committee, let it be reviewed in its entirety and let us have some facts so that governments can make positive, long-term progress around managing blackwater.

**Mr YOUNG** (Northern Victoria) — On behalf of the Shooters, Fishers and Farmers Party, I would like to throw our support behind this motion and impress upon everyone the importance of this issue, particularly to the region that I represent, Northern Victoria Region. It is also the region that Mr O'Sullivan happens to represent, so it is quite good that this motion has coincided with the work that we are all trying to do.

Our support for this motion did not get off to the best of starts. There was a little bit of a cheap shot a while ago when the Leader of The Nationals felt he needed to point out to everyone else that we should be supporting this motion before actually coming to speak with us about the motion himself and before anyone let us know what it was about. It was a fair assumption that we needed prompting to be on board, but it is safe to say that the Shooters, Fishers and Farmers Party does have a very big interest in this area. We are absolutely looking forward to looking into it more.

Environmental water has pretty significant importance for us in many respects. We do represent a lot of people who have recreational interests that involve places that use water. That includes wetlands, rivers and lakes — all kinds of areas and all kinds of activities. As well as that there is the ecological health and wellbeing of our natural spaces, in which we also have a vested interest because they are the places where we partake in activities. It is interesting to know that we have many wetlands in this state that are fed by environmental water. We do live in quite a dry climate and the wetlands do not always get the water they need for the perfect ecological outcomes, so given the technology that we have and the management that we can provide, we build infrastructure and we put water into these places to allow them to thrive, and we want that to happen. It is great when it all comes together because you can turn a place from a dry, desolate wasteland into a beautiful, thriving environment which is awesome to

be out in. It is really, really encouraging when we get those events and are able to get out and experience them.

Most of the experience that I have had with environmental flows has been to do with wetlands, and my interest in this arises out of my pursuit of duck hunting. Many of those wetlands in which we do environmental watering are our Ramsar-listed wetlands. They come under an international convention that recognises their importance, both their ecological impact and their recreational aspects. The Ramsar convention throws a lot of weight behind the fact that these places should be used for recreational pursuits, which really falls into the theme of our party, which is that there is no point having these beautiful, thriving places if no-one is out there seeing them.

It is important to note that out of 200 state game reserves — —

**Mr Barber** — Really? There is no point unless you can go there and kill things?

**Mr YOUNG** — That is right. Out of the 200 state game reserves we have, 132 of them, it has been uncovered in a recent report by the government, are only used by duck hunters. That is an interesting thing. It goes to show how important we are in terms of visitation to these areas and how important these areas are to quite a big recreational activity in this state. This state really is home to some of the greatest duck hunting in the world. Those areas rarely get visited by people involved in any other pursuit, and it is really important to encourage that and promote more of it.

As far as environmental watering goes, we have quite a stringent process in place already, and that process covers many levels of management right down to on-the-ground environmental advisory groups through local catchment management authorities (CMAs), which feed up to the Victorian Environmental Water Holder. It is great to see many people come together throughout that process, but there are obviously problems when you have so many people involved in these processes. We have seen cases where an agenda has gotten in the way of the achievements we are aiming for in environmental watering processes, where people have tried to manipulate systems and people have offered advice that is not right in order to push their own agenda. That has resulted in some serious issues where environmental watering plans that had been developed by a CMA and approved by the Victorian Environmental Water Holder have been changed without due process. We have seen that as recently as in the last 18 months or so.

The minister actually recognised that point. We raised it as quite a serious issue in one particular case in northern Victoria, and the minister, upon looking into it, had no choice but to admit that there had been a failure in the process. This was quite a serious thing, because it impacted on a recreational activity that, as I mentioned, is the only recreational activity that happens in 132 out of 200 state game reserves. That example was a bit of an eye-opener for me about how the system works and does not work. They are some of the reasons we are interested in having this inquiry and seeing what can change to improve those systems.

A lot of barriers to environmental watering already exist, and part of this inquiry could be to look at that and see how we can make it easier. It is not just bureaucratic but also physical barriers. Environmental water is delivered through physical means so we need the infrastructure there to support it, and in many places in regional Victoria that infrastructure is not there. It could be very easily done and have huge, huge impacts. Woolshed Swamp, near Boort, is the example that springs to mind. In many years it is dry. It does not have a regular wet phase and it is also a closed catchment, so it does not receive enough water on its own and it does need infrastructure to start delivering environmental water, to get those outcomes. It really is such a beautiful place when it fills up. I have witnessed it myself, and we have had some fantastic times there in our hunting pursuits. It is an example of somewhere where a little bit of work can go a long way, and environmental water is the key to that.

In summing up, the inquiry is a little bit broader than just environmental water, because it starts to address all of those issues around water. It is one of the most convoluted areas of government that I have encountered. I certainly would not want to be in charge of it at the moment, because it just seems like a nightmare. There are so many levels of government and so many people trying to influence it, and it is really difficult. This inquiry is going to shed a bit of light on that.

When we talk about water, we talk about people's livelihoods and we talk about the environment. This affects farmers and people in regional towns that do not have that consistent town water supply and have to really look after the water supply they have got, so it is very much an inquiry that would reach those people. For the benefit of those people, the Shooters and Fishers party will be supporting the motion.

**Mr O'SULLIVAN** (Northern Victoria) — I would like to quickly wrap up the debate on this motion. I thank everyone for the contributions that they have

made in relation to it. I just want to quickly pick up some the points that Mr Barber made. It seems to me that Mr Barber was just driven by the Greens ideology in terms of his contribution on this motion rather than the type of commonsense approach that I like to bring to my deliberations in this place. I made it clear right from the start that I would look for practical outcomes in this place rather than blindly following ideology. Mr Barber's contribution clearly shows why the Greens are only an inner-city party. They do not understand what happens out in country Victoria, and from Mr Barber's contribution today, I do not think they ever will.

In terms of what Mr Barber said in relation to the Murray-Darling Basin plan and the way it was when it was first established, that would have absolutely decimated regional communities, so there is no way that that could have ever come to fruition. Essentially what we are trying to do through this motion is see if we can get the experts to come in and give us some evidence in relation to this matter and see if we can come up with some recommendations that would allow the water industry to be even more effective in terms of dealing with issues such as blackwater. I am not sure what the Greens fear about that, because by doing that we might be able to drive better environmental outcomes for the fish and so forth that live in the rivers, particularly up in the north. We might be able to find a way of adding better value to what we have already got. So I am quite surprised that Mr Barber has come at it from the direction he has. It again shows how the Greens are such an inner-city-driven party.

What we are trying to do is come up with some ideas that we might be able to implement that could assist with the ecology of the Murray River, of other rivers in Northern Victoria and of rivers in other parts of the state where this may be relevant — ideas for trying to minimise the blackwater events that do occur from time to time. As a result of that we might be able to come up with some recommendations to protect the iconic Murray cod up in that part of the world, plus all the other animals that rely on the ecology that relies on the Murray River.

In terms of that, I would like to close the debate. I commend the motion to the house.

**House divided on motion:**

*Ayes, 19*

Atkinson, Mr	O'Donohue, Mr
Bath, Ms ( <i>Teller</i> )	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr
Carling-Jenkins, Dr	Peulich, Mrs
Crozier, Ms	Purcell, Mr ( <i>Teller</i> )
Dalla-Riva, Mr	Ramsay, Mr

Davis, Mr  
Finn, Mr  
Fitzherbert, Ms  
Morris, Mr

Rich-Phillips, Mr  
Wooldridge, Ms  
Young, Mr

*Noes, 19*

Barber, Mr  
Dalidakis, Mr  
Dunn, Ms  
Eideh, Mr  
Elasmar, Mr  
Hartland, Ms  
Jennings, Mr  
Leane, Mr  
Melhem, Mr  
Mikakos, Ms

Mulino, Mr (*Teller*)  
Patten, Ms  
Pennicuik, Ms  
Pulford, Ms  
Shing, Ms  
Somyurek, Mr  
Springle, Ms (*Teller*)  
Symes, Ms  
Tierney, Ms

*Pairs*

Lovell, Ms

ALP vacancy

**Motion negatived.**

**HEYFIELD TIMBER MILL**

**Debate resumed from 22 March; motion of Ms BATH (Eastern Victoria):**

That this house calls on Premier Daniel Andrews to respect the views of the 1000 people who met at Heyfield on Wednesday, 1 February 2017, and keep his word that he will fight for every job to ensure that—

- (1) the Heyfield mill will stay open and its 250 staff will keep their jobs;
- (2) the town of Heyfield and the surrounding areas, businesses and communities have a future;
- (3) the thousands of businesses that rely on Australian Sustainable Hardwoods (ASH) products will also have a future;
- (4) Australian-made, high-quality, hardwood timber products from Australian-grown, environmentally sustainable and commercially managed regrowth forests are not replaced by imported products; and
- (5) over 7000 indirect jobs and affected families in Victoria are saved from the flow-on effects of this disaster.

**Mr O'SULLIVAN** (Northern Victoria) — I rise this afternoon in support of Ms Bath's motion in relation to the Heyfield mill in Gippsland. Essentially this motion is about looking at the mill and its operation in Heyfield and understanding the consequences of the government's decision in relation to the timber supply for this timber mill and not only the impact it will have on the local community in terms of jobs but also the broader implications for flow-on jobs if this mill does close. What we have seen over the last little while is a government through its ideology deciding that it is going to restrict the amount of timber that is available for the mill. The timber that the mill has been operating with, by and large, has been somewhere in the vicinity

of 150 000 cubic metres each year. What the government is going to do is restrict the amount of timber that this mill would be able to obtain and use in its timber processes.

The Heyfield mill currently employs about 250 people. Heyfield is a fairly small town in Gippsland in Tim Bull's lower house electorate of Gippsland East. The 250 jobs that come directly through the Heyfield mill make it the town's largest employer. If I looked at Ms Bath, she would probably tell me that there are about 1000 people who live in Heyfield. It is a fairly small community. To have such significant jobs at risk in such a small community could absolutely decimate this little community, and not just the community of Heyfield but Gippsland more generally.

We have seen that this government's decision to shut down the Hazelwood power station is going to cost some 750 direct jobs in the Latrobe Valley. Off the back of that, it would be an absolute tragedy if the Heyfield mill was unable to operate through the Australian Sustainable Hardwoods company. There is a whole range of reasons why this looks like it is going to occur. If we look at the response from the government, we see that that has been very, very disappointing. They have decided that there are priorities that are much higher on the list than the people who are directly employed at the mill in Heyfield and the community of Heyfield itself in terms of the flow-on impacts. Unfortunately this government have decided that they are not going to be too concerned about what happens down there in Heyfield. They are more concerned about what is probably going to happen in terms of preferences and votes in the inner city come the election at the end of next year. It is really disappointing that this government is putting ideology ahead of the community when it comes to those direct jobs down at Heyfield.

What the government has broadly spoken about doing is offering the mill a timber supply that is much smaller than it is currently getting. We are hearing numbers of 80 000 cubic metres in the first year and then 60 000 in the couple of years after that. Obviously a reduced timber supply will be insufficient. Australian Sustainable Hardwoods have actually indicated that if that is the case, they will be not willing to continue those operations and they will shift their business down to Tasmania, which would be a terrible, terrible situation, if that was allowed to occur.

We go back and ask ourselves: why is the government wanting to put the votes in those inner-city seats ahead of the people of Heyfield and Gippsland more generally? What that comes down to are the exclusion

zones around some of the timber where our little friend the Leadbeater's possum has been found. What has occurred is that, as part of the surveys in those areas that produce some of the timber that goes to the mill, whenever a possum is found an exclusion zone with a 200-metre radius is put around that area, which gives protection for the Leadbeater's possum. That is a good thing to occur. It will give those possums a chance to survive and breed and hopefully continue to breed.

It has almost worked too well, if you can believe it. A whole range of possums have been found. The exclusion zones established around each one of those possum sightings as part of the surveys have meant that the exclusion zones have taken over the areas that produce the amount of timber that would be required for Heyfield. What the government said they would do was that once the number of exclusion zones reached 200 they would do a review of that exclusion zone policy with a view to perhaps doing something different in relation to that.

Unfortunately in relation to the number of exclusion zones — which cover about 12 hectares, when you look at the 200-metre radius — I think it was in June last year when we reached the 200 exclusion zones limit, which should have triggered a review into that particular policy. What we have seen since June last year is that there has been no commencement of a review of those exclusion zones. It should have commenced as soon as we hit that 200 trigger, but that has not happened. It is as a result of that that we are in the situation we are in, where there seems to be a stalemate in terms of exactly what Heyfield will have to deal with in the future.

I understand that there was a proposal — the media widely reported it — that actually went to cabinet and that probably would have solved this issue. As I understand it from reports, the cabinet considered a motion that there be 135 000 cubic metres supplied to Heyfield. I understand it was brought to the cabinet by the Premier and the Minister for Agriculture, but it appears from reports that they were rolled in the cabinet meeting. That motion was defeated and therefore it was not possible to go forward with that view of supplying 135 000 cubic metres.

It is very unfortunate that the Premier and the Minister for Agriculture were not able to carry that through the cabinet. Obviously the people in the cabinet who had much more of a view to the votes in the inner-city seats than the jobs of the people in Heyfield won. So that is what happened. With the number of leaks that come out of the cabinet it is not surprising that that was the case. We saw that just over the weekend with

Mr O'Donohue and the leaks in relation to what was happening with the secret committee to start to pull apart the Country Fire Authority. But I will move on.

What we are seeing here is a situation where it appears that the plight of the possum is more important than the people of Heyfield. I find that really disappointing because I am sure there would have been a way where the possums could have been protected — and they were being protected — and also those 260 direct jobs down in Heyfield could have been protected. As a result of where this looks like ending up, it appears that the possums will get a higher priority listing than the people of Heyfield, so that is really disappointing.

We must remember that this could have been solved early on in the piece. When this government came to office there was a note sitting on the Treasurer's desk which would have allowed this agreement to be signed. A note in terms of supplying the amount of timber that Heyfield would have required was sitting on the Treasurer's desk, but the Treasurer for some reason decided that he would not sign that, which led to the situation that we now find ourselves in in terms of the Heyfield mill not getting the timber that it requires.

Just before I conclude my remarks on this, I note that I think it is very disappointing that the Premier has made direct commitments to some of the local people down in Heyfield, in particular Anthony Wilkes, who was in Parliament House last week. The Premier made a commitment to Mr Wilkes that he would come down and visit the Heyfield mill, and I think after several months that still has not occurred. I wonder whether it is possible, whether the Premier might fulfil his commitment to Mr Wilkes and come down and visit the Heyfield mill and actually talk to the workers and explain to them why he thinks that possums are more important than people.

**Ms SHING** (Eastern Victoria) — What an extraordinary series of contributions we have had on this motion to date. What the debate on this motion has typified is the mythology, the misinformation, the rumour-mongering and the scaremongering that have been used to create enormous frustration, distress and concern in a community which has had at its heart uncertainty in relation to timber supply plaguing its mortgage and rates notices, plaguing its family budgets as set and plaguing the way in which people can find and secure work in our timber towns.

Heyfield is a picture of instability which is borne out throughout many of our timber towns across Victoria. We all know that various tree species produce some of the best product for Australia and the world in the

high-end prestige markets, including everything from window frames to staircases and floorboards. We have an envied reputation in relation to the use of mountain ash as well as messmate and various gum species, and in fact we have seen technology used innovatively and very successfully to ensure that the dwindling number of mills around the state can continue their operations in a sustainable way.

What we have also seen in relation to the town of Heyfield is its citizens being used as political pawns in a debate which in fact has a long history. The former government and the Leader of The Nationals, Mr Walsh, made promises to provide a certain volume of timber over the course of a long-term contract, which was not ultimately acceptable to the former coalition Treasurer, now the shadow Treasurer in the other place, Mr Michael O'Brien. What we saw is that whilst Mr Walsh was prepared to make these promises, which were relied upon by the Hermal Group and relied upon by employees at the mill in Heyfield, Mr O'Brien was not prepared to underscore delivery of that contract or the supply through an indemnity. One can only wonder at why, when he was prepared to sign a side letter indemnifying against any loss or claims for compensation under the dud east-west link project, he was not prepared to go there to supply 135 000 cubic metres of timber over the course of a long-term contract for mountain ash.

What we have also seen is a company which has been either unable or unwilling to retool and to diversify the way in which it processes products at its dry and green mills over a number of years. To this end we have also seen a company have negotiations with Tasmania in relation to the processing of shining gum products to the same standard. Despite saying on numerous occasions that the town of Heyfield is its priority and the people of Heyfield are the number one priority of the Hermal Group and Australian Sustainable Hardwoods, they have in fact kept these negotiations under wraps and hidden from view of workers for the couple of years that they have been ongoing.

What we have in this situation is a series of promises that have been made and then broken. What we have in this situation is a very long history of 1939 regrowth in the mountain ash that people have relied upon to develop and sell these high-end products to the world running out steadily. What we have seen in the course of a steady reduction of the amount of timber available — plus major events that have had a devastating impact upon this asset, such as the Black Saturday bushfires — is that the reserves and in fact the volume have declined at far more rapid a rate than those opposite would have us believe. Yes, there is

wood available in our reserves and in our coupes. It is not, however, wood which is of a level significant enough to sustain the sorts of demands which have been made by this company in relation to longer term projects.

Rather than retooling and rather than diversifying, this company has strung its workers along and has indicated to workers that it will have to close unless — and that ‘unless’ took a number of forms. In the first instance it was a request for \$40 million to retool its operation. We are still unclear as to what the detail of that \$40 million entails. That is \$40 million of taxpayers money. Then the further investment that was asked for related to taking wood off other mills in order to keep the operation going. Then there was a discussion about front-loading the offer of 80 000 cubic metres, which is the government’s offer and has remained the government’s offer for a significant period of time now, to enable it to process double the amount over a shorter period of time. That is what it referred to as a way to move forward to break the deadlock in order to then consider its position afresh. Then at various other stages management has indicated that it is not prepared to sell the mill, whilst also considering moving the entire operation to Tasmania and then backflipping and indicating to the public, including through regional radio interviews, that moving to Tasmania was only part of the operation.

It appears that the company has done nothing to investigate private supply and has done nothing to investigate whether other plantation resources might be available in order to meet demand. It has done nothing to actually allay the uncertainty that has plagued the town of Heyfield. Instead what we have seen is people turning to government and saying, ‘What are you going to do about it?’. In essence government has the invidious task of balancing the need to preserve and sustain an industry with a very proud tradition, a very significant skill set and much expertise across many generations — an industry that has made an enormous contribution not just to our economic prosperity but to the history, to the folklore and to the contributions of areas such as Gippsland.

What we have seen is that rather than planting trees, rather than looking at diversifying and rather than looking to mixed species, successive governments have pushed the can — well, kicked the can — further along the street in order to avoid the problems and the political pressures associated with needing to provide more and more volume to meet the increasing demand. What we do have, however, in the Andrews Labor government is a steady, intensive and considered approach to working on what has hitherto been an

extremely complex and difficult issue that nobody has wanted to tackle and to having a series of conversations that are about shoring up the industry for the future.

What people across the way are all too happy to forget about as we listen to debate on this particular motion is that the best time to plant trees is 20 years ago and the second-best time to plant trees is now. And what those opposite would conveniently forget is that this year’s budget contains \$110 million to invest in plantation timber.

For avoidance of any doubt, there will be no compulsory acquisitions of farmland in order to improve the amount of volume and the way in which it comes online to assist and support a viable timber industry into the future. For avoidance of doubt, this does not mean that mills do not have to innovate and diversify and develop further the range of offerings across mixed species that will be useful as part of an entire inventory across various species in the years to come. This has to be a joint effort between government, industry, industry stakeholders, the Victorian Association of Forest Industries, the unions and workers to make sure that we have an industry into the future which recognises the value of our product and which is sustainable in that it can continue to operate across future generations rather than simply being run down to zero now and in the future looking back we would only find that we have no industry and that there are no jobs.

What we also have to do as a responsible government is make sure that the workers of Heyfield are aware and are under no illusion that this government supports every effort to retain jobs in this industry for them in their communities. It has been unfortunate that a number of representatives, particularly from Gippsland, have referred consistently to the 260 jobs that will be lost at Heyfield.

**Ms Bath** interjected.

**Ms SHING** — And I am quoting you, Ms Bath. You have referred to the 260 jobs that will be lost at Heyfield, and how dare you. Shame on you in relation to referring to job losses which we have fought — —

**Ms Bath** — On a point of order, Acting President, normally the speech needs to go through the Chair and not be directed at members in the house.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! It was in response to your interjection, but I agree. Please, Ms Shing, through the Chair.

**Ms SHING** — I am sorry, Chair. Ms Bath should be thoroughly ashamed of herself. Ms Bath should be thoroughly ashamed of herself in a community that deserves representation, that delivers security of employment and that provides opportunities for leadership rather than down-talking, naysaying commentary from those who are there to represent the people of Gippsland in relation to their opportunities and potential now, rather than talking up — —

**Ms Bath** — On a point of order, Acting President, this debate does not need to include verballing members of Eastern Victoria Region. It is not relevant to the debate, and I ask you to draw Ms Shing back to the proper debate.

**Ms SHING** — Further to the point of order, President, Ms Bath has been quoted in the *Latrobe Valley Express* as saying ‘as well as the 260 jobs lost at Heyfield’.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! There is no point of order.

**Ms SHING** — Certain representatives in this place take a naysaying, down-talking attitude to an area that has for too long lacked any substantive engagement by successive governments to invest in jobs and in infrastructure and in skills and in training. Those opposite have no regard for telling people in their local communities the truth about the work that is being done to make sure that they can put bread on the table, to make sure that their children still have opportunities and to make sure that they do not have to move away because they have no other alternative.

**Mr Ramsay** interjected.

**Ms SHING** — I will take up Mr Ramsay’s interjection there; he says, ‘What have you been doing?’. I assure the Chair, and indeed Mr Ramsay and anybody else who may be interested, that rather than talking about ideology as Mr O’Sullivan has been doing, rather than talking about in fact a collision of circumstances that has been contrived to do people out of preference deals, as Mr O’Sullivan has also referred to in the course of this particular debate, we have made an offer that would never be made under a coalition government — never. In the heartland of The Nationals and coalition territory we have made an offer to acquire the mill as a buyer of last resort to make sure that these workers can retain their jobs. We have made sure that we value the work that these people do, that we value their expertise, and our actions speak far more loudly than the words — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Ms Shing to continue.

**Ms SHING** — As I was saying, our actions speak far more loudly than the words of those others opposite. The cheap three-word slogans delivered no assistance for these people — no investment in reskilling, retraining or opportunities for economic growth.

What we see are ridiculous comments being made by those opposite — ‘Oh, she’s angry’. Well, you know what? In fact she is angry, and she is angry because for far too long constituents in the safe seats their representatives enjoy in these areas of the world have been neglected by their representatives, who do not care, who are not prepared to put their money where their mouth is and who are not prepared to invest in intergenerational change and development that will lead to greater prosperity and greater security of employment and will make sure that people in regional areas that are not in marginal seats are treated with the respect that they deserve after being treated so disdainfully and with so much contempt by the coalition for so long.

We are investing to make sure that when and as Hermal decides that it is no longer prepared to operate the mill under the volumes that it has been allocated and under those volumes which will, for as long as we can possibly make them available, be available to operate under, the government will enter into a part or full partnership to keep those operations going. We will preserve jobs in a tangible, meaningful way — in a way that no coalition government could ever deliver and no coalition government would ever deliver, because fundamentally those opposite do not care unless it is for the sake of a constituent anecdote that they can run up the flagpole to say just how tough people are doing it in the bush.

Well, put your money where your mouth is, come up with solutions, stop making problems around misinformation and fake news and be part of the solution or sit down and be quiet.

**Mr BOURMAN** (Eastern Victoria) — It is kind of extraordinary from a crossbencher point of view, having no skin in this game and no past in this game, to listen to this devolve into politics. The way I see it, this has now gone beyond possums and beyond timber; it is about jobs. It is not just about 250 jobs or however many thousand you may think — there are obviously a few people around there. I have been to the mill. I have talked to Anthony Wilkes — Wilkesy — and there are real people at the end of this. It is a matter of us having to find a path forward. We cannot just keep on debating

this. We cannot just keep on going somewhere or not going somewhere or whatever the case may be. The town of Heyfield and the surrounding areas — and I am just reading from the notes here — are the ones who are going to feel the pain out of this, not us. They are the ones we should be thinking of. Various people have skin in the game in various ways.

We have got possums — there is a big bone of contention about the possums.

**Mr Finn** — Possum skins!

**Mr BOURMAN** — You can wear possum skins if you would like to, Mr Finn. But ‘How many possums are there?’ is the question — they are an endangered species at the moment, but that is the question. The cap was at 200 for the special protection zones; we are now up to 600 or 630, so there are obviously a few of them — but that is only in the logging areas. What we also need to find out is how many are in the areas that are not available to be logged. What are we protecting? Are they protected? Are they endangered? We obviously do not want to do anything that is going to endanger the possums as a species, but at some point in time we are going to have to draw a line or else we are just not going to log anything anywhere — even a plantation will eventually get something living in it, and then we will not be able to cut that down.

We have to manage stuff, and managing things does not mean you cut it all down or you do not cut any of it down; you take what you need to do it properly — properly for the jobs, properly for the environment. I am pretty sure the possums do not feel like going through a woodchipper, but it is up to us to make sure that they do not — but not by just continuously adding protection zones until we get bored with it or we run out of areas.

There has been a bit of a lead-up to this, and part of this lead-up is the timber industry task force, which I have not heard mentioned yet. It has been floating around for quite some time now. The way I understand it, the timber industry task force was there to find out if there was a way forward — a way forward to get the park, a way forward to keep the jobs and a way forward to do the right thing environmentally, which would appear to be opposing ways forward. At this stage I have not heard anything from them.

**Business interrupted pursuant to standing orders.**

## STATEMENTS ON REPORTS AND PAPERS

### Victorian fire services review: report

**Ms BATH** (Eastern Victoria) — I rise this afternoon to speak on the *Report of the Victorian Fire Services Review: Drawing a Line, Building Stronger Services*. I would like to note that it is volunteer week right across this state of ours, and we have been paying homage in a variety of ways to volunteers from the State Emergency Service to the marine services — everyone who gives up their spare time to support the community should be respected and should be applauded for their work, and there is no greater group of people than the Victorian volunteer firefighters at the Country Fire Authority (CFA).

With that I would like to comment that across my region of Gippsland and the Eastern Victoria Region we have a considerable amount of thick forests, and embedded into these thick, native forests we also have townships which are vulnerable during times of harsh weather events, like lightning strikes, which can potentially lead to damaging bushfires. We saw the bushfires right across the state on Black Saturday, when people tragically lost their lives. Who was out there supporting these people and protecting them by endangering their own lives? The CFA volunteers and others of course.

With respect to the report, it is again fairly sad to say that it uses emotive language. In one section it says that:

... the relationship between the leadership and firefighters seems like trench warfare.

I think that is a sad indication of past practices. The report also describes the fire services as being in an unhealthy state and in need of morale boosting. I also note that one of the recommendations of the report even talks about merging the fire services. Jane Garrett, the former Minister for Emergency Services, promised that under her government this would not occur — that the CFA and the Metropolitan Fire Brigade would not merge. But what we are seeing at the moment is a situation where there is a secret fire services task force. Some of the cabinet members in the Labor Party have got together on the quiet — they have not communicated to the rest of the cabinet what they are doing — and they are looking at thrashing out and creating a new system for the CFA. There could potentially be a tiered system within the CFA, cordoning off those larger outer metropolitan regions and peri-urban regions, creating paid firefighting services for them and pushing the CFA volunteers out further and further.

I note that neither Mr Greg Smith, the chair of the board of the CFA, nor the board were consulted in any form, and Mr Smith noted in the paper the other day that they were not consulted. I find this most abstruse because this is a government that talks all the time about needing to be consultative and communicative with the population — ‘We need to communicate with those key stakeholders’ — yet this is a secretive task force that locks away information without being open and transparent about what they are doing.

Somebody will say, ‘Oh, it’s for the benefit of downward policy, forward planning policy’. I say it is Daniel Andrews’s position where he is going to cut and thrust away the volunteers. This is National Volunteer Week, and we should be respecting the volunteers. What do volunteers get paid in? They get paid in respect and kindness. And what are they being served at the minute? They are being served a secretive task force with an agenda that supports Peter Marshall and Peter Marshall as a whole. They do not consider the wellbeing of the CFA volunteers in the long term. What will this impact on? This will impact on our communities and our safety and our protection of life and property going forward. It is a disgrace.

### **Auditor-General: *Effectiveness of the Environmental Effects Statement Process***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak to the Auditor-General’s report *Effectiveness of the Environmental Effects Statement Process*, which was tabled in this Parliament in March 2017.

It seems that whenever I travel in my electorate, which is often, I see new construction developments springing up everywhere, and with the state’s increasing population growth of approximately 100 000 people a year it is no surprise that our Victorian economy continues to thrive. While this is seen by most economists as desirable, the increases in our Victorian population also put added pressure on jobs, housing, infrastructure and other essential services. State and local governments utilise as part of their forward planning the land use and development planning system. This provides a clear projected outline of what we can expect and what we need to do to ensure that all services are available to meet the demands and sustain the needs of a steadily rising population. No-one can argue that it is not great to be part of a diverse, flourishing and prosperous state, but we also need to ensure our livability is not compromised. We need to ensure that Melbourne is still the most livable city in the world for decades to come.

The audit report focused on the activities of the Department of Environment, Land, Water and Planning and three selected councils — the cities of Whittlesea and Yarra, and Moorabool Shire Council. Because the system is broadly guideline based and has no legislative powers of enforcement, it is pretty much ad hoc. The audit report states that two reviews have been conducted since 2000, together with a parliamentary inquiry focusing on the Environment Effects Act 1978 and the environment effects statement processes. All the reviews concluded that the current process lacks certainty and effective accountability, often takes too long and is too costly, is not clearly linked to approval processes and does not contribute to good environmental outcomes.

The recommendations contained in the report go to the heart of the issue of effective and clear methodologies. It proposes the establishment of a compliance model which should be monitored and updated as required. The auditor’s recommendations include appropriate and effective consultation within relevant agencies, and by that I mean between them and the Department of Environment, Land, Water and Planning. It proposes the establishment of a systematic monitoring mechanism which will allow for an ongoing process of review to ensure the environment effects statement process is meeting the current needs of our growing state.

Once again the Auditor-General’s office has provided us with a clear snapshot of where we are and what we need to do to accomplish a compliance model that will be effective in retaining our richly deserved title of the most livable city in the world.

### **Department of Treasury and Finance: budget papers 2017–18**

**Mr DAVIS** (Southern Metropolitan) — My matter in the report section tonight relates to the state government budget and the focus on local government within that recent budget that has been tabled. There are a number of points that I want to make tonight. The first is about the state government’s decision to slice funding to the interface councils in half — that is, instead of \$50 million per year those councils will receive just \$25 million, and that is this year and next year. After that there is no money listed in the state government budget across the four-year period of the forward estimates. I make that point.

This is very much a slap in the face to those local governments and communities in particular that are having very significant growth, some in the region of 4 to 5 per cent. In my view that significant growth is

deserving of support. I make the point that within the state budget as well the tax take with the growth areas infrastructure contribution (GAIC) will go to an estimated \$175 000 this year, despite only 4 per cent of the GAIC collected last year having been actually spent. There is a developing pool — a pirate's war chest, as it were — of gold coins that are sitting at Treasury that need to be spent in those areas of the state that are growing tremendously fast.

Today I also want to point to matters in and around Geelong. The City of Greater Geelong obviously had its council dismissed last year. That had a very significant impact on the community. The Parliament supported that step proposed by the government, but we also said that the council needed to return, and needed to return in 2017.

I notice the government today put a new bill in the lower house. That bill will seek to bring back the Greater Geelong City Council, but it will seek to disturb the model of a directly elected mayor. The directly elected mayor was a model that was supported by the people of Geelong and the hinterland. It is very clear that that is a good model. It is also clear that the government's citizens jury that was put in place was a citizens jury that was led by the nose. You need to go no further than the Auditor-General's report tabled today, *Public Participation and Community Engagement: Local Government Sector*, which makes it clear at page 27:

LGV —

Local Government Victoria —

commissioned an independent research organisation, the newDemocracy Foundation —

I would reject it is an independent research organisation; I would say it is a Labor group through and through; it is hard left, and I would not give it the credence that the Auditor-General's people do —

to design and oversee the process on behalf of the minister. LGV prepared a background paper to help the jury in its deliberations.

In my view this was an attempt to lead the jury by the nose. These are very good people, the 100 people in this citizens jury — I pay tribute to their commitment and their good offices — but in some respects what is presented to them is the important thing here, where they are presented with sharp choices and where they are presented with outcomes that are leading in one direction as opposed to another.

I think it is important in the context of Geelong at the moment to say there should remain a directly elected mayor. We believe more of the Melbourne model is a better way. But I have got to say the options put out by the Victorian Electoral Commission for boundaries are not satisfactory. Why on earth the electoral commission did not put out its own proposed earlier boundaries is a real question. You have got to scratch your head and ask why that might be.

The model proposed by the government in the bill today lays out 11 councillors, a mayor and a deputy mayor elected from amongst the 11, and it lays out a particular ward arrangement. You have got to really ask how they have arrived at this model.

**Mr Morris** — Nobody asked for it.

**Mr DAVIS** — No. Well, you know, I think there are inputs from a number of directions, but none of these in my view satisfy some basic requirements. We need a model that is fair, we need boundaries that are fair and we need to make sure that there are solid alternatives that are available there rather than again the community being confronted with sets of choices which are not the ones that they would most readily choose.

What I would say is that the City of Greater Geelong and the area around it has experienced significant population growth, and that is also a very significant challenge. I also note the work that was done over the last day or so on population in that area and the need to — —

**The ACTING PRESIDENT (Mr Finn)** — Order! The member's time has expired.

### **Department of Treasury and Finance: budget papers 2017–18**

**Mr MORRIS** (Western Victoria) — I was very much enjoying Mr Davis's contribution, but I rise to make my contribution to this debate with regard to the 2017–18 budget papers, in particular one line item on page 25 of budget paper 3 and that is the Ballarat GovHub. I think members would probably join me in saying that that is a ridiculous name, an absurd name. What is a GovHub? It is an absurd name. I made a contribution earlier today in regard to this supposed GovHub and said that once again Labor has attempted to copy our policy on the relocation of public sector jobs. However, they have managed to make an absolute meal of it.

Rather than relocating VicRoads, which would have been a much better outcome, Daniel Andrews is going to walk around about eight different government departments and just randomly ask, 'Would you like to come to Ballarat?'. There is no systematic approach to this whatsoever. Indeed I have just been imagining how it was that Daniel Andrews dreamed up the people who are going to come to Ballarat. I think he might have just asked for a list of eight government agencies and departments and said, 'We'll find some people from these places to move to Ballarat'.

There is no plan. There is no order to this. It appears as though this is just a media release, which is of course what Daniel Andrews, Ms Pulford and others accused the now opposition of having done with the VicRoads relocation. But I note that there is a document, of which I am in possession at the moment, which is the release of costings of an election commitment. This was a media release put out by the Department of Treasury and Finance and signed by David Martine, who I note is still the Secretary of the Department of Treasury and Finance. This media release details the relocation of the VicRoads headquarters to Ballarat and the associated costings. There is also quite a lengthy document that the Ballarat *Courier* somehow managed to get their hands on and that detailed a lot of the work that was done by the former government with regard to the VicRoads relocation.

There are many questions in the community about this relocation. One such question has been posed by Ron Egeberg, who up until recently was a member of the Labor Party — until he was kicked out because he decided to preference a Liberal in a local council election. He wrote a letter to the editor of the *Courier* which was published today, and in part it reads:

I would ask the so-called leaders of our community to examine the state government's proposals before fawning all over them.

I think that is a very good message. I think it is an exceptional message. Mr Egeberg has seen that this plan is wafer thin.

**Ms Shing** interjected.

**Mr MORRIS** — There is absolutely no detail to this plan, Ms Shing, it is wafer thin. There is no detail.

**Mrs Peulich** — All bones, no meat.

**Mr MORRIS** — Indeed, all bones, no meat. Absolutely. You are spot on, Mrs Peulich. This is where we are with the Andrews government, unfortunately.

Daniel Andrews held a media event at the civic hall site in Ballarat, and at this event he was quoted as having said:

I was absolutely determined to conduct this entire press conference without talking about our political opponents, but sadly I will now have to raise the fact that, look, we had a one-page presser. We had one single A4 piece of paper. We had a media release. And that doesn't get it done. We've done the hard work, we've sat down with our partners, to whom we are very, very grateful ...

I might interrupt there and say that when the Premier refers to his partners I am assuming he means the unions. I think that is who he is talking about.

**Mr Ramsay** — The United Firefighters Union.

**Mr MORRIS** — The UFU and the like, absolutely, Peter Marshall. The Premier said:

... with our partners —

**Mrs Peulich** — His bosses.

**Mr MORRIS** — His bosses indeed, Mrs Peulich — to whom we're very, very grateful.

He is very grateful to the unions. He went on:

And we're able to deliver this. Not talk, not promises. The money's there, the partnership's there, the planning will be done —

it has not been done of course —

the design work will be done —

it has not been done —

the jobs will start flowing very soon —

that is, in 2020. 'Very soon' is 2020 according to the Premier.

**Ms Crozier** interjected.

**Mr MORRIS** — Ms Crozier, there are children who have not been born yet who will be in kindergarten before these jobs move to Ballarat. Mr Andrews went on to say:

What's more, all those construction jobs will be able to be real, not just talk, that doesn't get it done at all.

The Premier is again making promises that I believe he cannot keep. His word is worthless.

### Department of Treasury and Finance: budget papers 2017–18

**Mrs PEULICH** (South Eastern Metropolitan) — I am going to make some remarks on the 2017–18 budget papers, particularly in relation to the level crossing removal program, which gets a number of mentions in the budget papers. It is under the heading ‘State capital program’ on page 27 of budget paper 4. Chapter 1, page 20, of that budget paper lists it as a ‘High-value and high-risk project’. It is mentioned again on page 9, which refers to projects being accelerated and includes references to the Frankston line stabling. The level crossing removal program is mentioned again in budget paper 5 where it is looking at contingent assets and contingent liabilities, in particular in relation to the voluntary purchase scheme for residential properties and anticipated future claims by property owners for either outright purchases and associated costs or costs related to landscaping et cetera, and compulsory acquisition.

There are lots of references to the Level Crossing Removal Authority (LXRA) program. The Auditor-General’s report *Public Participation in Government Decision-Making*, released today, states quite clearly that the Victorian government had committed to the removal of 50 level crossings around Melbourne, something that of course we all applaud. What we do not applaud is the manner in which the public has been duped and misled about how these level crossings are going to be achieved. The LXRA, which is the administrative office overseeing the removal of these level crossings, according to this report is responsible for improving safety for drivers and pedestrians, reducing congestion, enabling more frequent train services and improving public travel around Melbourne. It is also responsible for all aspects of the level crossing removal project including planning and development, stakeholder engagement, procurement, construction and delivery.

In this audit the Auditor-General examined three agencies, including the LXRA, in particular in relation to the Caulfield–Dandenong level crossing removal project, and concluded that there were certainly shortcomings. It also made in my view some positive comments that are not warranted in relation to the LXRA. There has never been a more appalling public participation or consultation process than the one undertaken by the LXRA. Public opinion has been a con. It has been a scam. Unions have been mobilised in order to manipulate and massage public comment at these consultations. Public comments have been removed by means of yellow stickers being removed. There has been no feedback, and there certainly has

been no information, no proper consultation, on all of the options of level crossing removals. In particular I would like to make mention of the options that have been announced on the Frankston line, including the plans to do a sort of sky rail version at Carrum at Eel Race Road.

I have just received today a very comprehensive paper about the options for Carrum entitled ‘Rail under road’, and it says:

The following paper examines the comments by Level Crossing Removal Authority (LXRA) personnel in defence of their claims that the preferred option of rail under road, voiced and recorded by local residents, cannot be implemented at Carrum station and Eel Race Road crossings. It achieves this through a series of logical assessments and engineering experience in civil engineering project management, including with rail, by community members. Overall the paper shows that the LXRA have not been transparent in their deliberations.

The paper debunks the LXRA’s claims and demonstrates there is sufficient room to trench under McLeod Road without changes to the existing rail bridge. It also shows that modifying the current rail bridge would provide another viable option which would create minimal disruption to rail and road traffic during construction while boats on the Patterson River would not be impacted at all. Meticulous timetable analysis on pages 4 and 5 ...

of this publication, which I am certainly happy to make available to the government, outlines that making a few minor changes to the timetabling would prevent train delays by using a temporary bypass track during modifications to the existing rail bridge. The publication continues:

The enclosed six options that would facilitate rail under road are pictured on pages 6 through to 15. Each option contains a minor variation developed to highlight the numerous variations that would allow rail under road at Carrum to solve both any issues with current rail crossings and address any issues that might trouble town planners, engineers, rail operators or community groups.

I call on the LXRA to embark on the consultation from the start and get it right.

### Department of Treasury and Finance: budget papers 2017–18

**Mr RAMSAY** (Western Victoria) — I wish to refer to the Victorian budget 2017–18, and in doing so I would quickly like to refer to the previous budget, where there was an allocation of \$3 million for a feasibility business plan for a Geelong convention centre. I raise this point because I see there are no funds allocated in this budget for anything further advanced from the planning money that was provided in the previous budget. Also I note that there was no

allocation in the federal budget either for funding for the Geelong convention centre, so it sort of begs the question: how far have we progressed from the previous budget to this one in relation to the expenditure of that money?

From what I understand, currently there is a business case that has been developed by Regional Development Victoria, in cooperation with the Geelong Authority and Deakin University, that has sat with the Minister for Regional Development, Ms Pulford, for a number of months now, and she is reluctant to release the business case because apparently there are some problems associated with the seating capacity design, the site design and also now potentially a private developer to build a hotel. There are problems afoot already before the business case is even published or allowed some community engagement in relation to the work that has been done up to this point. I am looking forward to seeing the next chapter in this story in relation to where and how and what process is going to be provided to the Geelong community to finally get this much-needed convention centre constructed.

In relation to the recent rail announcement, the state government announced a \$1.4 billion upgrade to regional rail services and railway stations to address the overcrowding on regional rail lines and to improve public transport services. That is all well and good, but of course we know that it is dependent on the federal government providing the asset recycling money that the Victorian government believes is due back to this state. In the federal budget we have seen over \$1 billion allocated to regional rail, and there will be a shortfall in a range of projects that the state has identified in its regional rail plan, so my hope again is that those projects can be fulfilled with further state funding commitments, which I have not seen in this budget.

I also hope the Victorian government sees fit to engage with the federal government on how planning can proceed, particularly in relation to the duplication of the Waurn Ponds–South Geelong rail track, to which the federal government allocated \$100 million. The state government is yet to make the business case, which was available in a previous budget, so we can have an understanding of what the final cost of that duplication is, as well as of the additional station sidings at South Geelong and Marshall. Again my hope is that the state government will soon release those costings and that business plan, so we have an understanding of what the gap is between the federal government's \$100 million commitment and the final cost of that particular project.

Also in relation to regional roads, I note in this budget there was \$550 million allocated for regional roads. It is

a good start, but the RACV says — and I have been publicly quoted as saying this — we need over \$1 billion to deal with the most distressed regional roads across Victoria. The state government has only come halfway in this particular budget. It has fallen short. In fact the RACV indicates that the analysis of VicRoads data in 2015–16 indicates 7.4 per cent of regional Victoria's 20 000-kilometre road network was in a distressed state — —

**Ms Shing** interjected.

**Mr RAMSAY** — You would agree, Ms Shing, if you frolicked around Bairnsdale and Buffalo and Koo Wee Rup and all those other little country towns around your electorate. The roads are in a distressed state, and half a billion dollars is not going to go anywhere near to bringing those roads into a safe and usable repair. I call on the state government to allocate significantly more funding than the sort of meagre, paltry half a billion dollars that it has provided in this budget, because as the RACV has indicated, we need over \$1.2 billion just to repair some of the state's worst roads, far less start upgrading some of our major highways.

I want to get back to the regional rail, which is of particular interest to me because the federal government has allocated \$100 million to the north-east rail line. It is much needed and it has certainly been too long for those rail users to put up with the unreliability and inefficiency of that rail track. More importantly for me locally is exactly what the state government is going to commit to in relation to the line duplication between South Geelong and Waurn Ponds and also some of the passing loops — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Mr Ramsay, your time has expired.

### **Commission for Children and Young People: *The Same Four Walls***

**Ms CROZIER** (Southern Metropolitan) — I am going to make a few comments in relation to the Commission for Children and Young People's recent report on the inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system, entitled *The Same Four Walls*. This is a damning report on the current situation that is occurring in youth justice. I think Victorians are well aware of the many issues and concerns that have arisen in recent times under the current minister and this government and the absolute failures and what is occurring in youth justice.

The commissioner for children and young people makes comments, and the Aboriginal commissioner for

children and young people, Andrew Jackomos, also makes some comments, in this very extensive report on the issues that have occurred in youth justice. The report focuses on a period between February 2015 and July 2016. The review in the executive summary says:

The review focused on whether the Department of Health and Human Services ... complied with legislation and policies that regulate use of these practices, noting the significant impact they have on the rights and wellbeing of children and young people.

In relation to what has occurred, time and time again the report states that there were significant impacts and that when they were conducting the review there was data that was provided by the Department of Health and Human Services (DHHS), they reviewed CCTV footage, examined various reports and documents and literature on isolation practices and visited, speaking to both staff and those young offenders that were placed in the facility and got information which is all recorded in this very extensive report, as I have said. But what is alarming I think is that the report also states:

Our inquiry was significantly hampered by deficiencies in record keeping, some of which have been acknowledged by DHHS. Data we requested was often incomplete or internally inconsistent.

If you look at the various examples in the report, they pretty much go to that effect too. We know that from the data that is being provided — the data that the minister keeps saying they are so transparent in providing. One can only question how on earth they can back that up, with the latest quarterly figures for category 1 incident reporting in the youth justice custodial settings that were put up by the DHHS just a few weeks ago. In that data, for the period between 1 January and 31 March of this year there were zero client deaths, 18 assaults, seven behavioural incidents and six other incident types.

With those figures I have to question the accuracy and the whole reporting mechanism that is going on, because we know what has occurred in the youth justice facility in those three months alone. We look at the riots that occurred in Parkville on 7 January and the extensive damage that occurred at that point in time, and of course that followed on from the very extensive riots of 2016, and then we had the mass escape from Malmsbury on 25 January, where 30 young offenders were involved. Fifteen escaped — 15 of those young offenders who caused significant safety risks to many, many Victorians. A number of these young offenders were going across Victoria. They were carjacking and they were committing some very violent crimes against innocent Victorians in the south-eastern suburbs. They

travelled around 1000 kilometres, and it took 24 hours for them to be contained by police.

This was the most extraordinary set of circumstances that occurred from that one event. Yet that very severe mass escape is not reflected in any way in these reporting numbers that the minister provides. The minister keeps saying that she is so transparent and committed to transparency. You have to question her ability — you have to question her motives, actually — to be putting these figures on a website that is there for all Victorians to see. Who on earth does she think she is kidding? It is absolutely flawed data. I have got more to say on this report. I realise my time has now expired, but there are many issues in this report in relation to staff shortages, which I will return to in the next sitting week.

## PERSONAL EXPLANATION

### Minister for Corrections

**Ms TIERNEY** (Minister for Corrections) — I rise to make a personal explanation. In my response to Mr O'Donohue's question in question time today on community correction orders (CCO) I mentioned a court decision that affected CCO numbers. I was provided information in error. It was the Boulton case, as I said, but it was not in the County Court, it was indeed in the Court of Appeal; and it was not 2015, rather it was December 2014.

## ADJOURNMENT

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

That the house do now adjourn.

### Eltham, Greensborough and Montmorency railway station car parking

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport and it relates to a shortage of car parking at the Eltham, Greensborough and Montmorency train stations. The spaces currently provided fall well short of demand and of the needs of commuters in this area of my electorate. The frustration in finding a park at the stations or in nearby streets not only affects early morning commuters, it also affects those who want to travel into the city later in the day using trains. These people are being deterred from doing so due to a lack of available parking.

Recently one regular commuter outlined to me her issues regarding public transport. This constituent loves

living in St Helena but finds the public transport problems and the traffic congestion to be exceptionally frustrating. She told me, as have others, that unless she is at the Greensborough railway station by 6.30 a.m. she cannot get a park. If she is unable to find a park at the station, her only other option is to pay \$5 for parking at a vacant block opposite the station in Para Road, but by 8.00 a.m. this space can also be full. She said, and I quote, 'I could drive to Watsonia station; however, that takes me another 20 minutes to drive, and if I'm not there by 7.30 a.m. I don't get a park there either'. If she chose to drive to Eltham station, she could get a park, but it would be some distance away at the back of the library and it would take nearly 10 minutes to walk to the station. While that is not so bad during summer, she said, it is dark and a bit scary walking back along that dirt road by yourself in winter. And for this commuter, going to Eltham station is going further along the train line, so it is not a great option.

If she chooses to forsake public transport and drive to Abbotsford, where she works, she has to face the nightmare of traffic congestion through Eltham getting onto Fitzsimons Lane. Anytime from 7.00 a.m. onwards this is bumper to bumper. 'One lane of traffic down Main Road once you've crossed over Bridge Street just doesn't cut it' is what she said to me.

Sadly, her commuting woes are all too common. That is why the action I am seeking from the minister and the government is to provide further car parking at these stations, and it is a matter that is reasonably urgent. Commuters who cannot access the train stations will not use public transport, and it is an issue that needs to be resolved, given our highly congested roads, as has been mentioned. This is something that the government can take action on. There has been work with the local council in relation to these matters. There is the capacity, there are sites and there is the ability to further progress these issues, and I seek that action from the minister.

### **M80 Ring Road upgrade**

**Mr EIDEH** (Western Metropolitan) — My adjournment matter today is for the Minister for Roads and Road Safety, the Honourable Luke Donellan. The Andrews Labor government has handed down a truly historic budget and one of which all Victorians should feel justifiably proud. When this government says it is getting on with the job, it is not just a clever catchphrase; that is precisely what it is doing.

From creating jobs to supporting health and the environment, providing better public transport and roads and ensuring safer and more secure communities,

this budget delivers for all Victorians. I was pleased to see in the budget many projects and significant investment in my electorate of Western Metropolitan Region. Housing, roads and community safety are very pronounced issues in my electorate, and I am delighted to see that the government is not just spending money on these important issues and projects but is properly and concertedly targeting specific areas of intense need.

The \$851 million provided in the budget to abolish stamp duty on new homes valued at up to \$600 000 and to cut stamp duty on homes valued at up to \$750 000 is a most welcome initiative in Western Metropolitan Region. Melbourne's west is growing at an exponential rate, and anything to alleviate the financial pressures on new home buyers greatly assists otherwise struggling Victorians.

Community safety is another essential aspect of this budget, and my constituents can feel reassured by this government's commitment to their safety and security. The significant boost to sworn police numbers and the funds provided for the allocation of powers and resources that frontline police need will serve to generate far greater safety and allow police to put victims first and put criminals behind bars.

**The PRESIDENT** — Order! Deputy President, could you just give me some indication of what your action is going to be, because I am really concerned about the fact that so far the presentation is a set speech and it is characterised by going through a whole range of initiatives by the government. The problem is that for an adjournment item you need to have one specific action, and the speech that supports that action needs to be the context for that action. I am just concerned that you have ranged so widely over giving me a budget speech that I am not sure where you are leading with the action. Can you give me an indication, please?

**Mr EIDEH** — Thank you, President. I am nearly there. I want to get to the M80 Ring Road. That is what I am up to. The M80 Ring Road upgrade is another project that is highly anticipated by my constituents, and the over \$673 million allocated to this project in the state budget is most welcome. My question to the minister is: how do my constituents find out more information on the M80 Ring Road upgrade, and what time line is in place for the completion of this project?

**Ms Wooldridge** — On a point of order, President, I put to you that that is actually a constituency question, where there is a request for information, as opposed to an adjournment matter, where there is a request for an action. The request was: how can my constituents find

more information, which is constituency related, so I ask you to rule that adjournment matter out of order.

**Mr Dalidakis** — On the point of order, President, as the minister taking the adjournments this evening, what I understood was that Mr Eideh, the Deputy President, asked the Minister for Roads and Road Safety to provide more information to him in relation to the M80 upgrade to provide to constituents who ask questions about it.

**Mr Finn** — On the point of order, President, at the end of his adjournment address this evening Mr Eideh has clearly asked a question. He has not asked for an action as such. It is a constituency question and not an adjournment matter.

**Mr EIDEH** — On the point of order, President, the action I am seeking is information about the upgrade — what the time line is and what the completion date is.

**The PRESIDENT** — Order! The completion date is a question, without a doubt. As members know, I often afford members the opportunity to rephrase. Deputy President, can you rephrase an action?

**Mr EIDEH** — My question to the minister — —

**The PRESIDENT** — Order! No, it cannot be a question; it must be a request for an action. What are you asking for?

**Mr EIDEH** — I ask the minister to provide me with information on the M80 Ring Road upgrade and the time line that is in place for the completion of this project.

**The PRESIDENT** — Order! I do again emphasise that the M80 project came very late in the presentation, and most of the speech in support of that action had absolutely nothing to do with the action that was sought and was therefore not a context to the action, which is what is required in the adjournment debate. I think in the preparation of adjournment matters that does need to be considered. On the rephrasing, I am prepared to allow it.

### Rental bidding

**Mr BARBER** (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation, Marlene Kairouz. The Greens are concerned about rental bidding in Victoria, in particular recent news reports that Rentberry, a rental bidding application, is due to begin operations in Victoria shortly. This application allows tenants to bid for rentable properties,

driving up prices and further squeezing current and would-be tenants.

Even though the Real Estate Institute of Victoria has issued guidelines for its members that prohibit rental bidding, the practice still occurs. Consumer Affairs Victoria's rental experience report reveals that one in five Victorian tenants offers to pay extra rent. Rental bidding creates extra barriers for low-income tenants and reduces transparency about the cost and process of renting.

Could the minister inform us as to why rental bidding is allowed in Victoria at the same time as the practice of advertising one price but only accepting higher offers is not acceptable in other consumer transactions? In particular, given Queensland has strong protections against rental bidding, would the minister urgently advise us what steps the government will take to protect Victorian tenants and the Victorian rental system from rental bidding?

**The PRESIDENT** — Order! I am in a benevolent mood, but there seemed to be more than one action sought in that adjournment matter. Hopefully the minister will determine, on a closer read, exactly what was sought there.

### St Kilda Road tram services

**Mr DAVIS** (Southern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Public Transport. It concerns tram problems along St Kilda Road and in the vicinity. I have correspondence from Denzil Griffiths, who is a Prahran person. He said:

Thought I would give you a quick update on my experience catching the new 58 tram a couple of times to the city this past week ...

He talks about the first week of the new timetable, and I might say I have had dozens of complaints and concerns raised with me about the impact of the new timetable. He continued:

Normally I get the 72 along Commercial/St Kilda roads and change to the old 55 to the city at Domain interchange.

I caught the 72 as usual.

When I got off at Domain interchange —

which seems to be the main bone of contention —

the platform was quite crowded with people waiting for the new 58 to the city.

After a while, a 58 tram came along from Toorak. It too was quite crowded and was packed tight when it left. So tight in

fact that additional passengers could not get on at Park Street until Sturt Street when a few got off.

That was at about 7.50–8.00 a.m. each morning.

My experience suggests the new 58 is a dreadful blunder inconveniencing many passengers, and not just those catching it from Toorak-South Yarra.

Of course the number 8 tram route had been there since 1927. I have been corrected by somebody who told me it was a cable car before that. That tram has been ditched — ‘removed’ is the word the government used in its own literature; it called it ‘removed’. That tram route, which has been an established part of our tourism system, important for traders and important for people along Toorak Road and in the Domain — all of that has been a very significant part of our history — has now been removed by Jacinta Allan as Minister for Public Transport. She has not added new services; she is substituting and switching services. We want to see a situation where there are more trams and more services added, not the substitution of one service for the other.

**Mr Barber** interjected.

**Mr DAVIS** — Absolutely, and that is what most people, I think, would want to see. Let me be very clear here. This is, as Denzil says, ‘a dreadful blunder inconveniencing many passengers’. That is the situation faced by many people who have been contacting my office and also speaking publicly about the impact of these tram changes. It is clear that the government has not understood what it is doing and has not understood the impact that this will have.

What I am seeking from the minister is a very clear action: that she re-evaluate her decision, consider actually reversing the decision and restoring the number 8 route, and instead put on additional tram services that would cover some of the new routes that she wishes to cover.

### **Latrobe Valley youth programs**

**Ms SHING** (Eastern Victoria) — The matter I wish to raise this evening is for the attention of the Minister for Families and Children, who is also the Minister for Youth Affairs, Ms Mikakos. In making this request of the minister this evening, I refer to the Latrobe Youth Choices report, a report which came about following a series of consultations and engagements with schools in the Latrobe Valley, including Kurnai and Lowanna’s various campuses, the Flexible Learning Options campus in Morwell, Berry Street in Morwell, the Moe Life Skills Community Centre and the Centre for Multicultural Youth in Morwell, as well as Koori community youth representatives.

This is a project which is very much geared towards tapping into discussions with young people who live, work and travel in the Latrobe Valley and making sure that they are part of the options and opportunities for employment and educational programs and services. It is also part of making sure that we highlight the opportunities for people to collaborate and make the best use possible of existing programs and facilities that are geared towards self-actualisation for young people in the valley.

I ask the minister to confirm her support for the Latrobe Youth Choices objectives, which involve supporting, mentoring, traineeship and other options for young people; to make sure that the Just One Thing program is in fact front of mind in her work in the Latrobe Valley to minimise duplication where various agencies, departments and organisations are already working towards providing better support for young people in and around the valley; and also to make sure that there is complete clarity that the Andrews Labor government and her department in fact support initiatives that proactively tackle any sense of disenfranchisement or lack of engagement for young people.

We have a number of opportunities to seize upon, with significant investment and engagement in education and training opportunities, and I would like to see the minister commit to supporting the Just One Thing initiative and the Youth Choices report and to ensuring that we can make the most of the community momentum and potential with the minister’s encouragement so that young people can go from strength to strength in the valley in what has been a time of significant uncertainty.

### **‘Chuck a healthie’ campaign**

**Ms PATTEN** (Northern Metropolitan) — My adjournment matter this evening is for the Minister for Health, Jill Hennessy, and the action I am seeking from her is that she consider ways that we can enable and encourage employers to allow employees to use a sick day to have a health day. This was raised by one of my constituents, who gave me some interesting figures, although they are national. Preventable illness among the Australian workforce costs the economy tens of billions of dollars each year. This includes presenteeism — working while sick. Bupa said in a 2017 study that presenteeism costs \$34 billion, replacing a skilled staff member costs \$20 000 to \$50 000, lack of sleep costs \$3 billion and oral disease costs \$2 billion. Preventable illnesses cause more than three-quarters of all ill health and premature deaths, yet over 3 million Australians have not visited a general practitioner in the last 12 months.

Victoria has had great success with public awareness campaigns around health issues in the past, and what I am seeking is that we now call for and raise public action. What we want to do is encourage employers to allow their employees to use one of their statutory annual sick days to proactively see their GP or get some form of health check, whether it is a breast or prostate check or going to the dentist, and as a reward employees get the rest of the day off. My very imaginative constituent said, ‘Chuck a healthie — visit your GP, then go and have a fully sick day’.

**Mrs Peulich** — And the taxpayer pays.

**Ms PATTEN** — I am going to take up Mrs Peulich’s interjection. Look at the costs I just raised — we are paying over \$10 billion now on preventable illnesses. We want to encourage employers to allow their employees to use one of their sick days to have a health day — to visit their doctor, to prevent unnecessary illnesses, to keep our workforce healthier and to keep them working. So I ask the minister to investigate ways that we can ‘chuck a healthie’.

### Ballarat GovHub

**Mr MORRIS** (Western Victoria) — My adjournment matter this evening is for the attention of the Treasurer. I am hoping the Treasurer might be able to enact an action for me, as is the way of the adjournment debate. This is in relation to the GovHub, the ridiculously named — —

**Mr Finn** — What is a GovHub?

**Mr MORRIS** — I have no idea what a GovHub is, Mr Finn, but apparently the GovHub is going to be a — —

**Mr Finn** — How do you get one?

**Mr MORRIS** — Out of a budget, apparently, is how you get a GovHub. The GovHub is supposed to be on the civic hall site in Ballarat where VicRoads should be. This was announced in the Andrews government budget that has treated regional Victorians abysmally. The VicRoads relocation has been a contentious point for the government, because everybody has been on board with it — Commerce Ballarat, the Committee for Ballarat, the City of Ballarat and indeed the coalition have been on board with this — and it has just been the Labor Party that has stood in the way. However, we did not know until a committee inquiry that VicRoads itself was asked by the government to conduct a cost-benefit analysis of the potential of the VicRoads headquarters relocation to Ballarat. We did find out on 19 October 2016 that indeed the CEO of VicRoads

confirmed that that cost-benefit analysis had been provided to the Treasurer.

**Mr Finn** — Who’s that?

**Mr MORRIS** — That is Mr John Merritt.

**Mr Finn** — I’ve met him.

**Mr MORRIS** — Yes, you have met him a couple of times, Mr Finn. That cost-benefit analysis was given to the government and I believe it either was to go before cabinet or has been before cabinet. It is critical to the Ballarat community to understand exactly why it is that the government has refused to relocate VicRoads to Ballarat. The action that I seek is that the Treasurer release to the public the cost-benefit analysis done by VicRoads on the potential VicRoads headquarters relocation to Ballarat.

### Early childhood education

**Mr ELASMAR** (Northern Metropolitan) — My adjournment matter is for the Minister for Families and Children, the Honourable Jenny Mikakos, and concerns the Andrews Labor government’s recently announced early childhood reform plan. The early years matter; they matter because early childhood education can set a child up for life. We need to get young children on track from the very beginning, and I am so pleased to see these nation-leading reforms in the budget. In fact \$202.1 million has been provided to expand and reform our early childhood sector.

I know that my electorate of Northern Metropolitan Region is home to many young families who rely upon the support and assistance provided through our early childhood services. They deserve to have access to the very best, whether it is their local kindergarten or the maternal and child health services. They make a big difference in their lives. It is fantastic to see the Andrews Labor government getting on with supporting, growing and improving our early childhood sector. The action I am seeking from the minister is that she visits a kindergarten in the Northern Metropolitan Region with me to discuss these vital reforms with local families.

### Calder Freeway intersection, Niddrie

**Mr FINN** (Western Metropolitan) — I wish to raise this evening an adjournment matter for the attention of the Minister for Roads and Road Safety. I have received an email that reads as follows:

I am writing to you to raise the issue of the Keilor Road–Grange Road–Newman Street–Calder Freeway intersection in Niddrie. I have been living in the area for about 10 years now and have seen the number of cars using this

intersection climb substantially in that time. I used to be able to exit Newman Street and enter onto the freeway, but that is nearly impossible now during peak times; it is just too dangerous. The number of cars using this area are now causing delays and a few near misses as people don't seem to be able to navigate it or are simply taking silly chances due to frustration. There have been some whispers in the winds about improvements, but we are still waiting on answers. If you could please help, that would be most appreciated.

And that is from Rodney from Niddrie.

I am asking the minister to put a bit of life into those whispers. This sort of thing is happening all over the place. With an increasing population, obviously there is a subsequent increase in traffic. We have intersections and roads from one end of the western suburbs to the other that are not able to cope. The government is not keeping up with the population increases. It is not keeping up with the extra traffic on our roads, and it is causing no end of trouble not just to Rodney but to many people throughout the west. I can think of so many who have said that to me just in a conversational manner in recent times. The traffic increase is causing them a great deal of grief, and the government is in no way, shape or form managing to keep up with it at all.

I am asking the minister tonight to direct VicRoads to address the issue of the Keilor Road, Grange Road, Newman Street and Calder Freeway intersection in Niddrie. This is something that is causing not just Rodney but a number of people in the area some considerable concern, and I ask the minister to, as I say, direct VicRoads to fix this particular issue. I understand the member for Niddrie has had representations made to him in the past, at this point to no good effect — not a lot of surprises there. Certainly I am hopeful that the minister will get some action going on this occasion and we can bring some relief to those who use that particular intersection on the Calder Freeway.

### Level Crossing Removal Authority

**Mrs PEULICH** (South Eastern Metropolitan) — The matter that I wish to raise is for the attention of the Minister for Public Transport. Today the tabling of the *Public Participation in Government Decision-Making* report of the Victorian Auditor-General's Office shows a fairly comprehensive criticism of the lack of a whole-of-government approach to consultation. Indeed the Level Crossing Removal Authority (LXRA) is one of the agencies that is looked at. Basically what it says is, and I quote from page 13:

LXRA has periodically reviewed and monitored its public participation activities informally. Internally, it reports on its community engagement activities weekly and monthly, and produces regular progress reports for the public. More

recently it has established monitoring and reporting requirements within its community engagement strategy.

It goes on to say, referring to the Department of Premier and Cabinet:

This analysis shows the particular aspect of public participation that DPC needs to address as a priority, and demonstrates that agencies need greater direction. DPC also needs to improve its oversight and monitoring of agencies' public participation activities.

Could I say that the participation in relation to the level crossing removal program has been nothing short of appalling. It has been non-existent on the Caulfield–Dandenong line sky rail proposal, and the process has been manipulated, based on misinformation and very much the activities of a sort of cowboy outfit, being the LXRA and the administrative office of the government. Indeed it is seen as a hoax, a con. It recommends for the Eel Race Road, Carrum, level crossing a sky rail version of removal.

This proposal is completely debunked by Lindsay Sharpe, an engineer, in a report that I mentioned earlier today. He says in his concluding remarks:

The arguments that a rail-under-road design is not possible in Carrum are either wrong, misleading or simply have not been researched fully.

Closing three level crossings and only opening one as a 100-year plan can only increase congestion, provide poor traffic flow and provide no vision for traffic volumes in the future. Having a trench allows Eel Race Road to also be a trench which will help alleviate these issues.

An elevated rail positioned on the highest section of land within at least 10 kilometres is a visual disaster in a seascape environment. Metal particles from track and wheel wear and other pollutants will travel further, noise has no acoustic absorption and will travel further, platform speakers will be placed at 11 metres from the ground with all announcements carried to local homes and businesses. Privacy will be impacted.

An 8-metre bridge grows by 1.5 metres to the platform, another 2 metres with a fence and another 4.5 metres to supporting structure. This is starting 1.5 to 2.5 metres above property elevations in every direction.

I call on the minister to review the consultation undertaken by the LXRA and its conclusions — clearly it has been deficient — and also to release the new strategy for consultation and for public scrutiny.

### Responses

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Tonight we have had adjournment matters from Ms Wooldridge to the Minister for Public Transport regarding additional car parks at Eltham, Montmorency and Greensborough

train stations; the Deputy President, Mr Eideh, to the Minister for Roads and Road Safety regarding the M80 Ring Road and information on completion of the project he can provide to his constituents; Mr Barber to the Minister for Consumer Affairs, Gaming and Liquor Regulation regarding a rental bidding app and what steps are being taken to address the issue; and Mr Davis to the Minister for Public Transport in relation to the Domain interchange. I seek your advice, President. There were two requests for action at that time — one to restore the number 8 tram and another one to add additional services at the Domain interchange. I seek your advice, President, as to which we respond to.

**The PRESIDENT** — I did see those two as contingent in the sense that he was seeking the reinstatement of the number 8 tram, but in his earlier comments he was saying that the reason that service was terminated was that other services had been introduced. I think that the action he seeks is that the number 8 tram be restored, but he also does not want to lose the extra services. I think that is the context of that, and I did see that as contingent.

**Mr DALIDAKIS** — Thank you, President. There were adjournment matters from Ms Shing to the Minister for Families and Children in relation to supporting the Latrobe Youth Choices objectives and providing initiatives for young people in her electorate; and Ms Patten to the Minister for Health regarding working out a way to enable employees to use their sick leave as a health day. Again, President, I am sorry to draw upon your guidance, but that is actually something I believe would be best directed to the Minister for Industrial Relations rather than the Minister for Health. Given that industrial relations (IR) powers were ceded to the commonwealth back in the Kennett government era, I am not sure whether we have the ability to do so or whether she is asking about this in relation to public servants, because she specifically mentioned the private sector in her adjournment.

**The PRESIDENT** — Order! In respect of that one, the member did ask me earlier who she should direct it to, and she is aware of the context that you have suggested with that item. In fact it goes across the responsibilities of a number of ministers, but particularly in the IR field. I think that the member is actually trying to promote the idea for discussion and that she felt that the health minister would be a suitable person to actually start to promote that type of discussion. I think it was more in that context than rather rigidly being an IR endeavour at this stage. So I was satisfied that directing it to the health minister was an appropriate course of action. The minister herself

might decide that it is not something she wishes to take up, in which case she will convey that to the member.

**Mr DALIDAKIS** — Thank you again, President. I have further adjournment matters from Mr Morris to the Treasurer, asking for the release of a cost-benefit analysis in relation to a VicRoads relocation — obviously if there is one that exists; Mr Elasmar to the Minister for Families and Children, asking her to join him in visiting a kindergarten in his electorate of Northern Metropolitan Region; and Mr Finn to the Minister for Roads and Road Safety in relation to the Keilor Road–Grange Road–Newman Street–Calder Freeway intersection, asking that VicRoads look to address that intersection. He also made a disparaging remark against the member for Niddrie, which I completely reject.

**Mr Finn** interjected.

**Mr DALIDAKIS** — That is not what you said, Mr Finn, but nonetheless.

**Mr Finn** interjected.

**Mr DALIDAKIS** — No, that is not what you said. *Hansard* will show you what you said. You made a disparaging remark about the member for Niddrie that was inappropriate.

**Mr Finn** interjected.

**The PRESIDENT** — Order! That is unnecessary.

**Mr DALIDAKIS** — The last adjournment matter we had this evening was from Mrs Peulich to the Minister for Public Transport, asking that the minister review the consultation that was undertaken in relation to rail under road as the preference for Carrum.

**Mrs Peulich** — Eel Race Road.

**Mr DALIDAKIS** — Eel Race Road. My apologies.

Further to that, I have a written response to an adjournment debate matter raised by Mr Finn on 22 March.

**The PRESIDENT** — Thank you. On that basis, the house stands adjourned.

**House adjourned 6.10 p.m.**

