

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 15 November 2017

(Extract from book 19)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry (from 16 October 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 15 October 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
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Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

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

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Dr S. RATNAM

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

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 25 February 2015

⁸ Appointed 12 October 2016

⁹ Appointed 18 October 2017

PARTY ABBREVIATIONS

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

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Wednesday, 15 November 2017

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Voluntary assisted dying

To the Legislative Council of Victoria:

That the undersigned call on the Victorian Legislative Council to strongly oppose the introduction of euthanasia or physician-assisted dying in the state of Victoria by the state Labor government supported by the Greens and the Sex Party.

The case for euthanasia is based on fake facts: euthanasia and physician-assisted dying is not just an expression of personal autonomy, pain can be managed with proper medical care and palliation and there can never be safeguards against medical misdiagnosis, medical mishaps, accidents or malice.

The undersigned call on the Premier, Daniel Andrews, and the state government to not proceed with the introduction of physician-assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

By Mrs PEULICH (South Eastern Metropolitan) (211 signatures).

Laid on table.

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

Hill End Primary School site

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the pending sale of the former Hill End Primary School buildings and site on Paynters Road in Hill End, a much-loved, much-utilised and well-maintained community asset.

The petitioners therefore urgently request that:

- (a) the department of education halt the sale and rezoning of the former Hill End Primary School buildings and site on Paynters Road in Hill End; and
- (b) that the site be retained by Hill End Community Incorporated for community use.

By Mr O'SULLIVAN (Northern Victoria) (77 signatures).

Laid on table.

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

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Results of 2016–17 Audits: Water Entities, November 2017 (*Ordered to be published*).

Auditor-General's Report on the Annual Financial Report of the state of Victoria: 2016–17, November 2017 (*Ordered to be published*).

Victims of Crime Commissioner — Report, 2016–17.

Victorian Budget Update 2017–18 (incorporating Quarterly Financial Report No. 1).

PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter from the Attorney-General in response to the resolutions of the Council of 24 February 2016 and 1 November 2017 relating to the production of documents in relation to the level crossing removal project Caulfield to Dandenong project proposal. The letter is as follows:

I refer to the Legislative Council's resolutions of 24 February 2016 and 1 November 2017 ordering the production of documents relating to the level crossing removal project — Caulfield to Dandenong project proposal.

The Legislative Council's date for production of the documents by 14 November 2017 does not allow sufficient time for the government to respond to the Council's resolution.

While the government has previously responded to the order in part, further time is required for the government to consider whether it will assert claims of executive privilege over remaining documents which may be relevant to the order. This requires the government to consider fresh legal advice to ensure that any claims of privilege are principled, based on current circumstances.

The government is giving this order priority and will respond as soon as possible.

Mr Davis — President, I have two points of order in fact. The first is the same as what I stated yesterday: we have the issue of agency writ large here. The orders of the Council were for the Leader of the Government to produce the documents. The response has come from the Attorney-General, and that makes it very difficult for the Council to communicate directly to the Attorney-General on some of the absurd matters in his letter, particularly the issue of time. He says there has been insufficient time despite the original motion being carried in February 2016. What I would say is that there is the issue of agency, and I wonder in the first instance with this point of order whether you would add that to the list that you are considering from yesterday.

The PRESIDENT — In regard to that point of order, I will take that into further consideration. In a preliminary sense, I am mindful of the fact that, yes, the Leader of the Government was asked to produce the documents, but that was actually by way of agency as well because he is not actually responsible for these documents — another minister is. If we are to discuss agency in terms of the Attorney-General's role in FOI, then we also need to be mindful that whilst we have available the minister in this house, the reason why he was asked to produce those documents is because he is here. But he is actually acting in an agency way as well in the context of the point of order you raise. So yes, I will give this further consideration.

Mr Davis — Further to the point of order, for clarification, in the sense of agency he could come back and say, 'I'm unable to find a document' or 'A minister won't provide it'. He could easily do that. I think this is actually not the same as FOI. This is actually the documents the chamber is seeking from government.

The PRESIDENT — That is valid.

Mr Davis — My second point of order concerns the long period of time that has elapsed here — the enormous period in which the government has had an opportunity. The Leader of the Government might want to provide some explanation to the chamber as to what is going on there. February 2016 to November 2017 is frankly treating the house with contempt, in my humble view.

The PRESIDENT — As the member would be aware, that is not a point of order. Nonetheless the point is well made. I must say that I do have some concern about receiving a letter suggesting that further time is needed at this point in response to a matter that was requested so long ago by the house. There must be significant matters that the Attorney-General and the appropriate authorities are dealing with, but the house is right to have some interest in why the matter has taken so long to progress. But clearly that was not a point of order.

Mr Davis — On a third point of order, President, there are a number of those —

Mr Jennings interjected.

Mr Davis — There is a serious matter here. There are documents that are in the public domain that the government has released through other mechanisms that could have been provided pursuant to this, and I would argue that requesting further time where a document has already been put in the public domain is contemptuous of the house.

Mr Gepp interjected.

The PRESIDENT — Mr Gepp has read his standing orders. That got closer to a point of order than the previous one, but nonetheless I am not sure that it stands up entirely as a point of order. Mr Davis, obviously there are other mechanisms of the house to pursue that point which you may wish to avail yourself of.

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

MINISTERS STATEMENTS

Diamond Creek Men's Shed

Ms MIKAKOS (Minister for Families and Children) (09:45) — I rise to update the house on the recent opening of the new 144-square-metre workshop at the Diamond Creek Men's Shed. Last Wednesday I had the pleasure of joining the Premier and local Assembly members Danielle Green and Vicki Ward at the official opening of the new shed space at the Diamond Creek Men's Shed. I am delighted that the Andrews Labor government was able to provide \$60 000 from its 2016–17 men's shed program to contribute to the construction of the Diamond Creek Men's Shed's inclusive and accessible workshop. This funding has seen the construction of the new main workshop, entry ramp, gates, internal fit-out and a three-phase power upgrade. It will allow the 85 members of the Diamond Creek Men's Shed to continue to grow and to support the broader community.

Men's sheds like that at Diamond Creek are an important community space for men to build new friendships and skills and to participate in exciting new activities that enable participants to connect with learning and employment opportunities. I am delighted to note that this shed is working with Araluen day care services to engage with men with disability through woodwork programs and other activities. The Diamond Creek Men's Shed has also worked closely with the ladder safety project to develop the Keeping Men Grounded initiative. This project, supported by \$20 000 from our government, is training shed members on how to use ladders safely. Both are wonderful examples of how men's sheds benefit not only regular shedders but also the wider local community.

The Andrews Labor government is proud to support the Diamond Creek Men's Shed and men's sheds right across Victoria, because we understand that men's sheds are more than just buildings; they are

enablers of stronger and more resilient communities. The previous Labor government provided the first state government funding to men's sheds in 2006. There are now more than 370 sheds across Victoria and around 15 000 men attend a shed in Victoria every day. Since coming to government, we have provided 70 men's sheds with grants for new buildings and refurbishments. As the Premier said last week, men's sheds do transform the lives of men and their communities, and we are proud to help the Diamond Creek Men's Shed and other sheds across the state grow even further.

A. A. Dunstan Stadium, Donald

Ms PULFORD (Minister for Regional Development) (09:47) — I would like to update the house on a significant project that our government is supporting in Donald. Last Friday evening I announced the approval of \$1.1 million of funding for a community-driven redevelopment project at Donald's major sports and recreation complex, the A. A. Dunstan Stadium. The community was having the Muddy Duck Warrior community fundraising event as part of local fundraising efforts to raise \$250 000 towards the project. It was a stunning November evening and there were people of all ages running around a muddy path, slipping and sliding and having a magnificent time in support of this great project.

Donald has suffered through droughts and floods in recent years and the stadium has remained a focal point for the tight-knit town. Of a community of 1700 people, more than 600 use the facility each week. The project will transform these ageing facilities — that are the same age as I am — into a vibrant, multipurpose community facility that will serve Donald well into the future.

The project includes an integrated community hub with facilities for indoor and outdoor sports and the potential for hosting private functions as well as community events. There will be replaced internal walls and flooring, new basketball and netball courts, cricket practice nets, upgraded female and disabled toilets, space for the development of a community gym, a community meeting room and refurbishments to the function room. It will benefit more than 30 groups, including sporting clubs, scouts, guides, tourism groups, a men's shed, fishing, the pastoral and agricultural society and the local arts community. Over the construction phase the project will inject \$2.85 million into the local economy and support the creation of 11 jobs as well.

Also of note is that when we were consulting drought-affected communities about the projects of greatest importance to them, this is the project that smashed the survey, with close to 6000 people identifying this as the initiative of greatest need in the region.

MEMBERS STATEMENTS

Agriculture sector

Mr RAMSAY (Western Victoria) (09:50) — If the United Nations has got it right, the world's 7.6 billion population will grow to 10 billion by mid this century. By 2100 it could reach 16 billion, and that is a lot of people. They will need a lot of water, food, clothing and shelter. As such, Victoria's agriculture sector is under pressure. In essence we need to do more with less. There is pressure on available farmland from urban sprawl and decentralisation. The right to farm needs to be protected. We need greater agricultural productivity, greater knowledge and institutions to develop the skilled workforce that can handle the increased production.

We will need more reliable power, complemented with renewables. We will need more water or to find a way to do more with less. Maybe we need more dams and a better understanding of who is using water and how and who is paying for it. We need to protect the environment. Weed, vermin and feral animal controls need to be improved to avoid the billions of dollars spent dealing with them and spent in lost production. We need to look at our bushfire management. We need to question the standard of communication services.

To meet the growth demands we need to query the role rural councils can play. The planning flying squads should return. It is time to look at our policies around farm forestry and a reinvestment in Landcare. We need less red tape in the food chain bureaucracy to speed up product invention and movement to market. We need more investment in infrastructure to get product to the world.

Sydney has overtaken Melbourne as Australia's busiest container port, an ominous sign for a state that needs to do more, not less. Shrinkage of agricultural jobs and trade is not an option. Victoria needs to be ready for our future. Under this government we will be chasing change, not creating it, and certainly not leading the way.

Ethiopian Women's Alliance in Victoria

Ms HARTLAND (Western Metropolitan)

(09:51) — On Saturday night I had the joy of attending the first anniversary party of the Ethiopian Women's Alliance in Victoria. There were 200 women in the hall. It was one of those great nights of music and food, but it also had a very serious message about what they could do to help their young people in terms of mental illness. Patrick McGorry was there, and he gave an extremely good talk about the prevalence of mental health issues, especially in first-generation families where parents have been refugees. It really spelled out to me the kind of money that we need to be spending on places like Headspace, where young people can feel that they can just walk in, see someone and know that these people can be trusted. That was the message that was communicated very clearly to the women on Saturday night, because they are also struggling with how to deal with their young people. Amongst the joy of the event there was a very serious issue, but I really commend them for the work they did to bring together so many people to talk about these very serious issues.

Western suburbs roads

Mr MELHEM (Western Metropolitan) (09:53) — I had the pleasure yesterday of attending an event with Premier Daniel Andrews and the Honourable Luke Donnellan, the Minister for Roads and Road Safety, when VicRoads announced Netflow as the preferred bidder to transform the west's arterial road network with upgrades to eight key roads. Melbourne's west has grown faster than ever before, and this project will transform the road network to support these growing communities.

Netflow will keep jobs and investment in the west by employing over 1200 local workers for the project. More than 1000 of these jobs will be for the major upgrades component of the project, spanning the next four years. A further 200 workers will be employed for the ongoing maintenance component of the project. Netflow has committed to employing priority jobseekers for 10 per cent of its overall workforce to include former automotive workers, culturally and linguistically diverse persons, disadvantaged youth and Indigenous people. Ten per cent of the Netflow workforce will also be made up of trainees, apprentices and engineering cadets.

Netflow has also committed to and will exceed the state's local content requirements, committing to 96 per cent local content by using local firms, local materials and local skills. It will also use more than 93 per cent local steel, creating jobs across the supply chain in the

western metropolitan area. It will also provide further opportunity for apprentices as they enter a venture with Victoria University to make sure apprentices get given the opportunity to be on these jobs. This project is due to be completed by 2021. I take the opportunity to congratulate the Premier and Minister Donnellan on this great work and this announcement for the west.

Port of Melbourne

Ms FITZHERBERT (Southern Metropolitan)

(09:54) — New data shows that in the last financial year Port Botany in Sydney has overtaken Melbourne as Australia's busiest port, which is a very, very significant development. It is going to have an impact on the Victorian economy and also on the local economy in Port Melbourne, which relies heavily on business that comes from the port. This information is referred to in a report from the Australian Competition and Consumer Commission that identifies constraints at the port of Melbourne as the reason for this.

The biggest ship to visit Australia visited the port of Brisbane, and it would not have fitted up the Yarra to Swanson Dock and may not have fitted under the West Gate Bridge. The industry body, Shipping Australia, has said that:

With only one terminal able to take the larger ships —

and that is that at Webb Dock in Melbourne —

Melbourne is already the limiting factor for the size of ships coming to Australia's east coast ports and is preventing Australians benefiting from the efficiencies of larger ship operations.

In recent years of course the Andrews government's major interest in the port has been how much it could sell it for. Daniel Andrews and the ALP talked about the port facilities and capacity before the election but have neglected it since. We are now starting to see the effect of this neglect.

The other local impact from the port that particularly concerns locals at the moment is truck movements. There is evidence that trucks are continuing to breach the curfew that is in place. It is unclear how this is to be policed and what the penalties will be. These are urgent issues that must be addressed by the government immediately.

Remembrance Day

Ms PENNICUIK (Southern Metropolitan)

(09:56) — On Saturday, 11 November, I attended the Remembrance Day service at Caulfield RSL, which is also the New Zealand sub-branch, as I always do.

Georgie Crozier and David Southwick, the member for Caulfield in the Assembly, also attended, as they usually do as well. As the President mentioned yesterday, 2017 marks the 99th year since the Armistice when, as they say, the guns fell silent on the Western Front, ending four years of carnage and misery for millions of ordinary people — civilians and military personnel — caused largely by the arrogance, vanity, stupidity and stubbornness of European leaders. It is important that we never forget the suffering of millions of people and the underlying causes as we see similar scenarios playing out today.

In his address, the president of the Caulfield RSL, Mr Colin Bradley, mentioned the suffering of millions of animals during the First World War. More than 16 million animals so-called 'served' in the First World War. These included horses, donkeys, mules, camels, dogs, pigeons, canaries, cats and other animals. Many animals were also kept as mascots by the troops. Horses played a pivotal role in transporting troops and hauling supplies, equipment and ammunition, including in battles. More than 136 000 horses were sent with Australian troops to the First World War, and only one, Sandy, returned home at the end of the war. The documentary on Beersheba brought this tragedy home to all Australians, with the terrible scenes of soldiers having to shoot their own horses. None of them returned to Australia except, as I said, one — Sandy.

Ellyse Perry

Mr LEANE (Eastern Metropolitan) (09:58) — A few days ago at North Sydney Oval an Australian cricketer, Ellyse Perry, in an Ashes test match scored over 200 runs —

Mr Gepp — 213.

Mr LEANE — Yes. It was quite a unique 200 in that when she was on 194 she smashed the ball over mid wicket. By all accounts it looked like it was a six. There was a good crowd at North Sydney Oval, which was fantastic. They all went crazy, she had a great celebration and then the video showed it was only a four. Very shortly after, she played a fantastic straight drive for four and there was a more subdued celebration, but it was an amazing effort from an all-rounder. She would have to be the best cricketer that Australia has at the moment. On top of that, at the end of the day after such a great effort and such a great physical effort, she spent a lot of time doing selfies and giving autographs to young girls in particular to spur them on to getting involved in her sport, which she loves. Ellyse is a great advocate for Australian sport and a great advocate for Australian cricket.

Remembrance Day

Mr O'DONOHUE (Eastern Victoria) (09:59) — Like other members, I would also like to acknowledge Remembrance Day last weekend. Originally called Armistice Day, Remembrance Day commemorates the end of hostilities in World War I with the signing of the armistice, which occurred on 11 November 1918 — the 11th hour, the 11th day, the 11th month. Armistice Day was observed by the Allies as a way of remembering those who died, especially soldiers with no known grave.

I was pleased to join Mr Merlino, the Deputy Premier, and Mr Broadbent, the federal member for McMillan, at Pakenham on Remembrance Day, and I would like to acknowledge Gary Elliott, president of the Pakenham RSL, and his team. They do an absolutely fantastic job in all the work they do for the community and all the work they do in helping the veterans community in Pakenham and the surrounding area. They have constructed a rock tribute to the various battles, wars and peacekeeping efforts that Australians have been involved in over the decades, including in World War I and World War II, Vietnam, Afghanistan, East Timor, the Solomons and other peacekeeping initiatives. It is a great tribute to all those who have served and helped our country. We are lucky to live in a democracy and we are lucky to have had such wonderful people. I congratulate Gary and his team. It was an absolute privilege to be part of the events on the 11th.

Remembrance Day

Mr ELASMAR (Northern Metropolitan) (10:01) — On Saturday, 4 November, I attended the Australia Lebanon Chamber of Commerce and Industry's annual event held in Melbourne. The theme of the evening occasion was 'Making a difference'. This organisation is now in its sixth year of successful operation. The event was a productive gathering of financial leaders in Victoria intent on making an economic difference for Victorians. There were several state and federal parliamentary colleagues present — even Mrs Peulich was there — and it was a wonderful evening which provided opportunities for all of us to speak meaningfully about economic ventures that will ultimately benefit all Australians in Victoria.

World Family Doctor Day

Mr ELASMAR — On another matter, it was my great pleasure to address a gathering of people on Sunday, 12 November, who were celebrating World Family Doctor Day. This is a rather unique event that has been celebrated globally for the last seven years. A

Sunday mass was held at St Mary's church in Thornbury to highlight the role of family doctors within the healthcare system. It was an enjoyable event that showed deep appreciation and due recognition of all general practitioners whose daily efforts help to keep everyday people alive and well.

Remembrance Day

Mrs PEULICH (South Eastern Metropolitan) (10:02) — I, too, wish to thank all of the local communities in the nation who rally around the important occasion of the 11th hour of the 11th day — that is, Remembrance Day. This is one of the most sacred days on the Australian calendar. It is a time when we gather to remember the sacrifices of our fallen service men and women, those who paid the ultimate price so that we could have the freedom we have today and our way of life.

In particular I would like to thank Cheltenham RSL, which I had the pleasure of attending, for the outstanding memorial garden they have built around their monuments. It was a great day. I would like to thank all of those representatives at other RSL services, including Paul Peulich at the Dingley service, Savo Peulich at the Chelsea service, Ann-Marie Hermans, the Liberal candidate for Cranbourne, at the Cranbourne service, Cr Susan Serey, Liberal candidate for Narre Warren South, at the Berwick service and many others right around the region.

Westall Community Hub

Mrs PEULICH — In addition, it was a pleasure to attend the opening of the Westall hub. Back in 2014 the then minister, Wendy Lovell, had the honour of announcing and launching the state government's commitment to its building, supported by the Kingston council. At the time I was delighted that my son was the mayor and was able to participate in the support of this great concept which emerged out of an all-party parliamentary inquiry chaired by former member Geoff Leigh back in 1994, which involved the co-location of services to provide better access to our communities. It was great, but it was unfortunate that the current minister did not acknowledge the support of the former government and its contribution to this great concept.

Australian marriage law postal survey

Mr GEPP (Northern Victoria) (10:04) — I am pleased to be able to advise that it has just come through on social media that the yes vote appears to have gotten up in the marriage equality debate —

61.6 per cent, I understand, but I stand to be corrected on that.

Remembrance Day

Mr GEPP — This Remembrance Day I attended Mactier Park in Tatura. I was there to remember not just the fallen but also those left behind and to attend the opening of the new World War I plaque commemorating those who served. Descendants of World War I veterans Freddo McMahon and Andrew Crawford gave great speeches and unveiled the plaque. Particularly striking was how the memorial was coloured by some 4322 poppies, all handmade. This was done through a great community effort. I will not mention every group that participated because there are far too many and I would leave some out.

However, I do want to highlight one group in particular that did a mountain of work and put it all together, particularly the chair of the poppy committee, Leonie Wilson. She, along with three other women, Tania Thomas, Barbara Burr and Jan Mirtschin, formed the committee and encouraged the local community to make contributions to the poppy wall. These four women are all breast cancer survivors, and that was the thing that drew them together — the fact that they are breast cancer survivors. This was a positive initiative that they undertook on behalf of the community. They received great support in their efforts from McGrath Foundation breast care nurse Michelle Parish. I thank all of the people of Tatura and the surrounding districts and the committee, particularly Leonie, for their dedication to their community.

Australian marriage law postal survey

Mr DAVIS (Southern Metropolitan) (10:06) — I and many in this chamber are very pleased with the result of the postal survey that has just come in, with 61.6 per cent of Australians voting yes. Some 133 of 150 seats nationally have indicated that they support the concept of same-sex marriage; 12.72 million Victorians voted, a 79.5 per cent participation rate. I say two things here: for those who did not want to vote, I understand why they might not want to vote, but a vote has been held. For democrats, and I am an unashamed democrat, this is a powerful result for the Australian people. It is the Australian people speaking, and the community needs to understand that this is a vote that is important for our community.

Perhaps historically we will look back and say it is important that this vote in fact was held. To those who say that because participation was not compulsory for this plebiscite — and that is in fact what it is — I say

that the World War I conscription plebiscite was not compulsory either, and who would say that the result not to compel people to go to war by the Australian people was not a valid vote? This is a valid vote, and I urge all federal parliamentarians to pay heed to this. That does not mean that religious foibles and sensibilities ought to be ridden roughshod over. We are a democracy; it is not winner takes all. But this is an important principle, and I think all Victorians can be proud.

OUTintheOPEN Festival

Ms LOVELL (Northern Victoria) (10:08) — It gave me great pleasure to attend and open the recent OUTintheOPEN carnival day held at the Queens Gardens in Shepparton. The day is part of a weekend-long festival that promotes and celebrates ethnic, cultural and gender diversity in the City of Greater Shepparton in order to build a more inclusive community for all. A large crowd gathered to enjoy over 50 market stalls and food vendors as well as live entertainers and children's attractions in a safe and family-friendly environment. I was proud to open the carnival. What a great day it was and how well it was attended.

It is quite appropriate that I rise to speak about the OUTintheOPEN Festival on the day that the results of the same-sex marriage survey are released. It may be possible that at next year's OUTintheOPEN Festival we will host a same-sex marriage ceremony. This festival continues to go from strength to strength and has become an important event on the Greater Shepparton calendar. I congratulate the organisers and sponsors of the festival and look forward to attending next year's event at the Queens Gardens.

Australian marriage law postal survey

Ms LOVELL — I would also like to acknowledge the result of the same-sex marriage survey, with 133 out of 150 federal electorates voting yes. I think that is a resounding endorsement that the Australian people believe that all people should have equality when it comes to marriage and be able to sanction their relationships; 79.5 per cent of Australians, or 12 720 920, returned their surveys, and 61.6 per cent of those people voted yes. This is an outstanding result for our same-sex community, and I congratulate them and look forward to seeing many of them formalising their relationships.

GLEN EIRA PLANNING SCHEME AMENDMENT

Mr DAVIS (Southern Metropolitan) (10:10) — I move:

That, in relation to amendment C170 to the Glen Eira planning scheme which relates to Ormond railway station, this house —

- (1) notes planning scheme amendment C170 was tabled 17 October 2017; and
- (2) pursuant to section 38(2) of the Planning and Environment Act 1987 revokes amendment C170.

This is an important revocation motion that I bring to the chamber today with the support of my colleagues and an understanding that Melbourne does face significant challenges going forward. The amendment is a concerning amendment. It is the Minister for Planning again taking power from the community. He is making a habit of this, and the way that he is doing this — the high-handed, arrogant approach that he is adopting, whether it be to rail projects or to other projects around the state — is a concern.

This is on public land. This is land over the Ormond railway station. I will say something about transport-orientated development in a minute, but it is a development opportunity and I do not oppose the concept of development in that way. I make the point here with amendment C170 that there are issues of process and there are issues of substance, and on both of these the opposition has serious concerns.

I start with the background here. The Ormond level crossing was funded by the previous coalition government in the 2014–15 state budget. It was a level crossing removal with a rail-under-road solution that is supported by the whole community and supported, as far as I know, by everyone on every side of politics. I have actually not heard someone oppose the mechanism of rail crossing removal that has been employed on those first three crossings on the Frankston line. As I say, we funded this particular crossing in Ormond in government and the current government completed the process, and that is supported by everyone.

I make the point, though, that the idea that you would use airspace over a rail corridor for land for a whole range of purposes is a perfectly sensible proposal. I support transport-orientated development, but that does not mean any height, any shape, any way, any process. What it means is a sensible process that involves council, involves community, actually has genuine input and actually enables us as a community to

develop transport-orientated development proposals to a high standard. That means they need to mesh with their local community. It means that the setbacks need to be right, the interface needs to be right and there need to be net additions to public open space when you build density of this type, and it means that you need to ensure that the process by which you arrive at that is the right one.

In this case the government has used the wrong process. I have told the story in this chamber and elsewhere before of a local person looking out on their backyard from their premises and noticing the construction of a massive concrete pad, something that no-one knew was going to be constructed there. In fact the council was unaware of it at that point. So you have actually got the government putting the cart, or in this case the concrete pad, before the horse. If they are going to do this transport-orientated development, they need to make the community consultations up-front before the level crossing process starts and actually get on and do that in a way that has community support. I have no doubt that the community would have given input into what would have been the best shape and the best distances that are involved here.

Let us be quite clear. This is just to the north of North Road and it is the shopping hub that is Ormond. It is a suburb of Melbourne. It is a quieter suburb. It is a suburb where people enjoy their community, enjoy the shops and enjoy the amenity of the area. The idea that you would put a 13-storey tower there without any measure of community consent or agreement is, I think, unfair and wrong. The government has not understood that its push forward here is a significant issue for the community.

I know many in the local community are concerned. They have contacted my office. They have contacted the office of Ms Crozier. They have contacted the office of David Southwick in the Assembly. They have contacted the office of Margaret Fitzherbert and I dare say many others. I do not hear noise from Assembly member Mr Staikos in the Assembly to the south, and I do not hear Mr Dalidakis standing up for the community either. The point here is that this is an issue of genuine community concern. Our candidate for Bentleigh Asher Judah has had quite a bit to say on this on behalf of the community he seeks to represent.

Let me be very clear here. This is a case where the community has spoken. I think the council was weak in the first instance in that it did not put the case for the community more forcefully. I am critical of Glen Eira council, and I will have more to say about that in a moment. But Glen Eira council eventually did put a

proposal and a submission to the panel that the government brought in belatedly to deal with this, and there is a special stripped-down panel approach that has occurred with this. A special panel has been assembled to deal with these sorts of transport projects. This is not the normal process. It is a stripped-down, tick-and-flick, fast-track process. I do not mind things going more quickly as long as the steps are actually followed and the inputs are actually provided. In this case it was not a satisfactory process.

I have read the panel report. I disagree with much of it. I note that they modified the original proposals. I note that there are lower heights on the north side of the project area. But I still think the outcome is not satisfactory for the community. On the south side of the project area — that is, immediately to the north of North Road — planning approval is being given for a massive 13-storey tower. That planning approval, in my view, is discordant with the area. It is not suitably meshed with the local community. It does not have community support. I actually believe it does not have council support either, although I note that the Labor mayor has been out shillyshallying around this. I think that is unfortunate. I think she should step forward and actually represent her community rather than a party-political interest in this case. The community should come first in particular matter.

We have an issue of outcome here. The outcome is not the right outcome. The process was not the right process. The building of the pad before discussion with the community was completely wrong, and the stripped-down process was not a satisfactory way forward.

I also make the point that this is part of the government's level crossing removal project, and that project — the concept of level crossing removals — is supported widely across our community. The mode of crossing removal is contentious in other locations but not in this location. The point I would make about the level crossing removal project is that the government is in all sorts of financial trouble with that project. The funding has blown out, and we know that the four-year funding contributions have not been laid out in a budgetary sense in the way they ought to have been. The Public Accounts and Estimates Committee has had quite a bit to say about that in the recent period.

We know that the government is trying now through value capture to do a quick catch-up — a desperate catch-up. There is no reason for not doing value capture on this, but again it has to be within bounds. There is no reason why the government cannot successfully capture some of the value and actually use it for projects. But

that should not be the primary objective. The primary objective should be to get a good planning outcome for the local community — a good planning outcome in this case for Ormond. It ought not be about ensuring that the government screws the maximum yield out of the site so that it can finance its problems with level crossing funding elsewhere around the metropolitan area. That is frankly what is going on around here: the government is looking desperately at value capture. We have seen at Burke Road, where the coalition also funded that level crossing, that the government, after the level crossing was finished, has used a value capture mode, has rezoned land, has put planning approvals on top of that land and is now going for high density and high rise on that location.

I actually do not mind some significant density on that location near Gardiner station in that case, but again it has got to mesh with the local community and there has got to be a proper process. It ought not be driven by value capture alone. It ought not be driven by the need for the government to get money to pay for a level crossing project that is financially troubled because of their mismanagement and because of their haste. It is important to add too that in respect of the level crossing project the auditor warned the government directly that they should not proceed until they had done a proper business case. They proceeded. In fact the auditor used the word 'risky'. Now we are seeing a level crossing project that is facing significant financial challenges — financial challenges that have been brought on by the government's own haste and failure to put in place an early business plan. A backfill business plan has now appeared. It is shallow. It is not sufficient, in my view, but one has appeared now. The horse in some respects has bolted.

There is no reason why people in Ormond ought to pay the price for the government's financial mismanagement. There is no reason why people in Ormond should be screwed over, as it were, by the government's decision to maximise yields at this crossing site for its own financial benefit.

I hasten to add here that the government has provided a concession, a legitimate concession, to a property developer, and I have no difficulty with that. I have no difficulty with the firm, DealCorp, that has been provided with that. Indeed they have indicated to me that they wanted an earlier and deeper consultation process rather than the very late and inadequate consultation process that has occurred. So I make it clear that I have no concern about that firm. My concern is with the government and the government's process in relation to prized government land that ought to be about community building and providing some

development on the site and ought to provide some value capture, but that ought not be the primary objective. The primary objective ought to be to develop that community asset for the benefit of the community, making some value capture on the way through. That is the way this should be structured. If the government had a better process, they would have got a better outcome.

I hasten to add here that the council did put in submissions, and I know many community people did too. I am not proposing to work through each and every community submission — that would take a considerable period of time — and the feedback that has been provided. It is sufficient to say that there is not broad community support for this current proposal. There is broad community support for the level crossing removal. There is broad support for some development on the site but not for this proposal and not for the way in which this proposal was conducted. So we have a democratic deficit that has operated here. The government is pushing through because of its urgency with level crossings and its urgency to capture money to fund a troubled level crossing project.

I also say here that many in the property industry are unhappy that I am moving this revocation motion today. I put squarely on the public record that it is my job as shadow Minister for Planning and it is our job in this chamber to stand up for the community first. I make no apology for standing up for the community and my electorate and for the Victorian community's outcome first and foremost. I have had conversations with Sally Capp at the Property Council of Victoria. I have heard her message, but I say the property council has misunderstood what has gone on here. If you want a secure way forward for value capture, if you want a secure way forward for more dense development in transport-orientated development, you actually need to have a proper process. A ramshackle process where you ride roughshod over the community will not deliver certainty or predictability for anyone — not for councils and not for communities or for property interests either.

We need those proper processes, and we need fair processes. The community need to be properly involved from an early stage, not hooked in after you have already built the huge concrete pad that will carry, I am informed, a 20-storey tower. You built that arguably without planning approval and without a proper permit. Imagine what would happen to any of us walking down Bourke Street today if we were to build a large concrete construction on a property without proper permits? The government would throw the book at us. The government said you should throw the book at the Corkman hotel people who acted outside the law.

Well, here is the minister responsible giving planning approval for a project, but what approval is the pad built with? I have read the planning amendments that relate to the rail corridor. They do not have planning approval for transport-orientated development.

I notice, concerningly, that in a number of the new planning approvals for transport-orientated development or for rail corridor development and level crossing removals there is a new phrase that seems to appear — ‘to do preliminary works and footings’ — for transport-orientated development. This is a blanket approval provided by government for the development of concrete footings and foundations for transport-orientated development. I understand why the government might want to do it at the time of the project, but you do not spring it on the community. You do not come to the community and say, ‘Oh, by the way, we’d like a tower over here, and we have already built the foundations and the footings. All we want to do is put the tower on top of the footings’. Really? You have spent huge amounts of money and resources on building the footings.

Amendment GC37 on the sky rail corridor has such a clause in it which provides blanket approval for foundations and footings. That is not the way it should be operating. The community ought to have some say in what goes in that rail corridor in their community, not the minister alone being able to ride roughshod, build the foundation first and then come back and seek approval for the tower after they have built the foundations and poured the concrete. That again is putting the concrete before the horse, as it were, rather than the cart before the horse.

I think I have made my point. This is a bad process. It is a bad outcome, and the community wants a better outcome. The revocation will force the government to go back and redo this. No doubt the concrete pad has already been built. No doubt there will be development on that site, but it should be more sensible. I would say to the government: look to what the council submitted in its submissions as a reasonable guide for where to go. That is in one sense the community speaking. But also listen to the actual community and residents. There are heritage properties on one side, on the west side of the rail corridor there in Ormond, and I do not think the government has taken full account of what is required there.

This is also part of the government’s push for greater density and greater usage of our transport corridor. We agree with greater usage of our transport corridors, we agree with more public transport, but we do not agree with forced densification, and that is the government’s

objective. It is forced densification. Mr Wynne, the Premier and Infrastructure Victoria have made it very clear they intend to target areas of Melbourne for forced densification. The early draft of Infrastructure Victoria’s 30-year plan let the cat out of the bag. They said that special measures might be needed to do this, and that is code for, ‘We’re going to roll over communities, pressure the communities and do it without the support of local communities’. I think that this is something the government is going to have to rethink.

We support the development of projects that utilise the rail corridor. We support transport-orientated development. We support doing level crossing removals with the opportunity to do associated development, but it has to be done with council involvement, it has to be done with community support and it has to be done with a proper process. A proper process will, contrary to the Property Council of Australia view, provide much greater certainty and much greater predictability. If you want to elicit community reaction, what you do is you go and build a dirty concrete pad without telling anyone and then you wonder why the community becomes angry and agitated. I mean, honestly, what are they thinking? And what are they thinking with the idea of 13 storeys in suburban Ormond?

Mr Southwick is a great representative for that area. He and those who know that area understand that 13 storeys is not the outcome that the community wants on this. So the government will have to go back. I have used planning revocations sparingly and others have used them sparingly, because we understand that they are a significant impact on the process. They are also very much part of the Planning and Environment Act 1987. The idea that just because the minister has granted a planning permit the rest of the planning process as outlined in the Planning and Environment Act — the required gazettal, the required tabling and the 10 days that elapse after the tabling — would be somehow just waved aside by the government because it suits some property interests is wrong, and we do not intend that to happen.

We intend to proceed with this revocation. We hope the government listens to the community. We hope the government listens to the chamber. I urge honourable members to support this revocation. I think that will send a significant message to government to improve their processes more broadly, and I think it will actually lead to a better outcome in Glen Eira in Ormond — a community that deserves our support.

Mr LEANE (Eastern Metropolitan) (10:31) — This motion from Mr Davis really poses a question about what the Liberal Party stands for and what Mr Davis actually stands for. There has been a question mark on that in recent times. The inconsistency is just actually mind-blowing as far as the four years when their current leader was the Minister for Planning. The skyline was up for sale. Buildings over 100 storeys were free game. It was just amazing. At the time when the Leader of the Opposition was planning minister he approved a 31-storey building at a train station.

Today we have Mr Davis coming in and looking to stop a project that is 13 storeys, that encompasses affordable housing and that encompasses housing in the inner ring of Melbourne — which, considering the fantastic public transport that people enjoy in inner-city Melbourne, should be a policy, I would have thought, that all parties in this chamber, including the Greens party, would embrace. The 13-storey building will encompass commercial offices and it will encompass a supermarket, which will also mean ongoing future jobs, particularly for young people, uni students, who work their way through uni with those particular jobs — local jobs, ongoing jobs — and jobs during the construction stage obviously. As I said, affordable housing and other housing is in demand. We are talking about a six-lane road. This is a project where people that live in the project will be able to leave their apartment and go directly down to catch a train to link into the heavy rail network and a project which will have a great bus service on North Road.

It is really hard to fathom what the Liberal Party stands for anymore. It is hard to fathom what Mr Davis stands for. I think he just stands for opposition for opposition's sake. It is hard to understand now. To criticise the planning process — and I will go through in a minute what the planning process was — is just mind-blowing. It seems that you could get planning approval by sitting at someone's kitchen table in Ventnor in a previous government. That was okay. You can get all sorts of commitments on certain facilities if you are prepared to serve up some lobster and Grange. Those opposite have no qualms about that. Then when that is exposed it is actually defended as a way of doing business. We find this mind-blowing.

A process has been gone through. This is a dangerous precedent, and a number of important players have put that on the record. For Mr Davis it is opposition for opposition's sake. His own party cannot control him. He probably likes the title of maverick; he probably enjoys that. He goes off on a frolic because it is opposition for opposition's sake as far as Mr Davis is concerned. But the precedent he is creating today is a

precedent that will definitely result in a complete loss of confidence in the whole property development industry. Developers go through a process, which I will outline later, and then on a frolic, Mr Davis, with his opposition for opposition's sake, can come in here and completely undo that process — completely torpedo all those ongoing jobs and completely torpedo the opportunity for people to live closer to the CBD. That this is why I find it strange that the Greens party is supporting this. This is an opportunity to not own a car and to be able to, as I said, get out of an elevator and step straight onto a train or step onto the road and into a fantastic established bus network. You would have thought that would be supported. You would have also thought that as there is a need for housing in Melbourne, it would have been supported.

Mr Davis tries to make out that a process was just waved through, but that is completely not the case. Let us go through the steps. Amendment C170 to the Glen Eira planning scheme facilitated a great development opportunity at Ormond railway station. As Mr Davis said, this was an opportunity that came as a result of the removal of a level crossing. One thing that I find completely disingenuous is Mr Davis saying in his contribution that he and his party supports the level crossing removal program. That is completely false. A proposal was developed by VicTrack as part of its release of new opportunities, particularly as a result of the level crossing removal program. There were new opportunities for people to have somewhere to live, which as I said, are close to the CBD, where a lot of people work. That proposal was developed by VicTrack. The developer developed that with the Level Crossing Removal Authority. Then the amendment was approved. Those are the steps it went through. An independent advisory committee was asked to provide expert advice to the Minister for Planning on the appropriate level of development at the site. As I said, it is 13 storeys, not 31, which is what the previous government approved at another train station.

The independent and expert advisory committee was established by the Minister for Planning to assess the integrated development at stations around the new transport projects. The committee took submissions and held public hearings. The committee then presented the report to the minister and strongly recommended the amendment be approved. A process was gone through, which included public hearings. In its report the committee considered that the site was an excellent location for a landmark mixed-use building, which would act as an anchor for the Ormond activity centre. As I said, we are not just talking housing. This involves commercial enterprises that will create ongoing jobs and service the community. It was seen as a

well-balanced, well-considered development proposal that was backed by the independent experts. It is not as if the planning minister sat down at a table in Ventnor and at the urging of some like-minded spirits decided that this process should go ahead; it is not like that at all. A process was gone through before this planning approval went ahead.

The problem that Mr Davis has is that in his zeal to oppose anything for opposition's sake he has created a crisis of confidence in the whole property development sector. If he comes in and says that he opposes this, and he finds some allies in his opposition, he ruins the confidence of the whole sector. It is amazing.

You do not have to look far. Sally Capp from the Property Council of Australia is quoted as saying:

This is not a political game.

She has probably nailed it when it comes to Mr Davis. Everything is just a political game for him. Damn the consequences — they do not matter. Sally Capp said, 'This is not a political game'. She went on:

We are disappointed, concerned and frustrated. One of the main things that really drives affordability and supply of housing is planning certainty and these motions against Ormond station and —

one coming up soon —

Markham estate ... will throw everything up in the air.

The article says:

She said the project was a 'poster child' for urban property development 'at a time when we absolutely have to address more housing supply in the middle ring'.

I think she has again hit the nail on the head as far as saying that people should have some opportunity to be able to achieve and live in affordable housing close to great modes of public transport and also close to the CBD.

Getting back to Sally Capp's description of what this is all about, this is just a political game. I notice Mr Davis has woven the name of the Liberal candidate for Bentleigh into his narrative — surprise, surprise!

Mr Morris interjected.

Mr LEANE — Unfortunately the candidate for Bentleigh, Mr Judah, is actually quite inconsistent. I have got some quotes from him.

Mr Morris interjected.

Mr LEANE — You can shake your head and say, 'No', but these are quotes —

Mr Morris interjected.

Mr LEANE — I am wrong that these are quotes?

Mr Morris interjected.

Mr LEANE — I am just broadly wrong. Well, if I am wrong, what I am about to read out is wrong — because it comes from your candidate.

Honourable members interjecting.

Mr LEANE — This is what Mr Judah said when he supported 31 storeys at South Yarra, which the previous government approved.

Honourable members interjecting.

Mr LEANE — That's different.

Honourable members interjecting.

Mr LEANE — I am looking forward to Mr Dalidakis's contribution, because he knows personally what this will mean for the community. Rather than going around playing political games, Mr Dalidakis will be able to say firsthand what this project will deliver to the community.

People over there are all here today to 'Rah-rah-rah' about their candidate. It is all about their candidate today. Unfortunately it is not all about your candidate. It is about confidence in the development sector as well, it is about jobs and it is about people being able to live in the inner ring and be close to public transport.

An honourable member interjected.

Mr LEANE — You can keep yelling at me, but I am going to read this quote from him. It is from 29 October 2013. Asher Judah, candidate for Bentleigh, said:

We can't have a situation where there are deadlocks all around town where urban renewal is not taking place because councils don't want to work on achieving population targets'.

He said:

... the council wanted more developments like South Yarra's high-density Forrest Hill precinct.

So the council wanted more developments like South Yarra's high-density Forrest Hill precinct. We have had interjections like, 'Well, that was South Yarra he was talking about', but in this quote he goes further and says

there should be more developments. That was a 31-storey development.

An honourable member interjected.

Mr LEANE — No, wait; there's more. That was a 31-storey development, which he fully supported in the bodgie, to say the least, planning system that the previous government had. He was saying, 'No, that's fine — and actually there should be more of it'. Then when it comes to 13 storeys in Ormond it has become a political game, which has obviously been spearheaded in here today by Mr Davis.

Mr Judah said that the new guidelines for apartments would be a recipe for disaster. So he is concerned about any impediments to guidelines for apartments. This is a quote from the *Australian* of 1 September 2016:

Foreign investment taxes, surging land tax, incoming infrastructure charges, height restrictions in the CBD and apartment guidelines could be a recipe for disaster.

So he did not want any guidelines for apartments back then. He said that they were a recipe for disaster. I do not know what recipe he is talking about today, but before it was some sort of recipe for disaster. Now with a 13-storey joint-use building where there is a six-lane road, a train station at the bottom of it and buses right near it, I do not know what recipe that is for Mr Judah.

Getting back to Ms Capp's statement, they just think it is a political game. Sometimes when people play political games, they prove themselves to be just complete hypocrites, as Mr Davis and the opposition have proved. There were 100 storeys-plus. Planning approvals were all the rage with the previous government. With 13 storeys they play a political game which affects confidence in the property development industry, which affects jobs and which affects people's lives when they would like to live a bit closer to town. But, no, we cannot have that, because we want to play politics with the community, we want to play politics with people's lives and we want to play politics with the planning scheme — which was obviously proven in the unfortunate last term of government, which we all had to, unfortunately, endure. It was for a short time, I suppose; it was only four years. It was temporary but it was —

Honourable members interjecting.

Mr LEANE — It was a time when it was said, 'You want a 100-storey building? No worries — whatever you want'. Despite the process that this approval went through, despite all the steps, including the expert panel — despite all of that — Mr Davis says that there

was a problem with the process and the public involvement in the process. The Liberal candidate for Bentleigh —

Mr Morris — You're obsessed, aren't you?

Mr LEANE — I am only responding to your lead speaker's contribution, and that is the way debates work. That is how I understood it anyway, but maybe Mr Morris understands the better than I do the way procedures in this place should work. Mr Judah, the Liberal candidate for Bentleigh, has previously called for less public involvement in planning decisions — less public involvement in planning decisions! In the *Herald Sun* of 14 June 2015 he said, 'The community already has extensive involvement in the development of planning rules at a local and state level'. He actually was calling for less involvement. Now he is saying, through Mr Davis, that he has got a concern about the involvement in this particular project of 13, not 31, storeys — 13 storeys that include affordable housing and 13 storeys that allow you, when you come out of the lift or go down the stairs, to be at a train station. We find it just remarkable. Looking at an article today in the *Age*, there are some quotes that I just cannot understand and that make me ask what the Liberal Party actually stand for now. It is just amazing.

The concern I have with the Greens party position, if they are supporting this, is that their policy is, to my understanding — and they can correct me if I am wrong — that there should be more housing, their policy is that there should be more affordable housing and their policy is that if there is going to be dense housing, then it should be around areas that have good access to public transport. I do not think you can get any better access than this. I do not think there would be better access to public transport than the project that is being proposed.

Once again I am not too sure why the Greens party would support this particular motion. I would have thought that the Greens party are also pro-employment. I would have thought they are also pro-construction jobs. I understand that they have got a problem with development, but I would have hoped they are not completely anti-development, especially when it comes to housing. I understand they have got a bit of an anti-development bent amongst them, and I appreciate where they are coming from in certain instances, but I would have thought they would be putting themselves at odds with their own policy if they supported this particular motion. Getting back to the property council, there is a media release they put out today. The headline reads 'Property council warns planning

uncertainty risks housing and jobs'. That is everything that I have been saying. The release states:

The Property Council of Australia today warned against planning uncertainty and the risk it poses in undermining delivery of desperately needed housing located near jobs and transport hubs.

Faced with two revocation motions in the Victorian Parliament this week, the property council urges the Legislative Council to ensure planning certainty for much-needed higher density projects at transport hubs such as the Ormond tower over Ormond railway station and the Markham estate.

Both these developments have been the subject of extensive consultation and will provide accommodation, retail and commercial spaces — that means jobs and housing served by good transport connections.

Victorian executive director Sally Capp said the key to managing population growth in Melbourne and maintaining housing affordability is 'density done well' combined with planning certainty.

She went on to say:

It is acknowledged by all stakeholders that transport hubs and activity centres are prime positions for increased density to provide housing and jobs for our rapidly growing population.

I am not too sure if anyone has disagreed with her so far. I think it is impossible to. She continued:

Higher densities at transport hubs allows more people to purchase or rent housing with good access to amenities and services and mitigates against worsening congestion when people are forced to 'go out not up' and travel long distances to work.

It is a very good point. Not only could people aspire to live in these locations, but they could also aspire to not even own a car, which I would have thought would have been a Greens party aspiration as well. Maybe if they did own a car, instead of being a two, three or four-car family, they might decide just to be a one-car family, and that is probably a good thing as well. I do not know if we can argue with anything that Sally Capp says there. The article continues:

The property council acknowledges that good consultation creates better outcomes. 'We encourage all stakeholders to be actively engaged in the consultation for these significant projects. If we want to generate higher density in our existing suburbs, industry has an important role to play in explaining the benefits for everyone in the surrounding community', said Ms Capp.

'However, particularly once schemes have been approved, planning uncertainty increases risk and increases costs, directly impacting the provision of housing that is available to satisfy demand at affordable prices', said Ms Capp.

That is a point really well made. This uncertainty can affect housing prices and no doubt will affect housing

prices. Here we are with Mr Davis playing a political game without any concern for what the outcome of his political game could be. It is no wonder, given how reckless he has been, that people in his own party are jumping up and down. People at high levels are jumping up and down. But, as I said, obviously this is an opposition that has no discipline. The leader has no control over certain individuals. Who knows, it may be part of a run for a leadership position. I really do not understand, but when we have senior Liberal identities ringing up Matthew Guy expressing concern about how crazy and how reckless Mr Davis is being and Mr Davis just bats it off, you have to really wonder what sort of a team they are. Perhaps Mr Davis is a Smith man. Maybe he is with Smithy instead of Matty. Maybe he is right behind Smithy.

Mr Dalidakis — David Davis is a David Davis man.

Mr LEANE — Never a truer interjection has been spoken in this house, Mr Dalidakis. David Davis is a David Davis man. As I said at the start of my contribution, I no longer understand what he stands for. I used to think he stood for something. I remember the last time the Liberal Party were eating each other —

Ms Shing interjected.

Mr LEANE — The last time it was quite public that they were eating each other. Ted Baillieu was actually a decent man. He did not do a lot. Then at Liberal Party headquarters — and I am happy to be corrected — there were a couple of lads who created a website called 'He stands for nothing', and it was all about Ted Baillieu. They were chipping at their own leader internally, and it was probably a fair critique by those guys. Mr Baillieu was a decent person and, to his credit, I think he did a couple of very good things under his premiership, because he was a decent man and he wanted to do a couple of good things. He was probably pulled back by his colleagues, which is a bit unfair, because when you get pulled back and then you get accused of doing nothing, you get speared — and no-one ever knew why he got speared. It never came out why it was that he was speared.

The last time the Liberal Party ate each other they were accusing their leader of standing for nothing. Mr Guy had years of approving buildings of a hundred storeys. You could have a meeting with him at the kitchen table, and he would approve half of Phillip Island for development. He was approving everything, and now we have a 13-storey building which could not be closer to public transport anywhere — close to town, affordable housing, and people need housing in the

inner ring — and it is opposed. You have to ask yourself the question: what does Mr Guy stand for as well? With Mr Davis's and Smithy's moves I cannot see it being any better. I doubt it would be any better, but I suppose we will see in the coming weeks.

In wrapping up, as I said, this is amazing. The process was followed. The process was open. The experts were engaged. It could not be a better location as far as transport is concerned. It could not be a better location to service the existing community. Now, on a whim, Mr Davis is going to not only affect that project, which is a good project, but also affect the confidence of the whole development industry. This is madness. What is happening today is madness. Mr Guy needs to pull his maverick in. Mr Guy needs to get to David Davis before the vote today, muscle up and tell him to stop being so reckless just so that he can get his name in the paper or whatever it is he is after, because this is just crazy.

The rest of those in the chamber need to seriously consider what is going on today. The rest of those in the chamber need to vote this down, because the ramifications of this go far further than a political game for Mr Davis. It is jobs, it is investment and it is confidence in the Victorian economy. All of that is at risk today because Mr Davis wants to play a game. As government members, we will definitely be strongly opposing and voting against this motion, and we would encourage everyone, because of the ramifications I just outlined, to do the same.

Ms DUNN (Eastern Metropolitan) (11:02) — I rise to speak to the motion moved by Mr Davis. Let there be no doubt that the Greens support proper planning processes and transit-oriented development. However, we are insistent on the community's aspirations for their community. The Andrews government has ignored the views of the residents of Glen Eira. It has ignored the concerns of local traders in Ormond, and it has ignored the height limits set by the Glen Eira City Council and embedded in the Glen Eira planning scheme.

This planning scheme amendment is also absolute in its implications for the community. Amendment C170 provides no right to object to any of the planning developments. Hence if a major supermarket like Woolworths or Coles were to occupy the site, leading to a loss of business by local traders, neither the traders nor their customers would have any right to object. This would compromise the local character and the foundation of small and medium enterprises and would change the character of the Ormond station precinct forever.

The Minister for Public Transport was quoted in the *Age* today as having said that if the Greens were to support this motion, it would make a 'complete mockery of their own manifesto to see more Victorians using public transport'. Well, the Minister for Public Transport clearly needs to be informed on international best practice in transit-oriented development. By this standard, the design envisioned by the Andrews government is also exceptionally poor. It could only be considered transit oriented in that it is smack bang on top of a railway station. If this was such a transit-oriented development, why does the preliminary design have three entire floors devoted to car parking, with nearly 600 spaces?

There is not much point having high-density housing over a train station if we still expect every resident to have their own car. Where is the effort to transition people to car sharing by providing car share pods? There is not much point having a supermarket and retail stores above a train station if we expect a whole floor of the building to be dedicated to supermarket parking to accommodate shoppers. This will encourage more people to drive instead of taking public transport and using the new rail station. There is not much point removing the level crossing and improving bus stops if the government still expects people to drive their cars and park on a floor entirely devoted to commuter car parking. Why is the government not encouraging people to take the bus instead by providing higher frequency bus services along North Road?

There is also no compelling reason why existing local traders on North Road should be forced to compete with a major supermarket chain. We know that supermarkets do not drive an increase in footfall at smaller neighbouring shops. Indeed they decrease business at the existing shops. If residents at this new development want the convenience of a major supermarket or department store, they can jump on the train and get off at Southland shopping centre, which is belatedly getting a train station towards the end of this year. In truth, this is a poorly designed overdevelopment that is not transit oriented. It is yet another ugly tower stuck on a multistorey podium of car parking.

For a moment I want to turn to a submission that was developed by the Glen Eira City Council. It is titled *Submission: Ormond Value Capture Planning Scheme Amendment*, dated 23 November 2016 and updated in February 2017. It is a document that clearly articulates the Glen Eira City Council's views in relation to this development, and they have looked at many elements of this proposal. Not only have they looked at their concerns but they have suggested a way forward as to

what might be the right solution for their community — something that council could live with and something the community could live with as well.

They rightly point out that their main points of objection are the height and scale of the development that is contrary to the council's established hierarchy of centres and local policy, being more than twice the height of any other building within neighbourhood centres in Glen Eira. They refer to the proposed supermarket use and the amount of retail floor space as being excessive. Looking at those preliminary plans, it appears that over 4000 square metres is dedicated to a full-line supermarket, and I will talk about that a bit more in a moment.

The council raises concerns in relation to the widening of Katandra Road and possibly the removal of council's shared-use path. They raise concerns in relation to the island development and point out that because of what is contemplated as part of this development it operates as an island and has very little interaction with the rest of the strip shopping centre. They raise concerns about the future design potentially resulting in unacceptable residential and heritage interfaces, they are concerned about the lack of quality open space and connections between spaces and they also raise concerns about the removal of notification and appeal rights from any future permit process and the inclusion of possible gambling uses.

In terms of looking at the finer grain detail of their submission, it really is all about how we plan for our communities in the future, how we identify where it is appropriate to put high-density living and what the scale of that high-density living looks like. It is about a hierarchy in your council area of places that contain higher densities and where there are more contained densities. In the Glen Eira planning scheme these are expressed as urban villages and neighbourhood centres. Urban villages are the preferred locations for the municipality's highest densities of residential development. They are places like Carnegie, Elsternwick and Bentleigh. Neighbourhood centres are envisaged to be developed at lesser densities than those urban villages I mentioned.

In relation to neighbourhood centres, council's municipal strategic statement states:

These are distributed throughout the city, to serve as the focus for individual neighbourhoods and to provide a mix of small-scale convenience retailing and service uses. Apartments and shop-top housing is encouraged within the commercial areas of these centres. Single dwellings and multi-unit development are encouraged immediately adjoining the commercial areas of these centres.

In the Glen Eira planning scheme Ormond is identified as a neighbourhood centre.

It is of great concern, considering the planning context of Ormond and its hierarchy in terms of density, that a tower of 13 storeys is being contemplated on this particular site. If we look at the neighbourhood centres within Glen Eira and the numbers of storeys, we see there is a four-storey building, five storeys in Alma Village, Caulfield South, Moorabbin and Murrumbeena and six storeys in Ormond, Bentleigh East, Caulfield Park, Glen Huntly and Hughesdale. These are significantly smaller than the higher storey buildings that you can see in those urban villages, which range from eight storeys in Bentleigh up to 20 storeys in the Phoenix precinct.

In terms of the underlying zone and the area generally, the commercial strip is predominantly a commercial 1 zone. Heights range from two to four storeys, possibly up to five storeys for some buildings. When we look at the general residential area that surrounds that strip shopping centre, in terms of the Glen Eira planning scheme it allows a maximum building height of 10.5 metres, which is around three storeys. However, typically land in that area has been developed for one or two-storey dwellings.

In terms of the detail of the issues and the opportunities that the Glen Eira City Council raise, their first issue is around height and scale. The council said:

The height and scale of the proposal is contrary to council's established hierarchy of centres and local policy, being more than twice the height of any other building within any neighbourhood centre in Glen Eira and equal to or higher than buildings within our urban villages.

The council went on to talk about the contemplation of a 13-storey building that is in direct opposition to council's housing diversity policy, which requires development at a lesser scale and density than developments in urban villages. The Glen Eira City Council also identify opportunities in relation to this site, and they are very clear in their submission about what is acceptable to them and, as a corollary of that, what is acceptable to their community as well. They see an opportunity for a mandatory maximum building height of eight storeys above natural ground level at the southernmost end, transitioning down to three storeys at the northern end of the site. This seems to be a reasonable compromise between what are the underlying heights in the area and achieving higher densities over the top of the railway station.

Glen Eira City Council also did an enormous amount of work in relation to the economic impact of a full-line

supermarket being part of this development. The strategic work they did in relation to that indicates that there will be a negative impact on the nearby high-order urban villages such as Bentleigh, Carnegie and Elsternwick. The impact at Bentleigh will be in the order of \$21.4 million in losses and at Carnegie \$10.5 million in losses in 2021–22. They do discuss opportunities in relation to economic impact and suggest that the best ways to contribute to economic performance at Ormond would be as follows: an office and business centre to provide needed professional employment opportunities, fine-grain shops at ground level that add vibrancy around the station precinct and the prevention of large commercial anchor stores within the site.

They also go into some detail around the issue of islands, and that is because of the nature of what is contemplated in the preliminary designs. They are concerned that in fact there will be very little interaction with the Ormond shopping strip. The issues they raise are: vehicle access to the sites and the fact that its likely finished surface levels are in conflict with the shared-use space; the site access plan appears to not encourage pedestrian movement and circulation through the site; open space is not guaranteed to be provided; and primary pedestrian access is only shown at the south, west and southern edges of the site, which may result in a big boxed, internalised development that turns its back on Katandra Road and has poor visual and functional connections to Katandra Road, North Road, the railway station, Newham Grove and the Ormond centre as a whole.

The council does identify a range of opportunities in relation to that, particularly about removing the conflict with their shared-use space, ensuring open space is provided to the north of the site, making sure there is pedestrian access and movement through the site and retaining civic space to the south-west of the site to protect the space from significant overshadowing. In relation to open space they are concerned that the proposal fails to identify public open space for the wider community and residents. They are concerned about the impacts on the public realm, on the station forecourt and on the quality of pedestrian amenity along North Road. In terms of their submission they again identify a range of opportunities as to how those issues could be addressed.

I think of significant concern is that should this planning scheme amendment be contemplated, it means that in terms of the planning permit process there would be no notification and no appeal rights, and that is of extreme concern to the Greens. When a community is locked out of a planning process and cannot be part of a

process of objection if they feel strongly about it, that is detrimental to the community, detrimental to local democracy and detrimental to encouraging the community to be aspirational and involved in what they want to see for their community.

In terms of the other issues raised, it would appear that the apartments are not subject to apartment standards. Probably one of the biggest issues — and I will talk to this a bit further, but it is one that was identified by the Glen Eira City Council — is the exemption of gaming. I will call it gambling, because gaming is playing games; gambling is something quite different to that. I do wish that we would stop calling gambling gaming, because it is a distortion of the truth. I would suggest that when our younger generation is standing in this place they will see those as two quite different things.

The biggest issue, I think, for the Greens is in relation to the exemption of gambling from planning permission. How could you even contemplate a development that gives a free kick to the pokie industry — where the gambling industry is not subject to the planning permit process and there is no notification or appeal rights because the minister would be the responsible authority? It is a dreadful outcome for communities. This planning scheme amendment does not restate notification and appeal rights; it takes them away. It provides gambling permit exemptions from documentation.

The other issue for the Greens, and it is a really important issue — it was an important issue also for the Glen Eira City Council — is that affordable or social housing is not required as part of the proposal. If we are really going to start doing something to address the critical issue of housing in our state, we need to make sure that there is a mandatory component of this housing in all developments of this size.

I want to go back now to what is good planning in terms of transit-oriented development. Respected Danish urban planner Jan Gehl has said:

You can normally achieve a fantastic density with buildings that are five, six, seven storeys ... The tower is the lazy architect's answer to density.

We would absolutely concur with his views. As I have said, I understand the Glen Eira City Council was comfortable with an eight-storey development, and I implore the state government to go back to the drawing board and comply with this limit. No doubt there is some point at which building a deck over a train line becomes viable. It requires a building of a certain scale to cover the cost of the structural debt, yet the government has provided no indication that such a

situation applies in this case. I am certain that with a redesign to within the expectations of the Glen Eira City Council this development could be a major asset to the neighbourhood.

I want to go back to the issue in relation to gambling and poker machine licences. Another major concern the community holds with regard to this development is that it is the Andrews government's intention that one of the establishments in the tower may be granted a poker machine licence. Amendment C170 would allow no recourse by the community to oppose yet another pokie establishment in their local government area.

This should not be a surprise of course. The Andrews government likes to put up a veneer that it is doing its best to curb addiction to poker machines, but it is all just spin — as doctored as the whirls of the reels in those damned machines. This is a state party that has repeatedly allowed an expansion of pokie licences on its watch. This is a party that has sister parties in Australia that are funded by gambling losses on poker machines. The Labor Party in the Australian Capital Territory is one of the largest poker machine operators in that jurisdiction.

Poker machines in the tower at Ormond station would increase the losses to gambling in Glen Eira; \$76 259 820 was the net gambling loss in Glen Eira in 2016–17. This is \$76 million that will not be spent by families on essentials such as food and utilities. It is \$76 million that will not be spent on the education of children or extracurricular activities to broaden their development. It is \$76 million that is channelled to fatten the profits of hoteliers and club owners and to fill the coffers of the State Revenue Office, while costs to the community far in excess of \$76 million are endured due to the crime, family breakdowns and job losses caused by addiction to gambling on poker machines.

This is a government that has gone soft on the largest pokie operator in Victoria, Crown Casino. Even though there is clear evidence that Crown Casino was breaching licensing conditions by tampering with machines, this government has gone soft on the investigation. Meanwhile Crown Casino continues to be a generous donor to the Australian Labor Party. The Andrews government is guaranteeing a quarter-century of further harm by pokies by promising not to remove a single machine before 2042. All seats in this house will have turned over multiple times by that point, but this government sees fit to lock in the draining of pockets of families for another 25 years. To think that an exemption for gambling is an outcome on this site is completely abhorrent. It is completely anti-community, and it cannot be allowed to happen.

In terms of the powers of the upper house, we take these powers very seriously. We think our powers in relation to revocations of planning scheme amendments should be used very sparingly, but they are an important mechanism that make up part of our democratic process and they are an important part of the scrutiny of this house. In relation to this particular planning scheme amendment, what is contemplated on that site is far too large. It is far too high, there are nearly 600 car parking spaces and there is an over 4000-square-metre full-line supermarket contemplated for this site.

So do not paint this as the Greens disrespecting planning processes, and do not paint this as the Greens not supporting higher densities at railway stations. We need to be respectful of neighbourhood scale. We need to be respectful of community and the Glen Eira City Council in relation to this. What is contemplated on this site is not respectful of community and is not respectful of the aspirations of the community or Glen Eira City Council, so in this instance the Greens will be supporting this revocation.

Ms CROZIER (Southern Metropolitan) (11:23) — I rise to speak to Mr Davis's excellent motion, which he has put on the notice paper this morning:

That, in relation to amendment C170 to the Glen Eira planning scheme which relates to Ormond railway station, this house —

- (1) notes planning scheme amendment C170 was tabled 17 October 2017; and
- (2) pursuant to section 38(2) of the Planning and Environment Act 1987 revokes amendment C170.

Ms Dunn has just finished her contribution and made some very good points. I would also like to acknowledge her support in supporting Mr Davis's motion because she understands that the way the government has handled this particular project has not been in line with community expectations. She also makes some very good points about the concerns that Glen Eira City Council have raised, which were opposing the 13-storey sky tower.

This issue that we are debating today has been something that I have been very aware of for quite some time, because it relates to the level crossing removal project at North Road, Ormond, which, I will remind the house, was funded by the previous coalition government. Despite the Minister for Public Transport and other members of the government claiming credit for it, it was funded and planned for by the previous coalition government to enable that project to go ahead — a very worthy project. We all agree that level

crossings do need to be removed to make our streets safer and to provide easy access for commuters.

During this particular project I had great concerns, which I have raised in this house a number of times in relation to how that project was actually managed, and there were small business owners who were enormously impacted throughout this project — who were ignored, I might add, by the government. Minister Dalidakis is in the chamber, and I am very glad he is in the chamber because he knows very well what I am talking about here in terms of what went on. He and I have had discussions in and out of the chamber about some of the concerns of small business. If you think about what those concerns were, they were not told that the project would be brought forward six months earlier, and they were significantly impacted by that. They had concerns about their businesses being terribly affected by the closure. And that was part of this process of non-consultation or not understanding the full extent of the project that was being undertaken.

This went on for some time, and it was during that process that I had a phone call from one of those businesses that said, 'Georgie, I'm just letting you know that there's this massive concrete pad that's been laid'. It was those very local communities that were telling us what was happening. This was in direct contrast to the secrecy of this government and in contrast to what the government was telling us — that they were being open about this project — because it was when that concrete pad was being laid and the foundations were going in that people realised that it was not just the railway station that was being built and that clearly there were plans for, as has been described by the government, value capture of that space and then the 13-storey sky tower. This has caused enormous consternation in the local community, who feel they have been absolutely disregarded by the government, by their local members and by the ministers in particular in relation to this project.

There have been various questions, like 'What will this project actually mean?'. I will just go back a little bit and talk about the time lines. I mentioned that the former coalition government announced this funding, and that was way back in May of 2014. In early 2015 the government went out with great fanfare to reannounce that announcement. They are pretty good at reannouncing announcements. They seem to be doing it all the time on so many projects just to get a media hit, a selfie, a tweet and a Facebook post. However, when they went out and reannounced it in 2015, there was no mention of this value-capture process being flagged with the various stakeholders, including the local community.

In July of 2016 it was discovered that the secret plans to value capture the Ormond station site would have a 13-storey sky tower. That was, as I said, through questioning of local residents. Not even the local council had any idea of this. What is interesting and what has also come to my notice and is of concern to the local community is that there was value capture for this particular site but not for the sites at Benteigh or McKinnon. Clearly that is to protect the local member for Benteigh in the Assembly, Nick Staikos. We have seen what is happening out in Northcote with the pork-barrelling going on to save that seat by Labor. They are doing the same thing in Benteigh because they know that there are many issues that the local community have with this government, whether it is this particular issue that is causing great concern because of the lack of consultation, whether it is the crime wave that is moving across the south-eastern suburbs, affecting areas like Benteigh, or whether it is the rise in the cost of living — the rise of utility costs that are hitting businesses and households. There are many concerns in a marginal seat like Benteigh. It was very evident that in McKinnon and in the Benteigh rail station precinct this would not occur.

Last year in about September Minister Wynne advised that he had referred the Ormond site to a committee, the level crossing removal project integrated development opportunities standing advisory committee, and off this process went. As I said, it was a bit late then, when the concrete had been laid and all was in motion.

I want to put on record my thanks to my colleagues David Southwick, the member for Caulfield in the other place, and Mr Davis and Ms Fitzherbert, who have been speaking with community members. We have had various community meetings to discuss this issue, to hear those local concerns and to bring them to the attention of the government in any way we can. I have raised questions with numerous ministers about this project. Quite frankly I think their answers have been terribly unsatisfactory in many ways in relation to the concerns the community has raised with me. This is becoming evident with these projects, whether it is sky rail, this project or others. The government are just riding roughshod over the community with no regard for their concerns.

As others have said, it is not as if people do not accept that development needs to be undertaken and will be undertaken. That is not what the community has said. They understand that, and they are very willing for that to occur. What they are most concerned about is the way this government has treated them with complete contempt and not given them the opportunity to

understand the scale of the project and the way the government has just gone ahead without consultation.

As I said, the project was opposed by residents and the Glen Eira council. They wanted a more reasonable development at that site — they understand that development needs to be undertaken — but this was not the case. It is very curious that the mayor, Ms Delahunty, who is well affiliated with the Labor Party of course, is now backing away from her position. I think that is disappointing. But I would urge the Glen Eira council to stand strong with the community, push back on the government and ask them why they are treating the community like they are and not providing them with the opportunities that need to be provided with such a project.

Mr Leane in his contribution talked about developments undertaken by the former coalition government. He talked about where they were undertaken in high-density areas. That is what we have always said: high-density areas need to be planned for and have the appropriate services and infrastructure in place to cater for them. But what we are seeing with this government is a free-for-all across our suburbs, where there is —

Mr Dalidakis interjected.

Ms CROZIER — Well, there is.

Mr Dalidakis — There is not.

Ms CROZIER — There is.

Mr Dalidakis — If you want to talk about a free-for-all, talk about what Matthew Guy did. That is outrageous and hypocritical.

Ms CROZIER — Mr Dalidakis, this is exactly what the community feel. They feel that you are putting this sky tower in the middle of this zone, where this area is —

Mr Dalidakis interjected.

Ms CROZIER — I have just said this is a 13-storey sky tower, which you gave the community no consultation on or say in.

Mr Dalidakis interjected.

Ms CROZIER — You did after the fact. You had laid the concrete platform. I will go back to Mr Leane's contribution in which he was criticising the area of high-density approvals. There is no doubt that the high-density areas were identified by the previous coalition government and undertaken. This is an

inappropriate development for this site. The fact is that the government provided no ability for the community to have a say on it.

I want to just read some of the comments from community members, because these are the people that are affected, Mr Dalidakis:

Thirteen storeys is excessive given the highest building in Ormond is only around four or five.

Another comment:

The amount of secrecy on the project's high-rise plans is most surprising to many local residents. We've been kept well-informed on construction phases and deadlines until now, mostly by mailbox flyers, but beyond crossing completion little has been said about future plans for the project. Local residents want to know, why all the hush-hush?

That is the tenure of the concerns regarding those communities. Have you been out speaking to the community, Mr Dalidakis?

Mr Dalidakis — I live in the community. Unlike you, I live in the community.

Ms CROZIER — You do live in Bentleigh, and therefore you should be listening to your community on this. I am very pleased that I, like my colleagues, do represent Southern Metropolitan Region.

Mr Dalidakis — Poorly.

Ms CROZIER — You might think so, but let me tell you that the households and the businesses that have been represented by you and the local member in the Assembly, Mr Staikos, have a very poor view of how you have treated them.

Mr Dalidakis — I will have my say in a moment; you better believe it.

Ms CROZIER — You can. That is what we are here for.

The ACTING PRESIDENT (Ms Dunn) — Order! Through the Chair, please.

Ms CROZIER — That is what we are here for, Acting President. We are here to debate this issue, and I am very pleased to have been able to stand with Mr Davis and others. I note the comments from the others on social media this morning in relation to the Liberal candidate for Bentleigh, Mr Judah, who has also been out there speaking to the community.

Mr Dalidakis — Mr Property!

Ms CROZIER — It is just a bit like you being the representative for the forestry industry and now you have backed away.

Mr Dalidakis interjected.

Ms CROZIER — Through you, Acting President, I realise that the time for my contribution is nearly up, so I want to say finally that, like you, we have got great concerns about how the government has provided the consultation process or lack thereof in relation to this project. We do not believe that there should be a free-for-all where developments are just going to be popping up in suburbs like mushrooms. This government has got a track record of arrogance. They are disingenuous with the way they consult with communities. We have seen that with the sky rail development around the Pakenham-Cranbourne line in particular, but it is now occurring elsewhere.

I think the Victorian community is well aware of how this government operates. This community, to their credit, have wanted to speak to us and have done so because they believe they have been poorly represented, and I would concur with them. I say again: it is not what the Glen Eira council and those residents originally wanted. They did not want a 13-level sky tower. They were accepting of a development, but something as large as this with no consultation just demonstrates again the tenure of this arrogant government.

Mr DALIDAKIS (Minister for Small Business) (11:37) — It is my great privilege to speak against this motion. It is a motion that has been conceived out of the ugliness of the politics of the Liberal Party and those opposite. It is being propelled by the Liberal candidate for Bentleigh, Mr Property Development himself, Asher Judah, who funnily enough in his professional guise had no problems and no shame in supporting development. In fact I can tell the house that in my role as minister I had conversations with Mr Judah in his capacity as the acting chief executive of the Property Council of Victoria when he advocated for more development. Now that he is running for Parliament he tries to shy away from his background. Unlike Ms Crozier, I do not shy away from my background in the forestry industry. I very proudly still represent the forestry industry as a former chief executive of that industry.

Let me start with the bona fide reasons for my being against this motion and why I still implore the Greens to reconsider their support for this motion. Let me tell you, Acting President, that indeed there was a process that was gone through. Whether or not some people

opposite believe that that process was the best process can certainly be part of a different discussion, but there was indeed a process. There was community consultation and we made sure that we got the community involved in that discussion point.

Let me take you through this, Acting President Dunn. I am sure that you are absolutely enthralled by my contribution, more than most, given your own interest in this matter. Let me tell you, firstly, that an independent advisory committee was asked to provide expert advice to the Minister for Planning about the appropriate level of development for the site. Let me tell you also — and I do think you should listen to this because I live 500 metres away from this development — how many people have rung my office about this development. Mr Davis is not here; I hope he is listening. Two people have rung my office about this development and a further person has stopped me in the street and spoken to me about it. That is three people.

Let me tell you about the development. The development is in fact 13 storeys on the front of North Road — it abuts North Road — and it goes down to five levels at the back end of the development. If you want appropriate development, that is exactly the best case scenario about how it should be done: 13 storeys on a six-lane major road in North Road and then it comes down to five levels right at the back where the residential areas are. Do I know that residential strip? Absolutely I know that residential strip. I walk through there. We use it. We use the shops. We use the community services available. So I am well aware, unlike those opposite who pretend because they meet with a couple of people there that they somehow know the community. They do not live in the community. I do.

If you want to talk about what Ms Crozier's history is in this community, she has stood in front of rallies in front of my electorate office when it has been vandalised. She has stood in front of traders and small businesses on North Road with photos that have a target over my face. So yes, Ms Crozier has form in this place, and she has form in his community. As for Mr Davis, he has led some of the most vicious, disgusting rallies in front of the offices of other members of Parliament where he has actively incited people to violence and also actively sworn —

Honourable members interjecting.

Mr DALIDAKIS — It is on video, so he cannot call a point of order on the truthfulness of my contribution.

The ACTING PRESIDENT (Ms Dunn) — Mr Dalidakis! Mr Davis, on a point of order.

Mr Davis — On a point of order, Acting President, I have never incited anyone to violence on any occasion. The member has asserted that, and it is completely and utterly false. I ask him to withdraw.

Mr Ondarchie — Go say it out there then!

Mr DALIDAKIS — I have already. I have before, Mr Ondarchie.

Ms Crozier — When you say something, you delete your tweet.

Mr DALIDAKIS — I do not delete my tweets.

Ms Crozier — Want to make a bet?

Mr DALIDAKIS — Go for it.

Ms Crozier — I love it. You said something stupid and deleted it.

Mr DALIDAKIS — Ah, yes, and I apologised for that, absolutely. I apologised because I tweeted an article which I had not fully read. And I apologised for that. Have you gone on social media and apologised for what you did? Never! Not once!

The ACTING PRESIDENT (Ms Dunn) — Order! That is very unhelpful, Ms Crozier. Mr Dalidakis, I would ask you to withdraw.

Mr DALIDAKIS — I am surprised by the ruling, Acting President, but I will withdraw on your request. I will take up Mr Ondarchie's interjection, and I will happily repeat that outside of this place, which I have done before. The video evidence is very clear about what Mr Davis did in front of Mr Dimopoulos's office, and the video evidence is there for everybody to see. Let me just be very clear about this: this is nothing but bold-faced politicking at its worst.

We have world's best practice in relation to using a large, six-lane major road where we have 13 storeys abutting North Road and coming down to five storeys at the end. We have a consultative process that was undertaken by an independent expert panel which made recommendations to the minister after community consultation. Does that mean that everyone is happy with it? Not at all. We do not always have people happy with everything that we do, but let me tell you this: part of the development that we have undertaken with these three major railway crossing removals was because we were able to get rid of them at Bentleigh station, McKinnon station and Ormond station, and part of

being able to do that is the value capture that we can derive from that infrastructure project.

Mr Davis — Ormond was funded. Ormond was fully funded.

Mr DALIDAKIS — Let me take up the interjection because Mr Davis says Ormond was funded. In four years they did nothing. That is why they are in opposition now. It is an inconvenient truth to them, but it is a truth nonetheless. They do not like hearing the truth that the reason they are in opposition is that they provided nothing to the community — no infrastructure projects — they ripped billions out of the education department and they refused to do deals with our nurses and our ambos. They declared war on our emergency services. They continue to declare war on our fire men and women, who keep us safe. And now what they do is they come in here and they use this house of democracy to try and do something completely undemocratic. They are using the Greens as a vehicle to try and get this motion up, and I implore the Greens to reconsider their support for this motion.

It is 13 levels on North Road, and if you know the area well, you know that this is a very highly used, densely used corridor. It goes down to five levels at the back. I can tell you now that this is world's best practice in terms of value capture, in terms of trying to undertake density and in terms of living on a major transport corridor — and that is what this is, a major transport corridor. There are in fact buses right outside North Road on both sides. We have lifts for disability access, for people who are suffering from mobility issues, on both sides. We have the ability, through what we have created, to be able to remove these congested and dangerous level crossings at three sites, and the reason we have been able to do that is because of the value capture that was provided through the infrastructure projects.

Again, amendment C170 was in fact approved because the Minister for Planning went through a process. He went through a process with an independent advisory committee that was asked to provide expert advice to the minister about the appropriate level of development for the site. Again, if the opposition want to take issue with that, that is one thing. If the community are unhappy with that, that is another thing. I do not shy away from the fact that there are members of the community who will be unhappy with the level of development — not one bit. I accept that there will be people. But when the Liberal Party use this as an opportunity to try and put Mr Property Development in the middle of something that is not even in his

electorate because it is actually in the Assembly electorate of Caulfield, I find that kind of surprising.

It is a bit like an own goal. Let us hope that the Honduras soccer team tonight causes so many own goals the way that Mr Asher Judah and the Liberal Party are causing them on this particular issue. He is not even campaigning in the seat of Caulfield, and this development is in the seat of Caulfield. It is in my electorate as a member for Southern Metropolitan Region. It is not in Mr Judah's electorate, but of course as the former Victorian acting executive director of the Property Council of Australia I am sure he would have been only too delighted to support this in his role then, as he supported other things.

But let us not go to somebody who is not even elected to Parliament. Let me quote none other than the current leader of the coalition, the current Leader of the Liberal Party — none other than that former amazingly unsuccessful Minister for Planning, Matthew Guy. In this place on 14 April 2010 — I quote, and *Hansard* is my truth in this — the now Leader of the Opposition, the then planning minister, in relation to a Greens motion to revoke a planning scheme not dissimilar from the one that Mr Davis is moving, had this to say:

We have clearly stated that we do not want to turn the upper house of Victoria into a responsible authority on every planning matter around the state. If we choose one, then we choose every one of them to deal ourselves in on.

Matthew Guy said that. Mr Davis, you might like to pretend you are not listening, but just in case you are — because I will make sure that you can hear this — let me repeat it. Matthew Guy said in this place:

We have clearly stated that we do not want to turn the upper house of Victoria into a responsible authority on every planning matter around the state. If we choose one, then we choose every one of them to deal ourselves in on.

And what was the issue that he made that quote about? It was a Greens motion to revoke a planning scheme amendment in Williamstown. That is what Matthew Guy said. It is hypocrisy for Mr Davis to come in here and to use the same motion that the Greens used back then at that point in time to now attack our government because we have got on with the job and done something that they only ever talked about doing, which is level crossing removals. We have gone on and done something in relation to value capture, and we have gone on and done something that says 13 levels is an appropriate height butting onto North Road.

Let me tell you this, Mr Davis: there are in fact other commercial opportunities through this value capture. What the Liberal Party is now saying is that they turn

their back on business, they turn their back on economic opportunity, they turn their back on jobs, they turn their back on economic growth, they turn their back on development and they turn their back on everything other than the rawest nature of politics: self-interest. Always back the horse that is called self-interest, Mr Davis, because we have seen you do that over the last three weeks. We are seeing you do it today, and I tell you what: people are regarded in the community for things that they believe in. Whether or not they agree with them is a different story, but people like you give us all a bad name because you will do one thing now you are in opposition and you will do another thing when you are back in government.

But let me tell you this: my record will be very clear. I will stand up and be held accountable for everything that I say and do in government and potentially in opposition, once we get there — which is a very, very long way down the track — when I am very old and grey. But I tell you this: I will not give the citizens of our community some false hope that somehow you are their friend today and you will be their foe tomorrow, because that is the worst type of politics and that is the history of how you have behaved in 21 years of Parliament. You have said one thing in government and you have done another when you have been in opposition. *Hansard* is my proof of this. The video evidence of what you did in front of Mr Dimopoulos's office is also my proof of this.

You can sit there very quietly and nod your head and pretend that everything is apple pie and sweet, but you are turning chocolate into boiled lollies very quickly, for both me as a member for Southern Metropolitan Region and the residents of Ormond. You are pretending that you are somehow working on their behalf when in fact you are only trying to further your own self-interest and use the residents to push your own political benefit to the fore. That is not acceptable. It should not be acceptable today and it should not be acceptable tomorrow.

I promise you this: I will be held accountable for my actions. I live 500 metres away from this development, and I have no problems with this development. I have no problems with the fact that there are 13 storeys on North Road, and it goes down to five storeys at the back of the development. Why? Because it is an appropriate use of value capture, it is an appropriate use of jobs, it is an appropriate use of economic development and it is an appropriate way of ensuring that the community gets the benefit of a reactivation of the whole site.

If the residents are telling the truth, they will say that North Road has been a very difficult trading strip for over 20 years. I can tell you that when the level crossing was there the east side of the level crossing was the far more profitable side and now that the level crossing has been removed there is far more activity on the west side. This might be an inconvenient truth to you, Mr Davis.

I implore the Greens to reconsider their support for this motion very carefully because this is an appropriate use of development and it is an appropriate use of an activity hub in terms of transport. I absolutely reject Mr Davis's bold-faced attempt at politics in trying to use the community to feather his own political nest, which as a member of this house I find very disheartening.

Mr DAVIS (Southern Metropolitan) (11:52) — We have heard an extraordinary and almost unhinged presentation by Mr Dalidakis. It really is one out of the box. He has taken some pills or something this morning, but let us leave that aside and deal with the facts.

Honourable members interjecting.

Mr DAVIS — I think he has really —

Mr Dalidakis — On a point of order, Acting President, clearly I am going to ask the member to withdraw. It is an outrageous accusation and a misuse of *Hansard*.

Mr DAVIS — I withdraw. The point though is that this is an important motion. Everyone supports level crossing removal, everyone supports sensible value capture and everyone supports transport-orientated development. But people also support a proper process. They support the involvement of the community, they support the involvement of the council and they support an outcome that is sensible and practical and that actually interfaces with the local community sensibly. The proposal by the government does not. The planning scheme amendment that has been put in place by Minister Wynne does not achieve that. The process behind it does not achieve those objectives either.

The fact is that the government did build the concrete pad before anyone knew about it. The fact is that the level crossing removal was funded by the previous government. The fact is that the current government did ride roughshod over the community. The fact is that no-one in the immediate vicinity supports the 13-storey tower; everybody believes it should be much more moderate. The council argued for eight storeys. That is at least a plausible outcome. The fact is that the

community have a right to have their say on these sorts of planning matters. The government's stripped-down planning process on this is not satisfactory.

As I say, the opposition supports practical, sensible value capture, but we do not support that as the primary objective. The primary objective is to build a sensible community in Ormond and elsewhere. The objective is to make sure that the community is involved; the objective is to make sure that the interface with the community is actually sensible.

This proposal is bad in outcome and bad in process, and it represents bad faith by the Andrews Labor government. This government is showing that all around the state as it rides roughshod over communities in its haste and in its determination to pay for its level crossing removal program, which is likely to be \$2 billion or more underfunded at this point — a set of projects for which they were warned to put a proper business case in place. There is no reason why the amenity of the Ormond community should be the fall guy for the government's financial and planning mismanagement. For that reason I think it sends a very clear signal to say: let us revoke this amendment. The government can then go back to the starting position and get this right.

If the property industry want predictability and certainty, this is a poster child, a case study, in how not to deliver predictability and certainty. Property groups have every right to play a part in our system, and I support that. But I support equally the community having its ultimate say in what sort of community they want to live in. I do not support putting the property industry first; I support having the right outcome for the community and involving private interests. This is public land — make no mistake — over the level crossing corridor. The importance of getting this right cannot be overstated. For that reason, I ask the chamber to support this motion.

House divided on motion:

Ayes, 21

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

Noes, 16

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

Pairs

Bath, Ms	Symes, Ms
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Motion agreed to.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Plastic bag ban

Ms SPRINGLE (South Eastern Metropolitan) (12:02) — My question is for the minister representing the Minister for Energy, Environment and Climate Change. As part of the government’s consultation on reducing plastic pollution Engage Victoria published a cost-benefit analysis for banning different types of plastic shopping bags. The research was completed by Marsden Jacob Associates and commissioned by the Department for Environment, Land, Water and Planning. The key finding was that a ban on all plastic shopping bags, including lightweight, heavyweight and biodegradable bags, would deliver the greatest economic benefit to Victoria. The estimated net economic benefit for this option was \$64.4 million over 10 years, compared with \$2 million for banning only lightweight and biodegradable plastic shopping bags. Why has the government announced a ban on only single-use, lightweight plastic bags when the most recent and robust evidence suggests this will deliver the least economic benefit to Victorians?

Mr JENNINGS (Special Minister of State) (12:04) — I thank Ms Springle for her question. I am pleased to know that in fact your expectations continue unabated regardless of whether there is an announcement and a victory that you actually maybe wanted to associate yourself with and be happy about and celebrate. In fact the journey goes on, and good on you for that. I am sure my colleague the Minister for Energy, Environment and Climate Change will be interested to be able to engage in a commentary about the way in which this reform will be implemented and the potential benefits to the economy and to the environment that we can actually deliver from this initiative of our government.

As you and I know, plastic bags are only a very small part of the waste stream comparatively, even though proportionately they are the subject of most political and community commentary. So in terms of the scale of the issue of plastics in the waste stream you may criticise us for only dealing with a narrow part of the story. I would actually suggest to you that plastic bags, shopping bags, are only a very narrow part of the story. Ultimately, to address this question in relation to plastics that may end up in landfill and then maybe on a bulk scale warrant further attention and public policy responses, I think there is a lot of work to be done about this and other elements of waste management in the desire for us to grow our recycling and resource recovery initiatives and industries in Victoria. I think only then, if we actually address all of those elements — and I am sure my ministerial colleague is determined to do so — will we derive the true economic and environmental benefits. But I understand what you are wanting my ministerial colleague to respond to, and I am sure she will.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (12:06) — I thank the minister for his answer. On what date was the Marsden Jacob report publicly released?

Mr JENNINGS (Special Minister of State) (12:06) — I will take advice on that subject.

McBryde Street, Fawkner, parkland

Dr RATNAM (Northern Metropolitan) (12:06) — This question is for the Special Minister of State representing the Treasurer. Right now large swathes of public land are being sold by the state government and its agencies to private developers. Much of this land is parkland and public open space that is vital for local neighbourhoods and communities and is in some cases habitat for native wildlife. In my electorate of Northern Metropolitan Region, Edgars Creek parkland faced a similar fate but was saved. Recently we have seen Melbourne Water attempt to sell off public parkland in Hopetoun Avenue in Brunswick. The community had to campaign to win a stay in the sale of the former Ballerit Mooroop college site in Glenroy, and now we have the impending loss of critical parkland along the Merri Creek on McBryde Street, Fawkner, with VicRoads attempting to sell it off.

My question is: will the state government intervene to stop VicRoads from selling this precious parkland at 104 McBryde Street, Fawkner, and then gift it to the local council as public park and recreational-use land or agree to a committee of management arrangement

whereby council maintains the parkland, with ownership retained by the state government and therefore by the community?

Mr JENNINGS (Special Minister of State) (12:07) — I thank Dr Ratnam for her question. I have to say she put a lot of content into that question; it was content rich. In terms of the response, I will talk to my colleague the Treasurer about it, or to the Minister for Finance, who perhaps may even have an interest in this matter probably in a more formal sense. The process by which land is released from the public assets to alternative uses is a very extensive process that the government goes through, whereby agencies that are the holders of land are first required to make an assessment of their current and future potential use. Then there are opportunities that are afforded public sector agencies, and indeed local government and other community agencies, about what community use and benefit can be derived from the use of public land now and into the future, which is also mindful of either important conservation or community benefits that should be derived from those parcels of land into the future before any determination is made to relinquish them.

So there is already an extensive consideration of those matters. It may lead to outcomes such as the outcomes that you suggest, although I am not in a position to confirm the actual status of any of those parcels of land spontaneously, but I will receive advice on those matters. Quite often, as you would know, the government does not necessarily relinquish public land to councils, but quite often councils are committees of management for public land to be used in the manner that you describe. So it is not impossible for that objective to be achieved, but I will need to take some advice on the particular parcels of land in question and get a response to you.

Supplementary question

Dr RATNAM (Northern Metropolitan) (12:09) — Thank you for that response. As a supplementary question: how much current public land and public parkland is the state government attempting to sell off across Victoria?

The PRESIDENT — Dr Ratnam, I will give you a chance to reword that, if you can. Unfortunately that supplementary question goes much more broadly than the initial question. Under the rules for supplementary questions they really have to be apposite to the first one and really be a follow-up and they are not to have a whole additional dimension.

Dr RATNAM — I am happy to rephrase that to: how much current public land and public parkland is the state government attempting to sell off across Northern Metropolitan Region?

Mr JENNINGS (Special Minister of State) (12:10) — On the connection between the substantive answer and the subsequent question I will take advice both on the construction that the member has put on it and in relation to the status of any parcels that have the construction of the description, because I saw some quizzical eyebrows in relation to whether I was clear about the construction in terms of the parcels of land, their disposal and the way that they are going to be potentially used in the future as has been described by the member. I am not confirming the construction of that description, and I will take advice about the individual parcels of land in question and what other parcels of land may be considered by the government in relation to its management of public land assets now and into the future.

Disability communication interpretation services

Dr CARLING-JENKINS (Western Metropolitan) (12:11) — My question is for the minister representing the Minister for Housing, Disability and Ageing, Minister Mikakos. Minister, my office has recently made an attempt to find out what interpretation services are available to people who communicate through augmentative and alternative communication methods. In speaking to every major disability service in Victoria that provides this service we discovered that unfortunately only a handful — that is, about 10 per cent — specialise in communication interpretation. Communication Rights Australia is the leading advocacy group for people who have communication or speech difficulties and have their rights infringed upon as a result. They reported that they have identified a grave lack of services in this area — sentiments which were echoed by many of the disability service providers whom we spoke to.

Minister, as there are currently very few disability service providers that offer the specialist service of communication interpretation and as there is a growing population of people who require such services, what is the government doing to close this gap?

Ms MIKAKOS (Minister for Families and Children) (12:12) — I thank the member for her question. It is a very specific question that goes to communication interpretation services being provided to people with disabilities in our state. I will refer that specific question to the responsible minister, the

Minister for Housing, Disability and Ageing, to provide her with a written response.

Great forest national park

Mr YOUNG (Northern Victoria) (12:13) — My question today is for the Leader of the Government representing the Minister for Energy, Environment and Climate Change. The proponents of the great forest national park claim that turning 355 000 hectares of public land in the Central Highlands into national park will save the Leadbeater's possum. Minister, what protections would be provided by a national park that would not be provided by a state game reserve?

Mr JENNINGS (Special Minister of State) (12:14) — I think Mr Young has asked an interesting question in relation to the environmental protections that the Leadbeater's possum or any endangered species may be protected by. They are a combination of commonwealth biodiversity protection legislation that could apply to species wherever they may be. I think he may be relying on that fact to make it sound as if the Leadbeater's possum might have equal protection if they were in a state game reserve. That is probably not quite the same thing in relation to the activities that may take place within these various parcels of land tenure and land management. But at the end of the day there are environmental protections that would apply to a species such as the Leadbeater's possum regardless of where they may be found in the landscape, and those protections will ultimately need to be complied with however humans interact with that species regardless of where they are located.

Supplementary question

Mr YOUNG (Northern Victoria) (12:15) — Minister, a number of advocates for the great forest national park also sit on the Forestry Industry Taskforce, which sought to make recommendations on the establishment of new parks. Minister, have state game reserves or any other types of public land use been investigated as alternatives to the national park for the 355 000 hectares in question?

Mr JENNINGS (Special Minister of State) (12:16) — Thank you, Mr Young. The work of the task force has not been proactive during the course of 2017 after a period of lengthy consternation and some advice that was furnished to government which indicated to a degree in principle a statement of intent around how various conservation, economic interests and industry development interests may be obtained but not necessarily be able to furnish advice about how they could be achieved. The government has been

considering those matters internally within the realms of government during the course of 2017. There is no specific proposal in relation to the landmass that Mr Young has described. It is being considered in that quantum by the government at this moment, but we have not closed the door on considering those issues into the future.

Department of Justice and Regulation legal costs

Mr MORRIS (Western Victoria) (12:17) — My question is to the Minister for Families and Children. Minister, earlier this year you committed to providing the house with the cost of the three failed court cases that were brought against the Andrews government when you moved violent young offenders to Greenvale. The Premier made a commitment to the Public Accounts and Estimates Committee (PAEC) in May that you would provide it then, but you failed to do so. The secretary took it on notice but failed to reply to PAEC. Minister, what are the final total costs of your three Supreme Court and Court of Appeal cases?

Ms MIKAKOS (Minister for Families and Children) (12:17) — I thank the member for his question. The member is correct. There has been a commitment to provide this figure, and the final figure will be made available once it is available. There are legal costs disclosed in the Department of Justice and Regulation annual report. However, the point I would make to the member is that there are payments to be made to the other side in relation to their counsel costs. Those payments have not yet been made, so there is no final figure at this point in time. When that final figure is available it will be provided to PAEC and to the house if the house wants to have that figure at that time. At this point in time there is no final figure to provide in relation to this matter.

I make the point that those opposite have been all over the shop when it comes to this issue. At the time we had to take the steps we did and move young offenders to Greenvale I recall Assembly opposition leader Matthew Guy coming out and indicating his support for that. Ms Crozier might be all over the shop on this and I know Mr O'Donohue certainly had expressed differing views to his leader on this issue, but Matthew Guy was on the record supporting the steps that we did take to keep the community safe at that time, and I do not step away from that.

Supplementary question

Mr MORRIS (Western Victoria) (12:19) — Thank you, Minister, for that response. However, Minister, I do note that this is the sixth time that the Andrews government has failed to respond to this question despite acknowledging that it should be answered. Given that this is one of the more serious issues facing you as a minister, I would have thought this would be on page 1 of the folder in front of you. However, in taking the previous question on notice, can you please also detail whether the final costs identified include the work of the office of the Victorian solicitor-general and, if not, how many officers were involved and how many identifiable hours of work were spent by the office of the Victorian solicitor-general in these particular three cases?

Ms Mikakos — On a point of order, firstly, President, the member is now asking for details of hours relating to the Victorian Government Solicitor's Office. The operations of the Victorian government solicitor sit with the Attorney-General. It is a question that should probably be directed to the Attorney-General in terms of the issue of the hours of a body that sits with another minister.

The PRESIDENT — Order! Minister, I invite you to answer as far as you wish to in this respect — in other words, I do understand that this question crosses over to another department. The costs, I think, are a relevant consideration. The hours worked are perhaps something that you can give some consideration to as to whether or not you want to respond there. But whether or not the costs of that will be included in the overall summary is, I think, a valid question.

Ms MIKAKOS (Minister for Families and Children) (12:22) — The point that I would make here is that the member is asking for details of a final cost figure, and I have made it clear that that figure is as yet unavailable because payments have not yet been finalised with opposing counsel. I would also make the further point to those opposite that it is important that our government did take steps to defend this particular legal action. This was not legal action that was initiated by our government. It was initiated by others, and the government did take steps on advice to respond to very urgent circumstances. I recall the opposition leader indicating his support around the steps that we did take as well. Legal costs of course do not come cheap. I think those opposite who have been fighting the Cormack Foundation now for some time would be very well aware of the costs involved in engaging legal counsel —

The PRESIDENT — Thank you, Minister.

Child protection

Ms FITZHERBERT (Southern Metropolitan) (12:23) — My question is also to the Minister for Families and Children. Minister, of the 16 793 substantiated cases of abuse in child protection over the past year, 17.1 per cent involved children who had been part of a previously substantiated case within 12 months. Minister, why are thousands more vulnerable children subject to abusive circumstances in Victoria under your watch?

Ms MIKAKOS (Minister for Families and Children) (12:24) — I thank the member for her question. It is unfortunate that the member is seeking to put this question in the way that she has, because in fact we have had a more than 100 per cent increase in the number of child reports over the last few years — a very significant increase — as we have had a greater response to issues of family violence being reported through Victoria Police and obviously then to child protection authorities as well. We have seen the scourge that ice is causing in our community, and all of these issues are leading to more child protection reports.

As a result, our government has put a very significant investment into child protection in our state. Over three budgets \$594 million has gone into child and family services. We have a situation where we have seen a 42 per cent increase in outward expenditure in my portfolio compared to the previous government. We have made a very significant investment, and importantly we have a big reform agenda under *Roadmap for Reform* to make sure that the system can be focused more on prevention and early intervention strategies. This is why as a government we have committed \$1.9 billion in response to the family violence royal commission, a report and a set of recommendations that those opposite are yet to respond to.

The steps that we are taking by putting in record investment and by putting in more child protection workers, including 450 child protection workers funded in the budget this year, are to be able to respond to these issues and to make sure that families do get the support they need in a timely way. This is the way to address rereporting issues and to make sure that they can be driven down over time. I make the point to those opposite, particularly the Leader of the Opposition, who has a lot to say about these matters by way of interjection, that it is indefensible that she as minister had money allocated in budgets and then did not spend it. She put it away for a rainy day in an election year

and did not allocate money at a time when she had damning Auditor-General reports coming out expressing concerns about the state of residential care in this state.

Unlike those opposite, we are not only putting record investment into child protection, we are delivering greater services through the community sector, we are delivering greater numbers into our own child protection workforce and we are taking every possible step to make sure that we can keep vulnerable children in this state safe. This is why we were very proud to put a royal commission into place. We have seen more and more children, sadly, exposed to family violence in this state, and we have put in a record \$1.9 billion to respond to this scourge in our community.

Those opposite can make snide remarks, but they have yet to respond to the number one law and order issue in our community and to take any position around the safety of children exposed to family violence.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (12:28) — Minister, nearly 3000 children who had previously been abused and who needed protection were placed by you back into that situation where they were abused again. When you were shadow minister you said resubstantiation of abuse was a breach of trust. With the number of children who have been abused, returned home and abused again at record levels, will you now admit you have breached the trust of these vulnerable children?

Ms MIKAKOS (Minister for Families and Children) (12:28) — The problem in asking a question like this when you have no understanding of the question that you are asking is that you have made a very erroneous assertion in that question that I absolutely refute — that is, you are asserting that a resubstantiation automatically means that a child goes back to their family, and that in fact is not automatically the case. The department does take steps to ensure that where children are not safe they are placed in an out-of-home care placement, and that may well mean they are not placed obviously with their immediate family.

We are taking the steps to reform our child protection system — something that you failed to do — and we are doing so despite more reports occurring. Despite more reports occurring, we are putting in the appropriate investment to ensure vulnerable children are safe in our state.

Child protection

Ms CROZIER (Southern Metropolitan) (12:30) — My question is to the Minister for Families and Children. The 2014 Victorian Labor platform detailed, and I quote:

There is no greater responsibility than protecting our children and supporting families. Children who are in state care must always be in a safe and supportive environment.

Why then, Minister, since you have taken over as the minister responsible for child protection has there been a 160 per cent increase in the number of cases where children were placed in out-of-home care as a result of abuse and were then abused or subjected to a substandard level of care and why has there been a 25 per cent increase in the number of children who have died whilst in state care?

Ms MIKAKOS (Minister for Families and Children) (12:31) — Thank you for restating the very fine words that are contained in the Labor Party's platform. I am very proud of having been involved in drafting the language that was in fact enshrined in the Labor Party platform, because we are absolutely committed to keeping vulnerable children in our care safe. That is why we have taken a raft of measures to keep children safe.

What we have had from the member is cherrypicking figures that she has provided absolutely no context for whatsoever. If she is referring to child deaths as published in the Commission for Children and Young People's report, what she fails to understand is that the vast majority of those children who died were in fact not in out-of-home care. These child deaths were reported to the Commission for Children and Young People because there may have been child protection involvement with the family at some point. A very significant number of these children in fact died very soon after birth due to congenital abnormalities. The member can come in here and cherrypick figures and try to suggest that children who have died very soon after birth, some in a hospital environment, some who may never have left a hospital environment or some who may have died in some other tragic circumstances, whether it be a drowning in a swimming pool or a motor vehicle accident, are somehow all children who were in out-of-home care at the time. I can inform the member that she is incorrect in the assertion that she has made.

The other point that I would make to the member is that if she looks at the Commission for Children and Young People annual report she will see that in fact there has been a stabilisation in the number of young people

being sexually exploited. This is as a result of a raft of measures that we have put in place to keep children in out-of-home care safe. We increased staff numbers so that children in residential care could be safer overnight. We introduced unannounced audits to residential care for the first time. We put in place practice leaders in each division of the department to deal with sexual exploitation issues.

I know the member is very keen on getting all of her information through newspaper articles. She would have seen that we have in fact had a very significant increase in harbouring notices due to the cooperation between the Department of Health and Human Services and Victoria Police around these issues. A raft of measures have been put in place to ensure that children who are placed in out-of-home care can be safer. I am very grateful for the fact that these matters are also being picked up and reported by community sector organisations to my department to make sure that if there are systemic issues they can be addressed.

We are taking action on these issues. Those opposite received damning Auditor-General's reports. They had money squirrelled away that they did not allocate. One of the most important reforms that we have put in place is the targeted care packages, which have seen more than 400 young people being moved out of residential care and into home-based care environments.

The PRESIDENT — Thank you, Minister.

Supplementary question

Ms CROZIER (Southern Metropolitan) (12:35) — Minister, you are the legal guardian for these vulnerable children. You have failed to keep them safe. Minister, will you admit that the system under the Andrews Labor government is at its worst point in Victoria's history, with a record number of children being abused and re-abused and a record number dying in state care?

Ms MIKAKOS (Minister for Families and Children) (12:35) — Three years in and the shadow minister opposite does not even know that it is the secretary of my department that is the legal guardian. If you cannot get basic details right — —

Honourable members interjecting.

Ms MIKAKOS — You have absolutely no idea. I absolutely reject the premise of that question. That is complete nonsense. Unlike you —

Ms Wooldridge interjected.

The PRESIDENT — Ms Wooldridge, 15 minutes.

Ms Wooldridge withdrew from chamber.

Ms MIKAKOS — I know why those opposite are very sensitive about these matters. It is because they had Ombudsman's reports about files being closed prematurely to fudge allocation rates. They had a damning Auditor-General's report. They squirrelled away money. They did not put in place any reforms. We have a clear reform agenda, and we have put massive additional funding into providing better services. So we are going about reforming the child protection and out-of-home care system in this state — something you failed to do.

Youth justice system

Ms CROZIER (Southern Metropolitan) (12:37) — My question is again to the Minister for Families and Children. Minister, the four teenagers arrested in the days after motorcyclist Keith Stevens was hit and killed in Mitcham last Wednesday are now in youth detention. Victoria Police demanded that the two eldest be sent to adult prison, and your department originally said they also should not be in youth detention. So I ask: why did youth justice change their recommendation for Mr Delley and Mr Merrall from recommending adult prison to — and I quote — a 'no-position' stance?

Ms Mikakos — On a point of order, President, I would caution the member that this matter is currently before the courts —

The PRESIDENT — You cannot use a point of order to caution a member.

Ms Mikakos — On a point of order, President, the matter is currently sub judice because it is before the courts. We have had young people charged in relation to particular matters. It is a very tragic case, but these matters are currently before the courts and therefore it is inappropriate to be posing questions in relation to this matter at this time.

Mr O'Donohue — On the point of order, President, I contend that the matter is not before the courts. The location of these individuals and their placement is not a matter before the courts. What is before the courts is matters of alleged criminal behaviour, which has nothing to do with the issue of their location.

The PRESIDENT — I accept that a reverse decision by the department in terms of where they should go before those charges were laid and as part of the remand process is a relevant question that is not within sub judice constraints at this point. In terms of other matters regarding the charges and so forth I can accept that that is not an area where we probably should

be proceeding with any questioning at this time. But the location of the two ostensibly adult alleged offenders is I think a valid question.

Ms MIKAKOS (Minister for Families and Children) (12:39) — Thank you, President, for your guidance. Obviously where we have a court making a decision around bail or remand matters that is in fact a decision of the court. The courts would be privy to information that would be provided to them from various sources, including Victoria Police obviously as the informant and potentially the Department of Justice and Regulation around the nature of the charges and the risk that those individuals pose. So they do in fact have some relationship to matters that will come before the court again as these individuals are in fact prosecuted. Inherently that type of information that goes before the court is in fact tied up with the substantive matters that the court will be considering, and that goes to the alleged criminal activity that those young people have engaged in. For those reasons, President, I am very reluctant to engage in additional commentary on this matter.

The further point that I would make to the member is to remind her that the youth justice bill that the Parliament recently passed, which she tried to scuttle, did in fact introduce significant changes to the dual track that will see young adults who are aged between 18 and 21 have the ability to serve their sentence at Malmsbury through the dual track system significantly curtailed, because those who have engaged in serious offences will now have less ability to serve their sentence in that particular environment. That was a bill that Ms Crozier and the Liberal Party tried to scuttle.

I take this opportunity, however, while I cannot respond to the specifics of matters that are before the courts, to express my deep sympathy to the family of Mr Stevens who have lost their family member in terribly tragic circumstances. I am sure that the thoughts of all members in this house are with that family at this time.

Supplementary question

Ms CROZIER (Southern Metropolitan) (12:42) — I note the minister's response. Minister, the two eldest arrested, Mr Delly and Mr Merrall, have publicly threatened the two younger teenagers for lagging on them. Given youth justice officials changed their stance to ensure that Mr Delly and Mr Merrall went to youth detention, I ask by way of supplementary: what type of specific youth justice management plans are these four individuals on to ensure specific threats from Mr Delly and Mr Merrall are not carried out by either them or

others in youth detention against the two younger individuals implicated?

Ms Mikakos — On a point of order, President, I am just trying to see the connection between that supplementary question and the substantive question. The substantive question related to alleged claims, based on a media report, of the stance that my department may or may not have taken in a court environment as part of bail and remand proceedings, and the supplementary question related to the conditions in which the young people may have been placed in a custodial environment. I do not see that the supplementary question in fact is directly related to the substantive question that was asked.

The PRESIDENT — Thank you, Ms Mikakos. I actually do see a correlation in terms of the questions. I think that the supplementary question goes to ensuring the safety of two of those offenders, given that a decision has been made to locate all four in a facility. I think that there is a correlation in that question.

Ms MIKAKOS (Minister for Families and Children) (12:44) — Thank you for your guidance, President. What I can advise the member is, as I have made clear on other occasions on these types of matters, it is not appropriate for me to discuss operational decisions made by management of youth justice facilities. It is important, as Mr O'Donohue would appreciate, that we give those staff members and the management of these facilities every support to be able to do their jobs without us publicly airing here what processes and risk assessments get made by them in placing any young person under any particular arrangements in our youth justice facilities.

What I can say to the member is: in our budget this year we did in fact fund an additional intelligence function in our youth justice facilities as well as additional staff, who have been funded by us through numerous funding announcements, to bolster the security and the safety of our youth justice system.

Sunbury youth advisory council

Mr FINN (Western Metropolitan) (12:45) — My question is to the Minister for Youth Affairs. One of the election commitments of the Andrews Labor government was to create a dedicated Sunbury youth advisory council. I ask the minister: what is the current status of that particular youth council?

Ms MIKAKOS (Minister for Youth Affairs) (12:45) — I thank the member for his question, and I am pleased that Mr Finn has taken an interest in youth affairs, because those opposite have not shown all that much interest in asking me questions about youth affairs matters over the last three years. In three years I think this might be the third question. What I can advise the member is that we in fact put out a very significant policy last year, a new youth policy to engage young people in our state. We have looked at different mechanisms by which we can better engage young people, including holding the first ever inaugural youth summit at the MCG earlier this year that had young people from —

Mr Finn — On a point of order, President, on a question of relevance in the minister's answer, I asked a question specifically about the Sunbury youth advisory council. The last line of that question was, 'what is the current status of that particular youth council?'. At the moment the Sunbury youth advisory council is yet to be mentioned.

The PRESIDENT — The minister has only just effectively started her answer. She has got another 3 minutes, and she is entitled to provide a context, which she has.

Ms MIKAKOS — Thank you very much, President, and I like to use my 4 minutes, as members might well know —

Honourable members interjecting.

Ms MIKAKOS — my colleagues are agreeing with me — because I like to inform the house about the details of my portfolio at every opportunity. I can advise Mr Finn that through this inaugural summit that we have held we have given young people from right across the state, including those in the western and northern suburbs of Melbourne, an opportunity to participate through this summit. I will be very soon making some announcements around the inaugural Victorian Youth Congress as well, which has been selected to engage with me as minister and other members of the government.

As minister I have made a point of going around to different communities across Victoria and speaking with young people directly. Some of those conversations have actually involved asking my parliamentary colleagues, including the member for Sunbury in the Assembly, to help me to engage in those conversations and to help facilitate those conversations. I have very much appreciated the member for Sunbury and others bringing young people into Parliament

House for me to have an opportunity to meet with them and to hear their views directly. I look forward to continuing to give my colleagues in the government opportunities to provide these opportunities to have direct engagement with young people in their local communities. Obviously local members are themselves very much involved in setting up these types of groups to be involved in ongoing and regular communication with young people in their own communities.

I know that Mr Josh Bull in the Assembly is a very passionate advocate for young people in his own community. I look forward to having further opportunities to advise the house about how our government is getting on with engaging with young people in our state, including those young people who might be in Mr Finn's electorate. I can assure Mr Finn that they have already had many opportunities to engage in these conversations, whether with government members or with myself as minister.

Supplementary question

Mr FINN (Western Metropolitan) (12:50) — Minister, last week your colleague the member for Sunbury in the other place detailed that the Sunbury youth advisory council is currently not active and told local residents that for most of his election commitments there has not been enough support from the Andrews government. He even went further and said he is looking for bipartisan support from the Liberal candidate for Sunbury, Cassandra Marr, to implement this 2014 election commitment. I ask: why has the Andrews government abandoned the youth of Sunbury and broken yet another election promise?

Ms MIKAKOS (Minister for Youth Affairs) (12:51) — What the member has in fact confirmed through his supplementary question is the very deep interest that my colleague the member for Sunbury has in engaging with young people in his electorate. He has a very deep interest in seeking to engage with young people in his community. I look forward to meeting with young people from Sunbury and other parts of the state, and I look forward to working with Mr Bull around these issues. I am absolutely certain that Mr Bull will be a far more effective person in galvanising young people in his electorate than the Liberal candidate could ever hope to be.

Written responses

The PRESIDENT (12:52) — In respect of today's questions: Ms Springle's questions to Mr Jennings involving a minister in another place, two days for both the substantive and supplementary questions;

Dr Ratnam's questions to Mr Jennings, the substantive and supplementary questions, again involving other ministers, two days; Dr Carling-Jenkins's question to Ms Mikakos, the substantive question only, again involving another minister, two days; Mr Young's question to Mr Jennings, just the substantive question, two days; Mr Morris's questions to Ms Mikakos, the substantive and supplementary questions, one day; Ms Crozier's second question to Ms Mikakos, the supplementary question, one day; and Mr Finn's question to Ms Mikakos, the substantive question, one day.

Member for Melton

Ms WOOLDRIDGE (Eastern Metropolitan) (12:53) — I received an answer immediately before question time from the Special Minister of State in relation to the question I asked yesterday. He indicated that the Australian Electoral Commission and the Victorian Electoral Commission are conducting a joint investigation into whether the member for Melton was correctly enrolled at the 2014 election and thus, under section 44 of the constitution, whether his position was valid.

Ordered that answer be considered next day on motion of Ms WOOLDRIDGE (Eastern Metropolitan).

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (12:54) — My question is for the Minister for Roads and Road Safety and relates to the removal of trees on Bolton Street in Eltham. Yesterday's upgrade update bulletin, issued by VicRoads, casually mentions that a small number of trees at the northern end of the street will need to be removed to allow for road widening and a new walking and cycling path. However, there is no figure on the number of trees that are to go. Eltham residents, especially those in Bolton Street, have the right to know exactly how much vegetation is now intended to be removed so these works can be completed. Is this section of the road the only area where there is the intention to remove trees? So far residents have been informed with little notice that the speed along the street is to be reduced, that trucks are to be banned and that they will now have trees removed. It is time the government was up-front with its plans in relation to Bolton Street, so I ask the minister to inform residents immediately — and inform this house immediately — how many trees and what other

vegetation will be removed during the course of the Bolton Street works.

Northern Victoria Region

Mr GEPP (Northern Victoria) (12:55) — My constituency question is for the Minister for Trade and Investment. My question is in regard to economic initiatives to support Aboriginal Victorians in my electorate of Northern Victoria Region, including government procurement targets, employment agreements and *Tharamba Bugheen: Victorian Aboriginal Business Strategy*. Tharamba Bugheen, which means 'clever makers' in Gunaikurnai, will support Aboriginal businesses to grow, extend networks and build upon entrepreneurial skills within communities. The strategy includes the establishment of a 1 per cent government procurement target for Aboriginal businesses in addition to employment targets in a range of major projects and the Victorian public service. Can the minister update the house on this fantastic initiative and how it is impacting on Indigenous communities in my electorate of Northern Victoria Region?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) (12:56) — I raise a matter for the Minister for Planning. It relates to the proposed sale of part of the former Ansett estate that forms part of the green wedge between Mount Eliza and Mornington. I have been contacted by a number of concerned local residents who are anxious that the green wedge provisions are not amended, not diluted and not altered in any way. As I understand it, some of the material that has been distributed as part of the sale process indicates potential development that has caused some concern in the community. The green wedge between Mount Eliza and Mornington is critical to the delineation of those towns. I seek an assurance from the minister by way of a question that there will be no change to the current green wedge in that area.

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) (12:57) — My constituency question is directed to the Minister for Education, James Merlino, and it concerns the asbestos removal program in Victorian public schools, which he oversees as part of his ministry. I think it is a great program. There are a couple of schools in Eastern Metropolitan Region, Ringwood Heights Primary School and Croydon Primary School, where I know there is asbestos. It would be a very good thing if that could be removed as part of this program. The question

I ask the minister is: is there the possibility of those two schools being part of the asbestos removal program?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (12:58) — My constituency question is for the Minister for Families and Children, and it is in relation to a program that has been helping 311 at-risk young people in local schools in the Casey area. The program is called Operation Newstart. I understand that pressures on local schools and also a reduction in Department of Health and Human Services funding have meant that there has been a shortfall of \$60 000 for this program for the remainder of the 2017–18 year. It is a critical program. There have been in the past significant issues facing young people in the area, including a suicide cluster. This is an important program, and I call on the minister to see what she can do to tap into the additional funds that are needed in order to ensure the ongoing viability of this program.

Western Victoria Region

Mr MORRIS (Western Victoria) (12:59) — My question is for the Minister for Energy, Environment and Climate Change, and it relates to the batteries that the government have said they will roll out to assist Victorians with the expected blackouts that Victorians will be subjected to over the upcoming summer. The Minister for Energy, Environment and Climate Change has made an announcement about these giant batteries and their expected rollout in Victoria, and I understand one of them is supposed to be in Ballarat. So the question I would ask is: what is the status of the battery project that is to occur in Ballarat?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:59) — My constituency question is for the Minister for Sport. The Whittlesea Cricket Club has been operating for over 150 years and is an affiliate member of the Diamond Valley Cricket Association. In the 2017–18 season the club is fielding eight teams in competition, including an under-16 girls team for the first time. To encourage more players and in particular to develop additional girls teams in the future, a long-overdue upgrade of the club's practice nets at the A. F. Walker Reserve is required. The City of Whittlesea plans to contribute \$100 000 of the estimated \$200 000 cost for the upgrade and has made a submission for a grant of \$100 000 through Sport and Recreation Victoria's 2018–19 Community Sports Infrastructure Fund. Will the minister support the City of Whittlesea's funding submission of \$100 000 to upgrade the Whittlesea

Cricket Club's practice nets to allow more people to play cricket at the local club?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (13:00) — My constituency question is to the Minister for Public Transport. I refer to the most recent response by the minister to my recent question on the Buckley Street level crossing removal in Essendon. I assure the minister there are very real problems ahead on this issue, and her flippant politically motivated put-downs of anyone expressing genuine concern on this matter are disgraceful. I ask: will the minister put party-political games to one side and listen to the local community in a bid to avoid her imminent stuff-up on Buckley Street?

Western Victoria Region

Mr RAMSAY (Western Victoria) (13:01) — My constituency question is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan. It is a matter that I have actually raised before in a previous constituency question but got no response. The issue at hand is the stretch of road between Cape Otway and the township of Birregurra. That section of road has had significant flooding over a number of years which has created quite a significant fall in the pavement, so much so that if you are on the left-hand side of a vehicle travelling into Birregurra you actually lurch almost at a 45-degree angle. Those farmers carrying any sort of produce, whether it be hay or something else, invariably and continually lose their loads. This is becoming very dangerous, in fact so dangerous that the council saw fit to put a 20-kilometre speed limit on that section of road. This is not remedial work. What we need now is VicRoads to do some urgent works to at least align the tangent back to a more even keel for those using that stretch of road.

Sitting suspended 1.02 p.m. until 2.07 p.m.

STATE CARE LEAVERS

Ms SPRINGLE (South Eastern Metropolitan) (14:08) — I move:

That this house —

- (1) acknowledges that past legal procedures effectively criminalised Victorian children for being in need of protection;
- (2) notes that —
 - (a) babies, toddlers and children were given a criminal record when their need for protection was recorded

by the Children's Court as an 'offence', and that these records have followed Victorian care leavers throughout their life, resulting in confusion, pain, isolation and exclusion;

- (b) these children were failed by the very system that was meant to protect them, including the Victorian government and the Victorian Parliament; and
- (3) calls on the government to provide a report to Parliament by 12 December 2017 detailing the extent of the problem, how it plans to redress these issues, including an apology to care leavers for the harms caused to them.

I want to share a story of how we got here to this place on this day. It is not an easy story to hear, nor is it straightforward to explain, but it is one that must be told, and it must be heard. Many of you would argue that it has already been told, and that is partly true. The historic failings of our child protection system have been covered extensively by the Royal Commission into Institutional Responses to Child Sexual Abuse. Of course it has also been the subject of the Victorian parliamentary inquiry into the handling of child abuse by religious and other non-government organisations, resulting in the historic *Betrayal of Trust* report.

Victoria has shown real leadership in implementing the *Betrayal of Trust* recommendations, and I would like to acknowledge the work of the government on that front, but despite all of this, despite the thousands of hours of testimonies and hearings and research, we are still here. And after all this the issue we raise today will still be a surprise to many of us, including those of us who have worked on child protection issues for decades. It is a confronting and upsetting fact that child protection practices in the past have effectively criminalised children in the care of the state and that they have scarred these children for life. It is confronting that this motion has come about as the result of an accidental discovery. The Criminal Record Discrimination Project is an Aboriginal-led collaboration between numerous community and legal organisations brought together as part of the coalition of Indigenous organisations Woor-Dungin.

Dr Bronwyn Naylor is a professor of law at RMIT and has undertaken research as part of Woor-Dungin's project. She spoke at length with Uncle Larry Walsh, who was taken from his family in Mooroopna as a young child. As an adult Uncle Larry was confused by his interactions with police and magistrates, who kept referring to his criminal record, with the first conviction recorded in 1956. Uncle Larry was two and a half years old in 1956. He later discovered the nature of his crime. Uncle Larry's so-called offence read as follows:

Was deemed to be a child in need of care and protection that is to say has no visible means of support and no settled place of abode.

The offence — and that is the clear language that is used on this form — appears on the Children's Court prosecutions register.

Since reading the story of Uncle Larry I have heard from a number of Victorians who are former wards of the state about this. Nell Butler was charged in 1989, and the charge reads 'is exposed'. This is shorthand for 'is exposed to moral danger'. Aged 13, Nell had been raped repeatedly by a stranger, but when police picked her up she was charged and remanded to the Bendigo correction centre. She was later placed in Winlaton girls home in Nunawading, one of the so-called therapies for girls aimed at encouraging them to accept responsibility for crimes committed against them. Nell believes the man who raped her was never charged or convicted, but she — and so many other Victorian girls — was charged and placed in a Victorian home where physical brutality and emotional abuse were par for the course.

So how did this happen, and why has it never been effectively addressed? Dr Naylor looked into this and found that her discovery was by no means new. Magistrate Peter Power authored a huge volume of legal research and guidance for the Children's Court and explains this systemic historic failure as follows:

One of the most significant issues addressed in the Carney report was the failure of the previous system to distinguish between children in need of protection and young people who were offending against the criminal law. Not only did the court buildings and the court processes and outcomes not make any clear distinction between these two classes of children, the institutions in which they were placed were often the same. Babies, children and young persons before the court were charged with being in need of protection and if this charge was found proved it would appear on a police criminal history sheet.

Many here will be familiar with the Carney report, the final report of a major review into Victoria's child protection system, authored by a committee headed by Terry Carney, AO. Terry Carney has written about this issue extensively over several decades, and he points out that the highly subjective status offences had pretty ancient origins in the vagrancy and other provisions of British Poor Law: being without sufficient lawful means of support, being likely to lapse into a career of vice or crime, being neglected et cetera. Although status offences were a hybrid of and sat between child protection and juvenile justice offences, no practical or other distinctions were drawn up until 1989 with the passage of the Children and Young Persons Act.

The Senate inquiry into children in institutional care, which was conducted from 2003 to 2005, stated:

Many children were made wards of the state after being charged with being uncontrollable, neglected or in moral danger, not because they had done anything wrong, but because circumstances in which they found themselves resulted in them being status offenders.

Furthermore:

... a large number of the children placed into the 'care' of the state, especially between the 1950s and 60s, were status offenders who had been charged with neglect, no visible means of support, being uncontrollable or exposed to moral danger. These were not crimes of the child. They were crimes of the parents or, in a sense, crimes of a society ... As one witness succinctly said: 'We were not bad then and we are not bad now'.

The Senate committee's final report contains a whole section dedicated to the legislative provisions of wardship in Victoria, specifically those relating to status offences:

... under section 16 of the Children's Welfare Act 1954 a range of definitions were outlined where a child could be deemed to be in need of care and protection including a child or young persons who:

- (c) has no visible means of support or no settled place of abode;
- (f) is not provided with sufficient or proper food nursing clothing medical aid or lodging or who is ill-treated or exposed;
- (h) is in the care and custody of any person unfit by reason of his conduct or habits to have the care and custody of the child or young person;
- (i) is living under such conditions as indicate that the child or young person is lapsing or likely to lapse into a career of vice or crime;
- (j) is exposed to moral danger.

Numerous submissions and testimonies to the inquiry recounted the experiences of children charged with status offences. Many of them were Victorian. There is no doubt that the Senate inquiry and the earlier Carney report precipitated important changes in terms of legislation and recognition of past hurt. It is difficult to fathom how these efforts over many decades have failed to provide any remedy or recognition, because care leavers still have these offences on their records today.

As part of her recent research, Dr Naylor's team spoke to Victoria Police to ascertain whether these records would be assessed as part of a criminal history check. Researchers were informed that current Victoria Police policy precludes the release of these charges as part of a

police records check. But the reality is that records have been disclosed in some form in the past, as evidenced by Uncle Larry's experience. This disclosure is likely to have limited the choice, freedoms and opportunities of many care leavers.

John Dommett, CEO of stolen generation support organisation Connecting Home, notes that care leavers may have excluded themselves from certain employment opportunities and/or kinship care on the basis of their criminal record.

Regardless of their impact in terms of employment and child protection outcomes, the very existence of these records is the source of confusion, pain, shame, frustration and anger for many care leavers. The recording of child protection offences only serves to exacerbate the trauma and anxiety experienced by children separated from their families. This separation was too often followed by further denigration, abuse and trauma in institutions. Many care leavers have gone to their graves with criminal records that should never have existed.

Children can never be held responsible for crimes committed against them, and they must receive the best protection and support that our society can provide. We cannot change the past but there is something we can and must do. We can listen; we can listen to care leavers who have been telling us for so many years what happened to them. We can remove these so-called offences from the criminal records of care leavers, which in many cases may mean they cease to have a criminal record at all.

I understand the Victorian government is undertaking work to develop an expungement scheme and that the Department of Justice and Regulation has been working on this. This process is likely to take many more months before we see legislation in this house. We support this work and we urge the government to take this forward with the urgency that the care leavers deserve.

There is a long way to go on other aspects of redress, both at a state and federal level. But there is another important element of redress that we can make happen immediately. It will respond to decades of pain, humiliation, exclusion and suffering caused by the practices of our legal system under the guidance of previous Victorian governments. We need to say sorry. As Nell Butler says, an apology will not correct the injustices of the past, but it might make them just a bit less unjust.

Ms CROZIER (Southern Metropolitan) (14:20) — I am very pleased to be able to rise and speak to Ms Springle's motion. I was just speaking to the minister, who was explaining that the government will be moving some amendments to the motion. I think that all of us in this chamber are very much in agreement on this motion, if this is what we are going to be achieving here today, to look at this issue of children who unwittingly had criminal records. When this motion appeared last week, I had not known about the extent of this issue.

Ms Springle just highlighted in her contribution some of the inquiries and royal commissions that we have had, and she mentioned the *Betrayal of Trust* report. Whilst I am on my feet, I would like to acknowledge the work of this Parliament in relation to that inquiry. I had the great honour to be chair of the committee that conducted that inquiry. Yesterday I was reminded by the Deputy Clerk that it was four years ago yesterday when we tabled that landmark report here in this place. It does not seem like four years ago. I know that the royal commission is coming to its conclusions. We did some tremendous work which I know has assisted that commission.

I understand that this issue really came to light in recent times in the media, although others have been pursuing it for a very long time. A program about it was aired on SBS. As Ms Springle said, Professor Bronwyn Naylor from the Graduate School of Business and Law at RMIT has been working on the Woor-Dungin criminal record discrimination project. My understanding is that that is something that has been going on for not very long. That particular Aboriginal-led collaboration involves a number of community and legal organisations that are trying to achieve the introduction of a legislated spent convictions scheme in Victoria and an amendment to the Victorian Equal Opportunity Act 2010 to prohibit discrimination against people with an irrelevant criminal record.

As has been highlighted very clearly by Ms Springle, up until 1989 there was an overlap in the way that the Victorian Children's Court made child protection orders and sentencing orders. As has also been highlighted, there have been a number of reviews and inquiries where people have spoken about their experience and those criminal records and the impact that some of those practices might have had. In the past we have had apologies in this place that have acknowledged some of those wrongs under previous parliaments and governments, really acknowledging the impact on those who have suffered under previous practices.

As I said, until 1989 there was that significant overlap in the way the Victorian Children's Court made child protection and sentencing orders, and the protection orders appeared on the same register as those sentencing orders. The way it was conducted was that a sentencing option as well as an order was available if a child was in need of care and protection. This then significantly blurred the lines between wardship and protection in criminal justice and punishment. That is the issue.

It is my understanding that, as Ms Springle said, Professor Terry Carney had undertaken significant work on this for a number of years. It appears that there were people caught up unknowingly, as was highlighted in that SBS program that I saw. Uncle Larry Walsh was displayed in that program. He told us his story about how he was caught up in this. From the age of eight or nine he had a criminal record. He was unsure why he did have such a criminal record, and that has been with him for his entire life.

I note that some work was done by Magistrate Peter Power, who looked into this issue too. I want to just note some of his findings in this because I think they go to the point that we are all trying to understand here. I know that Ms Springle asked the Attorney-General a question requesting information from the Department of Justice and Regulation about the historic matter of children in need of protection having this recorded as an offence. She did that some months ago. It is my understanding that the Attorney-General did come back and say that they were looking into this matter, that it was important and that they needed to determine the nature of the relevant issues and any action that was required. I think that is a good thing, but we are here because Ms Springle has moved this motion because she really is endeavouring to find out what did happen.

Professor Naylor has described some of the issues, saying:

The format for the Children's Court to record a decision did not differentiate between a criminal decision/sentence and a welfare/care placement.

She highlighted very clearly how that could have happened at the time:

The Children's Court Act 1973 ... gave the Children's Court jurisdiction to hear charges of childhood offending ... and over applications for children to be admitted to the care of the department as a child 'in need of care and protection', or a child classified as uncontrollable ...

Under the Children's Court Act 1973 ... the same rules and procedures applied to ... criminal charges and applications for protection of children.

I see that on the face of it what we are trying to do here is at least ensure that those people who have this history of being recorded as having had some sentence — when, quite frankly, if they were babies and toddlers they could not possibly, in my view, have such a criminal record — have those sentences expunged. I think that is what this motion is about at its heart. It is to recognise that, and those people who have been affected need to have that acknowledged.

I note that, as Professor Naylor points out in her research:

After the Carney review the Children and Young Persons Act 1989 ... separated the court's criminal jurisdiction from its child welfare role. It seems that from this point, the combination of criminal records with state ward records ceased.

That act was from 1989, and we are now in 2017. It was some time ago. We have had all those years go before us. I think it is important that the government and the department undertake that work that is required to be done so that we really know the extent, history and detail of what we are talking about here.

Of course there is precedent for expungement. I note that today the same-sex marriage vote results have been released. In talking about that, I refer to expunging the criminal records of homosexual men from when homosexuality was regarded as a crime. It was a former colleague, Clem Newton-Brown, a former member for Prahran, who actually led the charge on this. He did an extraordinary job for his community and for many gay men across Victoria in having us recognise this. He had apparently learned of a move in Britain where they passed a law to allow thousands of men with convictions for consensual sexual activity to apply to have their records cleared. He lobbied very successfully to Robert Clark, the then Attorney-General, who obviously dealt with this issue. That was a tremendous move for so many who had been involved in that. My colleague Clem Newton-Brown, who was an excellent member for Prahran, worked with the community and worked with the then Attorney-General to see that that was followed through, and I think everybody in this place also acknowledges the enormity of those expungement laws and expunging those criminal records for those men in particular.

Ms Springle — It wasn't just men — people.

Ms CROZIER — People, Ms Shing — thank you. I was actually just reading a by-line, but it was people. I did not want to highlight anyone, but I think in terms of what he was talking about when he was talking to Noel Tovey, who he worked very closely with in relation to

this issue, that really did provide an enormous relief for all of those people who were in fact affected. As I was saying, I was reading this line because it was an opinion piece written by Clem Newton-Brown, and he spoke about the Noel Tovey situation. He also, in this editorial, wrote:

It was Liberal Premier Rupert Hamer who decriminalised homosexuality in Victoria in 1980. In the federal Parliament and in almost every other Australian state it was Liberal governments that acted to right a wrong that turned otherwise law-abiding citizens into criminals due to their sexual orientation.

On this day, when we are talking about same-sex marriage, even though I have digressed slightly from the motion, the point is that these were significant areas that were addressed and dealt with. There is precedent for this, but I do believe that we need to see the details of what the Attorney-General has to say on this. I note that the government is going to move their own amendment. I am supporting the Greens' motion here because of the discussions I have had with Ms Springle over the last two days about this. I want to also acknowledge my discussions with Ms Mikakos's office in terms of my concerns that I raised in relation to understanding the detail. I think we are all in agreement here, but we need to have a clear understanding of what the department is doing. I am not sure why the government is wanting to move their own amendments when I think we are all in agreement with having a look at this issue. Of course expungement has a legislative requirement, but I think the intent of this motion is one that we are all in agreement with, so I will be supporting Ms Springle's motion on the basis of that.

I hope that we as a house and a chamber can then have a look at the detail once the government provides the information, because paragraph 3 of Ms Springle's motion calls on the government to provide a report to the Parliament by 12 December detailing the extent of the problem and how it plans to redress these issues, including an apology to care leavers for the harms caused to them. I know there will be other comments on that particular point that I want to make, but I think it is important that this Parliament and this house understands what the government has done or is doing. I look forward to hearing from the government as to what they are doing. I know the Attorney-General's office, as I said, has been working on it, but from my discussions with Ms Springle and others I think we are all in agreement that if there was reason to examine these criminal records of those children or the administrative history that has been noted, then we need to understand that. I think that this house should be very supportive of the endeavours of Ms Springle and the government and what they are trying to achieve here.

The ACTING PRESIDENT (Mr Morris) — I have been reminded that there is a change to the motion as it is currently printed on the notice paper. Members will be aware that the Clerk yesterday emailed an amended version of this motion, as changed by Ms Springle. However, from the motion as it is printed on the notice paper there have been some words omitted. Under paragraph 2(a), following ‘Children’s Court’, ‘as an “offence”’ has been omitted from the printed version of the motion on the notice paper. However, the actual motion does have ‘as an “offence”’ in the motion itself. That motion, which is the amended motion and which was forwarded to members yesterday by the Clerk, is available on the table here for members to peruse. That is the motion that we are presently debating.

Ms PENNICUIK (Southern Metropolitan) (14:35) — I rise to speak briefly on the very important motion brought to the house today by my colleague Ms Springle, and I thank her for bringing this motion to the attention of the house, the Parliament and the community. I am rising briefly just to move an amendment to paragraph 3 of the motion as moved by Ms Springle. Paragraph 3 calls on the government to provide a report to Parliament by 12 December 2017 detailing the extent of the problem, which we are discussing, and how it plans to redress these issues, including an apology to care leavers for the harms caused to them.

The amendment that I would like to move would mean that paragraph 3 of the motion would then read:

calls on the government to provide a report to Parliament by 12 December 2017 detailing the extent of the problem, how it plans to redress these issues, including any legislation needed and an apology to care leavers for the harms caused to them.

We move this motion with recognition of course that legislation will be needed as part of the redress for these past offences which were recorded against children under care and which have stayed with them all their lives. The government will have to look at that as well as the other issues. The motion, as drawn up by Ms Springle, asks for the government to provide a report detailing the extent of the problem and all the plans it has to redress the issue.

That is because the extent of the problem is not necessarily totally clear to everybody in the chamber or to everybody in the Parliament or in the community for that matter. We think it is important that that does happen.

I move:

1. In paragraph (3), after the word ‘including’ insert ‘any legislation needed and’.

I am happy to have the amendment circulated too.

Ms MIKAKOS (Minister for Families and Children) (14:37) — Firstly, I move:

1. In paragraph (2)(a), after ‘Court’ insert ‘as an “offence”’.
2. In paragraph (2)(b), omit ‘and’ where second occurring.
3. Insert a new paragraph to follow paragraph (2) —

‘(3) acknowledges that this unjust past practice has been brought to the attention of the state government, and that the Attorney-General has asked the Department of Justice and Regulation to recommend a legislative scheme to right this wrong; and’
4. In paragraph (3) omit ‘(3)’ and insert ‘(4)’.
5. In paragraph (3), omit ‘12 December 2017’ and insert ‘8 March 2018’.

I ask that the amendments be circulated, and I will come to those shortly.

I begin by thanking Ms Springle for her motion and also her preparedness to work with the government on some changes to this motion. In fact the motion has changed from what was originally circulated several days ago, and we have had an amendment moved by Ms Pennicuik as well. I will address some of the changes and some of the detail around the government’s own amendments perhaps at the conclusion of my contribution. But I will just indicate that there has been a bit of a flurry of activity for those present during the course of the debate as we have been working through these issues.

I begin by saying that the government acknowledges the serious injustice of the historical practice of effectively criminalising children when they were in need of care. These practices reflected the law at that time. The government is very concerned about these unfair and discriminatory practices and the ongoing effect they have had on the lives of those affected. The Attorney-General has asked the Department of Justice and Regulation to provide advice to him about the best way to address these historical practices, including any legislation that may be required to correct the records. I make the point that that work has been underway now for some time, and that is in essence the thrust of one of the amendments that I have moved to this motion to acknowledge the work that has been underway by the

Attorney-General to recommend a legislative scheme to right this wrong.

I would like to acknowledge the work being undertaken by the Woor-Dungin Criminal Record Discrimination Project to bring attention to this injustice. These practices have disproportionately affected Aboriginal people, particularly those who were part of the stolen generations. I note there have already been some references to a media story that appeared through NITV, and I acknowledge their work. That is a channel that I do like to frequently watch. They did highlight recently the case of Uncle Larry Walsh in particular. In that story they referenced how Uncle Larry Walsh discovered that he had a criminal conviction going back to his time as a two-and-a-half-year-old in 1956, which is a pretty extraordinary thing for all of us to contemplate. In order to correct the record, not just for Uncle Larry Walsh but also for the many others affected by this issue, it is important that we understand how this injustice arose.

Prior to 1986, the Children's Court did not have separate divisions — it did not have a separate criminal division and a family division as it does now — and processes to distinguish between children in need of protection and young people who were dealt with for criminal offending. It was all done in the one court, and the record keeping was all done in one way, regardless of the circumstances in which those children and young people found themselves before that court. As a result, from 1928 to 1954 children were effectively charged with being in need of protection. If this charge was then found to be proven, it was recorded in the same way as a criminal conviction.

Section 19 of the Children's Welfare Act 1928 provided that:

Every child found by any member of the police force ... in circumstances which make such child a 'neglected child' may be immediately apprehended by such member ... without any warrant and forthwith taken before a children's court ... until the charge is heard ... such child shall be detained ...

Then in section 20 the act stated that:

Whenever any child is brought before a children's court charged with being a 'neglected child' the court shall proceed ... to be forthwith committed to the care of the Children's Welfare Department, or if in the opinion of such court such child has been leading an immoral or depraved life to a reformatory school, or may direct such child to be released on probation ...

To modern ears, to those of us in this house, this language sounds absolutely terrible. It is truly offensive and appalling language, but this is the language that reflected the law in 1928, and in fact that was the law

for many decades subsequently. The Victorian government during all of that time had a responsibility to protect and support neglected children and not to treat them as criminals, but that is how the law did treat them through these legal provisions.

In 1954 the terminology was changed under the Children's Welfare Act 1954, and a child went from being charged with neglect to being the subject of an application that they were in need of care and protection. However, these new care and protection orders were still recorded in the same way as criminal matters. It was not until 1986, following the child welfare practice and legislation review, that a new structure was established at the Children's Court and two separate divisions were set up: the family division, which hears applications relating to the protection and care of children at risk; and the criminal division, which hears matters relating to criminal offending by children.

It is important that the government does what it can to correct these indefensible practices, which vilified the most vulnerable people in the community, those most in need of care. I am very sorry for what these people have suffered, and I commit to work with the Attorney-General to join with care leavers to address this wrong and to heal the hurt it has caused. Importantly, I acknowledge this has disproportionately affected Aboriginal children who were part of the stolen generations and removed from their families at much higher rates for the only reason that they were Aboriginal. Successive Labor governments have proven their commitment to addressing the pain caused by these past cruel practices for vulnerable children in need of care.

Forgotten Australians, care leavers and children that were removed by the then state and territory welfare services and then placed in either long-term religious or foster residential settings were the subject of a very important Senate Community Affairs References Committee report, *Forgotten Australians: A Report on Australians Who Experienced Institutional or Out-of-Home Care as Children*. In response to that, the then Premier, Steve Bracks, made an apology to Victorian care leavers in this Parliament on 9 August 2006.

It is definitely worth reflecting on that apology, and I do want to quote some of the language that Premier Bracks used at the time. It was a proud moment for me as a member of this Parliament to be in that Parliament at the time when that apology was made. Premier Bracks said at the time:

The experiences of many of these children were distressing and have had an enduring detrimental effect on their lives.

The Victorian government believes it is important that these histories are known, are heard and are acknowledged. The government is working hard to ensure that those unacceptable past practices are never ever again experienced by any Victorian child.

We acknowledge that there have been failures with respect to many children entrusted to care. As a result of being placed in care, many of these children lost contact with their families.

The state, the churches and community agencies cared for thousands of children over the years. For those who were abused and 'neglected', the message we wish to give to them is that we acknowledge their pain and their hurt.

We are also committed to working together with survivors of abuse and neglect in care to promote the healing process.

We take the opportunity provided by the release of this report —

That is, the *Forgotten Australians* report —

to express our deep regret and apologise sincerely to all of those who as children suffered abuse and neglect whilst in care and to those who did not receive the consistent loving care that every child needs and deserves.

I have to say that the sentiment that was expressed in that apology was heartfelt. It was heartfelt from all those members across the political divide who had the opportunity to speak on it and to support that motion, and I think it is timely that we reflect on that bipartisan apology that was given to those individuals in 2006. Can I just say that the sentiment that was expressed there about needing to work hard to ensure that the hurt suffered by those individuals is addressed and that we continue to strive to address that hurt is an important one. We also need to continue to strive to ensure that the mistakes of the past are not repeated and that we can learn from these mistakes and do so much better for vulnerable children in the state's care.

At the time the apology was made in the Victorian Parliament I am aware that forgotten Australians, care leavers and their supporters from all over Victoria attended the apology here at Parliament, a special event was also held at the state library and many were provided with specific support to ensure that they could attend that event. A number of events in community service organisations were held at the same time as the Victorian apology by organisations that included MacKillop Family Services in South Melbourne, Child and Family Services in Ballarat, St Luke's in Bendigo and Glastonbury Child and Family Services in Geelong to make sure that people from across Victoria who did not have the opportunity to come into Parliament were also able to be involved.

The point that I would make, and I do not want to labour the point, is that when we have issues as

important as this one come into the Parliament and we have only a few days notice to consider them as members of Parliament, it does mean that many others who have an interest in these matters do not have an opportunity to participate and become informed about them. Certainly the way these types of apologies have been done in the past has also involved consultation with individuals and making sure they are very much included in the process.

I also acknowledge the important advocacy work of organisations like CLAN, the Care Leavers Australasia Network, in their advocacy work here in Victoria but also Australia wide around these issues. The apology that was delivered in 2006 was also accompanied by very tangible changes, and I think it is important when we have these motions in this Parliament that it is not just a symbolic gesture but that it is also accompanied by real, tangible change. Symbolism is of course incredibly important. I note that even today as Australians we have sent a very powerful message, a huge gesture of support, I believe, to the LGBTI community, so I do not want to in any way underestimate the importance of symbolic gestures, but we know that when we have people who are hurting and we have people who are still affected to this day by these practices, practical support is very important as well.

Services were introduced following the 2006 apology. In particular a range of services started to be delivered through Open Place in 2010. A Forgotten Australians memorial was established at Southbank at that time as well, and there was funding provided to CLAN to help care leavers access records and address issues relating to records and provide support. Also specific access and support services were provided in the Department of Health and Human Services (DHSS) to enable care leavers to access records through the DHSS care leavers record service.

My department completed the implementation of its ward records plan early this year. All of the department's ward-related records, which make up approximately 40 per cent of the department's entire record holdings, have now been indexed and many records have subsequently been digitised. I would certainly welcome and encourage care leavers to contact the department if they wish to see if any new records relating to their time in care have been located as a result of this very significant piece of work that has occurred.

Last year my department launched its *Finding Records* website to provide care leavers with information about how to access their records. We also established a care

leavers record service, providing a single point of entry for those applying for their out-of-home care records, using a sensitive and trauma-informed approach to help care leavers. I have acknowledged CLAN's advocacy about deficiencies and concerns around these issues and about making sure that the department can do better when it comes to issues around understanding the historical context in which records have been created and explaining the reasons for and purpose of any redactions that might occur in documentation. Personal support for any care leaver trying to make sense of what was often a complex and difficult part of their lives is also available at no cost. If records have not been available to a care leaver previously and then are found, the service proactively contacts that care leaver rather than waiting for them to complete another search.

I think these are important developments that have been occurring, and we certainly want to ensure that this process can be as supportive and as seamless as possible. We will continue to work with organisations like CLAN and others to make sure that the system can be improved to make access to information much easier than it has been in the past.

I also want to add that in speaking about tangible changes and tangible things, in the budget this year we did provide just a little over \$2 million over two financial years to support pre-1990 care leavers who continue to experience significant social and economic disadvantage in their lives. This funding provides an additional \$1.7 million over two financial years to open a place for a coordinated support program to help pre-1990 care leavers navigate and access the universal health and community services that they require as they age and their needs become more complex. It also provides better resourcing for care leavers regional support groups to provide the support and practical assistance that care leavers need as well as better targeted brokerage funding. As part of the funding this also includes increased funding of \$304 000 over two financial years to CLAN to enable them to increase their advocacy services for care leavers in Victoria and to provide more support to those people.

I have moved some amendments, and I might address those now. The first amendment I will not be proceeding with because the Acting President has already clarified that some words that appeared inadvertently to get dropped off yesterday's version of the motion have now been reinstated with everyone's agreement, so those missing words are not necessary. Amendments 2, 3 and 4 are interrelated. In essence they seek to insert the words:

... acknowledges that this unjust past practice has been brought to the attention of the state government, and that the Attorney-General has asked the Department of Justice and Regulation to recommend a legislative scheme to right this wrong ...

I personally cannot see what the problem is with adding these words to this motion, because in essence what this amendment does is acknowledge that the government has had this issue brought to its attention, and the Department of Justice and Regulation has been working on this issue now for some months. It is a really positive thing that we are saying through this amendment that the Attorney-General has asked his department to recommend a legislative scheme to right this wrong. We as a government are flagging here that we are prepared to introduce legislation to right this wrong, this great injustice, and I think, given the contributions that have already been made in relation to this, I would have thought that that particular strong language from the government and my moving of these amendments would be something that we would all welcome here today.

Regardless of the fate of these particular amendments, I want to make it clear to those people who have a very strong interest in this issue that that work has been happening for some time and will continue, because it is really important that we do right this wrong. The final amendment, amendment 5, relates to changing the date — and I believe this does have the agreement of other parties — from 12 December this year to 8 March 2018.

These are complex issues. I think I have given people a bit of a taste of the complexity involving the different act that existed in 1928, the change that happened in 1954 and a further change in 1986. It just illustrates that we have got individuals who are affected in different ways by this issue. As I said, it is a complex issue to work out how this injustice can be rectified, and rectified properly, to make sure that this harm, this hurt, that people feel to this day is able to be addressed. Giving some further time for that work to continue will mean that a more meaningful report will be able to be provided to the Parliament about the work that the government has been undertaking.

I welcome the discussion today. I welcome the opportunity it has given us as members of this house to again reiterate the spirit of the apology that was delivered in this Parliament in 2006, to reassure those people for whom this continues to be a sense of grievance, a sense of personal hurt and humiliation that this is an issue that we as a government are very much determined to rectify. I want to indicate that we are supportive of the motion. I certainly hope the

amendments that I have moved in the house will also be supported, because I do think that they in fact commit the government to giving a more robust report to the Parliament and to doing so in a realistic time frame.

I thank members for their contributions. I particularly want to thank those individuals who have spoken to members of Parliament about their issues. I know in meeting with care leavers, with forgotten Australians and with members of the stolen generations over many, many years as a member of Parliament about the very deep hurt that people experience to this day. I acknowledge that hurt and that sense of injustice, and I reassure them that this injustice will be rectified.

Ms PATTEN (Northern Metropolitan) (15:01) — I, too, would like to rise briefly to speak about Ms Springle's motion, which almost feels like it had been taken over by the government. It is exciting news on this wonderful 'yes' day. It might look like I am even supporting the Tigers today, which would be a rather remarkable day as I am a Swans supporter through and through. However, today does seem like it is a very good day for this Parliament and for me to speak briefly on this motion.

It is always amazing what you learn when you are a member of this house. I had no concept of this system. I had no concept that children were being charged because they were neglected and abused. I did not realise that that had occurred in our state. I was pleased to learn more about this issue. I was pleased that that did stop in 1989, but I understand that so many people would obviously have been harmed and hurt by such a procedure. I quite often feel that in so much of what we do in juvenile justice we are punishing the victims. We know that if someone has had neglect and abuse in their early lives there is a greater chance that they will enter our juvenile justice system and that if they experience further neglect and abuse they will follow through to the adult justice system.

That is also the case for someone with a conviction. Having a conviction for being a victim really is just so sad. I am very pleased to hear the government announce today that legislative change is afoot and that we will see some changes. May I also add — and it is nice that Ms Pennicuik is here — that of course we have been pushing for spent convictions. In the 1980s a whole bunch of jurisdictions introduced spent convictions. That would be those radical states like Queensland and Western Australia, and also the Northern Territory. A lot of that, while not recognising the harm that has been done by this, would have spent the convictions of those people so that those convictions would not still be standing on the books. I

appreciate that the police are very sensitive to this and do not exclude this information from all criminal history reports. However, I would encourage the government to also move towards spent convictions. The rest of the country has. Victoria is an island on this still. I would like to note Melbourne also is an island in its support for same-sex marriage, but that is off the subject here.

It really seems to me that the Labor government could have done this in the 1980s — even in the 1990s. I did speak to the former Attorney-General Rob Hulls about why this did not happen when every other state was doing it, and he really did not know. It seemed that there were other priorities. I would think that spent convictions should be a priority, because as we have seen from this motion and as we have seen from Ms Springle's contribution and Ms Crozier's contribution, having these types of offences or having any type of offence when you are young just follows you through, and having a conviction really sets the bar just that bit higher for you — in this case as a result of being neglected or abused but in other cases through youthful exuberance. I am not trying to marry those two issues together; they are very different. However, spent convictions give us the opportunity to think about this.

When the minister was talking about tangible changes and saying that motions like this must be met with tangible changes, I was very pleased to see that her amendments seemed to signpost some tangible changes. I am not quite sure what they are, but she signposted them, and I think that is wonderful. I would also suggest that spent convictions should be part of those tangible changes that recognise that we did so many things wrong in the past. The fact that we still have people who received a criminal conviction when they were a baby or a toddler is unacceptable.

I was very proud to be part of that joint house sitting last year when we recognised the work of Mr Newton-Brown and we recognised the campaigning of my friend Noel Tovey in recognising similar injustices. But these injustices, because they affected children, I think are even more startling and more poignant, and it is more important that we address them.

I am happy to support this motion. I am very pleased to hear the government is acting on this, and I think this is one of those great things about this Parliament. Really this was an issue I did not know about until Ms Springle put this motion onto the notice paper, and I think this instigated some work and some forward thinking from the government, so I am pleased to support the motion.

Ms SPRINGLE (South Eastern Metropolitan) (15:08) — I thank all the contributors today on my motion for the thoughtful and meaningful way it has been approached and worked through. I would include just a couple of points in my summing up. I absolutely acknowledge and agree that this is a highly complex issue, one that none of us should take lightly and definitely not one that we want to see politicised at all. However, I suppose I would say that in looking at the government's amendments put forward today I think it has been unfortunate that we have been given so little information, and that is why this motion is on the notice paper here and we are having this discussion here. It is an issue that needs to be dealt with in a swift and hasty fashion, given that it has impacted on so many people's lives, and many of those people are ageing and really deserve the redress that an apology and an expungement scheme would provide to them in a timely fashion.

Like Ms Patten, I am absolutely gratified to hear that there is legislation on the cards and that the government is working on this in a robust fashion, but it is literally, in terms of detail, the first we are hearing about it today in this chamber, and I was not able to get any more detail through questions. I suppose I just wanted to put that on the record as that is why we are here talking about this today.

I absolutely agree that what this requires is a full and robust apology in the same manner that has been progressed for other injustices like the one that Ms Crozier was talking about, like the one we did in 2015, like the one that was done for forced adoptions in 2012, like the other that Minister Mikakos has talked about at length today and so on and so forth. This should be done in a similar vein, and it is my intention that this motion will put that in train and we will have multiparty support for that across the Parliament.

I would also like to acknowledge the outstanding advocacy of groups like the Care Leavers Australasia Network (CLAN) and Connecting Home and the many, many stakeholders that work in this space and have been doing so for decades. It is hard graft. This work is difficult and emotional and at times traumatic, and their tireless advocacy and commitment in this space is exceptional and should be acknowledged by all of us for its difficulty and also for the importance that it brings to our public discourse and its representation of people that are vulnerable and often voiceless.

As I have pointed to before in this chamber, these issues are very close to me. I do get quite emotional about them. Members of my family have worked in this space for a long, long time. I mentioned in my

contribution stories of Winlaton, the girls reformatory centre out in Nunawading, and it is not the first time I have spoken about my mother's role in that institution and her work as a youth worker there. I spent many, many years as a teenager listening to her come home and tell stories of that place. At times I do find it very difficult to talk about these issues without becoming quite emotional about them.

I feel in some ways this is a little bit like coming full circle for me. If I have not said it already in my set speech, I would like to put on the record that I am profoundly sorry for the hurt and trauma that was perpetrated against those vulnerable young women and all of the other people who have experienced this across our state and our country for that matter. I know that this does not take that away, but I hope that in some way it can make it a little bit better.

Interjections from gallery.

The ACTING PRESIDENT (Mr Morris) — I might just remind the gallery that participation in debate is not allowed. Rounds of applause and the like I understand in the context of this debate, but they are not allowed in the context of the proceedings of this house. We will now proceed to dealing with the amendments. I will first put Ms Pennicuik's amendment to the test.

Ms Pennicuik's amendment agreed to.

The ACTING PRESIDENT (Mr Morris) — We will move on to the amendments moved by Ms Mikakos, noting that amendment 1 has been abandoned. We will deal with amendments 2 to 4 together.

House divided on Ms Mikakos's amendments 2 to 4:

Ayes, 12

Dalidakis, Mr	Mulino, Mr
Eideh, Mr	Pulford, Ms (<i>Teller</i>)
Gepp, Mr	Shing, Ms
Leane, Mr (<i>Teller</i>)	Somyurek, Mr
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

Noes, 24

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

Pairs

Elasmar, Mr
Jennings, Mr

Atkinson, Mr
Bath, Ms

Amendments negated.**Ms Mikakos's amendment 5 agreed to; amended motion agreed to.****BOROONDARA PLANNING SCHEME AMENDMENT**

Mr DAVIS (Southern Metropolitan) (15:21) — I am pleased to move:

That, in relation to amendment C251 to the Boroondara planning scheme which applies to land at 3 and 10 Markham Avenue, Ashburton, this house —

- (1) notes planning scheme amendment C251 was tabled on 17 October 2017; and
- (2) pursuant to section 38(2) of the Planning and Environment Act 1987 revokes amendment C251.

This is a motion that canvasses a topic that is very familiar to this chamber. We have had a number of members of this chamber, myself included, speak about the Markham estate and the planning and development that is proposed by the state government for that site. We have also had a motion passed by this chamber which gave clear indications to the government and the community about the chamber's view on this development. I want to start by saying that I do not believe the government and Places Victoria, or Development Victoria as it is now, and the Department of Health and Human Services seriously listened to what the chamber and the community have been trying to get through to them.

I want to make the point at the start about some things around this development. The first is that the opposition, and I suspect most in this chamber, understand the need to redevelop this location. It is an area I have represented for more than two decades. I understand the area quite well. Mr Watt is the lower house member for the area now, and he also understands the need particularly well. It is important to place on record that the opposition supports the redevelopment of this public housing site. The housing that is currently on this site and has been on the site for many years is in fact certainly clapped out and in need of replacement. That is a clear fact on which there is broad agreement. The community also believes very strongly that this needs to be done in a way that is sympathetic to the broad planning objectives that apply to this area.

The area of Markham estate abuts the Gardiners Creek parklands. It is an important area of the City of Boroondara. I pay tribute here to the City of Boroondara on its engagement with Development Victoria, the community, local members of Parliament who have been briefed by the City of Boroondara and community groups that have been very active on this matter. On the matter of this amendment I have also sought advice from the City of Boroondara. I am thankful for the input they have provided.

It is important to also think of the surrounds, not only Gardiners Creek and the parkland that surrounds that and moves along towards Warrigal Road but also the surrounding housing and road structure. These are small suburban roads, and the housing is not to my knowledge more than two storeys in and around the region. That is the area we are talking about. It is an area — a neighbourhood residential zone — where previously there were strong protections under the previous government. These protections have now been removed by amendment VC110, allowing intense development of those areas. That is the surrounding area.

This area, on the site in Ashburton at number 10, has had public housing on it for many, many years. The housing, as I say, is clapped out and is in need of replacement. I am also putting on record today that the opposition is not opposed to private involvement in that process, although that needs to be managed and constrained to make sure that it operates in the community's interest. I also put on the record that we see Development Victoria as potentially a good partner and a good part of this particular process. The government's proposal, though, does not meet many of the objectives of the community, the council and certainly those in this chamber. We believe the government's proposal, even though modified — and I put on record now that modifications have occurred — does not go far enough.

A five-storey outcome is still far too intense for the area, the density of development is still too great and the failure to properly manage traffic flow is a serious issue. I want to also put on record that the impact on the parkland and Gardiners Creek, in our view, is also a particular concern. We have just seen a river protection bill, the Yarra River bill, pass, which also affects the catchments. You have got to ask the question: what are the inconsistencies in this when you are saying catchments and tributaries are part of that process but on the other hand you are trampling on the outcome through a process of excessively intense high-rise and focused development?

When the Urban Renewal Authority Victoria Amendment (Development Victoria) Bill 2016 came through this place, creating Development Victoria from the old major projects group and Places Victoria, we sought to move an amendment to say that in these matters where Development Victoria was undertaking the development of public land and doing so under those heads of powers the council must support it — that is, the local responsible authority or council. That was defeated in this chamber, and my fear at the time was that consultation mechanisms and others would not be sufficient to ensure that Development Victoria did actually listen to the community and listen to the council. I do not believe they have.

I place on record my thanks to Development Victoria. They have briefed me about this, and I am thankful for that, but everything I see makes me more concerned. I think that the intensity of development is greater than would be justified by the site, its surrounds and the community that surrounds it. I hasten to add that the community around it is very supportive of public housing. They have lived with public housing in that location for I am not sure how many decades, but somebody will no doubt tell me. It has been for a very long time — as long as I have been associated with political life in this state and I am sure long, long before that — and there is acceptance and support for public housing on that site.

The government's conclusion and the government's objective here has been a minor increase in the number of units and a decrease in the capacity of those units, so there are less bedrooms but slightly more units. The government argues through its various housing mechanisms that in fact the needs have changed. I am happy to concede that, but what we can say quite clearly is that there has been no substantial increase in public housing on this particular site. So why is the government so committed to the objective of intensive development and high-rise development and pushing the envelope in terms of the outcome? The answer is to be found in the Development Victoria bill and the objectives which operate there.

The government is seeking again to maximise outcomes. It is seeking to scoop back financial resources, putting this out to involvement of the private or not-for-profit sectors in a number of cases and in doing so scooping back money to in effect fund a number of activities across the state. Again, that is not in itself the wrong way to go, but what is the wrong way to go is if that becomes the objective that subsumes everything else, that overrides everything else and that is the only objective that is driving the government and Development Victoria. That becomes

a problem because you get suboptimal planning outcomes, suboptimal quality of life, suboptimal amenity, greater impact on parkland and worse outcomes in a rural planning sense. And I think that is what has happened here.

Despite the modifications by Development Victoria, despite some movement there, the intensity is still too great, and I think that is being driven by a profit motive. Mr Watt in the Legislative Assembly — the local member, Graham Watt — in his successful FOIs was able to squirrel out of the government in those documents the clear admission that super profits were what was driving the outcome here. In effect they let the cat out of the bag about what is happening here, and that is a problem. This is public land. It is land on which this Parliament has every right to have a strong view, and this chamber has already taken a strong view. The government has not heeded that strong view, the government has not responded to that strong view and it has gone ahead, stripped the planning power from the council, from the City of Boroondara, and proceeded to a planning amendment that the minister has signed into law himself. Minister Wynne made this amendment. It was gazetted and then tabled in this chamber ultimately on 17 October 2017.

So my proposal today through this motion is to effectively say, 'Look, this is the wrong process again, and it is a bad outcome'. On both counts we have headed in the wrong direction under Minister Wynne and Premier Daniel Andrews on this outcome. My proposal today is that the chamber use section 38(2) of the Planning and Environment Act 1987 to revoke planning scheme C251. This does not mean that there will be no development on the site. It does not mean that the government — the planning minister and the housing minister — and Development Victoria cannot go back and get this right, and I hope they do. I want to see public housing on that site. I want to see a sensible planning outcome. I want to see an outcome that is less intense in its effect on the parklands and the creek, and I want to see sensible planning outcomes and sensible traffic movement outcomes on the site.

I have met with the local groups involved on a number of occasions, and I think the community has a fair set of points. Ms Pennicuik and I have addressed public meetings together with Mr Watt and others on exactly this matter, and there is broad unanimity across the councillors, many of the council officers and officials and the elected representatives in large measure — not uniquely but in large measure — across the region. I should say that there is a parliamentary committee looking at the redevelopment, and I know Acting President Patten is a member of that committee.

Ms Fitzherbert chairs it. I think there is a Greens representative on that committee as well, Ms Pennicuik, and I think it is you. No? Who is it?

Ms Pennicuik — Ms Springle.

Mr DAVIS — Okay. I will leave it to others to describe the evidence provided to that committee, but all of the information that I have had filtered back from that committee is that I do not think anyone has been very impressed with the government's approach. I will let others speak to that, but that does not fill us with any confidence. It is possible that that committee can provide some further guidance and framing which would assist both the planning minister and the minister for housing in going forward with these sorts of developments.

This is about the future of the city. It is about what sort of city we want to live in. It is about whether we want the quality of life and livability of Melbourne protected. We understand that large sites of this nature are opportunities for development. We understand that there can be private involvement in that, managed and constrained appropriately. We understand that there can be not-for-profit involvement in that too, but that is not the same thing as open season for height and density. It is not the same thing as trampling over local communities. It is not the same thing as excluding councils from involvement. It is not the same thing as the minister just assuming all powers to himself and crashing through — riding roughshod over — local communities, as we are increasingly seeing.

I have mentioned in earlier debates in this chamber the intention of the government to intensify and densify Melbourne — densification, their word. That is not the objective. The objective is actually to accommodate the population and to actually maintain the livability and the quality of life of the city. The objective is not per se to densify, but that is where the government is heading at the moment — and it has said it. The Infrastructure Victoria draft report just laid out that additional measures — powerful measures, override measures — might be needed to crunch through and make this happen in the south and the east in particular. Again, this is the tone of this government. They are riding roughshod over local communities everywhere you go.

I move around the city, whether it is on the peninsula or up into country areas, whether it is Ballarat or other areas like Geelong, and it is the same story whether it is rail corridors or elsewhere. It is a government that is not prepared to engage genuinely with the community. It looks at getting around the community, crunching

through using tricky means and tricky measures to override them, and this is another case study.

I think by sending this message to the government we can get a better outcome in Markham. They have got to go back and engage with the council, they have got to go back and engage with the community and they have got to actually redesign this and get a better outcome. I think the community will be much happier. The development industry has said, 'There is a problem because this will create uncertainty'. I will tell you what creates uncertainty: where you actually use these tricky means and overrides repeatedly. The community arcs up. When the community arcs up, then you are not going to get a predictable outcome. You are not going to get certainty and predictability, which the development industry legitimately seeks. What you are going to get is uncertainty, unpredictability and bad planning outcomes. That is what we have seen again and again, and that is what we have seen in the case of Markham.

I have said that as opposition planning spokesperson I am very happy to engage with Development Victoria and make it clear to them that we see a role for these sorts of developments, but that is not the same thing as a blank cheque, and it is not the same thing as, 'You can do whatever you like to the community. You can crunch through anyone you wish. The planning minister is going to take over and do everything to the community rather than with the community'. I have to say that it is with a somewhat heavy heart that I have brought this motion, but I think it is the right motion. I seek the support of others in the chamber to get a better outcome in this important wedge of the City of Boroondara. As I say, it is located next to the parklands, next to the creek, and it is in a suburban area where people's quality of life should be enhanced, not trashed.

Mr LEANE (Eastern Metropolitan) (15:38) — Up until this morning it has been 26 years since this chamber implanted itself into the Victorian planning system —

Mr Davis — That's not true.

Mr LEANE — No, 26 years.

Mr Davis — 2009–10, the Barwon Heads bridge.

Mr LEANE — No, it wasn't.

Mr Davis — It was carried in this chamber. I was here.

Mr LEANE — No, no.

Mr Davis — It was carried. Ms Pennicuik was here too. We voted in it. We both voted in favour —

Mr LEANE — No, it actually did not get up. In 1991 there was a vegetation one that The Nationals were unhappy about, which they had a win on. You can protest as much as you want. I would be feeling quite nervous if I was you, Mr Davis. The hypocrisy shown by you and your leader is incredible. We are talking about a public housing project. People can come in here and they can show the care they have about the homeless issue we have in this state, but to come in here and put back a project that is designed to house people —

An honourable member — Disgraceful.

Mr LEANE — It is absolutely disgraceful. As I said, this chamber's implanting itself in the planning scheme is amazing. I will use Mr Guy's words as to why it is incredible. I will use the words that the Leader of the Opposition spoke in 2010 when he told the Parliament:

We have clearly stated that we do not want to turn the upper house of Victoria into a responsible authority on every planning matter around the state.

I do not know what happened to that position, but as I said in the debate on the previous motion, it obviously went somewhere towards proving that this opposition — the Liberal Party — this member and this leader do not stand for anything.

Mr Davis, in opposition the Labor Party could have moved these sorts of motions on the dodgy dealings of Fishermans Bend. We could have pushed that. We could have gone to a number of places on that issue. But here we are today discussing a public housing project that is mixed housing. I do not know what scaremongering Mr Davis and others have been doing in this area. It is not some evil project that residents should be concerned about. Mr Davis's previous motion talked about a height that he thought was not appropriate for the area. We are not talking about that sort of height; we are just talking about a public housing project. Obviously the previous facility was not up to scratch. We all agree on that. It needed to be fixed; it needed to be removed, and new premises were needed to replace it. We have gone through a process to replace that facility so that we can accommodate 56 public housing premises.

Once again Mr Davis has come in and talked about processes that get waved through, which is completely untrue. But Mr Davis never lets the truth get in the way of a political stunt. We have seen that time and time

again. He talks about the government's lack of engagement with the community. Let us put the facts on the table about the engagement. There were six meetings with the council over this project. There were two with the asset register group. There was a meeting with public housing groups, and I want to talk about the Tenants Union of Victoria's position on this later on. There were meetings with the MPs and meetings with ministers who were available to speak to stakeholders. Fifty properties were doorknocked in the area, and there were meetings in the area that everyone was able to attend. There were letterbox drops to 1500 properties. There were print advertisements in the local papers about information sessions. There was social media advertising about this project, which had thousands and thousands of views. There were pop-up information stands promoting information sessions, and there were three of those sessions. There were two information sessions where hundreds of people participated. There was the Markham estate website, which had over 1000 views of it. There were surveys completed, and there was written feedback received from calls for submissions — and there were over 200 submissions.

To say that there was a lack of engagement, once again you have to wonder why Mr Davis even attempts to paint a picture around his motives around this particular motion. His motivation around this particular motion, when you think of the nature of the project, is absolutely scandalous. His motivation is pure politics. It might not even be politics being played against the government; it might be internal politics he is playing. When you see the outrage from the groups that are usually aligned with his side of politics, you really have to wonder what the agenda is here.

Once again, given the nature of this project, it is just shameful that Mr Davis wants to put a spear through a public housing project. Someone I admire very much and like to consider a good friend, Brendan Nottle from the Salvos, recently walked to Canberra to call for an all-parties approach to getting a plan, a way forward, to tackle homelessness. He might as well have walked to Cairns as far as the Victorian Liberal Party are concerned. If he could have walked further, he might as well have — he might as well have just walked right around Australia. When it comes to the Victorian Liberal Party you have to wonder what commitment they have to any sort of public housing. Their record, which I will get to, really proves that.

When they were in government and it came to housing expenditure their record was all about cuts. No wonder places like the Markham estate got into an awful condition, into such a disgraceful condition that no-one wanted to live there. There was no point in maintaining

it, and it basically had to be torn down so that we could actually do something new and fresh as far as providing housing there.

The Royal Commission into Family Violence discovered that a previous government cut \$330 million from investment for housing and acquisition. When it came to housing acquisition and renewal, the figure fell from \$462 million-plus in 2009–10 to \$131 million in 2014–15, the year when the coalition came to government. It is just amazing. The Productivity Commission's report in 2015 on government services revealed that the federal government made a \$470 million cut. That all compounds for new builds, upgrades and maintenance. Then we get to the point where, as I said, estates like the Markham estate get so run down that they are unusable and something has to be done there.

The government has forged ahead to actually do something. I outlined the consultation that the government went through to get to the point where we would like to be able to build some permanent accommodation for some public housing residents. We actually have a passion, a belief and a history in public housing. Mr Gepp is a product of public housing as a kid. When he gets to speak on this he can outline more of that himself. He is actually proud of it, and he can talk firsthand about what it means for families to have housing like this available. I really look forward to hearing him if he gets a chance to outline that. This is why we on this side shake our heads; we just cannot understand how politics and stunts can be played with important projects like this particular one.

I have got a media release from the Victorian Public Tenants Association that was released today. This is regarding this particular motion that Mr Davis brought to the house. The first line, which is highlighted, says, 'Delays to new public housing in Ashburton will hurt the homeless'.

Getting back to what I said before, it is all right for MPs to donate to the Salvos and the cause, pat Brendan Nottle on the back and make sure they get photos with the people on the front line who work with homeless people. When it comes to public housing I have to say that the Liberal Party's record is woeful. The record of certain Liberal Party members of Parliament, not all of them, has astounded me over the years. I have seen Liberal Party members run community campaigns against public housing estates being built.

I remember when the federal government in the stimulus package put money towards public housing projects and that money was made available through

councils. I know people at the Knox council were attacked when they availed themselves of that funding and built what is a really fantastic estate in Ferntree Gully. It was an attack led by the Victorian Liberal Party, winding up the community about all of these awful things that were going to happen to them. Scaring old people is a good one; they are good at that. They go out and scare old people. They lie to them about what the outcomes are going to be if certain people move into their suburb. That is a winner! I have come across that time and time again.

I remember a project towards Cheltenham. Mrs Peulich was the champion in scaring everyone about that particular project. Once again it was from stimulus money and once again it was for housing for people who did not have homes or some who could not afford homes. The campaign went on and on, with petitions and public meetings about how terrible it was all going to be and how awful it was all going to be if this particular housing facility was built.

As far as some of the members in here go, they are consistent. Mr Davis confuses me a bit. I used to think that he actually stood for something, but I think he stands for nothing now. I cannot work it out. It is just amazing. I think he just stands for opposition for opposition's sake. I think he just stands for grandstanding for grandstanding's sake. I do not think his main game is even the government at the moment; I think his main game is internal division in his party. That is probably why he is not too concerned about groups that probably were traditional allies of his party. He probably does not care that the property council — which has not always been a great supporter of the Labor Party, I have got to tell you — as I read this morning, is aghast at and cannot believe the uncertainty that this motion and the previous motion will deliver into a sector that creates jobs, a sector that contributes to the economy greatly and a sector that builds houses for people to live in, which is of course a pretty good thing. Good on them for doing that. You have the executive director, Sally Capp, who just cannot believe that Mr Davis has come here with this motion today. She said that such instability directly impacts:

... the provision of housing that is available to satisfy demand at affordable prices ...

This particular motion will do this. As I said, we cannot on this side of the chamber work out where this is coming from. I think it is disappointing to hear that it should not go ahead because the community has not been spoken to enough and the community has not had their views taken into account. That is not particularly true, because there have been amendments to this

proposed scheme. There was an original plan to have 62 public housing units. They were originally planned. There was also originally a plan to have 190 private units. As I said, this is not a public housing estate entirely. This is an estate that will have a mixture of tenants — some permanent and some renting — which is what people are after. There were 190 private units in the original scheme. Now that has been reduced to 163.

Parking was an issue for people. That has been reduced. On-grade car parking was an issue, but it has gone into a basement now, which should make local people who were concerned about that happy. As far as overshadowing goes, the height was going to be between two and seven storeys. The seven storeys have now become five storeys, and there are increased setbacks because of overshadowing concerns. These are real concerns, and we are not making light of these concerns, but there have been endeavours to address these concerns. Having a seven-storey building was a concern, so it is now five storeys, and those five storeys will be set back further. From the community feedback received, that has been embraced.

I have talked about the setbacks. On the eastern boundary the original setback was 3 metres. The proposal is now 14 metres, so that has been increased by 11 metres, which is quite a distance. The southern boundary setback is now 11 metres, whereas it was originally proposed to be 2.7 metres. I understand the community input, and I understand the existing neighbours' concerns. Of course they should have some input, and that is why they went through the process, as I explained before, of consultation. That has been listened to, and that has been actioned. There was a push for more screening as far as landscaping goes, and the setbacks will afford that in order to address people's concerns.

I think it is a sad day when the Liberal Party go against what they said a couple of years ago in terms of this place being part of the planning process. In the Assembly Mr Guy called for that not to happen years ago, whereas today it does. It is a concern when you have got Tenants Victoria, the property council and public housing advocates all calling for every member of this chamber to vote against this motion.

One thing that I suppose is consistent is that the Liberal Party and the Victorian Liberals do not support public housing. They have a record of it. When they get into government they slash funding to public housing. When they are in opposition they attack public housing projects, which they are proving again today. As I have said, spare us in the future any concern about homeless people and about the affordability of housing. Spare us

that in the future, because we know you are not fair dinkum. Please do not try that on again. You will be wasting your breath, because your record speaks for itself. You do not need to say anything. You do not need to say one word as far as what you believe about public housing goes, because you do not support it. Any chance you get, you attack it.

What really concerns me is the Greens party siding with the Liberal Party on this particular motion and this particular issue.

Ms Pennicuik interjected.

Mr LEANE — I will sit down very soon, Ms Pennicuik, and give you a chance to explain, but I cannot fathom why you would want to see a delay in a housing project that involves over 50 opportunities for public tenants to move into new facilities. I just cannot fathom that.

I am surprised that the Greens party is in league with those protesting and rallying against a project that delivers that. I am surprised that the Greens party would rally against a project that delivers not just public housing but private housing as well in an area that is in walking distance to Alamein station. I would have thought this would be something that the Greens party would be calling for. I will let Ms Pennicuik try to explain why she is in league with the party that attacks public housing. I would never accuse the Greens party of that, but I am surprised that in this case the Greens party has perhaps fallen in with, as far as Mr Davis is concerned, him and his party. It is just rank political opportunism to once again wind up a community by saying, 'It's all scary. Public housing is coming. Everyone, rally against the evil government, rally against those lefties in the Labor Party that think it'd be really fantastic if we could address the housing issues we have in the capital city and in our state'. I cannot for the life of me work out why they would do that.

I mentioned the Victorian Public Tenants Association before. This is what they put on social media about this particular stunt that is going on now:

Desperately needed #PublicHousing is getting caught up in a political game.

Well, they know what is going on. They go on to say:

Easy in Parliament to say what you are against — but if you break it you have to fix it.

Fair call on all governments, fair call on all parliamentarians, I say.

It also says:

Tell us about your plans to build 62 public housing units in Melbourne's East @DavidDavisMP.

Maybe in your summing up you can reply to their social media. This is fantastic. We have the Victorian Public Tenants Association in league with the Property Council of Australia. They are sending out the council's literature on their social media. I do not know who Mr Davis thinks he is being clever to. I do not know what audience he thinks he is playing to. Once again, as I said, it has been many, many years since this chamber has implanted itself —

Mr Davis — 2009–10.

Mr LEANE — It has been many, many years, Mr Davis, since this chamber implanted itself into the planning scheme. For this particular project to be one of the two projects that Mr Davis decides we should implant ourselves into, being a public housing project, is quite shameful. It is quite appalling.

Mr Gepp — It says it all.

Mr LEANE — Mr Gepp is right. It says it all. It is a sad day today that it has come to this with the Victorian Liberal Party. The government deserves a fair dinkum opposition, and the Victorian people certainly do, but they obviously do not have one. All they have is an opposition that is big on stunts — and stunts that actually affect people's lives adversely. If they are going to do stunts, maybe they should not do a stunt that is going to impact on people's lives to this degree. We might enjoy it and be amused by it, but today all we can do is be depressed.

We call on everyone in the chamber to vote against this stunt. To move a motion to stop a public housing project going ahead is a disgrace. It is baseline politics. We are just waiting for the next new low. We will just sit back and wait for the next low —

Mr Mulino — Can they go lower?

Mr LEANE — I do not know if they can, Mr Mulino, but I am sure they will try. Let us just wait and see.

Ms PENNICUIK (Southern Metropolitan)
(16:08) — I rise to speak on the motion moved by Mr Davis that planning scheme amendment C251, which was tabled on 17 October, to the Boroondara planning scheme and that applies to land at 3 and 10 Markham Avenue, Ashburton, be revoked. That land is otherwise known as the Markham public housing estate.

It is unusual to see revocation motions before the Legislative Council. Many planning scheme amendments are tabled every week in this chamber, and it is very rare for them to either be disallowed or for a revocation motion to be moved. It is a significant legislative instrument to invoke, and it is important for Parliament to scrutinise planning scheme amendments and in particular those that are put forward by the planning minister to appoint himself or herself as the responsible authority for a development if the Parliament does not believe that would be in the public interest.

I want to begin by correcting the record with regard to some of the remarks made by Mr Leane. Firstly, he said that it has been something like 60 years since a planning scheme revocation motion has been put forward. In any case he also said that if they had wanted to, Labor, when in opposition would have put forward revocation motions. In fact they did. On 29 August 2012 Mr Tee put forward a motion to revoke planning scheme amendment C102 to the Port Phillip planning scheme, which was to revoke the taking over of Fishermans Bend by the then planning minister, Matthew Guy, which we all know has been an absolute disaster. That motion was put forward by Mr Tee and supported by the Greens, as it should have been; however, it was not successful in that the government at the time had the majority in this house.

Also on 12 March 2014 I put forward a motion to revoke planning scheme amendment C190 of the Stonnington planning scheme, which was in regard to the tower in Chapel street and the deal that was done between the developer and the government that the developer build an extra facility at Melbourne High School. In return the developer received planning permission from the minister for a 94-metre development, which was 38 metres higher than the preferred height at that site. So it is not unheard of, and as I said, it is unusual, but it is a very important legislative instrument. It is part of the Planning and Environment Act 1987, in section 38(2), that planning scheme amendments can be disallowed by either house of Parliament. That is an appropriate check on the executive in the case where the planning minister makes himself or herself the responsible authority for a development.

There were a couple of other points made by Mr Leane. He said in his summing up that it is a sad day that it has come to this. Well, it is regrettable that it has come to this, but it has come to this due to the behaviour of the government. Mr Leane called the proposal to redevelop Markham Estate — and I will go into the detail a little further on in my contribution — a public housing

project. It is not a public housing project. It used to be a site that was 100 per cent public housing. The proposal put forward by the government is not a public housing project; it is a project to sell off around 75 per cent to 80 per cent of that site to the private sector, and the remaining 25 per cent, maybe even less than that, will be for public housing. So it is not a public housing project; it is a development project with a small amount of public housing in it. That is what it actually is — so it is a sad day.

Mr Leane talked about the consultation: six meetings between the minister and the council — over two years, I should say. This has been going on since September 2015. In fact the announcement came out in September 2015 and then there was six months of absolute silence; no-one heard another thing. Then the community had the proposal dropped upon them: that was 190 private units at the time and an increase from 56 to 60 in the public housing units that were previously on the site. Then that went up to 250 units on the site.

Mr Leane said Mr Davis goes around winding up the community. Well, the community was wound up when it saw that. The community was appalled when it saw what was going to be proposed for this site on Markham Avenue, as was council. It took six months from the announcement about what it was going to look like for the proposal to be released by Places Victoria, as it was at the time, and the Department of Health and Human Services (DHHS).

Mr Leane mentioned that there was some pop-up information sessions. There were; there were a couple of those. I went to one of them at the library in Ashburton, and all it was was just boards with an artist's impression of what it was going to look like, and what it was going to look like was not supported by the community or the council. That is why there has been a campaign over the last 18 months by the council and by the community, led by the Ashburton Community Residents Association group, and I pay tribute to the enormous amount of work they have done in going through all the documentation and keeping this issue in the public realm, because it is a very important vanguard issue. So the community was not wound up by anybody; they were wound up by the proposal that was actually presented to them.

The so-called consultation has not been consultation. Mr Leane talks about the community having been consulted. The community has been talked at; it has been given information but at no stage has there been any real or genuine desire on the part of Places Victoria, of DHHS or of either the Minister for Housing, Disability and Ageing or the Minister for Planning to

actually listen to what the council was saying and what the community was saying about this particular site. That is actually how we got here. It is regrettable that we are here, but we are here because what is being proposed at numbers 3 and 10 Markham Avenue, the former Markham estate, is an overdevelopment of that site and is not a public housing project.

While officially outside the public housing renewal program that the government is proposing on its Development Victoria website — and that involves estates in Brunswick, North Melbourne, Heidelberg West, Clifton Hill, Brighton, Prahran, Hawthorn, Northcote and Ascot Vale — it is the first following the Kensington and Carlton estates to be based on the model of redevelopment of a former site, be it those nine sites or this site, which were 100 per cent public housing or are still 100 per cent housing, by selling the majority, 70 per cent to 75 per cent of the site or more, for private development, with the minority to be developed for public housing, with only 25 per cent to 30 per cent of each site for public housing and only a 10 per cent increase in the number of public housing units. It is a one-size-fits-all approach, which is being driven by a profit motive and not by the long-term need for public housing.

I spoke at length about this particular proposal in May in response to a motion moved by Mr Davis. That motion requested that the government listen to the community and the council and the concerns they were raising about the proposal and that the government make the Boroondara council the responsible authority for the site, which we support and which council wants to be. But the government has not listened to any of that.

I mentioned earlier the forerunners of this model that the government is using in its public housing renewal program, and they are the Kensington and Carlton redevelopments. At the Kensington site there were 694 public units, of which 486 — all of the walk-ups and one tower — were demolished. These were replaced by 205 new public units. There are 224 in the two remaining towers. The new build at Kensington is 30 per cent public to 70 per cent private. At the Carlton estate 192 walk-ups were demolished and replaced by 246 public units — an increase of 54. But the walk-up flats were all three-bedroom and the replacement units are mainly one-bedroom.

It has been estimated by academics led by Dr Shaw from Melbourne University that the total decline in public tenants on the Carlton estate is 146. It was argued by the Department of Health and Human Services that the three-bedroom units at Carlton were

under-occupied; however, since the leases were not renewed the baseline data immediately prior to the development was not correct. The new build component at Carlton is 24 per cent public to 76 per cent private, with a clear reduction in the overall as well as the proportional number of public tenants on the estate. The government is saying that one of the drivers for this public housing renewal program model is a social mix yet it has also been found that the social mix in both areas, at Kensington and Carlton, has decreased.

The Greens are very, very concerned about this model. We have a public housing waiting list with 35 000 applicants on it. We have a public housing renewal program, and the Markham estate redevelopment proposal before us aims for a 10 per cent increase in the number of public housing units on the nominated sites. On the Markham estate that is an increase from the 56 units that were there to 62, but in terms of the number of bedrooms and therefore the number of people able to be accommodated in those public housing units it is actually a decrease. So what we have is a model for selling off public land to a private developer for no increase in the number of people who can be accommodated on the site in public housing.

I knew the Markham estate before the units were demolished. It had of course been there for decades. It was covered by gardens, and people in the adjoining community walked through the site on their way to the vegetation along the side of Gardiners Creek and on their way to the parkland that abuts the site on the eastern and southern sides. So it was in fact integrated into the community, and as Mr Davis said, the community wants to see that site for public housing. The community is very supportive of that site being redeveloped for public housing, as is the council, and that is what the Greens want to see too.

We cannot support a model where public land that was set aside decades ago for public housing — for people on the public housing list and to take people off the streets who are homeless or living in friends' houses or in cars or on the streets sleeping rough because they are waiting for public housing — is sold off. We cannot have a situation where we sell off public land that has been put aside for that very purpose to the private sector. We do not support that model. The public housing renewal program should aim for the maximum possible increase in public housing, and that is not what is happening.

The developers at the Kensington site made many millions of dollars in profit. Who knows what profit has been made at the Carlton estate, as that has not been

released. But the figures with regard to the increase in public housing are very dismal indeed.

The Boroondara council remains very opposed to this proposal. They say that the land is public housing land owned by the people of Victoria and set aside for public housing. The proposal under this planning scheme amendment will see the majority of this public land handed over for private development, with 225 private units or 81 per cent of the total units of the site and 62 public units or 19 per cent. The council and the community want to see more public housing on the Markham estate. This has been at the forefront of the campaign by the council and the community for a much better outcome for the estate than is being put forward by the government. The redevelopment should be within the local planning scheme.

I would like to correct Mr Leane, as he seemed to have the figures wrong about what is actually happening on that site. He and Mr Davis referred to some changes that have been made — should I say, after 18 months of continuous campaigning by the council and the community. There have been some changes from the original proposal of 250 units on the site. It has been reduced to 225 units, which is still four times as many units on the site as were originally on the Markham estate, which was 56 public housing units. So it has been reduced from 250 to 225, not 170 as Mr Leane said, and the number of public housing units will be 62, up from 56 — but, as I said, with less bedrooms. So it is a very, very large development to put on the site. A 10 per cent increase in public housing, if you go by the number of units, is a trivial increase in the context of the public housing waiting list we have in Victoria.

The council did welcome that slight decrease from 250 to 225 in the number of units, and they did welcome that there would be no seven-storey buildings on the site, but there still will be five-storey buildings. The site is zoned general residential and the mandatory height limit is 13 metres or three storeys, so it is still two storeys above the actual allowed height limit on that site according to the Boroondara planning scheme.

If you look at a map of the site and if you are familiar with the site, which I am not sure Mr Leane is given his contribution, you will know that on the east side is parkland, sporting ovals and a community garden and on the south side is remnant bushland abutting Gardiners Creek. On the west side and the north side are some single dwellings, some 15, and in that area the government is proposing to put 225 units — on a site that is about as big as 13 house blocks. As I said, on the former Markham housing estate of 56 units there were a number of buildings with gardens and pathways in

between. That is not what is going to be put up there. There are going to be 225 units squashed onto that site in buildings of up to five storeys, with a complete loss of public open space.

The council remains very concerned about that, and as I said, they are very concerned about the lack of public housing on the site. They are in need of around 2000 more public housing units in the municipality, and this development will go nowhere near achieving that. The council also says that it remains disappointed that the minister is choosing to make himself the responsible planning authority. They would prefer to be the planning authority. There is no reason that I can see why the council should not be the planning authority for this development.

They are also uncertain about the extent of native vegetation that will be retained, and the impact of the development on the remaining vegetation is both unresolved and an important issue for the council. I am led to understand that of the 82 established trees that are on the site, 76 will be lost, so 6 will remain. That is a loss of 76 established trees on that site, including river red gums and other native trees that attract native birds and of course intersect with the bushland that is in the southern area, which has been nurtured by the Boroondara council as a very precious asset for the people of Boroondara. This will be totally impacted by this site.

I will say this: of all the public housing renewal projects ahead of us, this one is amongst the most ludicrous because it is huge for the area. It is a very quiet area on a very narrow street, and it is a very small site. But it is just the formula that the government is proposing.

If I could just go briefly to some of the things in the planning scheme amendment explanatory report where, in the answer to 'Why is the amendment required?', it says:

... the need for social housing is critical.

It says it is part of:

... the government's commitment to renew social housing ... and better match the current ... demand for smaller dwellings ...

And it says:

... it will provide much-needed social housing ...

Well, that is not the case. It is not going to provide much-needed social housing or public housing, because it is not going to increase the number of people who can

actually be accommodated in the public housing section of the proposal.

The explanatory report goes on to say:

The redevelopment will have positive social and economic effects as it will deliver a mix of social and private housing and contribute to housing choice and affordability within the City of Boroondara.

The council and the community do not agree with the statement that it will contribute to choice and affordability, because it is mainly going to be sold on the private market. The council wants to see more public housing on the site, as do we.

As I said, 76 of the 80 trees are earmarked to be removed to make way for the increased number of units, the increased bulk of units and the increased intensity of the units on this site. With regard to urban environments, the explanatory report says the policy is:

To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties ...

Further, the report says the design:

... will ensure that the built form is sensitive to the neighbouring properties in terms of landscaping, appearance, bulk, height and massing of buildings, and setbacks.

Well, the council and the community completely disagree with that statement, and the proposal as people understand it, from the drawings that have been put forward and the plans as far as they go, will not do any of those things.

I also have to say, in terms of the traffic that will be caused in this tiny pocket within the suburb of Ashburton, there is already an issue on the site with traffic. Of course the cycling track will go right across the entry to the proposed development, so cyclists and pedestrians will be competing with cars coming in and out of this proposed development. That is a very risky thing to be happening, and it is just another problem with this development.

The funding model is fundamentally flawed. Public housing sites should be used for public housing, and they should not be used as a way for the government to create super profits, as was revealed, as Mr Davis said, by an email that was released to Mr Watt in the other place which claimed the government agreed that part of the reason for this development was to make super profits out of the site.

There is a lot of talk about developing housing developments with proportions of social housing in

them, but we need to remember the difference between this issue and housing developments that are being developed by the Property Council of Australia, for example, on private land — land that has been bought by a property developer to develop with apartments, with the government or the council requiring a certain number of those to be affordable or social housing. That is a completely different issue to what we are talking about here. This is actually public land — public land owned by the people of Victoria for public housing. It is not private land, and the government is obfuscating the issue and is clouding that issue. We are talking here about public land, and so different responsibilities apply to that. Also in terms of public housing the government should not be selling off any public housing unless it is surplus to requirements. It is clearly not surplus to requirements, because we need so much more public housing.

Just looking at the incorporated document, basically the two things that this planning scheme amendment will do is make the minister the responsible authority and insert the incorporated document into the Boroondara planning scheme. As I said, it says that there will be 225 dwellings, which is four times as many as were previously on the site, but it also requires under 'Plans and documentation' that the development:

- i. meets the objectives of clause 58 (apartment developments) of the Boroondara planning scheme.

I have had a bit of a look through that, and clause 58, 'Apartment developments', is quite extensive, but I just picked out a couple of standards that I know for a fact this development can never comply with, such as standard D1, which says that developments 'must be appropriate to the urban context and the site' and 'must respect the existing or preferred urban context and respond to the features of the site'. D5 says apartment developments must 'enhance local accessibility'. D10 says landscaping must 'be responsive to the site context' and 'protect any predominant landscape features'. And D14 says they 'must respect the existing or preferred urban context'.

Just from picking out some of those you can see that this incorporated document can never comply with the Boroondara planning scheme. It does not provide the community with much-needed public housing. We should be using public housing land for public housing. It is regrettable that the council has to use its legitimate power under the Planning and Environment Act 1987 to revoke this planning scheme amendment. It does not mean that nothing can happen on the site. It just means that the government has to come back with a plan that provides far more public housing. We would prefer

100 per cent public housing on the site, with a proposal that is nowhere near as intense as this one — something like half the number of units that are proposed for the site and the majority of them, if not all of them, public housing. That is the model we should be using across Melbourne and regional Victoria to increase the public housing stock, which is vitally needed, and to do something better on this site without the impacts on the local amenity and the impacts on the local environment and Gardiners Creek et cetera. There is an opportunity to do something so much better on this site, and this proposal falls so far short of it. That is why the Greens will be supporting the motion.

Mr MULINO (Eastern Victoria) (16:38) — This motion is like so many of Mr Davis's rather unfortunate motions. But what we see today is not just Mr Davis's disingenuous mischief-making. We see the potential for a coalition, a rather unfortunate coalition — unfortunate for the Victorian public. We have a mischief-making do-nothing in Mr Davis and the opposition. They claim to be acting on behalf of the community, but so often they do nothing more than try to stop this government from doing anything, when all they did in four years was sit on their hands. All they do is claim to want to see the community benefit from projects, but time and time again Mr Davis brings into this place motions that are critical, disingenuous and vexatious when it comes to project after project after project. Whether it be planning projects, whether it be public transport projects, whether it be Melbourne Metro or whether it be grade separations, Mr Davis is fantastic at muckraking, at troublemaking and at rumour-mongering. Those are his great skills. We need only look back at the last term to know how good he was at actually delivering projects.

That is what we have from the opposition. Their partners in crime on this one come at it with some degree of genuine interest in the community, but with all due respect, they are coming from fiscal fantasy land, those to my right. Those to my right come at this issue with a purity that means they will claim they want to achieve a great deal for those disadvantaged in our community, but in practice those to my right, the Greens, will achieve almost nothing. Those to my right are very good at criticising any plan put forward by a government actually operating on the Treasury benches. Those to my right are very good at saying how it could be so much better, but those to my right never actually have to find ways of financing and funding real-world projects. Those to my right never actually have to figure out a way of getting things done, of navigating stakeholders and coming up with compromises in delivering real-world projects.

I am all for those to my right criticising and I am all for being accountable to others in this chamber, but let us be very clear about what they are putting forward. What they are putting forward is a fantasy land. What they are putting forward on this project and on a whole range of policy areas is a whole series of commitments that do not add up. They are the kind of people who want to reduce all taxes and increase spending in every area at the same time. They are the kind of people who feel good moving motion after motion after motion criticising a government delivering real projects, but they do not have plans that add up. They do not have plans that make sense.

Let us look at the specifics of this project. This project is being raised in the context of a housing affordability crisis. The word 'crisis' is probably rightly criticised by some in this context, but there is a housing affordability issue in our community. There is an intergenerational issue. There is an issue for many by way of geography. There is a housing affordability issue for many in terms of their income and socio-economic status. The government has adopted a multifaceted response to this housing affordability issue in our community. It has adopted a range of measures, some of which are on the supply side and some of which are on the demand side. On the demand side we have very nuanced measures in terms of first home owner grants in regional areas. We have stamp duty measures, and the list goes on.

On the supply side many of our measures in fact have been adopted in other jurisdictions. On the supply side we have a whole range of measures that relate to opening up land release in outer urban areas. We have released tens of thousands of lots. On the supply side we also have measures to release more public housing. The release of more public housing requires a number of things. One is crafting solutions that can be accommodated within all the different planning restrictions the government faces. Coming up with public housing also of course requires coming up with solutions that fit within a government's fiscal envelope.

This government has a \$10 billion-plus infrastructure program across a whole range of portfolios. We are delivering in transport, we are delivering in health, we are delivering in education and we are delivering in public housing. But money does not grow on trees. Money is not infinite. So if we are going to deliver large numbers of new public housing units and if we are going to do anything to dent the 40 000 on the waiting list, we are going to have to come up with solutions other than just dipping into the public purse for pure public housing estates in every single instance. We are going to have to have an approach that allows for some densification. We are going to have to have an

approach that allows for some mixed developments. Of course some densification, where it is near transport hubs, and some mixed developments, where it allows for mixed use and communities interacting more, can be very appropriate.

This is a classic area where those opposite, no matter what proposal is put up, are always going to try to find trouble and to find any kind of dissent in the community and ramp it up and try to aggravate it with misinformation. Those on my right will try to say any kind of real-world project is not pure. Colleagues on my right will say it should be 100 per cent public housing and have no private housing whatsoever attached to it. That is the context.

What we see with the Markham estate and what we see with a whole range of other public housing developments that this government is exploring is a way of delivering more public housing to the community — much-needed public housing — and not just that but also fixing up units that were on the books.

Ms Pennicuik interjected.

Mr MULINO — I am hearing an interjection from a member to my right, but she would not live in units that were in the state in which this government inherited them. She is saying that we are not leading to a massive increase in units, but we inherited units at Markham estate that were boarded up. If you looked at the quality of them, there was mould on the walls. They were in a state of complete disrepair. More than half the estate's units were boarded up. Those opposite, who were in power for four years and let this develop, now have the gall to come into this place and try to put in place a revocation measure which would stop these units being returned to a state that is fit for people to live in.

I can go on and on with quotes from people who suffered in those circumstances and who are begging for these units to be fixed up and refurbished.

Ms Pennicuik interjected.

Mr MULINO — I keep hearing interjections from the member to my right, which is fine, but it is a classic case of seeking perfection with no responsibility for the budget. 'Fix it all. Build it all as 100 per cent public housing. Fix everything so that it's perfect. Make it all 5-star', say those to my right. And of course they want to spend infinite amounts of money on everything. It is their response to every single policy issue. They never face up to the realities of real-world government. They never face up to the realities of trying to fit different projects across different portfolios into a fiscal

constraint. So they do not have to deal with the need to find different financing and funding methods. They do not have to deal with the complexities of developing new policies and implementing them.

This is what we inherited: Markham estate was half boarded up. Those opposite who gave it to the community in that state after four years in power now have the gall to say that it is inappropriate to redevelop it because Mr Davis comes in here with some trumped-up planning concerns. It is just ridiculous and disingenuous politics. Their record after four years was completely appalling when it came to delivering new public housing units. This was reflected in the Royal Commission into Family Violence, which outlined the last government's \$330 million cut to housing. The repercussions of that, the disadvantage in our community, are difficult to measure in dollar-and-cents terms. This government inherited a situation which needed to be turned around. I could say the same about so many other areas — about the vocational education and training sector, about TAFE, about public transport — but it certainly holds true when it comes to the public housing sector.

Those opposite, as I said, come in here with the gall to put motions like this on so many public policy issues. This is certainly a motion where one has to take a double look, because it is quite audacious and quite galling. Let us look at the Markham estate and its appropriateness for a development of the sort that is being put forward. The site of the Markham estate is ideally placed for the provision of housing. It is very close to a station, it is very close to the M1 freeway and it is very close to shops, a range of other services and a primary school. So it is very suitable for densification. It is entirely appropriate that we debate in this place the degree of densification; that is an entirely reasonable debate to have.

As speakers before me from the government have indicated, through the consultation process that has already occurred there has been a response to concerns raised by the community. There has been a reduction in the number of storeys, there has been a reduction in the number of private units and there has been a reduction in density. There has been significant change to the plan. The number of apartments in the initial scheme was 252, and it has dropped to 225. Setbacks have been increased — for example, on the eastern boundary the setbacks were increased from 3 metres to 14 metres. I could go on with a whole range of other changes that were implemented as a result of consultation undertaken by the Minister for Planning.

This project will not be perfect according to all in this place. Some obviously wish that it was 100 per cent public housing. Some in this place probably wish that every single project the government undertakes in this space, wherever it is in the city, would be 100 per cent public housing. Some probably are going to have different views in this place as to what the appropriate level of towers is for different areas. But let us be absolutely clear about what the true underlying drivers of this debate are. What the government is offering is a properly funded, responsible way in which to increase the number of high-quality habitable units, and those opposite are mischief-making or, as I said earlier, are in fantasy land when it comes to a sustainable policy.

Let us look at what a couple of the stakeholders have said about this motion. Let us look at what the Victorian Public Tenants Association said. They have made it pretty clear that they would not recommend voting for the motion put forward by Mr Davis. Their observation is:

This site has a long and deplorable history. The 56 public housing units were in very poor condition, and by mid-2015 only 13 units housed tenants ...

That is what we inherited from those opposite moving this motion: 13 units. So for those in this chamber who say there is hardly any increase in the number of units, let us see when we compare to 13, and not to 56, how that proportional increase looks. Do not compare it to the number of buildings that were there. Let us compare it to the number of buildings that were actually habitable. Compare it to the number of buildings that were not boarded up, and you will see that the proportional increase is very high.

Let us read more from the Victorian Public Tenants Association:

Mr Davis's motion constitutes the 'nuclear option', and given a range of political realities we are fearful that if this motion is passed construction will not commence for many years.

Well, actually that is believable, because under Mr Davis and his government construction on many things did not commence for many years. That is actually his modus operandi. That is a very plausible thing. I believe that that is the way he likes to operate: construction on perfect projects talked about a lot. He was probably handing out tickets to the airport rail link down at Spencer Street station. He was probably handing those out at the last election campaign, as they were going to build that. They were very good at talking about projects in the last government — not so good on delivering. Mr Davis is very good at providing very detailed public commentary on projects that have been delivered — not so good on actually delivering

them. So I think the Victorian public will probably be very pleased for him to remain in his very effective role as an opposition minister when it comes to the next election, because they were not too impressed with his performance as an actual minister on the Treasury benches.

Let us also look at the Property Council of Australia. We have the full gamut here of stakeholders. We have got the Victorian Public Tenants Association, not exactly big supporters of Mr Davis's motion, and we have got the property council:

The Property Council of Australia today warned against planning uncertainty and the risk it poses in undermining delivery of desperately needed housing located near jobs and transport hubs.

They are warning against the uncertainty of this motion — the uncertainty provided by what can only be described as a rather strange and not particularly policy-informed coalition between the opposition with their cynicism and the Greens party with their well-meaning but fiscally unrealistic purity and desire to have perfect projects dotted right around the city. Let us be very clear: this issue lies at the heart of the housing affordability issue our society faces. If we do not develop ways that are fiscally prudent to find more public housing, then we will not be doing our job. That is exactly what this government is doing through the various projects that it is promoting across the state, including the Markham estate, so I urge this house not to support this motion.

Ms TIERNEY (Minister for Training and Skills) (16:53) — I do wish to make a contribution on the matter that has been brought to the chamber by Mr Davis in respect of the Markham estate. I would like to also continue the theme that Mr Mulino has developed in respect of those opposite actually bringing forward a motion that really is primarily about stopping the development of public housing being delivered in this state. It is a continuation of the do-nothing approach that we have seen from the coalition when they were in government and ever since.

This is not the appropriate place to deal with this matter, to overturn this decision, a decision that was arrived at through a proper planning process. Revoking this amendment will set, I believe, a very terrible precedent for planning and development in this state. It undermines the proper planning process that has been adhered to, and indeed it has the potential to weaken investor confidence in this state. Of course it also will lead to Victorians being denied a chance to have a secure and affordable housing arrangement in a good

location close to jobs, close to services and close to public transport.

What we had here was an estate that was a shocking example of neglect in public housing. There were four years where the previous government was in power, and they did absolutely nothing. We made a commitment as a Labor government that the state of the estate was so bad that really it needed to be demolished and we needed to start all over again, and that is what we are attempting to do in relation to this area and the surrounding community. By 2015 there were 56 dwellings at the Markham —

Mr Davis — On a point of order, Acting President, it is my understanding that this motion is time sensitive because of the Planning and Environment Act 1987. Section 38(2) requires that revocations be put and carried or not within a 10-sitting-day period. It is my understanding that if the chamber does not resolve this issue tonight, the next sitting day when this would be dealt with would be the next sitting Wednesday, and that would be more than the 10 sitting days. Consequently if the minister continues to talk it out, there will be no opportunity to vote on this matter. Is that correct in the time period?

The ACTING PRESIDENT (Mr Purcell) — Thank you, Mr Davis. That is correct, but it is not a point of order and the minister has the floor.

Ms TIERNEY — As I was saying prior to the point of order, there were 56 dwellings in the estate and they had fallen into absolute disrepair to the extent that their windows and their doors were boarded up. What was happening was an absolute blight not just on the local community but also the general community in Victoria. We had a situation where a number of other people were utilising some of that space, and it also was not a healthy situation for people to be living in, nor indeed was it a proper way for a community to grow and develop.

They were not in a fit state to house anyone, and of course it certainly was not good enough for people who were trying to flee violent domestic situations or indeed homeless people. Fourteen tenants remained at the site, and they were relocated to much better housing prior to the demolition of the public housing units that was completed in February 2016. The new estate will have brand-new public housing units, but there will also be additional private units, and this is a great site for mixed development. It will provide housing that is tenure blind and destigmatised, integrating people from all walks of life in housing that is modern, safe and close

to services and amenities. Not only do those opposite want to deny public housing tenants —

The ACTING PRESIDENT (Mr Purcell) — It is now 5 o'clock.

Mr DAVIS (Southern Metropolitan) (17:00) — Acting President, I desire to move, by leave:

That debate on the previous matter be continued until completion.

I do that particularly given the time-sensitive nature of the motion.

Leave refused.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Department of Treasury and Finance: budget papers 2017–18

Mr MORRIS (Western Victoria) (17:00) — I rise to make comments on the state budget papers 2017–18, but I would much rather that this house had continued the very important debate on the motion that had been proposed by Mr Davis. It is shameful that the government has chosen to shut down debate on this very, very important motion.

However, my comments with regard to the state budget papers 2017–18 relate specifically to the provisions of policing — the numbers of police and the funding of police — in western Victoria. I was fortunate to attend a crime and law and order forum with the Liberal candidate for Melton, Ryan Farrow, in Melton on Sunday evening. Mr Farrow is a very passionate supporter of his community and someone who I would certainly like to see representing the good people of Melton rather than their Labor representatives, who have abandoned — literally abandoned — their own community by refusing to live there and rorting taxpayers money. However, this forum was attended by members of the community concerned about the law and order crisis we are seeing in our community, noting that we have seen, since the election of the Daniel Andrews government, an over 17 per cent rise — or skyrocket as it might be more accurately described — in the crime rate in Melton.

It is now commonplace that carjackings and violent home invasions occur on a daily basis. There was some discussion at this forum about the need for individuals to protect themselves. I reflected during the forum on the sad state of affairs that people in the state of

Victoria feel the need to consider how they are going to protect themselves against violent criminals who may invade their homes or their cars and who may place their lives at risk.

Of course it is not just in Melton that the law and order crisis in western Victoria is occurring. It is occurring in Ballarat, in Geelong and elsewhere. I will not go into detail about Geelong, Mr Ramsay. But certainly in Ballarat I hear on a very regular basis about the crimes and crime sprees that are occurring and the difficulty that police have in maintaining law and order, particularly when we are seeing violent criminals continually being released into our community by the courts only for them to commit further offences. That is something that is of grave concern to us on this side of the house, and that is why we have some very strong policies surrounding bail which have already been announced. I certainly acknowledge the work of Matthew Guy and John Pesutto in the Assembly and Ed O'Donohue in developing these incredibly important policies that will ensure, when we are elected at the next election, we can keep our communities safe.

Labor has abandoned the law and order field. They have thrown their hands up in the air and said, 'It is all too hard for us'. As a result, our community is suffering. I do want to acknowledge the hard work that our police officers do in the community, because without them there is nothing. This government is certainly not going to stand up against crime, so without our hardworking police there would be nothing to defend good and hardworking Victorians from hardened and violent criminals.

Victoria Police have been let down by Labor. Mr O'Donohue's bill with regard to police car ramming was passed by this chamber but was shamefully voted down by Labor in the lower house. After it had passed this house, a commitment was made by Labor that they would introduce a bill and have it on the statute books before the end of this year. I am severely sceptical of the government's capacity to keep the promise they made to the Victorian people and more importantly to the men and women of Victoria Police, because we have seen a massive spike, a huge increase, in the number of police car rammings occurring across our state. The government has a responsibility to ensure our police are kept safe. They are failing to do so by not keeping their commitment to introduce legislation to ensure our police men and women, who are doing their very best, are kept safe.

Department of Treasury and Finance: budget papers 2017–18

Mr DAVIS (Southern Metropolitan) (17:06) — My statement on a report this evening relates to the state budget papers 2017–18 and in particular the planning output in the state budget, including the document tabled today on the update to the state budget. I am particularly concerned about the state government's focus and activities on planning, and in particular amendment C251 of the Boroondara planning scheme, which applies to the land at 3 and 10 Markham Avenue, Ashburton.

What we have seen in this chamber today is a travesty of democracy. What we have seen is an anti-democratic decision and an anti-democratic move by this government. I appeal to the Minister for Planning to think carefully about his approach on these matters. It is clear that because of the time-sensitive nature of the planning revocation the government has used procedural matters in the chamber entirely for the purposes of gagging public debate —

Ms Pulford — On a point of order, Acting President, my point of order goes to the question of relevance. Mr Davis indicated he was speaking to the state budget papers, and while I appreciate that they are broad in their area of responsibility, Mr Davis is now talking about a matter that has been discussed in the house earlier in the day. I think he has strayed quite some way from the budget papers. I understand that statements on reports is usually a very broad area of debate, but Mr Davis is complaining about procedural matters that are completely unrelated to the state budget.

Mr DAVIS — On the point of order, Acting President, this very much relates to the land budget output. The Department of Environment, Land, Water and Planning administers planning scheme amendments. They publish those same planning scheme amendments, including the one I have referred to in relation to the Markham estate, on their website. That is funded out of the current budget output in the 2017–18 state budget and indeed in the budget update that I mentioned.

The ACTING PRESIDENT (Mr Purcell) — Thank you, Mr Davis. That certainly clarifies it. You may continue.

Mr DAVIS — I am very concerned about the state government's approach to these planning scheme amendments. They may be seeking to subvert the intention of the Planning and Environment Act 1987,

which at subsection 38(2) allows each chamber the opportunity to allow or disallow a planning scheme amendment within 10 sitting days of its tabling. In this case the planning scheme amendment was tabled on 17 October. The next general business will be on the next sitting week, and because of that delay the fact is that it will fall foul of the capacity of the chamber to provide the revocation that is needed.

What we have seen in the chamber today is a disgraceful travesty of democracy. We have seen the government use procedural tricks in an attempt to subvert the intent of the chamber. After various speakers had spoken it was pretty clear that the numbers would be there to carry the revocation, and the government at that point took the deliberate action to talk it out and block the putting of the revocation motion. I say that this is very wrong. I say that the community in the City of Boroondara around Ashburton and the Markham estate deserve better than these procedural tricks which have sought and arguably succeeded in frustrating the will of the chamber and the will of the community. It is an absolute outrage. It is an absolute travesty of democracy. The community know that this is wrong. The community are aware that the government is up to any sort of procedural trick that it can be.

Let me be quite clear here. The government is intent on forced densification across the city. This is stated by the Minister for Planning. It is also stated in the government's Infrastructure Victoria drafts and further planning documents. The intention is to focus on areas not only around rail corridors but elsewhere and force this densification. Melbourne is growing very fast, there is no question, but that is no reason to suspend proper and good planning. Yes, we do need increased density in certain places, but that needs to be carefully planned, with services in the area and support, and also the amenity of areas needs to be protected.

You cannot be smart and just say, 'We're going to force densification wherever it suits'. I have to say I have not seen a subversion of democracy like this in the chamber for many, many years. I think it is an extraordinary outcome. I think Premier Daniel Andrews and his ministers should hang their heads in shame. I think that the planning minister ought to rethink this very closely. The truth of the matter is that Minister Wynne is doing the bidding of others within the government, particularly the Premier, Daniel Andrews, and his transport minister, Jacinta Allan. We saw earlier today the successful revocation of the Ormond sky tower planning approval, amendment C170. It is my view that the chamber would have been in the position to send a very clear message to the government about the way it

uses public land, the way it integrates these things into communities and getting better outcomes for local communities.

I want to knock one thing on the head very clearly. This is not the first set of planning scheme revocations since the 1990s, as the government is telling the press gallery. That is a lie. I was here in the period before 2010 when the Barwon Heads bridge revocation was successfully moved. Mr Tee moved revocations as well. All of these are lies by the government.

Independent Broad-based Anti-corruption Commission Committee: performance monitoring framework

Mr RAMSAY (Western Victoria) (17:12) — I want to reference the report that was tabled in Parliament this week, *A Framework for Monitoring the Performance of the Independent Broad-based Anti-corruption Commission*. I want to thank the committee members and staff for the work they did over a number of months to develop this framework. I think it is going to set IBAC, which has had five years so far, in a good place over the next five-year term. It certainly sets a framework for the oversight parliamentary committee to be able to monitor and evaluate the performance of IBAC. By having that framework in place obviously they are able to measure themselves.

I particularly want to thank the chair, Kim Wells from the Assembly, who has done a fantastic job as chair of that committee in leading the committee and the secretariat through a number of quite significant pieces of inquiry work, from which reports eventuated and were tabled in this Parliament. Obviously the current inquiry into police corruption will play an important role in setting the scene for police integrity services in the future.

I have not taken the opportunity, and I want to this time, to thank the commissioner, Stephen O'Bryan, who, for those who can remember, was the first commissioner. Five years ago, under the Baillieu-Napthine governments, he was asked to take on the challenge of a new anti-corruption body here in Victoria. I am sure he gave some long thought to whether he would do that. He graciously did, despite the fact that the Ombudsman at the time, George Brouwer, was not overly supportive of even having an IBAC, far less having in operation a fully-fledged commission that might well have taken some of the work from the Ombudsman. As we now know, the Ombudsman, Deborah Glass, has worked very closely with the inspectorate and IBAC.

Stephen O'Bryan, who I have got to know very well over the period of time that he has been commissioner, has really helped the committee in identifying areas of legislative improvement that the committee could recommend to this Parliament. I am pleased to see that the government has seen fit to take those recommendations over a period of time. This goes back to the previous government when Andrew McIntosh, the then responsible minister, introduced the IBAC legislation in tranches. Over this period of five years I believe it has been significantly improved, to lower the thresholds in relation to serious corruption and to become a highly credited anti-corruption body right across the world. We have seen that on many tours.

I did want to wish Stephen O'Bryan, the first commissioner, well. He retires in December. He will no doubt go back to his legal practice — and his farm in Malmsbury, chasing snakes. I certainly welcome the announcement of the new commissioner, who I understand will start in the new year. I hope that we do not lose Stephen to other opportunities where court matters may well be improved. I refer to the Family Court, where no doubt there are significant opportunities for abuse and corruption. He may see fit to involve himself in doing some Family Court reform work, which is badly needed in this state.

In closing, I do wish Stephen well. I thank him very much for the work he has done for IBAC. I congratulate him on his tenure of five years. He has been a significant help and support to the parliamentary committee. As I said, I wish him well in whatever endeavours he takes up over the next part of his life.

Victorian Multicultural Commission: report 2016–17

Mrs PEULICH (South Eastern Metropolitan) (17:16) — I wish to make a few remarks about the Victorian Multicultural Commission (VMC) annual report for 2016–17, as the shadow Minister for Multicultural Affairs. Can I say those concerns which I have raised about the direction and the state of health of the VMC are confirmed by this report, which worries me no end. The proud history of the VMC, which was established in 1983 under a Labor government but then was subsequently elevated to the status of an independent statutory authority with its own Multicultural Victoria Act 2011, was that it became a very powerful agency for the development of multicultural affairs policy, strategy and community engagement.

Regrettably, since the government has taken office, what we have seen is basically the VMC nobbled in its

role as it was intended in the Multicultural Victoria Act and also in the independence that underpins an independent statutory authority. It no longer is that. It is now firmly ensconced in the Department of Premier and Cabinet (DPC) and it appears to me it has been merged or has morphed into the office of multicultural affairs. It no longer has its own dedicated budget. The report does identify some of the commission's expenses but certainly not a dedicated budget. It certainly does not have dedicated staff and it certainly does not have its own strategic plan. For me, they are critical elements of a statutory authority. If it does not have any of those, it is not that.

It does some good work. There is no doubt that there are some very good intentions. Essentially what appears to me, based on this report and my own observations, is that the Victorian Multicultural Commission has now become basically a unit focusing on community development, which is a noble thing, but it is not the work that needs to be undertaken by a statutory authority.

I think that the wheels have been taken off the VMC and it is now simply a wagon that has been tagged onto the machine of the DPC, which of course is neither accountable nor lends any credibility to the continuing line that somehow the VMC continues to enjoy statutory status. Worst of all is the fact that a number of the commissioners — who have been the absolute stalwarts of our VMC strategy and who are out there in the field advising on policy, engaging with their own communities and others and informing policy — expired in August 2017 and have simply not been reappointed. We have been down a number of commissioners since August 2017. We have had September, October and November, and we are traipsing on into December, so for over three months we have been without almost half of the commission.

I just want to pay tribute to some of the work of those who have gone and whose work needs to be acknowledged. There is Mr Ross Alatsas, deputy chairperson, whose term expired on 30 August. I want to commend him on the work that he has done, in particular his involvement in the Greek and wider Victorian communities and for his amazing work with the Greek media in particular. I also want to pay tribute to the work of Mr Chidambaram Srinivasan, affectionately known as Srimi, whose term also expired on 30 August, and he is sadly missed. I saw Srimi all the time at various multicultural events, in particular at various Indian events. He is a man of great dignity, charm, diplomacy and intellect, and he will be sadly missed. I want to pay tribute to him.

Dr Teresa De Fazio brought her intellect. She is an academic and author and has done a huge amount of work with the Australian Human Rights Commission and the Australian Federation of Ethnic Schools Association. She has gone and has not been replaced. Similarly the term of Dr Sundram Sivamalai, who was the Ethnic Communities Council of Victoria representative, has expired, and he has not been reappointed. I certainly hope that he is. The term of the youth commissioner, Ms Tina Hosseini, has expired, and she has not been replaced. Currently we are limping. In particular Graham Leonard, AM, has been a stalwart of the Jewish community and is sadly missed. He departed prematurely because, I think, Graham, like many other commissioners, was disappointed with the direction of the VMC. I call on the government to rethink its policy in relation to the role of the VMC going forward.

ADJOURNMENT

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

That the house do now adjourn.

Goulburn Valley Health radiotherapy services

Ms LOVELL (Northern Victoria) (17:22) — My adjournment matter is for the Minister for Health and once again highlights the dire need for radiotherapy services at Goulburn Valley Health (GV Health) by telling the cancer story of Kyabram woman Leanne Beck. Will the minister listen to the story of Goulburn Valley cancer patient Leanne Beck and give her a commitment to establish and fund appropriate radiotherapy services at Goulburn Valley Health?

Leanne Beck is a 53-year-old mother of three adult children. She has lived in the beautiful town of Kyabram all her life. Her husband is a self-employed painter with a business that Leanne calls a one-man show, while Leanne works part-time in the town. In 2002, at the age of 37, Leanne was diagnosed with breast cancer. The cancer was located in the lymph glands around her breast. Leanne underwent a partial mastectomy in Melbourne to remove the tumour and underwent a course of chemotherapy at the Peter Copulos Cancer and Wellness Centre at GV Health in Shepparton.

In 2013, at the age of 48, Leanne was again diagnosed with breast cancer. This second bout was not connected to the first cancer 11 years earlier. On this occasion Leanne underwent a lumpectomy in Melbourne to remove the tumour, and her specialist recommended an

intensive course of radiotherapy to save her life. Knowing that there were no radiotherapy services close to her, Leanne was desperate to be treated in Bendigo, which at least was 45 minutes from home.

Unfortunately, because of the number of patients receiving treatment in Bendigo, there was a substantial wait time, time that Leanne's oncologist made clear she did not have, considering it was her second bout of cancer. Due to the urgency of her requiring treatment, Leanne was forced to attend a private radiotherapy clinic in Epping. Although she had private health insurance, her insurer refused to pay because she was attending a clinic and not a hospital. Leanne and her husband were forced to pay a total cost of over \$20 000 for her to receive the treatment she needed. This figure was only partially covered by Medicare.

For seven consecutive weeks, every day from Monday through Friday, Leanne made the over 4-hour round trip to receive the 10-minute treatment that was going to save her life. The first three days were very tough, but she really had no option and quickly got into the routine of travelling up and down the highway every single day. The travel meant that Leanne had to give up work. Her husband could not take her, as his business was the family's only source of income and was funding the treatment. Leanne says she was lucky to have the support of her children, her parents, other family and a good friend to travel with her, but she made the point to me that the workplaces and lives of all of these people were also disrupted because of her need to travel for radiotherapy.

When getting her treatment, Leanne saw patients from Melbourne popping in for treatment during their lunchbreak and noted the importance of having radiotherapy services at GV Health to allow local patients to have some normality in their lives. Leanne Beck is now cancer free. I applaud her bravery and thank her for sharing her story with us.

Cohuna District Hospital

Ms SYMES (Northern Victoria) (17:25) — My adjournment matter is also for the Minister for Health. The action I seek is for her to work closely with the administration of Cohuna District Hospital to assist them in the attraction of a locum general practitioner obstetrician to support births for the community. My colleague Mr Gepp and I are very concerned that the delivery of babies has been temporarily suspended in Cohuna, but there is slightly more to the story, obviously, than just a random suspension.

In September this year there were two general practitioner obstetricians in the town, but then one

resigned and the town was left with one. It is not an ideal situation to have a maternity service supported by a doctor. In fact it is quite dangerous. It presents an unacceptable risk to mothers and babies and is not an OH&S compliant situation for the remaining obstetrician. Apart from fatigue issues, if there is more than one birth occurring at a time, there can be problems. If the doctor is unwell, of course, a birthing mother can be left in a very precarious situation or be rushed to a neighbouring hospital. Unexpected clinical complications are also a consideration. The health and safety of Victorians must always come first. It does not matter if it is in the workplace, in the home or during birth. Of course we would say that safety must be the priority.

The temporary measure proposed is to protect the safety of mothers and babies and to provide a safe workplace for the existing medical staff. Antenatal care will still be provided at Cohuna District Hospital, and tailored healthcare plans are being developed with individual women. The tailored healthcare plan includes where the birth will take place — as close as 45 minutes away in Echuca or the other option would be Swan Hill. In the interim, while the vacancy is being filled and for the safety of all mothers seeking to deliver their babies in Cohuna, we are asking the minister to work closely with Cohuna District Hospital to urgently find a temporary locum to help support the obstetrician that is there at the moment.

Autism Plus

Mr FINN (Western Metropolitan) (17:27) — I wish to raise a matter for the attention of the Minister for Housing, Disability and Ageing, and it concerns a company called Autism Plus, which services my electorate. Autism Plus has branches in Melton and also in Westmeadows that both service Western Metropolitan Region. Autism Plus, as it describes itself, is a unique support service that provides qualified staff with specialised skills and knowledge to support individuals within the autism and disability sector. This unique support service ensures that individuals' personalised goals and aspirations are the main objective of their service delivery. The directors have over 40 years of practical experience in community and disability services and have developed models of support for complex behaviours both in their positive support units and in home and community environments, with amazing outcomes. Autism Plus can manage an individual's funding package from the Department of Health and Human Services, the national disability insurance scheme and any other funding body. They are able to ensure a flexible approach to accessing unique supports and mainstream

or alternative services and are committed to encouraging individuals to have flexible control of their funding.

My very great concern following a phone call that I received from a very distressed constituent this morning is that this company, Autism Plus, is being hounded out of business by the department. That is something of great concern to me because the company has over 200 clients and it provides services for what we might call the most difficult cases — cases that perhaps not too many others would be keen to take on. If the company was to go under, it would provide enormous problems for a large number of people, and that is of very great concern.

Over the past two years there have been seven reviews following some bad publicity on television a few years ago, and not once has there been a case of non-compliance. A few months ago KPMG conducted what it described as a maturity test and came up with 81 recommendations to improve the service, all of which were welcomed by Autism Plus. They were in the process of implementing these recommendations, but two months ago the department stepped in and began a campaign of what I would describe as harassment, quite frankly. Now we have a situation where the minister is proposing to appoint an administrator without giving Autism Plus the opportunity to do what they want to do. I ask the minister to give this company the chance that it needs, the time that it needs, to actually get those recommendations in place and to allow the company to provide the services that it does so well.

Dairy industry water charges

Mr O'SULLIVAN (Northern Victoria) (17:31) — My adjournment matter this evening is for the Minister for Water, and the action I am seeking from the minister is that she work with her department to have a total restructure of water bills for irrigators. What we have seen in the *Weekly Times* today is just a snapshot of some of the difficulties being faced by dairy farmers and other irrigators, particularly in northern Victoria. Dairy farmers have gone through a pretty tough time in the last 12 to 18 months, and in the *Weekly Times* today it has been reported that up to 2000 irrigators are up to four months behind in paying their water bills. The debt to Goulburn-Murray Water is in the region of \$12 million. The article went on to say that there are about 300 farmers who owe an average \$40 000, which is a lot of money.

As we all know, there were retrospective price cuts about 18 months ago by Murray Goulburn and Fonterra

that have caused significant hardship for some irrigators. What happened on that occasion is that dairy farmers were paid an amount of money for their milk, and then subsequently the dairy companies came back and said that they had overpaid them and demanded a refund. The impacts of that clawback are now starting to be felt, particularly by irrigators in terms of paying their water bills right now. To compound that, they have had some dry conditions throughout the north which have elevated the price of temporary water, and obviously that makes it more difficult with those higher input costs. With dairy farmers paying for hay and grain, and water to irrigate their grass, as well as the higher electricity charges they are facing now, things are starting to get tight for the dairy industry.

Dairy is very important to Victoria. It is a very large economic driver in this state. We export a lot of dairy products to other parts of the world, but also a lot of the domestic products are used here in Victoria. Victoria is the dairy capital of Australia, and I think our exports are around 85 per cent of all products coming out of Victoria. It is very important that we get some assistance for those dairy farmers to ensure that they can continue to do what they do. They do it very well in terms of producing milk and other products for domestic and export supplies. What we need to do is to have a look at the water bills that these dairy farmers are paying and have a complete restructure of those water bills so there can be a lot more equity, a lot more fairness and a lot more transparency in the way dairy farmers pay their water bills, because at the moment it is just not equitable.

Port of Melbourne

Mr RAMSAY (Western Victoria) (17:34) — My adjournment matter tonight is for the Treasurer. It is in relation to a letter that exporters have received from DP World Australia, which is a notice to say that from 1 January 2018 DP World Australia will be increasing the infrastructure surcharge at their Melbourne terminal, applicable in relation to access to the terminal for road and rail operators. The surcharge will be \$49.20 per container. The action I seek from the minister is for him to write a letter as a matter of urgency to DP World Australia to say, 'Please explain', because these increases in container costs are obviously having a significant impact on the reduction in trade in containers at the Melbourne port.

I will use Riordan Grain Services as an example of these exporters as an industry. They indicate that if DP World keep putting charges up every eight months, as they have done since they took over the lease for the port of Melbourne, in their business it is going to be an

increase of \$742 000 in 12 months. If we work on the basis that the grain trade uses about 120 000 containers, it will be an additional \$10.464 million to DP World, which will come at a cost to the exporter and no doubt will then flow down to the grain growers at about \$3.71 per tonne less that they will get for their product. If the port does 2 million containers, it is an additional \$174 million the port is charging since it was sold, and we know that that is only within the last 12 months.

There is a significant increase in costs associated with the port of Melbourne since the sale of the lease. DP World Australia have seen fit to increase charges by nearly 70 per cent if my mathematics is right —

Mr Finn interjected.

Mr RAMSAY — No? Well, you'll tell me if I'm wrong, Mr Finn. Consequently some of these exporters are facing huge amounts of increasing costs for using the container port. But what is concerning me, as you would well recognise, Acting President Purcell, is that the cost to exporters will flow down to the price they are prepared to pay to the grain grower. I have already foreshadowed in this chamber that many of the wheat yields right across western Victoria have suffered significant frost damage and their losses are in the hundreds of millions of dollars. This is yet another double whammy that grain growers and exporters are facing. As a matter of urgency, the Treasurer needs to get on the phone or write a letter to DP World Australia and ask what the basis is of this significant increase in charges to port users and ask them to provide an explanation.

Berkeley Living retirement village

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation in her capacity as the minister overseeing the Retirement Villages Act 1986. It relates to a fairly dismal and sad situation, a disturbing situation facing residents in a retirement village called Berkeley Living in Patterson Lakes — a group of residents for whom Christmas is certainly not going to be particularly jolly, or not this Christmas anyway.

A group of residents, many of whom are bedridden, are set to lose their homes before Christmas as a result of a scandal-plagued retirement village that is preparing to close. The reason why it is closing is that some have become financial victims of a convicted criminal called Stephen Snowden. In addition to that there have been threats of fines and building repair costs in excess of \$500 000 by the City of Kingston in Melbourne's

south-east after the building was deemed dangerous. Apparently also some staff have not been paid and the owners of the units of course now do not have the money to carry out the repairs. I understand that some residents have been relocated; others do not want to move.

These are people's homes, and I am calling on the minister to do what she can. I understand that there will probably be a need to work with the City of Kingston. The City of Kingston is led by a Labor mayor, currently Cr David Eden. It will soon be Cr Steve Staikos, and he has a deal to occupy the mayoralty for two years in one of these Labor deals. Currently the deputy mayor is Cr Rosemary West, and the replacement will be another Labor member, Cr Georgina Oxley, so there ought to be enormous capacity for cooperation to get some sensible way forward so that these residents do not need to be turfed out of their homes. There could be some way of undertaking repairs or works on improving the safety of these residences. But whatever it takes, the minister does need to intervene, and I am calling on her to do so.

Following my time serving on the Legal and Social Issues Committee, which undertook an inquiry into the retirement villages sector and published a report which was tabled in September 2017, I note there was a call for an ombudsman to be established in order to deal early with complaints involving retirement villages. The minister and this government have not acted on that to date, so many people facing similar situations have been in limbo, with no complaints mechanism to have their concerns addressed early before they develop into a disaster of this nature. Now the situation requires ministerial intervention, something proactive, so that these people are not turfed out of their homes just before Christmas. If indeed there are no other options, then other accommodation needs to be found for them.

Responses

Ms TIERNEY (Minister for Training and Skills) (17:40) — There were six adjournment matters this evening. The first was from Ms Lovell to the Minister for Health calling for radiotherapy services at GV Health. The second was from Ms Symes to the Minister for Health seeking her urgent efforts in terms of working with a local community to secure a temporary locum in relation to doctor shortages at the Cohuna hospital. Thirdly, Mr Finn had a matter for the Minister for Housing, Disability and Ageing. It concerned issues pertaining to the support service provider Autism Plus. The fourth was from Mr O'Sullivan to the Minister for Water in relation to dairy farmers and water bills. He called on the minister to restructure water bills. The

fifth was from Mr Ramsay to the Treasurer. It was about terminal surcharge increases, and he requested the Treasurer to write a letter to DP World Australia questioning those increases. The last adjournment matter was from Mrs Peulich to the Minister for Consumer Affairs, Gaming and Liquor Regulation, and it was in relation to Berkeley Living retirement village at Patterson Lakes, asking the minister to work with Kingston council to assist in this matter and to find a way forward for that community.

I have written responses to adjournment debate matters raised by Dr Carling-Jenkins on 20 September 2017 and Ms Fitzherbert and Mr Ondarchie on 18 October 2017.

The ACTING PRESIDENT (Mr Purcell) — The house stands adjourned.

House adjourned 5.41 p.m.