

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 20 February 2018**

**(Extract from book 2)**

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## **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

### Legislative Council committees

**Privileges Committee** — 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, 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, 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, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Dr Ratnam, #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 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 Noonan 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 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 Elasmr, 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 <sup>1</sup>	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina <sup>2</sup>	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David <sup>8</sup>	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel <sup>3</sup>	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 <sup>9</sup>	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona <sup>10</sup>	Northern Metropolitan	RV
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin <sup>4</sup>	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini <sup>11</sup>	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark <sup>5</sup>	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred <sup>7</sup>	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph <sup>6</sup>	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	Truong, Ms Huong <sup>12</sup>	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

<sup>1</sup> Resigned 28 September 2017

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

<sup>3</sup> DLP until 26 June 2017

<sup>4</sup> Resigned 27 May 2016

<sup>5</sup> Appointed 7 June 2017

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

<sup>7</sup> Resigned 9 February 2018

<sup>8</sup> Resigned 25 February 2015

<sup>9</sup> Appointed 12 October 2016

<sup>10</sup> ASP until 16 January 2018

<sup>11</sup> Appointed 18 October 2017

<sup>12</sup> Appointed 21 February 2018

**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; RV — Reason Victoria  
SFFP — Shooters, Fishers and Farmers Party; VILJ — Vote 1 Local Jobs



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**Tuesday, 20 February 2018**

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

### ACKNOWLEDGEMENT OF COUNTRY

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

### RESIGNATION OF MEMBER

**Ms Hartland**

**The PRESIDENT (12:06)** — On Friday, 9 February 2018, I received the following message from the Governor:

I advise that I have today received from Ms Colleen Hartland her written resignation as a member of the Victorian Legislative Council.

I enclose for your information a copy of her letter. I have also sent a copy to the Premier and to the Speaker of the Legislative Assembly.

The letter that was submitted by Ms Hartland to Government House is to the effect of:

I hereby give notice that it is my intention to retire from my position as an MLC from the Victorian Parliament as of the 8 February 2018.

### JOINT SITTING OF PARLIAMENT

#### Legislative Council vacancy

**The PRESIDENT (12:07)** — I have been informed by the Victorian Greens that they have selected a person to be nominated to fill the seat in the Legislative Council rendered vacant by the resignation of Ms Colleen Hartland.

**Mr JENNINGS (Special Minister of State)**  
(12:07) — By leave, I move:

That —

- (1) this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Ms Colleen Hartland and

proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 21 February 2018, at 6.15 p.m.; and

- (2) standing and sessional orders be suspended to the extent necessary to provide that on Wednesday, 21 February 2018, the order of business will be —

Messages

Formal business

Members statements (up to 15 members)

General business

At 12 noon questions

Answers to questions on notice

General business (continues)

At 5.00 p.m. statements on reports and papers  
(30 minutes)

At 5.30 p.m. adjournment (up to 20 members).

**Motion agreed to.**

**Ordered that message be sent to Assembly informing them of resolution.**

### ROYAL ASSENT

**Message read advising royal assent on 13 February to:**

Compensation Legislation Amendment Act 2018

Firearms Amendment Act 2018.

### PETITIONS

**Following petition presented to house:**

#### **Buckley Street, Essendon, level crossing**

To the Honourable the President and members of the Legislative Council assembled in Parliament:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

1. the Andrews Labor government's preferred approach to removing the Buckley Street level crossing does not have the support of the Moonee Valley council nor the local community; and
2. the government's decision to proceed with its plans using parts of the Major Transport Projects Facilitation Act to exclude council and the community, invoked without consulting or informing council or the community, is the wrong project and the wrong process.

We call upon the Andrews Labor government to pause, listen to council and the community, and redesign the Buckley Street level crossing removal project in line with community expectations with rail under road.

**By Mr DAVIS (Southern Metropolitan)**  
**(8 signatures).**

**Laid on table.**

## VICROADS

### Western roads upgrade

**Ms PULFORD (Minister for Agriculture), by leave,**  
**presented project summary.**

**Laid on table.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 2*

**Mr DALLA-RIVA (Eastern Metropolitan)**  
**presented *Alert Digest No. 2 of 2018, including***  
**appendices.**

**Laid on table.**

**Ordered to be published.**

## ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE

### Fuel prices in regional Victoria

**Mr ELASMAR (Northern Metropolitan) presented**  
**report, including appendices, together with**  
**transcripts of evidence.**

**Laid on table.**

**Ordered that report be published.**

**Mr ELASMAR (Northern Metropolitan) (12:11) —**  
**I move:**

That the Council take note of the report.

High fuel prices can place significant pressure on the living expenses of regional residents and the operating costs of regional businesses. The impact of high fuel prices is more intense in regional Victoria because residents rely heavily on fuel to access services, work and education opportunities, and they have limited public transport options. Farmers and regional businesses also consume large amounts of fuel in their day-to-day operations.

Fuel price monitoring shows that the difference between average fuel prices in regional Victoria and in Melbourne has narrowed in recent years. In 2016–17 the difference was less than 1 cent per litre. However, in some parts of regional Victoria fuel prices are unusually high or remain constant for many months.

It became evident during the inquiry that most components of the retail fuel price are beyond the control of the Victorian government. After taking into account international benchmark prices, Australian government taxes and the value of the Australian dollar, only a small proportion of the price consists of wholesale and retail margins.

In addition, each regional fuel market has unique features that influence prices. The level of competition in each regional area and the sales volumes, business model and location of each service station in the region can have a significant impact on fuel prices. All these factors contribute to price differences between regions, which at times can be quite substantial.

The many factors that influence fuel prices also make it difficult to develop policy that minimises pricing discrepancies between regional markets. One way of encouraging competition between service stations is by providing fuel price information to consumers so they can choose when and where to purchase fuel. There are several fuel price comparison apps and websites available, but none of these provides complete and up-to-date information for all Victorian service stations.

Some states and territories have tried to improve the quality of fuel price information available to consumers by introducing mandatory price reporting. In Western Australia all fuel retailers must notify the government of their fuel prices for the next day, which are fixed for 24 hours from 6.00 a.m. each day. In New South Wales and the Northern Territory retailers must update a government website with their prices as they change. The information is then made publicly available for consumers.

While these schemes provide accurate prices for every service station in these states, there is no evidence that they have reduced fuel prices. In fact research on these schemes running in Australia and overseas suggests that publishing all prices across the market discourages fuel retailers from discounting and can have the opposite effect — of stifling competition. The committee therefore considered other ways to encourage competition between service stations in regional areas. It supported encouraging the use of existing fuel price apps and improving the coverage of regional service stations on these apps. It also recommended that the

Victorian government and local governments review planning policies to encourage independent retailers to enter regional fuel markets with low levels of competition.

I would like to thank the individuals, regional councils, local business groups and industry bodies that made submissions to the inquiry and gave evidence at the public hearings. Their input greatly assisted the committee with its deliberations. I would also like to thank the committee members for their invaluable input and diligence during the course of this investigation and their excellent contributions to this report. I acknowledge the deputy chair, Ms Dee Ryall, and also Mr Jeff Bourman, Mr Peter Crisp, Mrs Christine Fyffe, the Honourable Jane Garrett and Mr Cesar Melhem. In addition I thank the secretariat, Ms Kerryn Riseley, Dr Marianna Stylianou and Ms Janelle Spielvogel, for their hard and tireless work and their professionalism and support throughout the inquiry.

The committee recognises the impact that high fuel prices have on communities and businesses in regional Victoria. The recommendations in this report aim to encourage competition between service stations to achieve fair fuel prices for regional Victorian residents and businesses. I commend the report to the house.

**Mr BOURMAN** (Eastern Victoria) (12:16) — It gives me great pleasure to rise to speak to this report. I need to thank the staff for all their hard work as usual. It is like herding cats, getting all the MPs into one place to make a decision.

High fuel prices are a bit of a vexed issue. There is no easy fix for it, but particularly in regional areas high fuel prices can be quite a problem. Lack of public transport and the general lower wages of the areas make the effect of these high fuel prices a lot larger than you would feel in one of the better off suburbs. But it is interesting to note that it is not always higher. I travel to Ballarat quite regularly, and it is not unusual for a couple of the servos on the way into Ballarat to have lower prices than Melbourne. Obviously there is a bit of a price war going on there. Competition as well as government help is probably a good way of getting prices down, but of course we have federal government excises and then taxes on excises and so on. It does not help anyone when you are paying a tax on a tax.

Fuel price apps were mentioned. They can help by being able to search the lowest price at the time, but I also know from experience in my previous life working in the outside world that sometimes you can time your purchase of the fuel to the lowest price in the cycle.

That used to be a way I would buy my fuel. Occasionally I would get caught out though when the cycle changed, and I would be empty when the price was at its highest.

I think something that we all need to work on is to try and help regional people. I think regional Australia, let alone Victoria, is really suffering in general, and fuel prices, given we have very high fuel prices compared to the rest of the world, are a big thing. I think any help we can give will go a long way.

**Motion agreed to.**

## STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### RSPCA Victoria

**The Clerk, pursuant to standing order 23.30,  
presented government response.**

**Laid on table.**

### PAPERS

**Laid on table by Clerk:**

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to Statutory Rule No. 134/2017.

Murray-Darling Basin Authority — Report, 2016–17.

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

Boroondara Planning Scheme — Amendments C264 and C275.

Buloke Planning Scheme — Amendment C27.

Colac Otway Planning Scheme — Amendment C96.

Corangamite Planning Scheme — Amendment C47.

Greater Geelong Planning Scheme — Amendment C377.

Mansfield Planning Scheme — Amendment C39.

Maroondah Planning Scheme — Amendment C110.

Melbourne Planning Scheme — Amendment C276.

Moira Planning Scheme — Amendment C86.

South Gippsland Planning Scheme — Amendment C100.

Whitehorse Planning Scheme — Amendment C191.

Statutory Rules under the following acts of Parliament —

Children, Youth and Families Act 2005 — No. 8.

Legal Profession Uniform Law Application Act 2014 — No. 7.

Magistrates' Court Act 1989 — No. 9.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 134/2017, 9 and 11 to 13.

Legislative instrument and related documents under section 16B in respect of Dairy Act 2000 — Revocation of the Code of Practice for Dairy Food Safety 2002, dated 28 December 2017.

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

Electronic Conveyancing (Adoption of National Law) Act 2013 — Remaining provisions — 14 February 2018 (*Gazette No. S49, 13 February 2018*).

Family Violence Protection Amendment (Information Sharing) Act 2017 — Whole Act (except Division 2 of Part 5 and sections 31 and 37) — 26 February 2018 (*Gazette No. S40, 6 February 2018*).

Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017 — 27 February 2018 (*Gazette No. S49, 13 February 2018*).

## PRODUCTION OF DOCUMENTS

**The Clerk (12:20)** — I have received the following letter from the Attorney-General dated 16 February 2018 relating to the resolution of the Council of 13 December 2017 relating to the production of contracts signed respectively by the Napthine government to host the Australian Formula One Grand Prix in Melbourne from 2016 to 2020 and the Andrews government to host the same from 2021 to 2023. The letter from the Attorney-General is as follows:

I refer to the Legislative Council's resolution of 13 December 2017, seeking production of the contracts signed respectively by the Napthine government to host the F1 grand prix in Melbourne from 2016 to 2020, and the Andrews government to host the same from 2021 to 2023.

The government has assessed the contract documents against the factors listed in my letters to you of 14 April 2015 and 29 April 2016, which note the limits on the Council's power to call for documents and the government's approach to claiming executive privilege.

The government, on behalf of the Crown, makes a claim of executive privilege in relation to the contract documents in full, on the basis that their disclosure would be contrary to the public interest on one or more of the bases described in my letters of 14 April 2015 and 29 April 2016.

In compliance with standing orders 11.02(3) and 11.03(1)(a), the attached schedule refers to the documents in respect of which a claim of executive privilege is made.

A schedule is attached.

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

**The Clerk (12:21)** — I have received further correspondence on another order for documents. I lay on the table 77 documents in full and 46 documents in part received in response to the resolution of the Council of 23 August 2017 relating to the business case for the Victorian Heart Hospital, including any attachments or appendices in correspondence and departmental briefs to or from the Department of Health and Human Services or the Department of Premier and Cabinet about the Victorian Heart Hospital.

I have also received the following letter from the Attorney-General dated 16 February 2018 relating to the resolution of the Council of 23 August 2017. The letter from the Attorney-General is as follows:

I refer to the Legislative Council's resolution of 23 August 2017, seeking production of the business case for the Victorian Heart Hospital, and correspondence and departmental briefs to or from the Department of Health and Human Services or the Department of Premier and Cabinet about the Victorian Heart Hospital.

The government has identified 298 documents falling within the scope of the order. It has assessed these documents against the factors listed in my letters to you of 14 April 2015 and 29 April 2016, which note the limits on the Council's power to call for documents and the government's approach to claiming executive privilege.

The government, on behalf of the Crown:

- (1) agrees to the release in full of 77 of these documents;
- (2) agrees to the release in part of 46 of these documents, and makes a claim of executive privilege over the remaining parts; and
- (3) makes a claim of executive privilege in full in relation to the remaining 175 documents.

The claim for executive privilege is made on the basis that disclosure would be contrary to the public interest, on one or more of the bases described in my letters of 14 April 2015 and 29 April 2016. In compliance with standing orders 11.02(3) and 11.03(1)(a), the attached schedule refers to the documents that are in respect of which a claim of executive privilege is made.

The documents and schedule are attached.

## NOTICES OF MOTION

### Notices of motion given.

**The PRESIDENT** — I just want to make a quick statement to invite consideration by members of a matter in respect of these motions. I note a trend in recent months towards a number of motions to revoke amendments to planning schemes. I do not want to reflect on any one of those motions or the significance of those motions, but I do want to make the point that in looking at revocation motions they historically have not occurred on many occasions in this house over the years and they are a very serious step in terms of adding extra complexity to a planning system which really is very thorough and comprehensive, as well as being expensive for proponents of change and indeed for those communities that are opposed to those changes.

One of the key things I have always considered important about planning is certainty. Of course there is a place for these revocation motions. There is an opportunity for members of either house of Parliament to actually move such a motion. I simply counsel members to consider carefully the importance of each of those motions individually and to ensure that they do not become simply a political tactic as distinct from a very important procedure of the house to ensure that issues associated with planning scheme amendments might be properly resolved.

This is just a word of advice. I am obviously not ruling in any form as to what members should do, and I obviously do not want to impinge upon the rights of members to bring forward these motions they regard as important. I simply, as I said, see that our involvement as a house of Parliament in the planning system needs to be judicious.

**Mr Davis** — On a point of order, President, your very unorthodox advice just now I think is worthy of reflection.

*Honourable members interjecting.*

**Mr Davis** — No, it is actually very unusual. I think perhaps the one factor you have not considered is the climate in which these planning scheme revocations have been brought forward. Where there is systemic failure by a government, by a planning minister and by a department you would well see an increase in the use of instruments which the planning and environment legislation has kept as a reserve power. It is interesting to think back to 1987 when the Parliament gave the planning minister certain powers but retained for each chamber separately through the section 38 powers the

ability to revoke planning scheme changes where they were inappropriately applied and where an important check or balance was required to ensure that the public interest was preserved.

## BUSINESS OF THE HOUSE

### General business

**Ms WOOLDRIDGE** (Eastern Metropolitan) (12:31) — By leave, I move:

That precedence be given to the following general business on Wednesday, 21 February 2018:

- (1) order of the day 40 standing in the name of Mr Davis in relation to the revocation of amendment GC65 relating to the West Gate tunnel;
- (2) notice of motion 514 standing in the name of Mr Davis in relation to the production of certain documents on the West Gate tunnel project;
- (3) notice of motion 516 standing in the name of Dr Ratnam in relation to the revocation of amendment C314 to the Melbourne planning scheme;
- (4) notice of motion given this day by Ms Lovell in relation to convening a regional sitting of the Legislative Council;
- (5) notice of motion 518 standing in the name of Ms Crozier in relation to comments made by the Minister for Families and Children; and
- (6) notice of motion 511 standing in the name of Mr Rich-Phillips in relation to recognising Australia Day on 26 January.

### Motion agreed to.

## LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE

### Reporting date

**Ms PATTEN** (Northern Metropolitan) (12:32) — By leave, I move:

That the resolutions of the house of 11 November 2015 and 8 December 2016 be amended to extend the reporting date for the Law Reform, Road and Community Safety Committee's inquiry into illicit and synthetic drugs and prescription medication to 29 March 2018.

### Motion agreed to.

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Reporting date

**Dr CARLING-JENKINS** (Western Metropolitan) (12:32) — By leave, I move:

That the resolutions of the house of 16 September 2015, 12 April 2016 and 6 September 2017 be amended to extend the reporting date for the Family and Community Development Committee's inquiry into perinatal services to no later than 20 June 2018.

**Motion agreed to.**

## MINISTERS STATEMENTS

### Kindergarten funding

**Ms MIKAKOS** (Minister for Early Childhood Education) (12:33) — I rise to advise the house on how the Andrews Labor government is continuing to build the Education State in Victoria. Recently I visited Acacia Avenue Preschool in Mentone together with the Premier, Daniel Andrews, and the local member for Mordialloc, Tim Richardson, to welcome back some of the more than 79 000 children who began their new kindergarten year. It gave me the opportunity to discuss with staff and parents their new kindergarten build, which will soon get underway. The preschool is set to receive a \$650 000 grant provided through the government's children's facilities capital program for 2016–17.

While there I was also pleased to announce \$18 million to build and upgrade new kindergarten facilities across the state through the latest round of the children's facilities capital program. This will see 28 new projects funded in both metropolitan and regional areas, including nine integrated children's centres, housing kindergarten, long day care, maternal and child health services and other family services under the one roof. I am also pleased to advise the house that for the first time a \$6.4 million inclusive facilities kindergarten program round has now opened. I encourage all eligible services to apply to make their kindergartens more inclusive educational spaces for children of all abilities.

As a government we have invested \$76.4 million towards building, upgrading and improving kindergarten facilities in this state — more than double what the former Liberal government appropriated in their entire term. This includes \$10 million in capital funding specifically to address demand in growth areas, as well as a further \$10 million to co-locate early years centres on three government school sites. We have

created more than 3300 additional four-year-old kindergarten places since coming to government — more than 600 in 2018 alone. We will continue work in partnership with local government and other providers to give our youngest Victorians the first-rate facilities they deserve.

## MEMBERS STATEMENTS

### Clean Up Australia Day

**Ms SPRINGLE** (South Eastern Metropolitan) (12:35) — In the late 1980s Ian Kiernan, AO, and Kim McKay, AO, undertook a monumental feat of community organisation to organise the first Clean Up Sydney Harbour Day. Forty thousand volunteers turned up to lend a hand, showing huge community interest in protecting and preserving their local environment and our waterways. The following year more than 300 000 Australians volunteered as part of the first Clean Up Australia Day. Since then this community-driven initiative has gone from strength to strength. Over the next few weeks clean-up events will take place at more than 6000 sites around Australia, and the data collected will form the basis of the organisation's annual rubbish report.

I am very proud to represent an electorate that has demonstrated such enthusiasm for Clean Up Australia Day. More than 1000 clean-up sites have been registered in Victoria, and there are simply too many in my own electorate to list. Clean-ups have been organised in the Dandenong wetlands and the Cranbourne wetlands and at Frankston beach, Braeside Park and many other locations. I would like to acknowledge the hard work and commitment of all individuals and community organisations that are committing their time and energy not only in my electorate but right around the state.

I would also like to reiterate that cleaning up is really our last line of defence. There is so much more we need to be doing to reduce the waste we produce. Clean Up Australia Day is a strong supporter of container deposit schemes and measures to reduce our consumption of plastic bags. Now more than ever we need serious action at government level on this issue, but until we can make that happen I would urge you all to take part in and support Clean Up Australia Day over the coming weeks.

### Asher Judah

**Ms CROZIER** (Southern Metropolitan) (12:37) — Last week the Liberal candidate for the Assembly seat of Bentleigh, Asher Judah, got a terrific result for the

local community. He actually did what the current sitting member in the Assembly, Nick Staikos, failed to do —

**Mr Davis** — He went into hiding.

**Ms CROZIER** — Yes, he did go into hiding, Mr Davis. Asher was able to get action from the Minister for Public Transport to clean up the shocking graffiti that was covering large expanses of the rail corridor along the Frankston line. It was Asher Judah who really brought this to the public's attention by speaking with locals and the local media and by having the Leader of the Opposition, together with me, last October witness it firsthand. He then phoned the Neil Mitchell program after the extent of the graffiti along the Frankston corridor was raised with that program last week. Asher has been very concerned about the increase in graffiti that has been occurring not only on public property, such as the rail corridor, footpaths and mailboxes in Bentleigh, but also on private property.

On radio last week it seemed no-one was prepared to take responsibility for this blight along the Frankston line between the Ormond and Patterson stations. That was reflected in the 3AW conversation with Metro Trains Melbourne, Public Transport Victoria and others. The minister, Jacinta Allan, finally took a bit of notice following Asher Judah speaking on behalf of the electorate of Bentleigh. That is what good representation is about, and I want to acknowledge Asher Judah for getting a fantastic result for the community of Bentleigh in cleaning up the mess of graffiti that was getting out of control, whilst the local MP, Mr Staikos, ignored it and did nothing.

### Hospital security

**Mr ELASMAR** (Northern Metropolitan) (12:38) — I am delighted to report that grants from the third round of the Health Service Violence Prevention Fund have already been announced. A total of 23 health services right across the state will share in more than \$7 million in funding for equipment to help keep frontline workers safe. This includes more CCTV systems, duress alarms and access control doors, as well as projects to redesign waiting areas, build sensory rooms and redesign entrances. This round of funding is part of the broader \$40 million Health Service Violence Prevention Fund, our deployment of an extra 123 full-time equivalent security guards across 44 hospital sites around Victoria and our Australian-first reform of requiring all hospitals to have a clear and standardised code grey policy.

Additionally, the Andrews Labor government has created the It's Never OK campaign to reduce

occupational violence and aggression against healthcare workers. It is great to see practical and effective programs put in place to protect our vulnerable healthcare staff, who only seek to help the injured and the sick.

### Victims of crime support

**Dr CARLING-JENKINS** (Western Metropolitan) (12:40) — Last week I spent a lot of time meeting with and speaking to victims of crime. I have spoken to women who have been stalked despite repeated violations of intervention orders on offenders, to families who have historical issues in dealing with violent crimes which have occurred against their members and to people who have simply not felt listened to through the process of reporting crimes.

A few common themes have emerged, which I will read today, from the perspective of the victim survivors:

I am stalked, but I cannot get police to help me.

I am tracked on my phone, but I cannot get protection.

I am scared.

I am broke, but I cannot get a duty lawyer or legal aid to help me.

I am at the end of my rope, but I cannot get anyone to listen to me.

I am devastated — financially, emotionally, psychologically — but no-one seems to care.

I am the victim, but the offender gets all the help while I get none.

I am not consulted throughout the process.

I am silenced.

I am a survivor who is being retraumatised every day.

I am alone.

I cannot keep reliving my story without results.

I cannot move on with my life within a system which does not support me.

I cannot go on.

It is time for this Parliament at this time to listen to these voices.

### Sturt Street, Ballarat

**Mr MORRIS** (Western Victoria) (12:41) — It has become abundantly clear that Labor continues to treat the people of Ballarat with contempt as a result of the latest revelations about Daniel Andrews's plans for

Sturt Street. On Thursday last week Minister Pulford said she was not happy with plans to close six intersections and put a bike path up the median strip of Sturt Street, but less than 24 hours later Minister Pulford's boss, Premier Daniel Andrews, refused to rule out proceeding with his ridiculous plan to double up. And then yesterday afternoon the government forced a public servant to clarify this embarrassing contradiction of government policy. This Sturt Street proposal has been an absolute farce from the beginning.

Daniel Andrews, the Ballarat community has a message for you. We will not be dictated to by the Premier for Melbourne. We will fight any plans you have to destroy Sturt Street every step of the way; you can mark my words. To Daniel Andrews and Labor, the message is clear: hands off Sturt Street.

### **Gumbuya World**

**Mr MULINO** (Eastern Victoria) (12:42) — It was fantastic to be at the official celebration of the reopening of Gumbuya World in Tynong last week on behalf of the Minister for Tourism and Major Events in the other place, John Eren. This major attraction for the outer east already has 96 full-time employees, many of whom live in the local area. By 2022 it is forecast to have an estimated 750 000 visitors per year. It already features a world-class water park and a zoo, and it is about to open a dinosaur enclosure.

### **Cardinia Cultural Centre**

**Mr MULINO** — It was also wonderful to be at the celebration of the funding from the state government for the Cardinia Cultural Centre redevelopment. This major community centre has been open since 1992 and has not had a major refurbishment since that time. The \$3 million from the state government will go towards adding an arts space for major exhibitions and significant additional space for dance events at the Cardinia Cultural Centre.

### **James Bathe Recreation Reserve, Pakenham**

**Mr MULINO** — It was also fantastic to be at an event to celebrate the James Bathe Recreation Reserve, a very significant and much-needed sporting precinct. The state government has put half a million dollars into this sporting precinct that will feature two new sports ovals, walking paths, open space areas for the community and an integrated playground with skate facilities. This is yet another example of investing in a growing community, with these much-needed sporting and cultural facilities.

### **Manningham bus services**

**Ms DUNN** (Eastern Metropolitan) (12:44) — As I have mentioned in this place on many previous occasions, buses are an essential transport service for my constituency in Manningham and in Eastern Metropolitan Region. Without an adequate train line to Doncaster, buses are the only form of transportation for many in the area, especially seniors. Last week I was visited in my office by a constituent who relies on such services and often finds herself waiting for over 50 minutes for a bus to pick her up as many overcrowded buses pass by her stop. While the buses pick up passengers earlier along the route, they are forced to express past passengers waiting, often out in the elements without proper bus shelters. Bus services are clearly letting residents of Manningham down.

Some time ago the Manningham bus services and timetable were revised. Services were cut or merged into others. The outdated fleet of buses operating in the area is prone to frequent breakdowns, often leaving passengers stranded on the Eastern Freeway waiting for a replacement service. Manningham's bus services are infrequent, unreliable, unsafe and inefficient. This government continues to hide behind big road projects such as the north-east link and its version of bus rapid transit as if they will miraculously solve all the traffic and transportation problems, condemning residents to at least another 10 years of congestion and leaving behind residents who have no other option but to continue to wait for a bus that may never come.

### **Albert Park Golf Course**

**Ms FITZHERBERT** (Southern Metropolitan) (12:45) — I was very pleased to see that the Andrews government has suddenly backed away from its plan to cut 18 holes at Albert Park Golf Course and to force the move of the driving range onto its remaining land. In light of some comment that has been made recently, I want to make it very clear that the member for Albert Park firmly supported this; in fact he announced it. Now that he has backflipped in the face of quite a substantial community backlash, I see that he is blaming his colleague the Minister for Energy, Environment and Climate Change for this debacle. In fact he apparently said to a few golfers recently, 'She's a bit incompetent. She should have got onto it'.

Now, I think it is a bit rough to blame your colleagues, but the member for Albert Park has form on this. In fact it was only in last November that he was blaming the Minister for Planning for the decision to give planning approval for a building also within his electorate in Southbank, saying that the decision was an unmitigated

disaster and that Mr Wynne's decision was bad planning, as again said to local residents.

In relation to the golf course, the member is trying to back away, but he supported this decision right from the start. What we have seen since are sporting clubs talking about things like course conditions for the golf club and issues like the condition of the pitch and lighting and the need for women's change rooms, and water sports clubs have been talking about the need to deal with fundamental things like weeds in the lake. These are the sorts of issues that Minister Foley would have known about had he actually consulted before making the announcement.

### **Sale Tennis Club**

**Ms SHING** (Eastern Victoria) (12:47) — The Sale Tennis Club recently got the fantastic news that there will be a \$2.35 million investment into the redevelopment and transformation of this sporting facility. The Andrews Labor government has contributed \$1 million towards this project to reinvigorate the complex, to bring elite sporting events to the area and to make sure that there is a really fantastic pride of place that continues to grow right across the greater Latrobe Valley region. This includes upgrades to the clubhouse seating and shared pathways as well as the reconstruction of 12 tennis courts, including four new international-standard red porous surfaces, and the upgrade of eight courts for club-level competitions. In this regard, congratulations to Robin Lowe and all members of the committee and the volunteers, who make so much out of this particular club. I wish them all the best in the future.

### **Latrobe Valley Maltese Festa**

**Ms SHING** — It was absolutely fantastic to welcome the Victorian Consul General of Malta, Mrs Joanna Pisani, to Morwell for the Latrobe Valley Maltese Festa. The Latrobe Valley Authority was absolutely delighted to support this festival, which celebrated all things Maltese. We had thousands of people come to the Latrobe Valley over the weekend and enjoy the beautiful weather, the fantastic food, the luzzu, which is a specially created boat, and all of the wonderful cultural activities, murals and offerings of music, food and history on display. I did have the wonderful benefit of being able to enjoy all of the food on offer, and I cannot wait for next year's festival.

### **Sunbury Road duplication**

**Mr FINN** (Western Metropolitan) (12:49) — After the past few weeks it is little wonder that the member for Sunbury in the Assembly has totally disappeared from the face of the earth. I almost feel sorry for the poor little fella as his government has dumped upon the people of Sunbury from a very great height again and again. The Andrews government could not make clearer how little regard they have for the hapless member for Sunbury on this occasion. After misleading the community for the best part of two years on the future of the buildings atop Jacksons Hill, we have recently discovered that the Andrews government is advertising the lot for sale. The Sunbury community looked around for their local member to go into battle for them, but alas Mr Bull is even more invisible than usual, and that is really saying something. Needless to say, Mr Bull has maintained a monastic silence on this issue vital to the future of Sunbury.

Everybody agrees that Sunbury Road between Bulla and the Tullamarine Freeway needs to be duplicated. Indeed so obvious is the need that even the Hume council and I are as one in calling for this to occur. Sadly, the government has kyboshed any duplication, offering instead a third-rate, cheap and nasty works program from VicRoads. Despite the widespread disappointment and disgust in the Sunbury and Bulla communities, the member for Sunbury has not gone in to bat for his constituents and again is nowhere to be seen. Nobody is surprised. Despite the setbacks, all is not lost: Cassandra Marr will be an outstanding representative of the people of Sunbury. After November she will give them the representation they deserve.

### **West Gate tunnel project**

**Mr MELHEM** (Western Metropolitan) (12:51) — Yesterday I had the pleasure of attending, along with the Minister for Roads and Road Safety, the Honourable Luke Donnellan, the launch of the West Gate Freeway widening project. From yesterday drivers will notice changes on the West Gate Freeway as workers establish a construction site that will allow the city-bound tunnel entrance to be built without closing lanes on the freeway during peak times. Workers also will be installing traffic barriers and changing the line markings to prepare for the moving of the inbound exit at Williamstown Road further north to make space for the tunnel entrance. As part of the West Gate tunnel project, the West Gate Freeway will be widened from eight to 12 lanes from Williamstown Road to the M80 ring-road to make sure that people will be able to travel more smoothly and safely. From March more traffic

barriers will be progressively rolled out as the freeway widening starts from the Williamstown Road interchange.

Work on the portal for the tunnel commenced about five weeks ago. The Andrews Labor government is actually getting on with the job. In my electorate there are so many infrastructure projects we are delivering for people in the west, unlike the other side — the Liberal Party. The only thing they can do actually is to put forward one revocation motion after another revocation motion. They are basically wanting this state to come to a standstill and go back to the dark ages when they were in power for four years and doing nothing. We are getting on with it.

### **Murray-Darling Basin plan**

**Mr O'SULLIVAN** (Northern Victoria) (12:52) — Last week the Senate up in Canberra passed a disallowance motion in relation to the review of the northern basin in relation to the Murray-Darling Basin plan. Unfortunately the Labor Party and the Greens in the Senate voted for the disallowance motion. Greens and Labor senators from Victoria voted against the best interests of their state, even with the Victorian Labor water minister writing to them asking them not to pass the motion.

As a result of the motion, there has been much discussion over the future of the Murray-Darling Basin plan. Some are calling for the plan to be scrapped altogether. This would be a disaster for the people of northern Victoria and would be a disaster for the economy of Victoria as well. It would be a disaster for all water users. It would be a bad outcome for the environment, it would be a bad outcome for irrigators and it would be a bad outcome for communities.

I am calling on cool heads to prevail and take stock of the bigger picture in relation to the Murray-Darling Basin and stick with it, because there are many benefits for all Victorians in sticking with the basin plan that we have all worked so hard to install and see its way through over the last six years.

*Honourable members interjecting.*

**The PRESIDENT** — I have heard a few references to a federal member of Parliament, and I do not appreciate them. In the past we have had members from all sides of politics, including a senator who had to resign from the government who had represented the Labor Party. I did not tolerate remarks about that senator at that time, and I shall not tolerate remarks about the federal minister and any federal members at

this time. They are not relevant to our proceedings, and the interjections are not helpful.

### **Premier's Volunteer Champions Awards**

**Mr LEANE** (Eastern Metropolitan) (12:55) — I want to talk about something very positive today, the recently announced Premier's Volunteer Champions Awards and particularly the recipients in Eastern Metropolitan Region: Suzanne Crellin from Banyule Community Health; Cheryl Sculthorp from Ardoch Youth Foundation; Ian Holowko from Manningham Inclusive Community Housing; James Simpson from Merri Health; Meryl Adams from Anglicare Victoria; Barbara Davis from St John Ambulance Australia; and Cynthia Patchet from Whitehorse City Council. All have done some fantastic work, particularly with underprivileged people.

But I really want to concentrate on Gail Dick from Doncaster All Abilities Basketball, who started a basketball association for all abilities and has been working on it for about 20 years. The competition now caters for over 250 players. Gail has also been involved in a leadership program that provides mentoring for young people with a disability along with opportunities to develop professional skills. Gail has also established a formal peer support program for parents and carers and is involved in related initiatives for people with intellectual disabilities. I want to congratulate Gail and all the recipients.

### **St Kilda Road**

**Mr DAVIS** (Southern Metropolitan) (12:56) — The community were shocked when the state government gave approvals through Heritage Victoria for the removal of a large number of trees down St Kilda Road. As Ms Crozier pointed out just a moment ago, we saw the national listing of St Kilda Road, the Domain and the surrounds by Josh Frydenberg, and that was a very welcome measure.

We all agree and support large infrastructure projects, but a modern, Western city ought to be able to deliver these sorts of infrastructure projects without trashing our heritage and without destroying massive numbers of trees. It is possible to build these projects in a way that does not destroy great heritage of this type. Other European cities do this, and I do not see why Victoria cannot, but this government seems to be making an art form of damaging trees, damaging our heritage and proceeding in a way that leads to a suboptimal outcome.

In particular you do have to ask how on earth Heritage Victoria gave the go-ahead and said, 'Start your engines!', on the Friday. They did not release the documents and did not release the permits and approvals knowing full well that national heritage permanent listing was coming on the Monday. And why didn't they release those documents? You have got to ask that question. They tried to beat the gun by coming in two days before the gazettal by the national government. You have got to ask about Heritage Victoria and its independence, and you have got to ask about whether we can rely on it to protect heritage. It seems to me we cannot.

### Mindfull Aus

**Ms BATH** (Eastern Victoria) (12:58) — Matt Runalls is a man on a mission. After personal experience with multiple suicide attempts and the loss of six friends to suicide, Matt now travels the world speaking on resilience, recognising the signs of mental vulnerability and how to live healthily by practising positive habits and mindful behaviours. Matt was born in Gippsland and is the founder of Mindfull Aus and a recipient of the 2018 Baw Baw Australia Day medallion. His passion is to connect with youth across Gippsland via his road to wellness educational workshops. I congratulate Matt, and I encourage everyone to check out his website: [mindfullaus.org](http://mindfullaus.org).

### Gippsland Girl Guides

**Ms BATH** — I rise to congratulate Gippsland region Girl Guides leaders and volunteers on the forthcoming 50th anniversary and celebrations of Burnet Park in Glengarry West. Burnet Park has for decades provided a place for young people to come together, learn life and leadership skills and establish friendships in a tranquil and nurturing environment. I applaud the significant commitment from our local Girl Guide leaders, including Jenny Tulau, Chris Oliver, Alice Wilson, Amanda Clark and many, many others at all levels, for the positive contribution they have made in the lives of so many young ladies.

### Latrobe Valley Maltese Festa

**Ms BATH** — Last Friday night I was delighted to attend the official opening of the Maltese festival in Kernot Hall in Morwell and enjoy the unveiling of the replica of a traditional Maltese fishing boat, a luzzu. I congratulate all of the committee members: Frank Bezzina, Mario Sammut, Ray Ancilleri, Thomas Libreri and Luke and Anita Butterworth. Congratulations to the Morwell Maltese committee.

## ROAD SAFETY AMENDMENT (AUTOMATED VEHICLES) BILL 2017

### *Second reading*

### Debate resumed from 30 November 2017; motion of Ms PULFORD (Minister for Agriculture).

**Mr DAVIS** (Southern Metropolitan) (13:01) — I am pleased to rise and make a brief contribution to the Road Safety Amendment (Automated Vehicles) Bill 2017. This is a bill that the coalition supports. It is a bill that is firmly in the frame of where technology and the opportunities are heading. It is a bill that seeks to amend the Road Safety Act 1986. It establishes a permit scheme to authorise testing and development of automated vehicles on Victorian roads, and it imposes sanctions for trials of automated vehicles without an automated vehicle permit or in breach of conditions of the permit.

It enables Victoria Police to impound an automated vehicle used on a Victorian road without or in breach of a permit. This is a very straightforward bill in the sense that what it is doing is establishing a framework of permits and controls around automated vehicles. Clearly it succeeds in clarifying the legal obligations under the Road Safety Act and the Crimes Act 1958 that currently apply to a human driver, and these will apply to the permit holder of an automated vehicle, the legal entity involved in the trial, while the vehicle is operating in an automated mode. It removes a number of unnecessary regulatory barriers for trials and gives legal certainty for trials so that insurance cover is available during these trials in the event of an accident or injury. It enables Victoria to adopt the National Transport Commission's guidelines for trial for automated vehicles in Australia, and it ensures the ongoing application of the Road Safety Act and the regulations and rules made under it, so that police can prosecute traffic offences and non-compliance in the normal way.

If you think about it, this is a sensible way forward. We obviously have great prospects and great possibilities for new ways of moving people and doing this in a constructive way. Victoria and Australia should be at the forefront of this process.

As you talk more broadly across the industry — and I pay tribute to the work of my colleague David Hodgett in the other place — it is very clear that there are different views about how far away functional, reliable and safe automated vehicles are. Some say they are within just a couple of years; others have put to me that

any major rollout is more like a decade away. Whatever the true nature of that —

**Mr Dalidakis** — Don't 'whatever' this legislation.

**Mr DAVIS** — No, I am actually praising the legislation. I am just saying that this sets up a framework for the testing and the trials that will be part of putting automated vehicles in place, and there are a whole range of issues within that that are addressed through the framework created here.

It is also important to note that this legislation requires applicants who wish to conduct testing or development to make an application to VicRoads. It enables the responsible minister to issue guidelines or policies setting out the criteria for permits. VicRoads is to require the trial applicant to demonstrate that the automated vehicle meets those guidelines and, as I said, the legal obligations.

Obviously in late 2016 the Transport and Infrastructure Council supported the testing and development of automated driving technology on Victorian roads, and in December 2016 the Minister for Roads and Road Safety launched a directions paper setting out how Victoria will support autonomous vehicles.

These are reasonable provisions. Victoria should be logically at the forefront here, and there are a number of issues that people are beginning to turn their minds to. What impact will this have on public transport? What impact will it have on road usage? For example, does it mean that if you go to work in an automated vehicle at the beginning of the day there is a similar trip to pick you up from work later in the day and then to drive you home again, making it four trips where now practically there are only two? There may be perverse and unexpected consequences from the presence of automated vehicles. For example, what will it mean if automated vehicles are unable to park somewhere easily? Will they continue to circle endlessly whilst waiting to pick up their passenger? How are all of those issues to be dealt with? So there are myriad issues that flow from a greater use of automated vehicles, and a broad set of frameworks are obviously going to be required to look at how this will operate.

As I said, the opposition supports this bill. It is one of those bills on which we say the government is heading in the right direction. We all see the potential and the opportunity for automated vehicles, and we look forward to seeing how that will play out in the future.

**Mr ELASMAR** (Northern Metropolitan) (13:07) — I rise to make my contribution to the Road Safety Amendment (Automated Vehicles) Bill 2017. The bill

provides a secure framework that ensures that Victoria can realise the benefits on offer from facilitating on-road trials of automated vehicles without any compromise to community safety. This bill introduces a permit scheme to enable the testing and development of vehicles with automated driving technology on Victorian roads, including vehicles that do not require a human driver. A performance-based permit scheme will create a robust but flexible framework to test and develop automated vehicle safety. The permit scheme provides an appropriate level of government oversight, encourages technological innovation and creates business opportunities for Victoria.

Automated vehicles are expected to provide significant road safety benefits by reducing human error. Safer vehicles are a key pillar in the safe system approach to road safety, which forms the basis of the government's *Towards Zero 2016–2020* road safety action plan. Enabling trials on Victorian roads is critical to ensuring that once they are commercially available, automated vehicles can safely operate in Victorian conditions — on our roads, in our traffic, in our community. To protect the safety of the community, only trials that have appropriate safeguards in place will be permitted on Victorian roads. The bill provides that an individual or corporation that wishes to trial a higher level of automated driving technology in Victoria will need to apply to VicRoads for a permit.

The bill also provides that before a permit is granted applicants must demonstrate that they have appropriate mechanisms in place to manage safety. This includes having a safety management plan and appropriate insurance. The requirements for a permit are based on guidelines for trials of automated vehicles in Australia developed by the National Transport Commission and Austroads.

The bill provides that permit holders will be considered to be the driver when the vehicle is operating in automated mode — that is, when the vehicle is driving itself without the need for human input. The permit holder will be responsible for the vehicle's actions while it is in automated mode, including its compliance with the road rules. The permit holder may assign a vehicle supervisor to the vehicle, who will have similar responsibilities to those of a licensed driver supervising a learner driver. Permits will be subject to conditions to ensure trials are conducted safely. The bill provides for conditions that may be specific to the use of the vehicle or impose requirements on the permit holder and any vehicle supervisor.

VicRoads will require permit holders to report any serious incidents, including any crashes or traffic

offences. A traffic offence committed while in automated mode is evidence of a system failure. Rather than issuing demerit points which accumulate over time, VicRoads will have the ability to suspend or cancel the permit immediately and until the problem has been rectified.

This bill sends a strong message to industry and the Victorian community that the government is dedicated to supporting innovation whilst protecting the safety and security of the community. I commend the bill to the house.

**Ms DUNN** (Eastern Metropolitan) (13:12) — I rise to speak on the Road Safety Amendment (Automated Vehicles) Bill 2017. There has been some conjecture in this place, in think tanks and in academia as to the potential impacts on transport networks of automated vehicles. These have ranged from some pretty sober predictions to completely wild speculation. This includes predictions that automated vehicles will drastically reduce the number of vehicles on the road and hence congestion; automated vehicles in partnership with ridesharing will displace private vehicle ownership; and automated vehicles in rideshare business models will lead to a drastic reduction in private vehicle ownership.

Automated vehicles may hold a lot of promise for safer, smoother and more efficient road networks. They may also be exceptionally good at providing last-mile connectivity between public transport hubs and people's homes and other destinations. I say 'may' because automated vehicles will only achieve this if governments get the regulatory settings right. In this regard I want to refer to a seminar hosted by the Committee for Melbourne last year at which Andrew Salzberg, the head of transportation policy and research at Uber, presented on the future of ridesharing, including automated vehicles.

Andrew was forthcoming in saying that automated vehicles could turn a city like Melbourne into a transport heaven or a transport hell. Heaven would be where automated vehicles were an extension of the public transport system, decreased total kilometres travelled in private motor vehicles and decreased the number of vehicles owned per capita of population. Hell would be where automated vehicles were owned by wealthy people to ferry themselves in private comfort to a destination such as the CBD, return empty to their garages in the suburbs to avoid paying for parking in the city and do the same trip again in the evening. This would effectively double the number of kilometres travelled by commuters. The wealthier parts of the community would shun the public transit

systems, which would fall into disrepair due to being politically marginalised. The mode shift of this city would fall into reverse, such that our roads would become even more clogged.

The Victorian government needs to have the foresight to ensure our automated vehicle regulatory framework is not solely focused on safety and on-road interactions. We need to ensure that at a macro level we ensure automated vehicles help improve the running of our transport systems and do not further clog up our roads.

I note that the bill requires the nomination of a vehicle supervisor — that is, a person who is responsible for the vehicle when it is in automatic mode. This is to ensure legal culpability for the vehicle's actions should something happen. However, I would appreciate it if the minister could, in summing up, perhaps address the issue of whether this person has to be a natural person or whether corporate persons are included in the legislation.

With regard to safety in the testing of automated vehicles, while there has been only one known death due to an automated vehicle — that of a Florida resident whose Tesla Model S crashed into a truck while in autopilot mode while the driver was watching *Finding Nemo* on a laptop — there have been many near misses. In March 2017 Uber temporarily suspended its AV program after a vehicle crashed in Tempe, Arizona. In November 2017, within 2 hours of being officially launched, a self-driving shuttle in Las Vegas failed to avoid a reversing truck. It was allowed to continue to operate. In 2016 a Google self-driving car crashed into a bus in California after trying to avoid an obstacle.

The promise of automated vehicles in reducing deaths and injuries on our roads is significant, but accidents will happen as no algorithm is perfect and no machine learning system is infallible. We therefore need a robust regulatory framework for the testing phase of automated vehicles and one that we can evolve into a full-scale management regime once vehicles are allowed onto the broader road network.

I note that VicRoads have been uncharacteristically outgoing in their consultation on this bill. I would like to commend them on that process, and I hope they can apply it to other projects in their remit. We have seen too many instances over the past few years where VicRoads have ignored the views of community and of experts and have made unnecessary mistakes. Meaningful and in-depth consultation is the best way to avoid this, and it appears that that has taken place with

the development of this bill. The Greens will be supporting this bill.

**Mr MORRIS** (Western Victoria) (13:17) — I rise to make my contribution to the Road Safety Amendment (Automated Vehicles) Bill 2017. I note that this bill does seek to insert provisions into the Road Safety Act 1986 which take into consideration the development and testing of automated vehicles on Victoria's road network. More specifically, the amendment further implements the government's trials of automated vehicles with the level of automation as was agreed at the meeting of the Transport and Infrastructure Council in November 2016.

The main provisions of the bill seek to amend the Road Safety Act 1986. In addition to the purpose that I have mentioned, the bill also establishes a permit scheme to authorise testing and development of automated vehicles on our roads and imposes sanctions for trials of automated vehicles without an automated vehicle permit or where there is a breach of conditions of a permit. It further enables Victoria Police to impound an automated vehicle used on a Victorian road in breach of a permit or without a permit at all.

The bill requires applicants who wish to conduct testing and development of automated driving systems, or ADSs, on Victorian roads to make an application to VicRoads for approval, and further, it enables the responsible minister to issue guidelines or policies setting out minimum criteria to be met to obtain a permit for trials. The bill also enables VicRoads to require the trial applicant to demonstrate that the ADS — or automated driving system — test driver, trial or vehicle has met the requirements in the relevant guidelines, policies, assessments or requirements. It provides VicRoads with broad powers to grant or refuse permits for trials and imposes conditions on those permits, including limiting the trial to specified areas, dates and/or times.

It further ensures that the legal obligations that currently apply to a human driver also apply to an ADS entity or applicant to enable the identification of drivers for the purpose of law enforcement and accident investigation. I note the interesting point that Ms Dunn made there about what it is that qualifies as a driver, and I too look forward to a response from the government on that question.

The bill also enables the existing offences under the Road Safety Act 1986, the regulations made under it and the Crimes Act 1958 to apply. It also enables police to prosecute trial permit holders who do not comply with the conditions of their trial permit. The bill also

enables VicRoads to cancel, suspend or vary a trial permit and enables fees to be charged for a trial permit.

I do note that automated vehicles are a hot topic of discussion in the community. I think particularly parents of children who have multiple after-school activities and the like that they need to be ferried around to are quite interested in the advent and the possibility of automated vehicles, what that could mean for the functioning of our community and how it is that children might be able to get to tennis, swimming and dancing when they are all on at the same time, which I think is going to be quite an interesting development in our community.

It also raises further questions about the future of car parking, including what impact it may have on the need for car parking within high-density areas and the impact that may have on the cost of parking and the cost of car parks as well. I note that some people have certainly invested in car parks in the past, and the rise of automated vehicles, I am sure, is going to have some impact on the cost of car parking into the future.

I also note that there has been some significant work done in terms of the impact that autonomous vehicles could have on the vehicle market, and indeed Intel has estimated that the autonomous vehicle market and the related industries, including chipmakers and artificial intelligence designers, will be worth \$800 billion by 2035 and an astonishing \$7 trillion by 2050. It is estimated that the market for the sale of self-driving cars will be in excess of \$80 billion by 2035.

Currently we are seeing the rate of investment in technology is certainly expanding in this field, with investments from all major automobile manufacturers. One would certainly expect that all of the large manufacturers would be investing in this field. We are seeing Toyota investing a billion dollars, General Motors a billion dollars, Ford in the vicinity of a billion dollars, and many more as well. The total investment in the previous two years is estimated to be in the vicinity of \$6.5 billion, with another \$20 billion to \$30 billion in the pipeline in the years to come.

I also note that Volvo and Uber have signed a deal for 24 000 self-driving cars, which certainly does lay the groundwork for that company to no longer employ drivers. A deal like that being struck is going to have a significant impact not only on the way people are transported around our community but also on employment and the like. In 2015 Volvo announced the first large-scale autonomous vehicle trial in South Australia, and currently Western Australia has a fully autonomous shuttle bus start-up company. South

Australia has committed \$5.6 million to innovation transport projects, including driverless shuttles from the airport and to and from the Flinders Medical Centre.

In terms of safety, we are also seeing that Google's self-driving car company, Waymo, which is considered to be a market leader in this field, has made some estimates that these self-driving cars can be somewhere in the vicinity of 10 times safer than the average driver and in the vicinity of 40 times safer than a new or somewhat inexperienced driver. So in terms of the impact autonomous vehicles could have on driving down our road toll, it could be rather significant. I do note that there is obviously going to be a lot of work that needs to be done in this particular field, and I think we can all imagine that unfortunately, with the advent of autonomous vehicles, there will be accidents, as there are accidents currently on the road.

**Ms Shing** — Collisions, not accidents. Collisions.

**Mr MORRIS** — Collisions. Some may be accidents, Ms Shing. Not all collisions are accidents, but not all —

**Mrs Peulich** — Sounds like the ALP is editing your speech.

**Mr MORRIS** — Well, this is very true. It is an interesting debate to have. I do note that the impact of autonomous vehicles on our road toll could be rather significant, and that will need to be taken into context. Just because we have autonomous vehicles does not mean that there are not going to be any accidents on our roads — or collisions. We need to ensure that we are cognisant of that fact as we are moving forward. And of course saying that some of these vehicles can be 10 or 40 times safer than drivers does not take into consideration the fact that unfortunately there are some people who are still choosing to drive whilst intoxicated, either by alcohol or by other substances that inhibit someone's capacity to drive safely on the road.

To this juncture Victoria has been missing out. We have been left behind. Unfortunately Victoria was once seen as the world leader — not just the Australian leader but the world leader — in road safety. It is unfortunate that we are being left behind under the government that we have presently. Cars are becoming autonomous through driver assistance packages. Cars can automatically park themselves, and also cars may have radar-assisted cruise control, cameras that read and respond to speed signs, lane departure warnings and autonomous braking. Artificial intelligence in cars

is of course already here and in many vehicles that we presently see on the road.

It is a brave new world with autonomous vehicles and the opportunities that exist, but we do need to ensure that the policy settings and regulatory settings surrounding autonomous cars are right and that we get them right the first time, because they could have significant impacts into the future if we do not.

It is not only going to be cars themselves and the people within driverless cars and automated cars that are going to need to adjust; it is also going to be the road infrastructure that is going to need to adjust to what we may see into the future. So I certainly encourage the government to look at world leaders who understand and are leading this particular field to understand what it is we need to be taking into account when we are looking at road infrastructure. Rather than having crumbling regional roads, as the Ballarat *Courier* has detailed on its front page today, we need governments that are going to be investing in roads, not just in metropolitan Melbourne but outside the Western Ring Road — where unfortunately I think the Premier believes Victoria ends — and investing in regional roads to ensure that people can be kept safe on our roads and indeed can embrace new and evolving technologies such as automated cars.

At that juncture, Acting President, I will thank you. I look forward to hearing contributions from other members.

**Mr RAMSAY** (Western Victoria) (13:29) — I am pleased to be able to make a very small contribution on the Road Safety Amendment (Automated Vehicles) Bill 2017. In doing so I will not continue the very good work of Mr Morris in reading the bill briefing but perhaps add some additional notes that he has not covered. As others have said and Mr Davis has said, we are supporting this bill. In fact it seems we almost have unanimous support within the chamber for this bill, which is a first for some time that I can remember. It is quite an exciting bill in that, as Mr Morris has indicated, the new technology that is coming before us in relation to automation in the vehicle industry is well down the track in Europe particularly, and here we are in the infant stages but still very exciting stages of looking at how we might complement the conveyance of people and freight by using automation rather than a traditional driver.

If I may reflect — and Ms Shing may well like to make a contribution on the times that I am going back to — on when I first got my licence, which was actually only a few years ago —

**Mr Morris** — Really?

**Mr RAMSAY** — Yes, a few years ago at the Birregurra police station. I remember it vividly. Unfortunately the only car we had at that time was an automatic, and I needed a manual licence to drive some of the farm machinery. The policeman at Birregurra was very obliging at the time, and he said, ‘How can I help?’. I said, ‘Well, I need an automatic licence because I’m in an automatic car, I need a manual licence and I also need a truck licence to drive the trucks’, and he said, ‘No problem’. So we shunted it up a hill, backed into a drive and came back down, and I ticked off all three licences in about 6 minutes. There was no need to do any significant PowerPoint presentations or to tick boxes for VicRoads or anything else. We have really started from that point, and we have moved to now, where we — myself or anyone — do not need licences. It is all automated now. We have come a long way; I guess that is the point I was trying to make, and there have been a few years along that journey. Nevertheless, it is an exciting time when automation is catching up with the vehicle industry.

I understand this has transpired out of an amount of work done by a number of different stakeholder groups and agencies. In November 2016 the Transport and Infrastructure Council supported the testing and development of automated driving technology on Victorian roads. It was two years ago that that council supported the move towards automated driving technology, and in December 2016 the Minister for Roads and Road Safety launched the *Future Directions Paper*, which sets out how Victoria will continue to support the development of autonomous vehicles, including supporting trials of automated vehicles with any level of automation, including where a driver is not present in the vehicle.

I suspect that that picture will impose on many in our community some concern and challenges about the safety of having a vehicle that is not being piloted or driven by a human but in fact is being driven by mechanical means with the use of new technology. That is quite challenging for us, even for me now as I think about how that will fit in with our very busy lifestyles, our very busy road networks and, sadly, our deteriorating road networks, and that is why the bill is seen in the context of a road safety amendment bill.

We have, from this side in this chamber, raised a number of concerns in respect to actions taken by the Andrews government in the prose of road safety. I think Mr Morris might have mentioned the concern that we in regional Victoria particularly have about the ongoing work of installing wire rope barriers on some of our

major highways. Certainly in Western Victoria Region the lower house MPs — the member for South-West Coast, Roma Britnell; the member for Polwarth, Richard Riordan; and the member for Ripon, Louise Staley — have all indicated concerns about the impact the wire rope barriers are having on those travelling on the roads. They feel very congested. They feel they do not have the capacity to detour or move away from a potential threat from oncoming traffic. Obviously emergency services have raised particular concerns about being unable to access roadway networks from the highways whether it is to fight fires or attend a vehicle accident.

I note that in the north of the state, particularly around Seymour, even the Minister for Roads and Road Safety is now raising a number of concerns with VicRoads about the placement of some of these wire rope barriers. It would appear that while the government is embracing new technology in respect of automated vehicles, on the other hand it has rushed into a \$1 billion program, principally funded by the Transport Accident Commission (TAC) I might add but managed by VicRoads, of wires and ropes and allowed our road network to deteriorate significantly without the appropriate funding.

I raise a note of caution in that you cannot have a bill that embraces automated vehicles on Victoria’s road network without funding appropriately the infrastructure required to be able to safely have driverless vehicles on our roads. I have said to the house on many occasions that I am very concerned about the deterioration of our road networks, particularly in regional Victoria. I have just raised a concern about the TAC, which seems to have far too much money for its own good, spending \$1 billion on wire rope barriers about which the community have expressed to me and to other members particular concern as to both their placement and the cocoon effect they are having in not allowing vehicles to get off the road at any point in time.

I note the RACV, the Victorian Transport Association and the Strategic Road Safety Advisory Consultancy have all supported this bill. It is a fairly simple bill. It proposes reasonable provisions and safeguards with regard to what is a potentially significant economic opportunity for Victoria. I note Mr Morris has raised concerns in respect to potential costs, particularly in relation to car parking and also in relation to safety when it comes to having these automated vehicles in our very busy road network corridors.

The development and testing of automated driving systems is rapidly accelerating across the world,

particularly in Europe, and I made mention of that. Anything that can be done to position Victoria to attract innovative, emerging industries and associated employment should be welcomed and facilitated. I both welcome that and support the passage of this bill.

**Mr SOMYUREK** (South Eastern Metropolitan) (13:38) — I rise to make a brief contribution on the Road Safety Amendment (Automated Vehicles) Bill 2017, a bill that facilitates, encourages and enables the continuing development of automated driving systems while also ensuring the highest standards of safety for all road users. Automated driving systems enable vehicle operation without human input using various software and hardware. As we have seen in recent years, our cars are becoming more automated with each new model released. Whether it be automated parking functions or adaptive cruise control, it is no longer a sci-fi movie in which we see this level of automation occurring. As the technology continues to advance to fully automated driving, we need to continue to facilitate technological innovation that will progress our livability, industry and economy. Indeed on that point, it is so sad that people looked at the automotive industry as being an old industry — heavy manufacturing et cetera — when, as I have just said, it was an innovation hub in itself.

When we talk about advanced manufacturing, we all understand that in order for us to compete globally we have to play to our advantages, and our advantages are producing higher up the value chain. Losing the automotive industry actually has not helped that at all because, as I said, due to the automotive industry being much more sophisticated, much more technology driven, the automotive industry also helped us in terms of being able to produce higher up the value chain. The automotive industry therefore was a strategic industry for our economy. That is something that other governments in this country failed to fully comprehend. That is my view.

Victoria proudly led the nation in motor vehicle manufacturing and continues to proactively support and encourage our motor vehicle components manufacturing industry, as it is our rich manufacturing industry that makes us embrace the adaptation of automated innovation in vehicles and the subsequent need to support the industry through the provision of legislation that enables continued advancement. For that advancement to occur, however, the industry requires the ability to test automated vehicles on our roads to improve functionality, safety and reliability. The Road Safety Amendment (Automated Vehicles) Bill will therefore amend the Road Safety Act 1986 to establish a performance-based permit scheme which

authorises the testing and development of automated driving technology on public roads.

In relation to road safety, self-driving vehicles are an important step in reducing road trauma, with 90 per cent of crashes resulting from human error. Referring to recent trials, the Transport Accident Commission CEO, Joe Calafiore, said trials were a significant step forward for road safety, and I quote his words:

Our vision is for a future free of deaths and serious injuries on our roads and technology such as this will be a big factor in making that a reality.

Automated vehicles are an incredibly exciting reality that will enable many with disabilities to engage or re-engage in social, educational and economic opportunities and will actually have the very real prospect of transforming lives. Of course one day in the future when our roads are full of smart automation instead of the occasional human driver with questionable judgement, our roads will flow smoothly and safely, leading to increased efficiency and productivity and much less stress for passengers. In conclusion, this is a very smart bill for a smart industry. I look forward to the continued successful development of this particular industry. I commend the bill to the house.

**Mr O'SULLIVAN** (Northern Victoria) (13:43) — It gives me great pleasure today to rise and speak on the Road Safety Amendment (Automated Vehicles) Bill 2017. Road safety is something that is very dear to my heart. I have said quite a bit in this place about the condition of regional roads, and I will go into some of that again today. In terms of this bill, it is focusing on introducing a regulatory framework to support and monitor trials of automated vehicles on Victorian roads, which preserves the safety of all road users. This is certainly an interesting topic. I am on a committee that is currently looking at electric vehicles in this state and more generally. The committee has had quite a few witnesses come in and provide evidence in relation to automated vehicles. We met just last week and it was one of the more fascinating days I have had as part of the committee, listening to all the different views on automated or electric vehicles in particular.

One particular example came from La Trobe University in terms of operating a fully automated electric bus transporting students from one part of the campus to another. That was a fascinating topic in terms of how it is going, and there were many questions asked about how that actually operates and what safety procedures are in place in relation to that particular automated electric bus. It operates with a whole range of sensors and cameras which provide real-time information back

to the computer system in terms of what is happening around the bus as it is moving from one area to the other. I think it is a loop of about 2.3 kilometres from one part of the campus to the other. They are conducting trials now, and over the next few months those trials will be escalating and, providing that all the trials go to plan, that might be fully operable later in the year. We were invited out to La Trobe University to have a look at that, and that is something that some of the committee members may well do. There was a lot of interest around that in the committee. It was fascinating.

Another part of that inquiry into electric vehicles that is interesting from my point of view and from a regional point of view is that I think electric vehicles are probably precursors to where we end up down the track in terms of automated vehicles. There is no doubt that if you look at history in terms of the evolution of transport, going towards electric and then automated vehicles is probably inevitable in the next few years or few decades or however long it takes, and I think we need to make sure that we get the technology right before we roll that out. We have seen examples from some of the well-known companies that are trialling it, whether that be Tesla or Google, and I am sure there are a whole range of others as well. Those technologies will improve year on year, and I have no doubt that we will get to a point where that will certainly be the case.

A cousin of mine who recently bought a new vehicle made the comment to me that he does not believe he will ever again buy a vehicle that has an internal combustion engine in it. He suspects that the next vehicle he will buy brand-new will be an electric vehicle. That may well be the case. We know that there are a significant number of electric vehicles around now, and one of the challenges is around the charging points. As we know, you can charge many of those vehicles in your home or you can charge them at your place of work. If you are travelling from point A to point B, there are charging stations along certain highways where you can pull up and charge. In terms of charging, one of the debating points is about the time it takes to charge. Some of them take 10 hours to charge. If you are staying overnight, that might work for you, or if you are at work, but there are charging stations now where you can do it in a much quicker time frame than that. They think they will get to the point where through a supercharging station you might be able to get a range of some 400 kilometres from a charge of about 5 to 10 minutes. That is an interesting future in terms of where we are going with electric vehicles. At some stage no doubt automated vehicles will also come along. I look forward to being part of that inquiry and maybe our committee might look at

automated vehicles in the future, but that would be in the future.

The area I do want to talk about in some detail is the issue of road safety. As we know, out in regional Victoria the statistics for fatalities from road accidents are disproportionate to the statistics for the population in Melbourne, for example. What we have seen in regional Victoria is quite disappointing. The roads have been deteriorating, and in some cases they are certainly getting worse. The current government cut the country roads and bridges program which saw each regional council receive \$1 million in funding that they could use at their discretion to upgrade roads or bridges in their municipality. The government decided that they did not want to continue that. I guess we have probably seen that money filtered back into Melbourne.

**Mr Ondarchie** — Back into Mulgrave.

**Mr O'SULLIVAN** — Mr Ondarchie, I am glad you mentioned Mulgrave. That is a point I will be coming to very, very shortly. What we have seen through this government is that they tend to like to spend money in Melbourne and they tend to ignore whatever happens beyond the tram tracks. The Labor government said they would replace the country roads and bridges program with something they could brand their own. They did that. They called it the Labor country bridges program. That was an interesting program. On the surface it sounded like a good program: the Labor country roads program. Sometimes you need to look at the detail of this government's projects, because they love a glossy headline, but as all Victorians have got to know, you need to dig a bit deeper to find out what is really going on. You need to look past the glossy headlines that they like to throw around. There were 48 projects they rolled out in relation to that program, which sounds great, but when you look at it, 10 of those projects were in the Assembly electorate of Mulgrave.

**Mr Morris** — That's not the country.

**Mr O'SULLIVAN** — Mr Morris makes a great point. I do not know the geography of Melbourne very well, but Mulgrave, and others in the chamber might be able to help me, is a suburb of Melbourne, isn't it?

**Mr Morris** — It certainly is.

**Mr O'SULLIVAN** — It is. It is not far from here. It is only, what, 10 or 15 kilometres down the road. I find it very interesting that they can justify spending the money on 10 of those projects out of 48 in the single electorate of Mulgrave. What I found even more intriguing was when I looked a bit deeper into that and wondered, 'Well, is Mulgrave a marginal seat or

something like that? Is there an extensive array of works that needs to be done in that seat?', from the research I did it did not appear so. So I thought to myself, 'Why is that?'. And then I looked at who the sitting member is, and I thought, 'Hello, that might explain a few things'. It is actually the Premier himself.

Daniel Andrews is the member for Mulgrave and he obviously decided. He banged the table with his finger and said, 'I want that money spent in my electorate of Mulgrave'. And he said, 'I don't care where the money comes from. Just take it from the country roads and bridges program', which is obviously what has happened. It is the case that that money, which should have been spent in country areas, has been spent in the Premier's own seat of Mulgrave, which is only 10 or 15 kilometres from the CBD. Country people were outraged when they learned that the Premier was spending money that should be spent in the country in his own electorate. Country people say, 'Well, hang on, why are they doing that when the roads in the regions are starting to fall apart?'. There are potholes, the shoulders are starting to crumble and we have seen much damage happen to cars when they are driving along and hit one of these potholes that has not been fixed. They get damage to their car, whether it blows a tyre, cracks a rim or does damage to the suspension. In some cases we have seen thousands of dollars worth of repairs to these cars when they have experienced damage as a result of the potholes.

Just more recently we have seen the rollout of the wire rope barriers, which has been fascinating. I was at the Seymour expo over the weekend and there was a petition. People were flocking in droves to sign the petition in relation to the wire rope barriers. Everyone just kept saying, 'Why are they doing this? Why are they doing it? It's absolutely ridiculous'. I kept explaining to people and was actually defending the program by saying, 'They save lives when they are installed properly in the right spots', and that is absolutely true. But unfortunately too often we have seen that this program seems to have been rushed and has been rolled out in the incorrect spots. Wire rope barriers are being rolled out so close to the highway in some instances that if you pull up in a car alongside the wire rope barrier, half of your car will actually be on the road. God help anyone who has to get out and change a tyre in that situation. You would be out on the road itself with cars whizzing past, which actually makes it more dangerous, which is not the purpose of the program.

What was even more interesting was that in one case on the Hume Freeway there were three wire rope barriers between two roads. There was one next to the highway

on that side, there was one on this side and there was one in the middle. I do not think we need three. One down the middle probably would have been sufficient. That is very interesting because there has been a lot of discussion about the wire rope barriers. What did the Minister for Roads and Road Safety say about it? He said, 'Anyone who criticises the rollout of the wire rope barriers is a dingbat'. He also said they were nothing more than banjo-playing conspirators. I just think it is absolutely outrageous that the minister would say that.

What is even more interesting is that down in Mr Morris's area, the mayor of Corangamite raised with the minister when the minister was down there the fact that the country roads and bridges program had been cut, and she said that had been detrimental to the roads and the replacement money had been insufficient in terms of maintaining the roads down there. What did the minister say to the mayor of Corangamite? He said, 'It's better than a kick in the dick'. Excuse me for using that language, but that is a direct quote of what the minister said to the mayor of Corangamite. That is actually disgusting.

What is more disgusting about that is that the minister, when he was asked a question about this in question time in the other place just today, said, 'Yes, I used the wrong word. I should have said, "It's better than a kick in the head"'. That is what the minister said in question time today. That is absolutely disgusting. The minister is advocating for violence in the community, which is a real problem. It is absolutely disgusting that we have got a minister of the Crown coming out and using that language, saying, 'It's better than a kick in the head'. It is absolutely disgraceful. The Minister for Roads and Road Safety should resign. It is an absolute disgrace.

That is just a part of why regional Victorians have so little confidence in this government on a whole range of fronts, let alone road maintenance and road safety. When you have a minister saying those sorts of things it is absolutely outrageous.

What is even more interesting is that after the minister said that anyone who criticises the rollout of the wire rope barriers is a dingbat and that they are banjo-playing conspirators, he has now done a complete turnaround and has decided that we need to have a review. So finally, after three weeks of campaigning very hard around the state the minister has listened to all of the campaigning and all of the views and voices of the people of regional Victoria and the people on this side of the house, who have been speaking out against this program, saying we need to halt it, we need to do a review and we need to do it properly. There is no doubt that wire rope barriers have

a place along our roadways, but it needs to be done properly.

Something that people on this side of the house will certainly look forward to is that when there is a change of government on 24 November this year finally regional Victorians will be able to get some sort of comfort in relation to being able to look at a minister who is going to take them seriously and look at road safety and do it properly in the first place. That is all we ask: that regional Victorians get their fair share of the road funding — because clearly they do not get it under this government — and that any road maintenance that is done and any roadworks that are done are actually done properly.

**Ms PULFORD** (Minister for Agriculture) (13:58) — I thank all members for their contributions to the debate on this important piece of legislation. If I could just quickly respond to part of Mr O’Sullivan’s comments. Mr O’Sullivan asked why the government is rolling out greater wire rope barriers across the state. The answer is fairly straightforward: the evidence clearly demonstrates that the program will save lives. Perhaps we can debate that at much greater length and in more detail at some future juncture, but as somebody who spends a lot of time talking to people in regional and rural Victoria, I am confident that the families of people who have been impacted by road tragedy would be very supportive of others in the community not experiencing the same thing that they have.

If I could just take this opportunity before question time to briefly respond to a question that was raised both in the debate and informally by Ms Dunn. Ms Dunn’s question was about whether or not the supervising driver has to be a natural person. I can certainly confirm to the house that the supervising driver must be a natural person with a drivers licence. I refer members to new section 33F(b) in the bill, which confirms that a vehicle supervisor must be a natural person. It states:

a person, who is the holder of a full driver licence and who is specified in the permit as a vehicle supervisor for any automated vehicle specified in the permit, to act as a vehicle supervisor for that vehicle ...

I hope that satisfies Ms Dunn’s interest and her question on that particular matter.

In the world we live in technology is changing the way we do everything at an extraordinary rate. This piece of legislation in its very title reminds us that we are in ever-changing times. I thank all members for their support for the bill and their contributions to the debate, and I commend the bill to the house.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Multicultural Business Ministerial Council

**Mrs PEULICH** (South Eastern Metropolitan) (14:01) — My question is to the Minister for Small Business. Minister, you appointed Mr Chang Yang, or Mike Yang, to your Multicultural Business Ministerial Council. What probity and intelligence security checks were undertaken prior to you signing off on his appointment?

**Mr DALIDAKIS** (Minister for Small Business) (14:01) — I can advise the member that the department did undertake probity checks and Mr Yang was put forward after the department ran those checks. Can I say that I hope that this is not an indication that the state Liberal Party is going to go along the same xenophobic lines as the federal Liberal Party and the attacks on people from a community because of the ethnic background that they come from. I hope that that is not the case. It would be highly regrettable if it was.

**Mrs Peulich** — On a point of order, President, I am reflecting on your rulings recently where a question about probity and process was asked and another minister turned that into an allegation of racism. You cautioned the minister about going down that track. Could I say that the minister is going exactly down the same track when the question was one purely about process and accountability.

**The PRESIDENT** — The minister did not make an allegation or an accusation. The minister was really reflecting that he hoped that that was not the context of the question. But he did not make an allegation. You are right, Mrs Peulich; if it had moved in a different direction, then I would be most concerned. In terms of the actual question, I think Mr Dalidakis has actually discharged that by saying that there were probity checks and that Mr Yang had passed those probity checks.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) (14:03) — My supplementary to the minister is: was Mr Chang Yang, or Mike Yang, your pick for the ministerial council, the Premier’s pick or someone else’s recommendation to you?

**Ms Shing** interjected.

**Mr DALIDAKIS** (Minister for Small Business) (14:03) — I agree with my colleague; I do not know that that supplementary is apposite to the main question. However, being the generous person that I am, let me say that we had many applications to sit on the council. May I point out that it was the first such multicultural small business advisory council that this government has entertained and one that was long overdue. I am very proud that we supported our multicultural community by having such a council in the first place. I am sorry that it had to take so long for either the opposition or previous Labor governments to follow suit.

**Minister for Small Business**

**Mrs PEULICH** (South Eastern Metropolitan) (14:04) — My question is also to the Minister for Small Business. What meetings or telephone conversations have you or your staff had with the Australian-Hubei Chamber of Commerce, the Australian Council for the Promotion of Peaceful Reunification of China or the Chinese Community Council of Australia since you became minister?

**Mr DALIDAKIS** (Minister for Small Business) (14:04) — Can I say from the outset that I am extraordinarily proud of both my personal and professional relationships with the Chinese community and also the government’s. In fact, as I think I reflected in my inaugural speech, my mother was born in Shanghai, China, having had her parents flee Nazi Germany in 1938. If it had not been for the generosity of spirit of the Chinese and Shanghainese people at the time, my mother and my aunt may not have been born, and subsequently, obviously, while some people may be happy with this, I may not have been around to be able to answer this question.

From a very personal perspective, on the very first trade mission I led in China back in, I think it was, November 2015, I had the opportunity at that stage to visit the Jewish museum, where there were photos of my mother and her sister as young girls holding Chinese dolls.

So from a personal perspective it is my great honour to both serve the Chinese community here at home and also support greater relations between Victoria and indeed Australia and China itself.

In professional terms, can I say that China of course is our largest trading partner in Victoria and Australia both for imports and for exports. Can I suggest that, yes, there are questions that are fair and appropriate to ask to ensure that the sanctity of our democracy is upheld, but should those questions traverse that type of discussion into areas that probably we would prefer not to go, I would hope that that leadership would be shown by those opposite. In terms of the specifics, I can provide assurance to this house, as best as my recollection goes — and I will have my office go back through my diary — that I do not recall having met with any of the organisations that the member put to me.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) (14:07) — President, I am sure that you will also see that only part of the question was answered when you make your rulings at the end of question time.

My supplementary is: Minister, can you assure the house that you, your staff or anyone else on your behalf have never solicited funds from any of those three organisations or their committee members?

**Mr Dalidakis** — On a point of order, President, can I say that as a minister of the Crown my duties are not to solicit donations, and I do not believe that pertains to my role as a minister or as a member of this Parliament.

**Mrs Peulich** — On the point of order, President, the question asked about not only the minister’s actions but also those of his staff or anyone else on his behalf.

**The PRESIDENT** — Minister, I accept that you have actually covered off on the minister issue. Do you have anything that you wish to add in terms of the other parties?

**Mr DALIDAKIS** (Minister for Small Business) (14:08) — President, in due respect of your position, I will certainly contribute to this chamber that the answer to that question is an absolute no. However, it is as a result of my respect for you in this place that I have answered that question and not because I believe it is my duty to have done so.

**Chinese Community Council of Australia**

**Ms WOOLDRIDGE** (Eastern Metropolitan)

(14:08) — My question is to the Special Minister of State. Will there be an independent investigation into the awarding of taxpayer-funded grants to the Chinese Community Council of Australia, Victorian chapter (CCCAV), following the revelations in the *Herald Sun* today?

**Mr JENNINGS** (Special Minister of State)

(14:09) — Thank you, Ms Wooldridge, for your question. Indeed what had seemed to be bipartisan support for the project and the activities that were associated with the funding regime that was demonstrated by the opposition previously when the Leader of the Opposition rose to effusively congratulate the community organisation for the important activities that were funded through this has now somewhat deserted their enthusiasm, and indeed they are on a different tack in relation to the trajectory today.

When the Leader of the Opposition was effusive about this project and this important historical re-enactment, that seemed to be something that actually our community embraced. Generally we recognise the significance of the first arrival of Chinese people in this state and the significant journey that they undertook to arrive here. In fact many members of the community may actually know that there was subsequently quite a reaction — a race-based reaction — which bedevilled this state and this nation for the best part of a hundred years after what had been a celebration.

I would actually hope that we are not on the cusp of a similar cycle of originally embracing Chinese arrival in this state and the historical re-enactment of this event that will lead to a race-based reaction that will bedevil this community into the future. I hope that is not what we are on the cusp of. Indeed I see no reason to draw attention to a review or to appraise the appropriateness of the government's support for that re-enactment. There has been nothing put in the public domain to my knowledge that would warrant the examination of it. I would encourage all members of the Parliament to reflect on the important role that the Chinese played in the establishment of this state as it became and this nation and continue to play right up until this present day.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan)

(14:11) — Given that there will not be an investigation, Minister, I now ask you: given that four of the lower house member for Clarinda's electorate officers and

one of the Premier's media advisers are part of the executive of that organisation, the CCCAV's former public officer is now an adviser to the multicultural affairs minister, the Clarinda Labor Party branch uses the same post office box as the organisation for donations and several members of the Victorian Labor Party are registered using the CCCAV's address, will you write to the Victorian Auditor-General requesting that he follow the money on these grants to ensure the money has not been inappropriately used for party-political purposes?

**Mr JENNINGS** (Special Minister of State)

(14:12) — I think the construction of that sentence and the whole question was fairly cumbersome, but I actually understand that the point of your question is that there is a correlation of people who actually work within the electorate office of a member of Parliament being associated with a community organisation. I think that is at the heart of the concern. There has been no indication that in fact the funds were used for other purposes — no indication by you or anybody else, as I am aware, that in fact the funds were not used for the purpose for which they were attributed. In that regard I actually think we should be fairly cautious about making accusations about these matters. I will be suitably cautious in the way of not adding fuel to this issue. The Auditor-General is quite capable of looking at a whole range of matters themselves. In fact any agency is quite able to have a look at their own instigation of matters that they think would warrant consideration, and I will leave it at that.

**Ballarat cycling infrastructure**

**Mr MORRIS** (Western Victoria) (14:13) — My question is to the Minister for Regional Development on behalf of the Minister for Roads and Road Safety. It is expected that the Ballarat council will tomorrow evening consider whether to work with VicRoads to deliver new cycling infrastructure in Ballarat. The government has announced \$9.3 million for this project, but the relevant council report states that council will only receive \$8.17 million to deliver the project. That represents a 12.15 per cent cut in funding. What has happened to the remaining balance of funds that has been cut by the Andrews Labor government?

**Ms PULFORD** (Minister for Regional

Development) (14:14) — I thank Mr Morris for his interest in our government's record investment in cycling infrastructure in Ballarat. As a Ballarat resident — less so as a non-cyclist — I certainly think this is a wonderful opportunity for our city to create cycling infrastructure to make the city more accessible for residents and visitors alike. I will refer the details of

the funding of the project and the council papers question that Mr Morris has asked of the Minister for Roads and Road Safety to the relevant minister and provide a written response.

*Supplementary question*

**Mr MORRIS** (Western Victoria) (14:14) — Thanks for the opportunity to ask this supplementary question. Minister, the Sturt Street section of this plan has been scrapped due to overwhelming opposition from the community to the government’s plans to close six intersections and put a bike path up the centre median strip. Of the overall budget, how much money was spent on developing the now scrapped Sturt Street plan?

**Ms PULFORD** (Minister for Regional Development) (14:15) — President, with your forbearance I will answer this even though it bears scant relationship to the first question. Mr Morris has asserted that the government had a plan that has now been scrapped. Let me just correct the record there. The government has a plan to invest \$9.3 million in cycling infrastructure. This is something that will be delivered in partnership with the Ballarat council. There were some draft designs that were out for consultation in the community —

*Honourable members interjecting.*

**Ms PULFORD** — Well, that is the truth. I know you guys are not much into facts and truth anymore, but them’s the facts, folks. They are the facts. There was feedback received from residents and from some small business owners operating along Sturt Street about the draft designs, and the government has asked VicRoads to take further consultation and work on this design. We have also asked them to not halt the rollout of the rest of the project. Mr Morris might want that, but we certainly want the rest of the project delivered along with a suite of other projects that we are delivering for the community in Ballarat. If there is any more, I will seek a response from the minister who is responsible for this project.

**Regional and rural transport infrastructure**

**Mr O’SULLIVAN** (Northern Victoria) (14:16) — My question is to the Minister for Regional Development. Minister, in November 2016 you told Parliament that regional Victoria was a major winner due to the sale of the lease of the port of Melbourne. You said at least \$970 million from the proceeds would be invested in regional and rural infrastructure. Last week at the Public Accounts and Estimates Committee

the Treasury secretary confirmed your government had short-changed regional Victoria by a whopping \$723 million. When did you become aware that regional Victoria was being short-changed by the Premier and the Treasurer?

**Ms PULFORD** (Minister for Regional Development) (14:17) — I thank Mr O’Sullivan for his question. It is quite something being told by someone from the National Party that our government is short-changing regional Victoria, and I do welcome the opportunity to provide an answer to Mr O’Sullivan’s question. At the outset let me just point out that the basis of his question is just fundamentally incorrect. But, just for the avoidance of any doubt, for anyone from regional or rural Victoria who might be listening or watching or is inclined to read *Hansard*, if that happens, our government has invested \$8.5 billion in regional Victoria in three years.

**Ms Shing** — How much?

**Ms PULFORD** — \$8.5 billion. We have restored the funding that the National Party cut to biosecurity. We have restored the National Centre for Farmer Health, which is open when it would have otherwise been closed. We have been investing in our hospitals and schools, making phenomenal investments in regional rail and making investments in roads; the \$200 million Agriculture Infrastructure and Jobs Fund, which has included the Macalister irrigation district; a whole lot of council road projects; the electronic tagging of sheep and goats; and the long-desired weather radar between Mount Gambier and Mildura, which will be based in the Wimmera and will provide critical information for our farmers. Recently we launched a \$30 million energy program under the Agricultural Investment Jobs Fund.

On our work on digital connectivity — the work that Mr Dalidakis and I are doing together on removing black spots —

**Mr O’Sullivan** — It was meant to be about transport.

**Ms PULFORD** — I was going through Guildford not that long ago and it was wonderful to see the relationship between the signal not dropping out in the spot it always used to and the minister’s announcement not too long ago about Guildford.

**Mr Dalidakis** — He doesn’t think trains are part of transport.

**Ms PULFORD** — Trains are definitely part of transport. And the Murray Basin rail project — thank

you for the prompt. The Saturday before last I had a wonderful day visiting a number of halls in the Pyrenees Shire Council area, and I went past so much Murray Basin rail activity.

*Supplementary question*

**Mr O’SULLIVAN** (Northern Victoria) (14:20) — That was not an answer that was even relevant to the question, but I will try again with a supplementary. This is a clear broken promise from the Andrews government, short-changing regional Victoria by \$723 million on new transport infrastructure projects. Minister, will you ensure regional Victoria receives its fair share of the port of Melbourne lease money, or has that money already been spent in metropolitan projects in Melbourne?

**Ms PULFORD** (Minister for Regional Development) (14:20) — I do know The Nationals have had a bad couple of weeks, but I think Mr O’Sullivan needs to work on the skill that involves getting the supplementary question to respond to the substantive question. The substantive question was about whether or not we have been investing in infrastructure in regional Victoria and specifically in transport infrastructure. Mr O’Sullivan did not like being reminded about all of the cuts, cuts, cuts that he was responsible for and that his leader, Mr Walsh in the Assembly, was responsible for and that we know would be visited against people in regional Victoria again. But \$1.57 billion invested in the regional rail revival, \$530.6 million for roads and bridges, the ag fund that I mentioned and of course many, many other investments are getting regional Victorian communities back on track after the disaster that was the Napthine government.

**Early childhood education**

**Ms BATH** (Eastern Victoria) (14:21) — My question is to the Minister for Training and Skills. In December 2017 you authorised the cut of 90 per cent of funding for early childhood qualifications in order to, and I quote, ‘reduce the risk of students undertaking government-subsidised training ... that would not lead to a job or improved employment outcomes’. What was the source of your advice regarding the demand in the early childhood sector?

**Ms TIERNEY** (Minister for Training and Skills) (14:22) — I thank the member for her question. This is a question that has been raised before and has been in the newspapers as well. The fact of the matter is that this was canvassed at a Public Accounts and Estimates Committee (PAEC) hearing. I have not had an

opportunity to look at the transcript of PAEC at this point in time, primarily because the transcript is not available. Having said that, the issue was canvassed at PAEC, and my recollection is that the number of places went out to market and significantly less places came back.

We are also advised in terms of these matters by the Victorian skills commissioner. Indeed it is also important to note and to remind the house, particularly those opposite, that we are now responding to demand. It is a situation where we do have a significant number of people who have childcare qualifications and we are a government that is about training young people and older people in those areas that will lead to a job.

*Supplementary question*

**Ms BATH** (Eastern Victoria) (14:23) — I thank the minister for her response. Minister, you have previously stated that the decision was made on the basis of regional jobs and training needs reports. How can this be when every single one of those reports anticipates an increase in the demand for early childhood workers?

**Ms TIERNEY** (Minister for Training and Skills) (14:24) — I thank the member for her question. Those reports were before the whole issue went to market. There has been debate around this whole issue, and I can assure the member that making sure that we do have a demand-driven training system and a system that enables people to undertake training that leads to jobs is the primary focus of our objective in terms of Skills First and reforming the skills and training system in this state — something that those opposite did not do. They wanted to just have a tick-and-flick approach, and that of course led us to an overinflated market, which we are rectifying.

**Recycling industry**

**Mr PURCELL** (Western Victoria) (14:25) — My question is to Minister Jennings, representing the Minister for Energy, Environment and Climate Change. Last Friday I received a letter from my local council, the Moyne shire, letting me know that they were intending to do an audit of my rubbish bins to see how well I recycled — and good luck to them! The irony of this, though, is that with the Chinese ban on recycled materials the latest reports are that through the south-west most of that material is going to finish up in landfill. So I ask the government: what are they intending to do to make certain that this situation is overcome?

**Mr JENNINGS** (Special Minister of State) (14:25) — I thank Mr Purcell for his question. In fact when you wish the Moyne shire well, I am not quite sure whether that means they are going to have difficulty identifying your recycled material or it is going to be easy for them. Let us hope that it is easy for them. But the challenge that is confronted by regional councils at the moment is not an easy challenge. Currently the Victorian government is working with those councils through the Municipal Association of Victoria and through the regional contractors that have been associated with the recycling industry to try to find ways in which recycled material can be collected, and collected in a cost-efficient fashion, which can lead to ongoing activity within the recycling industry in Victoria.

I was asked a question in the last sitting week in relation to this matter, so I am aware of the significance the Chinese import ban has on the industry. The good news — and I want us to focus on good news for a second — is that the recycling industry in Victoria is still in the order of magnitude of about \$2.2 billion worth of economic activity across the state. Indeed it leads to products generated in Victoria that have the export value of about \$300 million and it employs 8000 people. So a lot of people are currently employed through this economic activity in Victoria, and this will be able to be protected into the future.

The imposition of the import ban by China only affected in the order of about a third of the recyclable paper that is gathered in Victoria. So two-thirds will continue to be processed within Victoria, and we have got a challenge with that one-third. In relation to plastics and other recovery, again, small amounts were going to China. But, as most members of this chamber would know, the recycling of plastic has a whole series of challenges in relation to the kind of viable industry that you can develop because of the variations in plastic products and how you can recycle them. The reason why I shared that story is that I want us to focus on the fact that there is a residual industry in Victoria that is very significant and it is not beyond the realms of possibility that we will be able to deal with this issue.

The minister has met with the three major recyclers, of which Visy is one. They took the Chinese import ban as a trigger to say they want out of their contracts with the five regional recycling contractors. They have used that as a trigger to renegotiate with those five contractors. My colleague has also met with those five regional contractors and is trying to work out a way in which a better result can be brokered to make sure that those councils, including Moyne shire — which may currently be trying to work out where they sit in relation

to this — can have confidence that there will be an industry.

We committed significant funds in the last budget — \$30 million — to support waste and resource recovery. It was allocated in the last budget to try to drive industry development within that sector. My colleague is working very closely with the industry to try to revive the viability of collection systems across the state, and she will continue to do so in the days ahead. We are not as pessimistic as, unfortunately, many shires and communities are currently feeling. They are under the pump because there will be a reduction in the recycling effort. It is a challenge — we have still got to work on that — but in fact it is not all one-way traffic.

*Supplementary question*

**Mr PURCELL** (Western Victoria) (14:29) — I hear what the minister says. Even though a third may seem like a small proportion, I can tell him it is a large volume. One suggestion has been put forward by Trevor Thornton of Deakin University. This does seem to be a bigger problem in regional Victoria, because certainly a lot of our waste did go to China, and his suggestion was that a recycling industry could be established in certain parts of regional Victoria, and he suggested north of the Mortlake area, to collectively work through this issue and try to set up a big industry. My supplementary question is: will the government undertake a feasibility study into establishing a recycling industry in the south-west?

**Mr JENNINGS** (Special Minister of State) (14:30) — I thank Mr Purcell for his question. I did not mean to imply that we are not talking about large volumes; we are talking about large volumes. It is about 500 000 tonnes of paper we are talking about, as an example, so it is a significant issue. But that is also a significant resource in relation to the industry driver it can be associated with.

Our government appreciated that there had been underinvestment through the Sustainability Fund, and in 2015 it indicated that there would be a change of policy settings to allocate money from the Sustainability Fund that had not been allocated during the life of the previous administration. We committed in the following budget to \$419 million being provided through the Sustainability Fund in the forward estimates to support industry development across the state. My ministerial colleague also established a committee to advise on the value of proposals, such as the one that you have just indicated, and I am very happy to refer this suggestion to her and her committee to evaluate its feasibility.

### Firearm permits

**Mr BOURMAN** (Eastern Victoria) (14:31) — My question today is for the Minister for Police, represented by Minister Tierney in this place. There is a proposal to increase fees for populous place permits. Populous place permits are issued for a number of reasons. They can be for a vertebrate pest controller needing to shoot a pest where other methods are not suitable or for re-enactors or living history groups wanting to put on displays. Increasing these fees may seem reasonable, but upon further review cost recovery will have a negative effect on both pest controllers and living history groups. Pest controllers will have yet another added cost to factor in, increasing prices, and the living history groups are not-for-profit and will not be able to absorb the cost so it will effectively shut them down. My question is: how much revenue is projected to be gained from the cost recovery for the populous place permits?

**Ms TIERNEY** (Minister for Training and Skills) (14:32) — I thank Mr Bourman for this question. It is a question about fee increases and how much money will be gathered as a result of that and, I am assuming, also a question about the impact on not-for-profit community-based organisations. I will refer those matters to the Minister for Police.

#### *Supplementary question*

**Mr BOURMAN** (Eastern Victoria) (14:33) — I thank the minister for her answer. I have done some rough estimates and it is going to be lucky to break five figures, so my supplementary question is: given that it costs in the vicinity of \$10.5 million a year to run the licensing and regulation department, would the government be better served by trying to assist small businesses and living history groups and just absorbing these costs, given their minuscule nature in relation to the total operating budget?

**Ms TIERNEY** (Minister for Training and Skills) (14:33) — I thank the member for his question. Again I will refer the matter of administrative costs in relation to this scheme to the Minister for Police.

### Murray-Darling Basin plan

**Ms DUNN** (Eastern Metropolitan) (14:33) — My question is for the Special Minister of State, representing the Minister for Water. The Minister for Water said in an official statement on 14 February 2018 that the Australian Senate's disallowance of the Basin Plan Amendment Instrument 2017 (No. 1) is, and I quote, 'a slap in the face to communities and a slap in

the face to the environment'. I note that all Labor Senators, including those from Victoria, supported this disallowance motion, which was moved by Greens senator Sarah Hanson-Young. Could the minister please advise how the amendments to the sustainable diversion limit (SDL) in the Darling River basin in the northern regions of New South Wales and Queensland would have impacted communities and the environment in Victoria such that it could be considered to be a slap in the face?

**The PRESIDENT** — I am a little bit concerned about this question because it really goes to the policies and attitudes of state governments other than Victoria's and is therefore outside our jurisdictional control. It also embraces, in terms of the way the question was put, proceedings in the federal Parliament. I do not exclude those obviously as a matter of the minister having an opportunity to refer to those proceedings, but I am a little concerned that we are asking the minister to speculate rather than to put matters to the house of which he and his colleague have knowledge and more importantly some opportunity to have control in those matters. I do understand this is a very complex plan — it involves four states and the federal government, and it is quite significant. I do understand that. I will allow the Special Minister of State to make such comment as he is able to in this, but as I said, I just have some difficulty with the question in terms of the complexity of the matter.

**Mr JENNINGS** (Special Minister of State) (14:36) — Thank you, President, for your, perhaps, caution to the Parliament, caution to Ms Dunn and caution to me in relation to what might be appropriate and what might be inappropriate for me to comment on. But certainly what I would like to do is reinforce your proposition, President, that the whole political situation, environmental situation and community support that derives from the Murray-Darling Basin plan and the way in which it could be effectively rolled out is indeed a very complex and very intricate set of relationships between jurisdictions, between those who actually want to have productive use of water and those who actually want to use the water for environmental purposes and in the balance that has been attempted to be struck over a very, very long period of time.

I think this is the tragedy of what has occurred in the Australian Parliament, which my colleague commented was a slap in the face to Victorian communities, in the sense that Victoria was the innocent party in a byplay between water allocations in the northern parts of Australia in terms of the catchment and the expectations of South Australia in relation to environmental flows that end up in South Australia.

Indeed Victoria has played a very straight, decent role over a long period of time in trying to balance our obligations to the agricultural irrigation sector in Victoria, to play our role in terms of the national commitment to environmental water flows and to actually contribute through a concerted program by which we try to get through the eye of the needle of those expectations to have an honourable position which protects Victorian communities and the viability of Victorian agricultural irrigator communities in terms of the economic viability of those states whilst contributing significantly to water that should be returned to the environment or be available for environmental flows.

We had worked very, very hard not only to reach an agreement but to deliver on our agreement. Indeed more than 80 per cent of the requirement for Victoria to contribute to environmental flows has already been delivered — is already locked in. High-reliability water that Victoria had identified as being able to be provided to environmental flows has already been provided, so the outrage that was expressed on behalf of the Victorian community was that the Australian Parliament did not seem to be mindful of the series of negotiations that led to that point, had not been seen to be cognisant of the role that Victoria tried to play in acquitting those obligations and in fact had acted in blithe rejection of the care and consideration that Victoria tried to bring to it.

**Mr O’Sullivan** interjected.

**Mr JENNINGS** — Mr O’Sullivan, I am very surprised that you are trying to interject, because I actually thought I might have been protecting a position that you might have actually wanted to hold onto. In fact I thought that was a bit surprising. We are actually trying to do the right thing by all stakeholders, by the industry and by the environment. We are standing by what we have committed to in the Murray-Darling Basin plan. We are standing up to what we have actually signed up to in other jurisdictions, and we feel as if Victoria’s interests have not been best reflected and that our actions have not been best reflected by the actions and the decisions of the Senate.

*Supplementary question*

**Ms DUNN** (Eastern Metropolitan) (14:40) — I thank the minister. I note that the Special Minister of State was the Minister for Environment and Climate Change in 2010 when the Barmah, Gunbower, Lower Goulburn River and Warby-Ovens national parks were created and the Murray-Sunset and Terrick national parks were expanded. If the basin plan were amended

to allow for a second set of sustainable diversion limit projects to proceed in northern Victoria, this would divert water from the environment to irrigation. Does the minister have a contingency plan to preserve these national parks if the SDL projects proceed?

**Mr JENNINGS** (Special Minister of State) (14:40) — I think, President, if you were going to get to your feet to say what question could have been ruled in or ruled out, you might have gotten to your feet on this one, because in fact the member has asked a question on the assumption that I am still the minister. I am not the minister who is responsible for acquitting the question that she has asked.

**The PRESIDENT** — I actually nearly did jump to my feet on that very basis because I did think that the member did something of a contortionist move from referring to a position you previously held to suggesting you still had a responsibility. The reason I did not jump to my feet was that I was fairly confident that you would indicate to the member that the substance of that question would be referred to a colleague in another place.

**Mr JENNINGS** — President, I think that is the effect of what I have just said.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) (14:42) — There are 66 written responses to questions on notice: 10 188, 10 572, 10 599, 11 101, 11 378, 11 481, 11 488, 11 491, 11 503, 11 511, 11 514, 11 526, 11 533, 11 536, 11 548, 11 555, 11 558, 11 570, 11 580, 11 819, 11 823, 11 872, 12 254, 12 255, 12 258–63, 12 312–18, 12 333, 12 334, 12 379, 12 380, 12 383–5, 12 389–96, 12 398, 12 399, 12 401, 12 403, 12 420–9.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** (14:42) — In respect of today’s questions I require a written response to Mrs Peulich’s first question to Mr Dalidakis, the supplementary question, within one day; Mrs Peulich’s second question to Mr Dalidakis, the substantive question, one day; and Mr Morris’s substantive question to Ms Pulford, two days. I will include the supplementary question as well on the basis that I believe Ms Pulford did discharge it with an answer but she indicated that she would just check to see if there was anything

further that might be added to that answer. It is a minister in another place, so it is two days for Mr Morris's substantive and supplementary questions. Mr Bourman's question to Ms Tierney for a minister in another place, the substantive and supplementary questions, is two days. Ms Dunn's question to Mr Jennings, the supplementary question, is two days.

I might indicate that I have had a request from Mr Morris to direct that a further response be provided to a question put to the Minister for Regional Development in respect of the Eureka Stadium, Ballarat. I have considered both the question and the answer, and I am of the view that there has been a sufficient response to that question on this occasion.

**Mrs Peulich** — On a point of order, President, because it is relevant to the questions, I seek clarification. With question two of mine, did you ask that the supplementary as well as the substantive be answered by the minister?

**The PRESIDENT** — Actually I probably overlooked that. I think that I did intend to include the supplementary, so both the substantive and supplementary question; that is still one day.

## JOINT SITTING OF PARLIAMENT

### Legislative Council vacancy

**Message received from Assembly informing Council that they have agreed to joint sitting to choose Legislative Council member.**

## CONSTITUENCY QUESTIONS

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) (14:45) — My constituency question is for the Minister for Emergency Services, and it relates to the Shepparton East rural fire brigade and their application for the Enhancing Volunteerism Grants program for an extension to their fire station. The Shepparton East rural fire brigade is a busy and growing brigade of 27 members and is in desperate need of financial assistance to complete the extension and renovation of its shed so that it can continue to provide highly professional fire services for the Shepparton East community. The brigade has outgrown its current facilities and requires funding to create a larger meeting room and kitchen, disabled toilet facilities, facilities for females and to install a remote lift door. Quotes obtained indicate the brigade requires around \$180 000 to complete this extension and renovation. Will the minister give a commitment to

funding for the planned renovation and refurbishment at the Shepparton East rural fire brigade by supporting the brigade's grant application through the Enhancing Volunteerism Grants program?

### Eastern Victoria Region

**Ms SHING** (Eastern Victoria) (14:46) — The question that I have is for the Minister for Industrial Relations in the other place, Ms Hutchins, and it relates to labour hire abuses of workers in the Gippsland area, who are often in vulnerable positions with little capacity to understand or exert their rights, and the corresponding impact that that has on primary producers, particularly in horticulture and agriculture, who are doing the right thing but at a comparative economic disadvantage as a result of that when there are others undercutting the market. The question that I have for the Minister for Industrial Relations is: how can workers be protected in the context of a labour hire framework for protection that is required at state legislation, and how can businesses be protected to better understand the way in which they can reward good productivity and the better economic benefits that come through compliance with awards and related minima as they apply?

**The PRESIDENT** — You have not referred to the legislation. That was my first concern. The other one was —

**Ms SHING** — It is covered off in federal legislation through the Fair Work Act 2009, and that was my reference point.

**The PRESIDENT** — But you have anchored that matter in what in your electorate?

**Ms SHING** — The primary producers in agriculture and horticulture in Gippsland, often vulnerable workers in this sector, in the electorate.

### Eastern Metropolitan Region

**Ms DUNN** (Eastern Metropolitan) (14:47) — My constituency question is for the Minister for Planning in relation to 621 Burwood Highway, Knoxfield, a Department of Economic Development, Jobs, Transport and Resources site. Will the minister determine that an environment effects statement is required on the site to address the lack of transparency of the comprehensive development plan; the need for integrated assessment of potential environmental effects, including economic and social effects; and the likelihood of regionally or state significant adverse effects on the environment, including the endangered blue-billed duck? The process so far does not provide

for a sufficiently comprehensive, integrated and transparent assessment.

### Northern Metropolitan Region

**Ms PATTEN** (Northern Metropolitan) (14:48) — My question is for the Minister for Public Transport in the other house. Just like last week, I have got another constituent who has come up with some great ideas for the Upfield bike path that runs along the Upfield train line. The bike path effectively ends at the top of Sages Road near Gowrie station, about 800 metres short of the Western Ring Road bike path. There is already a VicTrack service road that runs parallel to the train line and connects these two major cycling routes. It is already being used as a de facto bike path by some, and this service road was recently upgraded as part of the Camp Road level crossing works. Moreland City Council is already maintaining the 12 kilometres of the Upfield bike path, so I am sure that an extra 800 metres or so of bike path would not pose much of an issue with respect to ongoing maintenance. So we ask: is there anything, save for painting some lines on the road, that is preventing the minister from declaring this service road part of the bicycle network and connecting these two major cycling trails?

### Southern Metropolitan Region

**Ms CROZIER** (Southern Metropolitan) (14:49) — My question is to the Minister for Planning, and it relates to the Elsternwick rezoning and master plan. Many residents of Elsternwick have expressed concern about the impact of overdevelopment on local amenity and livability. In fact, I was in Bentleigh on the weekend and I was speaking to a builder who is renovating a home there. He lives in the area, and he was expressing to me his real concern about what is going on. The Elsternwick draft concept plan projects a 20 per cent increase in population but outlines no measure to cope with this densification and will lead to the loss of established houses in the area. So I ask the minister: what is the government doing to prevent local families from losing their homes and to ensure the livability of Elsternwick is protected?

**The PRESIDENT** (14:50) — Just before I call the next member, I have delight in informing the chamber that we have visiting us in the gallery — although she escaped pretty quickly before I had acknowledged her — the Australian Ambassador-designate to Iraq, Ms Joanne Loundes. We welcome you to the Parliament today and hope that the proceedings that you did observe were of some interest. We wish you well in the work that you are about to do on behalf of our country and our state in Iraq.

I might also acknowledge Mr Roland Jabbour, who is the head of the Australia Arab Chamber of Commerce and Industry and does a very fine job in the relationships that we have as a state with many countries in the Middle East. Thank you.

### Northern Victoria Region

**Mr YOUNG** (Northern Victoria) (14:51) — My question today is for the Minister for Energy, Environment and Climate Change. Minister, on 23 May 2016 Parks Victoria announced the temporary closure of the Cobrawonga Track Bridge and hence access to Cobrawonga Island due to damage to the bridge. Parks Victoria stated that it would be working with the Department of Environment, Land, Water and Planning to find funding to fix or replace the bridge. As it stands, the only works that have taken place at the site are the erection of steel and concrete bollards to prevent access. This is unfortunately a method of management being increasingly used by public land managers who do not have the funds or the desire to maintain access to public land for outdoor-loving Victorians. Minister, why has the bridge not been fixed to date to restore access to our much-loved camping area?

### Western Victoria Region

**Mr MORRIS** (Western Victoria) (14:52) — My constituency question is directed to the Minister for Public Transport. It relates to the Ballarat bus interchange and the community consultation, or lack thereof, that the government have planned. The bus interchange came as a result of overwhelming community pressure being brought to bear on the Labor government, which proposed to build the Ballarat station precinct — which is a shocker of a project anyway — without a bus interchange. After a considered campaign from the Ballarat community, Labor backflipped and funded the bus interchange. However, we have once again had a shocking lack of consultation on this project. We have had one pop-up session at the station and a —

**Ms Pulford** — Did you go?

**Mr MORRIS** — I did. I saw the candidate for Wendouree there, Ms Pulford, and I note that there is a website with next to no information at all on it. So my question is: will the minister extend the consultation period on the Ballarat bus interchange so the community can actually express their view?

### Southern Metropolitan Region

**Ms PENNICUIK** (Southern Metropolitan) (14:53) — My constituency question this afternoon is for the Minister for Roads and Road Safety, and it is in regard to the zebra crossing at the corner of Kings Way and Park Street in South Melbourne. I have received an email from a constituent who has described that zebra crossing as very dangerous, and I agree. Motorists turning left into Park Street from Kings Way city-bound regularly do not see the zebra crossing and almost hit pedestrians, and my constituent is concerned that someone will be injured on that crossing soon. I am familiar with the crossing myself. Of course Kings Way is a very busy road. It is a left-turn area that is carved off, and the zebra crossing is very, very difficult to see. So my constituency question to the minister is: will he arrange for that whole intersection, and particularly the zebra crossing, to be reassessed for safety?

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) (14:54) — My constituency question is for the Minister for Energy, Environment and Climate Change. Warrnambool City Council advise me that they are facing a potential liability of \$250 000 this financial year, or \$650 000 for a full year, due to China restricting the importation of recycled commodities from Australia. It would appear we have been lax in our segregation of our recyclable rubbish, and China has wielded the big stick. Warrnambool City Council uses a contractor, Wheelie Waste, to pick up kerbside waste and provide it to Visy, which pays \$70 per tonne. If China moves to restrict companies like Visy selling recycled waste, and with council contractors, who were once paid to pick up and onsell, now facing costs of \$130 a tonne, the reality is that either recycled waste will find its way to landfill or council will have to pick up the cost and transfer it to ratepayers and increase rates. My question to the minister is: would you consider using the \$500 million in landfill levies being held by Treasury to compensate councils that have to absorb the cost of the recovery of recycled waste collection until a viable alternative is found to dispose of recycled waste that does not impact on the environment significantly?

That was quite challenging, I might say, Acting Chair, given that Ms Symes and Ms Pulford talked all the way through my contribution.

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) (14:55) — My constituency question is to the Minister for Roads and Road Safety. This morning traffic on Sunbury Road

was banked back from the Tullamarine Freeway into the Bulla township itself. Traffic on Sunbury Road is getting worse by the day. It therefore came as both a shock and a disappointment last week when the minister announced a cheap, nasty and third-rate works program for Sunbury Road, effectively ending hopes that the road would be duplicated. Everybody in the region, including the minister's comrades on Hume City Council, knows Sunbury Road should be duplicated. We have been wanting the duplication for a very long time. I ask the minister: will you reconsider this disgraceful decision and instead put in place plans to duplicate Sunbury Road?

## PLANNING AND ENVIRONMENT AMENDMENT (PUBLIC LAND CONTRIBUTIONS) BILL 2017

*Second reading*

**Debate resumed from 21 November 2017; motion of Ms PULFORD (Minister for Agriculture).**

**Mr DAVIS** (Southern Metropolitan) (14:57) — I am pleased to rise to make a contribution on the Planning and Environment Amendment (Public Land Contributions) Bill 2017. It is a bill that amends the Planning and Environment Act 1987 and seeks to introduce a land contribution model for the infrastructure contributions plan scheme, to increase and provide for the indexation of the community infrastructure levy and to make other miscellaneous amendments. The bill makes related amendments to the Subdivision Act 1988 and the Building Act 1993 and for a range of other purposes.

I want to begin by setting the context, and I would just talk about the main provisions first. We will seek to make some amendments to the bill, which I will explain in a moment. If the clerks were willing to circulate those amendments, that would be helpful.

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

**Mr DAVIS** — Essentially this bill seeks to introduce, as I say, a land contribution model for the infrastructure contributions plan scheme, to provide for the indexation of the community infrastructure levy and to make a series of other miscellaneous amendments. It needs to be seen in the context of the large number of new taxes, charges, levies et cetera that the state government has put on development, building and planning steps. It is important to note that every one of these contributions increases the cost of land and the

price of land. There is a direct flow-on when the government jacks up the price of all the levies or charges that are put on the various processes that are part of the bringing of land to market and the construction of the relevant properties that are needed for our significant increase in population.

It is important to note that before the last state election Daniel Andrews made a number of solemn promises, and I am going to read out a number of these because I never tire of reminding the chamber and the community of them. He repeatedly promised prior to the November 2014 election that he would not introduce new taxes nor increase existing taxes by more than indexation.

Are you going to put taxes up?

Of course we're not —

said Daniel Andrews on 4 September 2014.

We're not going to tax our way into — we reduce taxes, Jon, we reduce WorkCover premiums. We ran a AAA budget, that's the fact of the matter —

he told Jon Faine on 4 September. On 5 November a caller called into the ABC's morning show and said:

Morning, Jon. Mr Andrews, if you don't get the federal funds, will you either cut your infrastructure program for public transport or will you raise taxes?

Daniel Andrews, who was the then Leader of the Opposition, said:

Well, David, we're not — thank you for your call, firstly, David. I'm not interested in raising taxes.

On 19 November, at the Sky News election forum in Frankston, journalist David Speers asked:

So, any higher taxes, levies?

Daniel Andrews said:

Absolutely not. We're not in the business of trying to solve problems ...

and he went on with his mantra again.

I just want to nail this list down ...

said David Speers. Daniel Andrews responded with:

The answer is a very simple one: no increases. And the question also related to new charges: I have no intention of introducing new charges.

On 19 November 2014 he said he would release his costings 'late next week', but he promised his plans would include 'no increases' to taxes and fees and said, 'I have no intention of introducing new charges'.

On 28 November, the night before the election, Peter Mitchell asked him:

Do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

Daniel Andrews said:

I make that promise, Peter, to every ... Victorian.

Whether you think new taxes are good or bad, and there are a range of views in the community, one thing is clear: he lied. I am going to list the new taxes, charges and levies that have been put on various parts of the construction and development industry. The infrastructure contribution on new estates was jacked up, and planning fees charged by councils were increased hugely by between 100 per cent and 1000 per cent. Some say that was justified, but the fact is that it is inconsistent with what Daniel Andrews promised before the election.

The longstanding Victorian off-the-plan stamp duty exemption was axed, and that is effectively a new tax that has been introduced by removing the benefit that was there that enabled people to get into the housing sector at a lower cost because of the off-the-plan stamp duty exemption. The stamp duty concessions on investment property transfers between spouses was axed. That is another new tax that was introduced and one that on occasion has a particularly harsh effect. It is not raising a huge amount of money, but nonetheless it will on some occasions have a very harsh effect on individuals. The growth areas infrastructure contribution (GAIC) was jacked up, and we saw that bill go through this Parliament. The government lost a court case. The court settled what the law was; the government tried to override the court. Let us be quite clear: the end result was more GAIC is being paid than before.

There is an increased infrastructure contribution for new estates, and the land tax surcharge on foreigners, which was introduced in 2015, was further increased in 2016. Some think it is a good thing, some do not, but it is in breach of what was promised. There is also the stamp duty surcharge on foreigners, which was introduced in 2015 and further increased in 2016; the vacancy tax fits into this as well; and then there is the \$220 million levy on the Victorian Managed Insurance Authority (VMIA) over four years. Let us be clear: the building component of the VMIA's business is about 12 per cent — that is about a \$50.2 million hit on the property sector over four years. That has to flow through in one way or another. It is a new levy that is being collected that could have been handed back in

lower charges by the VMIA if the state government had not scooped all that money straight out of the authority.

I have mentioned the vacant property tax. Then there is the introduction of social housing requirements for large new projects, a number of value capture collections added to certain projects, the expansion of inclusionary zoning mechanisms and indeed the fire services property levy increases above the CPI. All of these go onto the cost of properties, buildings, construction and the development industry in one way or another. So Daniel Andrews is high taxing, with a high impact and in direct breach of his election promises.

**Mr Finn** interjected.

**Mr DAVIS** — What is happening, Mr Finn, is that housing prices have gone up. There is no question about the very significant increase in housing prices, and that is making the issue of housing affordability all the more real. No-one believes that the housing in our state is more affordable now than it was three years ago. In fact it is far less affordable. If you look at the prices of land on the edge of the city, we are now seeing land prices at well over \$300 000 for basic blocks, and that is in the average category. That is much higher than it was in 2014, when it was nearer to \$200 000. All of those costs are being driven by the taxes, charges and levies that have been thumped on the property sector by Daniel Andrews, his planning minister and the Treasurer, and the focus is on putting more and more and more taxes onto development.

Let us also think about what is happening with a lot of this. The amount of GAIC scooped in is huge in the growth areas. There is more than half a billion dollars of GAIC sitting in at Treasury, and that is tax that has been collected in effect — you can call it a contribution or a charge, whatever word you want to call it; it is a levy, it is a tax; we can play semantics with the words, but it is a huge amount of GAIC collected — from the growth areas and not redistributed in the way that it was intended. Even if you thought the GAIC was a good idea — and we certainly had our reservations in 2009–10 when it was first introduced, although we chose not to repeal it in government — this government has jacked it up, as I have referred to, and indeed has sat on the money. Even if you think that it is a good charge, that it is a justified charge, what is not justified is to take the tax and not spend it — to just sit on it and keep it in the Treasury building so that the people out in the growth areas are unable to access the money they need.

Let us face it, the growth rates in the state are very significant: 146 000-odd a year in additional population. There are three parts to that: natural growth, overseas migration and net interstate migration of very significant numbers — in the 2016 figures there were 18 500 net movements between other states and territories in favour of Victoria. There is huge growth. You can feel it through the growth areas of the state. You can feel the congestion in closer and you can feel the massive outcomes for the community in terms of poorer transport and in terms of the inability of people to move, the inability to get home to their families and the inability to move their kids to school and to sport. All those sorts of things are a part of life for families, particularly in the growth areas, and they need to be dealt with.

So the state government sits on that huge GAIC mound, that huge goldmine that they are sitting on, and refuses to spend it in the growth areas. Actually we saw them in the state budget cut funding to the councils in terms of it being cut to just a two-year program of \$50 million — \$25 million over each of the years — and then falling off its perch. That is a very significant reduction that those growth area councils are really feeling. I do not have a problem with some contribution and I do not have a problem with some reasonable level of levy, but this has got to be seen in the context of tax after levy after charge after tax after levy after charge, and this goes straight to the bottom line of housing affordability for families.

We have got to be very focused on the outcome here. I know the state government has tried to introduce support for the first home buyer sector. I understand their focus on that, and that is an important focus, but on the other hand they are actually taxing — I was going to use an unfavourable word, but they are taxing a heap out of people. You pay on one hand and you are taxed on the other as the developers and the builders have naturally got to pass through the additional charges that have been levied by Daniel Andrews and his Treasurer and his Minister for Planning. What we do know is that the prices in the growth areas are surging; there is no question about that. We need to start to send a message to the government to say, ‘Look, you’ve got to slow down with your massive new taxes and charges’. The amount collected across the whole budget sector is much greater than it was just three years ago and there is very little to show for much of that increase.

The amendments to this bill that I have circulated will seek to remove the automatic indexation. The government is of course able to come back to the chamber — annually if it wishes — to seek indexation

or a form of indexation from the chamber through budget bills if it wishes or indeed through direct mechanisms, but this will say, 'No, you're not going to get automatic indexation'. The amount of \$1150 will stand unless and until the government comes back to this chamber. I think that that is a principle in the context of this government's repeated increases in taxes and charges. I think that there is every reason to believe that a better outcome will be achieved in that sense.

Now, I should say that the development contributions that are being made on the edge of the city need to again turn back to the direction Matthew Guy, the Leader of the Opposition in the Assembly, led to, which is to say that contribution in kind is often a better way to go. Developers get better value for that and there are consequently lower housing prices but the people buying into growth areas often get the infrastructure sooner if it is constructed at the time when the estate is being built, when the new development is being built. Always a concern is that the development contributions are made and banked by the council or the Victorian Planning Authority or whoever has got control of them in a particular case and then the process of actually releasing that development contribution, of having the work that it is tagged to actually do done, is sometimes something that has a significant hiatus with it. There are often years before the money is acquitted into an actual project. The sooner those projects are brought forward, the sooner they are completed and the better it is for people in that area.

If families are buying a new property, it is much more impressive for them to see a newly constructed oval or a newly constructed bridge rather than to see lines and shading on a map that says 'One day there will be an oval there' or 'One day the bridge that goes there will be built' or 'One day the additional community centre will be completed'.

**Mr Mulino** — Do you want to compare how much we built to you?

**Mr DAVIS** — Pardon?

**Mr Mulino** — Do you want to compare how much was built this term compared to the one before?

**Mr DAVIS** — I tell you what: we did a lot, and out your way the GAIC money was used to help fund community services. In government I was the one who actually established the principle that we could use some of the GAIC money for purposes of spending on health projects. If you look at Cardinia, there was money that went directly into that. I could go on.

Let me just say that I am going to quote some of the points here about this Planning and Environment Amendment (Public Land Contributions) Bill. The Urban Development Institute of Australia (UDIA) has certainly corresponded with me in the development of my consultation with respect to this. Indeed it agrees with the fact that this bill sets up a framework for an overarching policy in this area and the implementation of the public land contribution model — the idea of removing land contributions from the standard levy. However, there are concerns expressed, and I note there are concerns about the implementation of this bill, in particular the evaluation methodology. The institute report says:

Division 4 of new part 3AB provides for the valuation of certain inner public purpose land and for the resolution of disputes about those values. It provides a procedure to give those landowners who will be contributing more inner public purpose land than the ICP land contribution percentage appropriate notice of, and the opportunity to contest, the estimated value of land that will form the basis of the land credit amount specified ...

**Mr Dalidakis** interjected.

**Mr Finn** — Acting President, I think it is important that we have members here to be able to hear Mr Dalidakis's interjections, and I draw your attention to the state of the house.

**Quorum formed.**

**The ACTING PRESIDENT (Mr Morris)** — Before Mr Davis continues, Minister Dalidakis, I do note that you are listed here for the summing up. Maybe you could borrow a pen if you want to jot some of the things down that you want to follow up at the end of the second-reading debate.

**Mr DAVIS** — If I continue with some of the points made by the urban development institute with respect to this Planning and Environment Amendment (Public Land Contributions) Bill, the institute report says:

Under that process, the affected landowner must be notified of, and may make a submission in relation to, the estimated value of the inner public purpose land, which the planning authority must consider. The bill provides for the valuer-general to assist the parties in reaching agreement about the estimated value ...

There is a process here which I think is relevant. It goes on:

If the parcel contribution percentage of a parcel of land is equal to or less than the ICP land contribution percentage for the class of development that may be carried out on that land, there is no need for a valuation report to be prepared.

While the proposed methodology generally matches the agreed compromise between industry and government, further information regarding the valuation methodology is required. While the UDIA understands that government will provide a valuation method in a ministerial direction, more detail is needed on the proposed broad hectare and site-specific valuation methodologies.

The institute report also talks about the land equalisation and the credit amount. Again, it makes the point that:

This particular outcome is generally in accordance with previous discussions between industry and government.

On the timing of contributions, the UDIA report says:

New section 46GV(2) provides that an infrastructure contribution is imposed in relation to the development of land at the earliest time at which the applicant applies for either or both of a planning permit to develop the land or a building permit to carry out building work on the land.

It goes on:

An applicant is to provide the inner public purpose land by ensuring it is set aside in any subdivision plan lodged for registration under section 22 of the Subdivision Act 1988.

New section 46GV(9) enables the collecting agency to require the payment of a monetary component and any land equalisation amount of the infrastructure contribution to be secured to its satisfaction.

The language of the bill indicates that the changes will only apply to planning permits and building permits applied for after 1 September 2018. It is unclear whether land that was subject to a planning permit issued prior to 1 September 2018 will be required to meet these new requirements under the provisions of a building permit applied for after 1 September 2018. Of relevance, a building surveyor cannot issue a building permit for building work for which a monetary contribution or land equalisation amount is payable under an approved ICP unless the building surveyor is satisfied that those amounts have been paid or an agreement entered into with the collecting agency for payment.

So I think we need some clarification of the timing of the contributions, and certainly the UDIA has sought that.

There are a number of matters about the ministerial powers. New section 46GJ(2) sets out specific matters that may be specified in a ministerial direction. These include but are not limited to the types of land to which an infrastructure contributions plan (ICP) may apply and the method for calculating. These are all important points.

The other point that I think we do want to make is that the Housing Industry Association (HIA) has said it has some concerns about this. It has a general opposition, which I put on the record in this chamber before, to infrastructure charges and levies of various types. I note

that that is a position it holds in Victoria and nationally, and it is important to put on record its concern there.

HIA's view is that the government's infrastructure contributions are starting to look very much like infrastructure full funding or something very close to full funding. This is an unfair cost shift to developers that must be passed on to the first land purchaser, thereby having a very significant negative impact on housing affordability. HIA understands that to a large extent this bill will provide more of the legislative mechanics to facilitate matters presented to industry as part of the reforming infrastructure contributions implementation reference group (IRG). However, it does comment on clauses 10 and 22. During the IRG process, notwithstanding HIA's opposition to the information that was being provided to the industry, HIA did lobby for robust and transparent reporting of the collection and expenditure of moneys. It was considered that, with some additions and refinement, measures proposed in clause 10 relating to division 6 are appropriate and generally acceptable. What is of concern is the requirements that will be imposed on building surveyors, as proposed by clause 22. Should this information not be easily accessible for building surveyors, that has a real potential to add time delays and costs to the processing and issuing of building permits, exacerbating matters as they relate to housing affordability. The minister may wish to make some comment about that, or I will ask him about clause 22 in the committee stage.

Clause 10, under the division 7 heading 'Responsibilities of collecting agencies and development agencies if infrastructure contributions not expended', in proposed new sections 46GZD and 46GZF attempts to deal with matters should infrastructure contributions not be expended. In particular, for example, HIA considers clarification is required on new section 46GZD, 'Responsibility of collecting agency ... if monetary component not expended within life of plan'. It says that it is important for industry to know what would be the minister's criteria in providing consent to expend the remaining amount of the monetary component for the provision of other works, services or facilities in the ICP area.

HIA has other concerns around clause 10, as I have alluded to. In division 8, proposed new section 46GZJ will require the minister to table in Parliament at least annually a report setting out the prescribed levels of those infrastructure contribution charges.

I think the key point here is a simple one: that there is more and more being loaded onto the construction and development industry. Some of that is appropriate but

some of it is not, and it is the aggregate that I think is becoming a significant issue. This is a government that promised there would be no new taxes, there would be no new charges, there would be no new levies and there would be no new impacts on families in that way. Yet what we have seen is this cascade of new taxes and levies and charges, and the impacts are increasingly severe. It is pretty clear that there are real impacts on families as they seek to purchase their homes, particularly at the edge of the city, where prices are being forced up. Whatever ameliorative measures the government tries to put in place, it is in one sense fighting against itself, offering incentives for people but at the same time jacking up taxes and charges and levies which inevitably are passed through to those who are purchasing those properties. Many are in your area, Mr Finn, whether they be in Wyndham, Hume or other areas such as Melton, where huge growth is occurring.

We need to better deal with the challenges of growth that are facing the state. We do need better public transport infrastructure, we do need better planning and we do need better coordination. Some of these challenges are real, and you can go to many of the areas where this growth is occurring and you can see the crying need for services. The government is not keeping pace with the additional schools, the additional health services and the additional challenge with respect to community services that are needed in many of the areas. That is just simply the fact of the matter. The government may try to be jocular about that, but that is actually not the lived experience of people.

**Mr Dalidakis** interjected.

**Mr DAVIS** — You and others are laughing. I have got to say the focus of government members is very, very disappointing. It is a serious matter that we have this surge in charges and taxes being applied on the edge of the city, in growth areas in particular and also in some of the infill sites that we are seeing closer to the city, and that those charges are feeding through into higher charges and higher costs for families and pricing them increasingly out of the market.

I was at a public forum talking about planning issues recently and somebody asked very appropriately about —

**Mr Gepp** interjected.

**Mr DAVIS** — In Glen Eira, indeed.

**Mr Gepp** interjected.

**Mr DAVIS** — No, there were about 100 people there, and they were very unhappy about the planning

performance of the state government in the Glen Eira area.

**Mr Dalidakis** — Did you put on free scones, did you?

**Mr DAVIS** — No, I didn't, Mr Dalidakis. But what I can say is that people are furious with what is occurring in Glen Eira. They are furious with the density that is being forced on people in Glen Eira. People know what VC110 has done to the area and is increasingly doing to the area. They know what the government attempted with respect to its unconsulted attempt to put 13 storeys on top of the Ormond railway station.

**Mr Dalidakis** — So you'll talk about that but you won't talk about your botched paramedics EBA.

**Mr DAVIS** — I tell you, Acting President, what I will focus on in this bill are the costs and charges this government is putting onto families. What I will also talk about is the impact that the government's planning policies are having around the city. If you think about what is happening in an area like the City of Glen Eira, VC110 is starting to cut in hard: the general residential zones have seen that increase from 9 metres to 11 metres and automatic three storeys. With the neighbourhood residential zones we know what the minister is intending, because he told us at the public accounts hearings. We asked him how many he was going to try and squeeze onto properties in neighbourhood residential zones. Tim Smith asked him very clearly about what he intended to do with a 1000-square metre property, which is very typical of many Glen Eira properties. They could be in Elsternwick or they could be all over Glen Eira, such properties. They are removing the 8-metre height limit, which was put there by Matthew Guy, and lifting it to 9 metres, and removing the two-dwelling cap — to what? When he was asked would it be two, four, six, eight, 10 or more dwellings on those properties, he said 10 or more. That is what he is going for. He is on the record at public accounts pushing for 10 or more in those sorts of areas where he is seeking to cram people in like sardines. There is no associated planning for school services, there is no associated planning for all of the health services that are needed and there is no associated planning for the additional traffic movements that are occurring in those areas.

You cannot just pack them in like sardines, like Richard Wynne is doing — packing them in like sardines — without the additional services and additional support. We know what they are trying to do, and we know that they hate suburbs that have actually got good ambience

and good streetscape. They want to tear down those trees, they want to rip up the older properties and they want to cram on density, density, density. Let us be clear: Infrastructure Victoria let the cat out of the bag with its focus on density. It named densification as the number one objective. That is where it went. What is the biggest and most important thing you are going to do on infrastructure provision in Victoria? Densification is what Infrastructure Victoria told us, and the government has never walked back from that. We know what they want to do, and we know that it is about tearing up the quality of life of millions of Victorians — millions of Melburnians and indeed some in the country areas as well.

We know what the government is trying to do. We know they hate people having a good quality of life. We know they do not want to provide the services and the support. They just want to pack people into established suburbs and do it without any protections, without any arrangements to make sure that the quality of life is preserved. You see it in schools. The schools are being overrun with additional people. It is not a big surprise. If you look at a place like South Yarra Primary School, it is not a great surprise that if you put more and more and more density around it, in the end there will be more children and you will need to provide the additional support and the additional capacity. I could go through many other examples of the same sort of forced densification, which will become a byword for Daniel Andrews and his planning minister, Richard Wynne. The forced densification that he is doing, the decision at places like Markham to force densification into areas like that and to actually try and —

**Mr Dalidakis** — Do you mean public housing?

**Mr DAVIS** — We support public housing strongly, but you are actually not building the public housing that is needed. What you are doing is actually forcing densification on an area, and you are doing it without the support of the local community, without the support of the council. It is a very, very unfortunate outcome for those communities. This is a pattern that the government is seeking to replicate elsewhere — forcing these densification experiments onto local communities in a way that does not provide the services support, does not provide the transport support and does not provide the quality of life that people need in particular areas. I have to say that I think the government is getting itself into a lot of trouble around the suburbs. As I move around I hear and see what people are saying. It is very clear that in many of the seats and many of the municipalities that I visit the community is angry. They are sick of being bulldozed by Daniel Andrews and being bullied by him.

There are other questions that I want to put on the record today that focus on the government's densification objectives. What is going to happen with the transport-oriented developments that the government has singled out in a number of areas? I put on record my support for transport-oriented development. I support transport-oriented development, but that does not mean it is open season. It means you need to involve the local council, you need to involve the local community and you need to make sure that there is a good outcome.

If you look at planning scheme amendment GC37 on the sky rail corridor, the government has given itself carte blanche to tick off on foundations and footings for transport-oriented development. There was no tick-off from council, no consultation with the community, just 'We're going to build the transport-oriented development foundations and footings'. Then, hey presto, you come back and you say, 'Oh, my goodness, we've already built the foundations for this 20-odd-storey building and now we're just going to go ahead and build it'. That is what the government is intending to do.

I tell you what, Mr Dalidakis, you ought to be thinking about your area through Glen Eira and into Monash. What are we going to see as the government starts to build these transport-oriented developments in and around those areas? Is there a process by which the community is even informed? There is no evidence of that to date. We know that this is a secretive process. It is a process that the government has not come clean with the local community on, and it should come clean with the local community.

**Mr Gepp** — Is there a process, or is it secretive? I am a bit confused. Can you just clarify?

**Mr DAVIS** — No, there is no process. That is the point. There is no process to bring the community along. What you are doing is just secretly giving the tick to people to build those developments. That is actually what you are doing.

*Honourable members interjecting.*

**Mr DAVIS** — You go and read it yourself, Mr Gepp. You might want to go and read the section on transport-oriented development in the explanatory notes and so forth of that particular planning amendment, and I think the government is adopting this approach. But let us be clear: how are they going to inform the community where and what is going to be built? The community wants to know what is going to be built, where it is going to be built, how tall it is going to be

and what its purpose will be, instead of giving a carte blanche tick to —

**Mr Dalidakis** interjected.

**Mr DAVIS** — Well, that is what it is, isn't it? It is transport-oriented development foundations and footings. Honestly, that is a very broad category not requiring any further consultation — 'Tick, tick, tick. Away you go'. I have got to say that there should be a proper process where the community is involved, where the council is involved and where the opportunity is there for people to have their say about their local community and about how these projects are going to impact on their local community.

I want to say something else, just to return to the major theme that I have had here, and look at the new taxes and charges that Daniel Andrews has introduced to property construction and housing over the last period. It is a massive set of new taxes and charges which are feeding directly into the costs of housing and making housing less affordable. That is the truth of the matter, and that is why we are concerned about this perpetual jacking up of charges on the building and construction sector. We will have more to say about that as we go forward, but I have got to say it is something that I think everyday families are concerned about, because they are feeling it as they go to purchase properties.

**Mr LEANE** (Eastern Metropolitan) (15:39) — I am happy to speak on the Planning and Environment Amendment (Public Land Contributions) Bill 2017 briefly. I do appreciate that I asked Mr Davis how long he was going to be so I could do some timing for another event and he told me he had a good hour in him. Well, he had an hour in him.

This bill is actually a simple bill and a practical bill. It is a bill that is supported by the sector in that developers, as far as in contributing to the infrastructure, can contribute land in kind instead of a monetary value. I think that makes sense. Only recently I was at one particular location where there is a group doing some good work in an open space area that is going to be developed — a large area is going to be developed. They were in talks about maybe that particular group staying where they are located now and continuing doing good work with people with disabilities and others in this open space as part of the contribution the developer may be able to contribute.

I think that is the simple crux of the bill. I know, going back to industry support, the Urban Development Institute of Australia and the Property Council of

Australia have issued statements in support of the bill. The property council stated that:

The government should be congratulated for working with industry to deliver an outcome that is acceptable to both industry and government.

Here we have the property council saying the government should be congratulated and we had to endure 40 minutes of Mr Davis ranting about everything about the world being bad when it comes to this simple, pragmatic bill. You need to ask the question about Mr Davis and the opposition: who do they represent anymore? Who do they represent? If they do not represent the property council, if they do not represent development and if they do not represent contributions to important infrastructure, they have got to a point where they stand for nothing. They absolutely stand for nothing. I think they are just opposing everything and hoping to get some oxygen in election year. But when it comes to infrastructure, we are happy to talk about infrastructure all this year. If they want to talk about infrastructure, let us talk about it all this election year.

Mr Davis talks in his contributions about schools and not keeping up with schools — there are going to be 150 new or renovated schools opened this year. That is an average of three a week. Ten new schools have opened this year. I cannot remember any new schools being opened when Mr Davis was a senior minister in the previous government.

**Mr Dalidakis** — He wasn't so senior. You're misleading the house.

**Mr LEANE** — I am happy to be corrected, but I cannot remember one new school when he was —

**Mr Ramsay** — Torquay? Surf Coast college.

**Mr LEANE** — Torquay? I think that is one we had to polish ourselves.

**Mr Finn** interjected.

**Mr LEANE** — I am pretty sure, but I cannot remember one new school. I cannot remember —

*Honourable members interjecting.*

**Mr LEANE** — He talked about health and hospitals. There is a huge amount of infrastructure being funded and built in the health area. There is a huge amount of infrastructure being put into roads and public transport. There is a concerted effort. One thing that the opposition cannot convince — I am sure Mr Davis can convince himself of anything. But one

thing he and the opposition will not convince Victorians of is that this government has not invested and has not built much-needed infrastructure. We want them to go there. Please go there. But they are not going to win that one.

As far as Mr Davis's amendments are concerned, the government will be opposing the amendments. To not index the contribution for developers would mean that some developers could sit on land for 10 years plus and then when they do go to develop that land and put a hundred townhouses or whatever it may be on it, their contribution will not have kept up with inflation and will not be indexed. So the council will be on the back foot as far as money that is available to them to be able to put in the supportive community infrastructure that they would endeavour to put in in a new estate. It is as simple as that. Once again, you have got ask: who do Mr Davis and the opposition represent? If they do not represent development, if they do not represent housing, if they do not represent industry and if they do not represent business, you have got to say they represent nothing.

I am not too sure if we should be going towards the Prime Minister's description of appalling or the Deputy Prime Minister's definition of inept, but maybe that is where they have landed. Maybe that is where they are. Maybe their self-criticism at the highest level is exactly where they are at. Because Victoria should have a decent, strong opposition given the way that democracy works, but unfortunately it has not. Maybe you need to bottom out. Maybe you need to bottom out like when you have got your highest level, the Prime Minister and the Deputy Prime Minister, and one is saying the other is appalling and one is saying the other is inept. Maybe that is the bottom they needed to reach to be able to get up to some point of some credibility. At the moment the opposition has zero credibility, even with people they traditionally saw as backers. Even with the sector that we are talking about now — even with them — they have lost all credibility.

As I said, this is a simple bill and it enacts a pragmatic way of developers being able to contribute land instead of making monetary contributions. It is something that has been discussed with the sector for a decent amount of time and they have agreed to it; they actually think it is a good thing. The government thinks it is a good thing, and I think the community will see it as a good thing, as with the example that I gave before of the group that I spoke to only last week. So we support the bill, and we will not be supporting Mr Davis's 'Look at me' amendment.

**Dr RATNAM** (Northern Metropolitan) (15:47) — The Greens will be supporting this bill and welcome the changes to the infrastructure contributions plan system. Both the development contributions plan (DCP) and the infrastructure contributions plan (ICP) have been welcome introductions to the planning scheme. They increase the ability of councils to plan and fund infrastructure and facilities needed for growth areas and neighbourhoods experiencing intense development. The choice and ability to contribute land instead of a monetary contribution as part of the ICP will enhance this mechanism and will likely increase the ability of councils to provide for ICP projects that are land dependent in growth areas.

Despite this mechanism there is underinvestment in Victoria's growth areas particularly in the provision of adequate public transport, sustainable transport and other social and community services. For too long the model that has been employed for urban planning in this state has been to build first and plan later, with many suburbs struggling because they have not received the extra services they were promised would follow the development.

Councils need to see more consistent funding to develop the infrastructure and services needed to build neighbourhoods that are livable and sustainable. We have seen decades of cost shifting and reduced funding from state and federal governments that has seen councils having to pick up a bigger and bigger tab for core services, and this means less funding being available for little apart from basic renewals. It is important that we do not rely just on mechanisms such as the ICP and DCP to build sustainable neighbourhoods across this state.

In conclusion, the Greens will not be supporting the amendments circulated by Mr Davis. Land value is not stagnant, and therefore some form of indexation should apply to allow for flexibility in the system going into the future.

**Mr FINN** (Western Metropolitan) (15:49) — It gives me a great deal of pleasure to speak on the Planning and Environment Amendment (Public Land Contributions) Bill 2017. It is good to see the minister in the advisers box, and one would hope that he does not get the same kick that his ministerial colleague Mr Donnellan did.

This bill is just another blatant grab for cash from the Labor Party, which has an insatiable appetite for other people's money. It cannot get enough of taxpayers money; it cannot get enough of homebuyers money. Wherever money is, the Labor Party will zone in, suck

it up and indeed chew it up. We have seen that how many times? Mr Davis went through quite a substantial list of increases of taxes on the property and construction sector over the last couple of years. This of course was after the Premier — the then opposition leader — made numerous claims prior to the last election that there would not be increases or new taxes at any time in his term of government. Of course that is a promise that has been broken again and again, and here we are today, and he is breaking it yet again. One thing that we know about this Premier and this government is that they cannot be trusted. If they tell you one thing, you know there is a fair chance the opposite will happen; you can almost put the house on it. That is just the way they are.

I am interested to note that growth areas of course take up a significant part of my electorate. The west of Melbourne is one of the fastest growing areas in Australia. In fact I think Melton and Wyndham take it in turns taking over as the fastest growing municipalities in the country, so obviously I am very keen to see that there is infrastructure there. We would not want to see what happened during the course of the last Labor government.

**Mr Leane** interjected.

**Mr FINN** — That is right; we would not want to see that happen. You might remember Justin Madden. He was a minister in here, and he cocked things up a treat when he was the Minister for Planning. I remember down in my area of Point Cook, back in those days when I was first elected to this place in 2006, there were an airfield and a lot of paddocks and a few sheep. That was Point Cook. What we saw over the next few years was phenomenal growth. We saw shopping centres go up, and we saw an enormous number of houses built. What we did not see was the infrastructure to go with it. We did not see the schools, we did not see the roads and indeed we are still struggling to keep up with the growth of 10 years ago. That is just an appalling situation.

In fact the people of Point Cook are very, very grateful to the last planning minister, Mr Guy, for organising the Sneydes Road interchange, because they actually found that Mr Guy as planning minister was approachable. They found that he went down there and he actually spoke to them, unlike Minister Madden and, I would suggest, you, Mr Wynne. I doubt if he has been down to Point Cook or too many areas in the west either. Down that way they call him Do Nothing Dick, and you can understand why. What we have seen down in Point Cook is just an absolute outrage.

We saw the last Labor government take hundreds of millions of dollars out of Point Cook in taxes and charges, and what did they put back? They put precious little — and I cleaned that up significantly, let me assure you — back into Point Cook. We do not want a repeat of that, but given —

**Mr Gepp** — What did you do?

**Mr FINN** — We did a lot down there in Point Cook actually. We built a number of schools, we allocated the money to the Sneydes Road interchange and we put in the playing fields at Point Cook. We did a hell of a lot in Point Cook. We did a lot more in Point Cook than Labor ever did.

You have got to understand that we are talking about what Labor arrogantly regards as its own turf. This is an area that Labor has traditionally said, 'Well, we don't actually have to do anything, because the punters will vote for us anyway'. We went in there and we said, 'We're not playing politics with this. These people need services. These people need the schools, they need the playing fields and they need the roads. They need these things, and Labor has failed them very, very badly'. So we went ahead and built them. That is something that is to the eternal credit of the next Premier of Victoria, Matthew Guy. I am sure the people of Point Cook will remember what he did for them. They will remember in November what he did as Minister for Planning, and they will show their gratitude in very large numbers. I am very confident about that indeed.

As I said before, Mr Davis went through the tax increases that have gone ahead under this government. We have got to ask the question: where exactly is it being spent? Or perhaps we should ask the question: where is it not being spent? I know there are a lot of people in my electorate, particularly those around Caroline Springs, Taylors Hill, Deer Park, Tarneit — that area — who are saying, 'Well, it's certainly not being spent on us'. Because what have they got? They have paid all the tax over the years, and new homebuyers are moving in and they are paying their share of tax at the moment, and what are they getting? They are getting a dirty great tip. They are getting a rubbish dump. That is what they getting. They are getting a dirty, filthy, stinking hole in the ground. This government will do nothing to protect them from that dirty, filthy, stinking hole in the ground. Indeed, Minister Wynne has actually made a decision to expand it.

**An honourable member** interjected.

**Mr FINN** — Out at Ravenhall, across the road from housing, we are going to have one of the biggest tips in the Southern Hemisphere, not just in Australia. This tip will be able to be seen from the moon! The people in Caroline Springs, the people in Deer Park and the people in Tarneit are having a rough time of it now. They tell me about the rotten egg smell that comes from that tip. They tell me about the dry-retching that they suffer from. They tell me about the illness that they suffer from and that their children suffer from as a result of this tip, and they ask, ‘What’s going to happen when this thing is five, six, seven or eight times bigger than it is now, with five, six, seven or eight times more rubbish in it than is the case now?’. You have got to say that they are going to cop it in the neck, and they know that they are going to cop it in the neck.

They paid their taxes. When they built their homes they paid the growth areas infrastructure contribution and paid all these other things, and what are they getting for it? They are not getting new roads, they are not getting new schools and they are not getting new hospitals. What they are getting is a dirty great stinking hole in the ground — and a huge one at that — courtesy of this Labor government. I think it is very, very sad indeed that there is not one Labor member in the western suburbs who will stand up in their defence. I think it is outrageous and a disgrace that there is not one Labor member who now will stand up and take on their own minister on this particular issue.

This is a very important issue for these residents. They have spent hundreds of thousands of dollars in many cases building their dream homes. Particularly in Caroline Springs we are talking about an area which has some pretty substantial homes and some very impressive homes — homes that were not cheap. We have a situation where people have invested vast amounts of money in their new home, they have moved in and what have they got? In certain parts of the year, or indeed certain parts of the week, they cannot even open their windows for a breath of fresh air because there is not one around. They open their windows and what do they get? They get rotten egg gas. They get a vile, outrageous smell — a stench that infiltrates their homes and makes them and their families sick. That is what they get from this government.

As I say, Minister Wynne was appealed to by many, many thousands of local people. Minister Wynne was appealed to by the Melton City Council. You cannot say that the Melton council is a bastion of political conservatism, but it took on Minister Wynne and made it very, very clear to him that it opposed the extension of the Ravenhall tip. But what did Minister Wynne do? Well, Minister Wynne did what he does so well. First

of all he did nothing — living up to his nickname — and then he gave the approval to extend the tip. We are going to see thousands of people right around the western suburbs suffering as a result of the expansion of this tip, and that is as a direct result of a decision by Minister Richard Wynne and the Andrews Socialist Left government.

That is fact, and that is something that thousands of people in the western suburbs are now stuck with. From Caroline Springs almost to Werribee, in an arc, and into the more established areas of Deer Park they will be suffering from this filthy, stinking hole in the ground that Minister Wynne thinks is just fine. Let me tell you that I do not believe it is fine, and I am not the only MP from the west; I know Dr Carling-Jenkins has also arced up on this one a couple of times. Since the decision was made we have not seen one Labor MP stand up and say that they oppose this decision — not Ms Kairouz in the Assembly; certainly not Telmo Languiller in the Assembly, because we are not exactly sure where he is at the minute; not any of these people who have been Labor MPs for years; not Cesar Melhem; and not Mr Eideh, because he cannot get into his office.

**An honourable member** — He is still locked out.

**Mr FINN** — He is still locked out, yes. What we are seeing is this government ganging up on the people of the western suburbs. Not one of them will stand up for the people of the west. Unfortunately it is an old story; it is one we have seen before. I am very, very hopeful on this occasion that it is something that the people of the west will take note of and remember come November in the hope that it will never happen again. I am very hopeful that we will see the government lift its game in a number of areas, and certainly planning and environment is one of them.

**Mr MORRIS** (Western Victoria) (16:04) — I rise to make my contribution to the Planning and Environment Amendment (Public Land Contributions) Bill 2017. I note that this bill is for an act to amend the Planning and Environment Act 1987 to introduce a land contribution model for the infrastructure contributions plan scheme, to increase and provide for the indexation of the community infrastructure levy, to make other miscellaneous amendments, to make consequential amendments to the Subdivision Act 1988 and the Building Act 1993 and for other purposes. I note that Ballarat has played a significant role, particularly in land contributions —

**Mr Finn** interjected.

**Mr MORRIS** — Indeed. I note that way back this building right here, Mr Finn, was paid for by land contributions from Ballarat gold.

**Mr Finn** — There was the Eureka Stockade.

**Mr MORRIS** — Indeed there was the Eureka Stockade there. I will tell you what, Mr Finn, we very nearly had a new Eureka Stockade in Ballarat. We very nearly had another civil uprising as a result of the Andrews government's refusal to consult with the people of Ballarat about its plans to destroy Sturt Street. It has become abundantly clear to all in Ballarat that Labor continues to treat the people of Ballarat with contempt. The latest revelations about Daniel Andrews's plans for Sturt Street are nothing short of a disgrace.

We have had some revelations of late, with Minister Pulford last week ruling out some things and then her boss following up by saying that maybe they might happen. I am pleased now that VicRoads, which seem to be running the government at this point in time, have come out and cleared up what has happened there and ruled out the disgraceful plans that Labor had planned for Sturt Street.

What we have seen with the Sturt Street plans has been nothing short of an absolute farce, so I am pleased that the government have seen fit to listen to the Ballarat community rather than riding roughshod over them. We are going to see consultation happen about the plans for Sturt Street. I am not holding out a whole lot of hope at this point, though, because the same mob that did the last consultation are going to do the next lot. Let us hope that they actually listen to the Ballarat community rather than taking them for granted and treating them with contempt.

I will come back to the bill. The bill talks about public land contributions. I note that there was in the past somewhat more of an ad hoc methodology behind these contributions that have been made by developers, and I note that in the Ballarat West growth zone there needed to be significant negotiations between the developers in Ballarat's west and the Ballarat City Council. I note that the developers are doing a phenomenal job in Ballarat at providing housing supply to people choosing to move to Ballarat. It is unfortunate that this Labor government still refuses to provide basic infrastructure, such as a primary school, to the suburb of Lucas, one of the fastest growing suburbs not only in Victoria but also in Australia.

**Mr Finn** interjected.

**Mr MORRIS** — Indeed, Mr Finn, it is very fast growing.

**Mr Finn** — Where is it?

**Mr MORRIS** — It is in Ripon, Mr Finn.

**Mr Finn** — Where?

**Mr MORRIS** — It is just on the western side of Dyson Drive, which is on the western edge of Ballarat.

**Mr Finn** — Is it near Wendouree?

**Mr MORRIS** — It is just a bit to the south of Wendouree. It is south-south-west of Wendouree.

**Mr Finn** interjected.

**Mr MORRIS** — No, on the other side of Sturt Street, over from the freeway. What we are seeing unfortunately in Ballarat is that the needs of the community in our growing western corridor are being ignored by this Labor government. Thankfully we have a hardworking local member in Louise Staley in the Assembly, who is working closely with our shadow Minister for Education and our leader, Matthew Guy. They have been to Lucas and have committed to building a new primary school, as we did in 2014. It is only Labor that is standing in the way of ensuring that the people of Lucas and surrounding communities have a primary school in which to educate their children.

There is a Catholic primary school in Lucas. The Catholic Education Office recognised the need. If the Catholics are into it, as we are, Mr Finn, they recognise the needs of the community there, but Labor is just ignoring what it is that needs to be provided to the growing communities of Ballarat West.

*Honourable members interjecting.*

**Mr MORRIS** — Indeed, that would be a good thing, Mr Finn. I note there is a need to ensure that when communities are growing there is going to be funding set aside for the various infrastructure needs of those communities, whether it be parks, swimming pools or other infrastructure such as sporting facilities, gyms and the like. It is important that they are there and provided to ensure the community has what it needs to function as a genuine community rather than just a —

**Mr Finn** interjected.

**Mr MORRIS** — Public houses are important, Mr Finn, because you do need places for people to socialise. It is important that that funding is put aside and that that infrastructure is provided. But again if I go

back to the growing areas of Ballarat West, this government are very fortunate that they had a responsible government that preceded them and built things like a police station in Ballarat West to provide —

**Mr Finn** — ‘Traynor House’!

**Mr MORRIS** — Indeed, it should be named after the former member, Mr Finn. ‘Traynor House’ would be a great name for it. The Ballarat West police station was funded and built by the former Liberal government. When this government came to power, they saw fit to open it and then immediately slash its opening hours. I do recall one —

**Mr Finn** interjected.

**Mr MORRIS** — It does, Mr Finn, to have a police station that is not open. I recall one Sunday morning that I happened to be heading to a Liberal function further to the west of Victoria. I went past this police station, and you would not believe what was out the front. There was an old discarded mattress dumped outside the new police station. One would have thought that if that police station were open, perhaps these people who decided to dump their rubbish outside may have rethought what they were going to do.

**Mr Finn** — They might have had a second thought.

**Mr MORRIS** — They might have had a second thought about what they were going to do. But unfortunately as a result of this government’s actions to slash the opening hours of the police station, that is what we have seen. Not only have we seen these types of more innocuous incidents, but also unfortunately what we have seen is a significant rise in the number of home invasions that are occurring in our fine city of Ballarat.

**Mr Finn** interjected.

**Mr MORRIS** — Indeed, Mr Finn, if you jump on my Facebook page, you will be able to see links to many of the Ballarat *Courier* articles that detail the home invasions that are happening on an all too regular basis in Ballarat. I think it is incumbent upon the government to take heed of this important message that I am sending to them and ensure that communities such as the Ballarat community, such as the Geelong community — even the Sunbury community, which I look forward to having good representation post 24 November this year —

**Mr Finn** interjected.

**Mr MORRIS** — Indeed. I am sure that the people of Sunbury similarly are looking forward to having a positive representative for their community as well.

**Mr Dalidakis** — Do you go to special lessons for nonsense? Do you have a special class on how to talk about absolute rubbish?

**Mr MORRIS** — There is class over here, Mr Dalidakis, but not over there, I don’t think. I do note that —

**Mr Dalidakis** — You were a teacher once, and I am pretty sure that this would not have been on any curriculum.

**The ACTING PRESIDENT (Ms Dunn)** — Order!

**Mr MORRIS** — I am glad that Minister Dalidakis has spoken about curriculum because we on this side of the house have a positive plan for the curriculum in our schools. It is about bringing back the basis of education, ensuring that children can read, write and maybe count a few numbers as well rather than having them indoctrinated with left-wing ideology.

I for one certainly believe that it is important that children understand the building blocks of our society, the institutions that have made our society the great place that it is. Rather than trying to tear them down, we should be educating our children about them and about respecting them. Having police back in schools is going to be incredibly important so children can understand and respect the role that police officers play in our society. I recall just recently I was down at the Bridge Mall in Ballarat with my children.

**Mr Finn** interjected.

**Mr MORRIS** — It is. It is almost the continuation of Sturt Street, Mr Finn. I was down in the Bridge Mall with my children and three police officers walked past, and one of my children asked me, ‘Dad, what are they doing?’. And I said, ‘They’re protecting and helping people, Son. That’s what they’re doing’. Without having police in schools, how is it that children are going to know exactly what the role of police is?

**Mr Dalidakis** — Did you have police in schools when you grew up?

**Mr MORRIS** — I did have police in schools, Mr Dalidakis. A former mayor of Ballarat actually ran the police in schools program. Cr Des Hudson is still on council there in Ballarat, and he is actually a member of your party, Minister Dalidakis. He did a very good job of running the police in schools program, and I am

looking forward to having police back in schools so that our children can understand and respect the important role that our thin blue line plays in our community. Let us not forget that without them chaos would overtake our community. That is what we do not want. That is not what we want.

**Mr Dalidakis** — Are you trying to outsource your parental responsibilities to the state?

**Mr MORRIS** — No. My children are very well educated by both their parents, I am very pleased to be able to say. But I may be getting slightly off track, so rather than continue on down the track that I am on I think I might bring my contribution to a conclusion. I am looking forward to contributions from other members of this place; I am sure they will be as fruitful as mine was.

**Mr RAMSAY** (Western Victoria) (16:16) — I wish to make a contribution to the Planning and Environment Amendment (Public Land Contributions) Bill 2017. I expect my contribution will not be quite as entertaining as those of Mr Finn and Mr Morris, but nevertheless I will try to rise to the occasion and at least provide some substance —

**Mr Finn** — Excuse me? Are you suggesting we didn't have any substance?

**Mr RAMSAY** — I will take to task Mr Finn, though not so much in respect to his concern in relation to the rate of growth in Wyndham. Certainly we know that there is a significant lack of infrastructure in Wyndham. In fact at the last discussion I had with the council they were still looking at about 13 brand-new preschools just to keep up with population growth, not to mention the increase in health services that is required to meet the community needs there. But the Wyndham mayor did, I think, step out of the peg hole a tad by suggesting that maybe they could be the second city for Victoria and maybe merge with Geelong.

I can assure the good councillors from Wyndham that we in the Geelong region will not entertain the idea that Wyndham might well see some advantage in amalgamation with Geelong and becoming the second city — no, thank you very much. I do thank Lindsay Fox for providing that wonderful buffer of the Avalon Airport to that creeping metropolis of Wyndham and all the baggage that it has. There is the great divide, or green divide, of the airport to what are the developing areas of Lara and outer Geelong.

Having said that, though, I would like to put on record the purpose of the bill. It is an act to amend the Planning and Environment Act 1987 to introduce a land

contribution model for the infrastructure contributions plan (ICP) scheme, to increase and provide for the indexation of the community infrastructure levy and to make other miscellaneous amendments, to make consequential amendments to the Subdivision Act 1988 and the Building Act 1993 and for other purposes. Mr Davis has already indicated that he is placing amendments before the chamber, particularly in relation to our concerns with respect to the indexation of the community infrastructure levy. I assume some discussion will be had in the committee stage in respect to other concerns that have been raised by this side of the house.

The main provisions of the bill are to amend the Planning and Environment Act 1987 to introduce a land contribution model for the infrastructure contributions plan scheme, to increase and provide for the indexation of the community infrastructure levy, to make other miscellaneous amendments and to make related amendments to the Subdivision Act 1988 and the Building Act 1993. In essence the bill makes changes to the infrastructure contributions plan system that will allow industry to provide public land as a direct contribution. I must say I do not have any significant concerns in respect to a land exchange rather than a monetary exchange in respect to developers meeting their contributions through the development phase.

The Planning and Environment Act will be changed to require land identified for public purpose under the infrastructure contributions plan to be provided as a land contribution rather than a monetary contribution. As I have said, that seems well supported by the different stakeholders. Parts of this act will also be changed to allow for the equalisation between different landholders within each precinct and enable some land to come from outside the precinct.

In October 2016 an order was made by the Governor in Council to increase the community infrastructure levy from \$900 to \$1150, and there is a move to cap that in the act, consistent with the order, and provide for the annual indexation of that capped amount. That is, as we know, yet another new tax by the Andrews government. I think it is the 18th tax. Mr Davis might well have said it is somewhere around 17 or 18 new taxes that the government has legislated in its term at this point.

There are a couple of things that I just want to perhaps put on the record that are of concern to me, particularly in my Western Victoria Region. Mr Morris has already indicated concerns that he has had in the Ballarat region. He has also talked about the wonderful work that the member for Ripon in the Assembly has done in

advocating for new infrastructure in some of those growth zones around Lucas. For my own region I would also like to acknowledge the work that Andrew Katos, the member for South Barwon in the Assembly, has done in his electorate, particularly with respect to the growth corridors in the south end of the Geelong region.

**Mr Dalidakis** — It must be an election year. You've only reeled off Liberal Party members.

**Mr RAMSAY** — Well, you would be very familiar with this area, Mr Dalidakis. You have been. I note you have made a number of visits to Geelong. In fact the last time I saw you was at the Royal Geelong Yacht Club, I think. I am not quite clear what you were announcing, but it was something. If you had actually bothered to drive a little further south, you would have run into the satellite city of Armstrong Creek. Ms Tierney has arrived, and she will be well-acquainted with this growth zone as well. I do flag that I have a huge concern with putting a satellite city of 60 000 people into a land swamp that has significant environmental hazards in relation to both the siting of a new city in very environmentally sensitive areas but also the lack of infrastructure planning of that city.

Currently we have 6000 to 8000 people living in the Armstrong Creek area. We have no infrastructure. We have no police. We have no emergency service. We have no health services. We have no train stations. We have no schools. So while the developers are merrily going and dividing this, what I call, very environmentally sensitive land into 300 to 350-square-metre blocks, these people are being boxed in with no green space being provided, and obviously they are paying a significant infrastructure charge. That infrastructure is actually not being put into the growth zone. Mr Katos, to his credit, has been strongly advocating for the planning and works to be done in relation to duplication of Barwon Heads Road. Before someone stands up and says, 'You have a self-interest because you live in Barwon Heads', that is true, I do, and I see every day considerable traffic congestion on that road due to the lack of planning by the Andrews government with respect to providing an appropriate road corridor between that satellite city, mooted to have over 60 000 house sites, and the Bellarine.

Obviously on the Barwon Heads Bridge, which currently through the summer period is totally congested with road traffic banked up from Barwon Heads almost back to Armstrong Creek, there is no even traffic flow. That situation is going to get worse obviously as more and more people move into Armstrong Creek and down to the Bellarine. I have to

say, Geelong's growth now is around about 5 per cent. I think it is the largest in the state, so these are significant problems —

**Mr Davis** — Wyndham is bigger, I think.

**Mr RAMSAY** — All right. We will let Wyndham have top spot, but very close by there is significant growth. I am talking about regional areas. I do not call Wyndham exactly regional, I have to say, nor do I call it a regional city in fact if it is looking to poll itself as a regional city at some point in time. I almost think it is an extension of Point Cook and the other suburbs to the west which Mr Finn admirably represents.

The point I am making in relation to the growth and protection, which Mr Davis talked about, of those areas is that people moved to them on the basis that they did provide a landscape of livability and protection — a rural landscape with neighbourhood character, amenity et cetera. For me, representing rural communities, I am very protective of particularly those zones that were previously implemented by the now Leader of the Opposition, Matthew Guy, as Minister for Planning to protect farmers in farming zones, protect the rural zones for those who want to live in a rural landscape and protect the environmental zones for those that have environmentally sensitive areas. I would hate to think that the rush of blood by the Andrews government to try to accommodate the 128 000 people that want to live in Victoria each year would actually compromise some of those protection zones that we have in place.

This bill primarily deals with basically a new tax with respect to indexation of a community infrastructure levy. It is important when we are considering planning and environment that we actually consider protecting those areas that people have moved to on the basis that there would be protection of amenity, neighbourhood character and rural landscapes. I am mentioning this because I do not think anyone envisaged that we would in fact have a satellite city of Armstrong Creek with 60 000 people in a rural landscape that was once a farming zone and is environmentally sensitive. It had significant problems with waterways into Lake Connewarre, which we are only now seeing, that are creating significant problems for those wetlands. A lot of forethought needs to go into preparing these growth zones and, obviously as part of that, into the development in respect to the needs of appropriate infrastructure for development, housing estates particularly, in those growth zones.

I also want to mention the north of Geelong where, as I indicated, we are fortunate to have a buffer in the Avalon Airport and the expansion of Lovely Banks,

which the City of Greater Geelong is seeing as a growth corridor for residential housing. It is also a very strong industrial estate, but again it is surrounded by a farming zone. Only just recently there has been a permit application for an intensive feedlot for 4500 goats, and that is bordering on the industrial and residential estates and also a potential growth area. Again, we need to be very careful as we map out our growth areas that we are not impacting on the integrity of the farming zones to enable farming to continue in areas that are bounded by residential and industrial, but also making sure that there is appropriate infrastructure for those growth corridors.

As Mr Morris indicated, in growth areas in Ballarat there is a lack of suitable transport. I know the Minister for Public Transport has fielded a number of calls from angry residents, particularly in those new suburbs like Lucas, where the bus connections are absolutely hopeless. We are seeing it also in Armstrong Creek, where there is no rail connection, and I have already indicated to the house that the current road corridor between Armstrong Creek and the Bellarine is totally inadequate and the need for duplication is urgent. These are classic examples of cases where governments have identified potential growth zones, but unfortunately infrastructure is coming too late. My hope is that, with the fine-tuning of this bill, the onus on and responsibility of developers, without their being taxed out of existence, will be that the infrastructure will be put in place as the growth areas populate, rather than having the population and then trying to catch up with infrastructure.

As I have indicated, there are amendments —

**Mr Dalidakis** — You've got 1 minute left, Mr Ramsay.

**Mr RAMSAY** — I know that. Just relax, Mr Dalidakis. I understand the Master Builders Association, the Urban Development Institute of Australia, the Housing Industry Association, the Property Council of Victoria, the Victorian Local Governance Association, the Planning Institute of Australia, the Municipal Association of Victoria and the Local Government Professionals have all been consulted. As indicated by our lead speaker, we are not opposing the bill. We are seeking amendments to remove the indexation of the community infrastructure levy. We will be seeking certain assurances from the minister through the committee stage. It would seem that the proposed bill is broadly acceptable to the property industry. However, I know Mr Davis will be seeking certain assurances on their behalf in relation to

a number of concerns that have been raised through contributions by other members.

**Mr DALIDAKIS** (Minister for Trade and Investment) (16:31) — Can I say at the outset that the bill before the house is a very simple bill in terms of what it is attempting to achieve. We have had a number of contributions from members in the chamber that, quite frankly, have bordered on the ridiculous. They are as far away from the contents of this legislation as could be considered. The bill before us makes changes to the infrastructure contributions plan scheme, and it does it in a way that is relatively sensible and responsive to the needs of the industry and of course to the infrastructure that is required.

The bill will come into effect as of 1 July 2018, and individual transitional arrangements will apply in each and every case. Can I say also that a practice note is being prepared to address the Housing Industry Association concerns, which we believe are largely hypothetical, but nonetheless we want to address those concerns to provide a level of confidence to the sector more broadly that they can understand that the reason and the rationale for the legislation before us is grounded in good public policy. With that, given that we do have a number of amendments from those opposite, I advise that it is the government's intention to vote against the amendments as proposed. I commend this bill to the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Mr DAVIS** — Obviously we have amendments, and I understand that under clause 1 we will test those amendments. But prior to that I have a number of questions that I wish to follow up with. With the chamber's indulgence, I see that the main purposes are:

- (a) to amend the **Planning and Environment Act 1987**—
  - (i) to introduce a land contribution model for the infrastructure contributions plan scheme; and
  - (ii) to increase and provide for the indexation of the community infrastructure levy; and
  - (iii) to make other miscellaneous amendments; and
- (b) to make related amendments to the **Subdivision Act 1988** ...

I might ask some questions about the machinery of this bill, with the chamber's indulgence. I might begin by also asking some questions about what the government sees will be collected.

In introducing the land contribution model for the infrastructure contributions plan (ICP) scheme, how much does the government believe will be collected this financial year and how much does the government believe will be collected next financial year?

**Mr DALIDAKIS** — I thank the member for his question. The legislation will see this come into effect on 1 July 2018, so there is no intention to proclaim it earlier than the beginning of the next financial year. I will seek advice from the advisers in the box, but again it is not intended for it to come into effect before that date, meaning in the current financial year. I will ask the advisers if there is any idea of the revenue to be collected. We are talking about a hypothetical, but I am sure the department will have done some work as to the expected revenue. I will be back with you in just a moment, Mr Davis.

Mr Davis, as I am advised, in relation to beyond 1 July 2018 the forward model over 30 years will actually see less money derived by government, not more, because there will also be a swap for land in order to be able to provide services and facilities et cetera. So in fact from a revenue perspective we believe that government will actually not be increasing the regulatory burden on developers that are providing contributions to that land infrastructure model, and so I think we can have confidence that it strikes the right balance between a regulatory framework that derives revenue and also a planning framework that derives value for the local community.

**Mr DAVIS** — It is actually a very simple question: how much? There must be some estimate of that. Is there no estimate at all from the department on what will come through this scheme? You are arguing that some will be done in kind with land, and I understand that concept, but that is also valued, so perhaps you would like to give the aggregate cash and the aggregate in-kind arrangements.

**Mr DALIDAKIS** — Mr Davis, thank you for your further question. It might be something that we need to take on notice, because the amount of revenue derived will be completely determined by the amount of land that is released in terms of obviously the direct relationship. So what we need to do is look at the rate of the land contribution model in relation to obviously what is going out in comparison to the revenue that will then be coming in. I will take that question on notice,

because there will be a range of variables that will have been used in that and I want to obviously take that up with my colleague in the other place.

**Mr DAVIS** — While I accept that the minister will come back with those details, let us be clear about this: the government must have some estimates for the amount of money that comes in and they must have some estimates for the amount of land. I mean, if you are talking about the growth areas, for example, every year in the budget we actually have estimates on how much growth areas infrastructure contribution (GAIC) will be collected. I accept that there is always some uncertainty on what land will be brought forward and at what pace, but the government does make such estimates, so I am not persuaded that they do not exist and I cannot believe that you would be bringing forward a bill to the Parliament that would have a revenue measure in it of this type, a structure of this type, and not actually have some estimates of how much would be collected. Although I accept there could be uncertainty in that, I do not accept there would be none. I accept there might be uncertainty in what mix of money and land transfers there might be — I get that — but, again, there must be estimates of those.

This proposal actually has an indexation arrangement in it, and that, as I understand it, is going to rely on the construction index. Perhaps the minister might detail for the chamber how that will operate, what the current increase in the construction index was perhaps last year and what estimates the government, again, has on what it is likely to be from 1 July. There is one question that is outstanding: a number is put in here in terms of the starting point — will that be adjusted on 1 July? It is actually \$1150 per dwelling. So will it be \$1150 on 1 July or \$1150 indexed?

**Mr DALIDAKIS** — I thank Mr Davis for his questions. I will try to deal with the questions systematically and quickly for you, Mr Davis. The first one is that the first year that indexation will occur will not be until 2019 on 1 July, so that gives you confidence that there is no double whammy as such. Number two, in terms of revenue, the government itself will not derive that revenue; that revenue will go to local government, so again you can have confidence. The third one is that the indexation will occur as per normal, and that model is linked to the producer price index model.

**Mr DAVIS** — And what is the producer price index currently?

**Mr DALIDAKIS** — I am not au fait with that index. I will take that on notice and get that back to you before we complete the committee of the whole.

**Mr DAVIS** — I thank the minister for his indication that the first indexation under this model will be in 2019. Does the government have an estimate of what the producer index is likely to be in that first indexation? I understand it may not know exactly, but again, it must have some estimates.

**Mr DALIDAKIS** — If I may, I have just given you an undertaking, Mr Davis, to try and provide you some additional information in relation to the producer price index. Let me find out what its current index percentage is. In relation to 2019, I will have to take that on notice at the same time to be able to ascertain a little bit more information about that index.

**Mr DAVIS** — As the minister correctly points out, municipalities will be a large part of this. Does the government have estimates across the different municipalities as to how much is likely to be collected and in what mix?

**Mr DALIDAKIS** — In answer to Mr Davis's question, it is not quite as straightforward as I would have liked, because that information is effectively held by local government at the time that the applications are agreed to. I am advised that there is a statement or annual report that releases that information and the values that are derived by each local government area or authority and that is reported on an annual basis. In terms of what happens, I am advised, again, that authorities do not necessarily have full purview of that because, as I have said, it is directly related to the applications going into local government and then being approved.

**Mr DAVIS** — While I accept the inherent uncertainty in predicting what will occur in different local government areas around the state, I would have thought the government would have some estimates. Perhaps the minister might not have those now, but it would be helpful to see what the government's estimates on this are by municipality. The government must have some indication about whether in Warrnambool or in Warragul there are going to be collections of this type. We know that some areas of the state will obviously see much greater collections because of the growth that is occurring in those areas. Mr Ramsay pointed to the City of Greater Geelong and the growth that is occurring there. Mr Finn pointed to Wyndham and Melton and Hume.

We have the government's estimates in the budget for GAIC collection, which must give the government some capacity. I guess what I seek from the minister is, first of all, a statewide aggregate estimate for the forward estimates period, so year by year; and likewise some breakdown, at least in the initial year, of what is likely to be levied in whatever form by the different municipalities.

There was reference to a practice note that will be prepared. The minister, perhaps flippantly, referred to the concerns of the Housing Industry Association (HIA), calling them largely hypothetical. I do not think that is a good way to phrase things. But leaving that aside for the moment, I wonder if there is a draft of that practice note or even an indication of the process by which that practice note will be developed.

**Mr DALIDAKIS** — Thank you, Mr Davis, for your question. That practice note will be undertaken with the surveyors following the successful passing of this legislation. It is my understanding that there was a preference for that to happen so that surveyors would have confidence about what was actually passed, and that is why the practice note will not occur until that point in time.

**Mr Davis** — So that is a consultation process with the surveyors?

**Mr DALIDAKIS** — Yes, with surveyors.

**Mr DAVIS** — One of the issues in terms of that that the HIA pointed to is the perhaps uncertainty of surveyors about not having the information. How will the government ensure that surveyors are able to access some information that will make them confident to be able to sign off properties and that the relevant levy has been paid?

**Mr DALIDAKIS** — The practice note will go to the length of resolving that issue, Mr Davis, by indicating to surveyors what councils are required or obliged to go through in terms of process for them. That practice note will give them that confidence because it will clearly outline the process required for the local government sector.

**Mr DAVIS** — Thank you, Minister. Another aspect of the machinery or process of the bill is the equalisation process that is to be applied. As I understand it, there will be equalisation within a particular area between different landowners within each precinct to enable some land to come from outside the immediate precinct. Would the minister outline how that process will occur?

**Mr DALIDAKIS** — Thank you, Mr Davis. The simple practicality or implementation of that will be an agreement of formula between the Urban Development Institute of Australia (UDIA) and the property council as to how that formula will then be implemented. As you can imagine, that will depend upon which plot of land is being equalised against another. But that formula will be undertaken as part of the consultation process and, as I said, agreed to between those two parties that will then see it implemented and used across the sector.

**Mr DAVIS** — Thank you, Minister. There are a couple of other points I wish to pursue. The UDIA had a number of issues around the valuation methodology and you might wish to address those now. I think they might be relevant.

UDIA asked for additional information on the ICP base valuation assumptions and how this will apply to site-specific and broad hectare valuation methodologies.

Government has advised that the estimate of value required for the affected properties is to be prepared on a 'site-specific' compensation basis.

I am quoting from a UDIA document from September last year:

The site-specific estimates of value will be prepared based on the following assumptions:

The subject land is zoned for an urban purpose and valued at its unencumbered, highest and best use within this context. Land in and around town centres identified in the relevant precinct structure plan will be assumed to be zoned for residential purposes.

The subject land is readily serviceable and accessible by road. It is to be assumed that these sites have two existing road frontages and have paid their GAIC.

The subject land is at the development front and market demand exists.

Is that still the case and does the minister wish to confirm that those are the matters in the valuation methodology that is proposed?

**Mr DALIDAKIS** — Before I go and seek the answer to the question that Mr Davis poses, can I just come back to an earlier question where he asked me about the producer price index. Let me just advise Mr Davis that that producer price index is provided independently of the Victorian government by the Australian Bureau of Statistics (ABS), so whatever figure is delivered by the ABS will be the figure that is used for that. Given that I think I have dispatched that question from you earlier, Mr Davis, let me seek the answer to this one.

Further to that specific question, Mr Davis, I can advise you that, yes, the bill establishes a specific process for people that dispute that estimated valuation and how to resolve a dispute about it. Under the process a landowner who overrides the public purpose must be notified of and may make a submission in relation to the estimated value of that land, which the planning authority then must consider. So I think that again that process will be clear and provide an opportunity should people feel aggrieved.

**Mr DAVIS** — The minister might indicate whether this will be included in guidelines that will be produced for the new ICP system?

**Mr DALIDAKIS** — For the sake of Hansard, I was nodding my head, yes, to that. That is a confirmed yes.

**Mr DAVIS** — And there will be consultation with both the UDIA and the property council and likely the Master Builders Association and the HIA as well in that process?

**Mr DALIDAKIS** — Yes. Consultation will be wide and varied and people will not be excluded from that consultation process.

**Mr DAVIS** — Another point that was raised with me is the timing and applicability of contributions.

UDIA requested clarity around the language of the bill, which indicates that the charges will only apply to planning permits and building permits applied for after 1 September 2018. Government has advised that ... this is the case.

That was to the UDIA and I think to others. Therefore the question arises:

If a planning permit was issued prior to 1 September 2018, the land the subject of the planning permit would be in an ICP approved under the current system (i.e. monetary levies only). The provisions of the bill will not apply to that (monetary levies only) ICP and therefore that building permit, unless the ICP is cancelled and a new ICP is incorporated into the planning scheme prior to the issue of the building permit.

So this in effect is a transitional issue?

**Mr DALIDAKIS** — It is our intention to have this finalised prior to the 1 July start period, Mr Davis, and we believe that the transitional date that you correctly identify is a date that is there as the latest that it could be implemented, but it is the government's commitment to arrive at a finalisation prior to 1 July.

**Mr DAVIS** — I thank the minister for that helpful clarification. I just think it is worth putting on record that the minister will provide those figures and estimates that are sought or will come back to the chamber in some way to do that. The HIA had a

number of other points on this, and I think most of those have been answered in terms of the building surveyors. I think we have covered most of those key points.

**The ACTING PRESIDENT (Mr Elasmarr)** — Mr Davis, if you have no further questions, would you like to move your amendment? My understanding is that your amendment 1 is a test for your amendments 2 to 5; correct?

**Mr DAVIS** — Yes. I move:

1. Clause 1, page 2, lines 1 and 2, omit “and provide for the indexation of”.

Amendment 1 makes a very simple change to the bill. This, as I said, is a test, because it actually removes that indexation from the purposes, which means that the \$1150 number will stick unless the government comes back to the chamber from time to time to deal with the need for a greater levy to be provided. As I have said, I am aware that there are many who see these levies as a good thing, and they certainly can make a significant contribution, but in the context of the large number of new levies, taxes and charges that are currently being levied by the government, this is another one to add to that, and these of course go straight to the issue of housing affordability. In that context I seek the chamber’s support for the amendment to remove the automatic indexation.

**Committee divided on amendment:**

*Ayes, 15*

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

*Noes, 22*

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

*Pairs*

Atkinson, Mr	Greens vacancy
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**Amendment negatived.**

**Clause agreed to; clauses 2 to 26 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**JUSTICE LEGISLATION AMENDMENT  
(VICTIMS) BILL 2017**

*Second reading*

**Debate resumed from 8 February; motion of Ms MIKAKOS (Minister for Families and Children).**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (17:14) — I am pleased to make some remarks on the Justice Legislation Amendment (Victims) Bill 2017. This is something of an omnibus bill which reflects a number of changes to a suite of legislation related to the way in which our justice system addresses matters relating to victims of crime, which of course is something of considerable and growing importance in the Victorian community. We have seen in recent years, and the last two years in particular, increased community concern about the level of crime in the general community. We have seen unprecedented increases in violent crimes against the person, crimes which involve near-unprecedented acts such as home invasions and carjackings — things which were never a feature of the Victorian community until very recently.

It has been interesting to reflect on some of the commentary from some members of the community who have come to Victoria from other countries, who have come to Victoria and to Melbourne to escape societies and communities which are subjected to widespread violent crime. People who have come from South Africa or from Zimbabwe have moved to Australia to escape not just in many cases persecution but also an environment where violent crime is a significant concern only to experience similar types of crime here in Melbourne. A number of times people who have come to Victoria — moved to Victoria and to Melbourne — go on to remark that the types of violent crime we have been seeing in Melbourne in recent years are akin to what they might have seen in Johannesburg and cities like that. I think it is to Melbourne’s and Victoria’s great detriment that there are those comparisons being made — that a city which

has been long regarded as one of the most livable cities in the world is now subject to the type of crime which has not been seen in this state and this country before and is now being compared to a city like Johannesburg because of the nature of violent crimes against the person, home invasions, carjackings and crimes of that nature.

It is important, therefore, that this Parliament responds to those concerns in the Victorian community, that we are responsive to the concerns and experiences of victims and that we are responsive to the concerns of the community more generally. This side of the house, the Liberal and National parties, have been very strong in promoting a number of measures which support victims of crime, work to minimise and deter crime and particularly violent crime in our community and work to address the broad concerns of the community.

Interestingly one of the bills we expected to debate today which we are now not debating in the circus that is the government's legislative program — once again — is the bail bill. The so-called Bail Amendment (Stage Two) Bill 2017 was to be part of the government's agenda today, yet it is not, and in fact the indication from the government is it may not be part of the agenda this week at all. This is a piece of legislation which we saw as particularly important. It is something which flowed from the events which took place in Bourke Street, Melbourne, in February last year following which changes were promised by the government. It has taken 12 months to get to Parliament, despite the promise from the government that they would act quickly, and now we are seeing those changes delayed. We think it is a matter of regret that those bail reforms, which were recognised by the community and recognised by the coalition as being urgent and were delayed by the government in their introduction, are still being delayed this week in their passage through this house.

So instead of debating the bail bill, as we expected to be doing today, the government — in the way in which it is running the house — has adjourned the bail bill off and we have moved on to the Justice Legislation Amendment (Victims) Bill 2017, which is also an important piece of legislation and does make some significant changes with respect to the way in which victims are treated in our justice system, but of course it reflects the chaotic nature of the government's legislative program that we have jumped to this bill from what was scheduled to be the bail bill.

Turning to the specifics of the bill before the house this afternoon, this bill amends the Crimes Act 1958, the Sentencing Act 1991, the Criminal Procedure Act 2009

and the Victims of Crime Assistance Act 1996 in respect of a number of individual provisions. To run through the main provisions of the bill, when determining the effect of intoxication on reasonable belief clause 4 provides that intoxication is self-induced, unless it came about from a patient's use of a medicinal cannabis product in accordance with medicinal cannabis access authorisation.

This goes to the circumstances of intoxication, and while this provision is not one that the coalition opposes we are concerned, as the shadow Attorney-General in the other place articulated, by the different definition which seems to pertain in this bill versus that which relates to medicinal cannabis in the principal act which establishes the framework for medicinal cannabis. Obviously we are keen to ensure that the legal use of medicinal cannabis in this bill and subsequent act applies in the same way as is intended in the act that allows for the use of medicinal cannabis. The apparent difference in the language between these provisions is something that we believe needs clarification.

Clauses 8 and 9 of the bill amend the exception provisions for the destruction of fingerprints and forensic information of juveniles. This destruction requirement will not apply where the child has been found guilty of any relevant offence punishable by a maximum penalty of at least 15 years imprisonment. Obviously one of the issues that confronts the community today is the seemingly increased prevalence of serious crime being undertaken by juveniles. We have seen across the state and particularly across Melbourne in the south-eastern suburbs, which I represent, and the western suburbs an increase in the prevalence of crime involving young people. Gang crime? We have had the Minister for Youth Affairs say there are no gangs. She has referred to them as, I think, 'an association of young people' or 'gatherings of young people', but not gangs. She has denied their existence. In fact the acting Chief Commissioner of Victoria Police in a similar vein was talking about the fact that there are no gangs.

**Mr Somyurek** — The minister nailed it.

**Mr RICH-PHILLIPS** — That is absolutely not the view or the experience of the Victorian community. It is absolutely not the view —

**Mr Somyurek** — She came out and nailed it.

**Mr RICH-PHILLIPS** — I take up the interjection from Mr Somyurek, who in his usual vein is doing his best to help his government and help his colleagues.

**Mr Ondarchie** — Well, they help him, don't they?

**Mr RICH-PHILLIPS** — Mr Ondarchie says they have helped him in the past, and he is looking forward to helping them in the same way in the future.

**Mr Somyurek** — Not that way, though.

**Mr RICH-PHILLIPS** — Mr Somyurek's interjections are —

**Mr Ondarchie** interjected.

**Mr RICH-PHILLIPS** — They are very valued, Mr Ondarchie, and I think of increasing interest to all in the chamber as we progress through the course of this year. To digress slightly, I was fascinated to watch Mr Somyurek's most recent members statement where he talked about one of the government's latest debacles in Frankston, although he did not put it in quite those terms, with the Young Street redevelopment. He had every single member of the government benches absolutely captivated by what he was going to say next in his members statement about Young Street in Frankston — for the whole 90 seconds. You could have heard a pin drop as they waited with great anticipation for what would next come from Mr Somyurek's contribution. Mr Somyurek's reflection on the minister's activities around youth crime and youth justice, I think, is very apposite to this debate.

We have heard Minister Mikakos talk about the lack of gangs — that there is not a gang problem, it is just an association of young people — and we have obviously seen her inability to manage her portfolio in regard to young people in detention, which is also a matter of great concern to the community. It reflects a growing concern about youth crime, and violent youth crime, which our community is increasingly called upon to face the consequences of.

The amendment in clause 24 of the bill allows adult victims, or alleged victims, of crimes committed by children to share their stories and removes the current restriction on the publication of a report likely to identify a victim of crime. Restrictions on identifying details of accused children will be maintained. This provision is a very important one. It is very much the view of this side of the house that we need to prioritise support and concern for the victims of crime ahead of the perpetrators of crime.

One of the difficulties, given the vast increase in crime associated with juvenile offenders, has been the constraints which exist around identifying juvenile offenders. I think the general provisions around identifying juvenile offenders may increasingly come in

for more criticism in the community as time goes on and we see more violent crime committed by juvenile offenders. But one of the constraints that has existed for victims of crime and one of their frustrations has been their inability to talk about their experience as a victim of crime because of the legal impediment to identifying the juvenile perpetrator of the crimes of which they have been the victim. We believe it is completely inappropriate that victims of crime are gagged simply because the perpetrators of the crimes are juveniles, and this provision will allow greater scope for victims of crime to actually be able to recount their experiences.

When you think of the context of many of these crimes — there are home invasions and carjackings — they are horrendous experiences for many of the victims. They should be able to talk about what they have experienced and they should not be constrained from talking about their experiences by a provision which seeks to protect the perpetrators simply because they are juveniles. While this provision certainly does not provide a blanket lifting of the framework which suppresses the identity of juvenile criminals, it does provide more flexibility for the people who are victims of those juvenile criminals to be able to talk about their experiences.

Clause 25 of the bill introduces a two-year pilot program for ground rules hearings and the use of intermediaries for persons under 18 or a person with a cognitive impairment, which is a recommendation of the Victorian Law Reform Commission (VLRC). The VLRC's report suggests the use of intermediaries for people under 16 or with a disability, rather than under the age of 18. The clause introduces ground rules for a pre-trial process looking at comprehension and communication needs of vulnerable witnesses. Again it is our view that this ground rules procedure will improve the operation of the pre-trial process in our courts. I note that, as do many of the provisions in this bill, it arises from the work of the VLRC, although some of the other provisions relate to the Royal Commission into Institutional Responses to Child Sexual Abuse and others to the *Betrayal of Trust* report, which was a product of this Parliament. So they are grounded in some third-party work, which I might say does not of itself guarantee robustness but does indicate that there has been some external consideration as to the merits of some of these provisions.

Clause 33 of the bill prohibits the court when sentencing an offender on current or historical child sex offences from having regard to previous good character or lack of previous convictions. This again is something which reflects community concern and certainly community perception about the way in which courts

take into account factors which the community regard as extraneous to proceedings. Whether it involves juveniles or adult offenders, we see time and time again that where a court has considered an offence as well as the circumstances of the offender the net result as reflected in the sentence has not reflected the expectations of the community.

This provision in clause 33 to exclude previous good character or lack of previous convictions goes to reflect the expectations of the community that a serious sexual offence against a child is an offence of considerable gravity. It reflects the community's views, the community's expectations, that that cannot simply be weighed off against the fact that there has not been a prior conviction or that the person has previously been of good character, which in many instances the community takes to mean has not been previously caught. I think this is a provision which goes to reflect the community's increasing concern and increasing frustration and growing lack of tolerance for those types of factors being taken into account in the formulation of sentences by our courts.

Clause 35 of the bill introduces a historical offence of indecent assault upon a male which is to be subject to the serious offender provisions under the Sentencing Act. Again this is a provision which will be, I think, welcomed in the community, including the historical offence within the scope of serious offenders provisions under the Sentencing Act.

The other main provision is contained in clause 37, which provides that victims of physical or sexual abuse occurring when the victim was under the age of 18 years may make an application under the Victims of Crime Assistance Act 1996 any time after the occurrence of the act of violence. This removes the current two-year limitation period for the seeking of assistance under that act. The fact that it relates to offences committed where the victim was a child means it is reasonable to provide that such an application can be made as an adult.

We have seen so many times through the proceedings of the Betrayal of Trust inquiry and also the Royal Commission into Institutional Responses to Child Sexual Abuse that for a number of reasons people who have been victims as children have not been in a situation to report those offences or in circumstances where they could seek assistance in respect of those offences which occurred while they were children. In many cases it can be decades before a person who was a victim as a child feels able to come forward for those matters to be dealt with through the courts and subsequently for the person to seek assistance under the

Victims of Crime Assistance Act. So we think the provision removing the two-year limitation period for those people who were victims whilst under the age of 18 is worthwhile.

Many of these provisions arise from the Victorian Law Reform Commission, the royal commission and our own *Betrayal of Trust* report, and we think they are generally positive steps. With the exception of the issue around the medicinal cannabis provision and the scope of the language used there, which may need clarification, we believe these provisions are a worthwhile step forward.

We note the government has been slow to act on the issue of victims of crime. We have seen that repeatedly over three years. We have seen that in the government's reluctance to bring forward its bail bill today, as was scheduled, having seen numerous delays over the last 12 months. But on the whole this bill is a step in the right direction. It does not go far enough, frankly. There are many other things the government could do to ensure that as a community and as a legal system we prioritise the rights of victims of crime over those of the perpetrators of crime. This is an area where the government continues to be blind to the needs of the community. We see it with the Attorney-General. We see it with the Minister for Families and Children, who is the minister for community services and who has responsibility for youth offenders through the various institutions. We see that time and time again, particularly in that portfolio. But the bill is a step in the right direction even if it is not enough, and we look forward to it passing the house today.

**Ms PENNICUIK** (Southern Metropolitan) (17:35) — I am pleased to speak today on the Justice Legislation Amendment (Victims) Bill 2017. This is an omnibus bill which makes a number of amendments to a number of acts, chiefly the Crimes Act 1958, the Sentencing Act 1991, the Criminal Procedure Act 2009 and the Victims of Crime Assistance Act 1996.

The main amendments that are made by this bill are to introduce in certain hearings the use of intermediaries and also of ground rules. An intermediary is an officer of the court who is appointed by the court to assist in the facilitation of witnesses' understanding of the proceedings and understanding of the questions that are being asked of them and thereby to assist the conduct of the proceedings in the court to make sure it is more efficient and also more fair. The person appointed as an intermediary is an officer of the court and is there to assist the court; they are not an advocate for the witness. They will have a duty under the bill to act impartially.

Ground rules hearings will come into play whenever an intermediary is appointed and also in other circumstances, such as where vulnerable witnesses are involved, and the judicial officers, the intermediary and the lawyers will establish ground rules for the proceedings in a way to again assist the efficiency of those proceedings and hopefully to result in a fairer outcome for all involved.

The bill also makes amendments to the Crimes Act in relation to the retention of forensic information, particularly DNA and fingerprints from juveniles. It makes an amendment to the existing provisions whereby the fingerprints and DNA of a juvenile must be destroyed once that person has achieved the age of 26 years unless that person has been convicted of another indictable crime with a maximum penalty of 15 years imprisonment. This bill adds certain offences to the list of exemptions that already exist.

The bill makes some reforms to sexual offence laws and amends a number of acts to ensure that consistent treatment is given to sexual offences and victims of sexual offences. It makes it a crime to fail to disclose information leading to a reasonable belief that a sexual offence has been committed against a child under 16 and amends and broadens the definition of sexual offences in the Criminal Procedure Act 2009.

The bill also removes the ability of offenders in child sex offence cases to introduce a good character consideration as a mitigating circumstance against their offending. This is because often such offenders will use their so-called good character or good reputation in order to insinuate their way into the victim's confidence in order to commit the offence. This is a provision that has been recommended by several parties, and we are happy to support it.

The bill also includes a historical offence of indecent assault upon a male within part 2A of the Sentencing Act. This will not capture activities that once were offences but, given the passage of recent laws, are actions that are lawful today.

The bill excludes adult victims from the restriction on the publication of proceedings contained in section 534 of the Children, Youth and Families Act 2005. I was listening to what Mr Rich-Phillips had to say about that particular provision in the bill. We will have some questions in committee on this provision. The government is saying this will assist victims, and Mr Rich-Phillips has said that too, to share their stories as victims — and these are victims that are adult victims. Under the existing provision there are restrictions on the publication of any information from

proceedings where the offender is a child so that the child offender is not identified. This provision does amend the existing provision — section 534 — under the Children, Youth and Families Act 2005. I have some questions about that particular provision, which we have been looking at more closely just recently.

In response to what Mr Rich-Phillips was saying about that — he was basically saying that in terms of cases where the offender is a child, he is not necessarily of the view that their identity be protected — of course it is a longstanding practice in the criminal law to protect the identity of child offenders, mainly because they are children and children are very different from adults and the law recognises that, and also in the regard that one of the primary considerations, apart from community safety et cetera, is the rehabilitation of that young person and the ability for them to proceed further into their life and not reoffend. That in fact is why the previous provision that I was referring to with the retaining of forensic information also exists such that if a young person does not reoffend, that forensic information is destroyed — and in fact must be destroyed — under the act.

The bill also amends the time limits under the Victims of Crime Assistance Act 1996 to remove the limitation period on child abuse victims who are seeking financial compensation through the Victims of Crime Assistance Tribunal, and of course I think that is a provision that everybody would wholeheartedly welcome.

They are the main provisions in the bill. As I said, we have some questions regarding the safeguards as to the identity of young offenders with the new section 534A that is to be inserted into the act by this bill, and we also have some questions with regard to the broadening or the addition of certain sexual offences into the Criminal Procedure Act, in particular the offences listed in the Sex Work Act 1994, just to clarify the intent of that and that it covers, as I can see, two main classes of offences — that is, offences against children; and offences against any person, or a person aged over 18, which involve threatening, intimidating behaviour or violence against that person, who may be a sex worker who is an adult. I just wanted to clarify some of those provisions that are inserted by clause 12 of the bill. The questions that I will have in committee will be on clauses 12 and 24 of the bill. With those remarks, the Greens look forward to the committee stage.

**Mr ELASMAR** (Northern Metropolitan) (17:46) — I rise with pleasure to speak to this bill because it contains some groundbreaking criminal justice-related reforms with a particular focus on humanising the

experiences of witnesses and victims in the criminal justice system.

The bill introduces ground rules hearings and intermediaries. Intermediaries are skilled communications specialists. They are not advocates or support workers. Indeed they will be officially designated in law as ‘officers of the court’. The purpose of intermediary schemes is to protect and enable defenceless witnesses to give coherent testimony, ensuring accuracy with the witness is as clear as possible, thereby greatly assisting to bring offenders to justice.

There is widespread support for such a program within and amongst the criminal justice system in Victoria. The Andrews government included an investment of \$2.6 million as part of the Victorian budget 2017–18 to introduce intermediaries to assist in obtaining evidence from child victims and victims who have an intellectual impairment. It is envisaged that a two-year inaugural pilot program, together with the introduction of ground rules hearings, will facilitate this sympathetic and compassionate process of ground rules hearings, because they are important in bringing to the attention of legal practitioners and judicial officers the understanding, aptitude and communication needs of particular vulnerable witnesses. Ground rules hearings are a pre-trial process that involves all parties and the judge to address a number of issues, including the manner and content of cross-examination, assisting parties to plan their questions.

These reforms will facilitate a less stressful experience for witnesses and will undoubtedly aid the process of more streamlined trials. This bill is critically important because it reforms and implements in real terms positive improvements and has the capacity to enhance all the experiences of witnesses and victims within the criminal justice system. The bill makes changes to the Crimes Act 1958, the Sentencing Act 1991, the Criminal Procedure Act 2009 and, finally, the Victims of Crime Assistance Act 1996. In addition there are minor amendments to other acts, all of which go to increasing the effectiveness of the criminal justice system.

In conclusion, I want to raise briefly the amendments to the time limits under the Victims of Crime Assistance Act 1996. Under this proposed legislation the statute of limitations has been removed. Currently a victim must make an application within two years of the occurrence of the act of violence. This inconsistency with justice will no longer apply. I commend the bill to the house.

**Ms PULFORD** (Minister for Agriculture) (17:51) — I thank all members for their contribution to the second-reading debate, and we look forward to the committee stage.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 11 agreed to.**

**Clause 12**

**Ms PENNICUIK** — Clause 12 of the bill substitutes a new section 4 of the Criminal Procedure Act 2009. The new section 4 is headed ‘Meaning of sexual offence’ and it adds a range of sexual offences to the Criminal Procedure Act. I am particularly interested in the offences that are being added under new section 4(1)(a)(iii), which are those that relate to the Sex Work Act 1994, as I mentioned in my contribution to the second-reading debate. As I look at those sections of the Sex Work Act listed — sections 5(1), 6(1), 7(1), 8(1), 9(1) and 11(1) — sections 5 to 7 relate to children and the others relate to adults and make it an offence under the Sex Work Act to assault, intimate, threaten or offer drugs to a person. In brief, those are the offences.

Minister, if I can refer you to the following page and new subsection (2). It states that:

An offence against a provision of the Sex Work Act 1994 that is not referred to in subsection (1)(a)(iii) is not a sexual offence.

My question basically is: can you clarify for the record that this particular section just transfers those particular offences under the Sex Work Act into the Criminal Procedure Act as sexual offences?

**Ms TIERNEY** — The advice I have is that the provision does not move the offences out of the Sex Work Act; rather, it provides that the listed offences are treated as sexual offences for the purposes of the Criminal Procedure Act 2009. Does that assist?

**Ms PENNICUIK** — Thank you, Minister. That is in fact what I thought — not that they were moved out of the act they are in now, but that they were duplicated in the Criminal Procedure Act. I just wanted it clarified because the explanatory memorandum for clause 12 is very, very long, complicated and detailed. I just wanted to clarify that particular provision. It is just duplicating

those half-dozen offences that already exist and putting them in the Criminal Procedure Act.

**Ms TIERNEY** — That is correct.

**Ms PENNICUIK** — Just to clarify, too, it does not make any other changes to offences that exist under the Sex Work Act.

**Ms TIERNEY** — No, it doesn't.

**Clause agreed to; clauses 13 to 23 agreed to.**

#### Clause 24

**Ms PENNICUIK** — Minister, I have a couple of questions with regard to clause 24. This clause inserts a new section 534A to follow section 534 of the Children, Youth and Families Act 2005. The current section 534 is about restrictions on publications of proceedings that involve children. This new section lifts the restriction on certain publications for a victim who is at or above the age of 18 years to speak about their experience as a victim, even though the offender may be a young person.

It also says at new section 534A(1)(a)(i) that if the person 'is a victim or alleged victim', which also means that the offender is an offender or an alleged offender and may in fact turn out not to be an offender; they may be acquitted. The question is: why is the term 'alleged victim' put in there, because it means that a person who is an alleged offender may not be an offender, and so the offence may not at the end of the day be proven? What is the policy reason for including that? That is the first question.

**Ms TIERNEY** — This, I am advised, Ms Pennicuik, is included to allow an alleged victim to speak about their experiences prior to the conclusion of a matter. However, they cannot refer to anything that would lead to the identification of the alleged offender, so there is no prejudice against the alleged offender.

**Ms PENNICUIK** — Thank you for your answer, Minister. I might return to the main point about that in a second, but if we go to the following subsection (2), it says that:

Subsection (1) does not apply if the publication would be likely to lead to the identification of—

...

(b) a child or other party to the proceeding; or

(c) a witness in the proceeding, other than a witness referred to in subsection (1)(a).

My question is: who makes that decision? Over and above what already exists in section 534, who makes the decision that the publication would not identify either an offender or another witness? How is that guaranteed?

**Ms TIERNEY** — How is it tested?

**Ms PENNICUIK** — Yes, because there is nothing in this provision that says they cannot refer to certain things, unless it is read in conjunction with the whole of section 534.

**Ms TIERNEY** — I thank the committee for its patience. These are points of technical importance so they require a set of words. In this case, in relation to the last question that Ms Pennicuik asked, the response in relation to this section is there are already restrictions in section 534 of the Children, Youth and Families Act and these are observed by the media. A person who contravenes these protections is subject to prosecution. The new provisions operate in the same way. The determination of whether a publication would contravene this section would be a matter for the person publishing. If they were to get it wrong, then obviously they could be prosecuted.

**Ms PENNICUIK** — Thank you again, Minister. Does the president of a court or a magistrate have a role in determining whether an adult victim can speak about or, as the second-reading speech says, 'share' their experience, or is it just that this new section allows that to happen unless doing so is likely to lead to the identification of certain people?

**Ms TIERNEY** — It is up to the individual, not the court.

**Ms PENNICUIK** — Minister, I suppose the danger with this particular provision, while sympathising with the experience of victims, is that it is left to a victim to determine whether or not they are going to be in contravention of new section 534A or existing section 534 rather than for the court to decide. In any other case the court would decide whether or not the restriction on publication would be lifted. Is that not the case now, so the court has no role in deciding that?

**Ms TIERNEY** — Consistent with my previous answer, it is up to the individual to exercise a judgement about what they say, but obviously in terms of it being tested in relation to whether they do or do not expose the identity of another person, then that will be subject to a court decision.

**Ms PENNICUIK** — Thank you, Minister. I suppose my concern here is that the victim is being left as the person to make that judgement. They may of course be a traumatised person, and they may inadvertently or deliberately release information that will be in contravention of the provisions and in fact then put them in the position of incurring a penalty, and it is probably not the intention that they would incur a penalty. The other concern is that once that information has been mentioned by the victim it cannot really be unmentioned.

**Ms TIERNEY** — I am advised that that can happen now, as it stands.

**Ms PENNICUIK** — Well, it cannot happen now under the provisions on the publication of proceedings by a court involving children; if they are covered by section 534, it cannot be released. This is making an exemption to that blanket restriction.

**Ms TIERNEY** — Thank you for your forbearance. The current situation is that people cannot make comment. The new proposal is that people can talk about their experience but not to the point of identifying other individuals. I think Ms Pennicuik and I understand that, so you could err in both situations. But I think that the real heart of Ms Pennicuik's question really is: how would that operate in practice, particularly given that the people involved are young people and they can be in a traumatic state?

So in terms of the practical application here, there can be numerous applications, but I think one that I can use as an example is that it could be open to the President of the Children's Court to issue guidance about this provision or any other provision as a practice note.

**Ms PENNICUIK** — Thank you, Minister, for trying to get the answer to my questions. I appreciate that the President of the Children's Court would issue a practice note, because it is quite a departure from current experience. As we have just discussed here, a person who is a victim in this case could well be a traumatised person.

Just in terms of your answer that we are dealing with children, we are dealing with children in terms of the offender, but in terms of the victim that person only has to be above the age of 18, so in fact that person may not be a child. I just want to go to the rationale for this as in the second-reading speech. I have already mentioned the concern regarding alleged victims, because of course that means the offender is an alleged offender and may in fact be acquitted, but anyway, the second-reading speech says:

This will enable adult victims and alleged victims of child offending to share their stories and is likely to assist with recovery for some victims and contribute to broader community understanding of youth crime.

My questions there, following on from this, are: what does 'share their stories' mean practically — what does that actually mean — and how is this going to contribute to broader community understanding of youth crime?

**Ms TIERNEY** — 'Share' in the second-reading speech is in a general sense. It can be amongst family and friends and it can be the media, as long as it is not about identifying other people that were involved. In terms of it maybe assisting people moving through, I think there is an increasing level of evidence that for some people, not all people, talking about their experiences assists in dealing with the issues that they have experienced. In terms of the public, then they would also find out more about the impact of behaviour on other individuals and the circumstances that led to that behaviour. Essentially I think that is good in that what is happening in our society is not hidden from the general community.

**Business interrupted pursuant to sessional orders.**

**Sitting extended pursuant to standing orders.**

**Committee resumed.**

**Ms SPRINGLE** — I just have a follow-up question, I suppose, from Ms Pennicuik's line of questioning around this particular part of this bill. Following on from the minister's explanation about how this could contribute to community understanding around youth crime, I do take the point that it can be a cathartic measure or a healing measure to express our experiences in that way. But is that the prime purpose of this part of the bill? I am trying to understand what problem this is seeking to address, if I may.

**Ms TIERNEY** — In response to Ms Springle's question, which essentially was about the genesis of this, this provision came about because the Children's Court issued a practice note about the fact that publications in which victims talked about their experiences could have been in contravention of current publication restrictions. The government formed the view when this was raised with us that victims should be able to speak about their experiences in the media or otherwise, as long as the child offender is not identified. That is what this provision is trying to achieve.

**Ms PENNICUIK** — Thanks for that, Minister. There is a difference between speaking about your experience with people close to you and going on

A *Current Affair*, for example. I think a person in that situation may find themselves put under pressure to reveal certain details which are precluded under current section 534. My question is: if a person was to contravene the restriction against the identification of the child, would they be subject to the penalty of 100 penalty units or two years imprisonment?

**Ms TIERNEY** — Yes, technically they would. But if it was the example you gave about a television interview, then obviously that is in the public realm and so we would imagine that the Director of Public Prosecutions would also have something to say in terms of whether it is the media organisation that needs to be embroiled in further legal action.

**Ms SPRINGLE** — I suppose my question really pertains to what happens when the cat is let out of the bag in the case of Ms Pennicuk's scenario when someone goes on television and talks about their experiences and the identity of the youth offender is let out. Are there any safeguards for the protection or the monitoring of the youth offender or the alleged youth offender in that event?

**Ms TIERNEY** — This basically goes to the implementation side of the bill. That is about ensuring that there is information for those involved about the scope and what is meant by identification and not identifying the other person or persons. Beyond that, as I said, there are other things that can occur, such as the President of the Children's Court providing a practice note in relation to the guidelines.

**Ms PENNICUIK** — Thank you, Minister. You mentioned before that this arose because the president mentioned a problem with the existing practice note. Could you just explain in a little bit more detail as to why that was not working or why there was a concern from the president?

**Ms TIERNEY** — The advice I have received, and it is based on the answer I provided a little while ago, is that the provision came about because the Children's Court issued a practice note about the fact that publications in which victims talked about their experiences could contravene the current publication restrictions.

**Clause agreed to; clauses 25 to 44 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## ADJOURNMENT

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

That the house do now adjourn.

### **Goulburn Valley Health radiotherapy services**

**Ms LOVELL** (Northern Victoria) (18:43) — My adjournment matter is for the Minister for Health. The action that I ask of the minister is that she accept an invitation from me to visit Shepparton, where I will arrange a meeting with local radiotherapy patients so the minister can hear firsthand the need for the establishment of radiotherapy services in Shepparton.

I have long advocated for radiotherapy services to be established in Shepparton so local patients are not forced to travel long distances to receive this life-saving treatment. Over the last seven months my advocacy has been in the form of retelling the deeply personal stories of these patients, including the pain of long-distance travel and the loneliness of receiving treatment without loving family support. I have told of the heartache experienced by patients' families not able to be with their loved ones during the radiotherapy treatment process and of the complex disruption to the lives of everyone involved because patients cannot have treatment close to home. Hearing these stories firsthand from such brave Goulburn Valley residents has been very emotional, and it has been a privilege for me to be able to tell their stories in order to affect change.

It was an honour to host my leader, Matthew Guy, in Shepparton last week, where he met with Greater Shepparton City Council, the Committee for Greater Shepparton and various industry leaders before officially opening my new electorate office. However, I was most privileged to introduce Matthew to five very brave ladies whose stories I have told in this place. During the meeting Matthew met and heard the individual cancer stories of Monica Connolly, Sharelle Thompson, Tracey Visser, Rosie Roberts and Kirstie Bulger, each confirming the need for radiotherapy services to be established in Shepparton. Moreover, with a licence granted to private health provider GenesisCare to build a radiotherapy facility in Shepparton, each lady reinforced the importance of a government partnership with GenesisCare to ensure affordable treatment will be available to all. It was a

great opportunity for Matthew to meet these wonderful women and to hear their stories for himself.

This is in stark contrast to the health minister's lack of response to questions I have asked on this very important issue. In a sign of utter contempt for the stories of these brave women, the minister has refused to acknowledge their plight, defying standing orders and failing to answer all but one of the 12 questions I have put to her since August last year. It is time the minister showed the radiotherapy patients of the Goulburn Valley some respect and, like Matthew Guy, come to Shepparton and hear their stories for herself. The action I ask of the minister is that she accept my invitation to visit Shepparton, where I will arrange a meeting with local radiotherapy patients so the minister can hear firsthand the need for the establishment of radiotherapy services in Shepparton.

### Communities that Care

**Mr MELHEM** (Western Metropolitan) (18:46) — My adjournment matter is directed to the Minister for Police, the Honourable Lisa Neville. Over the past few years Victoria has seen a decline in the number of young people committing crime, with a further decline in the youth recidivism rate. This government's priority has been to get more police onto the streets, continue our work to strengthen Victoria's bail sentencing laws and bring in programs to turn young people away from a life of crime.

We also know that if you want to prevent crime you must address the factors that lead to the offending. The impact of poverty and inequity in relation to education, health care and access to jobs cannot be underestimated. The Andrews Labor government has a strong record in investing in these three areas because it knows our community is stronger for it. Alternatively, when the Liberals were in government they abandoned students in trouble, leaving them to disengage and drop out of school. We will not do that, because we cannot just give up on our kids. The Andrews Labor government has invested over \$100 million to help at-risk students stay in school and stay out of trouble, including specific programs to help teachers and schools deal with various behavioural issues of students so they stay engaged and avoid expulsion.

Factors that lead to young people offending are well documented and this government is responding, but one particular issue is a lack of connection to their community. There is a strong sense of solidarity in the western suburbs; we look after those who need our help. I am very familiar with the work of Communities that Care, an organisation that developed an

evidence-based framework for engaging young people in their community. The Communities that Care program is a long-term, evidence-based prevention strategy to develop locally based initiatives that build healthy behaviour and social commitment among children and youth. It targets the local risk factors that can increase the likelihood of young people engaging in antisocial behaviour and crime or becoming victims of crime. This is about bringing together the community to support children at risk — kids who could turn to crime or be affected by it.

I welcome the Labor government's commitment to the organisation in expanding the program in Victoria from five existing sites to eight. The action I seek from the minister is to fund an expansion of the program into Melbourne's western suburbs so that we can utilise our solidarity and community to help our young people.

### International drivers

**Mr RAMSAY** (Western Victoria) (18:49) — My adjournment matter today is for the Minister for Roads and Road Safety, and the action I seek is an immediate review of current road safety and education materials for international drivers on Victorian roads; the implementation of measures to immediately improve road safety on known tourist roads, including the need to make sure car hire companies ensure customers are alert to these matters; and a more visible police presence on the impacted roads.

I have previously raised this matter with the government as recently as our previous sitting week. However, even since then more lives have been put at risk on our roads by international drivers who it appears do not understand our road rules. The roads that appear to be experiencing these issues most are those tourist roads in the Bellarine-Surf Coast-Geelong region; this includes the Great Ocean Road and other link roads. Local motorists are becoming increasingly exasperated and rightly worried about the safety of road users and the potential for this matter to get worse as our international tourist numbers increase — and they are increasing.

Locals are witnessing international drivers making a number of potentially life-threatening decisions, such as driving on the wrong side of the road, driving through stop signs and give-way signs, driving erratically on roundabouts and simply stopping in the middle of the road to take photos or to read maps. The latter is particularly dangerous on the Great Ocean Road, where the curves of the road can make drivers blind to what is around the corner, and increasingly this is an international driver parked in the middle of the road to

take a scenic or wildlife photo. It appears some of these drivers do not understand our road rules, cannot read our road signs and do not comprehend the speed limits.

It is wonderful that Taiwanese or Chinese visitors represent 9 to 10 per cent of the nearly 6 million day visitors per annum to this part of the world. Surf Coast residents are appealing for the installation of more multilingual electronic signage on the roadside. They also want an increased police presence. The New Zealand education program launched in December, which I have talked about before in debate on a motion before this chamber and which I understand this government is looking to trial, may resolve some of these problems. But more emphasis should be on the car hire companies. However, reports on radio, even today, suggest car hire companies are not highlighting these resources to tourists but are in fact ignoring them altogether to quickly move on to the next customer.

The action I seek is for the minister to take immediate measures to better instruct international drivers on Victoria's road rules and ensure a greater police presence on these tourist roads.

### **Neighbourhood houses**

**Ms CROZIER** (Southern Metropolitan) (18:52) — I have an adjournment matter this evening for the Minister for Families and Children, Ms Mikakos. It relates to the funding of neighbourhood houses, which I have raised in the house. Late last year I raised an issue in relation to the promise of funding that she has failed to deliver so far, and I know that there have been many local MPs on this side of the house who have been speaking to the neighbourhood houses and collecting the petitions. I have been delivering them and they have been delivering them to Ms Mikakos. I have also been receiving letters from councils in relation to the funding that was promised by Ms Mikakos in the 2014 election.

I note that a recent news article appeared in the *Stawell Times-News* following a post Ms Staley made in response to the action she undertook in the last sitting week when she delivered these petitions to Ms Mikakos. The article reports that the response from Ms Mikakos was that the government had been providing funding on a per annum basis to the peak body, but nowhere in this article does it say that Ms Mikakos would commit to the 2014 funding that she promised.

The action I seek from the minister is that she explain why there is no funding as she outlined in the lead-up to the 2014 election and why it is not forthcoming so that I can respond to those neighbourhood houses who have

contacted me directly, to those people involved and to those councils that are also writing to me asking where this funding is.

### **Melbourne tourism**

**Mr ELASMAR** (Northern Metropolitan) (18:53) — My adjournment matter tonight is for the Minister for Tourism and Major Events, the Honourable John Eren. Last Saturday night Melbourne lit up again for White Night. Thousands of people poured into our city to watch the projections on city buildings. This is a great social and cultural event that also fills our restaurants, bars and hotels, providing a huge economic benefit to businesses in my region. The action I seek from the minister is to work with Melbourne tourism organisations to deliver more great events in our city.

### **St Kilda police resources**

**Ms FITZHERBERT** (Southern Metropolitan) (18:54) — My adjournment matter this evening is for the Minister for Police in the other place, and it is in relation to the Regal apartments in St Kilda. On Sunday I was in the neighbourhood with Andrew Bond, who is the Liberal candidate for the Assembly seat of Albert Park. He and I have been in that area together before, but on this occasion we were meeting with some local residents about their very serious concerns about local crime. The residents come from in and around Dalgety Street in St Kilda.

I want to say at the outset that these are longstanding residents. One who I was speaking to has lived in St Kilda for 20 years and in her current home for five years. Two of the residents who were part of the group that I was meeting with live in a boarding house that is run by the St Kilda Housing Association. There is a terrific sense of community in this area, and they showed me, with I think not unreasonable pride, the community garden that they have built together, which is thriving and is adding to the amenity of the street. Certainly they told me the fact that it looks better means people are less likely to dump rubbish in the street, and that in turn makes it safer.

But they do have a very extreme problem with the Regal, and they have been attempting to get some assistance with this for a long time. In fact one of the residents was in tears through I think sheer frustration at asking and asking but not receiving. This is a place which appears to be a focal point of crime in the area. Part of the issue is outsiders who are going to and from the premises, which is actually not allowed under the memorandum of understanding that regulates this building through the community housing organisation

that is responsible for it. It is intended to be for men only, aged 55 and older. There are not supposed to be any women on the premises. However, the neighbours tell me that what they are seeing on the site is extreme violence, drug taking, drug dealing, prostitution and people coming and going and taking various objects with them which appear to be stolen, on a regular basis. Having stood there for a while, I was able to observe some of this activity. I can see why they are upset and worried.

A lot of this spills out into the street. One resident came up and told us that he had been burgled the night before while he was home. Another showed me footage that he had taken from his home of what goes on in the street. What the neighbours are seeking, among other things, is a 24/7 guard, which I am conscious is not within the remit of the police minister. They are also seeking appropriate lighting and CCTV. The local police have been very attentive, but they frankly do not have enough resources to deal with this crime epicentre in the local neighbourhood. The action that I am seeking from the police minister is additional resources for the local police, including additional personnel and CCTV.

### **Ballarat railway station precinct**

**Mr MORRIS** (Western Victoria) (18:57) — My adjournment matter this evening is for the attention of the Minister for Regional Development, and it relates to a constituent of ours, who is also a constituent of Ms Tierney, who has written to us with regard to some concerns that she has. The correspondence that we have received reads:

In August 2016 I sustained serious injuries to my right leg in an accident and after six surgeries (with another planned for next week) I am still at the mercy of mobility aids to walk. I am under strict instructions from my orthopaedic specialist to minimise stress on my leg and reduce risk of falls.

The constituent goes on to describe a scenario that occurred at the Ballarat railway station:

This morning I arrived at Ballarat station at 6.03 to catch the 6.15 train to Melbourne for work. I parked in the disabled parking spot alongside platform 2. When I arrived the Lydiard Street boom gate was already closed, as was the pedestrian gates providing access to platform 1 from which my train would depart. I was forced to use the wooden pedestrian bridge to access platform 1. There was no V/Line staff member available to provide assistance. Thankfully a fellow passenger assisted me with my work bag. However, instead of a relaxing trip to work, I started my work day today in considerable pain and discomfort.

This is not the first time this has happened and I doubt this will be the last. V/Line shows very little regard for people with a disability and the future plans for the station precinct

have demonstrated no commitment to improve this situation. With time I hope to be less dependent on mobility aids. However, there are many other people who use the train service who are not as fortunate and are as affected as I am at the moment.

This constituent of ours wrote again on 18 February to say:

I am writing to follow up on my complaint raised on 24 January 2018 regarding disability discrimination at Ballarat railway station. Apart from a phone call from a staffer from Ms Pulford's office, where I was told that the station redevelopment would solve my problem (actually the station redevelopment will make the situation worse for disabled people) I have received no response to my complaint.

I am incredibly disappointed by the lack of concern shown by this government regarding accessibility and access for disabled people on public transport.

This is not a new issue. This is an issue that has been repeatedly raised with me and others. There is huge concern about the redevelopment of the Ballarat railway station precinct — that there is no regard being given to disability access at the station. Indeed the Ballarat station is the only station on the Ballarat line that does not have appropriate disability access. Despite a massive redevelopment being proposed by the government, there is no concern being shown for people with mobility issues. The action that I seek is that Ms Pulford personally contact our constituent to address the very real concerns that she raises about the redevelopment at the Ballarat railway station precinct.

### **Monash Medical Centre**

**Mr FINN** (Western Metropolitan) (19:00) — I wish to raise this evening a matter for the attention of the Minister for Health. I have to say I find this matter personally very distressing, and I believe it is one that is of great importance to the welfare of people with autism in this state.

Last week I visited an autism service in Melton. I visit a lot of autism services. That is something that I really enjoy doing. On this occasion I was speaking to the chairman of the parent council of that facility, who is the father of a 17-year-old boy with autism. He showed me one of the most horrific photos that I have seen in my life. He showed me a photo of his son in the Monash Medical Centre. His son was completely tied down. His arms were tied, his hands were tied, his legs were tied, his feet were tied. He was spreadeagled. When the father complained about this and suggested very strongly that if restraint was needed, chemical restraint would be the way to go, that was dismissed out of hand and the process, if I can call it that, of having him tied down physically was continued. I found that to

be horrendous. I have a 17-year-old son with autism, and I could not begin to imagine the level of distress that he would be in if he was tied down in that same manner.

I do not know what is going on in our hospital system when we have a situation where a child with autism is being treated in this way. I know as much as anybody else — possibly more in some cases — the need for restraint, but chemical restraint is the answer to this, not physical restraint and not tying people down. People with disabilities should always be treated as human beings. On this occasion this 17-year-old lad was not. I am pleased to say he is now out of hospital, and he is hopefully back to what he was. What I am asking is that the minister conduct a full ministerial inquiry into this. I will provide her with the details, and I am hoping an inquiry will discover exactly what happened here and ensure that this never, never happens again.

### **Morwell crime prevention**

**Ms BATH** (Eastern Victoria) (19:03) — My adjournment matter this evening is for the Minister for Police, the Honourable Lisa Neville in the other place, and it relates to crime and public safety in the Morwell business precinct. In September last year the federal member for Gippsland, the Honourable Darren Chester, announced \$230 000 towards the installation of closed-circuit television cameras and lighting in the commercial heart of Morwell. For years Morwell traders have been voicing their concerns around customer safety, staff safety and ongoing expenses incurred through wilful damage of property.

Recently I met with many of the Morwell traders, who shared their shocking stories of unruly behaviour, distressing violations of public safety and destruction of property. The CEO of Optec, in Church Street, Morwell, Brendan Whelan, spoke of how his boardroom was showered with broken glass as a bottle was hurled through an office window. On New Year's Day this year, Little Malaysia restaurant owner John Loh had the door of his shop jemmied open and large amounts of cash and alcohol stolen. This was the third attack in less than 12 months. John rightly indicates that crime of this nature is financially and emotionally unsustainable. Silvana Summerfield has installed her own infrared cameras at the front of her Buckley Street hair studio to video vandals. Indeed on many occasions the police have actually used her footage in an effort to identify those vandals.

Morwell traders are in positive dialogue with the Latrobe City Council in relation to implementing CCTV and corresponding lighting. They have

designated that there needs to be an expanded program both north and south of the railway line in the heart of Morwell. An independent report prepared for the Latrobe City Council has supported the installation. Indeed a previous Liberal-National coalition under the Honourable Ed O'Donohue funded \$117 000 for CCTV cameras in the Traralgon entertainment precinct to deter antisocial behaviour, and this has worked very well.

Years ago, going back to Morwell, the heart of the Morwell shopping precinct was a place I went to on many occasions to shop at Fletcher Jones and dine at cafes such as Gastronomy. It was a wonderful, wonderful place. Today, business owners are very anxious for the installation to occur; however, even though there is funding from the federal government, there is a gap and there needs to be more funding provided. The action I seek from the minister is that she work with the Latrobe City Council and provide additional funding, through either the Public Safety Infrastructure Fund or another mechanism, to enable all designated CCTV cameras and lighting to be installed to reinstate business confidence, to deter criminal activity and to once again draw people into the heart of Morwell.

### **Responses**

**Ms TIERNEY** (Minister for Training and Skills) (19:06) — There were nine adjournment matters this evening. The first was from Ms Lovell to the Minister for Health seeking that the minister visit Shepparton and meet with local patients and community members on the issue of the provision of radiotherapy. Mr Melhem raised an issue for the Minister for Police in relation to the expansion of programs to the western suburbs. Mr Ramsay raised an issue for the Minister for Roads and Road Safety, and that was for the minister to instruct hire car companies to make sure that the drivers of their company hire cars clearly understand the road rules. Ms Crozier raised a matter for Ms Mikakos in relation to the funding of neighbourhood houses. The fifth matter was from Mr Elasmir to Mr Eren in relation to White Night, and the action he is seeking is for the minister to work with all tourism bodies to organise more events in the city. The sixth was from Ms Fitzherbert to the Minister for Police seeking additional resources for local police in relation to CCTV cameras and lighting.

Mr Morris's adjournment matter — and I seek your guidance on this, President — was directed to Minister Pulford as Minister for Regional Development, and it was in relation to access to the Ballarat station in respect of disability access and mobility access. I am

wondering whether that would have been better directed to the Minister for Public Transport. The eighth matter was from Mr Finn, and it was to the Minister for Health seeking a ministerial inquiry into a matter that was raised with him in Melton last week. Ms Bath has also directed an adjournment matter to the Minister for Police, and again it is a matter that relates to funding for CCTV cameras in Morwell.

I have a number of written responses to adjournment debate matters: Ms Lovell on 8 August, 22 August and 6 September 2017; Mr Finn and Ms Lovell on 19 September 2017; Ms Lovell on 17 October 2017; Dr Carling-Jenkins on 18 October 2017; Ms Lovell on 31 October 2017; Ms Lovell and Ms Patten on 1 November 2017; Mr Finn on 14 November 2017; Mr Finn and Ms Lovell on 28 November 2017; Ms Lovell and Mr O'Donohue on 30 November 2017; Ms Lovell on 12 December 2017; and Mr Morris on 15 December 2017.

**The PRESIDENT** — I actually think Mr Morris's matter would be better directed to the Minister for Public Transport. Can I just understand why you addressed it to Ms Pulford?

**Mr Morris** — I directed it to Ms Pulford because it is in relation to the fact that the correspondence has been not been followed up by Ms Pulford's office with the constituent. The constituent has written to Ms Pulford asking her to respond and then further written to Ms Pulford asking her to respond without the minister responding, so it is about Minister Pulford responding to her constituent with regard to the issues which then may be followed up by the minister. The action that I seek is that Minister Pulford follow up the correspondence which has not been responded to.

**The PRESIDENT** — The problem is — and I am not being pedantic — that the constituent has written to Minister Pulford as a member of Parliament representing that region, not as the minister responsible for the actual issue.

**Mr Morris** — No, that is not the case. The minister is responsible for redevelopment of the railway station precinct. It is a Regional Development Victoria project.

**The PRESIDENT** — Okay, I will let it stand. Thank you for that advice. The house stands adjourned until tomorrow.

**House adjourned 7.11 p.m.**