Secondly, when a minister just completely ignores the question they make themselves look like a bit of a goose.

I do have a little bit of an issue with proposed sessional order 15(1)(a), which refers to 'satire or ridicule'. I think that just simply broadcasting some of question time and some of the answers would open ministers up to ridicule in the first place, because of how pathetic some of their answers are. I know that in a previous government the member for Mulgrave once said, 'It's question time, not answer time, and you people need to understand that'. I think that broadcasting some of these questions and answers, hopefully, will improve the quality of the answers, because quite frankly the quality of the answers that we get in this place from ministers is appalling. I wonder whether or not simply broadcasting the pathetic answer from a minister would open them up to ridicule in the first place, because that is how ridiculous some of the answers are.

I am a little concerned about the concept of ridicule, because just simply broadcasting some of the government responses during question time would open them up to ridicule. I want to make sure that is not going to stop me from being able to use some of the answers that are given, some of the jokes of answers given by ministers, and just simply, in context without any editing, put that up on, say, my social media, and therefore allowing ministers to be ridiculed for the pathetic answers we get from them. I do wonder whether that is a bit of an issue. I would have liked, like I said, a bit more consultation on this. I am not going to stand up here and stand in the way of it. I know that the government has the numbers even if I did not like this motion and wanted to make some changes. Nonetheless I am happy to have been able to make my contribution on this motion.

Motion agreed to.

PLANNING AND ENVIRONMENT AMENDMENT (PUBLIC LAND CONTRIBUTIONS) BILL 2017

Statement of compatibility

On behalf of Mr WYNNE (Minister for Planning), Mr Pakula tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Planning and Environment Amendment (Public Land Contributions) Bill 2017.

In my opinion, the Planning and Environment Amendment (Public Land Contributions) Bill 2017, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The main purposes of the Planning and Environment Amendment (Public Land Contributions) Bill 2017 (bill) are to amend the Planning and Environment Act 1987 to require certain landowners to contribute land for the purpose of infrastructure; increase and provide for the indexation of the community infrastructure levy; make consequential amendments to the Subdivision Act 1988 and the Building Act 1993; and amend the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017 in relation to the definition of low-income households.

The aspects of the bill of most relevance to this statement of compatibility are those that relate to the requirements on landowners to contribute land to facilitate the provision of essential infrastructure (such as public open space, recreation facilities and transport infrastructure) to new communities. The bill introduces a model in which developers of land in certain areas are required to contribute to the provision of essential infrastructure in that area through a combination of transfers of land and payment of money, as part of an overall infrastructure contributions scheme. One of the purposes of this amended scheme is to secure the efficient transfer of land set aside for public purposes ('public purpose land') early in the development of a new community.

The bill also outlines methods of valuing relevant land and resolving disputes, the content of infrastructure contributions plans, how contributions are to be collected, and the responsibilities of various agencies in relation to reporting and record keeping.

Human rights issues

Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

The bill authorises the deprivation of property in certain circumstances and therefore engages this right.

Clause 10 of the bill inserts new section 46GV into a new part 3AB of the Planning and Environment Act 1987. This section provides that where an approved infrastructure contributions plan identifies land to be set aside for public purposes on a parcel of land, the owner or developer of that parcel must transfer the public purpose land to a collecting agency or development agency when the parcel is being developed (for example, when the parcel is being subdivided).

The power conferred by section 46GV is not arbitrary. It is confined to the transfer of public purpose land that has been identified, tested and approved through a structured and transparent statutory process. In particular:

a) The public purpose land that must be provided by a landowner must be clearly identified in an

approved infrastructure contributions plan. The plan must explicitly set out the relationship between the need for the public purpose land and the proposed development in the plan area. A landowner is only required to provide the public purpose land identified in the plan, and the land may only be used and developed for the public purpose specified in the plan.

b) The infrastructure contributions plan identifying the public purpose land will implement a precinct structure plan or other strategic plan that is incorporated into the relevant planning scheme by way of a planning scheme amendment. This process involves public exhibition of the amendment and is a contestable process. All landowners affected by the plan will have the opportunity to review the plan, make submissions about the type, purpose, size or location of the public purpose land, and have an opportunity to be heard by a planning panel (if the planning authority does not accept the landowner's submission).

c) The public purpose land provided by a landowner forms part of the landowner's contribution to essential infrastructure in the broader plan area.

d) The land that must be contributed is confined to land required to meet the infrastructure requirements associated with proposed development in the infrastructure contributions plan area (such as land for public open space, arterial roads, and community facilities).

e) To ensure that the obligation to provide public purpose land is spread equitably across all landowners in the infrastructure contributions plan area, the bill provides a method for 'equalising' contributions based on the proportion of public purpose land being provided on each parcel of land. As the starting point, the plan must identify the average public land contribution across the whole plan area (the 'ICP land contribution percentage') and the percentage of public purpose land that must be contributed by each parcel within the plan area. Landowners that provide less public purpose land than the ICP land contribution percentage must pay a land equalisation amount to the collecting agency. The collecting agency must then use this money to pay land credit amounts to landowners that provide more public purpose land than the ICP land contribution percentage, thereby compensating them for the additional land provided.

The obligation to provide public purpose land as part of an infrastructure contribution arises in clear and confined circumstances. As such, in my view, any interference with property occasioned by new section 46GV is in accordance with law and therefore compatible with the charter.

Right to privacy and home

Section 13(a) of the charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The bill contains provisions that may give rise to interferences with this right, as set out below, but in my view any such interferences will be neither unlawful nor arbitrary and so do not limit the right.

As discussed above, clause 10 of the bill provides for the deprivation of land in certain circumstances. The clauses will not limit the right to home. Any provision of public purpose land would not be automatic, rather it will follow a consideration of the need to set aside the land for public purposes and will be clearly identified in an approved infrastructure contributions plan. In addition, it will be for the purpose of contributing land to facilitate the provision of essential infrastructure (such as public open space, recreation facilities and transport infrastructure) to new communities. As such, it is my view that any interference will be neither unlawful nor arbitrary.

Clause 10 of the bill also inserts new division 4 into new part 3AB of the Planning and Environment Act 1987 which requires a planning authority to arrange for a valuer to prepare a report estimating the value of public purpose land on certain parcels of land. Under new sections 46GO and 46GP, the planning authority must give a notice to the owner of a parcel of land and the collecting agency (for example, a municipal council) regarding the estimated values and how the owner may make a submission objecting to the estimated value.

The provision of this notice to the collecting agency may reveal personal information such as a landowner's name and address, and so may engage the right to privacy of information. However, as new section 46GO specifies the limited circumstance in which personal information could be disclosed and therefore interfered with, any interference with a person's privacy will be lawfully permitted. In addition, in my view any interference with privacy is not arbitrary, as it is for the clear purpose of facilitating payment of the land credit amount, and does not go beyond the information required for this purpose.

Further, division 6 in new part 3AB places obligations on collecting agencies and development agencies to keep records of infrastructure contributions made by landowners, which may involve the collection and storage of some personal information, particularly as agencies must remit money to landowners in certain circumstances. Any interference with the right to privacy occasioned by the provisions will be in accordance with new sections 46GY, 46GZ, 46GZA and 46GZB in division 6 and, therefore, will not be unlawful. In addition, any interference will not be arbitrary as the provisions are for the clear purpose of ensuring accountability and proper record keeping with respect to the payment and proper use of contributions. Also, those handling the information have clear obligations under the charter and any applicable and relevant privacy legislation, which are consistent with the right to privacy.

In conclusion, the provisions in new sections 46GO, 46GP, 46GY, 46GZ, 46GZA and 46GZB do not limit the right to privacy.

Cultural rights

Section 19(2) of the charter provides that an Aboriginal person must not be denied the right, with other members of their community, to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The provisions in clause 10 of the bill that relate to the provision and use of public purpose land under the infrastructure contributions plan scheme might limit cultural rights to the extent that they deny individuals or other members of their community from accessing or owning land that must be set aside and used for public purposes under the plan. New section 46GZB provides that public purpose land vested in, transferred to or acquired by a development agency must be used and developed for a public purpose specified in the approved infrastructure contributions plan.

However, as discussed above, the land required to be contributed by landowners will have been identified in a precinct structure plan or strategic plan, the preparation of which may include an Aboriginal cultural heritage assessment (where relevant). The precinct structure plan or strategic plan will also have been tested and approved through a structured and transparent statutory process. In addition, the public purpose land that is contributed is confined to land needed to meet the infrastructure requirements associated with proposed development in the plan area (such as land for public open space, arterial roads, and community facilities). The provisions in new section 46GZB are for the clear purpose of ensuring that public purpose land is properly used. As such, any interferences with this right will not be arbitrary and are reasonable and proportionate to the purpose of securing land for the provision of essential infrastructure in areas identified for growth.

The Hon. Richard Wynne, MP
Minister for Planning

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

Victoria is the most densely populated and the second most populous state in Australia. It is also experiencing a period of unprecedented growth. To accommodate this growth and maintain our liveability, it is critical that essential infrastructure is in place when the community needs it. Securing contributions from developers for land for basic and essential infrastructure, such as roads, parks and community facilities, is a vital part of this.

The bill amends the Planning and Environment Act 1987 and related legislation to implement a land contributions model in the infrastructure contributions system. The purpose of this model is to secure land needed for public purposes by requiring landowners to contribute this land directly as part of their infrastructure contribution, instead of paying a monetary levy. The bill also amends the Planning and Environment Act to increase and index the community infrastructure levy that may be imposed under the existing development contributions system.

Land contributions model

Early in this term of office, the Andrews government recognised that reforms to the existing development contributions system were needed to make it more certain and less costly. In 2015, we brought in legislation to create a new infrastructure contributions system, which is based on the principle that developers should contribute to the provision of infrastructure that is needed by and will benefit communities in new developments.

However, the government also recognised that the reforms should not stop there, as it was evident from the discussions with the industry consultative group that using monetary levies to acquire the land for parks, roads and other public purposes was not the most cost effective way to secure this land. More reform is needed to simplify and provide certainty about how land for public purposes is valued, funded and secured.

The bill addresses this longstanding issue by implementing a land contributions model that requires land identified for public purposes in an infrastructure contributions plan to be provided as a land contribution, instead of a monetary levy. Where such land is identified in the plan, the landowner must provide that land as part of their infrastructure contribution when developing the land.

Importantly, the land contributions model is confined to securing land necessary for meeting the basic and essential infrastructure needs of new development in the plan area, such as land for roads and intersections, community facilities, sports ovals, parks and drainage.

The advantages of a land contribution model are that it secures the transfer of land for public purposes early in the development of a new community, reduces the financial risk to councils through escalating land prices over time, overcomes the longstanding issue of developers contesting the compensation that is payable when land for public purposes is acquired, and reduces the overall monetary levy paid by developers under an infrastructure contributions plan.

The land contributions model is based on the principle that all landowners under an infrastructure contributions plan should contribute equally to the provision of land for public purposes. In practice, however, this land is not evenly distributed throughout the plan area. Some landowners will have to provide more land for public purposes than others. To address this issue, the bill includes provisions to ensure overall land contributions are fair and proportionate. Under these provisions, landowners that contribute a greater percentage of their land for public purposes are compensated by those landowners who contribute a lesser percentage of their land for public purposes. That is, landowners that contribute a lesser percentage pay a land equalisation amount to the collecting agency, who then uses that money to pay a land credit amount to landowners that contribute a greater percentage.

To establish a consistent and efficient process for determining land equalisation amounts and land credit amounts, the bill includes provisions for giving notice and determining disputes about the estimated value of land required for public purposes. The bill provides for the valuer-general Victoria to assist the parties in coming to an agreement, or to make an independent determination about the value of the land if the parties fail to agree.

Under the land contributions model, land for public purposes in an infrastructure contributions plan may be acquired by the collecting agency or relevant development agency before the landowner is ready to develop. This will generally happen when the land is needed to support development taking place on surrounding land. To address the existing uncertainty about what compensation is payable to landowners when this happens, the bill inserts a new division 1A into part 9 of the

Planning and Environment Act which sets out when and what compensation is payable.

The first scenario is the acquisition of public purpose land from a landowner that is required to contribute more public purpose land than the plan area average. The compensation payable in this case is equivalent to the land credit amount. The second scenario is the acquisition of public purpose land from a landowner that is required to contribute less public purpose land than the plan average. No compensation is payable in this instance but the landowner is taken to have met their land contribution obligation.

Division 1A also provides for the acquisition of public purpose land outside of the plan area by a development agency. In this case the provisions for measuring compensation in the Land Acquisition and Compensation Act 1986 apply.

Finally, the bill retains key elements of the existing infrastructure contributions system including provisions for:

a) the imposition of a monetary levy to fund plan preparation costs, works, services or facilities (but not land for public purposes);

b) the contents of an infrastructure contributions plan, including the justification for imposing an infrastructure contribution;

c) the minister to issue directions on the preparation and content of infrastructure contributions plans;

d) the collection or transfer of infrastructure contributions and the use of those contributions;

e) collecting agencies and development agencies to keep proper records of infrastructure contributions provided by landowners and to account for the use of those contributions;

f) the reallocation or return of unused infrastructure contributions; and

g) collecting agencies and development agencies to report to the minister on the receipt and use of infrastructure contributions, and for the minister to report annually to Parliament on the total infrastructure contributions provided.

Community infrastructure levy

Under part 3B of the Planning and Environment Act, development contributions are divided into a development infrastructure levy and a community infrastructure levy. The act sets a cap on the amount of the community infrastructure levy that can be set in a development contributions plan. In 2004, the act was amended to increase the cap from $450 for each dwelling constructed to $900.

The Planning and Environment Act currently allows the amount of the community infrastructure levy to be increased by an order made by the Governor in Council. In October 2016, an order was made to increase the community infrastructure levy to $1150 for each dwelling constructed. The bill amends the Planning and Environment Act to increase the cap set in the act to $1150 per dwelling, consistent with the order, and to provide for the annual indexation of that capped amount in accordance with an appropriate construction producer price index. The bill also provides for the annual indexation of the community infrastructure levy specified in a development contributions plan.

These changes will help ensure that an appropriate level of community infrastructure can be delivered to new communities and the levy keeps pace with construction costs.

Conclusion

This bill will facilitate the acquisition of land essential to the delivery of infrastructure in new communities and will support the funding of community infrastructure to accommodate growth and maintain liveability.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 4 October.

GAMBLING REGULATION AMENDMENT (GAMING MACHINE ARRANGEMENTS) BILL 2017

Statement of compatibility

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Gambling Regulation Amendment (Gaming Machine Arrangements) Bill 2017.

In my opinion, the Gambling Regulation Amendment (Gaming Machine Arrangements) Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill introduces new arrangements for gaming machines and a range of new measures to limit gambling-related harm.

The bill implements a new self-exclusion program framework, whereby regulations or ministerial directions will specify the operational and administrative requirements for self-exclusion programs. Venue operators will be responsible for ensuring their self-exclusion program meets the requirements of the regulations and directions. The Victorian Commission for Gambling and Liquor Regulation will no longer be responsible for approving a self-exclusion program but will maintain a compliance and enforcement function.

Human rights issues

The bill impacts upon persons who hold a venue operator's licence. The GRA requires venue operators to be bodies