

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 4 September 2014**

**(Extract from book 12)**

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## **The Governor**

The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

(from 17 March 2014)

Premier, Minister for Regional Cities and Minister for Racing . . . . .	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development . . . . .	The Hon. P. J. Ryan, MP
Treasurer . . . . .	The Hon. M. A. O'Brien, MP
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Minister for Housing, and Minister for Children and Early Childhood Development . . . . .	The Hon. W. A. Lovell, MLC
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Minister for Energy and Resources, and Minister for Small Business. . . . .	The Hon. R. J. Northe, MP
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Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry . . . . .	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs. . . . .	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs . . . . .	The Hon. H. Victoria, MP
Minister for Higher Education and Skills . . . . .	The Hon. N. Wakeling, MP
Minister for Agriculture and Food Security, and Minister for Water. . . . .	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response . . . . .	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform . . . . .	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary . . . . .	Mrs I. Peulich, MLC

## Legislative Assembly committees

**Privileges Committee** — Ms Barker, Mr Clark, Ms Green, Mr Hodgett, Mr Morris, Mr Nardella, Mr O'Brien, Mr Pandazopoulos and Mr Walsh.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

## Joint committees

**Accountability and Oversight Committee** — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.  
(*Council*): Mr D. R. J. O'Brien and Mr Ronalds.

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh. (*Council*): Mr D. Davis, Mr Drum, Mr Lenders, Ms Lovell and Ms Pennicuik.

**Economic Development, Infrastructure and Outer Suburban/Interface Services Committee** — (*Assembly*): Mr Burgess and Mr McGuire. (*Council*): Mrs Millar and Mr Ronalds.

**Education and Training Committee** — (*Assembly*): Mr Brooks and Mr Crisp. (*Council*): Mr Elasmarr and Mrs Kronberg.

**Electoral Matters Committee** — (*Assembly*): Mr Delahunty. (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis.

**Environment and Natural Resources Committee** — (*Assembly*): Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch and Mr D. D. O'Brien.

**Family and Community Development Committee** — (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall. (*Council*): Mrs Coote.

**House Committee** — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Ms Thomson and Mr Weller. (*Council*): The President (*ex officio*), Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich.

**Independent Broad-based Anti-corruption Commission Committee** — (*Assembly*): Ms Kanis, Mr Kotsiras, Mr McIntosh and Mr Weller. (*Council*): Mr Viney.

**Law Reform, Drugs and Crime Prevention Committee** — (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick. (*Council*): Mr Ramsay and Mr Scheffer.

**Public Accounts and Estimates Committee** — (*Assembly*): Mr Angus, Ms Garrett, Mr Morris, Mr Pakula and Mr Scott. (*Council*): Mr O'Brien and Mr Ondarchie.

**Road Safety Committee** — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

**Rural and Regional Committee** — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr D. R. J. O'Brien.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr Dalla-Riva.

## Heads of parliamentary departments

*Assembly* — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

**Speaker:**

The Hon. CHRISTINE. FYFFE (from 4 February 2014)

The Hon. K. M. SMITH (to 4 February 2014)

**Deputy Speaker:**

Mr P. WELLER (from 4 February 2014)

Mrs C. A. FYFFE (to 4 February 2014)

**Acting Speakers:**

Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Languiller, Mr McCurdy, Mr McGuire, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes and Mr Thompson. (to 2 April 2014)

Mr Angus, Mr Blackwood, Mr Burgess, Mr Crisp, Mr McCurdy, Mr McIntosh, Ms McLeish, Mr Morris, Ms Ryall, Dr Sykes and Mr Thompson. (from 3 April 2014)

**Leader of the Parliamentary Liberal Party and Premier:**

The Hon. D. V. NAPHTHINE (from 6 March 2013)

The Hon. E. N. BAILLIEU (to 6 March 2013)

**Deputy Leader of the Parliamentary Liberal Party:**

The Hon. LOUISE ASHER

**Leader of The Nationals and Deputy Premier:**

The Hon. P. J. RYAN

**Deputy Leader of The Nationals:**

The Hon. P. L. WALSH

**Leader of the Parliamentary Labor Party and Leader of the Opposition:**

The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:**

The Hon. J. A. MERLINO

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lim, Mr Muy Hong	Clayton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank <sup>6</sup>	Broadmeadows	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield <sup>1</sup>	Broadmeadows	ALP	Naphtine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan <sup>2</sup>	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pakula, Mr Martin Philip <sup>7</sup>	Lyndhurst	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane <sup>8</sup>	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Eren, Mr John Hamdi	Lara	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Foley, Mr Martin Peter	Albert Park	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Fyffe, Mrs Christine Ann	Evelyn	LP	Scott, Mr Robin David	Preston	ALP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Shaw, Mr Geoffrey Page <sup>9</sup>	Frankston	Ind
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Kenneth Maurice	Bass	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Smith, Mr Ryan	Warrandyte	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Hennessy, Ms Jill	Altona	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James <sup>3</sup>	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin <sup>4</sup>	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer <sup>5</sup>	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Resigned 21 December 2010

<sup>2</sup> Elected 24 March 2012

<sup>6</sup> Elected 19 February 2011

<sup>7</sup> Elected 27 April 2013

<sup>3</sup>Resigned 18 February 2013

<sup>4</sup>Resigned 27 January 2012

<sup>5</sup>Elected 21 July 2012

<sup>8</sup>Resigned 7 May 2012

<sup>9</sup>LP until 6 March 2013

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**Thursday, 4 September 2014**

**The SPEAKER (Hon. Christine Fyffe) took the chair at 9.34 a.m. and read the prayer.**

**PUBLIC ADVOCATE**

**The SPEAKER** — Order! I wish to advise the house that on 3 September 2014 I administered to Colleen Georgette Pearce, the public advocate, the oath required by schedule 3 of the Guardianship and Administration Act 1986.

**NOTICES OF MOTION**

**Notices of motion given.**

**Mr NEWTON-BROWN** having given notice of motion:

**Mr Foley** interjected.

**The SPEAKER** — Order! The member for Albert Park! The member for Prahran's notice of motion is ruled out of order.

**Mr Foley** interjected.

**The SPEAKER** — Order! The member for Albert Park! I called the member for Albert Park to order before. His behaviour is not of parliamentary standard.

**Further notices of motion given.**

**BUSINESS OF THE HOUSE****Notices of motion**

**The SPEAKER** — Order! Notices of motion 2 and 4 to 13 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

**PETITIONS**

**Following petition presented to house:**

**Melton school buses**

To the Legislative Assembly of Victoria:

The petition of we, the undersigned citizens of Victoria, draws the attention of the house, requesting that a school bus service be provided to cater for the needs of the new and growing Eynesbury Waterford housing estates in Melton's south.

Current temporary services are inadequate and unsustainable.

Growth in these communities is continuing rapidly, and this bus service is long overdue and necessary to cater for the needs of school children under-resourced in these areas.

Your petitioners therefore request that the Legislative Assembly of Victoria take immediate steps to ensure this urgent community transport service is provided at the earliest possible time.

**By Mr NARDELLA (Melton) (76 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Sandringham on 3 September 2014 be taken into consideration next day on motion of Mr THOMPSON (Sandringham).**

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION****Report 2013–14**

**Mr O'BRIEN (Treasurer), by leave, presented report.**

**Tabled.**

**ACCOUNTABILITY AND OVERSIGHT COMMITTEE****Victorian oversight agencies**

**Mr McINTOSH (Kew) presented report, together with appendices and transcripts of evidence.**

**Tabled.**

**Ordered that report and appendices be printed.**

**DOCUMENTS**

**Tabled by Clerk:**

Ombudsman — Report 2013–14 — Ordered to be printed

State Trustees Ltd — Report 2013–14

*Subordinate Legislation Act 1994:*

Documents under s 15 in relation to Statutory Rule 108

Documents under s 16B in relation to the *Electronic Conveyancing (Adoption of National Law) Act 2013:*

Electronic Conveyancing Operating Requirements — Version 2

Electronic Conveyancing Participation Rules — Version 2

*Surveillance Devices Act 1999* — Report 2013–14 under s 30L

Surveyor-General — Report 2013–14 on the administration of the *Survey Co-ordination Act 1958*

Treasury Corporation of Victoria — Report 2013–14.

## BUSINESS OF THE HOUSE

### Adjournment

**Ms ASHER** (Minister for Innovation) — I move:

That the house, at its rising, adjourns until Tuesday, 16 September 2014.

### Motion agreed to.

## MEMBERS STATEMENTS

### Armstrong–Canterbury roads, Heathmont

**Ms VICTORIA** (Minister for the Arts) — The intersection of Armstrong and Canterbury Roads in Heathmont has long been of concern for residents, road users and pedestrians. There have been several crashes, many near misses and, sadly, even fatalities there. Many people have approached me about moving the nearby pedestrian lights to the west by a few metres, ensuring that the intersection becomes fully signalised. After numerous representations to the Minister for Roads and to VicRoads I am pleased to announce that funding is to be allocated to finally make the area safe.

To the local residents, traders, parents and students at Heathmont East Primary School and Heathmont East Preschool I say well done. It is your continual advocacy that is going to make this project a reality.

### Bayswater South Primary School

**Ms VICTORIA** — Nine years ago I learnt of the then Labor government's intention to close the renowned German bilingual immersion program at Bayswater South Primary School. The closure would have also affected all immersion programs around Victoria. Determined not to let Labor take opportunities away from our students, I ran for Parliament, vowing to secure ongoing funding for the program. Last weekend that fight paid off when the Association of German Teachers of Victoria held their annual poetry competition. Students from right around Victoria recited prose that ranged from basic to very advanced. It pleases me very much to say that students from Bayswater South Primary School were awarded two first prizes, two second places and another place. My beautiful daughter, Charlotte, of whom I am so very proud, took out second prize in the state for grade 5. Well done, Charlie, and all the other students.

### Keilor electorate secondary schools

**Ms HUTCHINS** (Keilor) — I rise to talk about a burning issue in the seat of Keilor, particularly in the areas of Hillside, Caroline Springs and Taylors Hill, and it is with regard to a lack of secondary school places. I put on the record my congratulations to a fantastic group of parents who are out every Saturday rallying very hard to collect signatures for a petition to try to get more secondary school places funded in their area. In particular I acknowledge Sally Forsyth, Cefar, Michelle Mendes and Eva Fattore for all their hard work. In the next few years there are going to be an additional 30 000 new homes built in the Plumpton, Taylors Hill, Kororoit and Rockbank areas, which is likely to bring 78 000 new residents to the area.

A new secondary school site needs to be prioritised in this growing area, because I fear that the Department of Education and Early Childhood Development has lagged behind in its commitment to deliver secondary places in a local setting for our school kids. One local secondary school is already at capacity. Currently three P-9 schools feed into that school. We have also recently experienced bus route changes that are making it very difficult for kids to have direct connections to their local schools. With all the new growth under way and the increased growth which we face within the next few years, this is the time when we need to match the resources with the needs of our local kids and local education.

### Brian Gravatt

**Mr WAKELING** (Minister for Higher Education and Skills) — I send my sincere condolences to Denise Gravatt and her family on the recent passing of her husband, Brian. Brian was a long-term resident of Ferntree Gully who dedicated many volunteer hours assisting the Angliss Hospital auxiliary. Brian's community spirit and selfless dedication was recognised in a life membership of Boronia Soccer Club and a 2010 Ferntree Gully Victoria Day Award. In recent years Brian's health had not been the best. The community of Ferntree Gully will sorely miss Brian's quiet, behind-the-scenes assistance. My heartfelt sympathies to Denise and the Gravatt family.

### Ferntree Gully electorate student leaders

**Mr WAKELING** — I extend my thanks to those from primary schools in my electorate who recently attended my annual school captains lunch. It was a great day with almost 30 school captains attending from 12 local primary schools. It was wonderful to hear each of them speak about their future aspirations and what

they have enjoyed the most while fulfilling the role of school captain. Schools represented on the day were Fairhills Primary School, Wantirna Primary School, Mountain Gate Primary School, Wattleview Primary School, St John the Baptist Primary School, Ferntree Gully North Primary School, Knox Gardens Primary School, Knox Central Primary School, Knox Park Primary School, Wantirna South Primary School, Holy Trinity Primary School and St Mary's College for Hearing Impaired Students.

### Wantirna College

**Mr WAKELING** — I congratulate Wantirna College principal Sue Bell and her staff and students on their 2014 school production *Grease — The Musical*. I had the pleasure recently of attending with my wife and daughter, and I was very impressed with the professional level of the production. It is wonderful to see a local school providing such a strong arts program for its students.

### Ferntree Gully Arts Society

**Mr WAKELING** — I congratulate the Hut Gallery — Ferntree Gully Arts Society on its recent 70th birthday anniversary, which I helped celebrate together with the member for Bayswater. It was a great celebration, and it is a great organisation which is ensuring that the arts are alive and well in the Ferntree Gully community. Congratulations to all involved.

### Liberal Party election candidates

**Mr LIM** (Clayton) — The retirement of the member for Hawthorn from his safe Liberal seat is a unique opportunity for the Liberal Party to show it is bona fide by doing the real and right thing by the Asian community and preselecting either a Chinese or an Indian-born Victorian to represent the Liberal Party in Parliament. The Liberal Party must stop taking the Asian community for granted and treating its members with disdain and contempt by using them to stand as candidates only in seats where they cannot win or just as a running mate to give preferences to an Anglo-Liberal main candidate. Former minister Nick Kotsiras has publicly called for more MPs from migrant descendants. Many other prominent Liberal MPs have done the same thing. The Liberal Party must show the courage of its convictions by following the Labor Party in preselecting candidates of Asian heritage to winnable and safe seats.

Victorian Labor has a Sri Lankan-born MP and a Cambodian-Chinese MP. After the November election there could be three Chinese MPs. We already have

three Turkish MPs and three Lebanese MPs, just to mention a few. The Chinese and Indian communities are the largest ethnic groups in Victoria. They make an enormous contribution to Victoria's growth and prosperity and should be appropriately recognised by the Liberal Party. The Liberal Party should refrain from continuing its patronising, condescending and exploitative attitude and born-to-rule mentality in its dealings with the Chinese and Indian communities.

### Ray Evans

**Mr McINTOSH** (Kew) — Ray Evans, who died in June this year, was a powerhouse of conservative thought in Australia — although he saw himself as a radical — who was constantly challenging orthodox thought about issues such as Indigenous Australians, our constitutional matrix and industrial relations. He was not only instrumental in the founding of several advocacy groups, but he was also their driving force both intellectually and administratively.

Ray Evans began his political involvement as president of the Melbourne University ALP Club and as a trade union delegate, but he quickly became estranged from the left's entrenched monolith. He has been described as the 'eminence noire of the ideological right in Australia', and he worked tirelessly to change the bedrock of political debate in Australia.

A man of great intellect with an unrelenting passion and drive for labour market reform, he is best known for being a co-founder of the H. R. Nicholls Society along with Peter Costello and John Stone. The H. R. Nicholls Society has had a significant influence on industrial relations, particularly with respect to decentralised regulation and the removal of unnecessary labour market rigidities. The passing of Ray Evans is a sad loss for conservative thought in Australia. His drive, humanity, passion, advocacy, intellect and commitment will be sorely missed, but his legacy lives on.

### Sporting club defibrillators

**Ms DUNCAN** (Macedon) — I am very proud of Labor's policy of providing 1000 defibrillators to Victorian sporting clubs and facilities to improve survival rates for people experiencing a cardiac arrest. We know this policy will save lives. Members would be aware that the Minister for Health in the Brumby government provided funding to Ambulance Victoria for 86 defibrillators in public areas across the state. They were positioned at airports, recreational centres, train stations and tourist destinations. In April 2011, I raised with the current Minister for Health the issue of extending the provision of defibrillators to sporting

clubs. At that time, the minister responded that the Baillieu government was not in a position to roll out defibrillators, even though he acknowledged it was a worthwhile project. He indicated all the places in which they were in existence, but, of course, he did so without giving us the credit for that.

In announcing this commitment, I would like to acknowledge the work done by Mr Andrew White, an off-duty mobile intensive care ambulance paramedic and a Macedon Ranges resident, who started a campaign to install defibrillators at football clubs after he was unable to revive a 19-year-old Sunbury footballer in May 2010. Andrew started the Defib Your Club, for Life! campaign, which has been incredibly successful and has now been expanded interstate. Sadly, it was the death of Stephen Buckman that was the catalyst for Andrew and Stephen's mother, Sue Buckman, to initiate this campaign. It is clear that there was every chance he could have saved Stephen if he had had access to a defibrillator.

I am proud of Labor's commitment to provide the additional 1000 defibrillators and praise the work of Andrew White, who no doubt has saved many lives in the past and his legacy will see many more lives saved in the future.

### **Country Fire Authority Rodney electorate brigades**

**Mr WELLER** (Rodney) — I have great pleasure in rising today to talk about the Tongala and other Country Fire Authority (CFA) brigades in my electorate. I was in Tongala last Sunday for the unveiling of the plaque for the extensions to the Tongala fire station. Along with brigade captain Matthew Clark and the chairman of the local Bendigo Bank, Neil Pankhurst, I unveiled the plaque. Well done to the committee for raising the money and extending the fire station.

This Sunday I will be at Kaarimba, one of the 250 stations that have been rebuilt across the state by the state government. It is good to be part of a state government that has invested \$2.29 billion over four years in the CFA. There is \$457 million in this year's budget for the CFA, which is \$58 million more than the last Labor budget. My electorate has been very fortunate to have new fire stations open at Tennyson, Pine Grove, Echuca Village, Rushworth, Stanhope, Mia Mia, Undera, Timmering, Corop West and Torrumbarry.

I congratulate the coalition government on building a better, safer Victoria by supporting the CFA and

ensuring that its volunteer members have the equipment and facilities to do their job safely, efficiently and effectively, in protecting the people and assets of Victoria.

### **Ramadan**

**Ms GRALEY** (Narre Warren South) — August has been a time for inspiring celebrations and displays of gratitude. Recently I attended an event for women celebrating Eid hosted by the Afghan Women's Organisation Victoria and organised by its president, the amazing Gulghotai Bezhan. Nearly 400 women attended the event. It had heaps of activities and things for the children to do. The women told jokes, danced and enjoyed the delicious food. I felt very privileged that these women welcomed me so warmly and allowed me to enjoy celebrating Eid. Ramadan Saeed to everyone!

### **Ahmadiyya Muslim Association Australia**

**Ms GRALEY** — The women of the Victorian branch of Ahmadiyya Muslim Association Australia held their annual interfaith lunch, Serving Humanity, at the Baitus Salam centre. It was a wonderfully inspiring and spiritually uplifting faith experience. I felt blessed to be in the company of so many kind and beautiful women. Thank you to Kholi Mati, Sobia Ahman, Kaukab Nasir and the rest of the team for organising this special occasion.

### ***A Touch of Opera***

**Ms GRALEY** — I recently attended *A Touch of Opera*, featuring internationally recognised Mauritian soprano Veronique Zuël-Bungaroo and esteemed concert pianist Hoang Pham. The event was proudly organised by the Cultural Historical Association of Rodriguans and Mauritians in Victoria in collaboration with Patrick and Patricia Lim-How, and it was a night to remember. Thank you, Patricia Kirntia, for your incredible efforts in pulling the event together for all of us to enjoy.

### **Philippe Gardanne**

**Ms GRALEY** — Philippe Gardanne celebrated his 100th birthday with his family and friends, some of whom had come from Mauritius and the United States. They all love him. It was a really happy occasion, and I felt honoured to be amongst friends from the Mauritian community. My maiden name, Coucaud, is always cause for interest and pride. Philippe was in great form, and he knocked back a glass of scotch or two. Why not, I say! Happy 100th birthday, Philippe.

They were all such happy celebrations; how lucky I was to have been part of them.

### **Hawthorn West Primary School**

**Mr BAILLIEU** (Hawthorn) — Early last year I tabled a petition from residents of West Hawthorn and the St James Park area in particular. That petition called on the Boroondara City Council, the Victorian government and other stakeholders, including the education department, to work together to resolve for mutual benefit outstanding issues around the old road reserve that runs between Wood and Church streets in Hawthorn and separates Hawthorn West Primary School from the Christ Church complex of buildings.

That road reserve, known as Honour Avenue, has never been used as a road and cannot be used as such. For more than 60 years it has been used by the school and as a pedestrian throughway from Park Street to Church Street but without clarity of ownership or responsibility. The petition sought a solution that effectively transferred control to the school and maintained the appropriate access for pedestrians and the church.

I am pleased to report that much work has been done, including engagement with all stakeholders, the completion of in-principle agreements and the preparation of a master plan. What remains are commitments, the appropriate redesignation of the land by council and the subsequent re-reserving by the minister. I look forward to the next steps being taken and congratulate all the parties involved.

### **Auburn High School**

**Mr BAILLIEU** — I also congratulate all those involved in the establishment of Auburn High School, particularly the foundation principal, Martin Culkin, and the new principal, Maria Karvouni. Maria has done a fantastic job. Enrolments are up and the recasting of the school grounds has been very successful and has been well received by the community. The French and Mandarin streams are up and running, but there is still more work to do, particularly in regard to the definition of Mandarin courses. Auburn High School is set to succeed.

### **Melton school buses**

**Mr NARDELLA** (Melton) — Today I have presented to Parliament a petition about an Eynesbury bus service, which is needed to connect the communities of Eynesbury and Waterford to Exford Primary School and Staughton College.

### **Puppy farms**

**Mr NARDELLA** — I also have a petition about puppy farms which calls for the strengthening of the regulations that the Napthine government has watered down. I have that here because unfortunately it is not in a form that can be presented to Parliament. I want to inform the Parliament that hundreds of people have signed the petition because they want better regulations relating to puppy farms.

### **Western suburbs schools**

**Mr NARDELLA** — I thank the member for Monbulk, the shadow Minister for Education, who came out to visit Melton and Bacchus Marsh the other week. He visited Bacchus Marsh College, which has many portable classrooms; Melton Secondary College and Melton Specialist School; and Exford Primary School, which will have 475 kids next year. These schools desperately need extra funds. Unfortunately this government has allowed the schools to run down. With Melton having a growth rate of 6.5 per cent — each week 42 families move in and 42 babies are born — there is a need for new schools, but only one has been built. My colleague the member for Kororoit needs a secondary college in Caroline Springs. We are being neglected by the Napthine government.

### **Country Fire Authority Cosgrove-Pine Lodge brigade**

**Mrs POWELL** (Shepparton) — On Sunday I attended at the Cosgrove-Pine Lodge fire station to represent the Minister for Police and Emergency Services and hand over the keys to a new \$335 000 tanker. I was pleased to be joined by The Nationals candidate for Shepparton, Greg Barr. The tanker can carry a crew of five. It has been fitted with a protection spray system, radiant protection curtains on all cabin windows and rollover protection, to ensure the safety of the fire crew.

I presented to Ross Harmer, the captain of the Cosgrove-Pine Lodge Country Fire Authority brigade, a certificate of appreciation signed by the Premier of Victoria and the Minister for Police and Emergency Services. I also presented a certificate of appreciation from me on behalf the community for the brigade's service to the community of Victoria. I was pleased to congratulate the members who received service medals for their many years of service. The brigade was formed in 1930 and has 29 active members. I thanked them and their families for their commitment to protecting lives and property.

### John Dainton

**Mrs POWELL** — On Tuesday, 27 August, I had the pleasure of presenting John Dainton with a certificate of appreciation from a grateful community for his many decades of tireless work with the dairy industry, with the water industry and in land and catchment management, and for his environmental work. I thank Chris Norman and Murray Chapman, the CEO and chairman respectively of the Goulburn Broken Catchment Management Authority, for hosting the event, which celebrated the publication of *John Dainton's Role in Mending the Goulburn Broken* by John Northage.

At the celebrations were the member for Rodney, former members of Parliament and members of the community, as well as The Nationals candidate for Shepparton, Greg Barr. All were there to pay tribute to John and his wife, Pat, for their wonderful contribution to our community and to Victoria.

### Vicarage Road, Leopold

**Ms NEVILLE** (Bellarine) — Vicarage Road, Leopold, borders the Leopold Primary School and is used by many of the children and their families. As a result it is extremely busy at the beginning and end of the school day. The problem is that it has no footpaths on either side, which puts these children at great risk. I have written to the Minister for Education explaining the dangers for the children and the school community. It is difficult to walk along the edges of the road, which is a sloping grass verge on the primary school side and is very uneven on both sides. This is hazardous for pedestrians and impossible for parents with prams and pushers. The result is that the children and other pedestrians are forced to walk along the road itself. Parents from further afield drive and park in Vicarage Road to collect their children, adding to the danger for all pedestrians.

The lack of footpaths is also a problem for local residents, with Vicarage Road linking them to the Bellarine Highway and the local shopping centre, supermarket and Kensington Road Medical Centre. Residents of the local retirement village, parishioners of the Anglican church and anyone using the Vicarage Road bus stop are also affected. The safety issues are undeniable, and there is growing concern that there will be a tragic accident.

The City of Greater Geelong has the responsibility for constructing footpaths and uses a special charge scheme. Council approached the school to pay its share of the construction costs, but it has said no at this stage.

As a result this project joins a long list of footpaths needing to be built across much of the Bellarine Peninsula. The Minister for Education has referred me to the Minister for Local Government. It is up to the ministers to work together and intervene.

### Early childhood funding

**Mr NEWTON-BROWN** (Pahran) — Well done to Alfred Child Care Centre, Brookfield kindergarten, Swinburne Prahran Community Children's Centre and TRY South Yarra Preschool for their successful applications for an infrastructure grant. They will share in the \$2.9 million fund available for IT and minor infrastructure grants provided by the Napthine government. We greatly value the work that these kindergartens and their parent communities do in giving our kids a great start in education.

### High Fidelity

**Mr NEWTON-BROWN** — *High Fidelity*, the musical, debuts soon at Chapel Off Chapel. It is a Tony awards-nominated production brought to Australia by the independent company Pursued By Bear. It is based on the award-winning book by Nick Hornby. The opening night is 11 September, next week, and I wish the production all the best for a successful season.

### Tony Senese

**Mr NEWTON-BROWN** — Congratulations to Tony Senese for receiving Outstanding Practitioner at the Victorian Learn Local Awards in August. Tony works at Prahran Community Learning Centre (PCLC). His contribution is so important for keeping young kids engaged in learning and on track for the future. It is challenging keeping young kids interested in school at the best of times. There are a number of at-risk students at PCLC, and it is inspiring to see how many students have taken a greater interest in their education thanks to Tony.

### Pathways to Respectful Relationships

**Mr NEWTON-BROWN** — The Pathways to Respectful Relationships forum was an insightful forum into domestic violence in our community. I thank all the speakers who attended the forum, including Chief Commissioner of Police Ken Lay; Mary Wooldridge, the Minister for Community Services; and Rosie Batty, Fiona McCormack, Maya Avdibegovic and Rodney Vlasis for offering their insights and advice into this issue.

### LeadWest

**Mr CARROLL** (Niddrie) — I rise to commend and congratulate LeadWest on its inaugural Spring into the West, a week-long showcasing event highlighting what is so great about the western region of Melbourne, held in our very own and iconic Queens Hall this week. LeadWest is the regional organisation for Melbourne's west. Its primary focus is advocacy for the western region of Melbourne. LeadWest's membership includes all six local governments in Melbourne's west, including Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham.

In addition to the local councils, LeadWest has a growing membership and affiliate base, comprising major companies, organisations and not-for-profit organisations with substantial operations and interests in Melbourne's west. LeadWest packs a punch when it comes to advocating for our western suburbs, and the showcase event this week is going to be an important highlight of the parliamentary calendar year.

A key highlight for the Spring into the West event was the networking function held in Queens Hall. It was a great night and wonderful opportunity for all people passionate about Melbourne's western suburbs, including LeadWest's members, affiliates and other stakeholders, to network with local members of Parliament representing the west. The event was addressed by the Premier, LeadWest's chair Barry Harvey, AM, and Gary Mehigan, owner of the famous and historic Maribyrnong Boathouse restaurant in Moonee Ponds. I place on the record my thanks to Barry Harvey, chief executive officer Craig Rowley and advocacy projects manager Karin Grima for all the work they did in bringing this important showcase event to Parliament House. LeadWest will be an outstanding advocate for many years to come.

### John Ord

**Mr BURGESS** (Hastings) — I was pleased to be invited to attend the presentation of an RSL Meritorious Service Medal to Crib Point RSL president John Ord on 2 July at the Caulfield Racecourse. John has been a continuous member of the RSL for some 38 years and president of the club for 30 of the past 31 years. John was awarded life membership by the RSL national executive in 1993. John has been a very dedicated and committed life member who has served the RSL and the local community extremely well and is a very worthy recipient of the medal.

### Somerville Football Netball Club

**Mr BURGESS** — I was pleased to be able to attend the Somerville Football Netball Club 2014 business luncheon on 15 August. The luncheon was very well attended by representatives of local businesses eager to show their support for their local football club and community.

### Hastings CCTV camera installation

**Mr BURGESS** — I sincerely thank the Minister for Crime Prevention, Edward O'Donohue, for launching the new CCTV cameras in Hastings and the monitoring post at the Hastings police station on 3 July. Hastings is now safer and more secure following the provision by the Victorian coalition government of funding of \$250 000 for the new CCTV system.

### Legacy Week

**Mr BURGESS** — As 2014 marks the centenary of the start of the First World War, I would like to encourage members of my community to buy a badge this week in support of Legacy Week. Legacy grew out of the ashes of the Great War, and 90 years on it still supports around 90 000 families of defence personnel who have given their lives for the health of this great country.

### Western Port Chamber of Commerce and Industry

**Mr BURGESS** — I was pleased to join the Minister for Small Business at a Western Port Chamber of Commerce and Industry business breakfast in Hastings on 23 July. The breakfast was well attended by a good cross-section of local businesspeople and local government representatives, and all present enjoyed the minister's presentation.

### Somerville Secondary College

**Mr BURGESS** — On 25 August I was pleased to be invited to address a class of year 12 Victorian certificate of applied learning students at the Somerville Secondary College.

### North West Melbourne Women's Dinner

**Ms KANIS** (Melbourne) — On 14 August I once again attended the annual North West Melbourne Women's Dinner. It is an annual event that is looked forward to by all in our community. With about 100 women in attendance, it was a night of friendship and fun. Not only was I able to attend but also for the second year running I was pleased to financially

support two women from the North Melbourne Language and Learning centre to attend the dinner. Thanks and congratulations to this year's organising committee members, Tanya Smith, Glenys Crawford, Deanne Hocking and Alison Parks.

### **Drill Hall housing**

**Ms KANIS** — On 27 August I attended a soup night at the Drill Hall. I was able to meet residents and discuss their needs and concerns. This is a particularly special event to me as I was a board member of Housing Choices Australia and a councillor at the City of Melbourne when the units were being constructed. The health centre being located at the Drill Hall was one of my ideas that the rest of council supported. To see the positive impact the units and health centre are having on residents lives is very gratifying.

### **Melbourne electorate education forum**

**Ms KANIS** — I would like to thank the shadow Minister for Education for attending an education forum in my electorate on 26 August. Parents, principals and teachers attended the forum, where we discussed our commitment to Carlton Primary School and our commitment to planning for a primary school in Docklands.

### **Murray Valley electorate tourism**

**Mr McCURDY** (Murray Valley) — What a great outcome to have the Tourism Victoria chief executive, Leigh Harry, visit the region on Saturday. Mr Harry visited Cobram, Yarrawonga, Milawa, El Dorado and Beechworth. The north-east and the alpine areas hold much tourism potential, and it was great to have Mr Harry see this firsthand and meet some of the key people in the local tourism industry.

### **Northeast Health Wangaratta**

**Mr McCURDY** — The Premier's visit to Wangaratta last week was very well received, in particular at Northeast Health Wangaratta, where \$500 000 in funding for the emergency department was announced. Hospital chief executive Margaret Bennett and her staff did a great job in welcoming the Premier and taking him on a tour of the hospital, including providing an explanation of proposed future plans. Hospitals and their dedicated staff are a vital part of our regional towns and communities.

### **North-eastern Victoria cycling**

**Mr McCURDY** — Some communities claim they are the cycle tourism capital of Victoria, but we all

know that north-eastern Victoria has proved it is the no. 1 cycle tourism destination. I took the chance to get Premier Napthine onto a bicycle at the beginning of the Murray to Mountains rail trail to show the rest of Victoria that the north-east is truly the cycling capital of Victoria — and Australia — extending from Wangaratta to Myrtleford, Bright, Porepunkah and Harrierville, including many places in between.

### **Bright RSL**

**Mr McCURDY** — This week I am holding a community information centre at the Bright RSL. There are some very active RSL clubs in the newly created seat of Ovens Valley, including Bright, and Bright RSL president Bruce Nordeck has invited all committee members to attend. This will be an important opportunity to discuss access to funding through programs being made available as part of the Anzac centenary.

### **North East Small Business Festival**

**Mr McCURDY** — The North East Small Business Festival was held throughout August, and it was pleasing to see that the events were well received throughout the region. The Creativity for Business Success dinner with Clare Bowditch, which was held at Wangaratta, was one of the final events on the local program.

### **Uruguayan Social Club of Melbourne**

**Mr LANGUILLER** (Derrimut) — The month of August was full of wonderful Uruguayan and Latin American celebrations in Melbourne. I proudly attended the Uruguayan Social Club of Melbourne, which was founded on 14 August 1976, to celebrate its 38th anniversary in the western suburbs of Melbourne. The club undertakes activities based on culture, sports, youth, older persons, men's health, women's health, community, family and language, all of which are good for the community — and not just the Latin American community but also the broader community. The club is led by well-seasoned community leader Idilio Suero, as president, and many other members. I commend them and celebrate their national day with them.

### **Uruguayan Artists Association of Victoria**

**Mr LANGUILLER** — I also attended Uruguay — River of the Colourful Birds, a wonderful exhibition by the Uruguayan Artists Association of Victoria at Brimbank's Hunt Club Community Arts Centre. I commend the association for its good work and the artistic events it shares with the broader community. I

particularly commend this community of artists for getting the recognition and approval of the original owners of the land, the Wurundjeri Tribe Land and Compensation Cultural Heritage Council, and with them undertaking joint cultural and artistic events. I commend both communities and wish them good luck.

### **Warragul railway station**

**Mr BLACKWOOD** (Narracan) — Last Sunday I had the pleasure of opening the new railway station car park in Warragul. This facility is part of the Warragul station precinct upgrade, which has provided a new 200-space car park and will also deliver a new rail underpass by June next year. The need for a car park and third rail crossing in Warragul has been canvassed by the local community and me as the local member for some years. Thanks to the support I received from the then Leader of the Opposition, the member for Hawthorn, and the then shadow transport minister, now the Minister for Public Transport, the coalition was able to announce prior to the 2010 election that if elected to government it would commit \$17 million to this project.

After winning government former Premier Ted Baillieu reaffirmed his commitment to deliver all pre-election promises, despite the enormous challenge of getting the state's finances back on track. Due to the brilliant financial management and planning of former Treasurer Kim Wells and former Premier Ted Baillieu, supported strongly by the current Treasurer and Premier, the community of Warragul and district is getting a much-needed car park and third rail crossing in Warragul.

This \$26 million project, along with over \$24 billion in transport infrastructure funding announced in the 2014–15 budget, is living testament to the ability of a coalition government to manage the state's finances in a way that allows the infrastructure needs of the state to be delivered at minimal cost to taxpayers and with maximum benefit for dollars spent. The Labor Party proved while in government that it could not manage money, and now, even after four years in opposition, it has no plans to build a better Victoria.

### **Moreland City Football Club**

**Mr EREN** (Lara) — Last Saturday I was pleased to be with the Leader of the Opposition and the member for Brunswick to announce that an Andrews Labor government will upgrade sports facilities at Moreland City Football Club. With the hard work and lobbying abilities of the member for Brunswick, Labor is rewarding not only the hard work of the local member

but also the hard work of the club itself through its officials, volunteers, supporters and participants. Accordingly, Labor has committed \$500 000 to redevelop ageing facilities at Moreland City Football Club. This fantastic club was established in 1916. It has 80 senior players and a growing junior membership, fielding 11 junior teams consisting of more than 200 players, and it hopes to double its junior ranks. Labor has listened and taken action on this issue. Well done to all concerned.

### **Geelong Football Club**

**Mr EREN** — I must draw attention to my beloved Geelong Cats. Once again we will sit on the edge of our seats as the Cats battle against the Hawks this Friday night. Between 2004 and 2013 Geelong, with 15 wins, won more matches against Hawthorn than any other opponent. The last time we played the Hawks in a qualifying final, in 2011, it was a resounding victory for the Cats. The Geelong Cats are making history by finishing in the top four for the eighth occasion in the past 11 years. With the last game between Geelong and Hawthorn ending in a win to the Hawks, I am sure the Cats will get vengeance through victory. The AFL recently revealed Tom Jones as the grand final entertainer for 2014. I can already see the white and navy blue confetti being released with Tom Jones belting out, 'What's new, Pussycat? Woah, woah'. Go Cats!

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Gembrook! It is discourteous to interject when the Chair is trying to make a statement. The time for making statements by members has now passed. Before we move to the next item of business, I warn members that I will apply standing order 124 if any member does not conform with parliamentary procedures.

### **MEMBER FOR FRANKSTON**

**Dr NAPHTHINE** (Premier) — I move:

That this house:

- (1) notes that the member for Frankston has demonstrated by his subsequent behaviour that the apology he delivered to the Legislative Assembly on 2 September 2014 was inappropriate and therefore he has failed to meet the requirements of paragraph (5) and paragraph (8) of the motion moved by the Premier and carried by this house on 11 June 2014;
- (2) resolves that as a result of his behaviour, the member for Frankston is in contempt of the Legislative Assembly; and

- (3) expels the member for Frankston from the Legislative Assembly forthwith.

It is a great honour and privilege to serve the people of Victoria in this Parliament. Each and every day I come into this Parliament and I understand the honour and the privilege of serving in this house as a representative of the people of South-West Coast and as a representative of the people of Victoria. It is the people's house in the people's Parliament. Our Parliament is an institution that demands and, quite rightly, deserves respect. To mock this Parliament is to mock the people of Victoria.

It is with significant regret and disappointment that I have moved this motion today to seek to expel the member for Frankston. This is not a step that is to be done lightly. It is not a step to be undertaken without serious consideration. The last member expelled from this house was in 1901, some 113 years ago. When matters relating to the member for Frankston were last before this house I said the following and made it very clear what my view was. I quote from my speech on 11 June.

... when we deal with this matter we do it fairly and justly, based on the merits of the case, not on our perceptions of personalities and not on political expediency.

I believe this motion puts forward a penalty that is fair, just and appropriate to the actual wrongdoing. It is not based on politics, not based on personality and not based on individual benefit to any member of this house; it is about this house doing its duty under the parliamentary system, upholding traditions of the Parliament and looking at ...

the precedents in other houses. I also said:

It is also absolutely essential that the penalty is enforceable and that the penalty will stick so that there are consequences for the member for Frankston if he fails to adhere to the decisions of this house.

We made it very clear when this house met in June on this matter that there were certain things that the member for Frankston was required to do. I will now outline the history and the relevant facts that led us to this very serious decision facing the house today.

In October 2012 the Victorian Ombudsman provided a report to the Parliament. In that report the Victorian Ombudsman said:

In May 2012, the Hon. Ken Smith MP, Speaker of the Legislative Assembly, received disclosures under the Whistleblowers Protection Act ... in relation to the conduct of Mr Shaw. The whistleblowers alleged:

Mr Shaw used, and allowed his employees to use, his parliamentary vehicle for commercial use;

Mr Shaw may have used copying facilities at his electorate office for commercial use.

Later in his report the Ombudsman who investigated these matters said the following and came to the following conclusions:

132. My investigation established that Mr Shaw used, and allowed others to use, his parliamentary vehicle for commercial use.

...

134. Mr Shaw also used his parliamentary fuel card to purchase fuel for a private vehicle on one occasion, in contravention of the members of Parliament motor vehicle plan ...

135. I am also satisfied that Mr Shaw gave his parliamentary vehicle to Mr A and Mr B to use for commercial use, including interstate trips, for Southern Cross Hardware. This is supported by the direct evidence of witnesses (including statutory declarations), fuel records, the logbook, expense sheets, interstate accommodation records and diary entries.

The Ombudsman then concluded with his recommendations. Recommendation 2 reads as follows:

The Legislative Assembly consider referring the issue of Mr Shaw's use of his vehicle to the Privileges Committee of that house ...

That is exactly what happened. The matter was referred to the Privileges Committee on 24 October 2012.

The Privileges Committee conducted a very thorough investigation. As we are aware, the committee is made up of senior members of this house who are elected to act on behalf of the best interests of the house, not in a political way. The findings of the Privileges Committee are clear. On page 9, the finding at paragraph 21 says:

From the evidence Mr Shaw gave to the committee and his evidence reported by the Ombudsman, the committee finds that Mr Shaw was not diligent in the management of his parliamentary vehicle. He allowed individuals connected with his private business to use his parliamentary vehicle with little or no supervision.

The finding at paragraph 22 says:

The committee finds that Mr Shaw enabled the use of his parliamentary vehicle for commercial purposes and his parliamentary fuel card to purchase fuel for his private vehicle.

On page 12, the finding at paragraph 35 says:

The committee finds that Mr Shaw contravened section (1)(a) of the code of conduct for members as set out in s 3 of the Members of Parliament (Register of Interests) Act 1978.

The Privileges Committee found that the member for Frankston had acted inappropriately by misusing his taxpayer-funded resources — his taxpayer-funded electorate car and his taxpayer-funded fuel card — and

quite rightly reported it to the house. The house debated the Privileges Committee report on 11 June 2014. Based on that committee report, an 11-part motion outlining the requirements of the house was put to the house. Let me make clear what was said before the house. I quote my own summary of the motion from 11 June:

This motion before the house will ensure that the member for Frankston accepts the serious consequences of his actions. This motion outlines a fair, just and appropriate penalty for the member for Frankston. It also outlines very clearly the consequences if the member for Frankston fails to comply with the decision of this house if it supports the motion before the house. It is about appropriate sanctions — sanctions that are enforceable and sanctions that will stick. That is what this motion is about.

The motion has been very carefully drafted after proper consideration, after fulsome and detailed expert advice. The motion is designed to: one, immediately and effectively sanction the member for Frankston for his misuse of parliamentary resources; and two, ensure that the member accepts his wrongdoing, accepts his responsibility, apologises to the people of Victoria and complies with the sanctions imposed. If he fails to meet that test, then he will be held in contempt of the Parliament and his position in this Parliament will be jeopardised.

It was made very clear in that motion that the member for Frankston was given an appropriate penalty with regard to his suspension, the withdrawal of certain entitlements, the requirement for him to repay the funds he had misused and the requirement for him to make a full apology to this house and the people of Victoria. It is absolutely clear that these requirements were voted on and supported when put before the Parliament. In particular I draw the attention of the house to paragraph (8) of that motion:

That this house —

...

- (8) further notes that if the member for Frankston does not comply fully with paragraphs 3 and 4 of this motion by 1.00 p.m. on 2 September 2014 and that if the member for Frankston does not apologise appropriately to the house for that failure on 2 September 2014, he will be in contempt of the Legislative Assembly and the Legislative Assembly will move to expel him ...

It is very clear that a proper process has been undertaken in this case. There has been a report from the whistleblower, an investigation by the Ombudsman, a referral to the Privileges Committee on the advice of the Ombudsman, a detailed investigation by the Privileges Committee and a debate within this house about the appropriate course of action to give the member for Frankston a final opportunity to repay the money and be suspended, but also to show genuine remorse with a genuine apology — that is, to come into

this house and apologise to the people of Victoria and the Parliament of Victoria for his misuse of those public funds. That was clearly put before the house.

There were other views put to the house by other members of Parliament on 11 June. The Leader of the Opposition said:

I hope honourable members do the right thing and join with me in expelling the member for Frankston from this house, because there is no place for the member for Frankston and his rorting in this great chamber, in this great Parliament and in this great state of Victoria.

He also said:

We ought to take action once and for all on the member for Frankston, not because it is expedient, not because it is about personalities, not because it is about politics but because it is about probity. It is about probity and decency. It is about doing the right thing and being consistent. That is what it is about. There is no place for the member for Frankston and his rorting in the Parliament of Victoria ...

The Leader of the Opposition made that very clear. Earlier in that speech he said:

... we will not settle for a protection racket for the member for Frankston and that instead we will do the right thing and expel the member for Frankston from this chamber once and for all.

Other speakers made similar comments on 11 June. The Deputy Leader of the Opposition said:

Today we have an opportunity to take a stand. It is within the Parliament's power. It is the right thing to do. The member for Frankston has brought only disgrace to this Parliament. He rorted taxpayers for commercial gain — behaviour that is rightfully and immediately sackable outside of this place. The member for Frankston should be expelled.

The member for Bendigo East said:

It is the Leader of the Opposition who ... has been clear and consistent in the approach that should be taken by this Parliament — that it should move to find the member for Frankston in contempt, and therefore expel him from the Parliament.

That was the view of other people. This Parliament in its wisdom said that what we need to do is support the motion before the house at the time to give the member for Frankston fair and proper process to pay the money back, to suffer the suspension from the Parliament, to suffer the withdrawal of certain rights and privileges and, most importantly, to come into this house and make a genuine, fulsome and appropriate apology. That is what was required of the member for Frankston. That was the fair and proper process. We have seen this week that on 2 September, Speaker, you advised the house that the member for Frankston had repaid the money as required.

The member for Frankston got on his feet and purported to make an apology to this house. At the time members of this house took those words at their face value, but within hours — within a very short time — of being on his feet in this house the member for Frankston by his own words and actions clearly and plainly demonstrated that his apology was not genuine. It was a farce. It was simply going through the hoops. It was not a genuine apology. It was certainly not appropriate, and it clearly did not meet the requirements of paragraph (8) of the motion carried by this house in June.

The member for Frankston failed the critical test of providing an appropriate apology to the people of Victoria and this house. The member for Frankston was not genuine. He was not fair dinkum. He was simply going through it in a manner that he himself described as a farce. The people of Victoria and members of this house know that the member for Frankston was not genuine when he made that apology. They know that this was not an appropriate apology. They know that the member for Frankston failed to meet the requirements in the motion passed by this house in June.

I present evidence of that from an article in the *Herald Sun* of 3 September, where it is described that this was a ‘farce’. The member for Frankston said:

It’s all a political farce ... for the government to bring it up and to make all those hoops to jump through.

He said that it was a political farce. He said that he had jumped through the hoops but he was not genuine about that process. Today there is a further article in the *Herald Sun*, which says:

I asked him if he had meant the apology he had delivered 90 minutes before.

‘I complied with the motion’, he said.

I asked him if he was sorry.

The quote from the member for Frankston is:

I said sorry in my speech.

What we know is that the member for Frankston himself put out a statement on 3 September — on the same day — and in that statement he did not repudiate in any way, shape or form the comments in the *Herald Sun*. He did not say he was misquoted. He did not say he was taken out of context. He did not use the opportunity to refute in any way, shape or form those comments in the *Herald Sun*. There is no doubt that the member for Frankston was not genuine in making that apology. There is no doubt in the mind of any Victorian

and there should be no doubt in the mind of any member of this house that the member for Frankston was going through the hoops and playing his part in what he described as a farce.

That is what the member for Frankston was doing. There was no genuine remorse, no genuine apology and no genuine understanding that he had done the wrong thing by the people of Victoria and by this house. That is an absolute and utter disgrace. The apology was clearly not appropriate. The apology was clearly not genuine. The apology was clearly not fair dinkum, and he ought to be judged accordingly. There is no doubt, when the apology was not appropriate, that the right thing for this house to do is judge it accordingly and move that this member is in contempt of the Legislative Assembly and of the people of Victoria and he needs to be expelled.

Others may wish to try and play semantics with this issue, but the people of Victoria know the truth. Members of the house know the truth. They know that the member for Frankston has made it absolutely crystal clear he did not mean a word of his apology. He was not genuine. It was not appropriate. It was merely going through the hoops and it was a farce. Unfortunately the comments made by the member for Frankston after his comments in the house yesterday were consistent with a pattern of behaviour from the member with regard to disrespect for the people of Victoria and this Parliament. It is part of a course of conduct we have seen from the member for Frankston. We have seen it with regard to his misuse of a taxpayer-funded electorate car and fuel card. We have seen it in his comments in the *Herald Sun* of 29 May with regard to members of the Privileges Committee, whom he described as ‘nuff nuffs’. He said further:

These guys have done a criminal act.

That is how he described members of the Privileges Committee. On 1 June the member for Frankston, in referring to the Privileges Committee, said on 3AW:

... I thought their tactics were quite what you would expect from the KGB ...

There is no doubt that there is a course of behaviour. Even when you look at the weeks prior to 2 September the comments made by the member for Frankston raise serious doubts about the sincerity and genuineness of the apology which was given to the house earlier this week. The *A Current Affair* program of 2 July reports the member for Frankston as saying, with regard to an apology:

Feel like Mum and Dad saying, ‘Apologise to your brother’, and you go, ‘Sorry’. Do you mean it?

Then of course on 31 August 2014, when a presenter said, 'You've got to apologise on air sometimes and you just read out what you have got to say, and you move on', the member for Frankston responded, 'That sounds right'. Even the *Age* of 2 September reports as follows:

But Mr Shaw said the motion required him to apologise for bringing discredit on the Parliament, rather than for the misuse of his vehicle. 'What people think I'm apologising for is something that is not in the motion', he said.

What we get is a pattern of behaviour, a clear course of action, where the member for Frankston fails to understand the seriousness of his misuse of taxpayer-funded resources for his electorate car and his fuel card, where the member for Frankston fails to understand the need for a genuine apology and genuine remorse, and where the member for Frankston wishes to attack the Privileges Committee, wishes to attack the Ombudsman and wishes to slur everybody else rather than accept responsibility for his own actions.

We as a Parliament must finally hold the member for Frankston to account. That is what we established in June. We made it very clear that we need to hold the member for Frankston to account. There needed to be a fair and proper process. The motion put in place a fair and proper process, and the member for Frankston has failed to deliver an appropriate apology. He has failed to deliver a genuine apology to the people of Victoria and the members of this house. His course of action shows that he fails to understand his level of wrongdoing and the need for that genuine apology, so the apology was not genuine, it was not fair dinkum and it was not appropriate. Therefore in accordance with the motion endorsed by this house in June this year, the right and proper thing to do is to hold the member for Frankston in contempt and expel him from the Parliament.

In conclusion, the facts are clear to all members of this house. The facts are clear to all Victorians. The member for Frankston misused his taxpayer-funded electorate car and fuel card. Everybody agrees on that. He was subject to a thorough, fair and proper process. He was subject to an Ombudsman's inquiry and report, an investigation and report by the Privileges Committee and debate in this house on 11 June, which endorsed a motion which put requirements in front of the member for Frankston with regard to his actions and his need to apologise. The motion required the member for Frankston to repay the moneys he had misused and to genuinely and appropriately apologise to this house and, more importantly, to the people of Victoria for his misuse of the taxpayer-funded fuel card, his misuse of the electorate car and his continual thumbing his nose at

this house and the people of Victoria. He was told very clearly in that motion that if he did not make an appropriate apology to this house, then this house would hold him in contempt and he would be expelled from this Parliament.

We now know very clearly that the alleged apology made to this house was not appropriate, was not genuine and was not fair dinkum; therefore, this house needs to judge the member for Frankston accordingly. He has failed to provide a genuine, appropriate apology to this house and to the people of Victoria. The consequences of that were spelt out clearly in the motion endorsed by this house in June. The motion endorsed that if he did not make a genuine, appropriate apology, then he would be held in contempt of this house and he would be expelled from this house. That is exactly the situation we now face, and therefore I move that the member for Frankston be expelled from this Parliament today.

**Mr ANDREWS** (Leader of the Opposition) — Yesterday morning I was in Morwell listening to locals betrayed so badly in the mine fire back in February. Back here the Premier was giving notice of the motion before the house today. Back here the Premier was inviting us to all come back to his circus. That is what he was doing.

In June the Premier used his own vote and the votes of all coalition members to defeat Labor's attempt to expel the member for Frankston from this house. With his own vote the Premier, and indeed the house, resolved a different penalty — a suspension, with terms and conditions. That suspension has been served. The money has been repaid. An apology has been given. The conditions of the motion have been fulfilled. That is the penalty that the Premier, with his own vote and the votes of every one of his coalition colleagues, imposed on the member for Frankston.

This matter was settled in June. The Premier, with his own vote and the votes of all of his coalition colleagues, saw to that. That is the fact. Now the Premier wants to revisit the issue. The Premier wants to debate the issue instead of debating, for instance, skyrocketing unemployment, the fact that our hospitals are full, the fact that our schools are falling down, the fact that Victorians call for an ambulance and it takes too long to arrive or the fact that TAFE is on its knees while a generation of young people face the prospect of being left behind.

This Premier has lost his way, and this Premier has lost touch if he believes this motion is more important than the jobs, the health care, the education, the safety and

the future of the people of Victoria. This is a circus, one of the Premier's own making, and the parliamentary Labor Party will have no involvement in it.

**Mr RYAN** (Minister for State Development) — Speaking of a circus, what a contribution.

*Honourable members interjecting.*

**Mr RYAN** — Even by Labor's standards, that hit a new low. Let me deal with the primary point of that rubbish just put to the Parliament by the Leader of the Opposition. He kept referring to the Premier's own vote when the motion of 11 June was passed. In fact it was a motion passed by the whole of this house. Labor attempted to amend it, but when it failed, it agreed with this side of the house to the motion of 11 June. It was a motion passed by the whole of this house, and that ought to be made very clear.

Today's debate is governed by the motion listed under government business on the notice paper. The focus of the debate is the failure of the member for Frankston to comply fully with the 11-part motion of 11 June, specifically the failure to make an appropriate apology in accordance with paragraphs (5) and (8). Paragraph (5) states:

- (5) instructs the member for Frankston to apologise to the house and to the people of Victoria for his breach of the code of conduct for members as set out in section 3 of the Members of Parliament (Register of Interests) Act 1978;

Paragraph (8) states:

- (8) further notes that if the Member for Frankston does not comply fully with paragraphs 3 and 4 of this motion by 1.00 p.m. on 2 September 2014 and —

very importantly —

that if the member for Frankston does not apologise appropriately to the house for that failure on 2 September 2014, he will be in contempt of the Legislative Assembly and the Legislative Assembly will move to expel him.

Paragraphs (5) and (8) were moved as part of the motion, and the motion was agreed to by the whole of the house on 11 June. We accept that the other nine paragraphs of the motion have been complied with, but has the member complied with paragraphs (5) and (8)? He most assuredly has not. He did not apologise appropriately. We understand that the word 'apologise' can have various interpretations, but the words being mouthed was simply not enough. The house needed to see and to hear genuine contrition from the member. More particularly, he should have shown that very basic courtesy to the people of Victoria. Calling the process a

'political farce' destroyed any notion of genuine regret or contrition, and the use of that term was exactly the one applied by the member for Frankston. He has not denied it. He has not sought to correct the record. He has not come in here with another personal explanation. He has not done any of those things. Rather, we come here today with the notion of a political farce being the member's definition of the events that gave rise to that motion of 11 June.

This is an issue to do with the complete disregard of and disdain for the processes that were undertaken in relation to this whole issue, and disdain for the Parliament itself and for the people of Victoria. I emphasise that this is not a debate about the historical issues which gave rise to the debate of 11 June. All those matters have come and gone. As the Premier put it, they are relevant for the historical record but today's debate is about the critical issue of paragraphs (5) and (8) of the motion of 11 June. I put this proposition — rhetorically of course. Had the member in the course of his so-called apology on 2 September stood up in this place and said that the whole thing was a political farce what would this house have determined? In my view, and without a shadow of doubt, the house would have expelled the member. The Labor Party, even given the low standards that it applies to this, would have agreed to the expulsion of the member. As we know, that day the Labor Party moved an amendment to the motion initially put by the house to expel the member, so by his own hand the member has cast his future.

There are other factors relevant to this motion. In the limited time available to me I want to briefly refer to the motion of 11 June, which put the issue in the hands of the member. The government designed a proposition, a series of 11 paragraphs, and handed them over to the member. The motion gave him the prospect of complying with those paragraphs, thereby satisfying the motion and putting this whole issue to an end. Indeed on 2 September we thought that was what had happened, but of course a short time after having apparently made an apology the member recanted and said that in his mind it was a political farce. That is something he has not denied. In a sense that makes his position worse, because even on a clinical assessment of this matter, what the member attempted to do was delude the Parliament and the people of Victoria by going through the motions of an apology when in fact he had no intention of doing that at all.

Further, the position of the Labor Party on this is palpably appalling, even by its standards. Let the record show that Labor members will say anything and do anything if they think it will advantage them politically. Today is not about politics. You cannot look at this

matter today through the prism of politics. This is about the systems that give rise to the way in which democracy operates in this state. This debate is about this great chamber. It is about the sorts of standards and protocols that govern the way we come here to represent the people of Victoria. All 88 of us are governed by those protocols, by the standards and the history that goes with them and by the obligations that ride with the honour of being a member of this Parliament. That is what this debate is about first and foremost. Of course there are other issues out there which are of concern to Victorians, but in the sense of the fundamentals of the democracy that brings us here, there is no more important issue than this. It is a matter that must be dealt with and dealt with on its merits.

For Labor members to put the position they are now putting, and for them to stage a stunt of a walkout, as they did, in the midst of this debate, is a commentary on them and the way they view, with enormous disdain, all the things that underpin the way this Parliament operates. It is a commentary on their actions, for which they will be condemned. As I said, this issue is about more than politics. It is about the Parliament. It is about the democratic system that we all absolutely cherish and its forms and traditions. It is about the standing orders and protocols.

Those issues are above government of any persuasion. This is an issue about a system of parliamentary democracy that brings us all here. It is about representing the people who voted for us to come and represent their interests. It is why in the last 113 years we have only seen one member expelled from this place. That was on 25 June 1901. I say again, on 11 June the house gave the member his chance. A resolution was passed by agreement of all of the members of this place.

The member was set a test. He passed nine of the provisions of the test that was set for him; he has failed miserably insofar as two of those provisions are concerned. He was asked to make an appropriate apology, and indeed he was directed by resolution of the Parliament to do so. That resolution was supported by all of us in this Parliament. The simple fact is that the member is in contempt of this Parliament. He has failed the test that was put to him on that day, and for all the reasons I have outlined and to which the Premier has referred, the simple fact is that unfortunately, and even tragically in many senses, the member must now be expelled.

**Ms ASHER** (Minister for Innovation) — I wish to trace the history of this particular incident, or series of incidents, from the question of contempt to the finding

of contempt outlined in the motion. As the Premier has outlined, this commenced with the Ombudsman's report of October 2012 *Whistleblowers Protection Act 2001 — Investigation into Allegations against Mr Geoff Shaw MP*. In recommendation 2 of that report, the Ombudsman recommended that the matter be referred to the Privileges Committee to determine whether the member for Frankston's usage of his vehicle and fuel card:

... was a contempt of the Parliament, an abuse of the privileges of the Parliament and/or a breach of the code of conduct established by the Members of Parliament (Register of Interests) Act ...

That was the commencement of this particular process. The matter was then referred by this house to the Privileges Committee, which then presented a majority report and a minority report. The majority report at finding 4 stated:

The committee is unable to be satisfied to the requisite standard that Mr Shaw was wilful in contravening the code of conduct. Therefore Mr Shaw is not in contempt of Parliament under s 9 of the Members of Parliament Register of Interests Act 1978.

However, that day a minority report was tabled. The minority report was signed by the member for Oakleigh, the member for Yan Yean, the member for Melton and indeed the member for Dandenong, who ironically is sitting at the table and who is the only member of the opposition currently present in the chamber. That minority report said on page 2 under the heading, *Contempt of Parliament*:

Minority members of the committee find Mr Shaw was wilful in contravening the code of conduct, and is therefore in contempt of Parliament.

So through its minority report the Australian Labor Party (ALP) indicated that it was of the belief that the member for Frankston was in contempt of Parliament at the time of the release of the Privileges Committee report. Indeed when the suspension of the member for Frankston occurred on 11 June we on this side of the house indicated that at that stage he was not in contempt but that very clearly if he did not abide by the terms of the motion, he would be in contempt. It was flagged very clearly for the Parliament and for the member for Frankston that if he did not comply with the conditions of the motion, he would be in contempt. On 11 June the Leader of the Opposition moved an amendment. The amendment reads as follows:

... this house finds that Mr Shaw is guilty of contempt of the Parliament, and that he be therefore immediately expelled from this house.

So not only was the ALP in terms of its minority report of the view that the member for Frankston was in contempt of Parliament, the Leader of the Opposition on 11 June also moved an amendment that the member for Frankston was guilty of contempt of the Parliament and should be expelled. We then voted as a house for the suspension, and the member for Frankston subsequently made an apology on 2 September, which in my opinion was demonstrated not to be genuine by his subsequent media interviews and his use of the word 'farce' and other terms such as 'going through hoops'. Contempt is a well-established tradition. I will not refer to our standing orders or *Erskine May*. Members of Parliament are free to go through *Erskine May* to see the importance and significance of contempt in the operations of the Parliament.

I wish to outline, however, the contrast between the government and the opposition in the finding of the member for Frankston's contempt of this Parliament. The government has moved along a continuum. In fact it was very clear that the initial starting point for the government was that the member for Frankston was not in contempt but has progressed along a path to being in contempt by his rejection of the opportunity to apologise in a genuine manner.

When I spoke on the suspension motion on 11 June, I made the observation that the member for Frankston was not in contempt at that time but that he would be in contempt if he breached the motion before the house. However, the opposition's position is quite different. The opposition has held a view through its minority report that the member for Frankston was in contempt after the Privileges Committee investigation, and the opposition's amendment on 11 June held that the member for Frankston was in contempt. What we have seen today is something quite interesting, because at no stage did I ever hear the Leader of the Opposition say, 'The member for Frankston is not in contempt and should not be expelled'. They were not words he said in his speech. However, the opposition has indicated that it nevertheless will oppose this particular motion.

I wish to also look at a number of comments made by members of the opposition. Indeed the Leader of the Opposition said in the debate on 11 June:

The month in which we take action against the member for Frankston should not determine what penalty we apply to him. This is wrong; it is why we are so lowly regarded by this great state and its people.

So on 11 June the Leader of the Opposition made the call that the month in which we take action against the member should not determine what penalty we apply to him, and yet he has come into this chamber today and

indicated that is precisely what he is going to do. He was prepared to expel the member in June. He is not prepared to expel now even though, in my opinion, the conditions of contempt have been fulfilled. The Leader of the Opposition said:

... we will not settle for a protection racket for the member for Frankston and that instead we will do the right thing and expel the member for Frankston from this chamber once and for all.

In relation to the motion that was carried on 11 June, the Leader of the Opposition also said:

It is no golden handshake, it is a golden bear hug.

That raises the question of what the Leader of the Opposition is in fact doing with the member for Frankston today. It might be the full consummation act.

I want to refer now to the Deputy Leader of the Opposition's comments on 11 June. He said:

If we do not find the member for Frankston in contempt of the Parliament and expel him immediately, we will effectively have set lower standards of behaviour for ourselves and placed ourselves above the people we represent. I want no part of that, and the Labor Party does not want any part of that.

No wonder the Leader of the Opposition and the Deputy Leader of the Opposition are not in the chamber. They have a fundamental problem with this consistent argument that ALP members put up on 11 June because what they are doing is walking away completely from the position they put on 11 June. The Deputy Leader of the Opposition said:

This protection racket is a deal. Those opposite now understand the bitter reality that when you make a deal with the likes of the member for Frankston there is no end to the chaos. It is like an insatiable beast.

No wonder they are absent from the chamber today. The Deputy Leader of the Opposition also said:

Enough is enough. Today we have an opportunity to take a stand. It is within the Parliament's power ... The member for Frankston should be expelled.

In conclusion, I refer to a press release that I imagine the Deputy Leader of the Opposition put out in every electorate after the vote on 11 June and indeed to robo telephone calls that were made into marginal seats. In my own case, the Deputy Leader of the Opposition put out a press statement headed 'Louise Asher votes to keep Geoff Shaw in Parliament'. This went to the Brighton newspaper, the local *Bayside Leader*:

Local Liberal MP for Brighton, Louise Asher, today voted to keep the rotting member for Frankston, Geoff Shaw, in Parliament and reward him with a \$160 000 bonus.

Victorian Labor attempted to end the dysfunctional circus and immediately expel Geoff Shaw from Parliament.

Instead Louise Asher ... voted to give Geoff Shaw a slap on the wrist and allow him to return to Parliament in September.

I put to the Deputy Leader of the Opposition — apart from asking why he does not have the courage, the gumption, to turn up in Parliament today and at least listen to the arguments put forward — that in fact if the Labor Party is true to its word, it is the Labor Party that is going to allow the member for Frankston to stay in this chamber. I suggest to the Victorian public that this backflip on the issue of expulsion goes to the core and the character of the ALP in this state. Its members are not trustworthy.

**Mr CLARK** (Attorney-General) — The issue before this house is a simple one: should the member for Frankston be expelled? The short answer is yes. Members of the house should do now what they resolved to do on 11 June if the member for Frankston did not make an appropriate apology to the house for his previous wrongdoing. We resolved in effect on 11 June to give him one last chance to apologise for his wrongdoing and thus show he had learnt the error of his ways. We made clear then that if he did not do so, he would be expelled. He has failed to do so, and thus he should be expelled.

The resolution of 11 June was clearly an appropriate response to the member's wrongdoing. Indeed at the time the criticism from those opposite was that it did not go far enough. The only question that needs to be addressed now as a precondition to expulsion is whether as a matter of fact the member for Frankston has failed to make an appropriate apology. That question is readily answered.

An appropriate apology needs to be a sincere apology. On Tuesday the member for Frankston made an apology to the chamber that in its content appeared to constitute an apology. However, the member for Frankston almost immediately went out of the chamber and made statements that demonstrated that it was not a sincere apology at all. He described the process as a farce and said that he was being required to jump through hoops. Not only were these remarks reported as direct quotes in the newspaper report yesterday, but the accuracy of them was not disputed by the honourable member in his media statement yesterday, and the newspaper has stood by and elaborated on those reports again this morning.

One would have hoped that the member for Frankston would have accepted the opportunity provided to him by the resolution of 11 June, that he would have

realised the error of his ways, that he would have made redress and an apology, and that he would have sought to serve for the balance of this Parliament in a manner that merited him some credit. Regrettably, he has failed to do so. It is clear that the member for Frankston has failed to truly recognise the wrongfulness of the conduct in which he has engaged and that he has not genuinely sought to make amends through an apology. He has thus not done what the house required him to do, even though at the time the house made clear that failure to do so meant expulsion.

Expulsion of the member for Frankston today is in accordance with the due processes that have been followed by this house throughout in relation to his conduct. We have had the reference by the former Speaker to the Ombudsman. We have had the Ombudsman investigation and report to the house. We have had the house refer the matter to the Privileges Committee. We have had the Privileges Committee investigate and report its findings. We have had the house resolve as it did on 11 June following the committee's report. The expulsion proposed today has also been preceded by a warning and an opportunity to make redress provided to the honourable member by the resolution of 11 June. Thus both the contempt of Parliament by the member for Frankston and the appropriateness of expulsion as a consequence are established. The expulsion proposed today is what in June the house envisaged would occur if the member failed to comply with the June resolution.

The approach adopted by this house, which has been followed consistently to date, has been balanced, measured, fair and has been in accordance with the traditions and standards of Westminster democracy. What the Premier has proposed today continues that approach. The suggestion by the Leader of the Opposition, which was raised on radio this morning, that there is any legal doubt about the matter is bizarre. There is no doubt that the house has the power to expel the member for Frankston. That is confirmed by the legal opinion the opposition itself produced in June. As I said then, the question is not one of asking, 'Can we?' but 'Should we?', and for the reasons I have already given to the house today, we should now give effect to what in June we said we would do.

In opposing this motion, the opposition has broken cover and made plain to the whole state the course of conduct it has been embarked upon throughout the duration of this Parliament — to seek to hide behind the member for Frankston in order to disrupt and impede this Parliament from getting on with its work on behalf of the Victorians who elected us. Try as he might, the Leader of the Opposition cannot get away from the fact

that he now intends to vote to keep the member for Frankston in this house when only a few months ago he was berating this side of the house for not going far enough.

However, now that the member for Frankston has rejected the chance he was given to make amends and has placed himself in contempt of this Parliament, the Leader of the Opposition suddenly wants to keep him in the house. That this is crass expediency is obvious. The Leader of the Opposition wants the member for Frankston to stay in this house to be the cover for Labor's disruption. Labor does not want to be held to account for voting down legislation, so it is convenient to it to try to focus the blame on the member for Frankston. In short, the Leader of the Opposition wants the member for Frankston to be the fall guy for Labor's disruption.

We have seen how Labor inveigled the member for Frankston to vote with it to defeat the Parliamentary Budget Officer Bill 2013 that would have provided for independent costings of parties' election promises. We have seen how Labor filibustered all of one sitting week on legislation its members supported in order to prevent the jury directions reforms being reached, so as to persuade the member for Frankston to vote against the legislation on the grounds that it had not been debated, thus prolonging trials and the distress for victims of crime and allowing criminals to continue to get away based on technicalities.

Just yesterday we saw how Labor deliberately rejected offers by the government to negotiate about the contents of the Electoral Amendment Bill 2014 and gagged debate in this house in order to combine with the member for Frankston to defeat the bill and thus make it harder for ordinary Victorians to enrol and cast a vote at the forthcoming state election.

Victorians expect their members of Parliament to get on with the job of debating legislation and passing laws that will make life better. The Leader of the Opposition and his supporters have shown that they are interested in anything but that. They want to disrupt and impede the proper workings of the Parliament as much as they are able and then try to blame the government for the disruption that they themselves have orchestrated, and they want the member for Frankston to stay in the house in order to provide a cover for that plan.

This is a debate about standards — the standards of the member for Frankston and the standards that are set by this house and observed by members of this house. The Leader of the Opposition and those who support him have demonstrated by their conduct and their words

today the standards they hold in relation to this motion. It is clear that they now intend to apply to the member for Frankston the same standards they apply to others whose company they keep.

What are those standards? They are the standards of expediency, the standards of whatever it takes, the standards of whatever you can get away with. They propose to apply to the member for Frankston the same standards they apply to John Setka and the Construction, Forestry, Mining and Energy Union (CFMEU). They will not expel John Setka and the CFMEU from the Labor Party because the CFMEU provides Labor with the money and manpower it needs, and provides the Leader of the Opposition with the influence and numbers he needs.

Similarly the opposition will not expel the man they previously called 'the rorting member for Frankston' because he provides cover for its campaign of disruption in the Parliament, and he provides distraction for its attempts to divert attention away from the achievements of the government.

Those opposite propose to apply to the member for Frankston the same standards they apply to Kosmos Samaras, assistant secretary of the ALP. They will not sack Mr Samaras for keeping someone else's tape recorder, listening to it, taking and distributing copies of conversations on it, and then destroying it, which is conduct that on face of it constitutes a series of criminal offences. They will not sack Mr Samaras because he is a key factional player who knows too much. Instead they defend him on the basis that he is basically a good bloke who smashed a tape recorder because he got angry. Similarly, the Leader of the Opposition and his supporters opposite now are not willing to sack the member for Frankston, even though three months ago they condemned him at length and said he was unfit to remain in the house, simply because they now think he is of more benefit to them in the house than out of the house.

The debate today has made clear what standards are held and applied by the Leader of the Opposition and his supporters opposite. They are the standards of the union thug, the standards of the criminal cover-up, the standards of the opportunist and hypocrite. Heaven help Victoria if a gang of persons with those standards were ever to form government in this state. They are not the standards that should be applied in this house. They are not the standards that should be applied to this motion. This motion should be passed, and the member for Frankston should be expelled in accordance with the resolution of this house on 11 June.

**Mr O'BRIEN** (Treasurer) — I rise to support the Premier's motion. This motion is the culmination of a long process. I emphasise the word 'process' because this government is very concerned with ensuring that the right process is followed. The member for Frankston had allegations against him referred to the Ombudsman. As the Premier set out, those matters were referred to the Privileges Committee, of which I have the honour to be a member. There was a very long and involved process of consideration of evidence by the committee. The committee reported and the house considered the report.

It is instructive to go to the resolution — I echo the Deputy Premier's point — that was the result of the motion being passed without a dissenting voice. This motion was passed by the house without a dissenting voice, and in addition to the suspension of the member for Frankston for 11 sitting days, in addition to the requirement to pay back the money that he effectively allowed to be wrongfully taken from the taxpayers, he was also required to make an appropriate apology.

I made the point at the time, as is reported in *Hansard*:

Where the member for Frankston has been found unanimously by the Privileges Committee to have enabled his car to be used for commercial purposes it is a clear breach of the code of conduct for members of Parliament, and it should be sanctioned as such. That is what the Premier's motion does: it sanctions it in a way that is in fact stronger than originally proposed by the majority of the Privileges Committee members, which reflects Mr Shaw's failure to demonstrate any remorse or contrition and any sense of apology or regret for the actions that he has been found to have performed and for the omissions he has been found to have made as well.

The requirement to make an appropriate apology to the Parliament and to the people of Victoria was a key element of the motion that was passed by this house, because the member for Frankston in his conduct, as ably set out by the Premier, had indicated no such remorse and no such contrition.

I think it was a matter of concern to many members of the house when, shortly after that resolution was passed by the house on 11 June, there was a media report on 13 June — just two days later — about the member for Frankston appearing at a comedy event at Melbourne's Wheeler Centre on the Friday of that very week. This article, from AAP says:

When asked what he thought of his suspension, he replied: '[I was] screwed by the Parliament, wasn't I?'

Again, there was no sense of wrongdoing and no sense that he had done the wrong thing and needed to offer an apology and demonstrate remorse for it. Even on the

verge of this sitting week, the member for Frankston was interviewed on 3AW on the Sunday morning program. There was a question from Nick McCallum:

I suppose the question is, will the apology be sincere?

The member for Frankston went on, among other things, to say:

... people that want extra things added, whether that be tears, or whether that be a high-pitched voice or a low-pitched voice, or whether that be me coming in sackcloth and ashes: I'll be meeting all the conditions of the motion.

That is again a clear indication that he is trivialising this very serious and important matter. As the Premier made clear, the consequences of failing to meet each and every one of those conditions in the resolution of the house on 11 June were crystal clear: failure to meet those conditions would constitute a contempt leading to expulsion. So when the Leader of the Opposition stands up here today and says, 'This was all resolved on 11 June', he could not be more wrong. The house set out what needed to be complied with by the member for Frankston to avoid being in contempt and to avoid expulsion. The member for Frankston failed to meet the standards that this house set. He absolutely failed.

I will now look at the conduct of the member for Frankston. He rendered an apology. You could quibble with some of what are arguably qualifications in the wording of it, but then, so recently and so quickly after standing in this house and delivering what he purported was an apology, we all know what he did. He went out, spoke to Annika Smethurst from the *Herald Sun*, and described it all as a 'political farce'. He described it all as just hoops he had to jump through. By that performance he completely vitiated that apology. It was not an apology, because he vitiated it by his subsequent conduct. That is why the member for Frankston has failed to meet the conditions set by this house on 11 June, that is why he is in contempt of this Parliament, and that is why he should be expelled from this Parliament forthwith.

I support the motion more in sorrow than in anger. I have had dealings with the member for Frankston. I have had constructive dealings with him on some budget-related matters. In some elements, the member for Frankston has shown more fiscal responsibility than members of the opposition have, which is saying something! This is not about the member for Frankston as an individual; this is about this house upholding the standards that it set in the resolution of 11 June. Because if we do not follow through on that resolution and on enforcing the conditions that we laid out

unanimously in the house, then we are actually sacrificing the standards of the house.

There has been some commentary asking why the time of the Parliament is being used today to discuss these matters, and it is for this reason: public officials — we in public office — need to be held accountable for standards. That is a critical issue to the people of Victoria. If people in public office are not held to account for their actions, then there can be no trust. That is what this motion does. It is about holding somebody in public office to account for their actions and for their failings.

We have heard talk from the Leader of the Opposition about stunts. Can I say that there was only one stunt today, and it was the orchestrated walkout after the Leader of the Opposition finished making his contribution. We saw the member for Bendigo East having to walk around the backbench to give opposition members their instructions, to tell them that they needed to walk out.

One can ask why they are not here to participate in this debate. I think the reason is that Labor's position is literally indefensible. Labor members cannot justify it. They cannot excuse their backflip from the position they took on 11 June and thereafter. They are refusing to explain their hypocrisy. They are refusing to hear the debate on this issue, but you can bet that they are going to march back into this chamber and they are dutifully going to vote to save the political skin of the member for Frankston. The Leader of the Opposition has become the member for Frankston's political bodyguard, and he will own that. That is what Labor has done today with its opposition to this motion.

It is important for the functioning of this Parliament that when we set standards they are upheld. That is why I support this motion, because this is about ensuring that people in public office are held accountable for their actions. I conclude my contribution by quoting the Leader of the Opposition, as reported in *Hansard* of 24 October 2012:

The member for Frankston stands condemned today by what is in the Ombudsman's report. I conclude simply by saying this: those who stand shoulder to shoulder with the rotting member for Frankston stand equally condemned. They will need to live with the indelible mark that they failed the test of leadership.

I could not agree more.

**Mr HODGETT** (Minister for Ports) — I rise in support of the motion moved by the Premier. My late father used to say to me, 'Son, be careful what you become in pursuit of what you want'. Let us look at the

history of this motion, and I will come back to that advice from my father. On Wednesday, 11 June, the Premier said the following about a motion he put before the house:

This motion before the house will ensure that the member for Frankston accepts the serious consequences of his actions. This motion outlines a fair, just and appropriate penalty for the member for Frankston. It also outlines very clearly the consequences if the member for Frankston fails to comply with the decision of this house if it supports the motion before the house. It is about appropriate sanctions — sanctions that are enforceable and sanctions that will stick. That is what this motion is about.

The Premier went on to say:

If he fails to meet that test, then he will be held in contempt of the Parliament and his position in this Parliament will be jeopardised.

...

... Then there is potential, and I would move, for the member to be expelled from this house if he failed to comply with the decisions of this house on this very serious matter.

We have been consistent all along in coming to this point today, and that consistency is why the Premier has moved this very important motion and why I am on my feet speaking in support of the motion. The Deputy Premier said:

Most importantly ... the motion contemplates that the future of what is to happen in relation to the member will now rest squarely and quite properly in his hands.

The member for Frankston has nobody but himself to blame. I ask my colleagues to please forgive me for quoting the Leader of the Opposition, but he said in a press conference:

... I will move that the Parliament of Victoria find Geoff Shaw in contempt and expel Geoff Shaw from the Parliament of Victoria.

I have pages and pages of consistent quotes from the Leader of the Opposition. Only three months ago he was imploring us as follows:

I hope honourable members do the right thing and join with me in expelling the member for Frankston from this house, because there is no place for the member for Frankston and his rotting in this great chamber, in this great Parliament and in this great state of Victoria.

He said he wanted the member for Frankston out of the Victorian Parliament. He said:

Geoff Shaw is a rotter. Geoff Shaw has no place in the Victorian Parliament. And we will move to expel him from the Victorian Parliament.

The Deputy Leader of the Opposition, the member for Monbulk, agreed and said categorically and very simply, 'The member for Frankston should be expelled'. What we saw yesterday and what we continue to see today is absolute hypocrisy from the Leader of the Opposition and the Labor Party, and hypocrisy is by no means leadership. Those opposite called for the member for Frankston to be expelled.

We on this side of the house thought the member for Frankston might just come good. We set up a fair, just, proper and responsible process, thinking the member for Frankston might just come good — that he might realise how serious this entire matter is and what a privilege it is to sit in this place and that he might provide a genuine apology. The coalition has always been very clear. We did not want to act inappropriately. We set up a proper process, which is something the Leader of the Opposition and the member for Frankston do not understand.

The Parliament chose to act in a responsible way by placing a number of requirements on the member for Frankston. It provided a fair and just process. The Parliament did this so that the rule of law would remain paramount. The Attorney-General said:

The rule of law is a fundamental underpinning of any civilised society. We are not going to let the Leader of the Opposition turn the Parliament of Victoria into a kangaroo court.

Now, having been given every opportunity — every opportunity at every turn — the member for Frankston brings his own demise upon himself. The member for Frankston recently made comments, both in public and in private, including at a certain comedy club, which have caused the government great concern about his ability to be genuine in his apology to the people of Victoria. The member for Frankston then stood up in this place and offered an apology, for which we gave him the full benefit of the doubt, but the member for Frankston then decided to thumb his nose at the Parliament by making comments that simply cannot be reconciled with his apology in the house. The member for Frankston decided almost immediately to tell a journalist how he thought the process was nothing but a 'political farce'. He said he had 'all those hoops to jump through', as if it was just a game to him that he came in here, went through the motions, offered what we thought was a genuine apology and then immediately went out and thumbed his nose at the Parliament.

We on this side of the house do not think that is acceptable, and we will not tolerate it. His comments clearly and undeniably show that he was not genuine. The member for Frankston was not genuine in his

apology, has not fulfilled the requirements placed on him and is therefore in contempt of the Parliament. The member for Frankston should be expelled from this Parliament, and I support the motion.

The coalition has been consistent in its position and followed the appropriate process. The member for Frankston was afforded due process following his misuse of taxpayer-funded entitlements. He was given the opportunity to repay the Victorian taxpayer and appropriately apologise for the misuse of his vehicle. He has thumbed his nose at the Victorian Parliament and the Victorian people, and in accordance with the motion passed by the Parliament in June he ought to be expelled from the Parliament for failing to meet these requirements.

The Leader of the Opposition and Labor ought to support this motion. They have labelled the member for Frankston as a serial rorter and said the only option is to expel him from the Parliament. The Leader of the Opposition should heed the advice of my late father: be careful what you become in pursuit of what you want. We now need to know what deal the Leader of the Opposition has struck with the member for Frankston to secure this extraordinary about face. Has Labor struck a deal with the member for Frankston over preferences for the upcoming election? What deal has Labor done to keep the member for Frankston here in the Parliament? Dan gets his man. What deal has Labor struck with the member for Frankston? The Leader of the Opposition and Labor are now firmly in bed with the member for Frankston, and it is not a pretty sight.

The member for Frankston should be expelled from this Parliament. I support the motion, and I call on opposition members to support this motion and expel the member for Frankston from the Parliament.

#### House divided on motion:

##### *Ayes, 42*

Angus, Mr	Naphine, Dr
Asher, Ms	Newton-Brown, Mr
Baillieu, Mr	Northe, Mr
Battin, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Smith, Mr K.
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Gidley, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kotsiras, Mr	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McIntosh, Mr	Watt, Mr

McLeish, Ms  
Miller, Ms  
Morris, Mr  
Mulder, Mr

Weller, Mr  
Wells, Mr  
Woodridge, Ms  
Wreford, Ms

*Noes, 43*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Beattie, Ms  
Brooks, Mr  
Carbines, Mr  
Carroll, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Helper, Mr  
Hennessy, Ms  
Herbert, Mr  
Howard, Mr  
Hutchins, Ms

Kairouz, Ms  
Kanis, Ms  
Knight, Ms  
Languiller, Mr  
Lim, Mr  
McGuire, Mr  
Madden, Mr  
Merlino, Mr  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pakula, Mr  
Pallas, Mr  
Pandazopoulos, Mr  
Perera, Mr  
Richardson, Ms  
Scott, Mr  
Shaw, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

**Motion defeated.**

**CASINO AND GAMBLING LEGISLATION  
AMENDMENT BILL 2014**

*Statement of compatibility*

**Mr O'BRIEN (Treasurer) 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 act), I make this statement of compatibility with respect to the Casino and Gambling Legislation Amendment Bill 2014 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

**Human rights issues**

There are no human rights protected under the charter act that are relevant to this bill. I therefore consider that this bill is compatible with the charter act.

Hon. Michael O'Brien, MP  
Treasurer

*Second reading*

**Mr O'BRIEN (Treasurer) — I move:**

That this bill be now read a second time.

**Speech as follows incorporated into *Hansard* in  
accordance with resolution of house:**

On 22 August 2014 the government announced that it had reached an agreement with the Melbourne Casino operator, Crown Melbourne Limited (Crown), an agreement that supports continuing investment and jobs for Victoria in an increasingly competitive environment while delivering substantial financial benefits to the state.

The Casino and Gambling Legislation Amendment Bill 2014 makes amendments to the Casino Control Act 1991, the Casino (Management Agreement) Act 1993 and the Gambling Regulation Act 2003 consistent with the agreement.

The agreement provides significant financial benefits to the state, as well as improved competitiveness and investment certainty for Crown and the 8800 people who work there.

Crown will receive a licence extension, removal of the super tax on commission-based gaming, a modest increase in gaming product and enhanced regulatory certainty.

As part of this agreement, the state will receive payments of up to \$910 million from Crown. These payments will support enhanced investment in services and infrastructure that will directly benefit Victorians.

Since the Melbourne Casino was established there have been nine variations to the casino management agreement, reflecting the dynamic nature of both the industry and the regulatory environment.

The tenth variation is proposed as the Melbourne Casino faces sharply increased competition from casinos in Australia and the region. In 2001 there was one casino operator in Macau and now there are over 30 casinos operational in Macau. Queensland is in the process of issuing three new casino licences. A second casino in Sydney targeting VIP players will be established on the Barangaroo site in 2019.

Interstate and overseas casino patrons make an important contribution to the Victorian economy, particularly in the hospitality and tourism sectors. It is in the state's economic and employment interests that the Melbourne Casino continues to remain a competitive destination of choice for such visitors.

This bill, consistent with the agreement between the state and Crown, enhances the competitiveness of the Melbourne Casino as a destination for interstate and overseas patrons and encourages investment in Victoria, supporting employment.

Specifically, the bill extends the term of Crown's licence to operate the Melbourne Casino from 18 November 2033 to 18 November 2050.

The bill provides for the number of gaming tables to increase from 400 to 440 and the number of fully automated table game terminals to increase from 200 to 250.

The number of electronic gaming machines the Melbourne Casino is able to operate will increase by 128 from 2500 to 2628. An explicit power to extinguish unallocated and forfeited hotel and club gaming machine entitlements under the Gambling Regulation Act 2003 will be introduced to

ensure compliance with the statewide cap of 30 000 gaming machines.

That is to say, the modest increase in electronic gaming machines at the Melbourne Casino will not result in an increase in the maximum number of electronic gaming machines permitted in Victoria.

To ensure the Melbourne Casino remains tax competitive with other casinos in Australia and internationally, the super tax on commission-based play for international and interstate VIP players will be removed. The bill also ratifies the tenth deed of variation to the casino management agreement.

Victoria's gaming regulation features some of the strongest responsible gambling measures in the world. Since 2010 the government has implemented a ban on automatic teller machines (ATMs) being located within 50 metres of the gaming floor at the Melbourne Casino, created the Victorian Responsible Gambling Foundation as an independent provider of responsible gambling research, public communications and help services and has done so with significantly increased funding.

The government is determined to further strengthen these measures through the introduction of a voluntary precommitment regime across electronic gaming machines operating in Victoria.

In acknowledging the case for enhanced regulatory certainty in the context of an increasingly competitive environment both within Australia and overseas, the government is determined to ensure that the strong responsible gambling regulatory requirements in operation are preserved.

Consistent with this intent, the agreement enhances regulatory certainty for Crown by providing compensation if the state makes certain specific changes to the regulatory environment adverse to Crown. The compensation is calculated as 10.5 times the annualised negative impact on the earnings before interest, tax, depreciation and amortisation (EBITDA) of Crown until 2030, after which the 10.5 multiplier will decrease annually. However, compensation payable is capped at \$200 million, indexed at CPL, in a parliamentary term.

Subject to a number of exceptions, the compensation could be triggered if the state were to:

- amend Crown's current limited smoking exemption;
- restrict the current manner in which Crown's loyalty scheme is permitted to operate;
- lower the maximum bet limits on table games and electronic gaming machines;
- impose further ATM restrictions, noting that these are already prohibited on and within 50 metres of the gaming floor;
- introduce mandatory precommitment; or
- alter the manner in which electronic gaming machines are currently permitted to operate in unrestricted mode, beyond the restrictions that already apply.

Other than the provision in relation to the operation of gaming machines in unrestricted mode, the compensation provisions will not be triggered if all other state and territory

governments have taken substantially the same actions or series of actions.

The government is committed to implementing a system of voluntary precommitment on electronic gaming machines across Victoria. Consistent with this commitment, implementation of the government's voluntary statewide precommitment scheme is also expressly excluded from the regulatory certainty provisions, including the prohibition of any alternative limit-setting system from 1 December 2015, being the scheduled date for the commencement of the new statewide precommitment system.

For the avoidance of doubt, this prohibition includes Crown's existing loss and time limit-setting system known as 'Play Safe'.

Ordinary principles of damages for breach of contract also apply, if the state were to:

- impose new or increased casino taxes without Crown's consent. Taxes exempt from the damages regime include, for example, those of general application to Victorian businesses, property owners or occupiers;
- amend Crown's licence conditions without its consent; or
- terminate Crown's licence (other than as a result of disciplinary action).

In addition to improving the competitiveness of the Melbourne Casino and supporting greater investment and employment, the agreement between the state and Crown also delivers significant financial benefits to the state. Crown has agreed to pay the state up to \$910 million, comprising:

- an up-front payment of \$250 million in 2014 and a payment of \$250 million in 2033;
- payment of \$100 million in 2022 if the compound annual growth rate of normalised gaming revenue at the Melbourne Casino exceeds 4.0 per cent and an additional \$100 million if such growth exceeds 4.7 per cent; and
- guaranteed annual tax payments related to new gaming product of at least \$35 million per annum for six years commencing in 2015–16, representing a total guarantee of \$210 million.

For the purposes of the contingent payments in 2022, 'normalised gaming revenue' means total gaming revenue excluding revenue from commission-based play, plus normalised revenue from commission-based play calculated as the turnover on that play multiplied by a win rate of 1.35 per cent.

Amendments to the Casino Control Act 1991 are required to extend Crown's licence to operate the Melbourne Casino and to increase the number of gaming machines Crown is entitled to operate, noting that these will fall within the existing statewide cap.

Amendment to the Casino (Management Agreement) Act 1993 is required to ratify and annex the tenth deed of variation to the casino management agreement.

The Victorian Commission for Gambling and Liquor Regulation will be requested to make the amendments to Crown's licence providing for the increased number of gaming machines it will be entitled to operate once the bill receives royal assent, as well as to provide for the increased number of table games and fully automated table game terminals Crown is entitled to operate as a result of the agreement.

In summary, the agreement between the state and Crown delivers significant financial benefits for the state while preserving the significant responsible gambling provisions currently operating in Victoria.

It also provides, through a period of licence extension, modest additional product, tax reform and measures to support regulatory certainty and enhanced capacity for the Melbourne Casino to remain competitive in the market for interstate and international customers.

This bill reflects an agreement that supports jobs, investment, tourism and the state's finances while reflecting the government's strong commitment to responsible gambling.

I commend the bill to the house.

**Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).**

**Debate adjourned until Thursday, 18 September.**

## PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2014

### *Second reading*

**Debate resumed from 3 September; motion of Mr WALSH (Minister for Agriculture and Food Security).**

**Mr HOWARD** (Ballarat East) — I am pleased to continue the contribution I started last night. I got a good 30 seconds in, so I will continue from there. As I said last night, the focus of this legislation, as far as most speakers are concerned, has been around the issue of puppy farms. There are other sections in the bill that relate to the inclusion of bison in the category of cattle, to plant biosecurity and to the Veterinary Practice Act 1997. These are all useful additions to the legislation, and clearly we do not oppose them, but like so many of the other members who have contributed to this debate, I want to speak particularly about the issue of puppy farms.

We do not believe this government has gone far enough in the restrictions it has placed upon puppy farms. Recently I visited the Royal Society for the Prevention of Cruelty to Animals (RSPCA) shelter in Ballarat, along with the member for Ballarat West. We talked to representatives about puppy farm issues, and the issues around people buying dogs as pets in particular. At the

RSPCA shelter in Ballarat they had some dogs from a puppy shelter in northern Victoria that had been closed down some time before. They were finding that a number of the puppies bred at this inappropriate puppy farm had not been properly socialised with humans. They had been bred in circumstances where they were only dealing with other dogs, often in pretty dingy, unhealthy conditions. It had taken the RSPCA some time to resocialise the dogs that had come into their care; in fact they said it had taken more than six months to bring them back to a good state of health and to appropriately socialise them so that they could be sold. The RSPCA, like good pet shops, does not want to sell dogs that are not in good health or appropriately socialised.

Many of the larger puppy farms have dogs that are not appropriately socialised with humans and are not kept in good, healthy conditions. Often the bitches are simply used as breeders and are not cared for as well as they should be. That is not the case with all puppy farms; there are puppy breeders who might have a good number of bitches they are breeding from that are looked after very well and properly socialised. But there has been concern in the community for a number of years now that some puppy farms are simply operated as commercial enterprises and run by people who do not have the interests of the dogs at heart, and that therefore the pets sold from these farms are not appropriately socialised.

This bill tightens up some of the regulations. It ensures that somebody who has been found guilty of cruelty to animals cannot own a puppy farm, and it requires inspections. But it has not limited the number of litters that a bitch can have; it puts that decision back onto the vets who are working in or visiting puppy farms. It also fails to give rights of inspection to RSPCA inspectors or other inspectors from the Department of Environment and Primary Industries, which would be desirable.

Labor came out with a policy in May which goes further. Not only does it ensure rights of entry for RSPCA animal inspectors and other approved animal health inspectors, but it also provides for funding to support that. There is a \$5 million allocation of funding that Labor would commit to the RSPCA to support its work, with inspectors going around puppy farms to determine whether they are being run in the interests of the animals and in the interests of any future owners of those puppies. I think this is very good.

Government discussions around this bill have made no mention of increasing resourcing, which is the key to ensuring that inspectors are able to go into those puppy

farms to determine whether they are being appropriately managed and follow up on complaints made by people living in the area. This legislation and the debate from this government that has come with it do not suggest that this resourcing will be in place. Labor indicated in May that should it come to office in November, it will also establish flying squads of inspectors to audit puppy farms and ensure that any puppy farms that continue to operate are compliant and operating in the interests of the future purchasers of puppies as well as the existing dogs and bitches that are kept at that farm.

I do not think I need to say more on this bill at the moment. Labor has indicated that it will not be opposing the legislation, but it has a genuine concern about the management of puppy breeding facilities around the state. We want to ensure that any person who buys a puppy in this state in the future knows that it has been appropriately bred in a caring manner and that puppies are appropriately socialised so they become great pets for the people who purchase them.

**Ms McLEISH** (Seymour) — I rise to make a contribution on the Primary Industries Legislation Amendment Bill 2014. Being on primary industries, it is a bill that I have particular regard for, and I certainly support it fully. The bill makes amendments to five different acts: the Prevention of Cruelty to Animals Act 1986, the Domestic Animals Act 1994, the Livestock Disease Control Act 1994, the Veterinary Practice Act 1997 and the Plant Biosecurity Act 2010.

The changes being collectively put forward are to improve the administration and enforcement of the acts, and it is appropriate that I speak about each of these in turn. I note that much of the debate in this chamber, certainly from the opposition, has been about the Domestic Animals Act and puppy farms, but I do not want to take away from some of the other important elements of this bill with direct regard to its effect on our primary industries and agricultural position.

For instance, amendments to the Livestock Disease Control Act 1994 are primarily for the protection of our herds from disease. This is particularly important because this protection in turn protects our domestic and export markets. The quality of our livestock, particularly our cattle and sheep produce, is renowned both in Australia and internationally. Our export markets are particularly important and are worth billions to our economy, so it is absolutely important that we have the right protections in place and that we keep abreast of issues in the industry in order to keep prevention at the centre of changes to the legislation.

This legislation is about the prevention, monitoring and controlling of disease.

One amendment is the inclusion of bison in the definition of cattle. There are some 180 bison in Victoria, with a big herd in the south-western part of the state. Like cattle, bison are ruminants and can carry many diseases, some of which can be passed on. Looking at some of these exotic diseases, particularly Bovine Johne's disease —

**Mr Foley** interjected.

**Ms McLEISH** — I note that the member for Albert Park seems to find this quite amusing, but there was an outbreak in the United Kingdom a decade or so ago in which 13 sheep were moved from farm to market and infected 6500 others. An outbreak like that could be absolutely catastrophic to our livestock industries. If such an outbreak spreads to the extent that it jeopardises a product from being exported, it can really ruin a particular market.

There are also changes made to the regulation of swill. A lot of people have a bit of a laugh about swill, but swill can be contaminated if it contains mammalian proteins among the food scraps. Feeding animals swill containing these meat products poses a major risk of foot-and-mouth disease. We are very lucky Australia has not had an outbreak of foot-and-mouth disease in 140 years, but it could certainly happen one day considering the amount of food people are importing without realising the potential risk. It is thought the key link in the chain of the foot-and-mouth infection in the UK was unprocessed pig swill. Pig swill was banned in Great Britain, and that ban was expanded to the entire European Union in 2003. There is a rise in the number of people who keep pigs or goats as pets, and they may be feeding them incorrectly without realising what they are doing. We have now introduced some penalties to prevent this from happening. It is also worth noting that pigs can spread disease much quicker than either sheep or cattle because their vapour droplets can float in the wind rather than sink, as is the case with sheep and cattle, making infection 10 000 times more likely compared to those other animals.

Amendments to the Plant Biosecurity Act 2010 are again about the protection of our plant industries from diseases and pests, which in turn protect our domestic and export markets. The changes here are designed to assist the Department of Environment and Primary Industries monitor compliance with the requirements of the act to prevent the spread of pests and diseases in Victoria. There are controls on moving food around the state and interstate, but an inspector can now send food

back to where it came from if it has not met the conditions permitting its movement out of a declared area. Currently if someone notices the presence of an exotic pest or disease, they must notify an inspector. However, this requirement is being extended to include equipment, packaging and earth material. Some people might look at that and think it is a bit of a long bow, but it actually is not: disease was spread in the United Kingdom through milk tankers, so it is important that we continue to be vigilant and to make changes to protect our agricultural industry.

The Domestic Animals Act 1994 is primarily about improving the welfare of dogs and cats being bred, and improving the quality of dogs and cats that are for sale. Puppy farms, as we have heard, are concerning to many. This legislation is a further crackdown on illegal or rogue puppy farms. Sometimes the conditions created by people running these farms can certainly be described as cruel. One factor addressing this issue is the introduction of a fit and proper person test. Councils will not be able to register someone or renew someone's registration if they have been found guilty of a certain offence in the previous decade, including cruelty, aggravated cruelty, or breeding or selling animals with inheritable diseases, such as hip dysplasia, heart murmurs, progressive renal atrophy or hereditary cataracts. It can be seen as cruel to knowingly breed these traits into animals, and people who unwittingly buy such an animal can end up with huge veterinary bills.

The legislation will also toughen the stance on pet shop records. Pet shops currently keep general records, but this regulation is going to be strengthened to require shops to keep records that include information such as where each dog and cat has come from. Requirements for the maintenance of these records will also be strengthened. Some people and domestic animal businesses that are members of applicable organisations, such as Dogs Victoria, are currently exempt from complying with the code of practice for breeding and rearing businesses. These exemptions will only remain if the business has fewer than nine animals and no more than two animals that are not registered with an applicable organisation. Penalties will be put in place, with a maximum penalty for non-compliance set at \$17 713.

The bill also makes amendments to the Prevention of Cruelty to Animals Act 1986. These changes are minor statute law revisions.

The changes to the Veterinary Practice Act in this bill bring registration in line with a financial year rather than a calendar year, and this follows the registration

practice of New South Wales. It also removes the requirement for a vet registered in Victoria to have to reside there. We know there are lots of large studs — for instance cattle, sheep or horse studs — that may have operations in a variety of states. If they are very large, they may have their own vets and would require them to be able to move interstate. Rather than having to live in Victoria, you can now be exempt from having to reside in Victoria while being registered to work here.

As I said at the outset, this bill has a number of components that are about improving the administration and enforcement of the acts. Certainly with the Livestock Disease Control Act and the Plant Biosecurity Act, we are making sure our primary produce, which is highly renowned worldwide and so important not just to the Victorian and national economies but to many individuals as well, remains disease free and pest free as best as possible. Anything we can do to reduce the risks that could damage our industry and to protect our farming communities is a great thing. I commend the bill to the house, wish it a very speedy passage and commend the minister for the work that has been done in this area, because it has been quite significant.

**Mr TREZISE** (Geelong) — I am happy to make a brief contribution to the debate on this bill. The Primary Industries Legislation Amendment Bill 2014 seeks to amend a number of acts, and obviously the primary concern is with puppy farms. I would like to address that issue briefly, but before I do that, I also note that the bill seeks to amend the Livestock Disease Control Act 1994 and include 'bison' in the definition of cattle to improve tracing and control. The Deputy Speaker, who is currently in the chair, is a lifelong dairy farmer. I am not too sure how you would go about milking a bison, but if anyone in this state could give it a good bash, it would be him!

As the member for Seymour noted, this is an important issue because we are talking about diseases as they relate to livestock. As you well know, Deputy Speaker, a number of diseases are carried by livestock, and they can affect the livelihood of farmers and exports out of this country. The Livestock Disease Control Act is important as it does relate to bison. The bill also looks to amend the Plant Biosecurity Act 2010, the Veterinary Practice Act 1997 and the Prevention of Cruelty to Animals Act 1986.

The important issue in this bill for this side of the house is puppy farms, and I am sure the Deputy Speaker and every other member of this house will have received the hundreds if not thousands of emails over the last

number of months that have addressed the issue of making amendments and tightening up controls and regulations that apply to puppy farms. My own daughter has volunteered at the Geelong Animal Welfare Society, and this is an important issue to her. It is an important issue, and it is important that we do something about it.

I am concerned that the government has felt pressure from the community on this issue, but in typical form for the coalition what we see before us today is pretty wishy-washy legislation that tries to give the impression that the government is actually doing something. As I understand it, the original code of practice for the operation of breeding and rearing businesses that was put out earlier this year has been watered down. That code of practice was pretty much signed off on by all stakeholders earlier this year, but the version of it that was released in the last month or so had been watered down with absolutely no further consultation with stakeholders. This issue is important to the people of Victoria, but as I said before the government has produced some wishy-washy legislation in the bill that is before us.

I was going to talk about the two dogs we have, but I will skip that. As I say, there is community-wide concern. The legislation goes part of the way towards stamping out or minimising issues as they relate to puppy farms, and we on this side of the house welcome that. The legislation puts in place some welcome initiatives, but the government has given no real teeth to it — for example, the bill bans anyone convicted of cruelty from operating a puppy farm. Of course, you could drive a tractor through the loopholes in that. As an example, anyone convicted of cruelty could simply transfer the business into another name, and the legislation does not address that. Hardly any operators in the past have been convicted of cruelty. The vast majority of puppy farm operators probably run a reasonable operation, but there have been a minimal number of prosecutions for cruelty. This legislation that aims to address that cruelty issue has been watered down to a point where the chances of being picked up for cruelty to puppies or dogs are very small.

The government has committed no extra dollars to the fight against puppy farms and no resources aimed at identifying operators who may have been treating animals inhumanely. Under the legislation there are no extra powers for inspectors to enter puppy farms, and no extra powers means that unscrupulous operators can continue to easily fly under the radar of inspectors. From this side of the house, Labor has far tighter and stronger initiatives. We would be looking at giving some real teeth to inspectors as they address some of

these issues. We on this side of the house would be working with local councils, other stakeholders such as the Royal Society for the Prevention of Cruelty to Animals and other animal welfare experts to provide real powers to crack down on puppy farms. Therefore knowing that some of these issues are going to be addressed in the other house sometime today, I will conclude my contribution to the bill.

**Mr CRISP (Mildura)** — I rise to make a contribution to the debate on the Primary Industries Legislation Amendment Bill 2014. I support the bill, and I acknowledge that Labor is not opposing this bill. Given that we have support from both sides of the house, my contribution will be relatively brief, although I want to commend the member for Benalla on his contribution. As a longstanding member of this house, a farmer, a veterinarian and the Parliamentary Secretary for Primary Industries, he is in a good position to understand these issues. The purpose of the bill is to amend the Prevention of Cruelty to Animals Act 1986, the Domestic Animals Act 1994, the Livestock Disease Control Act 1994, the Veterinary Practice Act 1997 and the Plant Biosecurity Act 2010.

When I was elected to Parliament I had a pet dog. He was affectionately known as ‘Assistant Farm Manager’, and for a long time he has objected to my new career. There is no longer a ute, there are no places to go to roll in smelly things and he is required to sit on the lawn. He is not a happy camper. That said, for many people the puppy farm issue, particularly in my electorate, has opened people’s eyes to where people get their pets from. Most of the time country people acquire their pets from neighbours, breeders known to them, the pound and other places. It is a concept that I have learnt a great deal about and I am sure country people have learnt about as they have worked through what puppy farms are about. With that, we welcome the legislation to put controls on puppy farms.

I am now going to speak briefly about the Mildura pound. When we are looking at animal welfare it is not only about puppies, it is also about what happens to pets and what is reasonable and responsible pet ownership. Not only does Mildura have a pound, it has a number of organisations which support the pound very strongly and help rehouse animals. If people want a mature pet, they will probably go to the Mildura pound to find it.

Education about responsible pet ownership is also a very important issue, and Mildura has been prominent in this area. Very recently I witnessed an exercise that ticks every box one could think of. An education facility for our pound has been financed by the

Victorian government. The building was constructed by TAFE apprentices and trainees at the SuniTAFE college, it has been transported to the Mildura pound site and it is in the final stages of being fitted out as an education centre. This shows that people care. It will also allow educational and other groups to operate from that site. I commend the people who are very active supporters of the pound on their care of pets and wayward animals. Many of them take home the animals from the pound to keep them socialised in an attempt to rehouse them. All those people need to be congratulated.

We need now to talk about some aspects of the bill. The rules around puppy farming are being tightened up, and that is something everybody will welcome. Under the Livestock Disease Control Act bison will be included in the definition of cattle to provide for enhanced identification and disease traceability. This is important as the economies in rural areas diversify. No doubt there will be more bison around, as we heard in comments about bison milking earlier in the debate. There is also provision for the Victorian Farmers Federation to nominate an additional member to join the Apicultural Industry Advisory Committee to facilitate consultation with the wider beekeeping industry and for the Victorian Apiarists Association to ensure that one of its nominees has extensive knowledge of the delivery of honey bee crop pollination services.

I have moved from bison to beekeeping, which is extremely important. Most of Victoria's beehives are probably parked in my electorate at the moment, pollinating thousands of hectares of almonds, but they will shortly need to be moved for the hives to be replenished. It is a huge, strategic exercise to move in thousands of beehives. In fact the other day I met with Olam's senior manager for Australia, who told me there were about 4.5 billion bees in its orchards at the moment. I invited him to name them, but he declined. I was also not going to argue about the number of bees. However, it illustrates the importance of the apiary industry in my electorate, particularly to almond growers.

The bill amends the Plant Biosecurity Act to deliver higher security for our farmers by requiring a person to notify an inspector if an exotic or notifiable plant pest or disease or plant product is known to be or is suspected of being present in used equipment and earth material.

The bill covers a number of issues that are important to my electorate. As I said earlier, my contribution is brief

because the Labor opposition is supporting this bill. I wish the bill a speedy passage.

**Mr KATOS** (South Barwon) — I am pleased to rise to make a contribution to the debate in support of the Primary Industries Legislation Amendment Bill 2014. The bill amends five acts, being the Domestic Animals Act 1994, the Livestock Disease Control Act 1994, the Plant Biosecurity Act 2010, the Prevention of Cruelty to Animals Act 1986 and the Veterinary Practice Act 1997. With regard to the Domestic Animals Act, at the moment all cats and dogs in Victoria are required to have a registration tag, which gives details of the relevant council, the registration number and an expiry date. These tags have to be renewed every year. Advances in technology mean that most cats and dogs have a microchip implant, so it is very easy to identify the animal simply from its registration number. Therefore there is no longer a need for these tags to be renewed every year. Councils will have the choice of issuing new tags annually or of issuing a lifelong identification tag. I assume that most councils will go down the latter path, because it would represent a significant saving for those councils. I am sure that if an owner happens to lose a tag, the council will replace it. However, the change represents a significant saving to local government.

With regard to animal cruelty and breeding operations, councils will no longer be able to register or renew the registration of a person who has a domestic animal business where that person has been found guilty of an offence under the Prevention of Cruelty to Animals Act. The specified offences are the offences under section 9, being cruelty; section 10, aggravated cruelty; sections 12 and 12A, breaching a court order under section 12 or an order under a corresponding law; and section 15C, intentionally or recklessly breeding, selling or disposing of an animal with heritable defects. A person found guilty of these offences in the previous 10 years will not be permitted to conduct a breeding operation, which is very sensible. The logic is similar to the disqualification of a company director. In the latter example, they cannot then go and register another company or be a company director. It is very sensible for us to go down that path.

With regard to breeding operations, at present small to medium businesses with nine or fewer animals that are members of an applicable organisation are not captured by the definition of domestic animal business. This means that a breeder in this category could have only one animal registered with the organisation and eight other animals that are not covered by either the organisation's code of ethics or the requirements of the act. The amendments in the bill mean that those

breeders with three to nine animals that are members of an applicable organisation and who do not wish to be treated as domestic animal businesses must have no more than two of those animals not registered with that organisation. That tightens up the ability for them to use that as a loophole to not have animals registered for breeding purposes.

Importantly, the bill changes the records that pet shops are required to keep. For every dog and cat offered for sale or sold through a pet shop, the proprietor will be required to keep and maintain records of the name and address of the person from whom the proprietor obtained the cat or dog, and copies of such records will need to be kept and maintained in a prescribed manner. There is a very hefty penalty of 120 penalty units, or \$17 713.20, for failing to comply with that directive. If someone does want to deal with an unscrupulous person, someone who is not a registered breeder, then there is the deterrent of a significant fine. I think that will go a long way to preventing businesses from dealing with unscrupulous persons.

An inspector will be able to walk in and inspect pet shop records. If the proprietor cannot prove the origin of a cat or dog on the premises or if they have sold an animal which did not come from an appropriate breeder, then there will be a significant penalty. If you look at the average cost of a cat or a dog, a proprietor of a pet shop would have to sell a lot of cats or dogs to make up for such a fine. I am pleased that these provisions are in the bill.

The bill amends the Livestock Disease Control Act 1994 to add bison to the definition of cattle. As the member for Seymour pointed out earlier, there are approximately 180 bison in the state. The reason for the amendment is that bison are ruminants, so there is a risk they could carry exotic diseases which could be passed on to cattle, sheep or goats. It is a sensible amendment.

A corporate penalty has been established for swill-feeding offences. Swill is food waste that contains mammalian protein. The new penalty is important because that is a way exotic diseases can be spread as well. Mad cow disease was originally transmitted because cattle were in effect eating cattle in the swill. The brain disease in humans is transmitted by eating infected beef. That disease went through herds of cattle, particularly in England, so it is important that the regulation be tightened up. If swill were allowed to be fed to other cattle, for example, it could very much jeopardise a large part of our beef industry.

With regard to beekeeping, there will be an additional member nominated by the Victorian Farmers Federation to the Apicultural Industry Advisory Committee, which will facilitate wider consultation with the beekeeping industry. A prominent beekeeper and honey manufacturer is Edmonds Honey at Mount Duneed. It is a very well known local business in the Geelong area which produces excellent honey. I must admit that I have a bit of a soft spot for honey. It was one of the professions in my mum and dad's village back in Greece, and my mother's maiden name actually means honey. I thought I would put that on the record for the benefit of the member for Forest Hill.

This is sensible legislation. For owners of pet shops who wish to deal with less scrupulous people, there is a new fine of almost \$20 000 for buying a cat or a dog that does not originate from a registered breeder. That is a significant deterrent to people considering doing such things. When I first stood I did not take up an interjection from the member for Geelong when he said, 'What is the government doing about puppy farms?'. In turn I ask: in its 11 years in government what did Labor do about puppy farms? The answer is absolutely nothing. We are bringing in legislation to assist with stopping puppy farms and we are putting in place significant deterrents for those who wish to support the horrible practices of treating animals poorly in unregistered breeding facilities. With those few words, I am certainly happy to commend the bill to the house.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## INQUIRIES BILL 2014

*Second reading*

**Debate resumed from 21 August; motion of Dr NAPHTHINE (Premier).**

**Ms KANIS (Melbourne)** — I rise to speak on the Inquiries Bill 2014. I note from the outset that the opposition will not be opposing this bill. The bill provides for the establishment and conduct of executive inquiries, including royal commissions, boards of inquiry and formal reviews. A royal commission is Victoria's most powerful body of inquiry and carries

the stamp of the Crown. Royal commissions are a form of non-judicial and non-administrative governmental investigation. They are reserved for the consideration of issues of great importance to the public. For example, in recent times Victoria has held the following royal commissions: the Royal Commission into the Failure of the King Street Bridge, 1962–63; the Royal Commission into the Failure of the West Gate Bridge, 1970–71; the Royal Commission into the Longford Gas Plant Accident, 1998–99; and most recently the 2009 Victorian Bushfires Royal Commission, colloquially known as the Black Saturday royal commission, 2009–10, which investigated the events and conditions of the 2009 bushfires.

Royal commissions are generally established to investigate an issue and give the government recommendations. They can generally be categorised as either policy advisory or inquisitorial. The inquisitorial ones tend to be the type that we have seen more of in Victoria where they investigate, for example, what has happened in a disaster. Victoria is the only state in Australia that does not have specific legislation establishing inquiries and royal commissions. The power of the Governor of Victoria to issue commissions and appoint boards of inquiry derives from section 88B of the state's Constitution Act 1975. At the moment royal commissions in Victoria are commenced with the Governor in Council issuing letters of patent. Included in the letters of patent are the names of the appointed commissioners, the terms of references, the time frame for when the commission is to report and the seal of the Crown.

The 2009 Victorian Bushfires Royal Commission made some recommendations in relation to royal commissions generally, including recommendation 67. The commission relied on powers conferred on it by the Evidence Act 2008. Under that legislation the commission had power to summons people to appear before it to give evidence or to produce documents, to examine witnesses under oath and to close hearings to the public in specific circumstances. The bushfires royal commission commissioners noted that they operated without legislative guidance, and the commission was largely self-guided. When the royal commission delivered its final report in July 2010 it made a recommendation in that regard.

Recommendation 67 states:

The state consider the development of legislation for the conduct of inquiries in Victoria — in particular, the conduct of royal commissions.

This is the recommendation that this bill seeks to address. In July 2013 the bushfires royal commission implementation monitor reported that since 2011 the

Department of Premier and Cabinet had been working on a policy proposal for a public inquiries bill, but no evidence of progress in relation to the proposal had been provided to the monitor. In July 2014 the bushfires royal commission implementation monitor stated that the Department of Premier and Cabinet had advised that a policy proposal had been developed for a public inquiries bill and was undergoing the usual government consideration. This is the bill we have before us today.

This bill provides a flexible legislative framework for the establishment, powers and conduct of the forms of inquiries that can be established by the government. I will go through the various inquiries and those powers, firstly in relation to royal commissions. The bill confirms the current practice — that is, the practice that was followed in the bushfires royal commission — that the Governor with the advice of the Premier may establish a royal commission by letters of patent. The letters of patent must specify the persons appointed to constitute the royal commission and the terms of reference. They may include other details as appropriate — for example, time lines or details of the manner of conduct of proceedings. The bill also sets out that certain staff for the royal commission may be engaged by the chairperson, including counsel assisting and consultants, as well as other employees who will be subject to the Public Administration Act 2004. The bill provides for the conduct and powers of royal commissions, confirming that commissions have the broadest range of coercive powers, can compel the production of documents and the attendance of witnesses, can enter and search premises under a warrant from the Magistrates Court and can require evidence to be given under oath or affirmation.

Royal commissions are not bound by the rules of evidence and are able to abrogate legal professional privilege and particularly the privilege against self-incrimination. The bill proposes to prevent self-incriminating evidence being admissible against the person in subsequent proceedings. The bill also sets out the entitlements for expenses to assist witnesses who are compelled or requested to attend. Of significance in this bill are the clauses that provide that any answer, information, document or thing given or produced by a person to a royal commission, or indeed to a board of inquiry or formal review, cannot be admitted against that person in any other proceeding. It notes that this only applies to the individual and not to the state or to an organisation that the individual may be employed by. That signals the importance of the offence of taking detrimental action against an employee because of the information they may provide to a royal commission.

In addition the bill creates further criminal offences that are intended to support the effective operation of a royal commission. They include an offence of failure to comply with a notice to produce or attend and an offence of hindering, obstructing or causing serious disruption to the royal commission. These protections are intended to support the effective conduct of royal commission inquiries by allowing persons to provide relevant information without fear that it will be used against them. By extending the protection to evidence which is provided voluntarily rather than that obtained coercively, the bill also ensures that royal commissions can rely on the cooperation of witnesses and are not forced to exercise their formal powers of investigation. Finally, the bill provides that royal commission reports are to be delivered to the Governor and must be tabled in Parliament within 30 days.

The bill also addresses boards of inquiry. The bill provides that a board of inquiry can be established by the Governor in Council and have terms of reference. A board of inquiry has similar facilitating provisions and offences to those of a royal commission, but it has a narrower range of coercive powers, cannot abrogate privileges and cannot enter and search premises. A board of inquiry is intended to be less formal than a royal commission, but the bill provides a mechanism for a board of inquiry to be converted into a royal commission if it becomes apparent that additional powers are necessary to investigate the terms of reference. A board of inquiry must also deliver a report of its inquiry to the Governor and that must be tabled in the Parliament within 30 days.

The bill also provides for formal reviews. A formal review may be established by the Premier or a minister with the consent of the Premier to inquire into and report on specified terms of reference. A formal review will have no coercive powers and all the evidence sought will be given voluntarily. One distinguishing feature of a formal review is that there is no requirement for a report to be tabled in Parliament.

The bill contains general provisions in relation to inquiries. It provides flexibility for all inquiries. Once established, those conducting an inquiry can determine how best to conduct it and its proceedings. All inquiries must comply with the requirements of procedural fairness. A person must be allowed to be legally represented and must be given an opportunity to respond to any proposed adverse findings. The bill provides that the Freedom of Information Act 1982 does not apply to any document in the possession of an inquiry. However, persons who conduct and support an inquiry will be subject to the jurisdiction of IBAC.

Inquiries have a very important role in our society. They allow for independent examination of issues of great importance to the public. That is why the opposition has announced that an Andrews Labor government will establish Australia's first royal commission into family violence. I know of no more important issue before us at the moment for a royal commission to address. Women and children are dealing with family violence every day. Many have tragically died in family violence-related incidents. The victims of family violence deserve no less than a royal commission to inquire into how this issue can be dealt with.

Labor will establish an inquisitorial royal commission seeking to provide independent and thorough advice because family violence — or domestic violence, as it is sometimes called — is the no. 1 law and order issue in Victoria. In Victoria each week about one person dies as a result of family violence. That is something that every Victorian should be concerned about. It is an issue that touches every family in Victoria, whether or not they are directly impacted upon by family violence. In the past year or so some very tragic family violence incidents have been reported in the media. The only good thing that has come out of those tragic incidents is the willingness of people to discuss family violence and to talk about their experiences. Anyone who has heard the experiences of someone who has been touched by family violence will know that it is a very pervasive form of violence. Unfortunately for too long it has been a form of violence the victims of which have felt great shame.

We on this side do not want to tinker around the edges of family violence. We want to establish a royal commission into family violence because we believe that will provide a full and thorough examination of the issue. We want to hear from victims. We want victims to feel supported and that their experiences will influence policy and action in Victoria. We want to hear from service providers. We want to know what they think works and what does not work. From my limited experience in talking to people involved in the family violence issue, I understand that there cannot be a one-size-fits-all approach and that we need to be very flexible with the solutions and preventive measures, so it is important to hear from service providers. Unfortunately too much of the time of police officers is spent dealing with family violence. That is because of the all-pervasive nature of family violence in our community. We need to hear from the police about what they hear and see and what they think works in relation to prevention and what does not work. Police officers are at the coalface of family violence in

Victoria and it is important that they have a voice in policy implementation.

It is important also that we hear from researchers and academics in the field to learn what is best practice, what the research shows and if there is anything we can learn from experiences overseas. We also need to hear from members of families who are directly impacted by family violence and those who are not. The telling of their experiences will be essential to coming up with a whole-of-government approach. We on this side believe that a royal commission is the right way to go in addressing this issue. Labor has acknowledged that government does not have all the answers. We consider it to be such a serious issue that we need to have a full and thorough investigation and a report to government. If Labor is successful in November, it plans to establish the royal commission as soon as possible and have it report within 12 months. That will give the government plenty of time to implement the recommendations of the royal commission.

In their final report the commissioners of the 2009 Victorian Bushfires Royal Commission helpfully articulated all the challenges they encountered in operating a royal commission and their accomplishments. They did so in the hope that that would be useful to others charged with a similar task in the future. We thank them for that work. It is important that we not only look at the recommendations of the royal commission but also learn from its processes, which were very well articulated by the commissioners. I refer to chapter 5, headed 'Reflections', in volume III of the final report of the Victorian bushfires royal commission. It shows the integrity of the commissioners but also the daunting task they were faced with. It says:

We three commissioners were virtual strangers when we met at 2.30 p.m. on Monday, 16 February 2009. We came from varied backgrounds and professional experience but quickly realised that we brought a common purpose to this royal commission. From day one we agreed that we wanted to engage with the community to the maximum extent possible: we believed that all Victorians — but particularly those marked by Black Saturday — should have the fullest possible access to our proceedings. We were of one mind that we would adopt a rigorous approach with the goal of producing a substantial report on time and within budget. We set to work that day in temporary accommodation with borrowed staff.

The report then goes on to discuss some of the issues the commissioners were faced with. It states:

The circumstances in which this commission was set up shaped its nature and scope. A catastrophe had occurred and 173 people had died. The grief and loss were palpable. The government framed exceptionally wide terms of reference and, despite this breadth, we were given a relatively brief time

frame. We expected to be subject to a high level of public scrutiny and that expectation was realised. We chose to work as equals, as a threesome. This worked extremely well. We accepted that we would be operating within a substantially legalistic model, with its benefits and limitations ...

The report goes on to talk about some of those advantages and disadvantages. I thank the 2009 Victorian Bushfires Royal Commission commissioners for their very thorough work and also for ensuring through recommendation 67 that other royal commissions on hopefully unrelated topics can learn from their experience and proceed in a speedy way.

With those remarks I now conclude my contribution with a final point. I question why it has taken this government almost an entire term to present this bill to the Parliament. It is something we have known about for many years, and action should have been taken much faster rather than the introduction of this bill being left until the very last days of this Parliament. I wish the bill a speedy passage. I also reflect on and hope that future royal commissions in Victoria are able to act in the professional way the bushfires royal commission did and that Victorians will be the better off for it.

**Dr SYKES (Benalla)** — I rise to contribute to the debate on the Inquiries Bill 2014. The bill implements one of the recommendations of the 2009 Victorian Bushfires Royal Commission. I take up one of the comments made by the member for Melbourne in relation to the timing of the introduction of the bill. Here we have another example of an opposition which had time to do things when it was in government for 11 years yet failed to do them but now seeks to criticise the government for taking, in this case, three years to implement one of the 67 recommendations of the bushfires royal commission. It was this side of the house that committed to implementing all 67 recommendations of the bushfires royal commission. Those on the other side of the house were not prepared to go there. It rings hollow with me when a member from that side of the house criticises the government with regard to the implementation of the important recommendations made by the bushfires royal commission.

This bill provides for the establishment of the conduct of executive inquiries within Victoria. It creates three forms of inquiry that can be established by government to look into any matter. The royal commission is at the apex of the hierarchy. Royal commissions will be able to exercise extensive coercive and investigative powers. A board of inquiry is a mid-tier option. Such inquiries will be able to exercise a more limited range of coercive and investigative powers than a royal commission.

Formal reviews, which are the lowest tier of inquiry, will not be able to exercise coercive powers but can receive information voluntarily.

The bill establishes a framework for the operation of inquiries while maintaining flexibility and independence for them to determine how to conduct themselves. Put simply, it is common sense to provide a sound framework and guiding principles that provide flexibility for those undertaking inquiries into important matters to go in the direction in which they need to go. The bill also provides more detail on the process of establishing an inquiry, the administrative arrangements for an inquiry, including the employment of staff and consultants, the manner of conducting an inquiry, the powers and protection for inquiry members and the rights and protections for participants in an inquiry, as well as the process for reporting to Parliament. In other words the bill provides a logical framework for how to undertake an inquiry into matters of varying levels of seriousness.

There has been some criticism, again from the other side, about what our government is doing in relation to inquiries. Domestic violence was example one mentioned by the member for Melbourne. The success of an inquiry and its subsequent outcomes and recommendations depend very much on the goodwill, good faith and good governance of the government in power. We have seen, for example, in relation to the parliamentary inquiry into the sexual abuse of children in Victoria that the coalition government immediately took action on recommendations it made. The coalition government has taken steps to address the very serious issues identified during that inquiry by the members of the committee from both sides of the house.

That inquiry is an example of one without a full suite of powers being able to come up with a lot of information and evidence that justified some very strong and far-reaching recommendations, and our government is implementing those with the support of those on the other side of the house. I attended a hearing of that inquiry on the day Cardinal Pell was giving evidence. It was very clear to me that even though the committee did not have coercive powers available to it, it would be fair to say that its members approached the task of interviewing Cardinal Pell with great persistence and did not allow serious matters to be dealt with superficially. The message is that the best way to get good outcomes is to have a good government that approaches these matters with goodwill and good faith. I believe our government has demonstrated that.

Inquiries of this nature also need to complement other actions taken as a result of information being picked up

by other forms of monitoring and information gathering. We can look to the suite of legislative changes made by our government as a result of measures introduced by the Attorney-General. Just this week we have had legislation passing through this place, with the support of both sides, addressing the coward's punch. We have had legislation pass through the house this week in relation to the misuse of defensive homicide as a defence, allowing hardened, violent men to get away with murder by using that plea. That demonstrates that we have many ways of identifying key issues. You do not necessarily need an inquiry, but if you do think one would be beneficial, you need to consider what is the most appropriate level of inquiry to apply.

When you take the royal commission approach, which the federal government has done in relation to institutional responses to child abuse, it gives a lot more power but it also takes longer to get an outcome. Had the state government not taken the initiative and proceeded with its own earlier inquiry, many more children and older people would continue to suffer as a result of sexual abuse while they waited for the outcome of the much longer inquiry being conducted at a federal level. By moving more quickly and by our government responding to the recommendations of the Victorian committee's inquiry, we get an outcome that addresses more promptly the issues that have been raised.

I turn now to another inquiry that is going on — the royal commission into the conduct of the union movement. Is that not revealing? Is the information that has been put on the table as a result of the royal commission, at times rightly using coercive powers and making sure that the truth once and for all is put on the table, not revealing? I am sure that we will see more information coming forward. I would expect that, when the royal commission delivers its report and comes up with recommendations, the government of the day will implement those recommendations so that the atrocious criminal behaviour that has been undertaken by certain people in certain organisations is addressed and that measures are put in place to rectify it.

That is why I commend the Attorney-General and this government for taking measures to toughen up on the behaviour of rogue unions in relation to their conduct on certain sites. We need only go back to the desalination plant to see what outrageous behaviour occurred on a major government project, courtesy of the arrangements made by the former Labor government and the Construction, Forestry, Mining and Energy Union. We had situations where work practices were appalling in terms of productivity, hence the cost

of \$1.8 million a day each and every day for Melbourne water users for the next three decades. There were also appalling occupational health and safety issues involving criminal activity and drug and alcohol abuse.

Clearly there is a need to address that. A royal commission can form part of that process, but, as we have demonstrated as a government, we have acted on the information available to us by other means and put in place, in this case, requirements whereby anyone looking to work on a government project must have in place the appropriate levels of business management and appropriate conduct by employers and employees. This ensures that we get a good outcome, a value for money outcome, a safe workplace and a wise use of taxpayers money.

In conclusion, this is another relatively straightforward bill in the sense that it sets up a logical framework for the conduct of three levels of inquiry, but the success of any of these investigations and inquiries depends very much on the goodwill, good faith and good governance of the government of the day. I am proud, as a member of the coalition government, that this government has demonstrated that time and time again, as it has fixed the mess inherited from the Labor Party and got on to building a better Victoria.

**Ms KNIGHT** (Ballarat West) — I appreciate the opportunity to contribute to the Inquiries Bill 2014, and I note that the Labor Party is not opposing the bill. This legislation has come from recommendation 67 of the 2009 Victorian Bushfires Royal Commission's final report, which was delivered in July 2010. That recommendation was that the state consider the development of legislation for the conduct of inquiries in Victoria and in particular royal commissions. The legislation sets out the parameters for establishing and conducting an inquiry and a royal commission. I also note that Victoria is the only state that does not have specific legislation establishing inquiries and royal commissions, and it is pleasing to see that with the passage of this legislation that will no longer be the case. The bill rectifies that. I want to congratulate the government on that, albeit that it took a while, but here we are.

Royal commissions are critically important, and we could use the example of the Victorian bushfires royal commission, which actually did two things: it not only looked into the events leading up to Black Saturday, what occurred on Black Saturday and post Black Saturday, but it also very importantly critiqued the process of the royal commission. That is incredibly important, and that is what has brought us to this legislation. It not only looked at the events surrounding

Black Saturday, but it also looked at the challenges in holding that inquiry. It asked what the benefits were and how well it worked. It evaluated what did work and what did not work.

All of that is really important because it means that we are open to learning and to making those processes even better. That might not sound like much, but when you think about royal commissions you realise that they are always based on tragedy — on a tragic event that occurred or a series of tragic events. Those events obviously leave trauma within individuals, within communities and within our state. That is why it is critically important that royal commissions are held in the best possible way to get the best possible outcomes, not just for the Parliament or for the government but for the people who are directly and inevitably indirectly impacted by the tragedy being investigated.

I want to talk a little about Labor's commitment to hold a royal commission into family violence. It is pleasing to see that this legislation will be in place because, should Labor be elected on 29 November, it will be such an important inquiry. I started working at the Western Region Centre Against Sexual Assault almost 30 years ago and then worked at the Ballarat Centre Against Sexual Assault over the course of a number of years, both full time and part time. During that time, as well as in the role I have now as the member for Ballarat West, I have had a lot of contact with groups that provide support to women who have experienced violence or are currently experiencing violence, with those who support children and with those who work in behaviour management roles with men, and it occurred to me over the last couple of years that I was feeling an increased sense of frustration and despair because nothing seemed to be shifting. There still seemed to be the same or an increased number of reports of family violence. In no way is that a reflection of the work being done by counsellors and advocates; they do incredible work under terrible pressure, with often limited resources.

I remember sitting and listening to the Leader of the Opposition's speech when he announced that, should we win the election, a royal commission into family violence will be held. I felt such a sense of relief — relief to the point of tears — that finally there will be something that may help all of us to find out what is going on and why we are having such trouble preventing something so insidious that happens so often in our community. There are a number of deaths each year and a number of children are impacted each day by seeing their mother — a woman they love who has cared for them and nurtured them — being treated violently, which has a lifelong impact on those children,

on their ability to learn, on their ability to sustain relationships and on every single part of their lives.

I remember thinking that finally we will look at this in a detailed way that will cover every single aspect, including the legal, economic, social, emotional, psychological and cultural aspects. I hope we get to a point where we finally start reducing not only the number of victims but the hurt, the pain and the trauma experienced by victim survivors, by their children, by their families and by our community. The economic value of family violence is absolutely critical — it has a huge economic cost to our state — but it also has a social cost, an emotional cost, an educational cost and a health cost, and we should never forget that. I am proud that Labor has made this announcement about a royal commission.

Another aspect of the royal commission is that it will draw on academic knowledge. There are swathes of academic reports and amazing work being done in universities in Victoria, across Australia and around the world. It is important that we draw upon all that information so that we improve what we know and improve our sum of knowledge. Should the royal commission go ahead, one of the things I hope is that it will have a strong message about continuing that process.

When governments provide funding to groups — domestic violence groups, centres against sexual assault or any other groups — there is a relationship that exists. It is not just about passing on money so that people can provide incredibly important services; the funding is also about drawing on the knowledge, experience and skills those workers are developing as they go about their work so that we are then able to implement better legislation that in turn supports them. It is a vitally important relationship that government should have with the people it provides funding to.

In conclusion, I reiterate that Labor does not oppose the bill. We support the bill, which will provide a strong framework such that, if we win the 29 November election and a royal commission into family violence goes ahead, there will be strong parameters for that inquiry, and that will be very valuable.

**Mr NEWTON-BROWN** (Pahran) — I rise to speak in favour of the Inquiries Bill 2014. Royal commissions occupy a unique position in the Westminster tradition. They originated in the 11th century, when it was the prerogative of the Crown to appoint officials to conduct inquiries on the King's behalf. Victoria has very much adopted the tradition of royal commissions throughout its comparatively short

history. There have been inquiries into a range of issues, including an inquiry into the defences of the colony back in 1858 and an inquiry into constitutional reform in 1894.

I have to confess that in my research for this speech I got sidetracked by looking into some of these inquiries, which are very interesting. In 1861 we had an inquiry into the demise of Burke and Wills. We had an inquiry into the Kelly Gang in 1881. Interestingly in 1887 there was an inquiry as to whether we should remove Spencer Street station to allow the city to expand westward into the swamps. Obviously that expansion occurred despite the station remaining where it was. In more recent times, in 1970, we had an inquiry into the West Gate Bridge collapse. All the big events in Victorian history seem to have an inquiry attached to them. There have been inquiries into various bushfires, including the Stretton inquiry into the 1939 bushfires as well as the more recent inquiry.

Royal commissions have developed as a unique institutional feature of Victorian politics. It is difficult, though, to define and extract the true essence of royal commissions because by their nature they tend to assume their own form. They are flexible and tend to be shaped by the circumstances surrounding them and the politics of the day. The political, local and social context have all helped to shape the various royal commissions that have been held in the state. It is very fluid.

However, there are several common features of royal commissions that have developed over the years. Generally, they are established by the executive, they are open to the public and they are independent. However, in the course of my research I discovered that prior to 1928, MPs were regularly appointed as commissioners. By contemporary standards that would be unacceptable as it would obviously negate the independence we seek from our royal commissions in modern times.

In summary, royal commissions are initiated by the executive and established by letters patent. They are independent and open to the public, and they generally have an inquisitorial or a policy advice function. These are the key features which seem to define the royal commissions over Victoria's history. However, within those parameters they tend to take on a life of their own in that they are difficult to categorise and control, although that is not something which the executive should be concerned with. Indeed royal commissions should be independent.

Certainly there is benefit and merit in providing for a better structure for inquiries in the state. I had a small role in the 2009 Victorian Bushfires Royal Commission when I represented an interested party for a couple of days. I certainly found it to be a very flexible process that worked well. It focused on the outcomes it sought to achieve and was not bogged down in formality. The final recommendation of that inquiry was recommendation 67, which is as follows:

The state consider the development of legislation for the conduct of inquiries in Victoria ...

The Attorney-General has a very good relationship with the legal profession in this state. It is a hallmark that sets him apart from the previous government. He has certainly consulted and he has listened to the recommendations of this last big royal commission into bushfires, and as a result of recommendation 67, the Attorney-General has drafted this bill to provide a better framework for inquiries in Victoria and to provide a structure which does not constrain the traditions of inquiries but modernises the process to better serve the community.

The bill creates a framework for three different types of inquiry. There are three different levels of power within the bill and the government will choose the type of inquiry which best suits the nature and the importance of the inquiry's subject matter. In particular the government will consider what powers are necessary to achieve the aims of the inquiry it is undertaking.

**Sitting suspended 1.00 p.m. until 2.04 p.m.**

**Business interrupted under standing orders.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! I warmly welcome to the chamber Mr Hilik Bar, MK, Deputy Speaker of the Knesset, the Parliament of Israel.

### QUESTIONS WITHOUT NOTICE

#### Ambulance response times

**Mr CARBINES** (Ivanhoe) — My question is to the Premier. Can the Premier confirm that ambulance response times are today longer at every single metropolitan ambulance branch than they were four years ago?

**Dr NAPTHINE** (Premier) — I thank the honourable member for his question. I can advise the house that since we have come to government, we have increased the funding for Ambulance Victoria by

23.4 per cent. We have provided \$696.5 million in the 2014–15 budget, which is a record level of funding for ambulances in Victoria. That is \$132 million more for ambulances than under the Labor government and under the previous health minister. Since coming to government we have provided an extra 539 paramedics, an increase of 21 per cent. In the metropolitan area — —

**Mr Carbines** — On a point of order, Speaker, I will not repeat the question, but with regard to relevance I draw your attention to the question that was asked and the answer over the past minute from the Premier. It does not relate to ambulance response times, which was my question.

**The SPEAKER** — Order! The Premier was being relevant to the topic of the question that was asked.

**Dr NAPTHINE** — I can advise that in addition to the 539 more paramedics provided by this government, there are nearly 29 000 more shifts since it has come to office. There are 10 new mobile intensive care ambulance (MICA) single responders, and there are 24 new and refurbished ambulance stations across Victoria. We have provided an additional 55 new ambulance vehicles. I can advise that the recent data shows that we are getting significantly better outcomes in terms of better survival rates, particularly in those who suffer from cardiac arrest. The ambulance officers are able to provide a better response because they are better trained, have got better equipment and have got better access to drugs to deal with those ambulance calls to cardiac situations, and we are getting better survival rates. We as a government are providing more money — —

**Mr Carbines** — On a point of order, Speaker, I again raise the issue of relevance. We are halfway through the allocated time for the Premier to respond to my question that related to ambulance response times and he has not yet made any comment about ambulance response times. This is a critical matter for people not only in my electorate but across Victoria, and we seek an answer from the Premier that relates to the question.

**The SPEAKER** — Order! The Premier was being entirely relevant to the topic of the question that was asked. As the member knows, the Speaker cannot direct any member how to answer a question.

**Dr NAPTHINE** — I was advising the house that under the coalition government we have provided more money for Ambulance Victoria, we have 539 more paramedics, we have more ambulance stations, we have more ambulance vehicles, we have more MICA single

responders and we are getting better critical patient outcomes. We are delivering the resources that Ambulance Victoria needs to match the needs of communities across Victoria.

### Methamphetamine control

**Mr ANGUS** (Forest Hill) — My question is to the Premier. How is the coalition government's investment in our hospitals helping to deal with the issue of ice and other drug use and build a better and healthier Victoria?

**Dr NAPTHINE** (Premier) — I thank the member for Forest Hill for his question. The coalition government is committed to eliminating the scourge of ice in our community. I quote from page 5 in the Law Reform, Drugs and Crime Prevention Committee report tabled yesterday entitled *Report on the Inquiry into the Supply and Use of Methamphetamines, Particularly 'Ice', in Victoria*:

My name is crystal meth ...  
I destroy homes, I tear families apart  
Take your children, and that's just the start.

That is the beginning of a poem that highlights the problem of ice and amphetamines in our community. We as a government take this matter seriously, and we take a whole-of-government approach to dealing with drugs and alcohol in our communities and families. We are certainly on the front foot in dealing with this issue. In January 2013 we released our reducing the toll strategy, and we welcome yesterday's report from the all-party parliamentary committee that will help us to continue delivering better outcomes in drug and alcohol response across the community.

In the 2014–15 budget this government allocated a record \$165 million of funding for alcohol and drug treatment programs, and this included an additional \$38 million package — —

*Honourable members interjecting.*

**The SPEAKER** — Order! If members wish to have a conversation, they will not do it across the chamber; they will leave the house. The member for Monbulk!

**Dr NAPTHINE** — I am disappointed that the Deputy Leader of the Opposition does not take the issue of drugs and alcohol in our community seriously. It is an absolute disgrace.

*Honourable members interjecting.*

**Dr NAPTHINE** — As I was outlining, this government provided a record \$165 million for drug and alcohol treatment services in this year's budget,

including a \$38 million package to provide an additional 2000 treatment places. It is a sad reflection on our society that we do need this, but we are also building the first mother and baby withdrawal unit. We as a government will not shirk our responsibilities; we will provide the services people need to deal with drug and alcohol problems.

We have also provided \$15 million to help emergency departments better manage drug-and-alcohol-affected patients, particularly those affected by ice. That includes funding for Geelong, Ballarat and Bendigo in regional and rural Victoria. I was recently in Wodonga, Wangaratta and Warrnambool announcing an additional \$500 000 for each of their emergency departments to help those hardworking emergency department nurses, doctors and allied health staff deal with drug-and-alcohol-affected clients. We have introduced tough new penalties and laws to better protect our nurses, doctors and emergency department staff. We have provided over \$40 million to increase safety at our hospitals.

The coalition is genuinely committed to reducing the supply of ice and to smashing drug manufacturers. That is why we have put additional police on the beat. That is why we have drug task forces. That is why we have funded an extra 11 sniffer dogs, and particularly an extra 8 dogs in regional and rural Victoria. That is why we are providing funding for additional drug-testing equipment in all highway patrol cars across the state. We are absolutely determined to make Victoria a better, safer place by tackling drugs and alcohol and particularly the insidious crystal meth and ice in our communities.

### Ambulance response times

**Mr NOONAN** (Williamstown) — My question is to the Premier. Can the Premier confirm that last Wednesday a 68-year-old man in Moe had trouble breathing, went blue and sadly died while waiting 19 minutes for an ambulance to respond to his code 0 emergency?

**Dr NAPTHINE** (Premier) — I thank the honourable member for his question. Any time somebody loses their life there is a need for reflection. We offer our sympathies to the family concerned. That matter will obviously be investigated by Ambulance Victoria and, if necessary, by the coroner. I can advise the house that this government has provided additional funding for ambulances right across the state.

In Gippsland we have provided an additional 77 ambulance officers. We have provided 10 new

mobile intensive care ambulance single-responder ambulances, many of those in regional and rural Victoria. We have provided additional ambulance stations. A number of those are in Gippsland and in country Victoria. We as a government are responding positively to the demands of the ambulance system. We are providing record funding. We are providing an additional 539 paramedics. This is since we came to government. We are providing 29 000 more shifts so we can deal with the challenges of our ambulance system.

### **Methamphetamine control**

**Mrs POWELL** (Shepparton) — My question is to the Minister for Mental Health. What action is the Victorian government taking to educate and engage young Victorians and their families about the harms of using the drug ice?

**Ms WOOLDRIDGE** (Minister for Mental Health) — I thank the honourable member for Shepparton for her question and for her long-term commitment to the health and wellbeing of her community. As the Premier has outlined, the coalition government knows that ice presents a significant challenge in communities right across Victoria. It is a dangerous drug that can ruin lives.

The Napthine government is tackling the ice issue with a whole-of-government approach that includes prevention, education, stronger policing and increased support for drug treatment. It is a credit to the Minister for Police and Emergency Services that he and the Chief Commissioner of Police are disrupting and preventing the manufacture and sale of ice. It is a credit to the Attorney-General that there are strong new laws across a whole range of areas including unexplained wealth and cracking down on that. As the Premier outlined, the government also committed a very significant boost in funding at the last budget in relation to access to alcohol and drug treatment services.

To further advance the efforts to tackle the problems this drug causes, I can inform the house that today I have unveiled a new public health campaign called What Are You Doing on Ice? It will run from this Sunday. This campaign has been developed in partnership with the Pennington Institute and informed by our expert advisory group on ice as part of the coalition government's \$38 million commitment to tackle illicit drugs. It is a hard-hitting campaign which has the tagline, as I said, What Are You Doing on Ice? It follows two people as their ice use escalates and damages their health, their relationships and their futures. It presents a realistic picture of the downward

spiral that occasional use through to damaging addiction can cause and provides important information about where to get further help. It is an integrated multimedia campaign specifically targeted at 18-to-25-year-olds, who may be the most susceptible to trying and using ice. We are driving home the message that no-one should be thinking of ice as a party drug. It is destructive and highly addictive.

We consulted the experts in developing this campaign — young people themselves in metropolitan, regional and rural Victoria — and they have strongly endorsed this message. Our research tells us that young men are especially sensitive to the impact ice might have on their jobs or their family relationships. Young women are particularly concerned about social isolation, losing their friends and the loss of beauty that may accompany a drug habit. That is why the advertisements are very targeted to these messages and will run on television, in newspapers, on radio, online, in cinemas and via social media. We have also developed material for concerned family and friends so that they have more information about the drug but also know what to do. They will also have advice and information on how to work with and support people who may be using the drug.

I am also pleased to advise the house that the Napthine government is committed to engaging all Victorians at a grassroots level. If re-elected, the Napthine government will commit \$4.7 million to continue the work that has already been underway through the departments of Justice and Health and Victoria Police to go out into local areas, to engage on what is needed and on what the concerns are, and to provide advice and information. As part of that, local ideas will be generated. Some communities have already done this and others will be supported to do it.

We will be able to obtain funding through crime prevention grants to support putting into action these local ideas that seek to drive local solutions in a local context. It is going to make a significant difference. This side of the chamber is absolutely committed to tackling the impact and harms of illicit drug use. We have invested in it, we have driven reform and we are working across the whole of government in a coordinated way. This is in stark contrast to a former government which failed to fund, and significantly reduced the share of funding for, drug services. That was when the member for Mulgrave was the Minister for Health.

**Methamphetamine control**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier and follows the answer from the Minister for Mental Health just delivered, and I ask: will the Premier commit to taking the blatantly political Moving Victoria advertisements off the TV, radio and internet and put every one of those taxpayer dollars behind his new ice campaign — yes or no?

**Dr NAPHTHINE** (Premier) — The Leader of the Opposition has asked about government advertising. Can I say that I congratulate the Minister for Mental Health, who has launched this very positive campaign, which sends a real message, a strong message, about ice and the dangers of taking the drugs ice and crystal meth. This is this government responding positively to a genuine issue in our community. This is this government backing up our campaign to deal with drugs and alcohol in our community in a very positive way.

The campaign is about proactive public education. It is about targeting young people at risk. It is about additional law and order measures. It is about an integrated, whole-of-government approach including tougher law and order measures, tougher laws to deal with drug traffickers, tougher laws to deal with seizure of assets and tougher laws to deal with bkie gangs that might be involved in the drug trade. It is about having additional police on the beat, and it is about having additional sniffer dogs in rural and regional Victoria.

It is also about spending money wisely and well. When we look back, in terms of government advertising, in the last full year under this government, \$98.4 million was spent on government advertising. If you look at the year 2009–10 under the Brumby Labor government, \$130 million was spent on advertising — a record level of funding on advertising — —

*Honourable members interjecting.*

**The SPEAKER** — Order! That level of noise is not acceptable. I ask members to quieten down.

**Dr NAPHTHINE** — What I am advising the house is that under the Labor government, when the Leader of the Opposition was a senior minister in cabinet, \$130 million was spent on advertising in its final year in office. On this side of the house it is less than \$100 million. We are saving taxpayers money. We are not wasting money on blatant political advertising like the Labor government — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Lyndhurst is warned.

**Ms Allan** — On a point of order, Speaker, under standing order 58, answers to questions are required to be direct and factual. By way of assisting the Premier, if the answer is no, he can happily say that and sit down. We would like the Premier to come back to answering the question. We know he loves TV ads, because he will be filming them in Bendigo tomorrow. He will be filming — —

**The SPEAKER** — Order! The member for Bendigo East knows that is not the way to take a point of order.

**Dr NAPHTHINE** — We well recall all the ads on the \$38 billion fictitious Labor transport plan — \$38 billion, millions of dollars in advertising and not 1 metre of road built and not 1 metre of track laid. It is absolutely hypocritical of the Labor Party to raise questions about advertising.

**The SPEAKER** — Order! If the Leader of the Opposition is going to take a point of order about something the Premier has said, I will not be able to rule because I could not hear for the level of noise coming from both sides of the chamber.

**Mr Andrews** — My point of order relates to the entire answer, Speaker.

**The SPEAKER** — Order! The Leader of the Opposition can take his point of order.

**Mr Andrews** — The answer has been wholly without relevance to the question that was asked. If the Premier is not prepared to put the money into the ice campaign, then he should just say so.

**The SPEAKER** — Order! I ask the Leader of the Opposition to resume his seat. The Premier was being relevant to the topic of the question that was asked.

**Dr NAPHTHINE** — This government is certainly willing to put money into campaigns on drug and alcohol issues. We announced a record level of funding — \$165 million — for drug and alcohol services. We announced an additional \$38 million to provide extra treatment places. Only recently we announced extra money for sniffer dogs and extra money for proper testing equipment for highway patrols. We are not a government that spent \$130 million on advertising. Our expenditure is less than \$100 million — 30 per cent less.

## Public transport

**Mr GIDLEY** (Mount Waverley) — My question is to the Minister for Public Transport. How has the coalition government's investment in buses, trams and trains led to better outcomes for public transport services, and are there any threats to this?

**Mr MULDER** (Minister for Public Transport) — I have great news for people who use our public transport network, particularly those who use our metropolitan network. Today we have hit the target of 28 months in a row where Metro Trains Melbourne has exceeded the punctuality targets on the metropolitan rail network. We all know what happened before that. Punctuality is up, reliability is up, overcrowding is down and fare evasion is down, but most importantly, what are our customers saying? Customer satisfaction is up with the way in which the coalition government is delivering public transport services throughout the state of Victoria.

What we know is what we inherited. Under a Labor government, after nearly a decade over which time it had money coming out of its ears, the tracks were warped, the signals failed, the sleepers were left to rot in the ground and our train stations were hotbeds of crime. What did we get from successive transport ministers under the Labor government? Time and again they failed their customers. In actual fact the last Minister for Public Transport in the Labor government, the member for Lyndhurst, hid a greenfield timetable in his bottom drawer. He was not game to pull it out prior to the election. He also claimed that you could not get rid of level crossings across the network. That was the contribution of the former public transport minister under the Labor government.

This year alone we have invested around \$400 million in the network. It has been about the drainage, it has been about the ballast, it has been about the rails and it has been about the points, the crossings and the signals — the things that make a railway network work. That is how we have got to where we are today with customer satisfaction up, punctuality up and reliability up across the network. Seven new trains have been deployed across the network to bring down overcrowding. A further eight are going to be fitted out at Alstom's facility in Ballarat. Alstom has been doing that work for some time now for the coalition government.

On top of that there are 10 000 additional services per week — train, tram and bus services. Today when I was down at Parliament station with the CEO of Public Transport Victoria, Mark Wild, looking across each and

every line, it was great to see the red dot where it was under Labor and the blue dot where it is under us — on each and every line punctuality has improved in just one term. A decade of nothing, and then in one term we have turned the system around. We have stabilised it. We are taking it forward, and our customers are telling us that they like what they are seeing.

The Frankston line has improved, the Cranbourne train line has improved, V/Line has improved and trams ran 85.6 per cent on time, up 3.5 per cent from 2010. As I said, customer satisfaction is also up. What about the risks? I have some clippings here on the risks. This is what we face going forward — the risk of a future Labor government and the types of excuses it will use. The *Herald Sun* of 28 July 2009 reported that 'Somali pirates are posing the latest threat to Victoria's long-suffering commuters'. The fear was that they would take control of the trains on the high seas. 'Forecast heatwave sends shivers through Connex' was the headline in the *Age* of 26 January 2009. After nearly a decade of a Labor government, Rob Hudson was reported in the *Age* as having said that, 'We needed to find a way to deal with these problems, and I think if we had a strategy I may well be still there'. That from the former member for Bentleigh.

## Swinburne University of Technology

**Mr MERLINO** (Monbulk) — My question is to the Premier. Can the Premier confirm that after four years of coalition government the number of students studying at Swinburne Lilydale TAFE and university has fallen from more than 2500 to 0?

**Dr NAPHTHINE** (Premier) — I thank the honourable member for his question, which relates to vocational education and training. When we came to government the expenditure by the previous government on vocational education and training in Victoria was \$800 million.

**Mr Merlino** — On a point of order, Speaker, on relevance, I think the Premier did not hear my question, and I ask: would he like me to repeat it?

**The SPEAKER** — Order! No.

**Mr Merlino** — It is about Swinburne Lilydale.

**The SPEAKER** — Order! I warn the member for Monbulk that if he continues to raise points of order in that manner, he will not be staying in the chamber.

**Dr NAPHTHINE** — When we came to government the expenditure on vocational education and training was \$800 million. Under this coalition government we

have increased funding for vocational education and training by 50 per cent. There is 50 per cent more money being spent on vocational education and training. Under Labor the number of young people in full-time education in November 2010 was 54.7 per cent; under the coalition that has gone up to 58.2 per cent. We have more young people, more people from Aboriginal backgrounds and more young people from culturally and linguistically diverse backgrounds doing vocational education and training.

Indeed across the whole of Victoria significantly more students are doing vocational education and training. In 2010, under the previous government, 426 900 students were enrolled; in 2013 there were 645 000 students — a 51 per cent increase in the number of students doing vocational education and training. I can also advise the house that when you analyse the courses —

**Mr Andrews** — On a point of order, Speaker, on relevance, the question related to the number of students at Swinburne Lilydale, and I think we are all entitled to an answer. How many are there now? There were 2500 students; how many study there now?

**The SPEAKER** — Order! The Leader of the Opposition knows that raising a point of order is not an opportunity to repeat a question.

**Dr NAPHTHINE** — As I was saying before, when we came to government 426 900 students were doing vocational education and training. Three and a half years later there are 645 000 — a 51 per cent increase. I also advise the house that when we came to government less than 50 per cent of those students undertaking vocational education and training were doing courses that equipped them for the job-ready market. I advise the house that that figure has been lifted to 72 per cent, so there are more students studying more courses and more courses that are relevant to the job-ready market. I can also advise that there has been a 17 per cent increase in enrolments in regional areas.

**Mr Merlino** — On a point of order, Speaker, on relevance, and with respect to your earlier ruling, the Premier has been speaking for more than 3 minutes. There was no preamble to this question; it only related to Swinburne Lilydale. My community, your community, deserves an answer.

**The SPEAKER** — Order! The member for Monbulk cannot involve the Speaker in debate. As I have said before, I cannot direct the Premier how to answer a question.

**Dr NAPHTHINE** — As I was saying, there has been a 17 per cent increase in enrolments in regional areas.

The number of Indigenous students is up by 43 per cent. The number of culturally and linguistically diverse students is up by 109 per cent. The number of students with a disability is up by 58 per cent. Indeed Victoria has the highest participation rate in vocational education and training in Australia.

Under this government we have had a 50 per cent increase in funding compared to the previous government, we have had a 51 per cent increase in enrolments, we have the highest participation rate in Australia and we have more students doing more courses that are relevant to the future jobs of those students.

### Small business

**Ms WREFORD** (Mordialloc) — My question is to the Minister for Small Business. How is the Victorian coalition government's support for skills enhancement across the small business sector helping to build a better Victoria, and are there any threats to this?

**Mr NORTHE** (Minister for Small Business) — It gives me great pleasure to respond to the question raised by the member for Mordialloc, and I appreciate her understanding of the small business sector and her great interest in it. In Victoria we have around 525 000 small businesses — that accounts for 97 per cent of all businesses — employing around 1.3 million people.

Government can do a number of things to assist the small business sector. One of those things it can do is provide adequate support services and information and also ensure that it sets a very strong fiscal setting, and that is what this government has done through its most recent budget, with \$27 billion for infrastructure, which is great for all businesses in Victoria, including the small business sector.

One of the key announcements the Treasurer made in the budget was a reduction in payroll tax, and there was also a reduction in WorkCover premiums, which has been very well received by the small business sector. Other initiatives include introducing things such as the appointment of a red tape commissioner, and John Lloyd has done a great job across all the sectors involved with industry. He is making sure that we get rid of real red-tape issues incumbent on a number of businesses in the small business sector. This can be even something as simple as redeveloping our Business Victoria website, which we have done. It is much more user friendly now. The feedback we have had from the small business sector as a consequence has been profound.

August was the month of the Small Business Festival Victoria. It was a very successful month, with 340 events or thereabouts across Victoria. There was a diverse range of programs, including the small business bus visiting a range of localities during August, programs such as Starting Your Business, Are You Visible Online?, Solar Energy & Your Business, amongst others. This year what we have tried to achieve is to make sure that we get events and programs further out into the regional areas, so for the first time we have had Bendigo and Gippsland as hosts of our events and festivals in their particular localities.

I thank the local councils that have been involved in that program, and also the trader groups and local communities that have got right behind those particular events. We are certainly providing more events in more localities with more participants.

In terms of some other programs that we have run, there is Creativity for Business Success with Clare Bowditch. Clare Bowditch is known to a number of us here. She is a well-known celebrity but also a businesswoman in her own right. Clare Bowditch held various events across the state of Victoria during August. Feedback we have received from one attendee at an event in Ballarat was:

I have been to several events already during the festival and have enjoyed them all. Even if I get only one tip out of them it is worth going to. I am learning so much and am able to put it into practice as soon as I get home or finish the webinars. This is a very valuable program and I have been recommending it to everyone. I attended last year and was looking forward to this year's program. The quality of the presentations this year is outstanding — they just keep getting better and better. I really appreciate this initiative by the state government and hope it continues long into the future.

And it will.

On 4 October this year we will hold the second Support Small Business Day. This is a great opportunity for local shoppers to get behind local businesses. We know very well that local businesses not only provide critical services and provide local employment but that they also support our local sport and recreation clubs, our health services, our hospitals and the community in general. It is a great opportunity for local shoppers to get behind our local traders on 4 October. I am sure the day will be a great success.

The member asked about threats. The threats I think are that we have been able to demonstrate as a government a very strong economy and some great outcomes with our programs. I think the business community does not want to see the Labor government coming back into office.

### Latrobe Valley and Gippsland employment

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. Can the Premier confirm that with the loss of 100 jobs at Energy Bricks in Morwell there are now 15 400 fewer people in work in the Latrobe Valley and Gippsland than were in work in December 2010?

**Dr NAPHTHINE** (Premier) — I thank the honourable member for his question. What I can advise with respect to regional and rural Victoria is that there are 25 900 more people employed in regional Victoria than when we came to government. We are working hard to grow jobs and opportunities in regional and rural Victoria. We are particularly using the \$1 billion Regional Growth Fund — —

**Mr Andrews** — On a point of order, Speaker, there was no preamble to the question. It was very direct. It was about Morwell, the Latrobe Valley and Gippsland, and I would appreciate if the answer bore some relationship to that proud district.

**Ms Asher** — On the point of order, Speaker, the Premier has only just commenced his answer. He is well entitled to place his answer in the context of rural and regional Victoria. That is precisely what he is doing, and he is of course complying with standing orders.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier had only just started his answer.

**Dr NAPHTHINE** — As I was outlining, through the \$1 billion Regional Growth Fund this government is certainly investing in key strategic investments that grow jobs and opportunities throughout regional and rural Victoria. In particular the member asked about the Latrobe Valley. I can advise that through the Regional Growth Fund we have established the Latrobe Valley Industry and Infrastructure Fund. The Latrobe Valley industry fund has invested in 33 projects, creating 1000 new jobs in the Latrobe Valley.

Only recently the Deputy Premier was in the Latrobe Valley announcing an investment in relation to the Lurgi site, a site that has lain idle for a decade under the previous Labor government. That site was a blight on the landscape, but this government, under the leadership of the Deputy Premier and the member for Morwell, has provided joint funding with the local council to develop the Lurgi site, to grow jobs and opportunities. It is just the same as we have done at Australian Paper and with the lignite projects, where we

are investing in key projects to create opportunities and new uses for our enormous supply of brown coal.

We are prepared to use that great resource, that great asset, in a key strategic modern way, and environmentally friendly and acceptable way to grow jobs and opportunities. It was the previous federal Labor government and the previous state Labor government that clapped hands and supported the carbon tax that was a job killer in the Latrobe Valley. Those opposite ought to hang their heads in shame.

*Honourable members interjecting.*

**Dr NAPHTHINE** — The Labor Party, both federal and state — —

**Mr Andrews** — I renew my point of order, Speaker: the question asked the Premier to confirm the number — some 15 000 less in work in the region. He has not gone to that issue.

**Ms Asher** interjected.

**Mr Andrews** — Without repeating the question, he was asked to confirm whether a figure was correct or not. He has not gone to that issue. Therefore the answer cannot be relevant or direct in relation to the question that was asked. I would ask you, Speaker, to at least invite him to come back to answering the question in relation to there being less people in work in Morwell, Gippsland and the Latrobe Valley.

**Ms Asher** — On the point of order, Speaker, the Leader of the Opposition has lapsed into his previous habits. He has simply just repeated his question. It is up to the Premier to answer the question the way that the Premier sees fit, provided he is complying with standing orders. I certainly believe he is, because he is being direct, factual, succinct and relevant. I ask you to rule the point of order raised by the Leader of the Opposition out of order.

**Ms Allan** — On the point of order, Speaker, while the Leader of the House is certainly right in part, in that you cannot direct a minister on how to answer a question and ministers must comply with all the requirements of the standing orders. However, the Leader of the House forgot to mention that the Premier has to answer a question in relation to government business, as is required under standing order 53. Talking about the Labor government's administration is not related to government administration in this instance. The question very much referred to specific data about this government's administration and unemployment in Gippsland.

It looks like the Treasurer is getting pretty excited. Does the Treasurer want to come on into the debate? We look forward to that.

We are happy to have a debate in proper circumstances. This is not the forum to do so. We ask you to bring the Premier back to answering the question around government administration. If he wants to have a proper debate about real issues, we are happy to bring it on.

**The SPEAKER** — Order! I think I have heard enough.

**Mr O'Brien** — On the point of order, Speaker, at page 64 *Rulings from the Chair 1920–2014* states:

Policies that may affect government administration. A minister may canvass decisions of the Victorian government, or policies the minister may have looked at and the effects they may have on Victorian government business.

**Ms Allan** interjected.

**The SPEAKER** — Order! The member for Bendigo East! I often silence the house when she is making a point of order. I ask her to show the same respect to the Treasurer.

**Mr O'Brien** — The federal Labor government's own economic modelling demonstrated that the carbon tax would hit Victoria's economy first and hardest. Therefore — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. The Treasurer is straying from what a point of order should be.

**Mr O'Brien** — I am referring to *Rulings from the Chair* — —

*Honourable members interjecting.*

**The SPEAKER** — Order! How on earth can members expect me to make a ruling on a point of order if I cannot hear it?

**Mr O'Brien** — As I said, at page 164 of *Rulings from the Chair* there is a paragraph beginning 'Policies that may affect government administration'. The carbon tax, which the Premier is referring to, is certainly a policy that affects government administration. The Premier is entirely in order in referring to it and its impact on Victoria's economy and particularly the impact in the Latrobe Valley.

**Ms Barker** — On the point of order, Speaker, I refer you to standing order 58(1)(b), which states 'Content of

answers ... must ... not introduce matter extraneous to the question nor debate the matter to which the question relates'. Also in regard to the guidelines on answering questions laid out at page 154 of *Rulings from the Chair* that were adopted by Speakers Edmunds, Coghill and Delzoppo, point (4) states:

In answering, ministers should confine themselves to the points contained in the question and should not debate the matter.

The Premier is introducing matters extraneous to the question that was asked, and he should not debate the matter.

**The SPEAKER** — Order! The question may have been narrow in its wording and its focus, but the Premier is also focussing on employment in Gippsland, and I believe he is being relevant. It is involving government business. The Premier is being relevant, and I ask him to continue his answer.

**Dr NAPHTHINE** — I have been down to the Latrobe Valley many times as Premier and as Minister for Regional Cities. Time and time again the Latrobe Valley council and the Latrobe Valley community have raised with me their concerns about the impact of the carbon tax on jobs — on employment and investment in the Latrobe Valley. There is no doubt the carbon tax is a job killer and was a job killer in the Latrobe Valley.

I can say that this government is getting on with the job of creating new jobs and opportunities. That is why we are investing \$73 million in this year's budget in redeveloping the Latrobe hospital, investing in new jobs at Safetech and Tieman industries at Moe, and investing in new jobs at GippsAero and at Australian Paper. We are investing in new opportunities in the Latrobe Valley, using our \$1 billion Regional Growth Fund — because we live in country Victoria and we care about country Victoria.

### **Police and protective services officer numbers**

**Mr MORRIS** (Mornington) — My question is to the Minister for Police and Emergency Services. How are the Victorian coalition government's additional police and protective services officers (PSOs) protecting families, businesses and communities and building a safer Victoria, and is the minister aware of any alternative proposals?

**Mr WELLS** (Minister for Police and Emergency Services) — I thank the member for Mornington for his question. At the last election, in 2010, the coalition government had to have a strong law and order policy after the neglect of the previous government in the

previous 11 years. Police now have the largest budget ever in the history of Victoria Police at \$2.43 billion. It is about making Victoria a safer place.

The two promises that we made were that we would have 1700 extra police and 940 protective services officers. We are very proud to have already delivered on the 1700 extra police. Despite reaching our election commitment of 1700, over the coming months that number will reach 1800. That means that there will have been an increase of 15 per cent in the number of police since we came to government. It also means that in every single region and every single police district across the state there has been an increase in police.

There are some in this house — not on this side but on the other side — who, despite the fact that every single region and every single district has had an increase, go running off to their local papers making factually incorrect statements that there have been reductions in police numbers. That shows that Labor will say anything and do anything to run down Victoria Police. I make the point that every single region and every single district has had an increase in Victoria Police numbers.

There have been further announcements, with an increase in sniffer dogs. We have had funding for an extra 11, which means that there will be 20 sniffer dogs, which will assist us with smashing drug labs. Last year 142 drug labs were smashed, and we are up to 106 already for this year.

The PSOs have been an outstanding success. We promised 940, and I am very proud to announce that as of today we have 887 PSOs on 142 railway stations. Over the next few weeks PSOs will be deployed at Glenhuntly, Hallam, Hawthorn, Heatherdale, Moorabbin, Northcote and Spotswood railway stations, and the member for Williamstown will be very pleased to know they will be coming to North Williamstown station. Maybe he will want to be out there to welcome the PSOs.

In addition to that, we have also made a commitment of an extra 96 PSOs, which will ensure that there will be 2 PSOs from 6.00 p.m. to last train, 7 days a week, 52 weeks a year. That means more police on the front line, more police out in patrol cars, which means that we are detecting more crime. If we look at the figures over the last four years — —

*Honourable members interjecting.*

**Mr WELLS** — This leads to a safer Victoria. There is an alternative being put forward, I suspect, from the other side, and that is a soft-on-crime approach. Less police will mean less crime reported, and we will have

a situation where dealing with lost or stolen property will no longer be a priority. Dealing with people who smash property that does not belong to them will no longer be a priority. Dealing with people who are going to run a protection racket will no longer be a priority. We say that a tough law and order policy is what the Victorian government wants, and the Napthine government is delivering on it.

## INQUIRIES BILL 2014

### *Second reading*

#### **Debate resumed.**

**Mr NEWTON-BROWN** (Pahran) — The Inquiries Bill 2014 creates a framework for three different types of inquiries with differing levels of powers, and the government will be able to choose which type of inquiry best suits the nature and importance of the subject matter. In particular, the government will consider what powers are necessary to achieve the aims of the inquiry. The highest level is the royal commission, which will have the power to require individuals to give information and produce documents on demand. This power will allow the royal commission to enter and seize material from premises with a court warrant. It will also override certain privileges and statutory secrecy obligations.

The next level of inquiry is a board of inquiry, which will have the power to require individuals to give information and produce documents, but it will not be able to gain entry to premises, and it will not be able to override privileges. However, it could override certain statutory secrecy obligations. The third level of inquiry, a new form of inquiry, is a formal review. A formal review will not be able to exercise any of the coercive powers I have just detailed, but it will be able to request and seek information that is provided voluntarily.

The independence of the executive government is a fundamental feature of the three forms of inquiry provided for in the bill. The independence reflects that there is a very important public purpose served by inquiries. The bill allows the executive government to establish an inquiry and set its parameters, such as terms of reference, reporting date and also the appointment of key personnel. Those are appropriate roles for government. However, independence is also important. Once an inquiry of any of those three levels I have described has been established the government will have no further role in directing its conduct.

The protection of people participating in inquiries is of great importance. The bill provides a range of

protections for people participating in an inquiry. First and foremost, procedural fairness is important. For example, there may be a desire for a person to be legally represented, and that will be permitted as a matter of procedural fairness under all levels of inquiry. The bill also provides a number of mechanisms to ensure that people's reputations are not damaged, and also that a person can further provide information in the safe knowledge that the information will not be used against them in other proceedings.

The traditions of royal commissions in Victoria go back hundreds of years, and throughout our history they have served a very useful purpose in various areas, investigating various events in Victorian life. The time has come to modernise and provide a better structure for inquiries in this state. As requested by the commissioners in recommendation 67 of the report of the 2009 Victorian Bushfires Royal Commission, the bill sets out a new framework for the development and implementation of inquiries in Victoria.

**Mr McGUIRE** (Broadmeadows) — I rise to make a succinct contribution on the Inquiries Bill 2014. I acknowledge that we have been able to come up with different variations on how we do inquiries in this state and that Labor will not be opposing this bill. There is merit in all the three different categories explained in the bill. The bill is a response to the report of the 2009 Victorian Bushfires Royal Commission. As a state we were well served by the calibre of the commissioners of that royal commission: Bernard Teague, who has now gone on to serve on the board of the recent inquiry into the fire at the Hazelwood mine in Morwell, and Susan Pascoe and Ron McLeod, who brought to the commission different backgrounds and different perspectives. The combined intelligence and insight of the commissioners proved to be of benefit to the state.

The member for Benalla also talked about the Family and Community Development Committee's inquiry into child sexual abuse, which was conducted during the term of this Parliament. I think we have now evolved into a hybrid model, if I can put it that way, where we are able to use the resources of the Parliament and the top legal advice that we had. I think it was an interesting mix, having to address critical issues of a systemic nature. We had to try to uncover where the issues of wilful blindness were, as well as codes of silence and noble-cause corruption. These were fundamentally the issues we needed to explore to get to the dark heart of the matter.

There was an early argument about what the appropriate model would be. I raised publicly a suggestion of having better legal advice and having

somebody of the calibre of the former Victorian Supreme Court judge Frank Vincent as a legal representative, with his wealth of experience right across this issue from his work as a Supreme Court judge, as a judge of the Court of Appeal and also on the parole board. He had great insight into the mindset of predatory paedophiles, because he had to deal with them over a long period of time. That was a good appointment. We had Claire Quin also appointed to the committee, and she has now been appointed to the County Court of Victoria.

That was an interesting model that evolved from this Parliament. There was goodwill and bipartisanship from the Liberal Party, The Nationals and the Labor Party representatives to try to work through this issue and to put it above and beyond politics. We sought to retain a bipartisan approach and to actually get results; they have stood the test of time and are now being echoed by the royal commission, which of course is a judicial inquiry. We were able to get results, and I think that is something the 57th Parliament can look back on and say, 'That was a good evolutionary example of how you can get the right people with experience, who can give guidance on an issue as complex as this one, and then you can try to work out what the remedy should look like'. That is still before the Parliament. We have had bipartisanship.

I would like to again say that I think it is the duty of this 57th Parliament to pass all of the recommendations, and I am conscious that we are in the final days of the Parliament. I hope that the recommendations are not lost, because whatever happens beyond this time we do not want this issue to be drawn into the rancour of an election campaign. To achieve systemic change would be something that we could all look back on and say, 'That was something of importance to that Parliament'.

I would like to acknowledge the member for Hawthorn, the former Premier, who is in the chamber. Hopefully we will be able to look back and say that this made a generational difference. It is rare that you get that opportunity, and that is why I make the call again for us to actually implement all the recommendations. I think that would be of significance.

Also I want to mention the point that the member for Ballarat West raised: if Labor should be privileged enough to be elected, it will have a look at launching an inquiry into family violence. It would be a royal commission; we would put it at that status. Sometimes we just need to lift the level of investigation and interrogation into these sorts of issues. It is an issue that again has bipartisan support, and it is something that affects all of our communities. To get the necessary

systemic change will involve tackling it from a whole range of different angles.

Let us see how the next few months evolve, but I think this is clearly in the public interest, and I think it is a matter of asking how we tackle these issues that are entrenched and covered up. We need to bring them into the light of parliamentary scrutiny and to therefore have reports to the Parliament that can be taken up by each individual member on behalf of their constituents in their communities. I think that is important. It will also allow the fourth estate to shine a light and give people the opportunity to actually see what is happening. That generally has been the best-case scenario we have had available to us. There are no fail-safe ways of trying to resolve these issues, but as it stands this seems to be the model that works best: to be able to have reports to Parliament, to have them open for debate by MPs representing everybody across the state and to then have debate in the public forum as well.

This bill before the house, the Inquiries Bill 2014, is another part of the evolution, and Labor will not be opposing it. I support its passage.

**Mr SOUTHWICK** (Caulfield) — It is a pleasure to rise and speak on the Inquiries Bill 2014. This bill does a number of different things, and it creates a framework for three types of inquiries, with different levels of power. We have already heard a number of speakers from both sides talk about the importance of these sorts of inquiries. The previous speaker, the member for Broadmeadows, spoke about the Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations, which was a very significant inquiry. Certainly this Parliament, and many parliaments beyond it, will remember the great work that was done. It was initiated by the former Premier, the member for Hawthorn, and it had very strong bipartisan support in the Parliament. I would like at this point to also put on the record my acknowledgement of the work of the chair of the committee, George Crozier, a member for Southern Metropolitan Region in the other place, in steering that inquiry.

Also I would like to mention that with inquiries like this you need expertise from outside — in this particular instance because it was a huge body of work and it needed some external expertise to drive and guide it. We were very fortunate to have former Supreme Court Justice Frank Vincent guiding that inquiry and providing a great resource to it.

The 2009 Victorian Bushfires Royal Commission was another significant piece of work, and we are still continuing to work through it. We made a commitment

on coming to government to take up all the recommendations, and we have systematically been working our way through them. It is significant work, and it shows that whenever we go about our work in the Parliament we need to review what has already been done and look at how to improve things into the future. That is why we have such inquiries. In the police and emergency services portfolio, which I work in, there are a lot of people working to constantly do their best, embrace community and bring volunteers together. You can always learn from tragic events of the past to ensure that you are the best you can be into the future. That was very much the case with Justice Teague, a former Supreme Court judge, being involved in the bushfires royal commission, bringing his expertise to the inquiry and ensuring that there was a proper process.

Members have mentioned the recent Hazelwood mine fire inquiry. Again, it is important that when events of this significance occur we establish an independent review, which is what these inquiries are about. It is important to get an overview, look outwards at what has happened and then suggest improvements.

It is interesting to go to the State Control Centre during an emergency and see the mechanisms for managing these sorts of events as they are taking place. We now run a system in which we have pretty much an overview running at the same time as the event is taking place. External experts come in and look to the future while others are managing the present. That is a reflection of work that has been done to review how we did things in the past to ensure that we have proper mechanisms and expertise for the future.

During the sorts of emergencies I am talking about, we do not bring in the captains of the fire brigades when we are dealing with a fire or the head of the State Emergency Service when we are dealing with floods. They are working operationally on the here and now. We bring in the departmental secretaries and the managers, including people who are not even working within the portfolio area of the emergency. We bring people in from other areas — they may be from education or health — to look at the broader implications and effects of an event within a community. Whether we are talking about children, about floods and fires, about safety in our community or about anything else, we must always have the community at the front and centre of everything we do, and therefore we need to ensure that is part of the process.

This bill creates new powers for three distinct types of inquiries. A royal commission is able to require individuals to give information and produce documents.

It is able to enter and seize material from premises under a court warrant and to override certain privileges and statutory secrecy obligations. A board of inquiry is able to require individuals to give information and produce documents. It does not have the same sorts of powers as a royal commission in terms of entering premises and overriding privileges, but it can override certain statutory secrecy obligations. The third type of inquiry is a formal review, which does not have any of the coercive powers of a board of inquiry or a royal commission. A formal review seeks information that is provided voluntarily.

Independence of executive government is a fundamental feature of each of these three types of inquiries. They cannot be influenced. They need to be objective and able to bring in certain expertise. Most importantly, independence is at the front and centre. Inquiries having independence reflects the public purpose that inquiries serve. As I said earlier, this is all about serving the public and all about the community. As with anything we do in the Parliament, the community needs to have confidence, and the independence of inquiries ensures that the community can have confidence. Independence also ensures that there can be key personnel. Experts need to come in and add strength to the sorts of inquiries we have. Another important aspect is that once inquiries are established the role of government is to take a backward step. It should stand back and allow the process to take place.

I will reflect on the inquiry into the supply and use of methamphetamines, particularly ice, in Victoria, whose report was tabled this week. In this instance there was a bipartisan committee of members from both sides of the Parliament, and we went about doing our work. After 10 months of inquiry and after a number of submissions were received a report of 900-odd pages was presented to the Parliament. Today we heard the Premier announce a number of key activities in response to this body of work. The response is important because it gives value to doing the research and bringing in expertise. We used the Australian Crime Commission to help us with its level of expertise and some key research.

Having that information allows the government to make informed decisions when building a strategy, as we heard today, with the Minister for Community Services being able to get on the front foot and announce a strong advertising campaign targeting youth. This is important because, when you think of targeting people in a particular area, if you do not do the research and inquiry and just go off as a Parliament like a bull at a gate and create a bunch of different

strategies and initiatives, you do not really know who you are targeting. As a committee we get good guidance by having an independent review and having people do that sort of work, reflecting on it and then coming back.

Something the public does not see is members of Parliament working in a bipartisan way on policymaking for the future and presenting a strong body of work to the Parliament. That work can ultimately set a vision, a goal and a long-term strategy. In the short time I have been in the Parliament I have seen that it is a very important role we have, because it gives us the opportunity to step back, look at a problem in a broader way, go through and dissect the issue and then come back to the Parliament to build policies, strategies and decisions for the future. This bill provides for three different types of inquiries. It allows us to be direct, be definite and ensure that there is a clear strategy into the future. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to support the Inquiries Bill 2014, and I note that Labor is not opposing the bill. The purpose of the bill is to establish the conduct of the following types of inquiries: royal commissions, boards of inquiry and formal reviews. It details the powers for each type of inquiry; the matters relating to privilege, secrecy and protection from liability in relation to inquiries; and offences in relation to inquiries. However, this legislation will not apply to or affect inquiries other than those established under this legislation. This is necessary work, as the bill establishes Victoria's first dedicated legislation for royal commissions and other ad hoc inquiries. The 2009 Victorian Bushfires Royal Commission called for the enactment of such legislation.

I will give an overview of the bill. The royal commission remains the apex of the hierarchy and will be able to exercise extensive and coercive investigative powers. Boards of inquiry remain as mid-tier inquiries and will be able to exercise a more limited range of coercive investigative powers. Formal reviews are the lowest tier of the inquiry hierarchy and will not be able to exercise coercive powers but will receive information voluntarily. The bill provides for matters in relation to the establishment of inquiries — that is, the process of establishing the inquiry, the administrative arrangements for the inquiry, including the employment of staff and consultants, the manner of conducting the inquiry, the powers of protection for the inquiry and the rights and protections of participants in the inquiry.

This is important work for Victoria because from time to time we need these inquiries. We had a royal commission into the bushfires that occurred in

2009–10, which was a major event, and recently we had an inquiry into the fires at the Hazelwood mine in Morwell. We need this hierarchy to be able to undertake independent work, particularly work that is important and sometimes difficult to do. Given that there is considerable support for this within the chamber, we can all move ahead as quickly as we can. With that very short presentation, I wish this bill a speedy passage.

**Mr THOMPSON (Sandringham)** — In contributing to the debate on the Inquiries Bill 2014 I would like to provide a wider framework regarding the work of inquiries in Victoria. Over the years the Victorian parliamentary library has kept records of the royal commissions that have been embarked upon in this state, and those details give an insight into the social and political history of Victoria from the Metropolitan Ambulance Service Royal Commission to the 2009 Victorian Bushfires Royal Commission.

Interestingly, parliamentary inquiries are undertaken by joint investigatory committees. These all-party parliamentary committees include the Law Reform, Drugs and Crime Prevention Committee, the Scrutiny of Acts and Regulations Committee, the Road Safety Committee, the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee and other such committees. Parliamentary committees draw on a wide cross-section of personnel in conducting their inquiries. They take evidence from around the state, and in some cases from around the world, and draw together the evidence to assist them to reach conclusions on different matters. Sometimes there are new areas of law that require analysis. One inquiry that I had the privilege of being associated with was the Law Reform Committee inquiry into forensic sampling and DNA databases and the use of that information in crime detection and prevention. This emerging area of science gained importance as a result of the breaking down of the human genome. The committee examined the use of DNA evidence, how the evidence was taken, how it was recorded and what protections might be afforded to citizens in that particular context.

Before I came into this place I remember a member of Parliament indicating that his work on a parliamentary committee inquiry was one of the most interesting aspects of his parliamentary work. An advantage of having members of Parliament on committees of inquiry is the breadth of views and the practical insights members offer in reaching what might be attainable goals for making recommendations to the government, which in turn would be translated into legislation. However, the bill deals with the conduct of executive inquiries in Victoria and details the three forms of

inquiry that can be established by government to inquire into any matter.

Firstly, there are royal commissions, which remain at the top of the hierarchy and are able to exercise extensive coercive and investigative powers. Secondly, there are the boards of inquiry, which are a mid-tier inquiry option and have the ability to exercise a more limited range of coercive investigative powers. Finally, there are formal reviews, which are the lowest tier of inquiry under this regime. They are not able to exercise coercive powers but can receive information voluntarily. The bill also sets a framework for the operation of inquiries whilst allowing the flexibility for inquiries to determine how to conduct themselves and maintain their independence.

By way of wider background, there is a specific context for the bill before the house. Victoria is one of the few Australian jurisdictions without specific legislation for executive inquiries. The existing legislation is construed as being unwieldy and outdated and has been strongly criticised by previous royal commissions as a consequence. There are some powers in relation to the legislation regarding the ability of royal commissions to abrogate the privilege against self-incrimination and legal professional privilege that legal stakeholders may have concerns about. However, the point needs to be made that these powers are consistent with the existing legal position in Victoria. Concerns may also be raised in relation to the proposed oversight role of the Victorian Inspectorate in relation to royal commissions and boards of inquiries. However, it is appropriate for the Victorian Inspectorate to oversee the exercise of coercive powers by these inquiries, and it is consistent with the role of the Victorian Inspectorate in the broader integrity system. In the development of the bill there has been wide-ranging consultation with key stakeholders, including past and present inquiry members.

The question might be asked at one level: are the inquiries independent? Independence is a fundamental feature of our legal system and a matter of great importance that has been canvassed in this chamber before in relation to the tenure of judges. Judges are given life tenure so that they are independent of government and have the ability to decide any question without fear or favour. Both the Attorney-General and I have been on the parliamentary record as criticising the appointment at times of part-time judicial officers because there is not the full level of detachment, given that their reappointment may be required if there are significant inquiries or other judicial responsibilities to be embarked upon. The history of the development of British constitutional law reflects an understanding of

the importance of the separation of powers. In the present context the independence of executive government and independence from executive government are fundamental features of the three forms of inquiry.

Independence reflects the important public purpose which these inquiries serve and is necessary if they are to be effective. A final point needs to be made that once an inquiry has been established, the government has no further role in directing the conduct of the inquiry. These are very important points to note in relation to the Inquiries Bill, which I fully support.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## JUDICIAL COMMISSION BILL 2014

*Second reading*

**Debate resumed from 26 June; motion of Mr CLARK (Attorney-General).**

**Ms KANIS (Melbourne)** — I rise to speak on the Judicial Commission Bill 2014. The opposition does not oppose the bill, which establishes a Judicial Commission of Victoria under the Constitution Act 1975. The commission will investigate complaints about the conduct or capacity of judges, magistrates and members of the Victorian Civil and Administrative Tribunal (VCAT). The bill also provides for investigations into judicial and non-judicial members of VCAT.

By way of background, Victoria has a highly professional and capable judiciary, but on the rare occasion that a complaint is made, it needs to be dealt with swiftly and appropriately, and in a way that maintains and upholds public confidence. The former Bracks government recognised this in July 2001 when it commissioned the Crown counsel for Victoria, Professor Peter Sallmann, to examine the system for dealing with complaints against Victorian judicial officers. The result of this inquiry was the *Report on the Judicial Conduct and Complaints System in Victoria*, otherwise known as the Sallmann report, in December 2003. The Sallmann report found that the arrangements for dealing with judicial complaints in Victoria were ad

hoc, vague and uncertain. In particular, Professor Sallmann recommended that there be a standing investigative mechanism for serious complaints against judicial officers. In 2005 former Attorney-General Rob Hulls introduced the Courts Legislation (Judicial Conduct) Bill, amending the Constitution Act to address the concerns raised in Professor Sallmann's report in relation to the system of complaints against judicial officers. That bill revamped the system for dealing with serious complaints against judicial officers in Victoria and enhanced public confidence in the judicial system. It further protected judicial independence and ensured greater transparency.

In September 2010 Attorney-General Rob Hulls introduced the Judicial Commission of Victoria Bill 2010. The bill proposed to establish a Judicial Commission of Victoria to investigate and resolve complaints and concerns involving Victoria's judges. That legislative program was interrupted by the 2010 election. Since forming government, it has taken the coalition until now to try to fulfil its promises about integrity.

Under the government's proposed legislation, which we have before us, the Judicial Commission will operate under a structure whereby it is headed by a board comprising six heads of jurisdiction and four other people of high community standing. Those four people cannot themselves be either current or former judicial officers. They are appointed by the Governor in Council on the recommendation of the Attorney-General. The bill offers no clarity on what qualifies someone to be a person of high standing. It appears that it is solely the recommendation of the Attorney-General that decides this, and that is of concern to us.

The bill also establishes a process that will lead to valid concerns receiving appropriate levels of attention while ensuring that the judicial branch of government is independent and protected from any potential baseless or misguided complaints. The Chief Justice of the Supreme Court is the chair of the commission. The commission will be supported by a director and staff, who would be administratively linked to Court Services Victoria. We have some concerns about the resourcing of the judicial commission and whether Court Services Victoria is adequately funded to be able to deal with what may be quite a few matters.

The functions of the commission are to deal with and investigate complaints about the conduct or capacity of judges, magistrates and members of VCAT, and to set guidelines and disseminate information to the public. In relation to corrupt conduct, complaints can be made to

either the commission or the Independent Broad-based Anti-corruption Commission Committee (IBAC). Both the commission and IBAC have the ability to investigate corrupt conduct, and the commission can refer a complaint to IBAC. However, it is only the commission that can set in train the process to remove a judicial officer from office. It is of concern to us that the government is introducing a bill that does rely to some extent on IBAC and yet is still to remedy some of the deficiencies that have been identified in its integrity system, particularly with IBAC.

Any member of the public will be able to make a complaint about a judicial officer or a member of VCAT. Complaints can be made regarding the conduct or capacity of a judicial officer. The commission will be able to receive referrals from the head of jurisdiction, from the Attorney-General or from IBAC. The conduct division will be able to dismiss a complaint or referral if the matter is frivolous, is vexatious or relates directly to the merits or lawfulness of a decision or procedural ruling. Otherwise it can investigate a matter.

Under this system serious issues can result in the removal of a judicial officer. Less serious complaints can be referred to the relevant head of jurisdiction for an appropriate response. The Judicial Commission is able to investigate any level of corrupt conduct, whereas a complaint referred to IBAC must meet a much higher threshold of seriousness before an investigation can take place. A conduct division panel is formed if a complaint is to be investigated. The panel consists of three members: a community member appointed from a pool of people of high standing on the recommendation of the Attorney-General, a retired judicial officer appointed from a pool of officers on the recommendation of the Attorney-General and a serving judicial officer, retired justice of the High Court or another retired judicial officer.

The panel will have extensive investigative powers, some of which are limited to matters that could require the removal of a judicial officer. The panel can also require a judicial officer to undergo a medical examination in certain circumstances. The panel does have the capacity to dismiss a complaint, and it must do so unless it is satisfied that the matter could amount to proven misbehaviour or incapacity serious enough to warrant removal. Alternatively the Judicial Commission may investigate the matter further if it believes the issue either may affect or has affected the officer's performance or judicial duties, or the officer's conduct may have infringed the standards of conduct generally expected of judicial officers.

The panel must also dismiss a complaint in certain circumstances, such as if it is satisfied that it concerns pre-appointment behaviour that would not warrant removal, it relates directly to the merits or lawfulness of a decision, it relates to the private life of the judicial officer and could not be reasonably considered to affect the performance of judicial functions, it is vexatious or the person is no longer a judicial officer. The panel has some discretion when deciding to dismiss a complaint. It may do so if it is not satisfied that the matter would warrant the removal of an officer or further consideration, if the matter occurred at too remote a time to justify consideration or if further investigation is unnecessary or unjustified.

If the panel does not dismiss a complaint and is satisfied that certain facts could warrant an officer's removal, it must report that opinion to the Governor and have the Attorney-General table the report in Parliament. Alternatively the panel may also report its findings and any recommendations to the head of jurisdiction.

There are some provisions for the standing down of a judicial officer. The head of jurisdiction can stand down a judicial officer on a temporary basis, but a standdown of more than 21 days will require the recommendation of the panel along with the agreement of the head of jurisdiction. The chief justice and the president of the Victorian Civil and Administrative Tribunal can only be stood down if the council of judges determines so upon the recommendation of the panel.

Labor has some concerns about that particular provision. Members on this side of the house are concerned that the chief justice or the president of VCAT could potentially be stood down by a hostile court. Though we do not have that situation here in Victoria at the moment, we think that the independence of the chief justice and the president is paramount, and we are concerned that this legislation may impact upon that in the future. We will be very closely looking at how that plays out.

If the panel decides that there are grounds for the removal of a judicial officer, it must report to the Governor. Importantly, the existing provisions in relation to the removal of judicial officers will be maintained — that is, it will remain that a judicial officer can only be removed by the Governor in Council acting upon a vote by special majority of both houses of Parliament, it will still be a pre-requisite for a valid vote by Parliament that the independent conduct division has concluded that facts exist warranting consideration for removal and it will remain that the only grounds on which a judicial officer can be

removed are proved misbehaviour or incapacity. In Labor's view it is good that there is such a rigorous process for the removal of a judicial officer, because it values the independence of our judiciary here in Victoria. We would hate to see a situation in which a judicial officer is removed on the whim of the Parliament or some similar kind of mechanism, so we are very pleased to see that a rigorous approach must be taken and a thorough process must still be entered into to remove a judicial officer.

If the panel decides that the matter of a complaint is substantiated but does not warrant the removal of a judicial officer, it must report that to the head of jurisdiction, who then decides on an outcome. The outcome could be counselling, recommendations for future conduct or something similar. The head of jurisdiction reports the outcome and the reasons behind it to the commission and thereby closes the investigation.

In summary, it is a shame that it has taken four years for this bill to come before the Parliament. Labor still has some concerns about the bill, particularly what qualifies someone as a person of 'high standing'. We are also concerned that the process for standing down the chief justice and the president of VCAT may be open to manipulation and potentially impact on their independence. It is worth noting that the provisions for the removal of the chief justice or president of VCAT are different to those in relation to other members of judiciary, and that is the concern we have.

We also have some concerns with the commission and its interactions with the Independent Broad-based Anti-corruption Commission (IBAC). In particular those concerns relate to the significant deficiencies in Victoria's current integrity system and the way that corrupt conduct requires a much higher threshold to be investigated by IBAC than it does by the commission. We have been calling on the government to rectify the deficiencies in IBAC for quite a while now.

Finally, we would like to place on the record our concern about the budget for Court Services Victoria and whether it has the budget to adequately resource the commission. If the commission is to act swiftly and in a way that meets the community's expectations, it ought to be resourced so it can do that. There will probably be ebbs and flows in the work that comes before the commission, and the commission will need to be nimble enough to be able to deal with those matters in a swift way. We will be monitoring the budget of Court Services Victoria and how it is able to maintain its efficiencies.

With those comments, I reiterate that Labor does not oppose the bill and that it welcomes the introduction of a Judicial Commission. However, we do think it has taken far too long for this bill to come before the Parliament and for it to be debated here in the final days of this government when it is a matter that was well and truly ventilated and discussed back in 2010.

**Mr NEWTON-BROWN** (Prahran) — I rise to speak in support of the Judicial Commission Bill 2014. The bill establishes the Judicial Commission of Victoria, which will investigate complaints and concerns that members of the public have about judicial officers, judicial registrars and members of the Victorian Civil and Administrative Tribunal (VCAT). The bill will maintain the current constitutional protections for these judicial officers and strengthen the protections that judicial registrars have such that they can only be removed by this Parliament. The bill will also expand the powers of the heads of jurisdiction to enhance their ability to manage the courts and respond to recommendations made at the conclusion of any investigation.

The idea behind this bill is to increase the confidence that members of the public have in the Victorian justice system. It will do that by establishing a transparent, formal and consistent system for dealing with complaints and concerns about judicial conduct and capacity, while at the same time protecting the independence of the judiciary, which is so important.

In my time practising before coming to this place, I only witnessed one example of inappropriate behaviour by a judicial officer. It was at a VCAT hearing where the presiding officer was overly familiar with the barristers who were appearing in that case. The planning list at VCAT was quite a small one. Everybody knew each other, and there were plenty of events and conferences where everybody got to know each other. Certainly, there was nothing untoward other than an overfamiliarity, which was evidenced in the hearing room. For my client that was justifiably an issue in that he wanted to be sure that there was not anything going on that would affect the impartiality of the member. When people appear before courts, whether it is VCAT or higher courts, there is a legitimate expectation that the courts will have impartiality and there is also an expectation that should there be concerns there be some way of having that impartiality reviewed or having complaints investigated.

Judicial independence is of primary importance as well, and this bill will protect the independence of judicial officers by retaining a number of important

protections — for example, a judicial officer can only be removed by the Governor in Council acting upon a vote by a special majority of both houses of Parliament, which is a 60 per cent majority in both houses. It will be a prerequisite for a valid vote by Parliament that an independent body has first concluded that facts exist that may warrant the consideration of removal from office. The only grounds on which a judicial officer can be removed are proven misbehaviour or incapacity. These protections will increase and secure the independence of the judiciary and at the same time provide the community with avenues via which their complaints can be considered.

The current situation is that serious complaints can be dealt with under Part IIIA of the Constitution Act 1975. This existing system can be criticised for two primary reasons. Firstly, the Attorney-General has a significant involvement in any process that removes someone from the judiciary. This is not something that is desirable, and it potentially undermines the independence of the courts to have the Attorney-General having such a significant involvement in that removal process. Secondly, there is no formal mechanism under Part IIIA of the Constitution Act for dealing with less serious complaints. These are usually handled internally by the head of jurisdictions on an ad hoc basis.

The present system really does discourage complaints because it is so unstructured, obscure and opaque. This bill establishes for the first time an independent body which will investigate the conduct of judicial officers and members of VCAT. The main objective for the creation of the investigation process which is established by this bill is to make the complaints process much more formal and also much more transparent.

In the course of drafting this bill the Attorney-General, as always, consulted widely with the profession. I might add that a hallmark of his tenure as Attorney-General in this state has been the very good relations he has had with the legal profession, in stark contrast to the former Attorney-General. All heads of jurisdictions have been consulted extensively about this bill. The Law Institute of Victoria has been consulted, as has the Victorian Bar. The privacy commissioner and the health services commissioner were consulted about exemptions from the Freedom of Information Act 1982, the Health Records Act 2001 and the Information Privacy Act 2000. IBAC and the Victorian Inspectorate were also consulted about how this bill interacts with Victoria's integrity legislation.

The functions of the commission are, first of all, in the area of professional standards. It will ensure there are

guidelines for the standards of ethical and professional conduct and general standards of appropriate conduct expected of judicial officers and non-judicial members of the Victorian Civil and Administrative Tribunal. There will also be complaint-handling functions under this bill for the receipt and referral of complaints regarding judicial officers and non-judicial members of VCAT, including disclosures made under the Protected Disclosure Act 2012.

The commission will also provide support to the conduct division, and part of its role is to disseminate information and educate the public about the functions of the Judicial Commission. These educative functions are limited and intended to support the integrity of the courts and VCAT. Some examples of the educative functions the commission could perform are reports and statements on the resolution of specific complaints and referrals, guidelines for dealing with ethical issues, case studies to assist judicial officers, and standard-setting material responding to issues and trends relating to the integrity of the courts.

The bill provides that any person can make a complaint about the conduct or capacity of a judicial officer or non-judicial member of VCAT. The Law Institute of Victoria and the Victorian Bar may also make a complaint on behalf of one of their members. The Attorney-General may make a referral about the conduct or capacity of a judicial officer as well, and the head of a jurisdiction may also make a referral. When the commission receives a complaint, it will conduct a preliminary examination to determine the identity of the officer concerned, whether the complaint or the referral relates to a judicial officer or non-judicial member of VCAT and whether the person who made the complaint is a vexatious complainant as defined by the bill. If the matter is to be referred to the conduct division, the commission will determine how the conduct division panel will be constituted.

If the commission does not dismiss a complaint at this stage, it may refer it to the conduct division. The commission only dismisses complaints on a number of specified grounds: the first being that it is a vexatious complaint; second, that it does not relate to the Victorian judicial officer or the member of VCAT; and third, that the complaint relates directly and solely to the merits or lawfulness of a decision or procedural ruling. Therefore it is not an avenue for people to have a second bite at the cherry if they are unhappy with the decision that was given in the court.

This bill goes some way towards rectifying the situation that has crept into the legal system in Victoria where people were not feeling overly confident about the

system by which they were able to complain about the judiciary. This bill provides a more transparent and accessible means by which people can make complaints and have them dealt with in an expeditious manner.

**Mrs POWELL** (Shepparton) — I am proud to rise to support the Judicial Commission Bill 2014 and again to congratulate the Attorney-General on behalf of the government for the great work that he and the staff of his department and office have done not just on this bill but on a number of bills that hopefully will be passed this week. A lot of the work that is done in this place is amending very important bills when improvements can be made. I know that the Attorney-General does that and does it really well. The member for Melbourne said in her contribution that the opposition is not opposing this legislation, and I am very pleased to put that on the record.

This legislation has a very significant purpose, which is to establish the Judicial Commission of Victoria under the Constitution Act 1975. This commission is the first of its kind in Victoria and only the second of its kind in Australia. It will conduct investigations into judicial officers and non-judicial members of the Victorian Civil and Administrative Tribunal. While we all expect that judicial officers act professionally, independently, impartially and with fairness and integrity, from time to time there are complaints about comments made by our judicial officers or about their behaviour. The commission will be able to deal with those complaints about inappropriate or insensitive remarks, which have the potential to either prejudice a case or influence jurors.

While the complaints cannot be about the decisions or rulings of judicial officers, they can be made about their behaviour and their remarks, which can sometimes be inappropriate or very insensitive. From time to time we hear of or see reported in the papers remarks made by judicial officers. One case I remember was when a judge in a rape case said 'No doesn't necessarily mean no'. Another case involved a rape victim who was unconscious or asleep during the assault and the judicial officer cast aspersions about the severity of that case because the person was not aware of it.

Decisions about the rulings made by or allegations of corruption or criminal conduct against judicial officers will continue to go to and be dealt with by IBAC or referred on to Victoria Police. That is the appropriate place for those sorts of complaints to be referred to. But complaints against judicial officers that they are continuing to delay proceedings could prove very costly for a person wanting to have their case dealt with in the courts and could also be very costly as far as their time

is concerned. Complaints about delays are also dealt with in this bill.

**The ACTING SPEAKER (Mr McIntosh)** — Order! The time appointed under sessional orders for me to interrupt business has now arrived. The honourable member may continue her contribution when the matter is next before the house.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The ACTING SPEAKER (Mr McIntosh)** — Order! The question is:

That the house now adjourns.

### East–west link

**Mr DONNELLAN** (Narre Warren North) — My adjournment matter today is for the Minister for Roads. The action I seek is for the minister to find solutions to the terrible shortage of sporting facilities around the government's \$8 billion east–west tunnel, and specifically for the Ormond Park sporting facilities. These facilities are very popular and will be adversely affected by the proposed construction of the east–west link. They are intensively used by various different clubs, including the Moonee Valley Bowls Club, which has fixtures such as the Saturday pennant, the under-18 team on Sundays and the Tuesday pennant both in the afternoon and at night. The club does not use the facilities on Wednesdays, but it uses them again on Thursdays and Fridays.

The Moonee Valley Bridge Club also uses the facilities, with fixtures from 1.00 p.m. to 4.00 p.m. on Sundays, from 7.30 p.m. to 10.30 p.m. on Mondays, from 1.00 p.m. to 4.00 p.m. and 7.30 p.m. to 10.30 p.m. on Tuesdays, from 7.30 p.m. to 10.30 p.m. on Wednesdays and from 9.30 a.m. to 1.00 p.m. on Thursdays. The Moonee Valley Cricket Club uses the facilities on Saturdays and Sundays in summertime from 8.00 a.m. to 11.00 a.m. for its juniors and from 1.00 p.m. to 7.00 p.m. for its seniors. The cricket club also uses the facilities for training on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays.

In the winter season the football club uses the facility on Saturdays and Sundays from 8.00 a.m. to 5.30 p.m., and training takes place on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays — obviously it is a very intensively used facility. Unfortunately solutions have not yet been found for these clubs to be able to run their sporting and recreational activities. Changing the venue for these clubs would adversely affect the

income of many of them. Current membership of the cricket club is 230; current membership of the football club is 250, with 120 of them being juniors who play Auskick; there are also 120 members of the bowls club and 340 members of the bridge club. Of course parking is vital for these groups, as many of them have elderly members. Again, that situation will be adversely affected by construction of the east–west tunnel.

Royal Park, Holbrook Reserve and Debneys Park will also be affected by construction of the east–west tunnel. There is a serious issue down the end of town around Moonee Ponds and Essendon in relation to the proposed construction of this project and how it will affect the sporting facilities. These issues have been raised with me by Danny Pearson, the Labor candidate for Essendon at the next election. On behalf of these clubs he is most concerned that not enough work is going into finding solutions to their issues. I urge the minister to act swiftly and aggressively to find solutions for these clubs.

### Forest Hill electorate schools

**Mr ANGUS** (Forest Hill) — I raise a matter of importance for the attention of the Minister for Education. The action I seek is for the minister to once again favourably consider the maintenance needs of several schools in my electorate of Forest Hill in light of the appalling maintenance backlog inherited from the previous state government. The unfunded schools maintenance backlog amounting to some \$420 million that was identified by the incoming coalition government stands as one of the most shameful legacies of the Labor government after its 11 long years in office. Since becoming the member for Forest Hill I have visited the schools in my electorate on a regular basis, and I used to visit them prior to becoming an MP. During these visits I have been made aware of the serious maintenance issues facing many of these schools. For example, I was recently at Highvale Primary School and I heard about some of its ongoing maintenance issues. I know other schools, such as Forest Hill College, still have significant maintenance needs as identified in the maintenance audit conducted under the coalition government.

Sadly, the previous government chose to ignore the very obvious needs of schools throughout Victoria and instead wasted huge amounts of taxpayer funds on a range of bungled and failed projects. I have spoken about a number of Labor failings many times in this place. The fact that each and every day for the next 27 years Victorians will pay out \$1.8 million for a desalination plant that Labor said it would not build is symbolic of Labor's incompetence. I often think about

what could be done with \$1.8 million per day to improve our community, including the Forest Hill community. With \$12.6 million per week and \$54 million per month, imagine what that money could be used for. In the education portfolio alone the entire remaining maintenance backlog could be wiped out in less than one year.

Again I congratulate the Minister for Education on his solution to address this maintenance issue by delivering on our election promise to conduct a full maintenance audit at all Victorian government schools. In 2013 the minister announced that, as part of the program to address this Labor-created maintenance backlog, \$51.5 million would be allocated and spent at some 250 schools in need of urgent maintenance.

All the schools in my electorate of Forest Hill have dedicated, hardworking and committed principals, teachers and volunteers. I thank them all for the great work they do in their local communities. I am pleased the coalition government is determined to provide the students and the broader school community with properly maintained facilities. I once again welcome the favourable consideration by the Minister for Education to provide funding for schools in my electorate of Forest Hill to address the atrocious Labor schools maintenance backlog, and I look forward to hearing the outcome of this request.

### **Merv Irving Nursing Home and Ian Brand Nursing Home**

**Mr BROOKS** (Bundoora) — I wish to raise a matter for the attention of the Minister for Ageing, and the specific action I seek from the minister is that he halt the sale of the Merv Irving Nursing Home and the Ian Brand Nursing Home in my electorate of Bundoora. These two state-owned nursing homes play a very important role in my local community. The Merv Irving Nursing Home in particular plays a specialist role in supporting residents who have psychogeriatric conditions — people who have severe dementia and so on. Unfortunately these two nursing homes are in danger of being sold off by this government as part of a program of public sector aged care privatisation. We have already seen this government close over 400 public sector aged-care beds, and eight facilities around the state have already closed. There is a \$25 million cut in this year's budget for public aged care and in the following financial year there is a slated \$50 million cut, so \$75 million will be ripped out of public aged care by this government. It is part of a program to privatise over 1000 public aged-care beds.

I have spoken with residents in my community who have family members in aged care, particularly at the Merv Irving Nursing Home, which as I said plays a very important role supporting people who cannot be supported in other sorts of facilities. Many of these people had been placed in private nursing homes and other health facilities and were not able to be accommodated properly, so they found relief and support at the Merv Irving Nursing Home. When I sit down and talk with the husbands, wives and children of these people they are absolutely distraught at the prospect of the facility being sold off by this government and potentially closed. Many of these people have expressed the hope that something so foolish, short-sighted and cruel would not possibly happen. Unfortunately we have already seen the recent closure of the Weighbridge aged-care facility in Flemington, which indicates that this government intends to pursue the sale and closure of these facilities.

I was horrified to read in *Hansard* a comment made in a debate that took place yesterday on a motion on aged-care services moved by Ms Mikakos, a member for Northern Metropolitan Region in the other house. When she raised the issue the Minister for Housing interjected with 'Spare us the crap'. There is nothing more insulting to the families of those people in public sector aged-care homes who are at risk of having their loved ones left without the facility they need than having that sort of response from a minister of the Crown. On behalf of those people with family members in the two nursing homes in my electorate, I ask the minister to halt the sale process so that proper analysis can be done as to the impact the sale would have on those people who rely on these facilities.

### **Caulfield Racecourse Reserve**

**Mr SOUTHWICK** (Caulfield) — The matter I wish to raise is for the Minister for Environment and Climate Change, and the action I seek is for the minister to correspond with the Caulfield Racecourse Reserve Trust with a view to progressing the negotiations between the Melbourne Racing Club (MRC) and the trust regarding the lease agreements. I understand the renewal of the agreements with the MRC will continue the long-term operation of the racecourse, and I understand it is a complex process. Certainly it is important that the community get absolute maximum benefit out of this agreement. At the same time we also need to preserve the great racing history of Caulfield.

My major concern is with regard to the land at the centre of the racecourse, particularly around community and sporting purposes. Last year the minister and I

launched a \$1.8 million upgrade which was funded by the MRC. On the same day we had a fun run, attended by 1000 people from the local community and with 500 people doing the run, which raised \$50 000 for local community charities. This particular upgrade included a barbecue, a jogging track, picnic areas, a small sportsground and a walking track. One of the things that this area does not have is an activated sporting area. No matter what we do — and we have certainly been very active, and it is something I have been working on since being elected — we cannot get people into the centre of the racecourse. We are desperately short of open space in the Caulfield and Glen Iris areas. Unfortunately, because of the racetracks and the difficulty in accessing the Caulfield Racecourse Reserve, it is very hard to get people into the centre of that racecourse.

We know, after lots of hard work, that the only way to do that is to activate it through sporting grounds. We need to allow football, soccer and even baseball and cricket clubs to use these facilities. I understand that the MRC has moved a long way since our first discussions and is keen to provide the sorts of sporting facilities that create a Happy Valley at Caulfield. If you think of Hong Kong and the Happy Valley Racecourse and how that activates the centre, you realise we have a great opportunity to activate the centre here in Caulfield at the Caulfield Racecourse Reserve.

The big issue is that the longer these negotiations continue, the longer it is that the sporting clubs in my electorate are locked out of this valuable piece of land. We are locked out, and in fact we are landlocked in terms of sporting opportunities in my area. It is really important that we do something about it. I believe there have been three mediations and 12 months of negotiations — it has been a long, drawn-out process — and I think now is the time to get some real action on this to ensure that we open that space for the sporting clubs in my area.

### **Cranbourne electorate bus services**

**Mr PERERA** (Cranbourne) — I wish to raise a matter for the Minister for Public Transport. The action I seek is the introduction of a much-needed bus service for the new estates of Cascades on Clyde and Selandra Rise in my electorate of Cranbourne. I have been approached by many residents living in the Cascades on Clyde estate and also by residents living in the Selandra Rise estate who have expressed their concerns about access to public bus services. The government had the chance to deliver proper new bus services for the residents of Cascades on Clyde and Selandra Rise, but it chose not to. On 27 July this year it extended an

existing bus service from Cranbourne East to run along an extra road called Linsell Boulevard, missing the estates of Cascades on Clyde and Selandra Rise and not entering these estates at all.

Over 1000 residents call Cascades on Clyde and Selandra Rise their home, with many more moving in week after week. Many of these families are young families. With the rising costs of motor vehicle registration and now with the Abbott government's decision to increase the cost of petrol, many residents are looking for alternative ways to commute. If you live in areas like Cascades on Clyde or Selandra Rise, there is no other direct way to commute by public transport other than by walking long distances. I had one resident stating that he has to walk over a kilometre to even get to a bus stop along Linsell Boulevard. I had another resident complain that the government had forgotten to construct enclosed bus stops along Linsell Boulevard, and with this wintry weather Linsell Boulevard is quite cold and windy. Another constituent stated the following:

The new bus service 798 has started but has come with its own set of problems.

The bus travels from Lyall Street to Linsell Boulevard via Cranbourne station.

The buses travelling in either direction have the same stop and signage at Cranbourne station.

It is most confusing and the drivers ask passengers to refer to the destination board, which gives no information!

The bus timetables at the stop also refer to one-direction timings only.

The new route these constituents are seeking is a well-oiled service to run along Linsell Boulevard, passing through Cascades on Clyde at the north end of the Selandra Rise estate. Cascades on Clyde is a vibrant master-planned community created to suit the growing needs of my electorate's modern families. With regard to Selandra Rise, in 2008 the then Victorian state government and the Planning Institute of Australia recognised the need to create a new and improved design standard for the suburbs of the future.

### **Mildura small business**

**Mr CRISP** (Mildura) — I raise a matter for the attention of the Minister for Small Business. The action I seek from the minister is for him to outline the programs or initiatives that are available to assist local retailers in Mildura and in particular how to encourage people to shop locally. Another action I seek from the minister is to find a time in his busy schedule to come to Mildura and meet small business owners and discuss

the opportunities and challenges faced by their local communities.

Small businesses are the backbone of the Victorian economy. There are over 525 000 small businesses in Victoria, and 30 per cent of those are in regional Victoria. In my electorate there are close to 5000 small businesses that employ almost 22 000 people. These businesses can be in the agricultural area as well as in trades, services and retail. In particular in Mildura our retail sector is well organised, particularly in the CBD, where we have the Mildura City Heart Traders. Cathy Violi is the CEO of that organisation and is a tireless worker in promoting retailers, particularly in our CBD. They are supported by a board of management and by Dale Stafford, and if the minister comes to Mildura, I think Dale will prove to be a valuable contact to talk to about retailing in Mildura. These businesses are the backbone of the economy, and in particular our trade-based economy. When you see a ute or a ute-and-trailer combination go past, most of the time you are looking at a small business.

It was great last year to be able to announce a \$20 000 grant to assist the Mildura Rural City Council to improve the skills of business owners in Mildura. These are difficult times for retailers, and skilling programs are extremely important. I was also pleased to see that six events were offered in Mildura as part of the Small Business Festival Victoria. It has been great to see the support the Victorian government has offered small businesses in my electorate of Mildura, and I am very keen to hear from the minister about what else we can do to help our local retailers and have our shopping strips thrive in our communities.

### **Thornbury High School**

**Ms RICHARDSON** (Northcote) — My matter is for the Minister for Education, and it concerns the Thornbury High School Indigenous program. The action I seek is for the minister to restore the funding for this program to ensure its ongoing success. Thornbury High School has the highest number of Indigenous students of any metropolitan high school, with a current enrolment of 52 students. Its record of success with our Indigenous students is outstanding, but it has not happened by accident. Working closely with the community, students in the past have benefited from four part-time tutors through the Wannik strategy and a project officer through a mix of state and federal funding. The school has also allocated a member of its teaching staff to coordinate the program.

Despite its demonstrable record of achievement, the funding for this program has been cut, costing the

school its tutors and its project officer. This is an incredibly short-sighted and heartless decision. Thornbury High School has managed to raise enough money off its own bat to keep its project officer and restore two of the four lost tutors until the end of 2014. This still leaves it two short of what is needed and leaves the school community high and dry for next year.

On 21 July I wrote to the minister, calling on him to act in the interests of the Indigenous students at Thornbury High School. Just to be clear, we are talking about a total sum of \$80 000, which is not a great deal of money when you think about the education budget. I am sad to say that to date I have not received a response from the minister. In my view and in the view of the wider school community the only adequate response is one that ensures that this program and the success it enjoys has ongoing support from the minister.

There are countless stories told by students and their families and by their teachers about the success they feel they are gaining from this unique program, but importantly the results are also in. These kids' results and attendance records have improved markedly. Despite this, despite the obvious need and despite our oft-stated aim of trying to find something that actually works, this minister has seen fit to turn his back on Thornbury High School. Only through the efforts of the school and the generosity of the wider community has a project officer, Guy Neaves, been secured. Guy is a critical player in the program, and the thought of losing him has angered the wider school community. If the funds have been reallocated or redirected to some other program, then clearly more must be done to find additional funding to support Thornbury High School and its Indigenous students.

### **South Barwon electorate schools**

**Mr KATOS** (South Barwon) — I rise in this afternoon's adjournment debate to request action from the Minister for Education. The action that I seek is that the minister provide more funding for the maintenance of schools in the South Barwon electorate. A comprehensive maintenance audit of more than 27 000 school buildings across Victoria was carried out in 2012, fulfilling an election promise. The independent maintenance audit has given us a clear and consistent picture of school maintenance requirements so that funding is allocated to the schools most in need of repair or rebuilding. In April 2013 the Napthine government invested \$51.5 million in maintenance funding, which saw 250 schools across Victoria benefit. In the South Barwon electorate, eight schools received a total of \$781 899. They were the Bellair and Bellbrae

primary schools, Belmont High School, Belmont Primary School, Grovedale College, Moriac Primary School, Mount Duneed Regional Primary School and Roslyn Primary School. This is a good start but more work needs to be done.

The condition assessment reports that were done gave principals the right information to better identify and manage their maintenance needs and to prioritise and plan for their schools. The reports form part of the government's commitment to increasing autonomy and reducing red tape for schools. A complete picture of the state of school buildings did not exist until the Victorian coalition government's building audit. The maintenance audit exposed 11 years of Labor neglect when the previous government reduced maintenance funding by 20 per cent. By contrast, this government has increased maintenance funding by 40 per cent since coming to office. Despite the billions spent on programs like the Building the Education Revolution, the audit revealed an extraordinary \$420 million maintenance backlog.

Since coming to office, in the South Barwon electorate we have built the new South Coast Secondary College, which was a \$37.5 million investment. That was absolutely opposed by Labor in government and by Labor in opposition. Labor did not want it. It calls itself the party of education, but it opposed the building of that school. I invite members opposite to walk along Gilbert Street, the main street of Torquay, and ask parents who have their children at school in Torquay about it. I ask those opposite whether they oppose it now. They are all sitting very quietly now, but at the time they opposed the building of that school.

We are also building a new primary school in Torquay North. There has been a major investment in Montpellier Primary School, which has been neglected by the member for Geelong during his whole time in this Parliament. Not a cent was spent on it by those opposite when they were in government. There have been investments also in Roslyn Primary School and Belmont Primary School. We have acquired two sites in Armstrong Creek for a primary school and a special school. We have been investing in schools, but as I said, there is more work to be done. I call on the minister to continue to fund the maintenance of schools in the South Barwon electorate.

### **Wallan ambulance station**

**Ms GREEN (Yan Yean)** — I rise to raise a matter for the attention of the Minister for Health. On behalf of the Wallan community I ask quite seriously and sincerely when, with 86 days left before the state election, the minister will deliver the Wallan ambulance

station that he promised prior to the last election. I ask him on which of those 86 days it will open. On numerous occasions the minister has said that the ambulance station will be built and operational before the election. Wendy Lovell, the Minister for Housing, directly mailed the constituents of the community. They had never heard of her before, but out of the blue they got a letter from her in which she said that it would be built before the election.

I remind members that it is more than four years since the coalition made this commitment of \$2 million for the purchase of land and the construction of a 24-hour ambulance station in Wallan and said it would be completed by the end of 2014. Coalition members also said they would consult with the local community about the site, which they never did. It only came to light when they finally acquired a site only a couple of months ago, after the Leader of the Opposition and I went out there to again support the local community and ask where the ambulance station was. Prior to the last election Labor also made a commitment that it would build an ambulance station in Wallan. When we make a commitment on ambulance stations when we are in government, we deliver, unlike the lot on the other side, who will not even release the most recent ambulance response data. The last ambulance response data that we have shows that at every ambulance branch in the state response times have blown out. Of course they have blown out in Wallan — because the crew that is supposed to support Wallan is 17 kilometres away in Kilmore.

I raised this matter in the house a few months ago. The Minister for Health sent me the most insulting and unprofessional letter I have ever received from a government minister. It was received this week. Rather than saying when he will deliver the ambulance station, it is like having two fingers pointing forward and one finger pointing back. He has accused me of not having raised the matter during my period in government and has said that I was culpable. I advise that it is not in the Yan Yean electorate and will not be until the election. Despite that, ever since it was indicated that it would be moved into my electorate, I have raised it in the house. I have raised it on seven occasions, including asking for it, whereas the member for Seymour has not asked for it once. She has mentioned three times that the government was delivering it but she has not asked for it once. The minister owes me an apology for this, and he should deliver.

### **St Kilda Junction**

**Mr NEWTON-BROWN (Pahran)** — My adjournment matter is directed to the Minister for

Public Transport, who is also Minister for Roads. The action I seek is that the minister facilitate a meeting with representatives of the Junction Area Action Group (JAAG), his office, VicRoads and the local councils to discuss the issues surrounding the amenity, safety and maintenance of St Kilda Junction. The junction is a major intersection, and it borders the seat of Albert Park. Together with a candidate for the electorate of Albert Park, Shannon Eeles, I have been very concerned about the day-to-day maintenance and long-term plans for the junction. Shannon and I have consulted widely with the community, particularly with JAAG members.

We have been told loud and clear that there are some short-term issues which are a result of a lack of direction as to who has responsibility for various parts of the maintenance of the intersection. Some examples of this include: the maintenance work of clearing litter from the walkways to and from the pedestrian tunnels; cleaning graffiti off the walls, including the walls located adjacent to tram stop 30 and bus stop 914; maintaining lighting in the pedestrian tunnels, including the repair of burnt-out lights; management of the dual-use pathways used by pedestrians and bike users, including the signs for bike riders to dismount bikes; and responding to flooding issues in the tunnels, which have caused significant problems for local residents.

In the longer term, there are concerns about the future of the junction. It is in need of a master plan. There are concerns about the tram stop being compliant with Victorian disability access standards, and there are concerns about safe access to St Kilda Junction from and to bus stop 914. There are also concerns, which Shannon Eeles and I have both discussed with the residents, about the physical barrier St Kilda Junction creates between the tourist spots of the bay and St Kilda, and Prahran and Chapel Street.

Efforts have been made by JAAG, but it has run into problems with various sections of VicRoads and various councils, with no-one ready to take responsibility for the short and long-term issues. I commend JAAG for bringing these issues to my attention. It is an effective residents group that lobbies for improvements locally, and I was pleased to work with it and St Michael's Grammar School to get a new pedestrian crossing on Wellington Street opened earlier this year. I look forward to the minister facilitating these meetings so that we can help JAAG to continue to do the great work it does improving our local amenity and community.

## Responses

**Mr R. SMITH** (Minister for Environment and Climate Change) — I rise to respond to the member for Caulfield, who raised an issue regarding the Caulfield Racecourse Reserve. For some time the member has been advocating strongly for adequate public space to be provided for residents in his electorate. I understand that the city of Glen Eira has the least amount of public open space in metropolitan Melbourne. What is available should be jealously guarded, and the member for Caulfield has been a great advocate, ensuring that we get better community access to the Caulfield Racecourse Reserve, among other areas.

I advise the member that there have been some very successful mediations between the Caulfield Racecourse Reserve Trust and Melbourne Racing Club. It is of utmost importance that we make sure that these tenure arrangements are progressed as quickly as possible so that we can allow those parties to continue with some certainty for the future. The Victorian government is committed to ensuring that the community aspirations for the reserve are met, and with the assistance of the member for Caulfield we can achieve that outcome. I would be happy to write to the parties involved with a view to having these particular negotiations progressed as quickly as possible. I know residents desire a speedy outcome.

**Mr DIXON** (Minister for Education) — The member for Northcote raised with me an issue regarding the funding of Koori programs at Thornbury High School. We have a great record of outcomes for Koori students in Victorian government schools. In fact we now have record retention rates for secondary school students, we have record numbers of Koori students undertaking year 12 and we have record numbers of Koori students going from year 12 into university. There has been some great work done by all those involved in Koori education: in preschools, primary schools and secondary schools. The Koori Academy of Excellence, in which many students from Thornbury High School have taken part, is about promoting excellence and partnerships between a whole range of providers, such as the schools, the parents and most importantly the Koori community, and it has really encouraged those students.

I am aware of the Koori education and tutorial programs at Thornbury High School. I have been out to the school, and they have told me about them. Every government school in Victoria now has increased funding, and they have flexibility in their funding. We do not direct schools on how to spend the money —

**Ms Richardson** interjected.

**Mr DIXON** — In fact, yes, in the record funding there is \$1 billion more in Victorian schools — —

**Ms Richardson** interjected.

**Mr DIXON** — It is on top of population growth; it is growth money and extra money that has come into our schools. In fact schools will receive their indicative student resource packages for next year within the next couple of weeks. Schools have increased funding, and they also have the flexibility to use that funding. In the funding that we put into Koori education, we are now putting a greater emphasis on primary school literacy and numeracy, because that is where we can make the difference. The biggest difference we can make is by investing in primary schools.

**Ms Richardson** interjected.

**Mr DIXON** — I do not want to take the money out of primary schools, as the member for Northcote is telling me to do. We should keep the money where it can make the biggest difference — in primary schools, in literacy and numeracy.

The member for Forest Hill raised the issue of maintenance funding. Again, I need to remind the house of the \$420 million maintenance black hole left to us by the previous government. The Labor government had record income, money coming in from all over the place and it had the Building the Education Revolution (BER), and yet it wasted millions. There was the ultranet and the BER funding. The former government wasted massive amounts of that funding, and we are still recovering from that. The former government forgot about maintenance because maintenance is not sexy. You cannot have brochures or vests or helicopters when you are doing maintenance. It is the hard work that governments should do, and that is what this government is doing.

**Ms Green** interjected.

**Mr DIXON** — The member for Yan Yean has said there is a difference between capital works and maintenance. There were so many schools that were upgraded under the previous government because they had \$300 000 spent on them, but the funding they needed for maintenance works was greater than the funding the former government spent on their capital works. There is a massive difference. You could upgrade one block and there might be three other blocks in the school that still needed maintenance work. You cannot walk away from the school community and say, 'We did up four classrooms; see you in 10 years'.

That is what the Labor government did. We would not do that.

**Ms Green** interjected.

**Mr DIXON** — Yes, it had a plan all right — it had a plan for 200 schools and it had no money. But I digress.

The member for Forest Hill talked about the importance of maintenance to his local schools. I am very pleased to tell him that I have got that in mind, and there are real needs there that we are meeting. Forest Hill College received \$2.1 million in capital works funding in the budget because it needs maintenance as well. But \$2.1 million does not buy that school's silence for 10 years, because it has maintenance needs in other blocks, so I am pleased to say there is \$582 000 coming to Forest Hill College for its maintenance, because that is just as important as capital works. Burwood East Special Developmental School will receive \$101 000, and Highvale Primary School will receive \$103 000. I am sure the member is very pleased about that.

The member for South Barwon raised a similar issue. Goodness me, his area had been neglected for years and years under the previous government — unbelievable! — whether it be in the growth areas or the upgrading of existing schools. As for maintenance, I can tell members that there is a black hole we have had to fill down there. Montpellier Primary School is another good example: it received \$4.8 million in this year's budget for capital works, but that does not complete the business. There are other buildings in the school, and they need to be maintained, so Montpellier Primary School, on top of the \$4.8 million for capital works, is getting \$56 000 in maintenance for other buildings in the school, following the black hole in funding left by Labor.

Bellaire Primary School will receive \$29 000 for maintenance, Ceres Primary School will receive \$67 000, Grovedale College will receive \$240 000, Grovedale Primary School will receive \$192 000, Mandama Primary School will receive \$6000 and Mount Duneed Primary School will receive \$47 000.

If the previous government had won the last election, we would probably have had about 1500 children crammed into a P-12 school, which it wanted to build on the one site in Torquay, which is a growth area. This coalition government instead bought the land for a secondary college. It has built the secondary college; the college is open. We bought land for another primary school in the area because of the growth, and now that is the subject of one of our public-private partnerships. We are looking after people. Even though the numbers

have reduced at that school because we have been expanding education options, there are still maintenance needs at that school, so we are providing \$458 000 for Torquay P-6 school.

This government is doing the hard work on capital and it is doing the hard work that governments should do on maintenance, unlike the previous government.

**Mr NORTHE** (Minister for Small Business) — I am pleased to rise and respond to a matter raised by the hardworking member for Mildura. The member asked me to visit his electorate and to outline any information opportunities for businesses within his region. I was able to articulate today in question time some of the initiatives that our government has undertaken at the conclusion of the very successful Small Business Festival Victoria that was held during August. Indeed a number of events occurred within the member for Mildura's electorate, and based on the feedback I have received my understanding is that many of those events and sessions were well attended, including sessions on winning government business, getting and keeping the right staff, budgeting and forecasting, improving cash flow and profitability, understanding financial statements and others. They are examples of the diverse range of programs and events that occurred during the course of August.

The member would be aware that over the past 18 months the small business bus has been present in the Mildura electorate. A number of mentoring sessions and business engagements have occurred with respect to this massive electorate over the past period. It is important from a government perspective that we do not focus our attention simply on metropolitan Melbourne. We are very much focused on making sure we can broaden the armoury of events that we have available to us. We are certainly doing that with many regional events and programs held during the course of the Small Business Festival Victoria, and we will also do that into the future with upcoming opportunities.

The member asked about potential opportunities in the future. I will raise just a couple of initiatives that would be of interest to his business sector. In the recent budget we announced a \$4 million program to help councils provide capital investment in high streets and shopping strips. This is on top of the Street Life program that the former minister, who is sitting beside me, introduced after this area had been neglected for a long period. Again, that has been a very successful program for some time. The capital improvement programs for high streets and shopping strips will be available shortly. I am sure many councils will be looking forward to the opportunity of participating in that space as well.

I have mentioned, as I did today in question time, Support Small Business Day, which is coming up on 4 October this year. The Mildura City Council last year was the recipient of a grant to help promote that day, and I really encourage the member, the council and the local traders of Mildura to beat their effort of last year. There was a modest uptake in Mildura, so I encourage the member for Mildura to get his advertising out there and promote this particular day with his council, and the shoppers and traders as well. I encourage all members to do the same. I will visit the member for Mildura over the next period of time and meet with his local business groups.

**Ms ASHER** (Minister for Innovation) — The member for Prahran raised a matter for the attention of the Minister for Public Transport in relation to having a discussion with members of the Junction Action Group in relation to St Kilda Junction. I will pass that matter on to the minister.

The member for Narre Warren North also raised a matter for the attention of the Minister for Public Transport and Minister for Roads. He asked for solutions to sporting facilities as a consequence of the east-west link. I notice that the member for Narre Warren North is not in the chamber, but nevertheless I will pass that matter on to the minister.

The member for Bundoora raised a matter for the attention of the Minister for Ageing in relation to the Merv Irvine Nursing Home and the Ian Brand Nursing Home, and I will pass that matter on to the minister. However, when I pass that matter on I will draw the minister's attention to some material in relation to the Minister for Housing that the member for Bundoora mentioned, and I will advise the Minister for Ageing very strongly to check the record, because I question the premise of what the member for Bundoora said. I will ask the Minister for Ageing to check the record and indeed the context of what may have been said.

The member for Cranbourne raised a matter for the attention of the Minister for Public Transport in relation to bus services in his electorate. I will pass that matter on to the minister.

The member for Yan Yean raised a matter for the attention of the Minister for Health in relation to the Wallan ambulance station. I will pass that matter on to the minister. During her contribution the member for Yan Yean mentioned the member for Seymour, who is a very effective local member. I encourage the member for Yan Yean to base her conduct on the effectiveness of the member for Seymour.

**The ACTING SPEAKER (Mr McIntosh) —**  
Order! The house now stands adjourned until the next sitting day.

**House adjourned 4.42 p.m. until Tuesday,  
16 September.**