PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 22 May 2018

(Extract from book 7)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

Legislative Council committees

Privileges Committee — Mr Dalidakis, Mr Mulino, Mr O'Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes 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, #Mr Davis, 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 Elasmar, Mr Melhem, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, Ms Shing, #Ms Symes, Ms Truong and Mr Young.

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmar, 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 Elasmar and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall.

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

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

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John[1]	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina[2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David[8]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[3]	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew[9]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona[10]	Northern Metropolitan	RV
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin[4]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini[11]	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark[5]	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred[7]	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[6]	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong[12]	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

[1] Resigned 28 September 2017
[2] Appointed 15 April 2015
[3] DLP until 26 June 2017
[4] Resigned 27 May 2016
[5] Appointed 7 June 2017
[6] Resigned 6 April 2017
[7] Resigned 9 February 2018
[8] Resigned 25 February 2015
[9] Appointed 12 October 2016
[10] ASP until 16 January 2018
[11] Appointed 18 October 2017
[12] 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; V1LJ — Vote 1 Local Jobs

CONTENTS

TUESDAY, 22 MAY 2018

Tuesday, 22 May 2018

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

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:06) — 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.

RAMADAN

The PRESIDENT (12:06) — I would also just take the opportunity to note that we have entered the month on the Islamic calendar of Ramadan. On behalf of members of the Parliament I extend greetings and best wishes to all of those people who are celebrating the month of Ramadan.

ROYAL ASSENT

Message read advising royal assent on 15 May to:

Long Service Leave Act 2018

Major Events Legislation Amendment (Ticket Scalping and Other Matters) Act 2018

Service Victoria Act 2018.

PARLIAMENTARY PRIVILEGE

Right of reply: Cr Steve Staikos

The PRESIDENT (12:07) — On 9 April 2018 I received a submission from Cr Steve Staikos, mayor of the City of Kingston, seeking a right of reply as an individual in response to comments made by Mrs Inga Peulich on 7 March 2018. I now advise the house that, pursuant to standing order 21.03, I have determined that no further action should be taken in relation to the submission.

BUDGET PAPERS 2018–19

The PRESIDENT (12:08) — Members, I also wish to bring to your notice a letter that I have received and which has also been conveyed to the Speaker from the Treasurer of Victoria, the Honourable Tim Pallas. He wrote:

> Clarification of the 2018/19 Victorian budget papers
>
> I write about matters which were raised during question time in the Legislative Council on 8 May regarding the location of the Lara prison precinct.
>
> For the avoidance of doubt and the purposes of clarification, the reference to Bacchus Marsh beside the Lara prison precinct line item on page 68 of budget paper 4 refers to Bacchus Marsh Road, Lara, and not the locality of Bacchus Marsh.

FORESTS (WOOD PULP AGREEMENT) REPEAL BILL 2018

Introduction and first reading

Ms DUNN (Eastern Metropolitan) (12:09) — I move:

> To introduce a bill for an act to repeal the Forests (Wood Pulp Agreement) Act 1996, to terminate the agreement set out in the schedule to that act and to provide that any rights, privileges, obligations or liabilities under that agreement cease to exist on that termination and for other purposes.

Motion agreed to.

Read first time; by leave, ordered to be read second time next day.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 7 of 2018, including appendices.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to —

> Code of Practice for the Keeping of Racing Greyhounds.
>
> Statutory Rule No. 38.

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

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

Glen Eira and Kingston Planning Schemes — Amendment GC83.

Stonnington Planning Scheme — Amendment C274.

Victoria Planning Provisions — Amendments VCI 43 and VCI 46.

A Statutory Rule under the Seafood Safety Act 2003 — No. 51.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 51 and 55.

Documents under Section 15 in relation to the Occupational Health and Safety Act 2004 —

Compliance code: Demolition.

Compliance code: Excavation.

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

Ministerial Order No. 1125 of 9 May 2018 for Procedures for Suspension and Expulsion of Students in Government Schools under the Education and Training Reform Act 2006.

Director of Housing's Determinations of Eligibility Criteria, Priority Categories and Priority Criteria for Applicants for Social Housing of 10 May 2018, under the Housing Act 1983.

Victorian Electoral Commission — Report on the Northcote District By-Election held on 18 November 2017.

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

Bail Amendment (Stage One) Act 2017 — Whole Act (except sections 11 and 14(10)) — 21 May 2018 (*Gazette No. S218, 15 May 2018*).

Bail Amendment (Stage Two) Act 2018 — remaining provisions — 1 July 2018 (*Gazette No. S218, 15 May 2018*).

Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017 — sections 21 and 22 — 21 May 2018 (*Gazette No. S218, 15 May 2018*).

Firearms Amendment Act 2018 — remaining provisions — 9 May 2018 (*Gazette No. S209, 8 May 2018*).

Gambling Legislation Amendment Act 2018 — sections 6 to 9, 11 and 18 — 9 May 2018 (*Gazette No. S209, 8 May 2018*).

PRODUCTION OF DOCUMENTS

The Clerk (12:11) — I have received a letter dated 21 May 2018 from the Attorney-General, Martin Pakula:

I refer to the Legislative Council's resolution of 9 May 2018 requiring the Leader of the Government to produce to the house by 2.00 p.m. on 22 May 2018 the following:

a copy of all documents in full, signed by or on behalf of the government of Victoria, concerned with or relating to the West Gate tunnel project, including but not limited to —

(a) the West Gate tunnel project agreement without redactions;

(b) any other contract, agreement or treaty signed by the current government of Victoria with Transurban PL or any member of the Transurban WGT Co. Pty Ltd consortium which seeks to vary, change or alter the tolling arrangements, time periods, charges, indexation or other tolling matter under the Melbourne City Link Act 1995 or which would seek to later vary tolling arrangements under the Melbourne City Link Act 1995.

The Legislative Council's date for production of the documents does not allow sufficient time for the government to respond to the Council's resolution. The government is in the process of collating and considering the relevant documents for the purpose of responding to the order.

The government will endeavour to provide a final response to the order as soon as possible.

Mr Davis — On a point of order, President, how is it possible for the government to claim to be sorting documents when these are tender documents and treaties that are signed with a firm that are readily available? There has been plenty of time, and I think that there is a serious point of order here. Those documents ought to have been provided in the time that was laid out.

The PRESIDENT — Can you refer me to the standing order you are using for that point of order?

Mr Davis — President, this point of order —

The PRESIDENT — The standing order you are using?

Mr Davis — I will come back to you with the standing order number, but my point is that —

Honourable members interjecting.

The PRESIDENT — Thank you. I have heard the point of order, which is not a point of order. It was a matter of putting a statement on the record to express your displeasure with the government not providing those documents within the time frame you have suggested, but it was not a point of order.

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

NOTICES OF MOTION

Notices of motion given.

Ms SYMES having given notice of motion:

Mr FINN (Western Metropolitan) (12:18) — I desire to move, by leave:

That the motion moved by Ms Symes be debated forthwith.

Leave refused.

Further notices of motion given.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (12:20) — By leave, I move:

That precedence be given to the following general business on Wednesday, 23 May 2018:

(1) order of the day 1, second reading of the Crimes Amendment (Unlicensed Drivers) Bill 2018, standing in the name of Dr Carling-Jenkins;

(2) notice of motion given this day by Mr Rich-Phillips in relation to appointing joint chairs of the Legislative Council Privileges Committee;

(3) notice of motion 569 standing in the name of Mr O'Sullivan in relation to regional rail services;

(4) notice of motion given this day by Dr Ratnam referring a matter to the Economy and Infrastructure Committee; and

(5) notice of motion 538 standing in the name of Mr O'Donohue in relation to policies for victims of crime.

Motion agreed to.

MINISTERS STATEMENTS

National Volunteer Week

Ms MIKAKOS (Minister for Families and Children) (12:21) — I rise to update the house on the Andrews Labor government's investment in volunteering. Through the 2018–19 Victorian budget the Andrews Labor government are providing more funding to support Victoria's volunteers as we want to encourage more people to volunteer in their local community, which is often also a pathway to employment.

This week is National Volunteer Week, and this year's theme, 'Give a little, change a lot', recognises the profound impact volunteering has just through people giving their time. To mark National Volunteer Week last Friday the Parliamentary Secretary for Volunteers, Gabrielle Williams, the member for Cranbourne in the Assembly, Jude Perera, and the Labor candidate for Cranbourne, Pauline Richards, met with volunteers Roy Snook and Christine Marsh from the Cranbourne Regional Uniting Church food truck, which offers a safe environment and family meal experience for Victorians in need. I take this opportunity to thank Roy and Christine and the many others who provide their time and effort to make life easier and more enjoyable for others in our community.

Victoria's volunteer sector is worth more than $23 billion to the state economy — a figure that is expected to increase to $42 billion by 2021. That is why our government is investing a further $500 000 over two years to make it easier and simpler for volunteers to do what they do best. This funding will help develop and deliver a training and mentoring program for managers of volunteers, to support broader uptake of the national standards for volunteer involvement and to support best practice management approaches in small and medium-sized volunteer-based organisations. It will also enable a series of technology trials to be conducted to test the effectiveness and feasibility of different types of products in generating and supporting volunteering activity across a range of locations.

I take this opportunity to commend my parliamentary secretary, Gabby Williams, for the important work that she has been doing in leading the Ministerial Council for Volunteers, and I note that this funding comes on top of $145 000 already provided in the 2018–19 financial year to support the work of that ministerial council. I am constantly humbled by Victoria's vibrant volunteering sector, and I want to conclude by simply saying two words to the over 1.5 million Victorians who volunteer each year, and they are 'Thank you'.

Square

Mr DALIDAKIS (Minister for Innovation and the Digital Economy) (12:24) — I rise to update the house on the latest initiative led by the Andrews Labor government to ensure that Victoria is the Asia-Pacific leader in global innovation. This morning I was pleased to meet with Twitter co-founder Jack Dorsey to announce that global fintech leader Square, which he also is the CEO of, will establish its first engineering hub outside of North America here in Melbourne. This new development will also see the company expanding its Australian headquarters, creating more than 60 new jobs and taking its local headcount beyond 100 employees.

The Labor government understands the value of expanding our capabilities in this sector. That is why we continue to partner with companies such as Square to build our engineering capabilities, create new products and services to support our businesses to grow and increase competition on banks to benefit consumers. Most importantly this new initiative will create the jobs that our future economy will rely on. Victoria's reputation as the centre for innovation is brimming, which is evident as Square joins an impressive list of global tech companies, such as LiveTiles, Slack, Cyberinc and 99designs — which returned their headquarters to Melbourne earlier this year after a stint in San Francisco — who have all decided to set up and expand operations in Victoria. The company will also join an ecosystem which is being supported by our two new fintech hubs, Stone & Chalk and YBF, which are directly assisting local companies to thrive in the global fintech sector. Since November 2014 more than 3000 new tech jobs have been created across the state by direct investments attracted by the Labor government — and have no doubt, there is still more to do.

I would like to thank the team at Square for their unwavering support of Victorian jobs. I look forward to our government's future collaboration with Square as well as continuing our work across this global sector to encourage more technology and innovation leaders to expand their presence right across the depth and breadth of Victoria.

China-Australia trade initiatives

Mr DALIDAKIS (Minister for Trade and Investment) (12:26) — I rise to update the house on a new initiative that will further cement Victoria's relationship with our largest trading partner, China. Last Sunday in Shanghai I was pleased to announce that the Victorian Labor government has established a new partnership with Australia Post to help more local businesses tap into the huge Chinese e-commerce market. This agreement will speed up access for Victorian businesses to trade across China through Australia Post's joint venture with China Post, Sai Cheng Logistics International. Our new partnership will result in Victorian businesses being offered specialised rates across a range of supply chains, including product registration and helping to reduce time frames to between three to six months.

This is only one of several key initiatives announced across the last week that will support more Victorian companies to expand into growing markets across Asia. It is led strongly through our understanding of the value of sports diplomacy. Bookended by both SIAL, Asia's largest food and innovation exhibition, and China International Beauty Expo (CIBE), China's oldest and largest beauty trade show, the Shanghai AFL match was more than just a game of footy. Instead the match and associated events throughout the week provided important networking platforms for over 50 Victorian companies who had set up shop at both SIAL and CIBE.

I was also pleased to announce while in Shanghai the first recipients of our Boost Your Business Asia gateway vouchers. Worth up to $50 000 each, these vouchers will enable more Victorian companies to be export ready, with funds available to develop new products, identify new export markets, conduct research and development and gain certification. Victorian grain wholesaler Unigrain, who I met with at SIAL, is one such company that will directly benefit.

I also want to congratulate the Victorian companies who cleaned up the Australia-China business awards in Shanghai: Swisse Wellness, MinterEllison, Caulfield Grammar School, Box Hill Institute, ANZ Australia, the Costa Group and Total Livestock Genetics.

MEMBERS STATEMENTS

Ramadan

Ms SPRINGLE (South Eastern Metropolitan) (12:28) — I rise to sincerely thank and acknowledge nearly 150 members of the community I had the pleasure of hosting at an iftar dinner in Dandenong on the weekend. The south-eastern suburbs of Melbourne are home to some of Victoria's most culturally diverse communities in the state — indeed in the entire country. Guests attending the dinner came from numerous Muslim communities who have grown up here or moved from many corners of the world. It was such a pleasure to meet with so many of them and to

break fast with them during the holy month of Ramadan.

Ramadan is a time of thoughtful reflection, demanding discipline and firm commitment from those who fast. These are admirable qualities. You do not need to be a Muslim or even religious to recognise the importance and value of slowing down, being more thoughtful and focusing on doing good in the world. I and the Greens wish all Victorians observing Ramadan the very best wishes and pay our respect to your communities for your fortitude, your generosity and your contribution to our communities all over the state.

Goulburn Valley Health

Ms LOVELL (Northern Victoria) (12:29) — Despite some recent privacy issues, Facebook still has a big part in people's lives. One of Facebook's most important functions is to share information, both between friends and by organisations sharing information to followers of their Facebook page. You can imagine the surprise when followers of the Goulburn Valley Health (GV Health) Facebook page received an important message from the hospital last week telling them to dress warmly. Some would think this was a community service announcement from a health service, but sadly not. GV Health were warning everyone to rug up if they were visiting the hospital as the majority of the facility would be without any heating for 24 hours between 7.00 a.m. on Wednesday, 16 May, 7.00 a.m. on Thursday, 17 May. Wednesday, 16 May, was a particularly cold day in Greater Shepparton, with a minimum temperature of only 2.7 degrees Celsius.

In the 21st century here we are with a major rural hospital without any heating at all for 24 hours. The areas without heating were the paediatric medical unit, the intensive care unit, the operating theatres, medical imaging, the cafe, the allied health specialist consulting suites, the library, pathology and the Mary Coram unit, which houses rehabilitation, geriatric and palliative care patients. The reason for the loss of heating was some much-needed works on the hospital redevelopment, but surely alternate arrangements like industrial heaters or a backup generator could have been utilised. This is a system under stress under a useless health minister who simply does not care about the health needs of regional Victorians. Luckily the Facebook post assured everyone the hospital planned to provide additional blankets to patients and visitors.

Ivanhoe RSL

Mr ELASMAR (Northern Metropolitan) (12:30) — On 22 April I was very proud to participate in the annual march and Anzac Day celebration with members and ex-armed services men and women from the Ivanhoe Returned and Services League. During the ceremony it was my honour to lay a wreath on behalf of all those people who sacrificed their lives for peace and democracy. May they rest in peace.

Thornbury High School

Mr ELASMAR — On 23 April I was delighted to attend the launch of a new netball facility initiative located at Thornbury High School. Work has commenced on this great project by the Andrews state government. The Victorian Minister for Sport, the Honourable John Eren, performed the sod-turning ceremony in front of top netball students, Thornbury High School's sports coordinator Saleem Nasser and the head of health and physical education, Carla Ruhe. Also in attendance were representatives from Sport and Recreation Victoria and Netball Victoria. I wish this new facility a long and happy usage by growing, healthy, happy kids.

International AIDS Candlelight Memorial

Ms PATTEN (Northern Metropolitan) (12:31) — On Sunday I had the honour of attending and speaking at the 35th International AIDS Candlelight Memorial held at Southbank. The theme this year was 'Reflecting on our past; preparing for our future'. I remember 30 years ago I attended my first funeral for a friend who had died of an AIDS-related illness. In those days the treatments were not terribly effective and the discrimination and stigma experienced were horrific. Friends were disowned by families, refused service in restaurants and sacked from their jobs. A lot has changed; treatments now mean that HIV can be undetectable, and with a simple treatment people with HIV can live long and healthy lives. But the stigma and discrimination still exist in our community and even in our laws.

I would like to thank the Victorian AIDS Council; Living Positive Victoria; and the wonderful speakers from the Positive Speakers Bureau, Heather Mugwagwa and Andy Holsden and all of the wonderful volunteers. In fact I would like to thank all of the wonderful volunteers in Victoria — all 1.5 million of them — who help make our community a safer, stronger, more caring and connected society.

Labor Party election candidate

Mr MORRIS (Western Victoria) (12:33) — It is time for Labor's candidate for the Assembly electorate of Buninyong to come clean about her involvement in Labor's rorts for votes scandal. We know Michaela Settle was a key player in the Community Action Network that Labor used to rort over $380 000 of taxpayers money. We know Ms Settle had a lot to say on 3 October 2014, when she was chosen as the lead red shirt to address the assembled comrades at the launch of the plan to rip off Victorian taxpayers to the tune of nearly $400 000.

But now that Labor has been caught out stealing, Ms Settle miraculously has nothing to say about her involvement in the rort. She refuses to answer questions from the media about what she knew and remarkably has still not offered an apology for her involvement in this scam. Voters in the Buninyong electorate deserve better than to have a wannabe MP who runs and hides when serious questions about her conduct need to be answered. Michaela Settle must be up-front about her role in Labor's rorting of taxpayers money. She must answer for her conduct, and if she continues to refuse to do so, she should resign as a candidate for the upcoming election.

Victoria University Polytechnic

Mr MELHEM (Western Metropolitan) (12:34) — Last week I accompanied the Premier, Daniel Andrews; the Minister for Roads and Road Safety, Luke Donnellan; and the Assembly member for St Albans, Natalie Suleyman, to the announcement of the new TAFE partnership with Victoria University Polytechnic. This investment will train and skill hundreds of workers so that they are able to take on some of the 6000 new jobs created through the West Gate tunnel project, 500 of which are dedicated to apprentices and trainees. This partnership will see Victoria University Polytechnic offer civil construction certificates II, III and IV courses. It will also mean the reopening of the Victoria University Werribee East campus as a specialised civil construction TAFE to accommodate the additional courses provided. This is a perfect example of local training providers and local workers in my electorate of Western Metropolitan Region benefiting from our record investment in roads and rail infrastructure.

This also highlights this government's commitment in its latest budget to revitalising our TAFE system. This is all part of the government's massive $800 million commitment to TAFE, which includes added support for vulnerable and disadvantaged students, and social welfare programs as well as a commitment to ensuring high standards among our TAFE providers. Unlike those opposite, we believe a healthy TAFE system is vital to our education mix. When those opposite were in power we saw funding for our public TAFE system slashed by a third. This led to job losses, course closures, a decrease in quality and a skills shortage. We cannot do that again.

I want to congratulate the Andrews Labor government for its commitment to skilling apprentices and trainees and making sure that on major jobs now it is mandated that 10 per cent of the workforce have to be trainees and apprentices.

Doncaster rail line

Ms DUNN (Eastern Metropolitan) (12:35) — There are some in this place and in the media that would like the upcoming state election to be a contest of who has the bigger toll road. On the Labor side there is a promise to build the north-east link — a toll road so compromised by its competing promises to various stakeholders that it is destined to fail. Its $16.5 billion price tag is so dubious that the government did not make out-year allocations to it in the recent state budget. The Treasurer has implored the electorate to 'trust us'. However, the absence of the north-east link capital works in the budget reveals a lack of trust in their own cost estimates and early feasibility investigations.

For his part, the Leader of the Opposition in the Assembly, Mr Guy, has tried to have it every which way. First he said the Liberal-Nationals coalition supported a toll road connection between the M80 and the Eastern Freeway. Then he floated the idea of building both the north-east link and the east–west link at the same time. Then he said if elected he would not sign the north-east link contracts. Then he had to endure the indignity of having a Liberal Prime Minister back the road with a commitment in the federal budget. Meanwhile the people of Melbourne's east are still waiting for what they have wanted since 1890 and what they called for in the 2014 election that formed this Parliament — that is, a train line to Doncaster. The major parties have yet to listen.

Mildura region initiatives

Mr O'SULLIVAN (Northern Victoria) (12:37) — Last week I had the pleasure of going up to visit Assembly member Peter Crisp in Mildura. He is a hardworking local member for that part of the world. Mr Crisp gave me a briefing on some of the things that have been happening in his wonderful community,

particularly the $440 million that has been allocated for the Murray Basin rail — the $220 million commitment from the Liberal-Nationals when we were in government and a $220 million matching commitment from the federal Liberal-Nationals government — which was terrific and which certainly got works underway in terms of the upgrading of the rail line.

In addition to that Mr Crisp was telling me about the coalition's commitment for an $80 million level crossing removal program. There are some 130 crossings along the line where the train has to slow down to 40 kilometres an hour — in most cases it does not actually speed up to more than 40 kilometres an hour. He was telling me that once all those works have been completed that will pave the way for the return of a passenger train for Mildura, which would be terrific.

Mr Crisp was also telling me about the many upgrades to the Mildura Base Hospital, including the doubling of the emergency department, the doubling of the oncology unit, the doubling of the special care nursery, the addition of another birthing suite, funding for a prevention and recovery care unit and also the mental health facilities have been brought under the one roof. But he is telling me that there is still more to be done at the Mildura Base Hospital.

It was very pleasing to hear of all the announcements and all the achievements that Peter Crisp has been able to make for his local community, and I look forward to campaigning with him as we get closer to the election.

The Geelong Project

Ms TIERNEY (Minister for Training and Skills) (12:38) — I rise today to inform the house of a great project focused on early intervention to assist young people in Geelong. The Geelong Project — TGP — is a fantastic example of a homegrown, innovative strategy to deal with a very serious problem on a local scale. It has proven results as an early intervention program for young people at risk of disengaging with family and/or school.

Leaving school early has a clear link with becoming homeless and in turn engaging in behaviours that see some young people end up in the youth justice system. TGP is an initiative developed over eight years from collaboration between Barwon Child, Youth and Family, three Geelong secondary schools, the Geelong Local Learning and Employment Network and Swinburne University. It is evidence based, with regularly assessed outcomes.

Having systematically identified at-risk students, TGP works with families as well as schools in a community setting. This is a new way of working with information and coordinating support services for youth to produce a place-based course of action. Early identification of risk, before it occurs, is TGP's unique feature. TGP has seen a 50 per cent reduction in kids at risk of school disengagement, and about a 20 per cent reduction in early school leaving for the three pilot schools. These schools began with the highest rates, but in 2016 the majority of early school leavers came from the non-pilot schools.

The 2018–19 state budget provides $2.8 million to expand The Geelong Project to seven state secondary schools in Geelong. TGP is a model of collective collaborative action committed to keeping kids at school and at home, and making sure that they have the opportunity for a good life and a good outcome in life. I take this opportunity to thank all involved in this great project, a project that certainly changes lives.

National Palliative Care Week

Dr CARLING-JENKINS (Western Metropolitan) (12:40) — I rise today to draw the attention of the house to National Palliative Care Week, which is being observed this week from 20 to 26 May. The theme is 'What matters most?', inviting us all to reflect and discuss with our loved ones our thoughts about the end of our life, whenever it may come. Palliative Care Australia reminds us that palliative care can help people with a life-limiting illness to have a high quality of life right to the end of life. By identifying and treating the symptoms and concerns of each individual, whether physical, emotional, spiritual or social, palliative care helps people live their life to the fullest, even if terminally or chronically ill.

Palliative Care Victoria is hosting a conference tomorrow on the theme 'Volunteers — supporting people to live, die and grieve well'. A broad, whole-of-community and health approach is needed to support people with a life-limiting illness and their families to live, die and, importantly, also to grieve well. This conference will explore the role of volunteers in providing this support — volunteers like Maddie, who volunteers with Very Special Kids. Maddie spends her time with Marco, a 13-year-old living with a very rare, life-threatening condition that has resulted in severe epilepsy and an intellectual disability. It will celebrate volunteers like Erika, aged 72, who volunteers at Anam Cara Geelong, where Simon, who has a life-threatening heart condition, goes to what his son calls 'Daddy day care' to give his wife a break from caring for him.

I commend the efforts of Maddie, Erika and the many volunteers who throughout Victoria work alongside the dedicated professionals striving together to provide the very best in palliative care to Victorians with life-limiting illness.

Gender neutrality

Ms CROZIER (Southern Metropolitan) (12:42) — Daniel Andrews's own ministers Ms Hutchins and Ms Mikakos might be trying to now publicly hide from their support of gender neutrality in early education settings after the furore from a string of reports, but it is clear that privately they support such a radical approach. A *Herald Sun* article yesterday highlighted the ludicrous proposition of educators avoiding classification of children by gender and minimising the extent to which gender is labelled. Minister Hutchins is quoted in the article as saying that without gender equality 'the change needed won't happen'.

The extremes that some of the left-wing ideologues are going to was again highlighted by the ludicrous suggestion that libraries are to be audited on childhood favourites such as *Thomas the Tank Engine*, *Winnie the Pooh* and the Noddy books as they do not meet gender tests and that the terms 'boys' and 'girls' are to be banned. How absolutely absurd. The government's own gender equality strategy says, amongst other things:

> Children are able to self-socialise, which means that children's books and toys … influence how children think about themselves and the world.
>
> From two years old children begin forming concepts of gender and gender difference.

The language from the government is very clear. They want to break down concepts of gender and gender difference. The political correctness has gone a step too far in this entire issue. The slow creep through our institutions to ensure that we crush the identity of individuals is something that we should resist at all levels. Radical gender-based theory is nonsense and needs to be called out for exactly what it is — nonsense. Daniel Andrews needs to be clear where he and his government stand on the extent to which gender-based theory will permeate our early education settings. I urge him to do just that and let kids just be kids.

Spirit of CFA Awards

Ms SHING (Eastern Victoria) (12:44) — I rise today to congratulate all winners of the inaugural Spirit of CFA Awards, which were held in Ballarat on 20 May. I am going to read these names into the record, because they make a profound contribution in all that they do.

The Living the Values Award winners included Susan Little, Paul Marshall, Craig Kneebone and Roy Moriarty. The Excellence In Community Engagement individual awards went to Fiona Macken and Barry Megee, and Paul Parsell was commended. The Excellence in Community Engagement team winner was field service support, and Excellence in Interagency Group Cooperation went to Nicole Harvey, Colin Brown and Jeffrey Williams.

Excellence in Interagency or Group Cooperation was awarded to the Omeo group from mighty, mighty Gippsland; the Excellence in Sustainability Planning to Steve Lewis, Wayne Munro and Ian Brownrigg; the Excellence in Sustainability Planning team award to Rockbank brigade and support team; the Youth Award to Bailey Rhodes, Tyson Huggins, Deklan Brown; and the Senior Award to Douglas Parker and Raymond Beaton, Ray Rosales and Margaret Dawson.

The Excellence in Innovation awards went to Robert Mace, Darren Johnson, William Hodgson and Justin Dally; and the Excellence in Inclusion and Fairness awards for individuals to Tony Stephens, Phil Hawkey, Adam Young and Josh Martin; and the team award for Excellence in Inclusion and Fairness to the Ballan junior leaders.

Congratulations to everybody who makes such a difference in their communities. Your work is tireless and dedicated, and the effect of it is known far and wide in relation to taking care of all of our valuable Country Fire Authority volunteers and staff now and into the future.

Duke and Duchess of Sussex

Mr FINN (Western Metropolitan) (12:45) — I offer my very warmest congratulations and the very warmest congratulations of the people of Melbourne's west to the Duke and Duchess of Sussex on their recent marriage. As weddings go, that will be hard to beat, and I trust it will be the beginning of a wonderful life for them together.

Gender neutrality

Mr FINN — On a not so cheery note, it is obvious the loony left in Australia has embarked upon a full-blooded war on our children. Sadly for our kids, this war is centred in Daniel Andrews's socialist republic of Victoria. Not satisfied with distorting the minds of children with the appalling and dangerous Safe Schools program, we now hear that some councils

controlled by the Greens party are auditing their libraries to remove books, audios and toys that do not fit in with the Greens' extreme views on gender gymnastics. In the name of all that is decent, why can't these lunatics let kids be kids?

God help Victorian children if Labor and the Greens form government in coalition after November. The ramifications for our kids of such an unholy alliance do not bear thinking about. A vote for the Guy government in this coming election is not just about restoring strong and effective government to our state; it is also about ensuring our children have the sort of future we want for them. It is also about the right of parents to decide what is best for their children. On 24 November this year I will be voting to protect my kids.

Reverend John Leaver

Mr O'DONOHUE (Eastern Victoria) (12:47) — I rise this morning to pay tribute to Reverend John Leaver, AO, who sadly passed away last week at the age of 87. Reverend Leaver was the chaplain at Peninsula Grammar for 23 years between 1974 and 1997. Much loved by thousands of students, his reach extended far beyond the gates of that particular school. He established the Association of Ecumenical Schools of Victoria, which later became the Victorian Ecumenical System of Schools, and he was instrumental in the establishment of Beaconhills College at Berwick and Pakenham, Balcombe Grammar School in Mount Martha and Newhaven College on Phillip Island.

In 2000 Reverend Leaver was made an officer in the general division of the Order of Australia for his services to education. He was an incredibly positive and happy person. Regardless of one's faith or perspective, Reverend Leaver was universally respected and liked. He was a confidant and source of advice for so many. Condolences to his loving wife, Wendy, and his daughters, Jane and Susan, and their families.

Gippsland Memorial Park

Ms BATH (Eastern Victoria) (12:48) — On Saturday, 12 May, I was delighted to attend the headstone renewal at Gippsland Memorial Park in Traralgon to celebrate and acknowledge the selfless and accomplished lives of Eva West and her father, Walter West, MP. I congratulate Dennis Seymour, who is the manager of the Traralgon Public Cemetery Trust, and his great committee for their continued work in preserving the history of those people, who were very much an integral part of our strong country communities.

Gippsland Sports Academy

Ms BATH — Last Friday night I was honoured to present the Gippsland Sports Academy's Rising Star Award to Traralgon Swimming Club's Ruby Storm. Ruby is classed as an S14 multiclass swimmer, and she recently competed at the Georgina Hope Foundation age nationals, achieving an outstanding six gold medals, three silver medals and one bronze medal. I so look forward to seeing Ruby's star continue to rise high in the sky. Jacqueline Madden was awarded the Phil Shelley Award for services to sport in Gippsland, and she is also an incredibly deserving recipient. The Darrell White Award for outstanding contribution in a team sport went to Madelaine Galea. Madelaine is a leader both on and off the netball court. I congratulate the executive officer, Jim Vivian, and I make special mention of Anita Pistrin for her seamless operations on the night.

Gippsland kinship carers support group

Ms BATH — I would like to acknowledge the Gippsland kinship carers support group based in Morwell, who play an incredibly vital role in caring for our vulnerable children. Recently I had the privilege of meeting these hardworking people. They are the unsung heroes of our region, and I thank them for their dedicated service. I also thank Anglicare's Pat Wells, who facilitates their meetings and supports them. They often walk away with tears and smiles at the end of their meetings. They are absolutely gold people.

PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017

Second reading

Debate resumed from 22 February; motion of Ms MIKAKOS (Minister for Families and Children).

Mr DAVIS (Southern Metropolitan) (12:50) — I am pleased to rise and make a contribution on behalf of the coalition on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. This is a bill that has general support for its broad principles. It has general support for the broad objectives which it seeks to set out, and I am going to read those objectives directly — from an easy copy of the bill rather than a bound-up one — because they are objectives that I think most people in this chamber generally support.

The objectives of the bill are:

(a) to amend the **Planning and Environment Act 1987** to provide for—

(i) the declaration of distinctive areas and landscapes; and

(ii) the preparation and implementation of a Statement of Planning Policy in relation to each declared area to ensure coordinated decision-making by public entities; and

(b) to make consequential amendments …

The broad objectives are agreed on, particularly as they apply to many of the peri-urban areas around Melbourne. I can say that the coalition has strong support for the protection of those peri-urban areas of Melbourne and the areas just beyond the peri-urban areas where commuters often live and from where they come to Melbourne. These local communities play a very significant role in the state's future and its activities, both economically and socially.

It is important to know that there is a very long history of these types of attempts to provide protections for these areas. It is also important to understand the context of the state's very significant population growth. At the moment, frankly, Victoria's population is growing at an unprecedented rate — almost 150 000 per year the last two years, with the overwhelming majority of those people going into Melbourne, particularly the edges of Melbourne. But there is significant population pressure in many of the commuter areas just beyond the urban growth boundary and into the areas of country Victoria close to Melbourne.

There is no doubt that those areas of country Victoria can contribute significantly to the management of that population, but those people are often situated in sensitive areas that deserve proper protection. Indeed many people live in those areas precisely because of the ambience and quality of life they provide — precisely because of the vegetation, the wildlife and, as I say, the ambience of those townships and the areas in the immediate hinterland. This is one of those cases where there has to be significant protection to make sure that those areas are not overrun in an unsophisticated and unfortunate way by the population pressures that are very much part of the state at the moment.

As I say, the majority of the population growth is going into Melbourne, particularly in the growth areas around the edge of Melbourne — Cardinia, Casey, Hume, Mitchell, Melton and Wyndham — but also parts to the edge of Greater Geelong. Those pressures are indeed very significant.

The attempt to provide protections to areas that are distinctive and areas of distinctive landscape is something with a long history. In the 1970s the Liberal Party, then in government — and then in government alone, not as part of a coalition — did provide those protections. Particularly Sir Rupert Hamer's period in government was marked by a focus on protecting the quality of life. In the 1970s people became, I think, more and more aware of the need to protect the hinterland and the areas around the city, so specific and specialised localised planning statements were developed for the Yarra Ranges and the Macedon Ranges, and most famously the Macedon Ranges localised planning statement number 8 was put in place in that period in the 1970s. I pay tribute to Sir Rupert Hamer and his government through that period.

I pay tribute in the case of Macedon to someone who is familiar to us in a different capacity, Athol Guy, who was at that time the local member for Gisborne and was determined to make sure that those protections for local communities were in fact put in place. Similarly in the Yarra Ranges there were protections put in place, and Bill Borthwick and others were very active in driving the establishment of those protections and a determination to recognise that there had to be some focus on saying, 'No, we can't let development roll over at any cost. We can't lose each piece of vegetation. We can't have our streams put at risk. We can't lose' — indeed in many cases — 'the animal life and so forth that is very much part of those areas on the edge of the city', areas just beyond the main growth areas focus of those localised planning statements in the 1970s. To this day they underpin many of the planning protections that are in those areas.

As I say, I am proud to have known a number of the movers — I know the President and I both knew a number of them over the years — who were great contributors to the state and very forward thinking in terms of the need to manage the impacts of population growth. It is interesting to see that the more things change, the more they stay the same. The same pressures are there now, and the same need is there to actually think carefully as a community, to think carefully as a Parliament and to think carefully as a planning department and planning minister about what steps have to be put in place.

I was saying to some developers and others over the last couple of days, 'You know, the huge population growth is a call for greater protection, in my view, of vegetation. It's a call for greater protection of open

space'. More population means more recreation areas, more open space and more focus on quality of life, because there is, I think, a real need to recognise that if you do not protect the quality of life, you are at risk of losing what is unique and special about Melbourne, Victoria and the hinterland immediately beyond the city.

Today on the front page of the *Australian* — and I invite people to go and read it, perhaps go online — you will see some very good work by the Property Council of Australia. They have had some English experts look at a number of the metrics around quality of life in Australian cities to make some useful comparisons. We are all familiar and indeed proud of the fact that Melbourne is repeatedly — I think seven times in a row — voted the most livable city in the world on the *Economist* index. The *Economist* index is a very useful index. It actually understands a number of the metrics that pick up the quality of life that is part of our city and part of what is attractive to us about our city, but it is true to say that the metrics in that are not perfect and not unchallengeable. Indeed the property council, through the release of these papers today, has I think furthered the cause of understanding what it is to have a livable city, to measure what a livable city is and to use those measures to track what is occurring in our city.

PwC did some very good work recently and, in conjunction with the *Herald Sun*, released a series of examinations of accessibility. We intuitively know this, but nonetheless it is very interesting when they actually go and use various metrics. We know that those areas very close to the city and the very first ring of suburbs are more livable because of the accessibility of services and the reduced commute times that people generally have to their workplaces, to their schools and to the other facilities that they need. The PwC work pointed to deficiencies in quality of life for people on the edge of the city in the western suburbs and in the far east. Again we intuitively know this to be true given the lack of services that are put there and the lack of focus on getting transport services there. I know I am not telling anyone in this chamber anything they do not know, but it is sometimes worthwhile putting this clearly on the record.

Those metrics are actually helpful in understanding how to deal with the challenges and deal with the problems. I again pay tribute not just to the *Economist* and its measures, which after all are largely driven by the question, 'Is the city livable and comfortable for an expat who is landing here and seeking to integrate into society?'. That is the basis for the *Economist*'s view on livability, but the PwC metrics, I think, go deeper and look at some of the challenges that we face.

The property council data that has been released today shows that, on a number of metrics, Melbourne has a lot of work to do. Sydney has a lot of work to do. We face those huge challenges, Sydney and Melbourne in particular with their huge population growth and Melbourne beyond the others because of the extraordinary pace of growth over the last decade, particularly the last two or three years.

The metrics that are picked up by the work that is done by the property council analysis I think do give us cause to reflect — they give us cause to think about how we can protect the quality of life and the livability of Melbourne into the future. I will be paying close attention to those papers that are being released today and looking at them, as I think many will, in the light of the material that is already in the public domain, because we have that challenge to preserve the livability of our closer suburbs, the livability of our hinterland around the city and also the growth areas on the edge of the city. The attempts in the 1970s to say that we need to put these localised planning statements in place I think were very far reaching and very forward looking. That is why I singled them out particularly for discussion.

Understanding that genesis of what is going on here, the government has put forward a bill, the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill. It amends the Planning and Environment Act 1987 to provide for the protection and conservation of distinctive areas and landscapes, to make consequential amendments et cetera. It amends the Planning and Environment Act to provide for the declaration of distinctive areas and landscapes and then the preparation and implementation of a statement of planning policy in relation to each declared area to ensure coordinated decision-making by public entities.

As I say, the objective is important. The purpose of the statement for the declared area is to create a framework for the future use and development of land in the declared area, including settlement boundaries, and to ensure the protection and conservation of the distinctive attributes of the declared area. Such declarations support the local and/or statewide significance of certain areas, regions and landscapes environmentally, economically and culturally and on Indigenous matters. This is actually a quite significant point, to understand that these declarations are not about just the local view but also the economic significance of some of these regions.

I am going to pick Macedon because it is the one where, to be fair, the government has done the most work. I will come to the deficiencies in its work in a minute, but it has done more work there than in other places. One of the points is that that Macedon area is of economic significance in a tourism sense not just to the Macedon area itself but to the state as a whole. For those reasons you would want to preserve it. You would also want to make sure that it is protected in a cultural sense. There are actually culturally important areas. Hanging Rock is one of those areas in that municipality that has enormous cultural significance for Indigenous people but is also a recognised landmark for Europeans. You would want to protect and preserve an area of that nature and make sure that it could not be tampered with, destroyed or otherwise damaged into the future. If that is the purpose that the government is seeking with this, that is something with which we wholeheartedly agree as an objective. It is also important, I think, to realise that there may be areas of particular environmental significance, and we would want to see protections of those areas advanced as well.

Obviously this is all about balance too. We do recognise that there is population growth and we do recognise that there will be a need to accommodate greater numbers of people. But you cannot do that in a way where you actually damage the outcome. You cannot do that in a way where the goose that lays the golden egg is killed. There is no sense in that; that is nuts. We actually want to make sure that that quality of life that attracts people to the area, not only to live there but also to come there for economic and cultural purposes, is protected. These are the challenges that we face in balancing these objectives in a particular area.

The government has done a fair bit of work and it has met with significant opposition in the Macedon Ranges. Pretty much everyone I have spoken to agrees with the broad objectives, but when you come down to the localised planning statement (LPS), the draft statement that the government has been talking to the community about, there is very little support for it. I know I have spoken in this chamber about this before. There is a need to recognise that the government's description of town boundaries is not grounded in fair reality. The government's decisions on that localised planning statement have ridden roughshod over the local community. They had not been formally ticked as yet, but if the version that the government intends to tick is the one that it is consulting on now, I think we have a significant problem.

Our broad support for the principle is there, but our concern about where the government is going locally is something I am also registering very loud and clear. I pay particular tribute in this respect to the work of the Macedon Ranges Residents Association. I have met with them on a number of occasions, including recently, about a number of the points. They pick up some of the points and I know that they are very unhappy with the government's approach on some of these points. I am going to quote here. They said about their assessment:

> The association circulated the 'assessment' to Macedon Ranges Shire councillors and CEO —

the minister and others —

> We have received acknowledgement …

They went on to talk about the 'less protection statement' — the LPS, the localised planning statement, which they are calling the less protection statement:

> From its assessment, the association concluded the draft LPS failed to provide any protection whatsoever to Macedon Ranges. In fact, it undermines existing protections and planning controls and provides even less protection than available today. The association recommended a complete rewrite, not as a localised planning statement but as a statement of planning policy required by the draft bill, with further community consultation.
>
> It is understood that the state government intends to transform the draft LPS into the statement of planning policy required by the proposed legislation …

The legislation sets up a head of power to create such statements of planning policy 'without any further community consultation'. That is problematic, and I put on record our opposition to that part of the government's process.

The Macedon Ranges Residents Association went on:

> This is unacceptable, as is LPS's inaccurate claim that SPP8 has been 'superseded' by the Victoria planning provisions. Statement of planning policy no. 8 —

which is the earlier one I am talking about from the 1970s, the Sir Rupert Hamer era —

> prevents inappropriate land use and development. As we have learned to our bitter regret, the Victoria planning provisions do not.

They went on to an overview, and I think it is actually worth quoting directly from their document here:

> It is as if the draft localised planning statement has been written in a vacuum, by someone with no connection to or knowledge of or empathy with this place, and with total disregard and disrespect for the area's sensitivities, natural resources, special attributes, rural character and community values.
>
> The LPS parades, and is touted, as 'protection' but in reality it is a covert and hideous growth plan on an unprecedented

> scale, which seems to regard Macedon Ranges as just so much real estate. It turns one of Victoria's most environmentally fragile and sensitive areas into a metropolitan growth area.

I think this really sticks in the craw of people on the edge of the city and out further. They actually do not want to live in suburban Melbourne. They have actually chosen specifically to live in areas that have a different ambience, a different quality of life and a different liveability. For a rollover by the government in this context, I think it is quite, quite concerning.

> The draft LPS direction is highly characteristic of the previous Macedon Ranges Council's obsessive priority for economic development and growth …

I put on record that I am not opposed to economic development and growth. I think it is critical, but it has to be balanced. It goes on:

> a direction which saw community satisfaction fall a full 6 points in the 2016 … and seven (of nine) new councillors elected at the 2016 council election —

new councillors —

> That was the council that in 2016 told the Macedon Ranges Protection Advisory Committee Macedon Ranges already had enough protection, that ignored its adopted settlement strategy, that promoted a $40 million equine centre …

It talked about some of these. There is also talk — and I think concerning talk — about a 'large-scale commercial development at Hanging Rock'. There are serious risks in that. The document goes on:

> This must be corrected. Protected from overdevelopment, this shire can provide far more pleasure to far more people than the few whose interests would be served —

and it goes on.

In summary, it says the LPS — the localised planning statement:

> (1) comprehensively fails to deliver the state government's commitment to protect Macedon Ranges;
>
> (2) fails to meet the draft legislation's requirements, and the format …
>
> (3) fails to be based on or even retain any aspect of statement of planning policy no. 8 —
>
> by eliminating SPP8, the draft LPS also eliminates the strategic and policy bases for planning controls …
>
> (4) fails to include and implement the Macedon Ranges Protection Advisory Committee's adopted recommendations …
>
> (5) fails to provide a protective state policy setting for Macedon Ranges, as statement of planning policy no. 8 always has;
>
> (6) fails to clearly define its purpose, saying only that 'The statement aims to support efforts to … identify and protect state-significant landscapes, environmental and cultural heritage features within the Macedon Ranges …

In contrast, in comparison, statement of planning policy 8 says:

> The statement is directed primarily to the planning and management necessary for the conservation and utilisation of the policy area both as a water catchment for urban and local supply and as a location of state, metropolitan and local importance for leisure activities and nature conservation.

You can feel the difference in tone between number 8 in the 1970s and the state government — Daniel Andrews's version of this that he is circulating now.

The submission continues:

> (7) presents individual policy domains that lack the integration necessary in an area with complex and multiple issues;
>
> (8) contains 'policy domains' which are unrelated to protecting the shire's special attributes …

and it goes on. The submission continues:

> (9) fails to provide definitive and mandatory policy statements and instead has broad, aspirational 'objectives' …
>
> (10) fails to create a framework for integrated policy …
>
> (11) fails to set priorities for protection of the shire's special attributes …

again, in comparison to statement 8, which sets clear policy and priorities, saying:

> The planning policy to be applied in the area …
> 2.1 Protection and utilisation of the resources of the policy area for water supply, tourism and recreation, and nature conservation shall be the primary concern.

There is a hierarchy — a ranking in statement 8 — which is not present in the government's proposal for its LPS. I draw that distinction between the aspirations in the bill, which are supported widely, and the implementation by the LPS that the government has as a current draft.

The submission continues:

> (13) unlike SPP8 and the advisory committee's preferred LPS and recommendations, fails to include any implementation measures;
>
> (14) fails to set a 50-year vision for protection of Macedon Ranges … instead sets a 50-year land supply. Its vision 'statements' are quite laughably off-target and weak;

(15) fails to make itself binding on responsible public entities (including a council) which downgrades any requirements into recommendations;

(16) fails to identify and address threats;

(17) incompletely identifies values and attributes — its 'biodiversity' map refers the reader to a website, while its 'state-significant landscapes and water features' map only shows six landscape features, and leaves off half of the shire's water catchments;

(18) fails absolutely to address protection of township character …

which the advisory committee believes is a cornerstone.

(19) fails to identify and address values and natural resources as entities in their own right …

(20) only turns its mind to individual elements of biodiversity, landscapes and heritage of state or national significance. It then further condenses landscape into six 'landscape features' …

(21) fails to include statement of planning policy no. 8 as its reference document …

(22) lists irrelevant, redundant and draft references but fails to include critical documents such as the Macedon Ranges cultural heritage and landscape study (1994), Macedon Ranges habitat quality and conservation significance framework (2004) and any other environmentally-focused document, including the 2016 Macedon Ranges natural environment strategy.

There are just two more paragraphs I want to draw attention to:

(23) fails to identify 'protected settlement boundaries' …

Mr Melhem interjected.

Mr DAVIS — This is quite important, Mr Melhem. I know you might not find this amusing, but it is actually something of importance to people in the Macedon Ranges and the hinterland around there. It continues:

… a note that 'will be protected settlement boundaries';

(24) only provides settlement boundaries for four of six towns. Intentions for Gisborne and Romsey are to be kept a secret for another 18 months.

That is a very extensive list of flaws in the approach that has been adopted by the government, and I am thankful to the Macedon Ranges Residents Association and to Christine Pruneau in particular for the enormous and detailed work that they have done on this. I could go on and quote at length much more of this, but I think the key point is now clear and the concern areas are well illuminated by that important list. The settlement boundaries are important. They need to get a better outcome on that. We are concerned that if we in good faith pass this unamended the government will use the head of power there — which can be used for good — for ill. That is our concern. It is for that reason that I will shortly circulate proposed amendments.

I want to make some comments about some other areas, though, that are important. In July 2014 the *Mornington Peninsula Localised Planning Statement* (LPS) was released. Matthew Guy was the Minister for Planning, and this statement is an important statement and protection for the Mornington Peninsula. I make the point here that the Mornington Peninsula was for a long period growing much more slowly than the other edge-of-the-city areas, but that is not the case now, with growth at around 4 per cent a year. It is a very significant growth rate, and there is very significant pressure being put on the Mornington Peninsula. You can feel it when you drive down Peninsula Link. You can feel the density of traffic and the huge surge that is there at almost any time of the day. It is very clear that more Melburnians are commuting from a greater distance to the peninsula. The pressures of population are significant.

The Mornington Peninsula statement — and I pay tribute to Matthew Guy and the work that was done when we were in government, and this has been retained by the current government — I think is potentially at risk through this bill. We need to have that clarity about the need for an LPS and the requirement to have a good-quality LPS as part of a Mornington Peninsula localised planning statement. I am going to quote again from this because I think it is important to get these points on the record:

> The Mornington Peninsula will be planned as an area of special character and importance with a role clearly distinct from and complementary to metropolitan Melbourne and designated growth areas.
>
> The Mornington Peninsula is one of Melbourne's greatest assets, characterised by contained townships, a substantial and diverse local economy, and areas of national and international conservation significance. The Mornington Peninsula is critical to the future livability, sustainability and prosperity of the wider metropolitan region.
>
> As an area near to, but with a role distinct from, the growing metropolitan area there are ever-increasing pressures and demands placed on the Mornington Peninsula. For this reason it is necessary to put in place clear policy directions for the long-term benefit of both local communities and the wider Melbourne population.

It goes on to say:

> This includes:
>
> > recognising, maintaining and enhancing the special values of the Mornington Peninsula;

> appreciating the existing diversity and delicate balance of land use, which has been carefully planned over a long period …

Again the wedges, the green wedge areas that were put in place by Sir Rupert Hamer, are a very significant part of that. It continues:

> providing for a clear separation of the Mornington Peninsula from metropolitan Melbourne, preventing expansion of the metropolitan area onto the peninsula and maintaining the current settlement patterns;
>
> expressing the planning priorities for the Mornington Peninsula, which are different from and complementary to those …

in other areas. This is why these have got to be genuinely localised planning statements; they cannot be, you know, printed off. They are not the same as the one for the Glen Eira or the one for Boroondara or the one for Kingston or the one for Moonee Valley; they are actually different and quite unique to metropolitan Melbourne. It continues:

> integrating environmental, social and economic considerations;
>
> supporting a strong land use planning framework, providing certainty for landowners and the community over time.

I want to use the Mornington Peninsula as the case study for where the government has actually headed in this recent period. *Plan Melbourne: Refresh* did not draw a deep and sharp enough distinction between the peninsula and the rest of Melbourne, so I begin with that. The Mornington Peninsula was chucked in with the southern municipalities, and they were treated pretty much as a job lot in the state of play document that was released in early February 2016 that the government sought to look at the population movements and land use patterns with. It did not set up a sufficient distinction for the Mornington Peninsula.

When *Plan Melbourne: Refresh* came it was presaged that there would be some planning amendments that would deal with densification across Melbourne. I understand that there will be areas where there will be more dense development in parts of Melbourne. That is as it should be, but that should be properly managed and properly supported. There should be significant local buy-in on that and there should be support in terms of local services and access.

But in fact what *Plan Melbourne: Refresh* announced and then in May implemented through VC110 was a process of forced densification that did not sufficiently take account of the local focus. The cat was well and truly out of the bag then. Infrastructure Victoria had released its early reports. It had said the primary objective in metropolitan Melbourne was densification. That was the number one objective in the early reports of Infrastructure Victoria. The planning minister referred to densification repeatedly, saying municipalities were going to have to cop more.

Today I am leaving aside the debates about metropolitan areas proper and close to the city and so forth. We can have those debates another day. It is sufficient to say that forced densification is not popular — it is not popular when not supported by proper infrastructure and it is not popular when it is foisted on local communities. But it is particularly objectionable when it comes to these hinterland areas like the Mornington Peninsula. People have moved to those areas for distinctive lifestyles. They actually want a different quality of life. In the Mornington Peninsula you have got areas of agricultural production. You have got areas of vegetation that are protected. You have got seaside townships. These are not areas that should be the target of forced densification, but they are.

VC110, the planning amendment that came through in May 2017, stripped away the neighbourhood residential zone protections that were put there in 2013 and 2014. They were put across the metropolitan area by Matthew Guy with the specific intention of protecting the character and nature of suburbs. Neighbourhood residential zone protections that were 8-metre heights and two dwellings per property have gone under VC110. The general residential zone (GRZ) height protection of 9 metres has now gone to an 11-metre minimum — higher in some versions of the GRZs — and there is an as-of-right three storeys.

Currently on the Mornington Peninsula in the area that is subject to the localised planning statement — and that in my view ought to be a focus for a significant landscape and distinctive area declaration — you can as of right on GRZ land do three storeys. That is not what is in the focus of those communities. That is not what they want. I know that there has been a huge petition presented to this Parliament by Christine Hayden and some of the community groups on the peninsula with, I think, nearly 10 000 signatures. People are unhappy with the forced nature of the general residential zone changes. They are unhappy with the plans of the government in VC110. They are unhappy that their version and view of their community has been rolled over by the government as it has ripped planning powers away from the local council and taken them to itself through these processes, allowing as-of-right development of much greater intensity than was previously the case.

The Liberals sought to give high protection to areas like the Mornington Peninsula, and the GRZs that were declared actually had that cap. That has been lifted to allow as-of-right three storeys. Think of those small seaside towns. Think of Dromana. Think of Mount Martha. I do not think they are the places that Melburnians think should have intense development of this type. No-one is saying that in the depth of the township there ought not be some development, but people are saying that GRZs which spread out from the township ought not be open season for intense development of this type.

That is one of the reasons that the amendments I will seek to move later will seek to suppress the impact of VC110 on four areas: the Bellarine, the Mornington Peninsula, the Yarra Ranges and the Macedon Ranges. They will be to say, 'Look, if you're going to declare these areas distinctive and significant landscapes, it's nuts to parallel with that arrangements that give you as-of-right intense development. It's actually a dichotomy. If you're seeking to protect the landscape and protect the vegetation, allowing three-storey intense development is not the way to get the sort of development that the community wants'.

Leaving aside the bigger debate in Melbourne about VC110 and whether it is a good system and just focusing in this instance on those four important regions peripheral to Melbourne — important to those local communities and important playgrounds, tourism centres, economic centres and cultural centres for the whole of Melbourne, which is precisely what is meant to be the nature of a significant landscape declaration — we should be suppressing intense and thoughtless development that has not gone through the proper processes and is not consistent in many cases with the objectives that are laid out.

About these matters I spoke to one quite large meeting and then to a second smaller meeting on the Mornington Peninsula, and it is very clear to me that there is not support for that sort of intense development on the Mornington Peninsula. The large number of petitions that have been tabled in this Parliament are also a very clear indication that that is the case. There is not support for it, as I said, in the Macedon Ranges. People in that community do not want intensity of development, and they do not want the larger townships that are proposed in the government's LPS. They want sensible, balanced, controlled development that maintains the quality of life and the ambience of those areas.

There are other areas around the hinterland of Melbourne that are also incredibly important. The Yarra Ranges localised planning statement was adopted on 27 June 2017. The question is: how will this fit in with this declaration? We are certainly not opposed to further strengthening and further protections being put in place. This planning statement looks at the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan*, the so-called regional strategy plan, which has held an important role for a lengthy period of time.

The Victorian government in partnership with local government has looked to establish localised planning statements for key areas. These areas are highly valued for their significant geographic and physical features and are a distinctive part of our state. The Yarra Ranges regional strategy plan goes back to the original regional planning authority and was adopted by the Victorian government in 1982. I quote from the plan:

> When the regional planning authority was disbanded, the regional strategy plan continued to be administered under the Planning and Environment Act 1987 … the act requires that no change (amendment) to the Yarra Ranges planning scheme may be made if it is inconsistent with the regional strategy plan.

That has been, again, an important protection that goes back to the Hamer government days, and it has actually helped with an additional layer of protection of that hinterland area that is so important — and important, I might add, for Melbourne's water supply. Make no mistake, most of our water comes from areas that are covered by this particular planning statement.

It lays out the values of the Yarra Ranges. This document seeks to provide those protections, but again we make the point that something like VC110 does weaken the GRZ protections in an area like the Yarra Ranges, and it does weaken the neighbourhood residential zone protections in an area like Yarra Ranges. I do not think that is where the community is. I do not think that is where the community wants to go. For that reason we will again seek to amend the bill in this way.

It is likewise on the Bellarine Peninsula. You think of the growth that is occurring in the City of Greater Geelong, in particular down past Armstrong Creek but also moving across into the Bellarine Peninsula. There is a need for significant protections. There is significant growth on the Bellarine Peninsula, and there will be further pressures given the growth in population in Geelong. That needs to be properly managed. No-one is saying that that region of the city cannot or should not or will not carry an additional population load. It will. Particularly in the area down through Armstrong Creek and to the south of Geelong there is going to be very

significant growth in the period ahead. Families are moving there. Part of the reason for that is the price of land, but part of it is because of the quality of life and the ambience of the particular area. It is near the coast. It is a coastal environment, in that sense, that deserves significant focus on protections of what is valuable about its coastal hinterland.

As a community, as Melburnians, as Victorians, we have got to be thinking about making sure that these areas are available for future generations and that they are not put at risk for future generations. And the community, I think, expects us to take a long view on this that says, 'Yes, development can occur, but it's got to be balanced in a way that seeks those protections into the future'. It might be an opportune time to distribute our amendments.

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

Mr DAVIS — Essentially these amendments take no power away from the minister but at the same time define a localised planning statement to mean:

> … a statement that is described as a localised planning statement and prepared by the Department in partnership with one or more municipal councils and adopted by the Minister, in relation to land sufficiently identified in the statement—
>
> (a) that has distinctive areas or landscapes; and
>
> (b) that is located within one or more of the relevant municipal districts;
>
> ***relevant municipal district*** means the municipal districts in any of the following municipal councils—
>
> (a) the Borough of Queenscliffe Council;
>
> (b) the Greater Geelong City Council;
>
> (c) the Macedon Ranges Shire Council;
>
> (d) the Mornington Peninsula Shire Council;
>
> (e) the Yarra Ranges Shire Council.

We also lay out what we think should happen with VC110 with respect to these areas. The view is it is not consistent with these being significant landscapes and areas deserving protection to leave the unbridled intensity of development that comes with VC110 — and it is intended to come by the government. As I said, we will leave aside the debate in metropolitan Melbourne but just ask: is this appropriate? Is a metropolitan instrument appropriate in these sensitive zones? Is it appropriate that it be forced on these communities, as it was in May 2017 by the current government? There was no agreement to this. There was no proper consultation. This came as a bolt from the blue, unwinding the neighbourhood protections in some cases and the general residential protections in other areas.

We have said that those VC110 changes should be suppressed with respect to the areas where these sorts of declarations are made:

> Despite anything to the contrary in this Act or in a declared area planning scheme, the amendments —

our proposed amendments —

> made to that declared area planning scheme by VPP Amendment VC110 do not apply in relation to a declared area.

That strips that out and leaves it as it was before May 2017. It leaves greater protection than is currently the case. We think that that is an important protection and an important step. None of this is without balancing. Of course we have to work with councils, we have to work with communities and we have to work with those who would seek to develop certain areas. This has got to be harnessed in a sensible way to get the outcomes that are required. Housing more population? Yes, in a modest way. But we must recognise that the protections must be there to make sure we do not lose what is unique, what is special, what is important and what is distinctive about these municipalities, these areas and these landscapes. These are important protections, and I seek the chamber's support for them.

Mr MELHEM (Western Metropolitan) (13:40) — I am a bit surprised by Mr Davis. I thought he was going to use his remaining time, but I am glad he did not. I also rise to speak on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. The bill will strengthen recognition of the state importance of distinctive areas and landscapes and protect the unique features and special characteristics of such areas including landform, historic and cultural environment, natural resources and land productivity, and strategic infrastructure. The bill will also provide enabling legislation to allow for the protection of valued assets locked in the peri-urban regions of Victoria's major regional cities and other areas for a future time.

The bill was first flagged at the last election when the Andrews Labor government made an election commitment to protect the iconic and historic Macedon Ranges region, promoting jobs by protecting the natural beauty of the ranges and preserving environmental and rural values. That was an election commitment by the Andrews Labor government, and we are today delivering on that commitment. That is why this bill

will particularly focus on Macedon, as Macedon, like so many other of Victoria's peri-urban gems under threat from development pressures, will now have the tools needed to give certainty and protection. For the Macedon Ranges this means the treasured natural landscape will never be encroached upon and townships will grow sustainably.

Part of the Macedon Ranges is in my electorate, and I am very pleased that this bill is before the house. I am pleased Mr Davis, on behalf of the coalition, has indicated his support for the principle or what the bill is designed to do. He spent around 30 minutes talking about his support for the bill. However, he raised —

Mr Morris interjected.

Mr MELHEM — I have not finished, Mr Morris. Then he went on to talk about some concerns he had in relation to some policies which relate to the bill but are not part of the bill. He then flagged some amendments that will be part of the debate when this bill goes to committee, and he went on about some of the concerns he has.

My understanding is that the bill builds on the current legislation in place. I think Mr Davis talked about the statement of planning policy 8 (SPP8), which was introduced back in 1975, but the intent of this bill and SPP8 was to create a whole new toolkit of planning tools, including settlement boundaries et cetera. We say the SPP8 will remain in the planning scheme, at clause 21.01, while the new legislation will deliver more protections. But I suppose there will always be a debate about whether or not this bill meets the requirements, particularly the requirements of Mr Davis, but I think it has always been a hard task trying to satisfy Mr Davis with his views on the world. But I am pleased that he is at least supporting the principle of this bill and what this bill is designed to do even though he is disagreeing on how this bill can be implemented and how the policy will be put in place.

The bill follows on from the Macedon Ranges Protection Advisory Committee, which made 12 recommendations in 2017 that the Labor government wholeheartedly accepted. The significant challenges faced in Macedon Ranges are not unique to this area only, and this bill fixes gaps in the current policy framework and allows other highly valued areas to be elevated to state significance. Without this bill Macedon Ranges is under threat from inappropriate development, visual clutter impacting on the distinctive landscape and loss of biodiversity. Its current protection is simply inadequate; doing nothing is not the way to go.

Mr Davis talked about setting the scene for other areas that are in a similar situation to Macedon to make sure we do not increase the population and impact on our current biodiversity and the uniqueness of some of the beautiful places in Victoria like the Macedon Ranges that are simply taken over by bad developers taking advantage of that. The bill basically maintains our understanding that in some areas in town, for example, there is no argument about continuing development but then, when you go outside town, that development might encroach on, for example, rich native vegetation, a unique geological formation, a number of properties on the Victorian Heritage Register list or major water catchment areas. This bill will allow proper recognition and protection.

I think Mr Davis talked about the bill giving too much executive power to the government, but it is my understanding that the Minister for Planning has to consult with the Premier and various other ministers before any changes or any declarations are made under this bill. I think there are enough safeguards in place here to provide the necessary protections. The bill requires that the statement of planning policy be enhanced with thorough community input. This will be a test pilot for other areas, such as those identified in *Plan Melbourne*, including Bellarine, Yarra Ranges and Mornington Peninsula. The protection and certainty are in contrast to the opposition's directionless population task force and empty rhetoric around directing growth to the regions because Melbourne is full.

That is the other problem that the bill will address. The opposition was lecturing us earlier about how they do care about these sorts of areas, but again their future direction is basically having open slather in the regions because their view is that Melbourne is full. This bill maintains the current landscape in regional areas and the areas I talked about earlier.

The bill implements action 74 of *Plan Melbourne*, the government's blueprint for sustainable growth. This commitment to adopt localised planning statements was developed as part of the extensive consultation that went into *Plan Melbourne*. As part of developing this bill there has been extensive consultation with stakeholders, particularly the Shire of Macedon because we are talking about the Macedon shire being the first to be affected by this bill, and its input into putting this legislation together has been greatly appreciated. There has been a lot of consultation to make sure we get it right. Landowners and the Aboriginal communities in the region have been consulted as part of this process.

These policies have been prepared with detailed public consultation and are on the public record. *Homes for Victorians* was adopted in February 2017 and the government's response to recommendations from Infrastructure Victoria was released in December 2016. As a government we will not be caught up in short-term, opportunistic politics or exploit fears about a growing population but we will responsibly plan for long-term growth. The Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017 will provide a permanent framework. It is being applied for the first time in Macedon and will later be available for other significant areas of Victoria.

It is important that we stick to the intent of this bill, the reason why this bill has been brought to this house and what it is trying to achieve. From what I am hearing from the opposition, they are supporting its intent. I hope, because they have a different view about how the policy framework is going to work into the future and how it will be implemented — and amendments have been circulated by Mr Davis, so I assume we will be going into committee later on — that they do not use their amendments to frustrate the process and basically knock this bill on the head.

I hope common sense will prevail, because this bill will create the right balance and make sure that all the environmental areas are taken care of, that the landscaping and landform are taken care of, that the historical and cultural areas are taken into consideration and also that our natural resources and land productivity are right — that is in relation to water catchments, including dams and reservoirs, timber production and so on. We have also put in place strategic infrastructure and built form criteria, which are part of what this bill is trying to achieve. With those brief comments, I commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (13:51) — I am pleased to rise to speak on this bill. For many years the Greens have strongly argued that stricter planning controls should apply to Victoria's natural landscapes and environment. For too long we have seen parts of our state carved up and sold off for development, with the focus seemingly on profit over protecting our environment and our communities. We are pleased that this bill aims to preserve Victoria's most precious areas and landscapes and will put in place measures to protect them from the unchecked development we have seen in other parts of our state.

The bill gives the Minister for Planning the power to declare an area of Victoria as a distinctive area and landscape. Victoria is home to many such areas. From the ranges of the Grampians to the plains and valleys along the Murray River to the coast of the Mornington Peninsula, our state is rich in natural beauty, and our regions attract thousands of visitors each year. In the Macedon Ranges region — the first region to be declared a distinctive area and landscape — there is Hanging Rock, Mount William and the ranges themselves, which are home to several rare, endangered or threatened species. Our state is also rich in cultural heritage. Our land clearly bears the imprint of thousands of years of Aboriginal settlement, and their connection to country remains strong today.

This bill comes at a fitting moment, as in times of significant growth our areas of natural and cultural heritage are often the first to be targeted by developers and the first to be given away by governments from both sides of this house. Currently Victoria's population is growing, and we now have both the largest and the fastest growth rates in the country. At a time of such rapid population growth it is even more important that we plan for sustainable, careful development in our cities and towns. We are proud of the things that make our state such a great place to live and work as well as raise a family, and we are pleased to welcome record numbers of new Victorians to our state. But we also need to protect the things that make our state so livable and balance new development with investments in public transport and local services while protecting our green spaces and landscapes. We should be providing the necessary transport, community and other infrastructure simultaneously with if not before we approve new development on this scale.

Currently in Melbourne we have the urban growth boundary and the green wedges, which are meant to prevent unsustainable urban sprawl into areas that provide our food bowls and our forests and places for our cities to breathe. However, as our population swells and Melbourne continues to expand rapidly, developers are turning their attention to peri-urban areas — those regions within commuting distance to the city but with more available land than metropolitan Melbourne and without the same restrictions on development.

The Greens do not want to see our regional centres fall prey to the advance of developers, who have seemed more interested in profit than the wellbeing of our communities at times, and so we are pleased that the mechanisms provided for in this bill will help protect these areas. While this bill was introduced to resolve planning issues around the Macedon region, the provisions of the bill can be applied to other parts of Victoria, and there is currently a particular focus on other peri-urban areas, such as the Bellarine and Mornington peninsulas. As so many parts of our state are rich in both natural beauty and cultural heritage, the

Greens strongly encourage the government to apply this level of planning protection to more of our state. I would particularly advise the minister to consider declaring the Yarra Ranges a distinctive area as continued native forest logging has threatened the region's biodiversity and ecosystems.

When the minister declares an area of Victoria as a distinctive area and landscape, a statement of planning policy will be prepared for the declared area, which will set a framework for future development of the area. We hope that the statements of planning policy will set a new benchmark for sustainable land use planning in Victoria. There is an opportunity here for us to set an example to the rest of Australia and show that it is possible to have appropriate, sustainable planning that limits urban sprawl and integrates infrastructure, public transport, local services and planning while protecting our heritage and environment.

Unfortunately there are already signs that the worthy aims of the bill will not be reflected in subsequent planning policies. In the Macedon region, the first area to receive a localised planning statement, the community is increasingly concerned that the statement fails to give the ranges and surrounding towns the protection they need. A local residents group has described the draft planning statement as 'an urban growth plan of epic proportions' and says that the 2016 recommendations of the Macedon Ranges Protection Advisory Committee have not been addressed.

The Greens firmly believe that local communities must have ongoing, substantive and meaningful participation in planning decisions. We know that this government has prioritised developers over the community before, handing developers prime pieces of real estate and huge profit margins at the expense of residents. The Macedon community has been passionately fighting to protect their region and their towns, and I urge the planning minister to listen to their concerns and work with the community to develop the final planning statement.

We will be supporting this bill, and we look forward to seeing more of Victoria protected from the grasp of developers. However, we will be watching the progress of the Macedon Ranges planning statement very closely. This is a real opportunity for Victoria to show the rest of the country how we can plan for growth while putting protection before profits. We strongly suggest that the minister listens to the Macedon Ranges community and works with them to ensure the region gets the protection it needs.

Mr MORRIS (Western Victoria) (13:57) — I rise to make my contribution to the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. I note that the purpose of this bill is to amend the Planning and Environment Act 1987 to provide protection and conservation of distinctive areas and landscapes and to make consequential amendments to other acts and for other purposes. The main provisions of this bill amend the Planning and Environment Act 1987 to provide for the declaration of distinctive areas and landscapes and for the preparation and implementation of a statement of planning policy in relation to each declared area to ensure coordinated decision-making by public entities, and the bill makes consequential amendments to other acts.

One of the most critical things with any planning process is to get that balance right to ensure that progress is not abated, that appropriate progress and development is allowed to be facilitated without undue encumbrance and indeed delay for people who may want to do it. What is also critically important is that local communities have an opportunity to make comment about what is occurring in their own communities, to ensure that whether it be increased densification or other types of development it is in keeping with the character of the local area and also in the best interest of a particular community.

I certainly am well aware that in the Borough of Queenscliffe, a municipality within Western Victoria Region, there is much discussion about planning and about the appropriateness of planning decisions, particularly in areas such as Fishermans Flat in Queenscliff. The community rightly have very strong views about what they see as appropriate development and also what they see as inappropriate development, but we need to make sure that we get that balance right to ensure that communities can have a say in what they see as appropriate development.

One of the concerns that I have with regard to this bill is that the bill states that its purpose it is to provide protection for distinctive areas, yet the practical outcomes of this particular bill could see communities lose their capacity to have a say on what it is that happens in their community. If you have a community such as the Macedon Ranges, which has been raised a number of times already, who are very concerned about appropriate development within their community and who have had forced upon them increased densification and indeed the expansion of town boundaries, then the community is rightly going to be mightily concerned. If we have a bill that purports to protect communities when in reality it is removing protections, then it is not

achieving its intended outcome; it is achieving the reverse of that in removing protections from communities. So we do need to make sure that this bill does achieve the outcomes that it does purport to.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

TAFE funding

Ms WOOLDRIDGE (Eastern Metropolitan) (14:01) — My question is to the Minister for Training and Skills. Last week the minister told the Public Accounts and Estimates Committee (PAEC) that five months on from the end of the year she did not know how much the government-subsidised training expenditure was in 2017. The minister also claimed that an extra $303 million is now being spent on training this year. Minister, if you do not know how much was spent in 2017, how can you possibly know how much extra money you are spending in this current year?

Ms TIERNEY (Minister for Training and Skills) (14:01) — Goodness me. That is clearly from someone who has not read the PAEC transcript or indeed someone who was not at the hearing. That is almost a preposterous question. I answered that question in full, not once but twice, and I stand by the record.

Ms Wooldridge — On a point of order, President, the minister has referred us to a committee of this Parliament in terms of her reference. But surely the capacity to ask a question in this house and have it answered in this house is actually the primacy of question time. I ask you to return the minister to not referring to other situations but to answering the question that has been asked.

The PRESIDENT — I am of the view that if a question is put in this place then a minister should provide an answer in this place, notwithstanding that an answer may have been given in one of the committees of the Parliament. Clearly the transcripts of committee proceedings are not generally available for a period of time, and indeed matters that might be taken into account in a final report by a committee that is provided to the two houses of Parliament may not in fact take up in full the matters that have been raised in those committees by way of a question to a minister. I believe that a minister ought to be in a position to actually respond to a question in this place, notwithstanding comments made in another forum. As members know, I am not enthusiastic in the slightest about members of this place being referred to websites or other points of information in respect of questions put in this house. Minister, I invite you to provide a further answer on this. If that is not forthcoming, I will certainly be seeking a written answer.

Ms TIERNEY — Thank you, President, and I thank the member for her question. The fact of the matter is that there is $644 million in this year's budget that will go to investing in the Victorian vocational education and training sector; $172 million will go to the free TAFE initiative, which incorporates 20 government priority courses. With that we have also said that we will add a further 10 courses with respect to free TAFE training. In addition to that there is close to $304 million that will be allocated to the Victorian education and training sector — that is, Learn Locals and private providers as well as TAFE. That will deliver over 30 000 additional training places in this state. This is a fantastic initiative that makes sure we do have a balance within the sector.

In addition to that there is a significant amount of money, just under $45 million, for the wraparound services that are required for the apprenticeship system to be of high quality and to have the confidence of not only students and parents but of course employers. That money will also be used to ensure that we have got an upskilled training curriculum and state-of-the-art tools that are required for a high-quality apprenticeship. We are introducing independent assessments so that apprentices know that they have got a passport as well as their trade papers that demonstrate that they are ready for work. We also will ensure that employers have that signpost that says, 'This person is job ready; they've done the hard yards'.

This is on top of the incredible investment that we have made in this area since Skills First was introduced. Skills First was introduced on 1 January last year, and that was to align the courses that we have — particularly in TAFE, but also in terms of where there is a Victorian training guarantee course — more closely with the jobs that are out there in Victoria at the moment. This of course dovetails into the initiative that is part of the investment in this year's budget. The fact of the matter —

Ms Wooldridge — On a point of order, President, it has been an extensive list from the minister and we have 32 seconds left, so I am just asking you on relevance to bring her back to the question, which was actually around the crux of if she does not know how much was spent last year how can she possibly know what she is going to spend this year. That is different from a list of what is budgeted, and I ask you to bring her back to the question in the remaining time.

The PRESIDENT — I am of the view that the minister is actually answering the question because she is outlining expenditures, and there is an opportunity for us all to do the maths to total those up. I think the minister has outlined how much she is spending this year. Whilst she might not have taken up the bait that was provided in that question as to how would she know what she is spending, she has actually detailed what she is spending. Clearly she does know.

Ms TIERNEY — I think part of Ms Wooldridge's issue is the issue that was raised during PAEC, and that is to again assert that $990 million has been expended on contestable funding — that is, funding that is available to those bodies that currently exist within the vocational education and training sector. But we also have WTIF, the Workforce Innovation Training Fund, and I went through that at length — I think I have done that at length before. There is also the RSTF, the Regional and Specialist Training Fund, as well. Many of these funds are contestable.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (14:09) — I thank the minister. I think she was actually just getting to the crux of the issue at that point, because the Productivity Commission showed that the Andrews Labor government underspent the training budget by a massive $502 million in 2016, so I ask: Minister, when do you expect to know how much you underspent in the 2017 year?

Ms TIERNEY (Minister for Training and Skills) (14:09) — The fact of the matter is that the Productivity Commission released its *Report on Government Services* — ROGS, as it is commonly known — in February. It presents the 2016 training year data, which of course was all before Skills First was actually introduced. What the opposition is essentially putting today is again a complete lack of interest in or understanding of what the reform timetable has been in respect of this government.

Skills First was established on 1 January 2017, and indeed the data will take some time to come through. I indicated that in a number of areas during the course of the PAEC hearing. It is a major reform, and we will get to have a look at the data as it comes forward. We will then be marrying that with the data —

The PRESIDENT — Thank you, Minister.

GOTAFE

Ms LOVELL (Northern Victoria) (14:11) — My question is for the Minister for Training and Skills. Minister, over two months ago a number of employees at GOTAFE wrote a collective letter to you expressing their concerns regarding the operation of GOTAFE under the current leadership of chair Joanne Dwyer. Some of the concerns raised in the letter to you included favouritism by the chair of one particular board director, the inference of kickbacks received from contractors appointed to undertake work for GOTAFE, opposition to the forced resignation of the former CEO and the potential redundancy of staff. Given you have had this letter in your possession for at least two months, what investigations have you made into concerns raised by staff at GOTAFE and what action, if any, have you taken to address these concerns?

Ms TIERNEY (Minister for Training and Skills) (14:11) — I did receive some correspondence from GOTAFE staff. It is my understanding that that was anonymous, but I stand to be corrected. But regardless, anything that I have received I have forwarded to the department and I have asked Mr Watson, the person who headed up the investigation into GOTAFE, to make sure that he has the opportunity to talk to as many people as possible. I am assured by Mr Watson that he has had an enormous amount of dialogue with staff at all levels of the structure of GOTAFE. Those considerations, and what was said in those conversations, have — as he has indicated to me — formed his opinion on a number of issues that he has dealt with.

As I said when this matter was last raised in the Parliament, that report from Mr Watson has now been received by me and the department. I am considering the contents of that report, and I am looking forward to making more public statements around that this week.

Supplementary question

Ms LOVELL (Northern Victoria) (14:13) — Minister, considering the extremely serious concerns raised with you in the last two months by staff at GOTAFE, do you still have confidence in the current GOTAFE chair, Joanne Dwyer?

Ms TIERNEY (Minister for Training and Skills) (14:13) — In terms of that assertion about the chair I think it is improper and inappropriate. I also pick up on the point that there was not a forced resignation of the former CEO. So let us just get a couple of basic facts on the table. The fact of the matter is that there has been an

investigation. A lot of the issues actually were about processes and indeed were about governance. They were the primary generating leads of the inquiry that Mr Watson led and they are part and parcel of the report, and the fact of the matter is that I will be considering that and, as I said last week, making public comment. In terms of —

The PRESIDENT — Thank you, Minister.

GOTAFE

Ms LOVELL (Northern Victoria) (14:14) — Thank you for that answer, Minister, which really said that you did not have confidence —

Ms Tierney interjected.

Ms LOVELL — No, you did. Minister, over six months ago the board and staff at GOTAFE commenced work on a strategic plan, which I am advised has not been completed, and you initiated a review of GOTAFE by Mr John Watson, which I am advised is sitting on your desk, as you just told us, and has been for a number of weeks. So far neither of these documents have been released. Your lack of action has led to discussions about staff redundancies and a lack of leadership at GOTAFE. Given the challenges GOTAFE has faced and the resignation of its long-serving CEO, why has the strategic plan not been completed and why have you not released the Watson review?

Ms TIERNEY (Minister for Training and Skills) (14:15) — Oh, for goodness sake! I completely reject the premise of the question, but the fact of the matter is that there have been some issues at GOTAFE and we have been proactive in diving down and looking at what is triggering a number of issues, and that is why Mr Watson was brought in. But people on the opposite side should not raise questions about TAFE on any level, given that they went out of their way to smash TAFE to the point that we could barely turn the lights back on and it has only been us — Labor — that has been able to recommit to the need and the importance of TAFE, apprenticeships and indeed a whole range of skills and qualifications that are absolutely needed in this state.

To come in here and ask me about why a strategic plan of a particular TAFE has not been implemented when the member knows full well that there have been some issues at that TAFE and the board has been dealing with them is fundamentally implausible and indeed laughable.

Supplementary question

Ms LOVELL (Northern Victoria) (14:17) — Minister, it is disappointing that all you want to do is attack the opposition and not actually protect our TAFE at GOTAFE. Minister, given that the letter that was sent to you outlined that there could be 50 redundancies at stake, will you now rule out redundancies at GOTAFE, and specifically will you rule out the intended 50 staff that are to be made redundant?

The PRESIDENT — Order! I will allow the question on the basis that job retrenchments may have formed part of the strategic plan that was in train, but it is only on that basis that I allow it, because I think if they were not included in the strategic plan then the supplementary would go to new matter, which would not be apposite to the original question, and I would not require the minister to answer. I am interpreting this supplementary question on the basis that the job structures may well have been part of the strategic plan that was in progress.

Ms TIERNEY (Minister for Training and Skills) (14:18) — Can I say that I have not received any information from the department or the board that raises issues of job security, redundancy or redeployment. If there is that sort of information that Ms Lovell seems to have, I would be more than happy to receive that information so that there could be an appropriate and reflective response to the information.

Ms Lovell interjected.

Ms TIERNEY — An anonymous letter.

GOTAFE

Ms LOVELL (Northern Victoria) (14:19) — Minister, in February this year the long-serving CEO of GOTAFE resigned and you appointed Jennifer Oliver as the interim CEO. I am advised that Ms Oliver has now finished her term as interim CEO and several other senior executives are on or about to commence long-term leave, leaving a void of leadership at a time when this institution is facing significant challenges. Minister, given it is now over three months since the CEO resigned, why have you not prioritised the appointment of a new permanent CEO to GOTAFE?

Ms TIERNEY (Minister for Training and Skills) (14:19) — I would have thought that those opposite would have been a little bit more familiar with how they changed governance when it came to TAFE, but the fact of the matter is that I did not appoint the acting CEO. It is a matter that was dealt with by the institution itself. They have been undertaking a recruitment

selection process. I am advised by the department that that has been functioning well, and indeed I have been advised by the department that GOTAFE generally has been functioning well, particularly given the circumstances which they have been operating in with the departure of a CEO and changes to some of the board members. Overall, I am advised that GOTAFE is operating well, and I think that Ms Lovell should have more faith in her local TAFE than what she is demonstrating today.

Supplementary question

Ms LOVELL (Northern Victoria) (14:21) — Actually I do have — well, I did have — enormous faith in the former chair of GOTAFE and the former CEO at our TAFE, but you have set about systematically destroying GOTAFE. Minister, how do you expect GOTAFE to restore their financial and operational effectiveness with a lack of leadership at an executive level and staff who not only are in fear of redundancies but also have a lack of confidence in the chair's leadership of the board?

Ms TIERNEY (Minister for Training and Skills) (14:21) — As Minister for Training and Skills I am not going to stand here and participate in this muckraking of GOTAFE. I believe that GOTAFE is operating well. It had been operating in very difficult circumstances, as I have said, and I think it is absolutely outrageous for any member to come here and try and ping whether it is the chair of the board, directors of the board or senior members of the leadership team at GOTAFE. I think that your line of questioning is absolutely outrageous.

Beechworth Correctional Centre

Mr O'DONOHUE (Eastern Victoria) (14:22) — My question is to the Minister for Corrections. Minister, last sitting week in question time you said you had no knowledge of allegations of serious misconduct at Beechworth prison and expressed confidence in the prison management and operation. However, last Thursday, following confirmation by the Secretary of the Department of Justice and Regulation to the Public Accounts and Estimates Committee (PAEC) of the existence of a report of serious misconduct at Beechworth, your position changed when you advised you had received correspondence about the allegations of misconduct. Minister, who did you receive that correspondence from informing you of allegations of serious misconduct at Beechworth?

Ms TIERNEY (Minister for Corrections) (14:23) — I was asked about investigations regarding Beechworth in the house on 10 May during the last sitting week, and I said that I was not aware of any investigation or any report that was being referred to. I said that, and I stand by that. I was subsequently asked in PAEC about the same issues, to which I responded that I received correspondence dated 14 May about an investigation at Beechworth. I also stated that along with the Secretary of the Department of Justice and Regulation I am seeking legal advice about what I can say about the matter.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:24) — Minister, the existence of the Beechworth report has been widely known by many for some considerable time. The local community, media, Corrections Victoria, your department and others all knew about the existence of this report. Minister, why have you been so vacant in your ministerial responsibilities that you were not aware of serious misconduct or the allegations of serious misconduct in corrections?

Ms TIERNEY (Minister for Corrections) (14:24) — As I said, I received correspondence on 14 May. If Mr O'Donohue is saying that a report has been around for some time, then he should show it to me, because it is clear that he has got someone who is leaking protected disclosure information to him.

Corrections system

Mr O'DONOHUE (Eastern Victoria) (14:25) — Minister, as part of the Andrews government's chaos in corrections, over the past year alone we have seen a serious criminal on remand on armed robbery charges who was let out on the streets because of a paperwork bungle; a prison crime ring smuggling in drugs, tech gear and tobacco via home laundry at the same prison; and a group of sex offenders at the Hopkins Correctional Centre being caught making child porn images in their cells. Minister, can you provide an update to the house on each one of the investigations relating to these incidents within your portfolio?

Ms TIERNEY (Minister for Corrections) (14:26) — I thank the member for his question because the fact of the matter is that he tries on every occasion, at every opportunity, to create a picture that this government and Corrections Victoria are not in control of the situation, and nothing could be further from the truth. The fact of the matter is that when we took over we had overcrowding, we had offence rates and assault rates at historic highs, we had escape rates at historic highs and we had recidivism at the highest rate, 45 per cent, and we have not even gone there since. So when those opposite start attacking us in terms of the system that is

in place, they only have to look as far as their own navels. They are the ones that presided over high levels of assault and overcrowding and indeed assault rates that were —

The PRESIDENT — Order! Minister, I do regard your contribution at this point as debating. Please refer back to the question.

Ms TIERNEY — I would say that the actual question was a question for debate, President. The fact of the matter is that what we have is a corrections system that has got a significant number of prisoners. We have got an expansion plan that will see us through the foreseeable future. We made announcements for extra beds in December. We have made announcements in this budget of 700 maximum security beds at the Lara precinct. We have also ensured that we have a community corrections system that is well managed, after we inherited one that was under-resourced and indeed understaffed. We have made sure that the $320 million investment in the community corrections system is working.

There is no chaos in this system. Chaos was when those opposite reigned over it. Do we need to go to Kentucky Fried Chicken, frozen chicken and various other things that were found in prison cells? I would be hanging my head in shame if I was one of those opposite. It was absolute chaos under the previous government, and now we have got a system in place through Corrections Victoria that is working well. It is systematic, it is planned, it is managed and it is nothing like what we saw under the previous government.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:29) — I thank the minister for the answer. Minister, the examples I provided in my substantive question are just some of the failures under your watch as the corrections minister. Added to this, Minister, the Beechworth prison is the subject of a report following allegations of misconduct and the Dhurringile Prison is the subject of an IBAC investigation following allegations of drug running. Minister, are you aware of any further prisons that are currently the subject of investigation by any of Victoria's integrity bodies, and if so, which ones?

Ms TIERNEY (Minister for Corrections) (14:29) — I mean, goodness me. That is coming from the man who had a 22.9 per cent assault rate at the Dame Phyllis Frost Centre in 2013, a 21.7 per cent assault rate at the Metropolitan Remand Centre, at Port Phillip Prison a 31.5 per cent —

The PRESIDENT — Minister, you are reflecting on the member and you are reflecting on a previous government, and you know that that is not what the house expects in terms of responses to questions. Minister, the question was very specific and I think it deserves the courtesy of an answer that is apposite to the question.

Ms TIERNEY — Thank you, President. The fact of the matter is that I operate on the basis of what I can and cannot say, what I am advised that I can and cannot say, whether that be in respect to investigations that are underway or have been notified to me or whether that be under the Ombudsman Act 1973 or the Protected Disclosure Act 2012.

Invasive animal control

Mr YOUNG (Northern Victoria) (14:31) — My question today is for the Leader of the Government representing the Minister for Energy, Environment and Climate Change. A recent parliamentary inquiry into the control of invasive animals has produced a number of recommendations, including the following:

> That the government declare feral or wild cats to be 'established pest animals' under the Catchment and Land Protection Act 1994, mirroring the way wild dogs are classified.

The government response to that inquiry indicated that they would support the recommendation in full. Minister, when will this declaration take place?

The PRESIDENT — Minister, Ms Pulford — Mr Jennings, sorry.

Mr JENNINGS (Special Minister of State) (14:31) — Yes, exactly, President. It was a surprise to us all that I am the repository of knowledge on feral cats — no, not necessarily. I am and have been aware for a long period of time that they do a lot of damage in the environment and put a lot of species at great risk.

Ms Shing interjected.

Mr JENNINGS — In fact Ms Shing has already augmented my knowledge base by saying that feral cats contribute to the loss, through 22 kills a night, of significant biodiversity within the Victorian landscape, so that is quite a significant issue. I understand that there has been some consultation after the report that Mr Young refers to that has gone out to enable my colleague to get community views on the subject and the minister will be in a position to be able to respond to those soon. But of course in terms of the absolute time and determination of how that will be given effect

to I will need to seek her advice so we can provide you with the appropriate advice.

Supplementary question

Mr YOUNG (Northern Victoria) (14:32) — Thank you, Minister, for endeavouring to provide that specific date and for mentioning the consultation that has been put forward by the minister, which is the lead-in to my supplementary. The Department of Environment, Land, Water and Planning (DELWP) website currently has on its consultation page regarding this change a statement in regard to the declaration that says:

> It will only apply to specified public land being managed by the Department of Environment, Land, Water and Planning … or Parks Victoria. Only departmental and agency staff (and their agents) will be permitted to destroy a feral cat.

This is inconsistent with the declaration of wild dogs and is in contrast to the recommendation from the committee report. Minister, will hunters be able to destroy wild cats after they are declared a pest?

Mr JENNINGS (Special Minister of State) (14:33) — My colleague will be the definitive source on this subject, but I am aware that there have been a number of arrangements that have been entered into by DELWP and by Parks Victoria in partnership with, for instance, the Sporting Shooters Association of Australia to enable animals to actually be removed with the authorisation that applies within those agreements. So it is possible for organised shooters to be part of the eradication program, but I would leave that level of detail to my colleague.

Brauer College

Mr PURCELL (Western Victoria) (14:34) — My question is for Minister Tierney representing the Minister for Education. In 2016 Brauer College in Warrnambool received funding of $4 million to refurbish existing facilities. Later they were informed that the refurbishment would also include the demolition of a number of existing non-related buildings. The school council and parents have been very active in providing at their own cost facilities for students that are now earmarked for demolition. They include a wellbeing hub, which also contains a doctors in schools program; a table tennis room; and a common room for senior students. The buildings are in daily use by the school, and it seems ridiculous that these are now being earmarked for demolishing. The parents association are willing to fully maintain these buildings at no cost to the education department. My question is: will the minister review the decision to demolish these buildings?

Ms TIERNEY (Minister for Training and Skills) (14:35) — I thank the member for his question. This is an issue that is incredibly important to Brauer College but to Warrnambool as well. I do remember when those allocations were first made in 2016 leading up to that budget. I think it was $4 million for Brauer and $4.6 million for Warrnambool secondary. I think Jane Boyle was the principal of Brauer at the time. There was a lot of excitement around it, and I am quite familiar with the buildings that you have just described. I will refer the matter to the minister for a more detailed response in respect to the proposed demolition of certain buildings. I am not quite sure whether this is the demolition of buildings to make way for new buildings or not, but I will seek clarification on that.

Supplementary question

Mr PURCELL (Western Victoria) (14:36) — No, these are non-related buildings in a separate part of the education facility in Brauer. In Brauer the school is actually growing again, and the numbers are increasing, with 65 in year 7 in 2016 and now 167 in year 7. With the increase in the numbers it could only be a short period of time before the space entitlements require the buildings that are going to be demolished. I ask: will the minister review the latest enrolment forecast for Brauer and the impact that this will have on future years of teaching and space requirements?

Ms TIERNEY (Minister for Training and Skills) (14:37) — The member raises an important issue about change to the nature of the enrolment data. I will refer that to the minister and ask that the enrolment data be factored into his considerations. Thank you.

Port rail shuttle

Ms TRUONG (Western Metropolitan) (14:37) — My question is for the minister representing the Minister for Ports. The Greens have long campaigned for the port rail shuttle to be built, because it will get thousands of polluting and dangerous trucks off local roads in my electorate of Western Metropolitan Region. On 13 May 2018 it was revealed in the *Herald Sun* that Salta Properties had pulled out of the procurement process for the port rail shuttle. This is a major blow for the port rail shuttle because Salta Properties had completed extensive planning for the intermodal hubs that were to be built on parcels of land owned by Salta in the west and south-east of Melbourne. Could the minister explain why the request for proposal process has been run in such a way that a leading contender such as Salta Properties found it had no choice but to withdraw and what the minister plans to do if there are insufficient viable proposals?

Ms PULFORD (Minister for Regional Development) (14:38) — I thank Ms Truong for her question and her interest in this matter. The shuttle that the member asks about is not a project with which I have enormous familiarity, so I will seek a written response from Minister Donnellan.

Supplementary question

Ms TRUONG (Western Metropolitan) (14:38) — Could the minister confirm that the request for proposal process has been deliberately bungled in order to kill off any competition to Transurban's West Gate tunnel toll road?

Ms PULFORD (Minister for Regional Development) (14:39) — I thank Ms Truong for her further question, and I will seek a response from Mr Donnellan.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:39) — There are 31 written responses to questions on notice: 11 171, 11 474, 11 483, 11 485, 11 496, 11 506, 11 508, 11 519, 11 528, 11 530, 11 541, 11 550, 11 552, 11 563, 11 572, 11 574, 11 577, 11 860–1, 12 480–1, 12 540–2, 12 575, 12 583, 12 602, 12 608, 12 620, 12 643, 12 665.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:39) — In respect of today's questions I seek a written response to Ms Wooldridge's question to Ms Tierney, the supplementary question, within one day; Ms Lovell's first question to Ms Tierney, the supplementary question, one day; Ms Lovell second question to Ms Tierney, both the substantive and supplementary questions, one day; Mr O'Donohue's first question to Ms Tierney, the substantive and supplementary questions, one day; and Mr O'Donohue's second question to Ms Tierney, the substantive and supplementary questions, one day.

In relation to Mr Young's question to Mr Jennings, Mr Jennings has indicated he will seek advice from a minister in another place on both the substantive and supplementary questions; that is two days. Similarly Ms Tierney has indicated that she would seek further advice from a minister in another place in respect of Mr Purcell's substantive and supplementary questions, so I seek that written advice. In relation to Ms Truong's question to Ms Pulford, Ms Pulford has also indicated that she will seek a written response to both the substantive and supplementary questions; that is two days.

Mr O'Donohue — On a point of order, President, relating to the letter tabled this morning from the Treasurer in relation to the location of the new prison regarding the error in the budget papers, the budget papers refer to the prison being located in Bacchus Marsh. The Treasurer refers in his letter to page 68 of budget paper 4 — that basically there is a mistake and that Lara is the correct location. The minister is silent on the other reference to the prison being in Bacchus Marsh and not Lara. Noting the comments you made in the house last sitting week, President — and the discussion referred to the multiple references — I would seek some clarification from the Leader of the Government representing the Treasurer about whether a supplementary letter will be provided by the Treasurer to correct that other error.

The PRESIDENT — Is the Leader of the Government in a position to make any remark in respect of that point of order?

Mr Jennings — On the point of order, President, I am in a position to say the Treasurer took the very unusual act of responding to a request from this chamber to provide clarity. Beyond a shadow of a doubt what the reference in the budget paper meant to say was what my ministerial colleague clearly clarified in the house and what is understood in the community about the location that has been considered for this prison redevelopment. Most observers in the real world will actually be pretty clear about the status of that matter, and I actually think we are getting into a degree of pedantry that will hold the chamber in low esteem within the community for those who see the vexatious nature of how these matters are pursued in this chamber.

The PRESIDENT — Order! I am of the view that the Treasurer's letter actually did clarify the location, and by that letter he indicated — certainly the reference on page 68, but I do extrapolate that to other references in the budget — that the references were to the road rather than to the suburb involved. I think that has been clarified by Ms Tierney, it has been clarified now by the Leader of the Government and indeed it was clarified by the Treasurer's letter to us.

I would indicate that the usual process is to issue an errata statement where there is an error in any of the reports presented in the Parliament, and perhaps that might have been a tidy way of disposing of this. However, as I said, I would take the view in the

absence of any substantive suggestion or contradiction of the matter, now addressed by three ministers, that in fact the references in the budget all refer to a road and not a suburb.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:44) — My constituency question is for the Minister for Planning and relates to the granting of planning permits to establish several solar farms in the Goulburn Valley around Shepparton. The minister has called in the proposals for four solar farms in Lemnos, Tatura East, Congupna and Tallygaroopna, and the merits and concerns of each are now being considered by an independent planning panel. While most people support the establishment of solar farms as a source of sustainable, renewable energy, there are genuine concerns that these proposed solar farms will have an adverse effect on established farming operations located nearby. Orchardists and other irrigators believe solar farms located near their properties will see a rise in ambient temperature in the soil that will affect the growth and vitality of their crops. Will the minister ensure any proposed solar farms are built in appropriate locations by providing a commitment to establish clear guidelines that will protect irrigated agricultural land in Lemnos, Tatura East, Congupna and Tallygaroopna prior to the granting of planning permits for the solar farms?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) (14:45) — My constituency question is for the Minister for Roads and Road Safety. At a recent public meeting I and the Kingston Residents Association were told by VicRoads representatives that the business case for the proposed Mordialloc Freeway shows a $4 return for every $1 invested. We were also informed that the business case would not be made public until the contracts for the construction of the freeway are signed. There is understandably a significant level of scepticism among local residents and community groups regarding the expected financial return on investment in addition to concern regarding a range of environmental and community impacts. In the interests of transparency and accountability, will the minister publish the business case, including financial modelling, to enable scrutiny by residents and groups that will be affected by the proposed freeway?

Western Victoria Region

Mr MORRIS (Western Victoria) (14:46) — My constituency question is for the Minister for Police, and it relates to another shocking incident that occurred in Little Bridge Street in Ballarat. It has been reported that a 15-year-old girl, who was by herself at the time, was assaulted by a group of girls. The girl who was assaulted received a cut under her eye and bruising. Unfortunately this is just one of many incidents of unsocial behaviour that have occurred in Little Bridge Street in Ballarat, and it has been reported that the area is the area in Ballarat where people feel the least safe, so my question to the minister is: what is the government going to do to address this ongoing and significant issue in Little Bridge Street that is affecting the safety of the Ballarat community?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:47) — My constituency question is for the Minister for Public Transport and is on behalf of a constituent in Ivanhoe. It is in relation to the bus service operator Transdev, in particular the operation of the 250, 251 and 350 services. My constituent has regularly waited over 50 minutes for a bus, despite timetables indicating a 20-minute service. The consequence of this is that it has made her an unreliable employee, has forced her to seek alternative, expensive forms of transport and has caused her to miss important social events. She reports that drivers frequently take stress leave due to being bullied into driving vehicles they know are not fit for service, dreading going to work and hating their job after previously loving it for 20 years. My question is: when can my constituents expect Transdev to start offering the punctual, reliable service they are contracted to provide, particularly given the heavy subsidies provided from the public purse to support Transdev's contracts?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:48) — My question is for the Minister for Local Government. I ask on behalf of the All Nations Park Action Group regarding the improvements they seek to the off-lead dog park at All Nations Park in Northcote. There are a number of key issues around that park, with two being very important to the many hundreds of people who use the park to walk their dogs regularly. It requires better lighting in the off-lead area to ensure the park is a safe area. The many local men and women that use this area can only walk their dogs in the evening due to work commitments. During the winter months inadequate lighting is of great concern to many

of the local residents. It also requires better fencing on the road so the dogs are safe and not tempted to run onto the road, because the boundary is designated by just a painted yellow line on the road. So the question I have for the minister is: will the minister provide funding to Darebin City Council to fund these urgent improvements to All Nations Park in Northcote?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:49) — My constituency question is to the Minister for Roads and Road Safety. I previously raised concerns about congestion on Sunbury Road between Bulla township and the Tullamarine Freeway. Sadly I have to raise those concerns again today. I am hoping the minister can accept that duplicating those parts of Sunbury Road between Bulla Hill and Sunbury itself that are not already duplicated will do nothing to ease traffic congestion without building the Bulla bypass and duplicating the sections of the road previously mentioned. The minor duplication proposed by the minister will be a total waste of taxpayers money. Put bluntly, it is all or nothing. Will the minister now go back to the drawing board and provide a real solution for the thousands of motorists whose vehicles clog Sunbury Road daily?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) (14:50) — I raise a constituency question for the Minister for Police. The number of offences in the Korumburra postcode has increased by 30.4 per cent under the Andrews government and in the South Gippsland shire by 19.4 per cent. I have received representations from the Korumburra Business Association, as has the member for Gippsland South, my colleague Danny O'Brien in the other place. The business association implores the government to provide more police in the Korumburra area and to be proactive to keep the crime rate down and not wait for crime to get worse. The correspondence refers to incidents that go unreported, as the only way to report an incident is at the local police station, which is often unmanned. The question I have is: will the minister work with the Chief Commissioner of Police to respond to these legitimate concerns that have been raised by the Korumburra Business Association?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:51) — My constituency question is to the Minister for Local Government, the Honourable Natalie Hutchins, and it is in relation to her appointing two municipal monitors to help restore the governance of the people of Geelong. If we go back in history, we know that the Andrews government sacked the directly elected mayor Darryn Lyons and the council a couple of years ago and, with the introduction of a new council, introduced two new monitors to oversight the council and make sure they implemented the findings and recommendations of the commission of inquiry. It took an FOI by Mr Stretch Kontelj to find exactly what those two monitors, who were being paid approximately $145 000 each for two days work per week, were doing and to see how many reports they had actually provided to the government in respect of their roles. It was found through the FOI process that not one report has been provided. They have now been working for over a year at a cost of $300 000 to the taxpayer purse, and not one report have they provided to the government in respect of their findings and oversight.

The PRESIDENT — Thank you, Mr Ramsay. I did not hear a question.

Mr RAMSAY — The question is: what are the monitors doing?

The PRESIDENT — No, sorry, Mr Ramsay. You made a statement, and it consumed all of the time. There was no question. It is ruled out.

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (14:52) — My question is to the Minister for Public Transport, and it is in relation to support for businesses during construction of the Metro Tunnel project. There is a document called 'Business support guidelines for construction', which is produced by the Metro Tunnel project, and it details the sort of support that can be offered to businesses that may be affected by the building work that is going on. I note that the businesses are to be identified by the appointed contractor and that the contractor is to implement these support measures and to develop and implement plans to manage the impact, including on a case management basis. My question is: in relation to Anzac station, how many businesses are obtaining support in this manner, and what is the nature of the support that they are receiving?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:53) — My constituency question is for the Minister for Public Transport in the other place, and it concerns the performance of the Pakenham and Cranbourne lines, which run through my electorate, and indeed their lack

of performance. There has been a serious decline in recent weeks, with massive cancellations and confusion. People are now in the position where they cannot rely on those lines to get them home in a reliable way to Oakleigh and through those areas of my electorate. What I seek from the minister is an explanation. Minister, I understand that there are works, but these matters are about the reliability of points, the reliability of track and the reliability of other matters. Why have you allowed the Pakenham and Cranbourne lines to deteriorate to such an extent that people can no longer rely on those lines to get home?

PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017

Second reading

Debate resumed.

Mr MORRIS (Western Victoria) (14:54) — We will go back to where we were, and where we were related to some of the concerns that this particular bill raises. This bill does raise some concerns about the conflict between the intent of the bill and what it actually does.

We know that when the government introduced amendment VC110 it had some significant implications for a number of zones, particularly the neighbourhood residential zone and the general residential zone as well. I go particularly to a locality within western Victoria, Buninyong. Buninyong is a marvellous village and a lovely little community. There are some significant planning controls there that help protect the established character of the area. There is a particular planning provision that prevents subdivision of blocks below 800 square metres. This ensures that the nature of the community by way of single dwellings on large allotments by some standards continues into the future, not changing the well-known and enjoyed neighbourhood character in Buninyong.

However, one of the concerns that I certainly have is that if this bill were to be further expanded and broadened to a community such as Buninyong, this type of provision that precludes what has been deemed unwanted development in Buninyong may not preclude it into the future. I note that Mr Davis has moved amendments, and very wise amendments at that, that will ensure that what the government says is its intent with this bill will actually be borne out through the content of the bill. It is one thing to say you are trying to do something, but it is quite another thing to actually achieve that through the content of the bill itself.

I note that the minister in the second-reading speech made it clear that this bill is going to apply to the Macedon Ranges but that other locations potentially could follow. I believe it probably would have been better if the minister had been able to detail which other municipalities and areas the government intends to roll this out for, otherwise it is a bit of a sleeping dragon in many ways, because we just do not know where it might be rolled out.

Mr O'Sullivan interjected.

Mr MORRIS — That is a new one, Mr O'Sullivan. If it does lay dormant there and if the government does have a plan to roll this out in any other municipalities, whether it be the Borough of Queenscliffe, the City of Ballarat, the Shire of Colac Otway or the Shire of Surf Coast, one would imagine that these municipalities would like to know this prior to the passage of this legislation so that they can have some input into what they might see will be the impacts of a piece of legislation such as this.

I certainly would encourage members to take note of Mr Davis's amendments that will ensure that when this particular bill is enacted the important controls that are already in place and which our community is generally happy with are not stripped away through a piece of legislation that in effect says one thing and does another. I certainly look forward to support for Mr Davis's amendments as we progress.

Ms LOVELL (Northern Victoria) (14:59) — I rise to speak on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. It is a bill for an act to amend the Planning and Environment Act 1987 to provide for the protection and conservation of distinctive areas and landscapes, to make consequential amendments to other acts and for other purposes. The main provisions of this bill are to amend the Planning and Environment Act 1987 to provide for the declaration of distinctive areas and landscapes, the preparation and implementation of a statement of planning policy in relation to each declared area to ensure coordinated decision-making by public entities and to make consequential amendments to other acts.

The purpose of a statement of planning policy for a declared area is to create a framework for the future use and development of land in the declared area, including settlement boundaries, which the government claims is to ensure the protection and conservation of the distinctive attributes of each declared area. However, locals in the Macedon Ranges area, which the second-reading speech makes clear that this bill will apply to, do not believe this bill will protect their area

and their towns. The Macedon Ranges have for a very long time, dating back to the 1970s, been protected by local planning policy 8, and locals in the Macedon Ranges fear that this new planning policy will actually open up the floodgates. While the bill itself is not seen to be particularly harmful, there are no protections in this bill for what occurs within the boundaries of the declared area. This has the potential to leave the Macedon Ranges exposed to Labor bringing in a very damaging Macedon Ranges local planning statement, which will open the floodgates to suburban development.

The bill claims to have a name of protecting Victoria's distinctive landscapes, including the Macedon Ranges, but it is unacceptable to the locals in its present form as it offers no protection for what will occur within the town boundaries. By providing no protection around town character or heritage protection, the locals fear that this will lead to an overdevelopment of their local towns. Local people in the Macedon Ranges have great concerns about Labor's planning intentions. There are hundreds of residents in the Macedon Ranges who are strongly opposed to Labor's flawed Macedon Ranges local planning statement, and it is a debate that is going on currently. This local planning statement will, far from protecting the Macedon Ranges, actually open up the floodgates to widespread suburban development within the proposed massive town boundaries, which are doubling and even tripling the existing size of these unique towns. These are towns like Woodend, Kyneton, Riddells Creek and Lancefield.

Labor has been very disingenuous in failing to disclose the proposed boundaries for Gisborne and Romsey, two of the areas where most of the growth is occurring. This is a shameful hiding of their intentions from the community. With rumours happening locally about massive growth being planned in these areas in Labor's last term in government, Gisborne has grown massively, which is now creating problems with roads, infrastructure and parking. Locals are concerned because they either live in that area and have lived there for many generations or they moved to that area for a lifestyle that is provided in the Macedon Ranges and for the unique townships and character of the Macedon Ranges.

This is why Matthew Guy has already committed that, if we are elected in November, he will support a Macedon Ranges local planning statement based on the long-term protection under the statement of planning policy 8, which was brought in by Dick Hamer in 1975. I am pretty sure that Athol Guy, the local member then, worked very hard on that particular planning policy to get it right for the people who live in the Macedon Ranges. This policy has for more than 40 years provided protection of the unique character of the Macedon Ranges. Liberal Party members are not opposed to growth in the Macedon Ranges, but what they do support is growth that is sustainable, innovative and of high quality within the existing town structure and the plans that have already been developed as a result of consultation between the Macedon Ranges Shire Council and local residents. We can look to models overseas to see this type of innovative growth. It has been applied in countries like Italy, France and the UK. They allow for innovative growth while still protecting unique heritage and township character.

Labor on the other hand is supporting the introduction of widespread cheap housing — houses crammed in only metres from each other in developments of hundreds of, even over a thousand, houses per development site. This reduces the availability of rural land and changes the nature of the Macedon Ranges forever. It is mindless, it is unplanned and it will see the opening of the floodgates and the end of the Macedon Ranges as we know them.

What Labor is proposing in the local planning statement is strongly opposed by not only the Liberal Party and the National Party but also other parties that want to protect the character of the Macedon Ranges. There are groups in the Macedon Ranges that have worked tirelessly — groups like the Macedon Ranges Residents Association and Settle Woodend. We pay tribute to these groups, who have for decades carried the torch for protecting the Macedon Ranges, as thousands of individual residents see this as their number one priority. In amending this bill we seek to continue the tradition of Dick Hamer and the last 40 years of good planning in the Macedon Ranges. The Macedon Ranges, together with a number of other distinct areas, must be protected — protected from this non-consultative Labor government, which does not understand or reflect the wishes of communities. I urge the chamber to support the amendments that have been put forward by Mr Davis. They have been carefully considered in consultation with groups in the Macedon Ranges, who wish to see the character of their towns and their local area protected so that future generations will enjoy what is a very unique and very special part of the Victorian community.

Mr RAMSAY (Western Victoria) (15:07) — I also wish to make a contribution to the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. As has been mentioned before, the purpose of the bill is to amend the Planning and Environment Act 1987 to provide for the protection and conservation of distinctive areas and landscapes, to

make consequential amendments to other acts and for other purposes. The main provisions are to amend the Planning and Environment Act 1987 to provide for the declaration of distinctive areas and landscapes and the preparation and implementation of a statement of planning policy in relation to each declared area to ensure coordinated decision-making by public entities, and to make consequential amendments to other acts.

I do support the government in respect to making those provisions in this bill. The purpose of a statement of planning policy for declared areas is to create a framework for the future use and development of land in the declared area, including settlement boundaries, to ensure the protection and conservation of distinctive attributes of the declared area. This is important in the areas that I represent, particularly in the City of Greater Geelong, the Borough of Queenscliffe and the Surf Coast.

What has been spoken of, and I think we need to make note of, is the importance of the work that the previous planning minister, the Honourable Matthew Guy, did in respect to providing neighbourhood residential zones (NRZs) and general residential zones (GRZs). These were warmly welcomed by those that bought houses or made a decision to live in areas that had particular attributes in respect to character, heritage and landscape, not only in the regional cities and the suburbs of those cities. Newtown is one I know. I congratulate those community groups that were very active in making sure that we protected the neighbourhood residential zones, particularly in respect to the retention of their own houses which have significant character and heritage value that they wanted to preserve and also obviously the streetscape itself.

Also down on the Bellarine in the Borough of Queenscliffe, where there is a mix of rural and residential, there is a beautiful landscape that provides a significant tourist economy which many residents want to preserve. In Barwon Heads, where I live, there is obviously a strong push to retain the western boundary from further development so it does not change its distinctive character of being a village by the sea. Then we have almost at the other extreme the establishment of a new satellite city in Armstrong Creek, whereby unfortunately the rush to deposit potentially 60 000 new residents into a swamp has caused a whole lot of issues around infrastructure and transport and the more urgent needs of providing hospitals, schools, fire stations and everything else.

So there is no doubt we need the appropriate planning not only to facilitate the potential residential growth that is needed in the push for decentralisation — and this side of the house has a very strong policy in respect to driving population into regional areas — but also to make sure that we retain the character, landscape and heritage values of those areas that communities are very proud of and very protective of. That is why the protection of the neighbourhood residential zones and the general residential zones, particularly from amendment VC110 is so important. I congratulate the shadow Minister for Planning, Mr David Davis, on his amendments to make sure that in fact those zones and those declared areas are protected from the stealth of VC110.

There are a couple of concerns that I have in respect of this bill. The second-reading speech makes note of declared areas, particularly around the Macedon Ranges, and Ms Wendy Lovell has just talked about that, so I will not go into too much detail around the Macedon Ranges, but we know they have a local planning policy and they have protected declared areas.

An honourable member interjected.

Mr RAMSAY — I'm sorry? Mr Finn is going to make some comments about this too, is he? It is just payback, I suspect. Given that his electorate I suspect runs into the Macedon Ranges he may well see fit to stand and make a small contribution around the necessity of protecting some of those important landscapes as declared areas.

I particularly want to talk not so much about Mornington but certainly about the Bellarine and Mornington peninsulas, which are important. In fact I see Mr Davis has in his amendments identified within the local planning statements the relevant municipal districts, and he has named the Queenscliffe Borough Council and the Greater Geelong City Council. I will get back to my constituency question where, I must say, I did not actually get around to asking the question, but in my adjournment matter tonight I will foreshadow that I will be seeking an action from the minister in respect to the actual roles and responsibilities of these two monitors that are supposed to be oversighting the City of Greater Geelong, yet we do not know exactly what they are doing. That is the question I was going to ask as a constituency question, but it is an action I will seek tonight in the adjournment. Mr Davis also named the Macedon Ranges, Mornington Peninsula and Yarra Ranges shire councils.

As I said, in the second-reading speech the Macedon Ranges municipality was identified. Obviously there are other areas that also have distinctive areas and landscapes that need to be protected, and I am pleased

to see that the amendments circulated by Mr Davis will help to ensure that occurs.

As indicated, we wish to amend the bill in a few ways. As I said, the provisions of VC110 do not apply to such declared areas. We also seek to require declarations of distinctive areas and landscapes in the Macedon Ranges shire, the Mornington Peninsula, the City of Greater Geelong and the Borough of Queenscliffe within two years. We will further seek to amend the bill so that areas previously recognised by various means under planning schemes as having distinctive areas and landscapes will also have the provisions of VC110 not apply to them upon the passage of the bill, whether or not they are later included in declared areas. This will particularly relate to the City of Greater Geelong, the Borough of Queenscliffe, the Mornington Peninsula and the Macedon Ranges. It may well be likely that the Dandenong Ranges will also be included in future such developments.

As I said, VC110 did compromise the protections of the NRZs and the GRZs, and I can assure this house that people in the City of Greater Geelong and the Bellarine in my electorate are very concerned about that. I know for a fact that they have put many petitions and letters to the minister to make sure that he does not interfere, particularly where the new legislation increases height limits from 9 metres to 11 metres and provides greater inner-city density, and that that does not actually compromise the heritage, character and amenity of those residences sitting under the NRZs. I am pleased to see again that the amendments foreshadowed by Mr Davis will provide that protection. I certainly hope the Greens will support us in making sure that we do provide those communities with those protections in those areas that are declared as having historical character and heritage listings.

The bill also seeks to at least in part avoid certain peri-urban overdevelopment issues and therefore contradicts the intended outcome of VC110. Distinctive areas and landscapes that are declared under this legislation and previously recognised under planning instruments should at a minimum be specifically spared the ravages of VC110. Again I am hoping that we will get support to make sure that VC110 does not impact on that.

Just in closing I did want to flag that certainly in Geelong we are looking at a population growth rate of 5 per cent — probably the largest growth area anywhere in regional Victoria. I know the council has been planning for larger population and residential growth and development in the north part around Lovely Banks and also in the southern part in that Armstrong Creek-Warralily area.

Mr Finn — I'm not sure Lovely Banks is all that lovely.

Mr RAMSAY — Well, it will become more lovely with houses. But I do think the important thing is to have a proper and sensible balance of what drives people to want to live in the Bellarine particularly, in the region of my electorate.

Mr Ondarchie — The local member.

Mr RAMSAY — No, not the local member, Mr Ondarchie. But there is certainly no doubt it is the rural landscape. It is the fact that it is by the sea, it has open space, it has a nice mix of coastal and rural areas and it also provides for development of low-cost housing in defined areas. We do not want to compromise that by overdevelopment because that will drive tourism away and it will certainly impact on the character and amenity of the landscapes that people actually want to go and live in. We must protect them at all costs.

As I said, in the northern part of Geelong we obviously have opportunities for people who want to escape Melbourne but be reasonably close to transport and work to enable them to also live in reasonably low-cost housing and be close to transport and their employment. A sensible mix is what this bill should be about, and I think with Mr Davis's amendments it will provide that and give some confidence that we are preserving that character, that heritage and that amenity that are so important to so many people.

The ACTING PRESIDENT (**Mr Elasmar**) — Mr Finn.

Mr FINN (Western Metropolitan) (15:20) — Thank you, acting deputy president. It is, as always, a delight to see you in the chair. It is about time they gave you the job full time in my view, but that is by the by.

I rise to speak on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. Much has been discussed in this bill about the Bellarine Peninsula, about the Macedon Ranges and about a whole range of places, some of which have been mentioned in the bill and some that have not. That is fine. I have no problem with people talking about areas of the bill that are not actually mentioned in the bill; I have no problem with it, and I am not sure why anybody else would in fact.

It is rather interesting to look at clause 4 of the bill, which deals with the declaration of distinctive areas and landscapes. The bill tells us that new section 46AO(1) enables the Governor in Council, on the recommendation of the minister, to:

> declare an area of Victoria to be a distinctive area and landscape by order published in the Government Gazette.

I have a suggestion for the Minister for Planning: he might want to have a look at an area that has been under his consideration now for quite some time, and that is the area of Jacksons Hill in Sunbury which meets most of the criteria in this bill. It is certainly a historical and cultural part of the Sunbury area and one that I believe is worth holding up to be of some suitable significance. There is a great deal of concern just at the moment that Jacksons Hill is about to be basically sold to become a block of flats, and that is totally unacceptable in the view of the overwhelming majority of people in Sunbury.

The Sunbury people have accepted that, yes, there is development and growth coming and that over the next 10 or 15 years Sunbury is due to double in size. Yes, we accept that that will cause some problems, particularly if governments refuse to provide the infrastructure that Sunbury people will need and that they need now in fact without any of the growth that we are talking about. The people of Sunbury accept that growth and development are inevitable, but they are very hopeful indeed that the character and the atmosphere of Sunbury will be retained — that country lifestyle that so many people have moved to Sunbury to enjoy. It is a great place. On a good day it is only about 45 minutes from the city. On a bad day sometimes it can take the best part of a day, but on a good day it can take the best part of 45 minutes to get into the city.

I know Sunbury really is a delightful place to live, having lived there before. I live in nearby Bulla of course, which many regard as a suburb of Sunbury, and I think that is probably a fair description. In my area we have a particular situation with the close proximity to the airport preventing the sort of development that is concerning a lot of people in some of the more rural areas around Victoria as we speak. But certainly in Sunbury I believe there is a need to preserve Jacksons Hill as it is and not to overcrowd it with development, as seems to be happening, because the government has put in a bid for Victoria University.

As I have said in this house before, I think it is disgraceful that Victoria University is able to sell that land when it was in fact gifted to it by the Kennett government nearly 25 years ago. I think it is almost an act of criminality for Victoria University to be selling that land. I do not believe it is morally theirs to sell. I believe that the government should be taking action to take that land back, as it were, to ensure that the land is returned to its rightful owner, and that is the Victorian taxpayer. That return needs to be done without coughing up millions of dollars for a university that did not spend a cent to get it. There is something a bit crook about that, to say the very least.

The planning provisions around Sunbury of course will change next year. At the election in November, when there will be a change of government, the incoming Premier, Mr Guy, has given a firm commitment that by the end of next year there will be a Sunbury city council established. That is something that has long been pursued by the people of Sunbury because they know that, unless people actually live in Sunbury or in the surrounds of Sunbury, they do not have a full appreciation of what life in Sunbury is all about, so they are very, very excited about the possibility of a standalone Sunbury council. They are very excited about being able to get out of the Hume City Council, which they have been chained to for so long. They recognise — and unfortunately we have all come to recognise — that Hume council does not care too much about Sunbury. It cares only when it is counting the dollars that it can get out of Sunbury people's pockets.

In terms of what is best for Sunbury, that is something that concerns Hume council not in any way. So the establishment of the standalone Sunbury council is going to be a very, very good thing for Sunbury and something that is going to contribute enormously to the future development and the future growth of Sunbury in a sustainable and reasonable manner. I certainly look forward to being a part of that, working with the councillors on the Sunbury council next year and beyond when that council is established.

Jacksons Hill, as I say, is a very important part of Sunbury. It is not the only part of Sunbury. I know there are people who are fighting furiously to save the Emu Bottom Wetlands, which is up Racecourse Road, and they have put up a very strong argument that that is a landscape that needs to be protected. It may well be under this legislation something that the government could put in for a protection purpose, because it is in its own way a distinctive area and certainly an impressive landscape. If we can preserve the landscape, if we can preserve that area as well as provide land for housing development, I think that is a win-win situation for everybody and something that we really should be looking at in a very, very serious way. It is something that I think — in fact I know — that the people of Sunbury would greatly appreciate, because people who live in Sunbury are very much about lifestyle. They are

very much concerned that overdevelopment, unsustainable development and unsustainable growth will destroy the way of life that they have come to enjoy, some over a long period of time.

I know people in Sunbury who have lived there for 80 or 90 years and have seen so much change, some of them over a relatively recent time. I first went to Sunbury some 40 years ago, which does not seem that long ago but it is, and Sunbury was a little town of 10 000. To look at it now, it is blossoming and booming in so many ways. It is quite remarkable.

But I am also acutely aware of many of the problems that the Sunbury people are facing. The parking problem is ongoing in Sunbury, and that is something that really has to be part of the planning process from this point on. We do need greater parking capacity urgently in the Sunbury CBD. It is distressing that whilst we do have the sorts of shops and the sort of commercial hub that Sunbury prides itself on, many people go somewhere else to shop because they cannot actually find a park in Sunbury.

Mr Gepp interjected.

Mr FINN — Who? Many. I spoke to somebody yesterday, a resident. I am not going to name them in Parliament. You want me to name everyone? Mr Gepp over there wants me to name everybody that I have ever met. Now, look, it would be interesting. I do not know whether Mr Gepp has actually ever been to Sunbury. He certainly does not care about Sunbury, but then again that is something that we have come to expect from the Labor Party, because the Labor Party does not give a stuff about Sunbury.

Honourable members interjecting.

Mr FINN — I saw that video, and I think Mr Gepp might have a future in Hollywood. He had that Clint Eastwood look about him, didn't he? I was almost waiting for him to look into the camera and say, 'Are you feeling lucky, punk?'. I thought that was coming any minute. But I return to the bill. This bill will, in a great way —

Mr Dalidakis interjected.

Mr FINN — Would you pull your head in? Honestly. You are not serious in any way, shape or form —

Mr Dalidakis interjected.

Mr FINN — Listen to this bloke. The way you carry on, fair dinkum.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr Finn!

Mr FINN — How could anybody take this bloke seriously? The legislation before the house will provide opportunities for the preservation of areas throughout Victoria. It will provide for the proper development and proper growth of areas throughout Victoria, and I am very, very seriously hoping that Sunbury will be included in that because Sunbury has a rash of growth coming. We know that and we must plan for the infrastructure. We must plan also for the lifestyle of the people who live there. We do not want Sunbury to be swamped by housing; we want it done in a way that will maintain the quality of life and the country feel that Sunbury has and has managed to keep over such a long period of time.

I am certainly, as I said, looking forward to working with the new Sunbury council next year to ensure that Sunbury people are protected, that the Sunbury environment is protected and that we have the sort of planning processes in Sunbury that do actually put Sunbury first. That is something that we have not experienced for almost a quarter of a century now. Sunbury has not been put first by councils for quite some time, and that is something that we are all very much looking forward to.

The people of Sunbury are very excited about getting their own council so that they can in fact have sufficient and due input into the decision-making process, because at the moment they certainly do not have that. The three councillors that represent Sunbury on the Hume City Council are not real flash, it has to be said. One of them does not even live in the state most of the time so I am not even sure how she could claim to represent Sunbury in any way. I look forward to having some real locals on the council next year because Sunbury is a place that is worth preserving. It has a lifestyle that is worth preserving and an environment that is worth preserving, and I think with this bill and with the new Sunbury council after the election that is what will happen. We will have growth and we will preserve what we already have.

Mr DALIDAKIS (Minister for Trade and Investment) (15:35) — Can I say that the government appreciates the contribution by Mr Davis on the other side and believes that he is bringing forward his amendments in good faith. The government will not be supporting the amendments for a host of reasons that members on the government side have already articulated, but I appreciate Mr Davis's thoughtful contribution nonetheless. The government has put forward this bill for a range of reasons that again have

been outlined by previous speakers and I am not inclined to take up the Parliament's time any further at this point. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr DAVIS — I have some general questions on clause 1. The actual amendments that I seek to move will be to clause 3 and clause 4. I am going to seek to move amendments to both of those, to make the point clear.

The first purpose of this bill is to amend the Planning and Environment Act 1987 to provide for the declaration of distinctive areas and landscapes. We have already indicated that we support the concept of declaration of distinctive areas and landscapes in principle and the preparation and implementation of a statement of planning policy in relation to each declared area to ensure coordinated decision-making by public entities, and then there are consequential amendments.

In clause 3 there is a series of definitions for settlement boundaries, planning schemes, protected settlement boundaries, the statement of planning policy and what it means, declared area, the various reference authorities and so forth. But what I am seeking to understand from the minister, and he may seek to explain this in some clear way, is the purpose of the declaration is to provide additional clarity and protections for particular areas and the declared areas. The statement of planning policy is to ensure coordinated decision-making within the framework of protecting those declared areas.

What is occurring at the moment is that the government is consulting on a proposed localised planning statement (LPS) and that statement of planning policy has run into enormous community opposition in the Macedon Ranges area. Most people that I have spoken to, and I have spoken to a large number of people, have indicated they do not believe the LPS will protect the area further. In fact they think it will weaken the protections that are available currently and the expansion of the town boundaries will actually put additional pressure on the exact landscapes and distinctive areas that the whole purpose of the bill is to protect. What I am seeking initially from the minister is an explanation for this dichotomy where on the one hand we are seeking to declare and protect and on the other the government's actual proposal for the LPS does the exact opposite.

Mr DALIDAKIS — I thank the member for his question, although I do note that we have different views in relation to the Macedon localised planning statement. From the government's perspective, consultation is obviously well underway in relation to the LPS in Macedon and we believe that it has been a fulsome consultation process which has just concluded. Unlike what Mr Davis has asserted, we would certainly contend that the community have shown their support for the legislation and their interest in making sure that the community is properly protected. I am not sure that I would agree with the way that Mr Davis has framed it.

Nonetheless, I also state that there has been a draft statement of planning policy, which was prepared in partnership with the Macedon Ranges Shire Council, the Victorian Planning Authority and the traditional owner groups of the Dja Dja Wurrung, the Taungurung and the Wurundjeri as well. We think that a very strong consultation process has taken place and that the statement of planning policy is a long-term vision that identifies the community values. Mr Davis may well contend that, in his view, the consultation process has not reached an outcome that he believes in, and he is certainly welcome to do that. I will not contend that he may have a different view to the government view. But our view is that we have undertaken a fulsome consultation process. Whilst we may disagree on the outcome, I am not sure that people can argue that the consultation process has not been fulsome.

Mr DAVIS — I thank the minister for his response. I accept that there has been community engagement. There have been meetings, there is a draft and people have examined the draft. The problem is that whilst the government has done all that, there is no sign that it will actually remedy the draft LPS to address the problems that are manifest in it and that the community have pointed to. The consultation means you have actually got to go out and engage, but you also need to listen and then modify the document to take into account the fact that the community has a clear view on this. I am not indicating that I have spoken to only a few; I have spoken to quite a number, and they are key groups. This is the problem.

Mr DALIDAKIS — Again I do not contest that Mr Davis may have spoken with people, and a great many people. What I contest are the conclusions that Mr Davis has been able to reach. Can I state also that the bill requires that the statement of planning policy be enhanced through thorough community input. The view that Mr Davis has put forward that somehow the

community will feel affronted or feel less than communicated with or consulted with as a result of this process will not bear light.

I note that I was in the chamber for Mr Ramsay's contribution. What I say to Mr Ramsay is that this is a test pilot for other areas, such as those identified in *Plan Melbourne*, including the Bellarine, Yarra Ranges and indeed, as Mr Ramsay mentioned, the Mornington Peninsula. The test for those areas will come about as a direct result of this bill.

As I said, I am certainly mindful that the goodwill and good faith of Mr Davis's contribution was apparent, at least to me, having listened to it. But my view is that governments here are at the will and behest of the people. As we often agree, the punters do not get it wrong. There will be an election on 24 November this year, and if that consultation period has been less than optimum and the people feel aggrieved by the process they will have the right on 24 November to remedy it. I personally do not believe that that will be the case. I believe that the government has run an appropriate consultation process, but again, democracy being what it is, we will not have many months to wait.

Mr DAVIS — I appreciate your response. What I will make clear here is that key groups within the Macedon Ranges community, including the Macedon Ranges Residents Association and others, and the consultations that they have run and the documents that they have provided to me and others make it clear that there are sharp deficiencies in the government's LPS. I would hope that the agreed principle here about declaring significant areas and landscapes is accepted and that the government goes away and takes on board this clear community response. If the government does not do that, I think that will be very bad for the area because, as I laid out in my main contribution, the truth of the matter is there are some protections there now. The Liberal Party has a particular history with local planning policy 8 back in the 1970s. It has affection for that area and wants to ensure that a continuity of protections is there. If the government does not put sufficient protections in place and we are elected in November, as planning minister I will make sure that those protections are there and that the balance is struck in a way that guarantees a future for the Macedon Ranges.

Obviously we think there are a number of discordant actions that the government has taken. As I say, there is a declaration up here which everyone agrees with, an LPS over here that has got manifest deficiencies, and a VC110 over here which in my view, and the view of locals, weakens the position in the Macedon Ranges and allows an intensification, which is in direct contradiction to the purposes of protecting landscapes and distinctive areas. Harsh intensification is not the outcome that is desired in that sense. We have already made election commitments about VC110.

We will certainly be seeking to protect the distinctive areas and significant landscapes around the edge of Melbourne: Mornington Peninsula, Yarra Ranges, the Bellarine and the Macedon Ranges. They are highly significant areas where the growth of Melbourne needs to be managed. The statewide significance of these areas has got to be recognised. That is why the area should be declared, and that is why commensurate protections should be there. There is no use declaring an area with empty words and then taking actions that weaken the protections. That is my concern. I put that on the record, and we will obviously move appropriate amendments as we get to clauses 3 and 4.

Mr DALIDAKIS — For large parts of Mr Davis's contribution I think we are actually in agreement. We acknowledge that these areas need to be protected, and that is why we have moved forward with this bill. Of course it was a commitment by the government at the last election that it would legislate to protect the iconic and historic Macedon Ranges region and look to promote jobs by protecting the natural beauty of the ranges and preserving environmental and rural values. I note that rural values are close to the heart of Mr O'Sullivan as much as they are to that of Mr Ramsay. These are ideas that we agree on, and I think that Mr Davis and I share a belief that the Macedon Ranges, the Bellarine, the Mornington Peninsula and the Yarra Ranges are areas that have a high level of beauty and much to offer our community, both locally and interstate, and international communities that come and visit them during their own tourism opportunities.

The bill was needed to elevate the protection of the Macedon Ranges and in effect stop it from becoming a sleeper community of Melbourne. From my perspective, I think Mr Davis and I agree on large swathes of this bill. The only area that it appears that Mr Davis and I have a disagreement about is the level of consultation. Our consultation has informed us around this legislation. Consultation has informed us about the areas of focus, and of course the support that we have had through our consultation is what has got us to this path.

It appears that there may have been some dissenting views, which Mr Davis has spoken to, that have given rise to the concerns that Mr Davis has enunciated in his contribution. These are concerns that the government

believes it has diligently worked through and that it has diligently applied itself to to try to resolve in order to, on balance, get to the piece of legislation that is now before us that, as Mr Davis and I both agree, is an area of protection for areas within almost our urban boundary, for want of a better term, to provide those communities with confidence that those community values that they entered into will be protected and preserved without of course losing the ability to support the communities in terms of a structured growth opportunity as well.

Mr DAVIS — On a second point, the amendments that we will move will seek to ensure that the minister must declare certain areas: the Yarra Ranges, the Macedon Ranges, the Bellarine and the Mornington Peninsula. So we are not in the mode of leaving that to the minister's discretion. We think they should be declared. This in no way prevents the minister from declaring other areas over time.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr DAVIS — I move:

1. Clause 3, lines 7 and 8, omit all words and expressions on these lines and insert—

'"***declared area*** means the following—

(a) an area to which an order under section 46AO applies;

(b) an area of land taken to be a declared area under section 46AZO;'.

Amendment 1 replaces the 'declared area' definition. Whilst this is a test, I also indicate that we will certainly, at the point of clause 4, also test that specific provision.

Dr RATNAM — I rise to indicate the Greens will not be supporting these amendments, and granted that the member has outlined that this is a test for the subsequent amendments I will speak to why we are not supporting the package of amendments as they have been put forward. I understand the intent in terms of giving local residents particularly a greater guarantee about what is going to happen in the future, given the amount of anxiety and concern, and I will get to a number of questions that I have on clause 4, particularly around consultation and localised planning statements and what protections have been built into them.

I do not believe that these are the right mechanisms to achieve the desired outcome. I understand the intent and I am sympathetic to the intent. I know there has been a lot of concern around the Macedon Ranges consultation to date, and lots of uncertainty hangs around how this will be applied and whether residents will be consulted sufficiently, but I believe that using amendment VC110, for example, as a way to manage some of that uncertainty is the wrong tool and lever — too blunt an instrument — to achieve the outcome. So I just want to reiterate that we sympathise with the outcome. We want to get to a similar outcome as well. We just do not believe that these are the right mechanisms. So for those reasons we will not be supporting the amendments.

Mr DALIDAKIS — I thank Mr Davis for moving his first amendment. Can I point out that the government will also not be supporting his amendments. We believe — obviously subject to the bill passing — that Macedon will be declared the first distinctive area and landscape. The fact is that the Mornington Peninsula and the Yarra Ranges already have localised planning statements, and so these will come up for review in due course. At that stage the general nature of the legislation before us will enable them to be upgraded, so we do not see a need to incorporate Mr Davis's amendments into the legislation, and we believe that this legislation provides a head of power that can then be utilised for the areas that we have described. It is not just Mr Davis who has mentioned both areas; of course I have mentioned them as well. I repeat them for the benefit of Hansard: the Mornington Peninsula, the Yarra Ranges of course, the Bellarine and of course the Macedon Ranges, which we are talking about through this piece of legislation as well.

Mr DAVIS — I might say that it is very disappointing that some in the chamber will not support these amendments. We think that they would have provided a clear way forward to guarantee the declaration of those areas, and we think the bill is a weaker way forward. I absolutely accept that there are localised planning statements in those areas. In the Yarra Ranges I went through in some detail the long history of that. In the case of the Mornington Peninsula Matthew Guy made the declarations in 2014, and I read extensively from the objectives and matters around those declarations — likewise for the Bellarine Peninsula. We do not believe that leaving it to ministerial discretion is the right way. We believe that declarations with the highest levels of protection should occur through this process. It does not in any way prevent the minister from declaring other areas at a future point, so in that sense we are very disappointed.

In terms of Dr Ratnam's point about VC110, this is not about us trying to provide an overall fix for the

Macedon Ranges and these areas. It is about the fact that the government's VC110 amendment is live and is having an effect in all of the four areas that I have outlined. It obviously has impacts in the city but, leaving that aside, in these specific distinctive areas the VC110 changes are active now and are having a negative impact — a negative outcome — in terms of those areas. So if you want to protect those areas, we think the blunt instrument that the government has already put in place with VC110 is in opposition to the objectives that this bill is seeking to achieve. For that reason in the circumstances of these areas we are saying it should be suppressed and not applied.

Let me just outline again for the chamber precisely some of the areas. It is quite a long list. I could go on, but I am just going to zero in on a couple of areas of objection. In areas like Macedon and the Yarra Ranges there are neighbourhood residential zones. The protections provided by Matthew Guy meant a two-dwelling cap. That has now gone in VC110 and there is no cap. People say that there are garden areas. Well, these are not in fact providing the protections that are required; they are not in practice providing the protections. I think they are a fig leaf to cover the minister's decisions in April and May 2017. They are simply a fig leaf. The fact is that the density has been forced on areas.

You may or may not have one view about the city, but leaving that aside, when you get to these areas that are unique and quite distinctive and do deserve protections, we think that to have those city-style density instruments is a mistake and at significant tension with the desire to protect those particular areas. We have said that through this amendment we will suppress that and that will lead to in fact greater protection. Is it perfect? No, of course it is not. All we are doing with this measure is suppressing the imposition of one of the prodensity measures that the government has put in place we think thoughtlessly and inappropriately in those particular areas.

We think it is an unfortunate outcome in those areas, and I can tell you that the communities agree. On the peninsula there is wide opposition, with nearly 10 000 petition signatures tabled in this place in opposition to the as-of-right three-storey allowance under VC110 for the general residential areas on the peninsula. This has annoyed the community in those areas — those small seaside towns — and similar impacts are occurring in other areas that we seek to protect through this bill. We think it is inappropriate there, and that is why we are seeking to remove the impact.

Dr RATNAM — I would like to make just a few additional comments and ask a question of the minister, if that is okay, following on from what Mr Davis has asserted there. I understand the intent of one part of Mr Davis's amendments is around getting greater density protections for areas that are earmarked for low residential growth. Those are areas that are earmarked for the lowest growth in all the growth zones, and he is wanting to achieve some control over that and believing that —

Mr Davis interjected.

Dr RATNAM — That is right. VC110, you believe, weakens the pre-existing provisions, which I believe there is also a lot of disagreement about. I think it highlights the fact that both our previous planning ministers made quite woeful decisions regarding neighbourhood residential zones, and the application of the package that the previous planning minister, Mr Guy, introduced and foisted upon many local government areas within a very short space of time was a mess and continues to be a mess, and here we are trying to fix it by adding little bits of new rules into quite a broken system. I think this speaks to just how broken that system is, and I would urge us all to consider quite significant reform to our Planning and Environment Act so we can minimise this happening in the future.

I understand the intent is to give greater control in low-density areas by suppressing VC110. The Greens do not believe that this is the right tool to get that guarantee and certainty, but I would like to ask the minister: what guarantees and process will you provide the local community to ensure that VC110 is applied well and appropriately to ensure that neighbourhood residential zones get good control and certainty around neighbourhood residential zones?

Mr DALIDAKIS — I thank Dr Ratnam for the question. As I am advised, Dr Ratnam, the localised planning statement will sit above, so it will then inform those processes beneath it and obviously it filters down from there.

The ACTING PRESIDENT (**Mr Elasmar**) — If there is nothing further, amendment 1 to clause 3 moved by Mr Davis is a test for his amendments 2 to 4.

Committee divided on amendment:

Ayes, 16

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr

Davis, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr (*Teller*)
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms (*Teller*)	Wooldridge, Ms

Noes, 24

Bourman, Mr	Patten, Ms (*Teller*)
Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr (*Teller*)	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr

Amendment negatived.

Clause agreed to.

Clause 4

Mr DAVIS — I move:

2. Clause 4, page 22, after line 32 insert—

"**Division 6— Localised Planning Statement policy areas and other matters**

46AZM Definitions

In this Division—

localised planning statement means a statement that is described as a localised planning statement and prepared by the Department in partnership with one or more municipal councils and adopted by the Minister, in relation to land sufficiently identified in the statement—

(a) that has distinctive areas or landscapes; and

(b) that is located within one or more relevant municipal districts;

relevant municipal district means the municipal district of any of the following municipal councils—

(a) the Borough of Queenscliffe Council;

(b) the Greater Geelong City Council;

(c) the Macedon Ranges Shire Council;

(d) the Mornington Peninsula Shire Council;

(e) the Yarra Ranges Shire Council;

VPP Amendment VC110 means the amendment to the Victoria Planning Provisions and planning schemes in respect of which a notice of approval of amendment was published in the *Government Gazette* on 27 March 2017 under section 4D.

46AZN VPP Amendment VC110 not to apply in relation to declared areas

Despite anything to the contrary in this Act or in a declared area planning scheme, the amendments made to that declared area planning scheme by VPP Amendment VC110 do not apply in relation to a declared area.

46AZO Certain localised planning statement policy areas are declared areas

(1) Subject to subsection (2), an area of land that is identified as the subject of a localised planning statement is taken to be a declared area.

(2) If, at the commencement of this section, there is no localised planning statement for any areas of land located in a relevant municipal district—

(a) the Minister must cause a localised planning statement for land in the municipal district to be prepared and adopted within 2 years after that commencement; and

(b) on the adoption of the localised planning statement, an area of land that is identified as the subject of the statement is taken to be a declared area.

(3) An area of land to which subsection (1) or (2) applies is taken—

(a) to have a majority of the attributes set out in section 46AP(1); and

(b) to be under threat of significant or irreversible land use change as described in section 46AP(2).".

3. Clause 4, page 23, line 1, omit "**6**" and insert "**7**".

4. Clause 4, page 23, line 2, omit "**46AZM**" and insert "**46AZP**".

Amendments 2 to 4 define the particular districts and they lay out the significance of amendment VC110 to the Victoria planning provisions (VPP), which means:

> the amendment to the Victoria Planning Provisions and planning schemes in respect of which a notice of approval of amendment was published in the Government Gazette on 27 March 2017 under section 4D.

These amendments make it clear that VPP amendment VC110 is not to apply in relation to declared areas. Proposed section 46AZN states:

> Despite anything to the contrary in this Act or in a declared area planning scheme, the amendments made to that declared

area planning scheme by VPP Amendment VC110 do not apply in relation to a declared area.

What this does, with absolute clarity, is suppress the impact of VC110 in those declared areas. As I said in my earlier contributions and the second-reading debate, the VC110 provisions on neighbourhood residential zones and general residential zones are prointensity, prodensity provisions that are not appropriate in these areas as a blanket layer. This is a very clear way for the chamber to send a signal. In my view, to vote for this means you actually want those declared areas — the significant landscape and distinctive areas — to actually remain distinctive areas and landscapes and not be subject to the creeping densification that the VC110 amendment is driving.

VC110 is fundamentally changing some of the areas in these municipalities. For example, as I said, on the Mornington Peninsula nearly 10 000 people signed a petition against the general residential zone changes in VC110 that allow, as of right, three storeys. That is not what the people on the Mornington Peninsula want, it is not what the people in the Macedon Ranges want, it is not what Melburnians want, and the same applies with respect to the Bellarine and the Yarra Ranges. These are significant areas and they deserve significant protections. I accept that more could be done than these amendments. There are other items, and I am very open to those discussions. But the fact is that before us today we have the opportunity to vote to suppress amendment VC110 in those distinctive areas or not.

Dr RATNAM — I am just reiterating that the Greens will not be supporting these consequential amendments to the amendment that was tested previously.

I do have a number of questions on clause 4, if I could ask them. In the declaration of distinctive areas and landscapes in new section 46AO and in talking about the process to declare areas as distinctive, there is some experience now being gained around what is occurring at Macedon. I understand that process has been long and there have been a number of issues with it as well. Can the minister outline what lessons are being heeded about how the process will be conducted for future areas that will be declared as distinctive and how long he expects the process will take for new areas that will be declared as distinctive going into the future?

Mr DALIDAKIS — I thank Dr Ratnam for her question. As I indicated in response to an earlier question from Mr Davis, we did not support his original amendment because this is about getting it right for the Macedon shire as a test case for the other regions that we have talked about. We believe that those findings from that community consultation will be released shortly, and they will inform government as to the process that we have undertaken with this. Of course that will then inform government about the process it takes for subsequent regions that it looks at.

Dr RATNAM — I thank the minister for his response. Are there any indicative time lines for the next areas that will be declared distinctive? What is in process? Are plans in process for the next tranche? Could we have an indicative time line of perhaps when the next ones will start the process of declaration?

Mr DALIDAKIS — As I indicated earlier, of course subject to the bill passing, Macedon will be declared the first distinctive area and landscape. As I indicated to Mr Davis, Dr Ratnam, the fact is that the Mornington Peninsula and the Yarra Ranges already have localised planning statements, so there will not be any progression —

Mr Davis — So does Macedon.

Mr DALIDAKIS — Yes, but there will not be any progression for those, as I indicated to you earlier, Mr Davis, until they come up for review. So, again, that time line will obviously be dealt with according to the expiration of those localised planning statements. For the others, the Minister for Planning will make commentary on those in due course.

Dr RATNAM — I have got just a few more questions. Thank you, Minister, for your response. In regard to the section about consultation that outlines the process by which the localised planning statements in particular will be developed in consultation with the community, there have been a number of concerns, as has been highlighted in previous submissions in this debate, about the level of community concern about the consultation that has occurred to date. Can the minister provide any insight into what has been learned about why there has been so much concern? Has it been a result of the way the consultation has been conducted and the types of documents and information that have been provided? Has it been because residents feel like the decision has already been made and it is not genuine consultation? I would appreciate any feedback that has been gained from the process so far about why there is so much community angst around it.

Mr DALIDAKIS — I thank Dr Ratnam for her question. I am not sure that the government would agree that there is a whole lot of angst around the process. I know that Mr Davis has tried to indicate that with his commentary, but from the government perspective consultation has been relatively smooth and

seamless with the community. Of course there will be people that have a different view to what the government has put and that will have concerns with the consultation process if they believe that the process is not going to deliver them the outcome that they want. That is why I believe Mr Davis has had people go to him — as I indicated, in good faith. I do not think Mr Davis has acted contrary to that spirit that I spoke of, but there will always be people that feel aggrieved by a process regardless of how well you run that process. I think that when the findings of that consultation are released publicly shortly you will be better informed about that and the concerns as well.

Dr RATNAM — Thank you, Minister, for your response. One further question on the consultation. I understand there have been significant submissions from residents in that consultation that has occurred to date. Can you guarantee that the feedback will be considered genuinely and meaningfully and will be reflected in the finalised localised planning statement that is put back to the community?

Mr DALIDAKIS — I thank Dr Ratnam for her further question. What I can say is that, knowing the Minister for Planning in the other place very well, I know that Richard Wynne, the minister concerned, always acts in good faith. That does not always give people the outcomes that they want, but he has always approached each and every issue that I have dealt with him on in a fair and open-minded nature. Again, whether or not people get the outcome that they want does not necessarily mean that the process has been bastardised or they have not been listened to. You can listen to somebody and still find against the view that they hold, just as you and I can have this discussion and have two different views regardless. That does not mean neither you nor I have approached the matter in a way that is less than, I guess, perfect.

Mr DAVIS — I think it is important to put on the record that while I accept absolutely fully the minister's good faith —

Mr Dalidakis — Let's hug it out.

Mr DAVIS — No, I do. I also accept that the government has consulted the community on this, but all of the indications I have seen are that the government is not for moving on many of the key aspects of the draft LPS. I for one am not assuaged that the process will deliver a good LPS. In fact I am frankly very, very concerned that the LPS that will be put in place will be essentially similar to the one that is proposed in the consultation process by government in their series of documents. If that is the case, I think the community will be very, very concerned. My hope is that the government will step back from that, but I also indicate that if the government does not step back from that and there is a change of government, we will make sure that there are adequate protections in all of these areas in fact.

Dr RATNAM — It is my final question on clause 4, and I thank the minister for his response to my previous question. It sounded very much to me like the government are getting ready to release an outcome that the community are not going to be very happy with, actually, from your statement, which I find very, very concerning and share Mr Davis's concerns about, given the amount of community feedback and strong urging from the community that their feedback be taken seriously and given due weight in this process rather than having a token process where a draft statement is provided to them which is the final outcome. It will further undermine any trust and confidence that people have in the planning system at a moment when trust and confidence is very, very low in the way planning works across the state. On the section around the approval of the statement of planning policy, I note that it will take effect once there is a gazettal. It is not required to come to Parliament like other planning scheme amendments. Can I ask why that process was chosen for something that is so significant?

Mr DALIDAKIS — I thank Dr Ratnam for her further question. Yes, she is right that a declaration of the locality is approved through cabinet and of course with gazettal by the executive council. It can be revoked by the Governor in Council but not by the Parliament. However, the planning scheme amendment, which gives effect to a statement of planning policy, is a disallowable instrument.

Committee divided on amendments:

Ayes, 16

Atkinson, Mr	Morris, Mr (*Teller*)
Bath, Ms	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr
Davis, Mr	Peulich, Mrs
Finn, Mr (*Teller*)	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms

Noes, 24

Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr (*Teller*)	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Springle, Ms (*Teller*)

Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr

Amendments negatived.

Clause agreed to; clauses 5 to 36 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT (ACCESS TO JUSTICE) BILL 2018

Second reading

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

Mr RICH-PHILLIPS (South Eastern Metropolitan) (16:31) — I am pleased to rise this afternoon to speak on the omnibus Justice Legislation Amendment (Access to Justice) Bill 2018, which has been introduced as a consequence of the review of access to justice which has been undertaken by the government over the course of the last year. This is an example once again where we see a justice amendment bill brought into this place by the Attorney-General — as I indicated, this is an omnibus justice amendment bill — because we know that the issue of justice, particularly criminal justice in this state, continues to be one of considerable difficulty for this government.

It is an area of policy and an area of administration where the Victorian community know the government is failing, know the government has failed over an extended period of time and are concerned about the ramifications of this government's failings with respect to the justice system. We have seen this manifest itself in a number of ways. We have seen over the last three and a half years a number of criminal issues out of control in the Victorian community. We see Victorians afraid in their homes as a consequence of the explosion in home invasions which have occurred in Melbourne suburbs over the last three years, something which was unheard of in Victoria prior to the election of this government. We have seen the raft of carjackings which make members of the Victorian community concerned when they are on the roads. They are concerned in their homes; they are concerned on the roads.

We have seen this government fail to address those concerns and fail to put in place the measures which are required to ensure that the Victorian community can have confidence that criminal matters like this will be addressed by the justice system in its totality — be it through police being in a position to detect and apprehend the perpetrators or through the judicial system ensuring that when those perpetrators are apprehended and brought before the courts they are dealt with in a way which reflects community expectations.

This has now become a huge issue for the government because it is a huge concern for the Victorian community. Be it home invasions, be it carjackings or be it aggravated assaults or aggravated burglaries, we have seen an explosion in violent crimes against the person. We have seen it through the western suburbs in areas that Mr Finn represents. We have seen it through the south-east in areas that I represent. And we have consistently seen this government fail to respond to this developing crisis, fail to give Victoria Police the powers it needs to address it and fail to ensure that the judiciary is equally equipped to address these concerns. This is something that has been ongoing basically for the length and life of this government, and it is something that we have consistently seen the government fail to address.

Last week we saw the community outrage at the circumstances surrounding an attack on some Victorian ambulance officers — an attack on our paramedics — by two perpetrators who were subject to a slap on the wrist through the judicial system. That was the circumstance where the government was forced by community pressure to finally act. However, it announced it is going to act — it has not acted yet — with reluctance, because at its heart, with the Premier and the Attorney-General, this government does not stand up for victims of crime in this state and has not acted in the interests of victims of crime in this state. It was only through the widespread condemnation of that decision last week around the attack on the ambulance crew that we saw the government forced to make an announcement today. We have every expectation that, if and when legislation from that announcement reaches this Parliament, it will be in a much watered-down and ineffectual form.

We have seen time and time again that this government, the Labor government, has been forced to respond to policy initiatives announced by either my colleague in the other place the shadow Attorney-General, John

Pesutto, or in this place the shadow Minister for Police, Ed O'Donohue, who have set the policy agenda and who have time and time again forced this government to act. We have seen time and time again that when private members bills have been introduced in the other place or this place the government has had to play catch-up to try to get its own legislation into Parliament. We saw today that Mr Pesutto in the other place sought to introduce a private members bill to address the issue of attacks on emergency service workers and to provide for a mandatory sentencing framework around that to ensure that the expectations of the community are met in relation to those types of offences, because the community is sick of seeing alleged perpetrators brought before the courts, quite often found guilty or convicted and then receiving sentences which do not reflect community expectations in any way.

It is becoming increasingly necessary for this Parliament to intervene to ensure that the expectations of the community are delivered through the judicial system by way of greater prescription in statute. What we saw today with the private members bill sought to be introduced by Mr Pesutto in the other place was exactly that: it was just the latest example of my colleagues in the opposition providing the leadership which has been sadly lacking in the government on repeated occasions.

What we see with the bill before the house, the Justice Legislation Amendment (Access to Justice) Bill, is an omnibus bill which is largely mechanical in the provisions it encompasses. It actually does not go to any of the issues which are of concern to the Victorian community. Having the term 'access to justice' in the title is somewhat ironic because when you reflect on the number of Victorian citizens who have been engaged in the criminal justice system in the last three years as victims and family members of victims, they would in many cases say they have been denied access to justice, that the system has delivered them anything but a just outcome. So there is some irony in the title of the bill, the Justice Legislation Amendment (Access to Justice) Bill, which arises from the government's review of access to justice, because the scope of the bill does not go to the issues that are of concern to the Victorian community.

There are a number of provisions in this omnibus bill, and I will run through them in passing. The first main provision is in part 2 of the bill with respect to the jurisdiction of VCAT, and it provides that the threshold for small claims in the Victorian Civil and Administrative Tribunal is increased from $10 000 to $15 000. I understand this is a provision where we may see an amendment looking at whether that is an appropriate threshold or not come forward as the bill is considered. That is something the committee can deal with in the committee stage.

Part 3 of the bill amends the Births, Deaths And Marriages Registration Act 1985 with respect to removing the requirement that a person be unmarried in order to alter their recorded sex. I understand that this is a consequence of the commonwealth changes with respect to marriage made at the end of last year. Previously the intersection of the Victorian Births, Deaths and Marriages Registration Act and the commonwealth marriage legislation worked in such a way that under commonwealth law two people of the same sex could not be married. Therefore a married person in Victoria was unable to change their recorded sex, because if they changed their sex as recorded in the Victorian births, deaths and marriages register they would then be in a same-sex marriage, which was not provided for under commonwealth law. So the commonwealth changes to the commonwealth Marriage Act 1961 to permit same-sex marriage mean that the provision which prevents a married person from changing their recorded sex is no longer relevant as it relates to the commonwealth Marriage Act. Therefore part 3 of this bill removes that requirement that a person be unmarried in order to alter their recorded sex.

Part 4 of the bill amends the Civil Procedure Act 2010 to set out matters that a court may have regard to when making a protective costs order, prospectively capping a party's liability to pay another party's costs if they are unsuccessful. Part 5 and part 8 of the bill amend the County Court Act 1958 and the Magistrates' Court Act 1989 to enable the making of regulations with greater flexibility, including prescribing fees for different court users and different classes of court users, where fees are payable and by which party. This was previously something set down in statute. Part 6 of the bill amends the Legal Aid Act 1978 to increase Victoria Legal Aid's (VLA) role in coordinating the provision of legal aid and legal aid assistance information, to introduce new planning and reporting requirements and to require at least one VLA director to have public management experience and at least two directors to have experience in VLA's areas of legal practice. Part 7 amends the Legal Profession Uniform Law Application Act 2014 to increase funding available for legal assistance services and to allow the Victorian Legal Admissions Board to make payments for the Public Purpose Fund for innovative improvements in access to justice.

Part 9 of the bill amends the Victoria Law Foundation Act 2009 to alter the functions of the Victoria Law

Foundation to focus on data analysis, research and evaluation of access to justice, legal assistance and civil justice issues. Part 10 amends the Victorian Civil and Administrative Tribunal Act 1998 to enable mediators to conduct compulsory conferences across all VCAT lists, to simplify the process of enforcing VCAT orders, to allow parties to small claims civil matters to request written reasons and to recognise the role of a support person at VCAT.

The coalition is not going to oppose this bill. As I said, it is an omnibus bill that picks up a number of recommendations from the 2016 *Access to Justice Review*. It spans a very wide scope of legislative matters within the justice area around the operation of our courts and tribunals as well as the births, deaths and marriages matter I touched upon. With respect to the legal aid provisions — the amendments to the Legal Aid Act 1978 — the bill will provide some more prescription around who qualifies to be a director of Victoria Legal Aid, requiring someone with public management experience and requiring two directors to have experience in the VLA's areas of practice. We believe these are reasonable changes to the structure of the VLA board.

One of the interesting things with respect to the VLA is the way in which it provides support to people who otherwise would be unsupported in the justice system and of course, with that, the way in which it makes decisions as to which matters merit support from the VLA and which do not. An extension of that is the way in which VLA from time to time seeks to insert itself in matters of public debate and matters of political debate which may have a legal aspect to them — be they matters which are brought before the court to test a matter of contentious policy or a government decision. Where VLA may seek to provide representation or withhold representation is something that is of interest to this Parliament and, I think, of interest to the entire Victorian community because legal aid is provided by the Parliament and, by extension, by the Victorian community for a very specific purpose in providing access to the justice system for those who would not otherwise be able to have legal representation.

When the VLA seeks to exercise its brief in a broader way which has a political overtone to its activities, that is something which does raise concerns and does jeopardise community support for the VLA. The more prescriptive structure that the bill will require with respect to public management experience as well as directors with experience in the areas of VLA's areas of legal practice is a positive step.

Likewise, in part 9 of the bill the changes to VCAT around simplifying the processes for the enforcement of VCAT orders and allowing parties to small civil claims to request written reasons are also useful enhancements of VCAT's structure.

Obviously VCAT was established in the mid-1990s as a replacement for the Administrative Appeals Tribunal as a way of establishing a simple, low-cost jurisdiction for small claims to be determined in Victoria. Since the original founding and establishment of VCAT its scope has been expanded through successive statutes which have sought to use VCAT as an appeal body or as a review body in a plethora of ways. There would be probably now hundreds of statutes which vest the review function or the appeal function in VCAT, so it plays a very important role in our justice system as a quasi-judicial body, and any enhancements which allow it to act more efficiently and more effectively and provide, in the case of disputes, easier remedies for parties seeking relief through VCAT and seeking the enforcement of orders through VCAT are a welcome step.

As I said, the coalition does not oppose this bill. It is an omnibus bill. It covers a broad range of matters which arise from the government's review of access to justice. But of course it does not address the issues which are of concern to the community — that is, the community's concerns as to their day-to-day safety and the lack of police resources which have been provided by this government over the last three years and the fact that people do not feel safe on the streets, do not feel safe in their cars due to the carjackings we are seeing and of course do not even feel safe in their homes, as we have seen with the plethora of home invasions over the last three years.

So while this bill makes some useful administrative improvements across the sweep of the justice system, it does not address the community's key concerns around justice, it does not address police resources, it does not address the level of crime in the community and it does not address the frustration that the community feels at the way in which the judiciary undertakes its role and the way in which the judiciary consistently does not reflect the expectations of the Victorian community. The only way in which those expectations can be met and the only way in which the expectations of policing in the community can be met is with a change of government in November and a change of policy in those key areas.

Dr CARLING-JENKINS (Western Metropolitan) (16:51) — I rise to speak on the Justice Legislation Amendment (Access to Justice) Bill 2018 very briefly this afternoon. I wish to say I do not oppose this bill. I seek to just simply make some brief comments about concerns that a number of members in my base have brought to my attention. It is just on one aspect of this omnibus bill, and it is in relation to part 3.

Part 3 of the bill seeks to amend the Births, Deaths and Marriages Act 1996 to allow a married person to apply for a change to their sex as recorded in the register of births. This has not been previously allowed here in Victoria. I just want to bring to the attention of the house an issue that has arisen here in Australia. Despite the existing prohibition, on 24 February 2015 a married man succeeded in an application to the register to have his sex changed to female on his birth certificate. This unlawful act caused a lot of distress and legal and financial difficulties for the man's wife, who without any notice found herself married to a woman. The wife found it humiliating, time-consuming and expensive in pursuing separation and divorce proceedings from her husband, who now had a new name and a new registered sex, as it was necessary to seek ongoing legal advice, which was very complicated in this particular case.

We are told the change proposed by part 3 is a necessary consequence of the Marriage Amendment (Definitions and Religious Freedoms) Act 2017 passed by the commonwealth Parliament following the referendum, and I accept that. However, how many Australians who voted yes to allow two men or two women to marry realised that they were also voting for any person in an existing marriage to unilaterally change their sex without any obligation to inform, let alone obtain the consent of, their spouse?

I note that the Gender Recognition Act 2004 in the UK requires consent from a spouse before a married person can legally change sex. If consent is not given by the spouse, then the person wanting to legally change sex can be given an interim gender recognition certificate. This can be used within a six-month period to more readily end the marriage by annulment or divorce. In Scotland a full gender recognition certificate can be issued after six months without the marriage being ended. These options I think would have been better to explore.

Section 40(5) of the commonwealth's Sex Discrimination Act 1984, which currently exempts state laws prohibiting altering an official record of a person's sex if the person is married, will be repealed effective from 9 December 2018, and I understand that this does necessitate a change in Victorian law. However, it is not clear that requiring additional procedural steps, such as a requirement to notify a spouse before a change of sex is registered, would be in conflict with the commonwealth law. I would be interested in receiving an answer to that during the committee stage.

I note that there is no provision in part 3 relating to the issuing of a new marriage certificate. This will result in a curious anomaly where, for example, a person born as the male Jack, and married as Jack to Jill, will be issued with a new birth certificate as a female Jane but will still, as far as I can tell, only be able to get a marriage certificate showing the marriage between Jack and Jill. This suggests that the implications of allowing married people to change their sex have not been thoroughly thought through.

Part 3, I believe, sits oddly in this bill with the phrase 'access to justice' in its title as it does fail to do justice to the nature of marriage and to both parties to a marriage by allowing one party to, unilaterally and without notice, change their registered sex while still married. This part 3, I honestly believe, could be more properly entitled 'Access to injustice'. As I said, I understand the commonwealth pressures that have led to this insertion in the bill. However, I think it could have been thought through more thoroughly. I have received a number of complaints around this to my office, and I thought it was worth raising these concerns in this context.

Mr GEPP (Northern Victoria) (16:55) — I am pleased to be able to rise to speak on the Justice Legislation Amendment (Access to Justice) Bill 2018. What this omnibus legislation does is respond to the election commitment that the government made in 2014, when we committed to holding a review into access to justice if we won office, and of course that is exactly what we did. We announced that review in 2015. It was undertaken by the Department of Justice and Regulation with the assistance of Melinda Richards, SC, and Rachel Hunter, the former chair of Legal Aid Queensland and former director-general of the Queensland Department of Justice and Attorney-General.

It was important to this government that, one, we responded to the election commitments and, two, having done that, we then responded to the recommendation of this eminent panel and the things that they brought to this government's attention. I think it is worthwhile going back over a couple of things that in broad terms the panel did find in their review, which was released back in October 2016.

We know that in total the review made 60 recommendations and the government has agreed to 57 of those recommendations. This bill delivers specifically on 16 of those recommendations.

What the review talked about was grouped essentially around four themes: better information — that was about access to justice, legal assistance and the civil justice systems to improve the management of those systems; more flexible and integrated services — responding to community needs in a proportionate and timely way through better coordination with other services to disadvantaged and vulnerable communities; and making better use of technology — of course when these systems were originally constructed it was at a time perhaps when technology was not as advanced as it is today. Certainly the review found that and suggested that we improve the online accessibility of our processes and tools. The final theme was improving governance, leadership and linkages. The recommendation was that legal aid be established as the system manager to coordinate the legal assistance sector and that would be more transparent and accountable in undertaking its roles and delivering its services. As I said, there were 60 recommendations in total. When we announced our response to the review on 23 May 2017 we agreed to 57 of those recommendations.

As part of the response the government has already allocated some $34.7 million over four years to support the implementation of the review's recommendations. It is very, very important that that is understood by the house. We made the commitment that we needed to review our systems and we pulled together an eminent panel to conduct that review. They made 60 recommendations. We have responded and said that we would accept 57 of them — this bill will particularly implement 16 of them — and critically we have allocated $34.7 million to support the implementation of the review recommendations.

I will just touch briefly on where some of that money has gone. This funding comprised funding for VCAT and the courts: $6.3 million to VCAT to work in conjunction with the Dispute Settlement Centre of Victoria to expand alternative dispute resolution for small civil claims at VCAT; $4.6 million to VCAT to modernise and streamline its processes, including developing additional electronic forms and facilitating the electronic service of documents and enforcement of VCAT orders in the courts; $2.1 million to enhance judicial mediation at the Supreme Court by providing an additional judicial registrar and an accompanying associate to provide alternative dispute resolution services; $2 million to improve the accessibility of educational online materials provided by the courts and VCAT; $1.1 million to improve the way the County Court works with self-represented litigants by providing two additional specialist support staff to provide support to self-represented litigants; $800 000 to VCAT to undertake detailed planning for an online system for the resolution of small civil claims; and a suite of other measures. That package of course was in addition to the $103.7 million announced in the 2017–18 Victorian budget to enhance the justice system and legal assistance services.

I will just talk a little bit about legal aid. Of course we know the enormous role that legal aid plays in helping ordinary Victorians resolve their disputes. Every year Victoria Legal Aid (VLA) helps thousands of Victorians work through common legal problems and provides opportunities for people who otherwise might not, to borrow that often used quote, have their day in court, as it were. To strengthen VLA and the legal assistance sector more broadly, what this bill does is establish a clearer governance and coordination framework for our legal assistance sector to make sure that the government, VLA and our excellent community legal centres are working together to make sure that legal assistance services are delivered where they are most needed. We are lifting the cap on the available funding for Victoria Legal Aid from the Public Purpose Fund run by the Victorian Legal Services Board from 35 per cent to 40 per cent to help make sure that there are more resources available for the legal assistance sector. These changes build, as I said earlier, on the 2017–18 budget investment in access to justice, which delivered $7.23 million for additional legal aid grants, $6.85 million to expand VLA's legal help phone service and modernise their website, $2.59 million for more duty lawyers and $1.27 million to provide more translating and interpreting services.

Mr Rich-Phillips in his contribution mentioned the Victoria Law Foundation, and what this bill seeks to do is to make sure that the evidence base for future reform and investment in our civil justice systems is robust. The law foundation will be given a new role as a research centre into access to justice, legal need and civil justice issues.

VCAT, as we know, is a very important part of our justice system here in Victoria, and many, many thousands of Victorians are very familiar with VCAT. I want to take just a couple of minutes, if I can, to talk about the changes being made to VCAT. I will not go through all of the changes, but I will talk about what we are doing through the changes in this bill.

Of course the review found that resolving small civil claims in VCAT is often too complex, but there are opportunities for us to expand and enhance the use of alternative dispute resolution measures at VCAT. It found that the process for enforcing VCAT orders — we have all heard the stories many, many times — is a barrier to access to justice for many people, that better use of digital technology could make VCAT more accessible and more user-friendly and that there is a need for improved services to individual VCAT users.

The review in particular recommends a number of targeted reforms to VCAT, and many of those have been picked up by the bill. For example, parts 2 and 10 of the bill implement the review recommendations relating to VCAT by expanding the range of people who can conduct compulsory conferences at VCAT and facilitating the service of documents by email. I have heard a little bit about people saying, 'What happens if the people involved in the case don't have access to email?', but it is not that we would just go to that system and that system alone. People using VCAT services would register their email at the start of proceedings and indicate that that was their preferred way of receiving documentation.

The bill increases the threshold amount for small civil claims at VCAT from $10 000 to $15 000, an increase of 50 per cent, and allows parties to small civil claims to request written reasons for a VCAT decision within 14 days of a member giving oral reasons. People involved in VCAT cases today have to ask for those decisions to be given in writing on the day, and often that can be very overwhelming for people involved in the particular sets of circumstances. That 14 days does allow a reasonable period of time for people to go away and absorb what they have endured through the VCAT process and obtain those reasons in a timely fashion.

The bill also simplifies the process for enforcing VCAT orders and establishes in legislation the role of a support person. We know that the sorts of cases before VCAT can often be very, very emotional, and this bill provides a legislative role for a support person, as distinct from somebody such as an interpreter or an advocate, and provides a great deal of support for the people involved. Overall we believe that the bill does enhance the efficiency of VCAT.

I do not want to talk too much more about all of the changes that the bill does address, but I will talk very quickly about the issue that Dr Carling-Jenkins brought up. The bill does make miscellaneous amendments to justice legislation, in particular in relation to the Births, Deaths and Marriages Registration Act 1996. It removes the requirement for a person to be unmarried before they can apply to the registrar of births, deaths and marriages to alter their recorded sex. When you look at the Charter of Human Rights and Responsibilities, it is very clear that there is recognition that people ought to have available to them the right to declare their gender and that restrictive legislation in fact entrenches inequality and denies people their basic human rights.

I will not go through the rest of the bill. I think Mr Rich-Phillips identified most of the purposes of the bill during his contribution. I will stop there and commend the bill to the house.

Ms PATTEN (Northern Metropolitan) (17:09) — I rise to speak to the Justice Legislation Amendment (Access to Justice) Bill 2018. I am not going to go through the entire bill, but there are just a couple of areas that I would like to touch on, in particular the changes to the Legal Aid Act 1978.

I would just like to mention that I met with Michelle Quigley, the new president of VCAT, last week. She is quite a formidable person, and I am looking forward to seeing VCAT under her stewardship and guidance. However, while we may be looking at ways for VCAT to be more streamlined, VCAT is bulging at the seams. It needs more funding, and while a lot of these changes will make it an easier experience for people accessing VCAT, they will bring more people to VCAT, so I am very conscious that it will need to be supported through these changes.

I would also just like to mention how happy I am to see the removal of barriers for married people seeking to alter the record of their sex. This will be very welcome amongst many in the LGBTI community in Victoria. It is something that has caused great pain to a number of my constituents and a number of people in our community, and I think this will end some really painful decisions that people were having to make and enable people to live their lives with the people that they love in the way that they wish.

Moving to Victoria Legal Aid (VLA), this bill really gives effect to 16 of the 60 recommendations in the government's *Access to Justice Review*, principally by strengthening Victoria Legal Aid's role as a coordinator in the system of accessing justice. It increases VLA's transparency and accountability, which previous reports have shown is absolutely necessary; introduces new planning and reporting requirements, including a long-term strategic plan, an annual corporate plan and quarterly performance reporting; strengthens the skills base of the VLA board by requiring at least one director to have experience in public management and two

directors to have experience in areas of VLA's practice; and strengthens the general governance structures by removing the managing director position and introducing a CEO. I think all of these go to the intent of the bill, which is greater access to justice.

We know that a fairer and more equitable legal system is really important and is particularly important to our most disadvantaged people. We know that the people in our most disadvantaged postcodes are well and truly overrepresented in our court system and in our justice system. It is important because it is those same people who continue to fall through the gaps.

In thinking about this and in looking through this bill, I spoke to a person who is a criminal lawyer. For the sake of my contribution I would like to call her Emily. Emily had a client called Zac, who was a 19-year-old Indigenous young man from a country town in regional Victoria. He was remanded at Port Phillip Prison on a charge of breach of an intervention order. The magistrate in Zac's case deferred the final sentencing decision, granting bail so that he could attend the Wulgunggo Ngalu Learning Place (WN). This was a very fine decision and a very considered decision of the magistrate to give this young man a chance to revisit his culture and to connect within this residential service for Koori men. Principally they are on community correction orders, but for Zac this was going to give him an opportunity to learn skills and reconnect with his culture and participate in programs to address his offending behaviour. This, I think, was a very good and a very wise decision.

On the day of the court hearing, Zac's matter was finalised at about 3 o'clock. He appeared via video link from the Port Philip Prison, and then he was to be released from there. Corrections had bought him a train ticket so he could get on the 5.30 train from Spencer Street to Traralgon, meaning that Zac had to get himself from Port Phillip Prison to the city by bus in order to catch the train. Emily called the prison, asking that they release Zac as soon as they could so that he could get that bus to get that train to get to Traralgon. But the prison refused to give Emily any information. Zac was held and, not surprisingly, he missed the 5.30 train. He did not have a mobile so he could not call anyone; he had no way of telling anyone where he was.

That night the people from Wulgunggo Ngalu drove from Yarram to the train station in Traralgon in the hope that Zac would be on one of the following trains. This was a 134-kilometre round trip. The next morning they phoned Emily to say that he had not arrived. The magistrate had made the order 18 hours before, at 9 o'clock in the morning. Emily got a call from Zac saying that he was at Spencer Street station. The prison had released him at 7.30 that night despite the magistrate making the order at 3.00 p.m. Of course all bus services had stopped. Zac had no money and no phone. When he asked to go back into prison they would not let him back in because he had been released. He slept outside the prison and then made his way down to Spencer Street.

This ultimately had a happy ending, but Emily had to meet him at Spencer Street station, buy him another ticket and make sure he got on the train to get to Traralgon to go out to Yarram, and he did make it and he is doing well. But Emily should not have had to do that job. This is some of the work that we should be doing. This type of access is not something that we should be relying on criminal lawyers to do because they cannot always do it. Emily is probably rare. Not all criminal lawyers would be checking on someone like Zac to ensure that he made it safely — going down to the station and buying him a ticket, doing the sorts of things that enabled Zac to make it.

Ben, who is also Indigenous, received a 12-month term of imprisonment with eligibility for parole after six months. Unfortunately he could not get parole because he did not have any family in Victoria and he did not have a Victorian address to be released to. His circumstances, like Zac's, were pretty sad. He was a young man who had grown up in the care of the Department of Health and Human Services. As I said, he had no family in Victoria. This meant that he served the full 12 months of the sentence. There was no supervision on his release — no assistance to reintegrate into the community and no-one coordinating mental health or drug and alcohol treatment, which is the value of parole, as we have spoken about in this place before. Instead he was released straight into the community with nothing — no home, no money, no Centrelink in place, no family. Emily told us she thinks he was given three days in a motel, funded by one of the social services, but that was about it. To nobody's surprise, Ben was back in custody three weeks later. The system is essentially set up to fail people like Ben, and I think these examples highlight that we need to do better. Enhancing access to justice is an important step, but it is just a step.

I spoke about this earlier today on a different matter, but if we can support people like Ben and Zac so that they do not reoffend, then that obviously is a far better outcome than continually jailing them in this never-ending cycle that these men get into. Ben needed help to become a functional member of society so that he was not placed in a desperate situation where he really did not have many other options.

As I said during the Public Accounts and Estimates Committee hearings last week, we need to look at the recent successes in places like the Netherlands, where they have reduced their recidivism rates to the extent that they are closing their prisons down. They are even accepting prisoners from other countries simply because they now have so many prison beds available. In the Netherlands they incarcerate 69 per 100 000 people, compared to 138 per 100 000, and growing, in Victoria. The Netherlands has exactly half the rate of incarceration as Victoria, and that is because they are not jailing violent offenders. It is because they have managed to set up a system that reduces recidivism and reduces reoffending, which really should be the main objective of our justice system. Punishment is one element of our justice system, but reducing recidivism should be our main goal.

Moving on, as important as enhancing access to justice is, it is important we choose the correct vehicle. Victoria Legal Aid has a huge number of incredibly passionate and hardworking staff, and they do a tough job. As I said when I was speaking about Emily, they quite often put the wellbeing of their clients ahead of their own. They work very long hours and they are tireless in their representation of their clients, who very often have been ignored or disposed of by society. The staff are not only providing legal services; they have to recognise mental health issues and understand drug issues as well as homelessness, trauma and different cultures. The staff cop abuse and they manage incredibly hefty caseloads.

I would like to make some comments about the management of the organisation. Victoria Legal Aid's financial difficulties were well publicised a few years ago — a $3 million deficit followed by a $9 million deficit that the organisation addressed by slashing the eligibility for legal aid funding, and therein limiting access to justice for very many Victorians.

In the Auditor-General's 2014 report titled *Access to Legal Aid* he noted limitations with legal aid's performance framework, meaning it was not possible to determine how effectively, efficiently and economically it was providing these services. So they just could not see how well they were doing. The extent to which VLA is providing services effectively, efficiently and economically is constrained by the very fact that its performance monitoring framework does not clearly inform the board or the public about how well it is achieving its objectives. I am hoping these issues have been dealt with since 2014.

I am also somewhat concerned that legal aid may still be too top-heavy and may have proportionately less frontline staff than equivalent legal aid commissions in other jurisdictions. There is some criticism that has been brought to my attention that legal aid is too bureaucratic, it has too many departments and there is just too much red tape within legal aid. In Victoria Legal Aid's 2016 staff satisfaction survey there was not much satisfaction. In fact the results were fairly woeful, and they highlighted some really significant cultural issues within the organisation. I understand that Victoria Legal Aid has taken significant steps to improve this, and I think we in this place could certainly benefit from some reassurance in this regard.

Personally I would like to see the Victorian Auditor-General's Office undertake a follow-up audit to check whether the recommendations made in 2014 have actually been implemented. However, I am reassured, and I think the changes that this bill makes will increase the transparency and accountability of Victoria Legal Aid, as I have mentioned before, by introducing new planning and reporting requirements, by having long-term strategic plans, by having corporate plans, by having quarterly performance reporting, by improving the skills base of the VLA board and by strengthening those governance structures.

I note that Mr John O'Donoghue is the newly appointed board director, and I do wish him well. I presume he is probably listening to this debate today. I am certain he will get VLA functioning as a model employer and, importantly, as an efficient and less bureaucratic organisation with a renewed focus on frontline services delivery, and I think this bill will assist him greatly in taking VLA to achieving those goals. I have not yet met Mr O'Donoghue, but given his CV, his skill set and his experience at places like PricewaterhouseCoopers I think he has got the right skills to achieve the more streamlined nature that we need for our legal aid services here.

So with those points I do not mean to be terribly critical of legal aid. I think they do remarkable work, and a criminal lawyer — someone like Emily, who is funded through legal aid — is a great example of the services that legal aid employees themselves offer but also the services that Victoria Legal Aid fund and the lawyers that they fund to provide them. This legislation will deliver better justice outcomes and, I hope, a broader safety net to really help individuals out of that cycle of reoffending, and if we can continue to consider that it is stopping that cycle of reoffending that should be our goal in our justice system, then we will achieve a safer community. I commend the bill to the house.

Mr FINN (Western Metropolitan) (17:26) — I rise this afternoon to speak on the Justice Legislation Amendment (Access to Justice) Bill 2018. I have to say that when I first read that title I thought they were having a lend of me. Let me just revisit the name of this bill: the Justice Legislation Amendment (Access to Justice) Bill 2018. When it comes to justice, when it comes to law and order and when it comes to protecting the community from criminals this government has been a total, unmitigated failure. By any measure it has been a total, unmitigated failure. The people of Victoria have been calling out for justice — real justice — since this government came to office. And here we are, just a few months before an election, and the government introduces a piece of legislation to this house called the Justice Legislation Amendment (Access to Justice) Bill 2018. If it was not so pathetic, it would be funny.

It is a very sad state of affairs indeed when we have had a government for the last three and a half years that has not taken much of an interest in justice and has not taken much of an interest in protecting the community from criminals in various ways. Here we have this legislation where I presume the government are going to claim that they actually care. Well, I do not think so; I do not think so and I do not think anybody else thinks so. The fact of the matter is, as I said before, the government has been a total and absolute failure in every way when it comes to justice.

This government cannot help itself. It has included in the legislation an attempt to, I suppose, revisit a bill that we defeated in this Parliament last year.

Mr Morris — Which one was that?

Mr FINN — That was the birth certificate bill. You might remember it. The government was trying to allow people to change the gender on their birth certificates, almost at will. Thankfully this house knocked that legislation on the head. But this bill, as is dutifully done by the government, is an attempt to revisit that. My suggestion, as it was back when we debated the original bill some time ago, is that to interfere with a birth certificate is to try to rewrite history. A birth certificate is a historical document. It is not telling you where you are now; it is telling you where you were when you were born. It is telling you who your parents were, it is telling you on what date you were born and it is telling you what gender you were when you were born. You cannot go back and change who your parents were, you cannot go back and change the date — although there are a few of us who would surely like to, I can tell you — and you certainly cannot go back and change the gender. But this is what the government is attempting to do in this legislation. I particularly thank Dr Carling-Jenkins for speaking for some time on this section of the bill, because I have to say that I do not see the connection between this section of the bill and justice at all. I just do not see it at all. It is quite extraordinary. But given this government's record on justice and crime and punishment, it is not at all surprising that it would have in this bill something that is totally unrelated to justice at all.

Coming from the western suburbs, I know a fair bit about crime. In the western suburbs we have been washed away in a tsunami of crime over the past three and a half years. I have spoken to a number of people who have been personally affected by the criminal activity, by the gang street crime, by the home invasions, by the carjackings — so many criminal activities that have been conducted out in the western suburbs, without any great interest, I have to say, to try and stop it by the government. They will throw us a couple of extra police now and again. That is very good of them, not that it does any good. We need a lot more than a couple, let me assure you.

We have people out in the western suburbs who, quite rightfully I think, are actually afraid to live in their own homes. I have spoken to people who have sold their homes and moved after home invasions that they have experienced. I will never forget one young woman — I think she was about 17, from memory — who was awakened at 5.30 one morning out at Taylors Hill. She was the victim of a home invasion at 5.30 in the morning. She and her parents were absolutely terrified by what happened. They actually had to sell their home; they could not live in their home. These people came from India and thought Australia was the land of milk and honey. They thought that Australia was the land of peace and that this is the great Nirvana that they had sought and that they had arrived at. But here in the west of Melbourne they had found themselves swirling around in a pit of crime and indeed as victims of that crime.

I cannot help but feel very, very sorry for them and for other people who have been in a similar situation. They are not on their own. They are not like Robinson Crusoe, I can assure you. There are many people who have found themselves in the same situation in the western suburbs and down over the other side of town as well. The western suburbs obviously are particularly my interest.

Another example is of a young man who has autism. Some of you may remember this particular case. He had built up his confidence so that he could visit the local shopping centre on the bus. His parents obviously were pretty thrilled about that, and I can understand

that. I would be pretty thrilled, too, if I were them, because it does take a lot of work to get somebody with autism to actually go out and do something by themselves — to get the bus and go down and do a bit of shopping. He had done that a couple of times. But one morning — and when I say morning, I am talking about 10 or 11 o'clock in the morning, not after dark or anything like that — he was accosted by a gang on a bus out in Tarneit. He was attacked, he was beaten up and he was robbed. He had his money stolen, and he had his phone stolen.

As I have pointed out to a number of people over the last little while since I heard about this, really the stealing of the money and the phone was very minor compared to what was really stolen that day. What was stolen was his independence. His confidence, his independence and his feeling of self-worth are what were stolen from that young man that day. I have met him and his family. I know that they are trying to turn things around, but I hope they are succeeding in turning things around.

It is just a dreadful, dreadful situation when a young man with autism, with a difficult condition, after building up the confidence to actually get on the bus and go shopping, cannot do that without being attacked by gangs here in Melbourne. We are not talking about Johannesburg, Los Angeles or somewhere on the outskirts of London. This is here, in the western suburbs of Melbourne. The government just has not seemed to be interested — until now, of course, because in just a few months Victoria votes, so all of a sudden the government is very concerned about justice and about law and order.

I suppose to some extent it should not be surprising that there is that degree of crime going on in the state. I mean, the people who are charged with the responsibility of law and order in Victoria — the government, the state government, the Andrews government — have not exactly been leading by example, have they? You just have to look at the Ombudsman's report to see the attitude of this government toward the acts of criminality, in my view, that have occurred under the leadership of some members of this government. It is appalling. Is it any wonder that people look at the government and say, 'If they can get away with it, so can I'? Well, they should not get away with that, and nor should anybody else.

The problem is that many of our judiciary — in fact I would go as far as saying most of our judiciary in this state at the moment — were appointed by a bloke called Rob Hulls, who was the Attorney-General of this state for 11 years. He made every judicial appointment in the state for 11 years. I used to be fond of referring to him as the most dangerous politician in Australia, and I really think I have been proved right there. I used to say that when he was long gone from politics his legacy would linger on. Well, his legacy is lingering on, and it is not a good one. It is one that he is proud of, I might say, but it is not one that he should be proud of. It is a judiciary that is soft on crime and allows people to walk away from their just deserts. That is something that I find appalling, and we have Rob Hulls to thank for that.

Can I suggest further to the government that they might like to consider a word? I read this bill, and there does not seem to be any reference to a word that they really do not seem to be all that familiar with. The word is 'victims'. They are the ones who should be the beneficiaries of justice. They are the ones who should have access to justice. Yes, the criminals — those charged, those accused — should have access to legal aid and the wherewithal that comes their way. But what about victims? They are the ones that have been beaten, that have been robbed, that have had their homes broken into and that live in fear. What about them? What about this government taking on the role of defending the victims of crime in this state? Because they are the ones to whose defence we should be jumping. They are the ones that this legislation should be about more than anything else — the victims.

It is easy to blame the system — and I think we heard Ms Patten pretty much try to do that a little bit earlier this afternoon — but the system I do not believe is entirely to blame at all. There is a thing that we used to have in this country — and we do have it now to a certain extent but nowhere near as much as we should — and it is a thing called personal responsibility. It is a thing called taking responsibility for your own actions. It is not good enough for people to say, 'I can rob, I can bash, I can go out and steal a car, I can go out and break into somebody's home, and it's the system's fault'. It is not the system's fault — it is the fault of the person who did it. It is their fault, and they have to be held responsible for it.

That is what justice is, and that is what we need in this state. We need a justice system, and we have not got one. We have got a legal system certainly, but we do not have a justice system. What concerns me more than anything else is the fact that the vast majority of Victorians know that we do not have a justice system. They have lost faith in justice in this state. We have to turn it around. This bill will go some way towards it, but not very far at all. We are going to have to wait until after November for Premier Matthew Guy.

Mr MORRIS (Western Victoria) (17:42) — I rise to make my contribution to the Justice Legislation Amendment (Access to Justice) Bill 2018. I do note that this particular bill does give effect to 16 of the 60 recommendations of the government's 2016 *Access to Justice Review*, and further this bill goes on to amend the Births, Deaths and Marriage Registration Act 1996 as a result of the commonwealth's implementation of same-sex marriage. I do note that some of the provisions in this bill go to increase the threshold amount for small civil claims in VCAT from $10 000 to $15 000. Part 3 amends the Births, Deaths and Marriages Registration Act 1996 to remove the requirement that a person be unmarried in order to alter their recorded sex. Part 4 amends the Civil Procedure Act 2010 to set out when a court may have regard to making a protective costs order prospectively capping a party's liability to pay another party's costs if they are unsuccessful. Part 5 amends the County Court Act 1958 and part 8 amends the Magistrates' Court Act of 1989 to enable the making of regulations with greater flexibility, including prescribing fees for different court uses when fees are payable and by which party, which was previously outlined in the statute as well.

On that particular matter about the courts, I think one of the things that we are continually hearing with regard to our justice system at the moment is that unfortunately on too many occasions there are instances where a particular sentence is handed down by the courts and there are members of the community who express concern about the proportionality of that particular sentence and whether or not indeed it does match the crime that was committed. There is obviously going to need to be in any sentencing regime a respect for the contributing factors that may come to bear on an offender, but I do note that in section 5(1) of the Sentencing Act 1991 it very clearly sets out the purposes of sentencing. These are incredibly important factors when considering a sentence. The first point here is the need for a just punishment. In terms of a sentence, it needs:

> to punish the offender to an extent and in a manner which is just in all of the circumstances.

That is an important factor that we take into consideration all the circumstances surrounding a particular act, a particular crime and a particular offender. However, the further purposes of sentencing go on to include deterrence. This is one that I certainly hear from many members of the community — that they fear that our current sentencing regime is not acting in terms of deterrence in any way with the strength required to ensure that when a sentence is handed down an offender will think twice about committing that offence again due to the gravity of that sentence.

With regard to deterrence, there are two specific areas. There is of course going to be specific deterrence, so ensuring that there is a deterrent for a particular offender who has been charged and found guilty of a particular crime. But there is also general deterrence, and that is to in effect send a very strong and clear message to the community that if you commit this type of crime this is the type of sentence that you are going to get. On an all-too-regular basis I have contact with my constituents who very clearly express that they are concerned that the general deterrence of many of the sentences that are handed down is nowhere near harsh enough. As a result it is a matter of there not being a deterrent for a specific behaviour. If there is not going to be a penalty that is tough enough in our justice system, then there is no reason to not commit that crime again, and unfortunately that is what we are hearing too often.

The further purpose of sentencing is of course rehabilitation, and that is something that is critically important, because we do not want recidivist offenders time and time again committing crimes, because whether it be going to jail or having significant other penalties placed upon them, it does inhibit their capacity to be a functioning member of our community and indeed of their families and the like as well. Rehabilitation does need to do just that; it needs to rehabilitate offenders. I certainly think that the deterrence factor of sentencing is a critical part of the rehabilitation. If a person found guilty of a crime is not given a suitable deterrence against committing another crime, then they may well do so and indeed have a negative impact on their own rehabilitation.

Further to the purposes of sentencing, we go on to denunciation, and this is one that I think often gets skimmed over. A sentence needs to denounce, condemn or censure the type of conduct engaged in by the offender. This is also another incredibly important part of our sentencing. It is important that a criminal when found guilty of a crime is censured and receive the condemnation of the court for their behaviour. Similar to this fact, we have seen a large number of suppression orders and the like that have been handed down with particular court cases, and this is something else that many of my constituents have contacted me about, saying, 'How can this part of sentencing be achieved if there are a significant number of these suppression orders in place so that the community does not understand the crimes and who has committed them?'. I can understand there may be very real circumstances in which it is in the community's best

interests to not have these types of crimes and the like made publicly available, and I certainly respect that, but there does need to be a very strong interrogation of whether or not suppression orders are required in these particular places.

This brings me to the second-last purpose of sentencing, and that is community protection. This is something that I think we have lost all sight of in our justice system at the moment. When a criminal is sentenced for their crime, it appears that there is unfortunately a blinkered view on occasion for just that criminal — that the only view taken is for that criminal and not for the consideration of the community at large. I well recall that I have had many conversations with people discussing sentencing and harsh sentencing, and the comment often is, 'Do you think that criminal is going to be thinking about that harsh sentence before they commit that crime?'. Unfortunately some people do not think about their behaviour before they commit their crime, and unfortunately that behaviour has significant and long-reaching impacts on members of our community.

It takes me to the Handford family in Ballarat, whose father and grandfather, Ken Handford, was murdered in his own home by two offenders who unfortunately treated Mr Handford in a horrendous way prior to his death, trying to get money from him to buy drugs. As a result of that, they murdered Mr Handford, were found guilty and were sentenced, and I am pleased that there was an appeal against those sentences and that much tougher sentences were handed down. The situation that we have here is that when you discuss the impacts of this crime with the Handford family you see a different side of the impact crime can have.

This is what I am very concerned and what we on this side are very concerned has been lost: the rights of the victim in our legal system. When you go to court the offender has their representation. The prosecutors have their representation. The judiciary and the like are very well represented with their assistants and the like. There is only one party in our justice system that does not have that representation, and that is the victim. The victims of these crimes do not have that representation. They do not have the strength of voice that the other parties in the legal system do.

That is something that needs to change, and that is why Matthew Guy has been very clear saying that his government will place victims at the centre of the justice system, because that is where they deserve to be. That is the only way we are going to restore faith in our justice system, and that is the only way that we can assure that criminals get sentences that are in line with community expectation and that align with the crimes that are being committed, because without that we are going to continue with the revolving door of crime that we are seeing and we are going to continue with sentences not reflecting the purposes set out in the act.

It really is that community protection that has been lost. If someone commits a serious crime, whether it be a home invasion, whether it be a serious assault, whether it be murder, if they are going to jail for a long period of time, at least we know the general community is going to be safe from them and that behaviour for that period of time. If someone goes to jail for 15 years, that is 15 years in which the average family does not need to worry about these criminals coming through their front door in the middle of the night brandishing weapons.

It is something that we have seen all too often in Ballarat. We have seen a massive spike in violent crime appearing in Ballarat. Since Daniel Andrews was elected there has been a 164.9 per cent increase — nearly a 165 per cent increase — in home invasions occurring in Ballarat. Home invasions were almost unheard of before the election of the Andrews government, and yet we have seen a 165 per cent increase. Not only that, we are seeing a 91.7 per cent increase in motor vehicle theft in Ballarat.

I heard Ms Patten's contribution, and I thought it was interesting that she was saying that in other countries prison populations are declining and fewer people are going to prison and the like. I wish we were in that position here in Victoria, but the unfortunate thing is that we are not in that position because of one simple fact: crime is going through the roof. Crime is absolutely skyrocketing. So I applaud those countries that are seeing a reduction in their prison populations, because that is certainly what we should be focusing on and wanting to achieve as well, but when criminals keep committing dangerous and serious crimes that are making our community feel unsafe and threatening families in their own homes, action needs to be taken.

To this point we have not seen appropriate action from the Andrews government. What we have seen them do is try to tinker around the edges when we have a massive problem afoot. When you have a massive problem, you cannot just tinker around the edges. You need to significantly change what is happening. If the crimes that are being committed are becoming more and more violent, if more and more families are having their homes invaded, if we are seeing more and more carjackings and if we are seeing more and more police car rammings, it is an indication of how some in our community are acting. They are acting as though they have no regard for the law and no regard for our

hardworking police. I feel for our hardworking police when they are continually arresting and rearresting the same criminals committing the same crimes and placing them before the courts only for them to be released and picked up again in a very short space of time.

We are very clear about what needs to happen. This bill does make some minor amendments, but the only way we are going to address this issue is by having Matthew Guy elected as our Premier.

Ms PENNICUIK (Southern Metropolitan) (17:57) — I am very pleased to speak today on the Justice Legislation Amendment (Access to Justice) Bill 2018, which is an omnibus bill and makes amendments to a large number of acts in the justice portfolio. In particular it focuses on 16 of the 60 recommendations made in the *Access to Justice Review*, which was released in August 2016. The review was undertaken by the Department of Justice and Regulation with the assistance of Crown Counsel Melinda Richards, SC, and the former chair of the Queensland Legal Aid Commission, Rachel Hunter. I have read the report, and I think it is a really good report. One would say it is a timely, if not actually overdue, report.

The changes that this bill makes following from 16 of the recommendations of the review are overdue due to the building and ongoing pressures on the courts over the last few years. Judicial officers and other people who work in the justice system have also been under enormous pressure due to a number of factors, some of which are identified in the review, such as increasing numbers of complex clients, but also changes to the bail system and the parole system, most of which the Greens have supported, although we have been critical of some of the aspects of those changes, in particular the increase in numbers of people being held on remand, which is around 30 per cent of all prisoners now.

Factors also include changes to the sentencing regime over the last five, six or seven years, many of which the Greens have not supported because they have taken discretion away from judicial officers — from the courts — to look at each case and the circumstances surrounding it and use the sentencing guidelines, which Mr Morris just gave us a very thorough outline of. He did, however, leave out some aspects of them, which are that of course with the objectives of the Sentencing Act 1991 and the sentencing guidelines there are also the criteria which courts look at. I have every faith that the courts are able to implement those objectives in the sentencing guidelines and to look at the aggravating and mitigating circumstances in each case and come to a decision.

Mr Morris also spent a lot of time talking about how the community does not agree with decisions in many cases. Of course they are the ones that are reported in the media, because they are really the only decisions that the community know about unless they take the time to visit the courts. Not a vast number of the citizenry of Victoria visit the courts and sit through all the court proceedings of a given case. That is the apposite point, really — that the only people who know what happens in a case are those who have sat through the whole thing, have heard all the evidence for and against and have heard all the circumstances, aggravating and mitigating et cetera.

Things that are reported in the media are often reported in a few paragraphs in the newspaper and do not outline all the nuances and complexities of a case. It might not be very convenient for Mr Morris and others who have run this line today regarding what this bill is about — which is not what they were talking about — but where there have been forums run and studies done as to what members of the public think about particular sentences that have been passed down by judicial officers, when they actually go through the circumstances of a case with the judicial officer it is usually found that members of the public either agree with the judicial officer's sentence or in fact think that the sentence handed down by the judicial officer was harsher than what they would have handed down.

In the forums and studies that I have had a look at usually the number of people who think the judicial officer was not harsh enough is less than 20 per cent. The majority of people either agree or feel that the judicial officer was harsher than they would be when they know all the circumstances of the case before them. It is worth pointing that out, given the contributions we have had today with regard to this particular aspect of the legal system.

I turn now to the *Access to Justice Review* and to what the report says regarding the definition of 'access to justice'. It says:

> Access to justice refers to the ability of people to engage with the many formal and informal aspects of the justice system and to enjoy the benefits of living in a society governed by the rule of law.

It talks about the practical obstacles that can prevent people from being able to access justice, such as difficulties obtaining legal information and understanding the law and the inability to afford legal

representation, legal advice or assistance to navigate the formal justice system. It says the review:

> … adopted a broader concept of 'access to justice', which includes considering fair and equitable access to legal information and legal assistance in both civil and criminal matters where they relate to the terms of reference.

A lot of what is covered in the *Access to Justice Review*, and indeed in this bill, has to do with civil matters and not necessarily the criminal matters which some people have spent an awful lot of time talking about today. In particular the reforms in the bill to VCAT are about people's access to justice in resolution of civil matters.

The review goes on to say that access to justice is fundamental to the rule of law. It talks about how confident people are that they will be treated fairly if they need to appear in the legal system and says that experiencing fair treatment promotes trust and encourages a positive relationship between individuals, organisations and the government. It talks about the Victorian Charter of Human Rights and Responsibilities and the right of every person to have recognition and equality before the law. It talks about the central role of government in providing an accessible justice system and facilitating the representation of people and their experience of fairness and equity in the justice system.

I think it is a very good report. I think the bill that we have before us now is a necessary but not sufficient response to the *Access to Justice Review*. As I said, this bill enacts 16 of the recommendations. In summary it provides Victoria Legal Aid (VLA) with a more formal role in coordinating public legal assistance in the state of Victoria, it strengthens the strategic planning capacity of Victoria Legal Aid through the establishment of a collaborative planning committee, it strengthens the planning requirements and budgeting requirements of Victoria Legal Aid and it increases the accountability to the Attorney-General in meeting these requirements. I will return to that particular point a little later in my contribution.

The bill also aims to provide greater transparency with relation to funding of community legal centres via Victoria Legal Aid and to perhaps increase the level of security of community legal centres, which perform a very important function in the community and are the first port of call for many people when they come into contact with the justice system. The bill will increase the cap on funding that may be paid from the public interest fund to Victoria Legal Aid from 35 per cent to 40 per cent. The bill also makes amendments to VCAT, in particular small claims proceedings, including the ability to serve documents electronically, and broadens the criteria for persons who can conduct compulsory conferences. In fact the bill requires the use of compulsory conferences. It will allow a person participating in a proceeding to have a support person with them during the proceedings who is not necessarily an advocate or a legal practitioner but could be a family member or friend or another support person. It will also simplify the enforcement of VCAT orders.

Like many of the recommendations in the *Access to Justice Review*, this is a very important one. It is one that I have been calling for for a long time with regard to the extreme difficulty that people who have been successful at VCAT face in having orders granted in their favour against somebody who is offending against them in some way and enforced without going through an expensive process of going through the courts. I have raised with the Attorney-General many times, and with the previous Attorney-General, the case of one person who I have been working with on this particular issue for a number of years, who had an order in his favour with regard to a parking issue and another party just continues to wilfully defy the order. It is really making this person's life very difficult. It has cost this person thousands of dollars trying to have the order enforced. I think Mr Gepp said in his contribution that this happens all the time — that it is fine to have an order in your favour at VCAT but often getting the order enforced is another matter. With the provisions in this bill, which I will ask some questions about in the committee stage, let us hope that we can help alleviate this issue for many people.

The bill also provides courts with clearer legislative criteria by which to make protective cost orders — that is, to put a cap on the amount of costs that can be awarded against someone. In particular this is very useful for people who are bringing matters to the court in the public interest or to query a point of law. I would also like to ask some brief questions about that part of the bill in the committee stage.

The bill amends the Births, Deaths and Marriages Registration Act 1996 to remove the requirement for a person to be unmarried if they are seeking to change the record of their sex on their birth registration or certificate, such that transgender people will not have to divorce to update their birth certificates. This is consistent with recent changes to the commonwealth Marriage Act 1961 and the commonwealth Sex Discrimination Act 1984 after the passage of the marriage equality legislation at the commonwealth level. This is a very welcome development for LGBTIQ people in the community. Of course it is in

many ways a technicality following on from the passing of marriage equality by the commonwealth, but it does make things much fairer and, to disagree with Mr Finn, more just by allowing those people to change their birth registration as needed.

The issue that I do want to return to with regard to the relationship under the bill between Victoria Legal Aid and the Attorney-General is the provisions in the bill that require Victoria Legal Aid to develop a four-year strategic plan, an annual budget and a corporate plan, and to release quarterly updates. I do not have a problem with any of that. I agree with what Ms Patten said. We are both members of the Public Accounts and Estimates Committee, and I have read through the report of the Auditor-General and the recommendations that were made back then with regard to the openness, transparency, efficiency and accountability of Victoria Legal Aid. It does receive a lot of public money, and so it should be accountable.

But where I have a concern is with regard to the independence of Victoria Legal Aid and its board in having to, under the bill, have its strategic plan and corporate plan approved by the Attorney-General. I have read through the report; I know what the recommendations are and I know the argument laid out about the Westminster system et cetera, but I also feel that there needs to be a distance between Victoria Legal Aid and the Attorney-General. In many cases the government may be the party against which Victoria Legal Aid is providing legal assistance, or another party is in litigation with the government, and I think that is an issue. But my main issue really is the independence of Victoria Legal Aid. I have prepared amendments, which I am happy to have circulated. I have previously circulated these amendments to all parties outside the chamber.

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

Ms PENNICUIK — My amendments would in fact leave in place the consultative arrangements between the Attorney-General and Victoria Legal Aid. The Attorney-General may propose amendments to the strategic plan, but it would not have to be approved by the Attorney-General.

The other thing I would like to give notice of is with regard to raising the small claims threshold from $10 000 to $15 000. I note that was also recommended in the review, but certainly the Law Institute of Victoria has written to all parties suggesting that in fact it should be lower — it should be $5000 — so I will be proposing that it remain as it is now at $10 000, which is halfway between the parties' positions.

While referring to the *Access to Justice Review* I neglected to say that not only is the report really good at pointing out areas such as better coordination, better accountability, clarifying the roles of Victoria Legal Aid, amendments to VCAT and giving extra functions to the Victorian Law Foundation to give it a role in collecting and analysing data and doing more research about the legal system but also that I thought the process as outlined in the report was very impressive. It included some 90 submissions, lots and lots of meetings with a very large number of stakeholders and lots of round tables et cetera. I think the actual process that was undertaken by the department of justice was excellent, and I just wanted to commend the department of justice for that because it is, as I said, an overdue review given the pressures that are on the courts and judicial officers.

We have had just recently the very tragic circumstances of the death of Stephen Myall and other judicial officers who found themselves under a lot of pressure, which I have raised many times in this Parliament, so it is good to see at least these structural changes coming into being along with, I should say, the government's appointment of more judicial officers under the recent budget and more funding for the courts.

I would like to also go to the issue of funding because a lot of the success of these changes, particularly with regard to legal aid, will rest on whether or not there is enough funding. The government has put in $34-odd million to implement these changes, but we know the VLA have been talking about how they have been running under deficits. Of course the previous government underfunded Victoria Legal Aid to a massive degree and caused some of those problems that it had. But the amount of money that is needed to really get the system back on its feet is probably double what the government is putting in.

It is worth, I think, responding to some of the other points that have been made by speakers about crime rates et cetera in suggesting that the crime rate in Victoria is rising when in fact the figures suggest the crime rate is falling. However, as I have said, the Greens have opposed many of the sentencing changes that have led to people who are not serious violent offenders — not everybody in prison is a serious violent offender; a lot of people are in there for a lot lesser crimes — ending up in prison.

The reason, as Ms Patten said, jurisdictions such as the Netherlands and others in Europe and many states in

the United States are reducing their prison populations is that they are investing in justice reinvestment to a greater degree than we are doing here. We are spending tens of millions of dollars on that. We are spending over a billion dollars on running the prison system. We are spending $700 million on building a new prison. So the amount of money that is being put into Victoria Legal Aid and the legal assistance regime is a tenth of what is being put into the prison system.

You change things by reversing or making a significant change to that percentage, to that figure, and putting more funds into justice reinvestment, more funds into legal aid to prevent people from entering the prison system in the first place and more justice reinvestment funding into certain postcodes, because research has shown that about half of the prisoners in the prison system come from around six postcodes. That is where we should be focusing our resources, on the people who live in those areas and trying to help them rebuild their lives in the circumstances that they find themselves in. Mr Morris was saying, 'Oh, well, it's nothing to do with the system', but it is to do with the system. It is a combination of the system and the person. You cannot say it is just one or the other, but the evidence is very clear that it is the system as well.

The Greens are broadly supportive of this bill that came about as a result of the access to justice review, and we think it will assist in the operation of legal assistance in the state of Victoria. There are just a couple of issues that I have raised in my contribution. I should say that a couple of more technical issues were raised by some other correspondents. For example, the Consumer Action Law Centre raised the issue of protective cost orders and asked — the minister could probably answer this during the committee stage — whether the fact that a person is seeking claims for damages should be a criterion that is considered when deciding whether or not a protective cost order should be granted. I raise that on behalf of the Consumer Action Law Centre.

I note there are changes to the expertise of the Victoria Legal Aid board, including having two representatives that have experience in the work of Victoria Legal Aid's legal assistance practice. In the past I have called for representatives or nominees from the Law Institute of Victoria and the Victorian Bar to be included on the board. The government has rejected this in the past, but that is the model in New South Wales, where the legal aid body has on it representatives from the Law Society of New South Wales and the New South Wales Bar Association.

The law institute also said in terms of clause 66 of the bill, which empowers the tribunal or principal registrar to nominate a person to conduct a compulsory conference, that it was concerned that by empowering the tribunal or principal registrar to nominate a person that person may be referred to by name and this may result in orders that specify that particular person who may not actually be available to conduct the mediation. That is just a clarification that I think is needed there.

The other issue is the one about the threshold for small civil claims, which the law institute suggests should be reduced from $10 000 to $5000. On that issue, while the value of certain goods may have increased over the years the income of many people has not increased over the years, and while $15 000 may not sound like a lot to some people, it is a very large amount to many people in the community, as is $10 000 and $5000. I am not sure the case has been made to increase the amount by $5000 as the bill does.

The law institute also suggested that the bill should be amended to waive fees altogether for applications in the Magistrates Court and County Court for parties that are receiving legal assistance or pro bono assistance. I note there are some provisions in the bill that may or may not allow the courts to do that, and I would like to clarify that during the committee stage. They are the minor issues really with the bill. Otherwise the Greens will be supporting the bill.

Mr O'SULLIVAN (Northern Victoria) (18:26) — It gives me pleasure to rise this evening to speak to the Justice Legislation Amendment (Access to Justice) Bill 2018. It is an interesting title that this bill has. When I was having a look through some of the information in relation to this bill, I just read the overview in the statement of compatibility and that gave me some heart as to what this piece of legislation might be about. It states:

> The bill will implement recommendations of the 2016 Access to Justice Review accepted by the Government, and make certain other changes to Victorian laws, to increase access to justice for Victorians, and ensure that the most disadvantaged and vulnerable in our community receive the support they need when engaging with the law and the justice system.

That is a very noble overview that you would have for a piece of legislation in relation to justice, but the problem is that when I started to read a little further I very quickly became very disappointed in terms of where this piece of legislation was going to go. I guess it is fairly typical that under this government you do not always get what you think you are going to get when they say they will do something. This bill is very disappointing in terms of where it goes for the justice system, especially around a whole range of issues that we have already heard about, particularly from this side

of the chamber, in relation to the crime tsunami that we have seen in this state over the last few years.

It is interesting to consider what a government is supposed to do. They have some particular responsibilities that they are meant to uphold for all of the people that they govern for. One of those basic principles that the government is meant to uphold is to keep its community safe, and most people take for granted that that is what will occur under any government. But what we have seen under this government unfortunately is a significant rise in crime throughout the state. It jumped very steeply in the first three years of this government, but I am happy to admit that those numbers have dropped a bit in the last couple of months. However, that is coming off a very, very high base, so those drops do not really represent absolutely that the community is becoming safer than it actually was.

One of the things I like to do — in fact I do not like to do it, but I am sure that a lot of us in this chamber and outside this chamber will do it — is watch the news of a night, whether that be on channels 10, 7, 9, the ABC or whatever it is, and it is not always good news. In fact more often than not it is bad news. One of the things that I find most disturbing when I watch the news is where you see vision of a shopkeeper —

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Mr O'SULLIVAN — As I was saying, you watch the news of a night and you see the CCTV vision of the corner shop in the suburbs — it is mainly in the suburbs of Melbourne, not so much in the country, although it does obviously happen in the country as well — where you see one, two, three or more people storm into a shop with their balaclavas on, their faces obscured, wearing dark clothing and wielding some sort of a bat or a baton of some description that they are taking in as a weapon. You see them smashing up the shop, smashing up the counter and terrifying the poor people who were working in the shop at the time. Quite often they are hardworking mums and dads who are just trying to make a living to raise their family and going about their business of trying to make a few dollars.

We see it time and time again where these thugs smash their way in or force their way in and then start smashing the place up, threatening the person behind the counter, stealing cigarettes and quite often trying to steal money. We have seen on many occasions — you see it; it is there in colour and it is there in black and white through the vision that we see on the TV — that they go into a bottle shop and do not worry about stealing money, they just steal bottles of alcohol, or they go into a convenience store and just steal food. They do not even try and disguise it, they just pick up as much as they can, they just grab an armful and they walk straight out the door. Then they obviously go and eat it or drink it or whatever they do with the proceeds of the crime that they have just committed, and they do not have any thoughts whatsoever for the impact that that has on the poor shopkeeper and the people involved.

Quite often you see some of these shopkeepers who may be a bit older, and they have got to try and avoid the bat or avoid whatever weapon is being used against them — an iron bar or whatever it is. You quite often see people who have cuts and have to go to hospital to have stitches and whatever else. They have black eyes from being assaulted by these thugs, and this is something that we see so often, and I find it really frustrating that it happens time and time again. It is a sad indictment of our society that we have gotten to this point.

In the eyes of the community, the people that I speak to and the constituents that come and talk to me the victims of crime are not taken into consideration enough when these matters are dealt with. Time and time again we see that the offenders are not caught, because the police are so busy that quite often they do not even think that it is worth coming to investigate a crime. There is not much that they can do because it has already happened and they cannot find the people, they are long gone by the time that the police are around, so the poor victim just has to try and pick up the pieces and start again. They are terrified, their families are traumatised and they are very scared for their own safety.

Also, when you watch such a crime reported on the news quite often you will hear that it is not the first time it has happened and it is not the second time it has happened but that it has happened on multiple occasions because they are just seen as a soft target and these thugs go in and continually rob them. Quite often it could be the same group, but then again it could be a different group as well.

In relation to the justice system, when the police do catch these perpetrators too often we see them go into the court system where they say, 'Oh, I had a tough upbringing' or 'I'd had a bad day', or they find some sort of an excuse as to why they had to commit these crimes. Too often we see the justice system, which is meant to punish these offenders, not punishing them. They continually let them off with a warning, let them

off with some sort of a diversion program or send them to something else that really does not fit the crime that they have committed because it is all about this rehabilitation.

Well, I think it sends a bad signal when someone goes to court and they get off with a slap on the wrist and a 'Please don't do it again'. What happens is they go out and they say, 'Well, I can do these crimes. I can commit these crimes. I can go and terrorise these people, whether it's in the shops or whether it's in their homes or cars or wherever it is. I can continue to commit these crimes because if I do get caught it won't matter. I'll be walking straight out the door through the justice system, and I'll be free to continue to do it'. When you see some of the rap sheets from some of these offenders it is not one offence or two offences, it is multiple offences. Sometimes it is 10 and 20 offences that they have had, and they have got no intention of stopping.

Our justice system serves a purpose where it needs to have tough punishment and tough penalties for people who commit these types of crimes so that people think, 'If I go and do this act, if I get caught I'm going to get a tough sentence, I'm going to get treated harshly, and I don't want to go down that path'. Our justice system has got to have a punishment system that is also a preventive system at the same time. It has got to punish the offenders who require that and it has also got to serve as prevention so people do not want to get into those situations because they know they will get a tough punishment.

The community expectations are paramount when it comes to this. Through all the research that we see through the media or that has been done privately, time and time again we see that people think that crime is out of control. We have even seen the term 'crime tsunami' used throughout Victoria, and I think that is probably right.

I do not want to go through the whole range of crime statistics, although I could certainly do that and the numbers are pretty horrific. I want to go to one area, which is in relation to attacks on paramedics. We have seen quite a bit of that in the last few weeks. We were all horrified to see that two women who assaulted and attacked an elderly paramedic went to court and they got straight out. I think everyone agrees that that should not have occurred. The paramedic had to go to hospital and is too traumatised to go back to work. All he was trying to do was treat someone, and these two women assaulted him. There is no justice whatsoever.

I was talking to a paramedic just last week as I was travelling around my electorate. I will not say who he is. He has been on the job for 16 years and is a fairly senior paramedic. I was talking to him this afternoon, and I asked him whether he had been assaulted or attacked and what his experience has been. The comment he made to me was that he had not been attacked or assaulted in a significant way, but that fairly regularly there is a bit of pushing and shoving from someone they are trying to treat. Sometimes the person can be affected by alcohol; often they are affected by drugs and they are aggressive, whether that be physically or verbally. This paramedic is a fairly strong character, so he is able to handle that sort of situation. He has seen some very gruesome situations that I know all too well, but he is able to deal with that in his own way. Certainly when he goes to work he does not want to have to think that he could be attacked for doing his job, which is protecting people and treating people who have some sort of sickness, illness or injury. They are doing a very important job, and we need to be very conscious of that in ensuring that we protect those paramedics who are there to protect us.

The Walsh-Guy coalition opposition, soon to be government, has a very good track record in terms of the policies that it has announced that would be implemented in the space of law and order, because it is a very important issue as we approach the election. I have a list of those policies, and I am actually going to read them out because it is a significant number. There are 35 different policies from Matthew Guy and Peter Walsh and their respective shadow ministers. Mr O'Donohue is doing a great job in terms of the work he has done in this space.

The policies are 'Neighbourhood Watch crime prevention', 'Bring back respect to Victoria's justice system', 'New offences for carjacking', 'Crackdown on drive-by shootings', 'Parole law changes — no body no parole', Deport violent criminals who are not citizens', 'Youths on bail name and shame', 'Expose juvenile criminal history of violent adult offenders — Jill's law', 'Keep Craig Minogue behind bars', 'Supermax prisons for violent youth gangs', 'Youth Parole Board consideration for protecting public safety', 'Victims being given a stronger voice in criminal prosecutions', 'Victims of crime having better access to compensation and restitution', 'Extend victims of crime financial assistance period', 'Victims of crime compatibility statements', 'Major overhaul of bail system', 'Mandatory minimum sentencing for violent reoffenders', 'Victims support rapid response service', 'New offence for ramming police vehicles', 'Zero tolerance to fuel drive-offs', 'No cash for scrap metal', 'Dealing in death laws', 'Concurrent sentencing for bail

and parole', 'Mobile CCTV cameras', 'Service station police alarms', 'Reclassify Karreenga Prison', 'Police in schools', 'Victims fund/offender levy', 'Sex offender register', 'Victims organisations support', 'Victoria Police shopfronts', 'Lifesaving drones to keep swimmers safe', 'Priority funding for carers of orphaned children', 'Busting out-of-control —

The ACTING PRESIDENT (**Mr Morris**) — Thank you, Mr O'Sullivan. Your time has expired.

Ms CROZIER (Southern Metropolitan) (18:42) — I was very interested to hear Mr O'Sullivan's contribution because he was highlighting exactly what the coalition has already announced in the area of law and order where the government has been completely void and is now in catch-up mode, as we have seen in recent days and weeks.

This evening we are speaking about the Justice Legislation Amendment (Access to Justice) Bill 2018. I note that in their contributions various members have gone through the main provisions of the bill, which aim to give effect to a number of recommendations from the government's 2016 *Access to Justice Review*. I understand there were 60 recommendations from that review, and this bill gives effect to 16 of them. I am not going to go through all of those recommendations, but I will make mention a bit later of some areas around VCAT.

The bill amends the Births, Deaths and Marriages Registration Act 1996 as a result of the federal government's implementation of same-sex marriage, which was a very big issue that went to the people of Australia a few months ago. That decision has now been determined.

The bill is an omnibus bill. It amends certain acts. Various parts of the bill have different functions, and various members have discussed access to legal aid. Of course legal aid is necessary. It is part of our legal system that enables people from disadvantaged backgrounds to access legal aid. There will be various views on this, and I note Ms Pennicuik has circulated a number of amendments on the areas around legal aid, which is of course an important part of our legal system.

This bill also does a number of other things. It increases the threshold amount for small civil claims in VCAT from $10 000 to $15 000. It sets out matters a court may have regard to when making protective cost orders. It amends the County Court Act 1958 and the Magistrates' Court Act 1989 to enable the making of regulations with greater flexibility. It does a number of other things, which I will not go through in great detail.

But I do want to speak, as other speakers have, about our justice system here in Victoria, because although this bill looks to strengthen that system by implementing some of the recommendations from the *Access to Justice Review*, there is little or no reference to victims of crime. Whilst it is necessary for people to be able to access the legal system to defend themselves, what we have seen from this government is a complete lack of understanding of the impacts of crime on its victims, and some of them are very profound.

I am reminded of just some of the issues that have arisen in the last three and a half years. Of course since the election of the Andrews government there has been an increase in crime of 10 per cent. The increase in serious crime is much higher than that. Other speakers have spoken about the very serious crimes that are occurring in this state currently and that have previously occurred. I am talking about home invasions, carjackings and rammings of police vehicles, all the issues that have become very pronounced in recent years, specifically under this government because of their soft-on-crime approach. That first came to light I think when a message went out to young offenders with the weakening of bail laws. This government sent a message to young offenders to say, 'If you breach bail, don't worry; it's okay, there'll be no consequences'.

I have asked time and time again what message that sends to young people. You do not want young people repeatedly committing crimes, sometimes very serious crimes, then getting bail, breaching bail and committing more crimes. It does them no good, it does the community no good and it certainly sends the wrong message to people right across the state. That is why people are fed up with this government's attitude. They are fed up with this government not understanding the impact of crime on them, their families and their workmates.

There has been a significant increase in violent crime in my electorate of Southern Metropolitan Region. I refer to the very graphic scenes that were shown not just around the state or country but actually went worldwide. Those scenes were of the robbery of a jewellery shop in Toorak Village. That jeweller was robbed again three months later. A horrendous crime occurred the first time. One of the workers was innocently doing their job and was subjected to a robbery involving machetes and guns. This person suffered huge trauma and was not able to go back to work. When they were finally able to return to work,

what happened? The jewellery shop was robbed again and the manager was hit over the head with a gun butt.

The message that the judiciary sent to these young offenders was inappropriate, and that is what has enraged the entire Victorian community. When they see these very violent crimes and the justice system letting these people off lightly, it is no wonder that law and order is a very big concern for the vast majority of law-abiding Victorians. Of course Victorians should be concerned, because they have seen what has happened.

Mr O'Donohue has walked into the chamber. He has led the way on so many of these issues, whether it is introducing a private members bill on police car rammings or other initiatives which the government sluggishly then followed and claimed as theirs. No, they came to the table kicking and screaming. That is because Mr O'Donohue, Mr Pesutto in the Assembly, Matthew Guy and myself have been listening to the victims of these crimes. We have heard some very profound and alarming stories from some of the victims we have spoken to. They have given us tremendous feedback and a real understanding of their experiences within the justice and legal systems.

That is what we as legislators should be doing. We should be listening to the community and acting accordingly. The reactive approach by the government in recent times is not fooling Victorians at all. They understand that we are going to an election in just a few months time. In fact this government will be in caretaker mode in five months time, which is quite significant in relation to how they are playing catch-up now. They will talk about the thousands of police coming on line, but that is not the issue. Those police are dripping into the system, but this is about the legal and justice systems that have been so bereft and have let down so many Victorians. I think the many victims who have seen these crimes time and time again in their own communities, their own workplaces and their own homes are fed up with the attitude of this government, and it is not abating.

The government will argue that the crime figures have gone down, and I am very pleased to know the number of reports of family violence have gone down. That is a good thing. That means that the message that all of us want to send about family violence being absolutely unacceptable at any time is hopefully getting through. However, the numbers are still way too high — extraordinarily high — and we need to be doing much more to ensure that those family violence instances continue to decrease.

There have been instances of gang violence. Members of the government took years to even acknowledge that gangs exist. They said they were not gangs, that they were just affiliated groups of young people. No, they are gangs. It is gang activity, and it is very violent activity. It is terrifying and it is terrorising people in their own homes, streets and communities, as I have said before. Government ministers were in denial that this was happening. They had their heads in the sand. Well, they have finally woken up, because the community has spoken very loudly. They have been incredibly angry about the inaction of this government and the approach that this government has taken in relation to various aspects of the judiciary. They talk a lot — there is a lot of rhetoric — but the follow through is pretty soft.

As I said, there are concerns around the justice system in the state, as well there should be. A major priority of any government is to keep its community safe, and this government is failing, and has failed, that very basic tenet. We need to be absolutely vigilant about this stuff. We need to be protecting the community. We need to be providing those perpetrators with rehabilitation but also providing sentencing that is appropriate and that the community expects.

Mr O'Sullivan read out a list of policies that the coalition has announced in relation to law and order, and we will have a lot more to say in the next five or six months until November. But if I can just say again: this bill does address some of those issues, and certainly the opposition will not oppose the bill because of the omnibus nature of it and the changes that it introduces to various acts. It is going to give vulnerable people who need it access to legal aid, which as I said at the outset is a good thing. But overall the justice system in the state needs to be dealt with appropriately. There are enormous concerns in the community in relation to how sentencing and justice is dealt with in this state. I am very pleased to be part of an opposition that understands those concerns in the community. We will be doing so much more than this government has done — it has failed miserably.

Ms TIERNEY (Minister for Training and Skills) (18:54) — These new laws deliver on our election commitment to improve access to justice for all Victorians, especially the most vulnerable and disadvantaged in our community. Before the 2014 election we did commit to a review of access to justice if we won office, and that is exactly what we did. In the 2015 *Access to Justice Review* undertaken by the Department of Justice and Regulation the department made wideranging recommendations for improving our legal assistance sector and our civil justice system.

In response to the review the 2017–18 budget provided $34.7 million to boost Victoria Legal Aid (VLA), VCAT and the courts to ensure more Victorians get the legal information and support that they need to solve their many legal problems. Following on from that investment this bill will implement many of the legislative recommendations coming out of that review in order to make our justice system more efficient and of course easier to understand and easier to access. Of course it is always better to avoid having a legal dispute if we can, but when we do it is important that the legal system is as accessible, as quick and as fair as it can be so we can get on with our lives as soon as possible.

In respect to legal aid I think all of us, particularly on this side of the chamber, would agree that legal aid plays a very big role in helping ordinary Victorians resolve their disputes. Every year VLA helps thousands of Victorians work through the very common legal problems that they face. To strengthen the VLA and the legal assistance sector more broadly the bill establishes a clearer governance and coordination framework for our legal assistance sector to ensure that government, the VLA and our excellent community legal centres are working together to make sure legal assistance services are delivered where they are needed most.

We are also lifting the cap on the available funding for VLA from the Public Purpose Fund run by the Victorian Legal Services Board from 35 per cent to 40 per cent to help make more resources available for the legal assistance sector. These changes build on the 2017–18 budget's investment in access to justice, which delivered $7.23 million for additional legal aid grants, $6.85 million to expand VLA's legal help phone service and to modernise their website, $2.59 million for more duty lawyers and $1.27 million to provide more translating and interpreting services, and we know that there is always a need in that area.

In respect of the Victoria Law Foundation, to ensure the evidence base for future reform and investment in our civil justice system is robust the foundation will be given a new role as a research centre for access to justice, legal need and civil justice needs.

In respect to VCAT, the bill makes a number of important procedural changes at VCAT to help it remain accessible and affordable for many years to come. A wider range of qualified people, such as accredited mediators, will be able to conduct compulsory conferences before hearings at VCAT to help ensure more disputes are resolved by agreement where possible. To help speed up the resolution of VCAT disputes and support future innovation, documents will be able to be served on parties by email. We are also removing some of the complicated steps needed to enforce VCAT orders in the Magistrates Court so that it is easier to make sure a VCAT decision in your favour is honoured by the other side. We will come back to that, Ms Pennicuik.

We are also allowing family members or friends to come with you to VCAT proceedings and attend as a personal support person if you need it in addition to advocates and interpreters. And to ensure that more small civil disputes are resolved more quickly and easily, we are lifting the threshold for a small civil claim from $10 000 to $15 000. We believe this reform means that more everyday disputes can be resolved at VCAT at a low cost to both parties and without lawyers. We also give parties to small claims more time to request written reasons for a VCAT decision by allowing 14 days to request reasons instead of requiring parties to ask for them on the day. These are commonsense changes, and they build on the $6.26 million provided to VCAT in the budget to increase alternative dispute resolution services for small claims at VCAT and the $4.55 million to modernise and streamline processes.

In respect to protective costs orders, to support litigants throughout the court system courts will be given clearer powers to make protective costs orders to cap the legal costs of disadvantaged Victorians in legal proceedings which raise public interest issues. Legal costs can discourage vulnerable people from pursuing their rights, and this reform will help reduce that barrier.

In respect to court fees, we want to improve access to the Magistrates Court and the County Court. Those courts will be given the ability to charge court fees in line with a party's ability to pay. This change will allow fairer court fees to be set depending on whether you hold a concession card or are an individual, a small business, a large company or a government department. All in all we believe that there are many sensible changes in this bill and it will help Victoria's legal system to continue to provide fair and just outcomes for all Victorians long into the future.

If I may, I just want to cover off on a couple of issues that have been raised by people here. First was an issue raised by Dr Carling-Jenkins in relation to births, deaths and marriages. Essentially it will not be possible in Victoria to alter the record of sex in the way Dr Carling-Jenkins described — that is, without notice to a married partner that you share a life with. According to the law in Victoria, which is not being changed by this bill, to apply to alter your sex on the register you must be over the age of 18, be Victorian and have undergone sex affirmation surgery. While a

person's birth certificate is a document private to that person and the registrar, it is implausible that a married person who lives and shares a life with a partner under the same roof could undergo sex affirmation surgery without their partner having noticed it. This amendment is, as Dr Carling-Jenkins accepted, consequential on commonwealth legislative changes and does not change the substantive requirement for altering the record of sex beyond the removal of the unmarried applicant rule.

In relation to protective costs, I believe I have enough time to quickly deal with this. This was a matter raised by Ms Pennicuik, and it relates to part 4, clause 8. I imagine that I will also deal with this in committee. Ms Pennicuik raised the issue of protective costs orders and the Consumer Action Law Centre's concern that the court's consideration of whether the party seeking the costs order claims damages or other form of financial compensation under the bill might inadvertently limit access to protective costs orders. As Ms Pennicuik is aware, the Attorney-General has written to the Consumer Action Law Centre to reassure them that the relevant provision does not limit the court's discretion to award a protective costs order. Consideration of whether a party is seeking compensation for damages is just one factor among many that a court may choose or not choose to consider in any particular case.

The other matter that Ms Pennicuik raised is not in the bill. This is in relation to pro bono costs orders. Ms Pennicuik raised the issue of pro bono parties and costs orders and the *Access to Justice Review*'s recommendations that parties represented pro bono should be able to obtain an order for costs. The government accepted this recommendation, and the Supreme and County courts have amended their rules and the Magistrates Court is considering the same rule change this month.

I hope some of those comments assist in terms of the operation of the committee that we will now enter into.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Ms PENNICUIK — Clause 3 is the only clause in part 2 of the bill. It amends the definition of 'small claim' from $10 000 to $15 000. As I mentioned in my contribution, the Law Institute of Victoria raised in its submission, and I think with everybody, that the threshold for a small civil claim should be reduced from $10 000 to $5000. It states that:

> Clause 19(e) of the VCAT practice note … on common procedures provides that parties in the civil claims list will not ordinarily be permitted to be represented by a professional advocate.

The law institute argues that the threshold should be lowered in order to increase the number of parties that will be permitted to be represented by a professional advocate.

It also suggested that irrespective of the threshold amount for small civil claims at VCAT a professional advocate should be available for parties involved in matters that are more than $5000 and suggested that the practice note be amended to allow parties to be represented by a professional advocate in matters that are over $5000 or in certain circumstances — for example, where a party has a disability that affects their ability to represent themselves.

I thought about this particular issue. It is covered in a lot more detail by the *Access to Justice Review*, but the nub of it is that the value of things has increased, but as I pointed out, I think that $5000 is an awful lot of money to some people, and for them to be able to be represented by an advocate in the small claims list will be of assistance to them. Raising that to $15 000 is a lot of money for some people in terms of the value of the item under consideration. I note that the government has taken the view of the *Access to Justice Review*, but I am interested in any comments you have on that, Minister.

Ms TIERNEY — The proposed increase in the definition of a small claim in the Australian Consumer Law and Fair Trading Act 2012 from $10 000 to $15 000 recognises that the purchasing power of $10 000 has increased by over 50 per cent since that threshold was set around two decades ago. The government believes that this reform will increase the number of consumer claims at VCAT that can be dealt with under the faster and cheaper small claims process. In the small claims jurisdiction of VCAT, cases are dealt with quickly, lawyers are not allowed to represent the parties except by leave and parties bear their own costs.

In legal disputes it is very important that the costs of the dispute are proportionate to the value of the dispute, as you would testify to, but even though lawyers are absent from small claims hearings, members of VCAT still have a responsibility to ensure that all claims receive a fair hearing and that parties are treated with courtesy and respect. Members have a particular responsibility to assist self-represented parties to the extent necessary to ensure a fair hearing.

The bill also amends the VCAT act to provide that the parties at VCAT may be assisted by a support person, as I mentioned in my summing up and as you acknowledge. To impose a new positive duty on the VCAT principal registrar to provide assistance to parties around VCAT processes and procedures I think is also very important. What is being proposed by the Greens is to keep the current threshold. We believe that that would force consumer disputes to a higher cost VCAT civil disputes process, with more lawyers, legal costs, time and uncertainty for parties who just want to resolve their dispute and get on with their lives.

Mr RICH-PHILLIPS — Minister, could you just confirm — I think you have sort of touched on it — that this $10 000 threshold was established when VCAT was established in 1998? Was that the original amount?

Ms TIERNEY — Yes, the $10 000 was set two decades ago, I am advised.

Clause agreed to; clauses 4 to 18 agreed to.

Clause 19

Ms PENNICUIK — I move:

1. Clause 19, page 19, line 15, omit "may— " and insert "may give VLA comments on the plan.".

2. Clause 19, page 19, lines 16 to 18, omit all words and expressions on these lines.

3. Clause 19, page 19, lines 21 to 23, omit "taken an action referred to in subsection (5)(a) or (b), the Attorney-General is taken to have approved the strategic plan." and insert "given VLA comments in accordance with that subsection, VLA must publish the strategic plan on its internet site as soon as practicable.".

4. Clause 19, page 19, lines 24 to 26, omit "requests amendments under subsection (5)(b), VLA must— " and insert "gives comments under subsection (5), the following provisions apply— ".

5. Clause 19, page 19, lines 27 and 28, omit "consult the Attorney-General about the requested amendments;" and insert "VLA may amend the strategic plan having regard to the comments;".

6. Clause 19, page 19, lines 29 to 33, omit all words and expressions on these lines and insert—

   "(b) no later than one month after comments are given, VLA must—

      (i) publish the plan, incorporating any amendments made under paragraph (a), on its internet site; and

      (ii) if the plan was amended, give a copy of the amended plan to the Attorney-General.".

7. Clause 19, page 20, lines 1 and 2, omit "with the Attorney-General's agreement," and insert "after consulting the Attorney-General,".

8. Clause 19, page 20, lines 2 and 3, omit "approved by the Attorney-General." and insert "published under subsection (6) or (7)(b)(i).".

9. Clause 19, page 20, line 4, omit "VLA must publish a strategic plan" insert "As soon as practicable after amending a strategic plan under subsection (8), VLA must publish the plan".

10. Clause 19, page 20, line 5, omit "site— " and insert "site.".

11. Clause 19, page 20, lines 6 to 10, omit all words and expressions on these lines.

These amendments are to clause 19 of the bill and they make amendments to the clause, including omitting some references and replacing them with other references. The references they do omit are references, for example, in clause 19 to proposed section 12MB(5)(a), which provides that the Attorney-General approve the strategic plan of Victoria Legal Aid (VLA), and they replace that with provisions such that Victoria Legal Aid must consult with the Attorney-General about the strategic plan, the Attorney-General may give comments on the plan and the VLA may make amendments to the plan based on those comments. Once that process is complete, the VLA must publish its strategic plan in a similar way as is already outlined in that clause.

The reason that I am proposing these amendments is that I am concerned about preserving the independence of Victoria Legal Aid, which is to be governed by a new and expanded board with expanded expertise, including in financial management and in legal matters et cetera. It also includes the coordinating functions that have been given to Victoria Legal Aid under this bill and the establishment of the collaborative planning committee, which includes many parties — the Law Institute of Victoria and the Victorian Bar as representatives, the community legal centres et cetera. It seems to me with all that consultation and also advice available to legal aid and the accountability of

producing the strategic plan, a corporate plan and its quarterly reports — which I understand it already does, but that they be published on its website — that is in fact quite a lot of improvement in terms of the accountability and transparency of Victoria Legal Aid as opposed to currently under the act now.

Ms TIERNEY — Thank you, Ms Pennicuik. In terms of my comments now, they will deal with the current amendment before us but they will basically be the same in respect to the next amendment. Essentially the government opposes the amendments. Proposed section 12MB (5) is drafted to allow the Attorney-General to approve the strategic plan of VLA or request VLA to amend the strategic plan. The aim of the provision is to promote dialogue between the government and Victorian Legal Aid with respect to long-term planning for VLA service delivery. The requirement for the Attorney-General to approve the plan will ensure that VLA's long-term strategic priorities are aligned to those of the government and provide for a legal assistance system that responds to community need. We believe that this recognises that the long-term vision of VLA and the service it provides to the community should align, as far as appropriate, with the strategic priorities of government.

The requirement for the Attorney-General to approve the plan should remain to ensure that the aims of the Access to Justice Review are upheld in increasing the transparency and accountability of VLA to the broader community. We believe that without this provision, strategic planning practices at VLA will remain relatively unchanged and the community will not be confident that the government and the VLA are planning legal assistance services with its best interests at heart.

Ms PENNICUIK — Thank you for that, Minister. As I pointed out, I think the other provisions of the bill — in terms of the establishment of the collaborative planning committee, the introduction of the coordinating role and the other provisions that underpin that, the new roles and functions of Victoria Legal Aid and the requirement for it to produce a strategic plan and to consult with the Attorney-General on the plan and with the planning committee — do put in place mechanisms which will make legal aid more accountable. While we are talking about Victorian Legal Aid, I do not think it is fair to insinuate that Victoria Legal Aid has been going along with absolutely no direction or strategic —

Ms Tierney — I wasn't saying that.

Ms PENNICUIK — I am not suggesting that the minister is saying that, but in terms of the conversation we should acknowledge that it has always had a strategic direction. It has always had the interests of clients at heart. It has always had an interest in access to justice for the clients that need legal aid. What I am concerned about is maintaining the independence of the board and of Victoria Legal Aid in setting those strategic directions based on the advice given to it by the practitioners in the field rather than by the Attorney-General, who of course is a political person. I am also concerned, and I would ask you, Minister, about what happens if the Attorney-General does not approve the plan.

Ms TIERNEY — To preserve the VLA's independence, the VLA annual corporate plan will not be approved by the Attorney-General, Ms Pennicuik, but it will provide enhanced visibility to the government and the public year on year. Overall the VLA will remain independent from government and will retain authority over operational decisions, including funding and grants of individual aid. Restrictions in the Legal Aid Act 1978 that prevent ministerial interference in VLA decisions relating to individual grants of aid will also be made. I will leave it at that for the time being.

Ms PENNICUIK — But in the situation, for example, where a government decides to reduce the funding for legal aid and set a government priority for certain services to be provided by Victoria Legal Aid, does that not interfere with the independence of Victoria Legal Aid?

Ms TIERNEY — Well, Ms Pennicuik, what I would say is that these amendments go hand in hand with the new role of VLA in coordinating legal assistance and the legal assistance system. The approval of the Attorney-General of the four-year strategic plan of VLA will assist to balance the increased authority of VLA in the sector more broadly and ensure that VLA is accountable to government for strategic decisions that affect the community legal sector.

Mr RICH-PHILLIPS — Considering Ms Pennicuik's amendments, which seek to shift the role of the Attorney-General with respect to the strategic plan from one of approval to one of consultation, we believe there is a role for the Attorney-General to play in approval of the plan. Obviously with an entity like VLA there is a line between its independence and its accountability. We expect that the individual operational decisions the VLA make will be made independently of government. However, we also recognise the VLA ultimately is a

government entity. It is accountable to its responsible minister — in this instance, the Attorney-General — and the Attorney-General in turn is responsible to the Parliament for the way in which the VLA conducts itself, the strategic direction it takes and the activities it undertakes. So we do not see inconsistency with the structure of the bill, which requires the Attorney-General to approve the strategic plan. We do not see inconsistency between that and the day-to-day operational independence of VLA.

This is similar to many other statutory authorities which have a degree of statutory independence under their legislation but nonetheless are responsible to their minister in a strategic sense and, looking back at earlier parts of section 19, in respect of directions from their minister. We do not see that it is inconsistent to require that approval of a strategic plan, so we will not support Ms Pennicuik's amendment.

Ms PENNICUIK — Thanks, Mr Rich-Phillips. Minister, I am not sure — I was finding it hard to hear you — whether you answered my question as to what the situation is if the Attorney-General does not approve the strategic plan.

Ms TIERNEY — As you would be aware, we are dealing with new section 12MB, and that outlines a time frame that says it is 'no later than one month after a strategic plan is received by the Attorney-General' that the Attorney-General may give VLA comments on the plan, but the question that you have particularly asked, Ms Pennicuik, is: what happens if the Attorney-General just refuses to accept it? Then there would be dialogue between the Attorney-General and the board, and this is part and parcel of the core of the objective of this piece of legislation, which is to create that dialogue and that relationship where people have a closer relationship and a closer sense of accountability and responsibility.

In the case of a strategic plan not being approved at a particular time, discussions, as I said, would be ongoing with the board, but it would not disrupt the workings of Victoria Legal Aid, as I understand it.

Ms PENNICUIK — Looking at the time frames under there, Minister, there is the one month for the Attorney-General to approve the plan as submitted. If the Attorney-General requests amendments and that does not happen, there are another two months. So quite a lot of time can elapse before there is any strategic plan. If the government is saying that the strategic plan will inform the corporate plan and the operations, how is it that the lack of a signed-off strategic plan, particularly, I would say, in the first instance, would not affect those matters?

Ms TIERNEY — The purpose is to actually get people to sit down and have timely discussions. The strategic plan is not a determinant document as such, and we would consider those discussions to be held in a very timely fashion so that there could be an agreed plan.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Mr RICH-PHILLIPS — Minister, I would just like to take you back to the matter Ms Pennicuik was raising around the scenario where the Attorney-General refuses to approve the plan. Is it not the case, though, that with new section 12MB(6) the Attorney-General's failure to approve the plan or make recommendations for changes would see the plan deemed to be approved after one month? If the Attorney-General just wrote back saying 'No' and that was it, the plan would automatically be approved anyway.

Ms TIERNEY — That is correct, but in the real world one would expect that the Attorney-General, in saying no, would correspond and outline why the Attorney-General did not feel comfortable approving the plan at that particular stage. I would suggest that what would happen then is that would form the basis of the discussions between the Attorney-General and VLA.

Mr RICH-PHILLIPS — Thank you, Minister. That would then trigger a further two-month window. If the Attorney-General said, 'No, go and rewrite it', or something as bland as that, that would then trigger further two-month development period.

Ms TIERNEY — That is the case, but one would hope that, given that quite a bit of work would already have been done and there would have been discussions already and correspondence from the Attorney-General, one would not need two months to actually develop the report.

Amendments negatived; clause agreed to; clauses 20 to 63 agreed to.

Clause 64

Ms PENNICUIK — My question on clause 64 is about the issue raised by the Law Institute of Victoria with regard to a person nominated by the tribunal being

a named person who may or may not be available for the particular matter.

Ms TIERNEY — I am advised that VCAT would prepare a preapproved list of what is known as nominated persons, like their panel of mediators, which is contained in section 88 of the VCAT act under the term 'person nominated'.

Ms PENNICUIK — So it would not mean actually naming a particular individual?

Ms TIERNEY — No.

Clause agreed to; clauses 65 and 66 agreed to.

Clause 67

Ms PENNICUIK — The enforcement of orders under VCAT is an area in which I have a very strong interest, given that a number of people — particularly one — have contacted me about the inability to have VCAT orders enforced. The particular issue I am talking about relates to a parking issue, where VCAT found in favour of the person years ago but the offending other party continues to defy the order and it really affects this person's daily life. This person has spent a lot of money trying to have the order enforced, which seems impossible. I just wonder about new section 120A(1), where it says:

> A person in whose favour an order of the Tribunal is made may apply to the Tribunal for review of the order to remedy a problem with enforcing or complying with the order.

Would that mean this person could go back to VCAT to have, for example, the order varied if the tribunal were satisfied that the order is not being complied with? Then what would actually happen? How would that actually assist the person in having the order enforced or complied with?

Ms TIERNEY — Obviously VCAT tries to find a better way to enforce the order if possible. And then, as I said in the summing up, we are also introducing a change so that VCAT orders can be automatically enforced as an order of the Magistrates Court, and that is a significant change.

Ms PENNICUIK — I am sorry, Minister, I did not hear the whole answer, but are you saying this provision — can you show me where it is in the bill? — makes for an automatic enforcement order by the Magistrates Court?

Ms TIERNEY — Ms Pennicuik, I am advised that that actually takes us to clauses 68 and 69 — the bill deals with the enforcement of monetary orders at clause 68 and non-monetary orders at clause 69 — where it can be an enforced order of the Supreme Court.

Ms PENNICUIK — Thank you, Minister. I understand that people already have to take things to the court to have their matters enforced. Of course that is an issue I have raised before as being a problem because VCAT is meant to be a low-cost tribunal and if people cannot have their orders enforced without going to the Magistrates Court, the County Court or the Supreme Court, it is no longer a low-cost jurisdiction and it is ineffective.

Ms TIERNEY — In relation to streamlining the procedure for enforcing orders, particularly VCAT orders, the bill provides that a person may enforce a VCAT order in the relevant court as if it were an order of that court, and it also removes onerous requirements for parties to file documents when they enforce a VCAT order in the courts. So a lot of the paperwork, as I understand it, and the applications are taken away and the person concerned is not forced to undertake that sort of onerous filling out of applications and other documents.

Ms PENNICUIK — Minister, I am sorry to labour this point.

Ms Tierney — No, it is all right.

Ms PENNICUIK — Where in the bill does it say that? And also, does it still involve significant costs for that person to have their order enforced, particularly non-monetary orders which cannot be enforced in the Magistrates Court under this?

Ms TIERNEY — Ms Pennicuik, from what occurs at the moment to what is being proposed are major changes. The legal costs will be reduced, but a court fee may still apply in terms of the higher courts. In terms of where the enforcement is mentioned, it is in new sections 121(2) and 122(2), where it says 'For the purposes of the enforcement'. For example, on a non-monetary order under new section 122(1) the order is taken to be an order of the Supreme Court.

Ms PENNICUIK — Thank you, Minister. I know you are trying to assist me. I do get that, but you have just mentioned that there will be fees et cetera. The problem with people having to go to other courts to have these VCAT orders enforced is that it can be preclusive for them to have to do that. I am quite happy for the department to provide me with more information. Minister, could you provide me with more information about how this streamlining process is going to work? I can read the words in the bill, but it is

not that clear how it is going to make it better for people who are struggling to have their orders enforced, particularly non-monetary orders, and whether in fact clause 70, which I was going to also go to in terms of contempt, is going to assist non-complying people to comply. Minister, I am happy to not take it any further now if you could undertake to provide me with more information about how that is actually going to work so that I can take that back to my constituents.

Ms TIERNEY — I am happy for the department to step out a couple of scenarios on how it would work.

Ms PENNICUIK — That would be great.

Clause agreed to; clauses 68 to 77 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.

Epping North Scout Group

Mr ONDARCHIE (Northern Metropolitan) (19:52) — My adjournment matter tonight is for the Minister for Youth Affairs, and it concerns the Epping North scout group, which is a fantastic community group in Epping North. They have really developed a great way for the kids of the local community to meet new friends, learn new skills and embark on new adventures with their peers. Through the extensive scout network they get to meet scouts from all around the world through their wonderful pen pal program and their events such as Cuboree.

Scouts Australia is a 100-year-old network for young people; it is the largest youth organisation in Australia. In fact in Victoria alone there are 20 000 kids or adults who call themselves scouts. The purpose of the Scouts is to encourage the positive development of children and young adults by focusing on their intellectual, physical, emotional and spiritual skills so that they can become confident and well-balanced adults. It is open to kids aged five to 17 years of age, and the Epping North scout group meets up weekly to participate in problem-solving activities, physical and outdoor challenges and other non-competitive organised activities as well. Kids can be doing things like camping, bushwalking, water sports and snow sports. It is a really innovative way for kids to have fun with other children outside of school and home.

It is also a good way for kids to give back to their community. For example, on Clean Up Australia Day in March the Epping North scouts participated in the Edgars Creek parkland clean-up at Lehmans Farm Park, working with other volunteers to remove rubbish and sort out recyclables. It is not only good for kids; it can be great for the entire family as well. One of the challenges, of course, for the Epping North scouts is they meet at the Galada Community Centre on Monday and Tuesday nights, and quite frankly, that is not an appropriate venue for them in which to meet.

The action I seek from the minister is to find a way — a desperately needed way — to fund a hall for the Epping North scouts. They do not have their own home; they have been slated to go onto the site of the Edgars Creek Primary School educational precinct, but the discussions between Scouts Victoria and the City of Whittlesea have been very slow. I know that Edgars Creek Primary School has been funded for planning, so now is a good time to get a commitment from the minister to make sure that actually happens. The action I seek is to ensure there is some funding and the process gets underway to give Epping North scout group their own home — either Edgars Creek Primary School or a hall of their own.

Early childhood education

Mr ELASMAR (Northern Metropolitan) (19:54) — My adjournment matter this evening is for my colleague in Northern Metropolitan Region and Minister for Early Childhood Education, Minister Jenny Mikakos. I commend the minister on this year's early childhood education budget, which includes a $135.9 million boost to early childhood education and delivers a record $42.9 million boost to build, upgrade and equip kindergartens right across the state. This builds on the $123.6 million record investment by this government in kindergarten capital infrastructure over the last four years. Through the children's facilities capital program there have been a number of projects in my local electorate that have received support, either for new builds or for upgrades or refurbishments, such as the bathroom upgrade for Greensborough Preschool and the proposed new Greenvale West Integrated Community Centre, both announced in the last major kindergarten grants round. This of course all builds on the Education State *Early*

Childhood Reform Plan, which aims to create a high-quality, equitable, inclusive and accessible early childhood system.

Sadly, quality is not a value shared by the federal Turnbull government. I was concerned to discover that they have chosen to walk away from the national partnership agreement on the national quality agenda. Only a Labor government recognises the importance of providing families with strong support in early childhood so that kids are ready for kinder, ready for school and ready for life. As the Victorian government is part of the national partnership, I call on the minister to negotiate with the federal Turnbull government to reverse these cruel cuts and ask that they commit to an ongoing joint partnership with the states and territories on the regulation of early childhood facilities.

Northern Metropolitan Region sporting facilities

Ms LOVELL (Northern Victoria) (19:57) — My adjournment matter tonight is for the Minister for Sport, and the action I seek is for the minister to provide a funding commitment of $1.22 million delivered over four years to establish two regional academies of sport in the Goulburn Valley and north-east, based in Shepparton and Wangaratta and aligned with existing regional sports assemblies, Valley Sport and Sport North East, to address the disadvantage experienced by sports participants and emerging athletes in the region who experience a current lack of development pathways from grassroots to elite sport.

The Goulburn Valley and north-east is the only region in Victoria that remains financially and structurally unsupported by a regional academy of sport. No development pathways across sporting codes currently exist, meaning emerging athletes and coaches in the Goulburn Valley and north-east area face barriers to their goals to achieve elite success. Athletes have to either travel or relocate to access specialised high-performance sports programs and support services or give up their sporting dreams. This results in a significant financial burden for regional families and a loss to Victoria of potential future competitors and champions.

The proposed model for the establishment of regional development pathways in the Goulburn Valley and north-east region is two regional academies of sport located in both Shepparton and Wangaratta. Each academy will be aligned with the existing regional sports assemblies, Valley Sport in Shepparton and Sport North East in Wangaratta. The academies will lead to much greater equity in accessing support by athletes of all sporting codes compared to every other area of Victoria. The funding sought to establish the two academies is a total of $1.22 million delivered over four years. This financial investment would ensure that the regional academy of sport structure would provide the Goulburn Valley and north-east region with similar resources and opportunities for its emerging athletes as its counterparts have throughout Victoria.

The action that I seek from the minister is for the minister to provide a funding commitment of $1.22 million delivered over four years to establish two regional academies of sport in the Goulburn Valley and north-east region, based in Shepparton and Wangaratta and aligned with the existing regional sports assemblies, Valley Sport and Sport North East, to address the disadvantage experienced by sports participants and emerging athletes in the region who experience a current lack of development pathways from grassroots to elite sport.

Greater glider protection

Ms DUNN (Eastern Metropolitan) (19:59) — My adjournment matter tonight is for the Minister for Energy, Environment and Climate Change. Greater glider populations in the Central Highlands, Northern Victoria Region and East Gippsland are in decline due to logging of habitat and the impacts of bushfire. We have seen recent reports of more of their habitat being logged, most concerningly in the Strathbogies, where VicForests has logged an area of forest that had exceptionally high densities of the glider.

The greater glider was listed as vulnerable under the commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC act) in May 2016. This listing means little in Victoria because the regional forest agreements remove the application of the EPBC act from logging operations, and much of the greater glider's range in Victoria is in state forests. The local communities that live near the areas of greater glider habitat have been waiting to see if the Minister for Energy, Environment and Climate Change will step up to protect the glider by using her powers under the Flora and Fauna Guarantee Act 1988. The action I seek from the Minister for Energy, Environment and Climate Change is that she instate an interim conservation order for the greater glider.

All Nations Park

Ms PATTEN (Northern Metropolitan) (20:00) — My adjournment matter is really for a number of ministers but I will direct it to the Minister for Local Government, and it is in regard to funding for

improvements to All Nations Park in Northcote, which I know the minister is familiar with, and I know my colleague Mr Ondarchie has also raised this issue as a constituency question. It is a real issue. This is a wonderful park that actually has all nations of people going there, and every single range of dog that you could ever imagine visits All Nations Park.

But unfortunately the park has incredibly inadequate lighting, fencing and signage. This means that if you are a person who likes to walk and exercise after 5.00 p.m., this park is not safe. That means that certainly women in the area and women who own dogs are not comfortable taking their dogs to that park after dark, because of the lack of lighting in the area. But not only that, there is also a lack of fencing. At All Nations Park we have a so-called off-leash area, but you actually would not want to let your dog off leash because there is no fence to stop it from chasing a ball onto the road.

It is a wonderful park and a wonderful facility. It is big, it is spacious, it is friendly and there is a real community down there of not only lovely people but also lovely Dalmatians, lovely Old English sheepdogs and lovely rough collies. It is absolutely delightful. I would encourage all members to come down and visit this lovely place.

But as I say, the action I am seeking from the minister is for her to assist us in providing improved lighting around the off-leash area at All Nations Park, improve fencing along Brickworks Lane and actually improve signage just to let road users know that there could be a Dalmatian running out onto the street chasing a ball, they might see an Old English sheepdog out there and they may also see children. It is a wonderful place, and we need to be more active, as we should be. But given that our restricted hours mean that quite often we have to be active in the winter dark hours, we do need greater lighting, we need greater signage and we need greater fencing at All Nations Park. I ask the minister to assist in that.

Lincoln Road, Essendon

Mr FINN (Western Metropolitan) (20:03) — I wish to raise a matter for the attention of the Minister for Roads and Road Safety, and it concerns a piece of correspondence that has been sent to Ms Kerry Thompson, who is the acting CEO of VicRoads. It is from Essendon Neighbourhood Watch — in fact Moonee Valley Neighbourhood Watch — and it concerns Lincoln Road and surrounding streets in Essendon. I will just read from the letter that has been sent to VicRoads:

> The Essendon NHWatch group at its meeting of 12 February 2018 passed the following motion:
>
> > That VicRoads/Vic road traffic authority (with copies to Moonee Valley city councillors Lawrence, Sharpe, Gauci) — be petitioned to reduce the traffic speed limit in the vicinity of St Therese's Catholic church and school, Essendon, as follows —
> >
> > 1. 60 kmph on Lincoln Rd, Essendon, reduced to 50 kmph;
> >
> > 2. surrounding residential streets on both west and east side of St Therese's School where 50 kmph applies, reduced to 40 kmph at all times.

The rationale as explained in the letter is that Neighbourhood Watch —

> has been approached regularly over recent times to act for the community and convey to authorities the growing dangers patently obvious with increased traffic volumes and traffic speed on major artery, Lincoln Road, and in surrounding streets creating traffic hazards and threats to pedestrians …

I can understand why this letter has been sent, because I am a regular user of Lincoln Road in Essendon and I can vouch for the fact that it is a very, very busy road, particularly around the times of school pick-up and drop-off. It is quite close to bedlam at times, and the speed of some motorists in the area, particularly at those times, is something that has concerned me in the past as well. So I can understand, as I say, why the local Neighbourhood Watch is concerned and wants to do something about that.

The very great concern that they and indeed I have is that the response from VicRoads has — surprise, surprise! — been less than satisfactory. I am very hopeful that the minister will take this on board, and I am indeed asking the minister to take this matter on board and raise it with Ms Thompson with a view to actually doing something positive and constructive with regard to this. We are talking about the safety of people in the Essendon area, particularly schoolchildren, and I think that is a very, very important matter indeed.

Severe combined immunodeficiency

Ms SPRINGLE (South Eastern Metropolitan) (20:07) — My adjournment matter is for the Minister for Health. Severe combined immunodeficiency (SCID) refers to a number of genetic conditions that affect the development of a baby's white blood cells, making it difficult for babies to fight infections. SCID affects a relatively small number of babies in Australia, but a lack of early diagnosis can be a death sentence for these babies. The treatment is a bone marrow transplant, which can repair the damaged immune

system, ideally performed before a baby is three months old. Without treatment the condition is usually fatal.

SCID fulfils all internationally recognised criteria for a clinical condition to be screened for at birth through newborn screening using the standard Guthrie dried blood spot sample. Newborn screening for SCID is undertaken in New Zealand, Canada, Israel and most of the United States. Planning is underway in the United Kingdom to trial SCID screening, and many European Union member states are currently conducting pilot studies on SCID newborn screening, including Norway, France, Italy, Sweden and Spain.

The policy decisions to screen for SCID in those jurisdictions have been based on rigorous analysis of survival rates, comparing early diagnosis with late diagnosis, and on a substantive cost-benefit analysis. Research has consistently found health outcomes to be significantly improved where SCID is diagnosed early, and screening would significantly increase the rate of early diagnosis. Earlier this year researchers from the Royal Children's Hospital, the Murdoch Children's Research Institute and the University of Melbourne undertook a feasibility study on a screening method and had results published in the *Journal of Paediatrics and Child Health*. The researchers concluded that:

> A larger pilot study is required to confirm these proposed cut-offs and to evaluate the cost and implementation of this screening program in Victoria … Overall, this study provides preliminary data to support the introduction of this assay to the NBS program in Victoria.

The action I seek is for the minister to commit funding for a substantial pilot study and costing of SCID screening for all newborns in Victoria.

Ballarat Base Hospital

Mr MORRIS (Western Victoria) (20:09) — My adjournment matter is for the attention of the Minister for Health, and it relates to the Ballarat hospital. The action I seek is that the minister immediately commit to fitting out the ghost wing of the Ballarat hospital with the two theatres that should already be in that particular wing of the hospital.

If we go back in time slightly to 6 November 2014, there was an election commitment made by then Premier Napthine and then Minister for Health Mr Davis — an $83 million commitment to ensure that the Ballarat Base Hospital would receive these two urgently needed theatres in the wing of the hospital that was due to be completed quite soon. Now this particular wing of the hospital, the Gardiner-Pittard wing, was opened mid-last year and yet this wing of the hospital remains vacant. It is the aptly named 'ghost wing', as it has become known in the Ballarat community. This is an entirely unacceptable circumstance that the Ballarat hospital finds itself in, not having the required funds to fit out these two urgently required operating theatres.

We have seen hospital waiting lists in Ballarat blow out and the government ignore the health needs of the Ballarat community. In a Public Accounts and Estimates Committee hearing last week it was revealed that the government, at the very earliest, may — and that is just a 'may' — have these operating theatres open in January 2022. Any fair-minded person would say that that is far too far away when we know that this should have been committed to in this term of government. This wing should have been fitted out in this term of government and the Ballarat hospital should have these two new operating theatres rather than a ghost wing. I urge the minister to do the right thing and to commit to funding these two urgently required operating theatres to ensure that the people of Ballarat get the health care they need at the facilities they should have in our hospital.

Greater Geelong City Council

Mr RAMSAY (Western Victoria) (20:12) — I wish my discussion on the adjournment to continue from the constituency question that I raised — well, the President cut me off and I did not quite get to the question, but nevertheless the question was 'Who is monitoring the monitors?' That is what I wanted Hansard to pick up — the end bit that I did not quite get to. But nevertheless it does give me an opportunity to seek an action from the Minister for Local Government, the Honourable Marlene Kairouz, in respect to these two monitors that she put in place once the newly elected Greater Geelong City Council was in place.

As I understand it, these two councillors — Jude Munro, who is the principal monitor, and a supporting monitor, Peter Dorling, who was one of the administrators of the previous council — are working two days per week. They are costing the ratepayers $1300 per day, so a total of $2600 per day, two days a week, to monitor and oversight the current City of Greater Geelong council.

The question I wanted to raise in constituency questions was: what do they do? Mr Stretch Kontelj went through an arduous FOI process. It took him three months to go through three different departments to find information in respect to 'Have the monitors actually prepared any reports or provided any reports to the government or to council in respect to their roles and responsibilities,

which are costing the taxpayers $2600 a day?'. It is surprising, certainly to the Geelong community, that there have been no reports. There have been no utterances from those two monitors in respect to their roles and responsibilities in oversighting and following the recommendations of the commission of inquiry.

I am now seeking — and I must give credit to Darryn Lyons because he raised this in the *Geelong Advertiser* on Saturday — that the minister dismiss the monitors. They are not doing anything. They are not reporting anything. They are not supporting or oversighting the local council and they are costing the taxpayer $2600 a day. That is no disrespect to the two monitors themselves. In fact I know Peter Dorling very well. He is a neighbour of mine, and he was an excellent CEO of the Committee for Geelong and did excellent work at Avalon. So I mean no disrespect or criticism of them personally, but nevertheless I am critical of the role of the two monitors. The action I seek is that the minister immediately relieve them of their duties and allow the council of the City of Greater Geelong to govern without interference.

Southern Metropolitan Region sporting facilities

Ms CROZIER (Southern Metropolitan) (20:15) — My adjournment matter this evening is directed to the Treasurer, the Honourable Tim Pallas. The matter relates to the provision of sporting facilities and infrastructure in my electorate of Southern Metropolitan Region. This is a matter on the minds of many families — in fact thousands of families — in the electorate, where there is a growing need for boys, girls, men and women to be able to play the sport of their choice. As our population increases in metropolitan Melbourne, so does our need to provide adequate sporting facilities for our community.

It is clear to me that with respect to this matter the priorities of this government are all wrong. How is it fair that Premier Daniel Andrews is giving the AFL a $225 million free kick but the local football, netball, soccer or cricket club has to go cap in hand for a loan and then has to pay it back? So while the AFL gets taxpayer money for free, community sporting clubs need to ask the government for a loan. Redirecting this taxpayer money to grassroots football, netball, cricket, basketball, tennis and soccer clubs will benefit hundreds of thousands of Victorians. If the Premier believes that Victorians want their hard-earned money to be handed to the AFL, he should have the courage to put it to Victorians at the next election before signing any contracts.

On top of this, last week at the Public Accounts and Estimates Committee the Treasurer would not reveal the cost of the prime waterfront Docklands land that was gifted to the AFL by the Labor government. That in itself should be alarming to Victorians, but I suspect both the Premier and the Treasurer are being incredibly shifty on these matters. If that is not enough, it is shameful that the $1.3 billion contract for the east–west link was ripped up by Daniel Andrews and his government. Some of that money could have been directed to pay for grassroots community sporting facilities. Either way, it is a very ominous sign for Victorians about the direction of this government and their priorities.

I raise this matter because grassroots community sporting facilities need help. I am referring, as I said, to what I saw on Saturday and the needs of netballers in the bayside area. I visited and spoke with families and members of that community on Saturday along with the Liberal candidates for the Assembly seats of Sandringham and Brighton. Both those candidates are working extensively and hard to find a solution to the enormous need to cater for the growth in girls playing netball. I am a big fan of netball. I played it when I was younger and into my young adult years —

Mr Ondarchie interjected.

Ms CROZIER — No, goal shooter actually, Mr Ondarchie. In 2016 there were 2632 players, which is an increase of 50 per cent from 2009.

The action I seek from the Treasurer is that he reconsider the priorities of this government in providing funding to the AFL, immediately disclose the value of gifted land to the AFL and redirect that funding into grassroots community facilities, such as what I have described in the bayside area, to meet the urgent need for netball redevelopment, particularly in the Thomas Street area I visited on Saturday.

Perth Avenue–Ballarat Road, Albion

Ms TRUONG (Western Metropolitan) (20:18) — My adjournment matter today is for the attention of the Minister for Roads and Road Safety. The need for traffic lights at the Perth Avenue–Ballarat Road intersection in Albion has been raised in Parliament many times over the past year by many MPs from the west. The community is currently awaiting confirmation of funding from the latest state budget for this much-needed safety upgrade.

In addition to the much-needed safety upgrade the Albion Action Group, which is a local Albion

community group, has called for the use of female symbols for the pedestrian signals needed at this intersection. The community discussion leading to this request spoke to the belief that having more female pedestrian symbols will help remind us that women make up half of our society and have just as much of a place as men in our public spaces, in our democracy and in crossing our roads.

At the 15 May 2018 Brimbank City Council meeting the council also passed a motion advocating for female symbols for pedestrian signals at this intersection. The action I ask of the minister is that he support the Albion community and the Brimbank City Council by requesting that VicRoads use female symbols in its design for the pedestrian signals for this intersection.

Brown Coal Innovation Australia

Ms BATH (Eastern Victoria) (20:19) — My adjournment matter this evening is for the Treasurer, the Honourable Tim Pallas, in the other place. The action I seek from the Treasurer is that he provide critical funding to enable Brown Coal Innovation Australia to continue its work into research and development opportunities for the use of brown coal across Victoria and in particular in my electorate in Central Gippsland. The Andrews Labor government made a statement on the future uses of brown coal in which it said, and I quote:

> We commit to:
>
> > using our brown coal resources in a manner that maximises its long-term value for Victorians …
> >
> > …
> >
> > adopting an 'open for business' approach to supporting new investment and research opportunities in projects using coal.

That is a statement by the Andrews Labor government. Brown Coal Innovation Australia has been jointly funded by state and commonwealth governments since 2009. In fact the commonwealth government matches dollar for dollar the state government input. I was informed recently, and was very distressed to learn, that whilst the government have made this statement and their rhetoric is out there, their actions are not. Brown Coal Innovation Australia said they have received no funding in the May budget and they are at risk of not being able to continue on in their current manner.

Reviews on Brown Coal Innovation Australia have been quite impressive. Building on the $15 million investment by the state, they have been able to deliver a $57 million program of activities, and I will give a couple of examples. A coal-to-hydrogen project, supported by Brown Coal Innovation Australia in its early development stage, is now scaling up with plans for a multibillion-dollar project across Victoria. Its funding has also enabled three carbon capture plants to operate at power stations across Victoria. Brown Coal Innovation Australia funding has taken the direct injection carbon engine technology, which promises a 50 per cent reduction in carbon emissions, which is very important, into a test facility in the Japan market, putting this on the pathway towards commercialisation. Its funding has supported 40 higher degree students and led to six patents and nearly 700 academic publications. The company has built strong links to international research and development programs and technology partners, maximising the chance for collaboration.

The company has research facilities in the Latrobe Valley and also in Melbourne. The next sorts of projects they are looking to develop are low emissions coal-fired power, a flexible power generation that can back up renewables when they come on board and provide dispatchable power. They are also looking at applications for coal in fertilisers and chemicals and in increasing stability in iron and steel and carbon capture technology. It is very important research that the Treasurer needs to fund into the future to allow the company to continue with their research and development into uses for our great resource.

State Sports Centre Trust

Ms FITZHERBERT (Southern Metropolitan) (20:23) — My adjournment matter is for the Minister for Sport in the other place, and it is prompted in part by the response to my adjournment matter of 8 March 2018 in relation to participation rates at State Sports Centre Trust venues. The minister said in response to my adjournment matter earlier this year that his department works closely with the trust to ensure that it balances the provision of access to both elite sport and community sport and recreation. In particular he said that the trust is estimating an increase in visitation, as he put it, of 100 000 people for the 2017–18 financial year to approximately 2 million people and that this is attributed to the trust implementing a range of initiatives to increase participation and visitation at each of the facilities.

But we do know from tracking previous annual reports that visitation has reduced significantly over a number of years. If the figure goes up by 100 000, then this would be a big change in the trend. The annual report of the trust for 2013–14 shows a total of 2 879 596 people attending the Melbourne Sports and Aquatic Centre, the State Netball and Hockey Centre

and Lakeside Stadium. By 2014–15 we see that going down to 2 796 935, with reductions at each of the three venues that I mentioned previously. In 2015–16 we see that the total is 2 415 557, again a reduction at each of the three venues. I note that the last annual report of the trust, the 2016–17 annual report, did not include visitation figures, but we do have the minister's words to me that the trust is expecting an increase in visitation to approximately 2 million people, so I think we can assume that it reduced in that time period also and that a decision was made not to include that information.

I was very, very surprised to learn that participation rates at the trust venues have declined so significantly, including gym use, which is one service used by local residents who are not elite athletes. I note that the gym has apparently been significantly renovated, so I am not sure why it is that that sort of participation is declining. In addition virtually every sporting club that has spoken to me around Albert Park Reserve tells me about the huge growth they have had in participation over the last few years and what a strain this is creating for their facilities. There is big population growth and obviously more women and girls playing AFL in particular.

We do see, however, that while visitation figures have been plunging over the same period there is a big increase in state government funding to the trust. Total grants in the year 2013–14 were around $1.6 million; however, in the most recently available information it has gone to $11.5 million, which is a very significant increase. Receipts from customers, however, are down, and the big increase in receipts happened between financial years 2016 and 2017. The action I am seeking from the minister is an explanation of why the trust has hundreds of thousands of fewer visitations to its venues in recent years despite the huge increase in government funding and specifically what is being done to change this drop in patronage.

Responses

Ms MIKAKOS (Minister for Families and Children) (20:26) — This evening I have received a number of adjournment matters, and I will leave the ones that I will be able to respond to till last. I have received adjournment matters from Ms Lovell to the Minister for Sport; from Ms Dunn to the Minister for Energy, Environment and Climate Change; and from Ms Patten to the Minister for Local Government — I will, obviously, refer that matter, but it did seem more a matter that is actually the responsibility of the local council. I am familiar with these issues because I have also received correspondence from local constituents about the issues at All Nations Park and have in fact written to Darebin council myself on the same issues, but I will nevertheless refer it to the Minister for Local Government, although I do think it is a local council responsibility to address lighting, fencing and so on at their own parks.

I have also received adjournment matters from Mr Finn to the Minister for Roads and Road Safety, from Ms Springle to the Minister for Health, from Mr Morris to the Minister for Health, from Mr Ramsay to the Minister for Local Government, from Ms Crozier to the Treasurer, from Ms Truong to the Minister for Roads and Road Safety, from Ms Bath to the Treasurer — although I do think that would probably be better directed to Mr Pallas in his capacity as Minister for Resources rather than as Treasurer — and from Ms Fitzherbert to the Minister for Sport, and all of those matters will be referred to the relevant ministers for response.

In relation to Mr Ondarchie's matter, he referred a matter to me in relation to the Epping North scout group, and he particularly referred to their needs and aspirations in terms of a new scout hall. What I can advise the member is that our government does have a very proud record of supporting the scouting movement in Victoria. In fact in our first budget we provided the girl guides and the scouts $457 000 each in our first two years. In our budget last year we provided a further $2 million over four years, allocated equally between Scouts Victoria and Girl Guides Victoria.

What I can advise the member further is that I met with Scouts Victoria's leadership very early on in becoming the Minister for Youth Affairs to talk to them about their needs and aspirations, and what they did advise me at the time was that they have a capital program that they administer that assists scout groups with matters relating to facilities and that they were more interested in growing their movement. So what we have provided funding for — and what I was pleased to announce in relation to the most recent budget allocation on 24 January — from this $1 million that I referred to that will go specifically to Scouts Victoria is funding to enable new scouting sites to be set up each year across metropolitan growth corridors, including areas like Epping North, to enable them to provide further support and expert advice to scout groups to increase participation for young people, particularly those from socio-economically disadvantaged backgrounds as well as those from regional Victoria. The funding also provides for training opportunities for 40 volunteers to assist scout leaders in delivering activities along with training opportunities in leadership development for 40 future scout leaders.

The funding is very much designed to enable new scouting groups to be established in growing communities such as those in the northern suburbs of Melbourne. However, I am very happy to take up discussion with the Scouts Victoria leadership around these matters. These are issues that need to be addressed as part of the capital and infrastructure needs of growing communities. I certainly think it is important to have a discussion with the Scouts Victoria leadership in relation to the future needs and aspirations of this particular group in the context of other community facilities that Whittlesea council might be building in that area and the support that it may be able to receive from the government. So I am happy to take the issue further in terms of a discussion directly with Scouts Victoria in relation to the needs of this particular group.

In relation to the matter raised with me by Mr Elasmar, he referred his matter to me in my capacity as Minister for Early Childhood Education, and in his matter the member referred to the Andrews Labor government's very significant commitment to early childhood education. He referred to the funding we have provided in the budget this year and the significant infrastructure funding that we are providing for new preschool facilities, particularly in his electorate. He also expressed the need for us to support quality standards and quality outcomes in early childhood education. I can assure the member that our government is absolutely committed to ensuring we have high-quality standards. That is why as part of the early childhood reform plan that I launched last year, which was backed up by more than $200 million in funding in last year's budget, we committed to specific funding to lift the quality of our early childhood services.

What the member specifically referred to in his adjournment matter was his concern about the cuts that the Turnbull government has made to what is a longstanding national partnership, the national partnership agreement on the national quality agenda for early childhood education, which was first agreed to by all jurisdictions back in 2009. It was designed to unify and streamline the regulatory system, and as part of that it involved the commonwealth agreeing to fund 40 per cent of the costs of the regulatory system from 2020. Hence it was to my and the early childhood sector's absolute and total amazement and dismay that in the Turnbull government's most recent federal budget there was no money at all for this national partnership agreement. In fact Senator Birmingham has written to me to indicate that the commonwealth is walking away from this national partnership agreement. I can assure the member and other members that I will do exactly what Mr Elasmar has called on me to do, and that is to lobby Mr Birmingham and the Turnbull government in relation to this matter.

I think it is extremely concerning that they have walked away from this longstanding agreement at a time when we are seeing significant growth in the early childhood sector in Australia. It is very concerning that the commonwealth is not prepared to put a single dollar in for compliance checks of early childhood centres that they are funding under the national system — childcare centres in Victoria and family day care centres in Victoria. This risks us seeing a drop in compliance with the national quality standards and risks letting unscrupulous operators back in the door. It is very concerning. I certainly will be doing everything possible — and I will be supported in this by the early childhood sector, I am absolutely certain — to urge the commonwealth to reverse this cut and to continue to provide funding for quality and compliance checks in the early childhood system. I want to thank Mr Elasmar for having continuously been a very strong supporter of the early childhood system and services in his electorate.

I have received this evening 12 written responses to adjournment debate matters, which will be distributed.

The ACTING PRESIDENT (**Mr Melhem**) — The house stands adjourned.

House adjourned 8.35 p.m.