

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 11 June 2014**

**(Extract from book 8)**

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The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

(from 17 March 2014)

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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* — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

*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:**

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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)

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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'Amrosio, 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>3</sup> Resigned 18 February 2013

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

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

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

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

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

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



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**Wednesday, 11 June 2014**

**The SPEAKER (Hon. Christine Fyffe) took the chair at 9.33 a.m. and read the prayer.**

**PRIVACY AND DATA PROTECTION BILL 2014**

*Introduction and first reading*

**Mr CLARK (Attorney-General) introduced a bill for an act to provide for responsible collection and handling of personal information in the Victorian public sector, to establish a protective data security regime, to repeal the Information Privacy Act 2000 and the Commissioner for Law Enforcement Data Security Act 2005, to make consequential amendments to other acts and for other purposes.**

**Read first time.**

**BUSINESS OF THE HOUSE**

**Notices of motion**

**The SPEAKER** — Order! Notices of motion 10 to 19 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

**PETITIONS**

**Following petitions presented to house:**

**East–west link**

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly Denis Napthine’s \$8 billion tunnel. In particular, we note that:

1. Denis Napthine is trampling on the rights and homes of local residents;
2. the \$8 billion tunnel won’t do enough to fix congestion and isn’t a priority for Victoria.

Petitioners therefore request that the Legislative Assembly calls on Denis Napthine to take this \$8 billion tunnel to an election and let the Victorian people decide.

**By Mr WYNNE (Richmond) (430 signatures).**

**East–west link**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly recent news

regarding the Napthine Liberal government’s intention to build an \$8 billion tunnel. In particular we note that:

1. the Napthine Liberal government is trampling on the rights and homes of local residents;
2. the Premier has failed to present a business case for this tunnel, which will do nothing to fix traffic congestion for most Victorian motorists; and
3. the \$8 billion tunnel will mean there is no funding available for other desperately needed transport infrastructure.

Petitioners therefore request that the Legislative Assembly calls on the Napthine Liberal government to seek a mandate from the people of Victoria before spending \$8 billion of taxpayers money on this tunnel.

**By Mr WYNNE (Richmond) (28 signatures).**

**Tabled.**

**Ordered that petitions be considered next day on motion of Mr WYNNE (Richmond).**

**DOCUMENTS**

**Tabled by Clerk:**

Auditor-General:

Prisoner Transportation — Ordered to be printed

Using ICT to Improve Traffic Management — Ordered to be printed

**MEMBERS STATEMENTS**

**Altona electorate bus services**

**Ms HENNESSY (Altona)** — I rise to raise two matters with the house this morning. The first relates to the ongoing concerns of many in my community about the changes to bus services that were instituted by the government upon the opening of the Williams Landing station last year. There continue to be concerns deeply felt across my community about new routes, areas being abandoned in particular estates, including Sanctuary Lakes, Seaholme, Laverton and some parts of Truganina, and changes that abandon access to Aircraft station. While changes to bus services and routes are not in and of themselves to be opposed, there needs to be better consideration of patronage of routes and community needs and a commitment to delivering wider access for more people, particularly in growing communities.

Information I obtained under an FOI application demonstrated that the government had decided that the communities which rely upon this bus service were

simply not a financial priority. People in my community are rightly angry about the government's failure to address these concerns in the recent budget.

### John Ballestrino

**Ms HENNESSY** — The second matter I wish to raise today is to congratulate an important pillar of our community who was a recipient of an Order of Australia medal in the Queen's Birthday honours list — John Ballestrino. John is dedicated to the service of our local community. He was deservedly recognised on the weekend for his service, particularly to local sporting organisations of which there are simply too many to name. His service extends far beyond sporting organisations; it is to charity groups, school communities, traders associations and many others. In all of his endeavours he has been supported by his lovely family: his wife, Maree, and children Stephen, Luisa, Jake and Michael. I wish to publicly add my congratulations — —

**The SPEAKER** — Order! The member's time has expired.

### Swan Hill June Racing Carnival

**Mr WALSH** (Minister for Agriculture and Food Security) — Over the long weekend there were three great days of racing in Swan Hill. Murray Mallee Racing CEO Aaron Garvie told the *Swan Hill Guardian* that he is confident that at least 5000 people were trackside on Sunday, which is a record number. Organisers report that the crowds were well behaved and the track held up well during the three days of racing. Not only is the Swan Hill June Racing Carnival one of the greatest social events on the district's calendar, it also delivers an economic boost to Swan Hill's hotels, motels, cafes and restaurants. In the wider Mallee area the racing industry is worth \$55 million in annual economic benefits to the local communities and it supports about 1000 jobs.

### Murray Downs Swan Hill Cup

**Mr WALSH** — The Murray Downs Swan Hill Cup was won by Diamonds At Noon, a seven-year-old trained by Colac's Bill Cerchi and ridden by Craig Robertson. As always with racing, there is a great story behind the win. Bill was encouraged after Diamonds At Noon carried 62 kilograms and ran a game third on Friday. Diamonds At Noon then backed up to take out the \$100 000 Swan Hill cup at 50 to 1, his career best performance. Unfortunately I did not back it, otherwise it would have been a great win.

### Victorian Racing Industry Fund

**Mr WALSH** — The coalition government is a great supporter of the racing industry, and its \$79.5 million Victorian Racing Industry Fund has been critical in supporting country racetracks around Victoria and has helped to upgrade facilities. I recently announced a grant of \$32 000 to invest in new practice starting gates at the Swan Hill track, which have helped the local training industry to achieve wins in some of the races.

### Victorian energy efficiency target

**Ms D'AMBROSIO** (Mill Park) — The Napthine government stands condemned for its plan to axe the Victorian energy efficiency target (VEET) scheme at the end of 2015. This comes despite the government itself having admitted in 2011 that there would be downward pressure on overall energy prices due to the cost reductions associated with energy savings achieved through the ESI, the energy saver incentive scheme.

The Clean Energy Council estimates that participating households will benefit directly through an average \$308 in savings on their electricity bills over the first five years. This represents 5.5 per cent of the average electricity bill over that period, which significantly outweighs the cost to the household of contributing to the scheme. The Clean Energy Council also estimates that typical non-participating households will benefit by an average of almost \$40 of savings on electricity bills over three years, representing just over 1 per cent of their total energy bill and more than negating the cost of contributing to the scheme.

The Australian Energy Market Commission confirmed recently that its modelling showed that less than 1 per cent of Victorian energy bills were attributable to the cost of running the VEET scheme. Other modelling estimated that the economic benefits of a national energy efficiency scheme would be more than \$2.2 billion. Forty per cent of households participating in the VEET scheme have below average incomes. Two-thirds of all Victorian households have participated in the scheme. The scheme supports 2500 jobs in Victoria, which will now disappear thanks to this government's decision to axe the scheme. The Napthine government has used dodgy modelling in a regulatory impact statement that was halted midway to avoid external scrutiny, which sits at odds with all other modelling completed by reputable bodies — —

**The SPEAKER** — Order! The member's time has expired.

### Coastcare Victoria

**Mr R. SMITH** (Minister for Environment and Climate Change) — I would like to congratulate the 25 successful community groups who are sharing in over \$200 000 from the latest round of the coalition's Coastcare Victoria grants. I know coalition members have been passionate advocates for the work being done by their local communities to protect our coastal regions. Funding from this round will support a range of worthwhile projects, including the protection of Phillip Island's coastal biodiversity, biolink restoration at Mount Martha, enhancement of hooded plover habitat at Kilcunda foreshore and dune restoration in Torquay. Another group being funded is Earthcare St Kilda, which will research the little penguin colony on St Kilda harbour breakwater, collecting data on population size, health and breeding numbers. It will also provide a penguin guiding service every evening during daylight savings for awareness raising and protection of the wildlife from public disturbance.

The range of projects that have received funding through the Coastcare grants program reflects the diversity of needs and uses of Victoria's 2 000 kilometres of incredible coastline. Through Coastcare the government is supporting the thousands of volunteers who give their time to care for our coast, championing, conserving and managing the coast on our behalf. No matter what time of the year, our coastal environments are there to be enjoyed through a range of activities, whether it be walking, riding, swimming or boating. However, with that right comes a responsibility. Our responsibility is to ensure that we have a negligible impact on the environment, which is home to many unique species of flora and fauna. The Coastcare funding builds on the coalition government's A Cleaner Yarra River and Port Phillip Bay Action Plan, which has seen this government deliver more than \$1 million in grants to support thousands of volunteers across the state. I congratulate these active environmental citizens on their initiative and commitment, and I encourage more Victorians to do their bit — —

**The SPEAKER** — Order! The member's time has expired.

### Craig Walker

**Ms GREEN** (Yan Yean) — I rise with deep sadness today to mourn the passing of a great man of the district of Yarrambat, Craig Walker. Craig was the president of Yarrambat Junior Football Club, and it is a deep sadness to lose someone so young and vibrant and such a leader for this community. My deepest sympathies go

to his wife, Melissa, his daughter, Makayla, and his son, Josh. Josh is a keen footballer, and hopefully we will see him play representative football in the future — he is really that good.

I was privileged to know Craig well. He grew up in the Yea district. He had had fabulous country values. He was a pseudo dad to the 400 kids at Yarrambat Junior Football Club. One of the things that I have always valued about Yarrambat is that the participants at the club have looked after each other. Their slogan is 'Footy does not get any better than at Yarrambat'. There are a couple of tables at the club and in the bathrooms where the club offers people support for depression when they are not going through a great time. Recently Craig won an argument with his great mate, welfare officer Rob Windsor, and handed the brochures to Rob and said, 'I know you are sad about losing that argument'. But it was actually Craig who needed that support. The club should not blame itself for the loss of Craig, because maybe that information saved others — —

**The SPEAKER** — Order! The member's time has expired.

### East Gippsland bushfires

**Mr BULL** (Minister for Local Government) — I would like to acknowledge and thank the Minister for Police and Emergency Services and Victoria's fire chiefs for recently visiting the East Gippsland region and listening to the concerns of residents regarding the management of the recent summer fire season. Residents of Tubbut, Bonang, Goongerah, Bendoc and Deddick Valley had the opportunity to provide feedback directly to the minister and fire chiefs, which has resulted in an operational review of the fires being conducted by emergency services commissioner Craig Lapsley. Residents of Lindenow, Glenaladale, Iguana Creek, Dargo, Hillside and Fernbank then had the opportunity to discuss matters directly with the minister and fire chiefs last week. Should the need arise, Minister Wells has committed to refer any matters to the inspector-general for emergency management for further investigation.

### East Gippsland Field Days

**Mr BULL** — I congratulate the Lindenow Lions Club organising committee of the East Gippsland Field Days for putting on yet another fantastic event. This well-supported event raises funds for the community, with over \$30 000 being distributed to community groups throughout the year. It attracts people from across the state, but in particular many East Gippsland

communities, including Orbost, Tubbut, Heyfield, Dargo and Maffra, to name a few.

### **Gippsland East electorate kindergartens**

**Mr BULL** — The townships of Maffra, Stratford and Swan Reach recently opened upgraded kindergarten facilities, thanks to coalition government funding. I look forward to visiting the township of Swifts Creek in the coming weeks to open yet another great facility. This is a fantastic program that invests in the future of our local children, supporting them to get a great start to their education.

### **East Gippsland events**

**Mr BULL** — There were two great events on the weekend in East Gippsland: a big crowd attended the Metung Food and Wine Festival, centred on the village green; and on Sunday a huge crowd watched Brendan Fevola kick 15 goals for Lindenow.

### **Kindergarten funding**

**Ms EDWARDS** (Bendigo West) — The Abbott and Napthine governments are a double act when it comes to cutting funding to early childhood education. The Abbott government's failure to commit to the national partnership agreement on early childhood development and the Napthine government's seeming acceptance of this decision will have devastating consequences for young children, families and kindergarten teachers across Victoria.

In the Loddon Mallee region there is growing concern about the Abbott government's failure to commit to children receiving a minimum of 15 hours of quality early learning. The Loddon Mallee Preschool Association believes the withdrawal of federal funding for 15 hours of preschool and the discontinued support for the national partnership are a backward step. Families across the Loddon Mallee region should not be expected to bear the cost of increased fees in making up the 15 hours or to choose the only other option — to reduce preschool hours.

Kindergarten teachers under the national partnership would have had access to professional qualifications and improved rates of pay. It would have also provided significant funding for preschool infrastructure to assist with growing enrolments and the 15-hour commitment. The Napthine government's budget has short-changed Victorian families by funding only 10 hours of preschool per child per week. The loss of federal funds will make things worse. Research demonstrates that a minimum of 15 hours exposure to a quality early

learning program is critical for children and fundamental to our social and economic future.

It is imperative that the Napthine government stand up to the Abbott federal government and demand a continuation of the national partnership agreement beyond 2014. To do otherwise would be sending a very disturbing message to families with young children everywhere that under the Liberal Napthine and Abbott governments kinder kids do not matter and you are on your own.

### **Eastern Lions Junior Football Club**

**Mr WAKELING** (Minister for Higher Education and Skills) — I congratulate the president, Andrew Buckley, and the committee members of the Eastern Lions Junior Football Club for the hard work they are doing in providing a great local club. I have been very impressed by the enthusiasm of the players of each age group and the involvement of the families. I wish the club all the best for the 2014 season.

### **Angliss Hospital**

**Mr WAKELING** — I congratulate Angliss Hospital in Upper Ferntree Gully on its 75th birthday. This is a wonderful milestone for the hospital and all the staff, who continue to ensure that the Angliss meets the needs of local residents in both the city of Knox and the shire of Yarra Ranges.

### **Youth leadership program**

**Mr WAKELING** — I thank the Parliamentary Secretary for Transport, the member for Narracan, for taking the time to meet student leaders from Knox secondary schools who participate in my youth leadership program. We had a great discussion about a range of public transport and road issues, as well as issues affecting young people with respect to taxis.

### **Ferntree Gully North Primary School**

**Mr WAKELING** — I was pleased recently to visit Ferntree Gully North Primary School to view its building works. This is part of a \$4.5 million funding commitment from the coalition government that will ensure that the school will be able to provide fantastic facilities for its current and future students. Building progress is well on the way and is due to be completed by the end of 2014.

### **Eastern Lions Football Club**

**Mr WAKELING** — I also extend my congratulations to all the hard workers at the Eastern

Lions Football Club. This is a great club which is doing great things in the fourth division of the eastern footy league. I wish the club all the best for a great season ahead. I know the member for Scoresby and I are very strong supporters of this great club.

### Reconciliation in the Park

**Mr TREZISE** (Geelong) — I am proud and privileged to have attended the 2014 Reconciliation in the Park event, held in Johnstone Park, Geelong, on Sunday, 1 June. Having attended the event over many years, I can say once again that this year's event and activities were very much reflective of our local community, focusing on the Wathaurong people.

Over the course of the day more than 450 people attended the event, where activities included didgeridoo playing with the talented Norm Stanley. The crowd was also entertained by the Deadly Dancers, local musos Mick and Ollie from the Louds, Craig Norman and Renee van-Parren. A new log for Reconciliation in the Park was also unveiled, which was designed and donated by local artist Catherine Gibbs. I take this opportunity to commend all those involved, especially from the Wathaurong, Geelong One Fire, City of Greater Geelong, Reconciliation Victoria, Geelong Connected Communities and many other local organisations, including the Geelong Trades Hall Council.

As I said, Reconciliation in the Park was a great success. As Mel King from the Wathaurong Aboriginal Co-operative said:

I think this is a fantastic and exciting event that gives the local Aboriginal community an opportunity to put ourselves out there, share our culture and show the world what we can do, stomp out some of the discrimination about us. This year's Reconciliation in the Park will demonstrate local Indigenous artists, musicians and other exciting activities.

Well done to Mel and all those involved in this year's event. It was a job well done.

### Queen's Birthday honours

**Mr KOTSIRAS** (Bulleen) — I wish to commend and applaud Mr Huseyin Mustafa for being awarded a Medal of the Order of Australia (OAM) in the Queen's Birthday honours, which were announced on Monday. Huss was born in Cyprus and migrated to Australia in 1968. Growing up he faced much discrimination and was not allowed to use his real name until he was 26 — 16 years after migrating. As a result of his experiences and challenges in life, he is now a strong advocate for multiculturalism and the need to respect others. As a member of the cultural diversity steering committee in

the national banking sector, he works with senior management to ensure that there is a workplace diversity strategy in place. Huss is also a part-time commissioner on the Victorian Multicultural Commission, a role that he has taken seriously and performed professionally. He works hard to ensure that Victoria remains a harmonious place that is renowned throughout the land. His award is for services to multiculturalism and the business community.

I congratulate Mr Paul Rosario Borg, who received an OAM for services to the Maltese community of Victoria. I also congratulate Dr Prem Phakey, who received a Member of the Order of Australia award in the general division for his services to the Indian community of Victoria, aged care and education. Finally, I congratulate John So, who received an Officer of the Order of Australia award in the general division for services to local government and community relations as an ambassador for cultural diversity and for services to the promotion of Melbourne. Well done to all these Victorians, who ensure that Victoria remains a multicultural capital.

### Shipbuilding industry

**Mr NOONAN** (Williamstown) — Last year Victoria's job-wrecking manufacturing minister went on a junket to the US, apparently to showcase Victoria's defence capabilities to some global defence companies. Meanwhile the future of Victoria's only large-scale shipbuilder, BAE Systems Australia in Williamstown, hung in the balance, along with 1000-plus jobs. On his return, the minister wired up the member for Caulfield to ask a parliamentary question on 26 June 2013 about the future of Victoria's defence industry. The minister took great delight in having a crack at the Gillard government, and he declared very boldly that he had met with BAE in Williamstown to discuss its uncertain future. He declared:

It is important to note that the shipbuilding industry in Victoria is dependent on contracts from the Australian government. It cannot survive unless it has contracts from the Australian government.

The scenario was very clear: unless the Australian government placed an order, the shipyards would likely die. What a difference a year and a change of government make, with Tony Abbott now at the helm and an announcement last week that the Australian government would place an order to build two new warships — not in Victoria, and not even in Australia. No, these two ships will be built overseas. This is a stunningly bad announcement for Victoria and demonstrates how little influence the Napthine government really has over the Abbott government —

exactly zero. Now many hundreds of workers at the shipyards in Williamstown face an uncertain future, and all we have had from the minister is complete silence.

### **Southmoor Primary School**

**Ms MILLER** (Bentleigh) — I was pleased to announce, with the Minister for Education, the sum of \$494 000 in infrastructure funding for Southmoor Primary School, following a tour of the school last week. I have listened to the principal, Marie Kick, to the school council and to parents, staff, students and the wider school community, who have called for this much-needed funding, which I am now pleased to deliver. The acting principal, Jenny Siriopoulos, and the business manager, Chris Horton, were surprised and overwhelmed by the announcement. They are pleased about what these funds will mean to the students and staff and how they will transform their school, which was neglected by the previous government for 11 years.

### **St Kevin's School, Ormond**

**Ms MILLER** — Recently I was invited to join the 90th birthday celebrations of St Kevin's School, a local Ormond school. Principal Michael Day led the celebrations, which began with a mass followed by a morning tea at which I was proud to make an address to the school community. It was a wonderful day. It was a pleasure for me to speak with past and current students, including nuns from the Presentation order. We enjoyed viewing a display of original items of memorabilia from the school's history.

### **Marjorie and Vere Palmer**

**Ms MILLER** — Over the weekend I was honoured to be invited to celebrate the 60th wedding anniversary of Bentleigh locals Marjorie and Vere Palmer at Milano's hotel in Brighton. I spent the afternoon with Vere and Marjorie's family and close friends, many of whom are Bentleigh locals. I was pleased to be able to present the couple with flowers, and I would like to thank Vere and Marjorie for such an enjoyable afternoon. I congratulate them on reaching this impressive milestone.

### **Bentleigh electorate Jewish community**

**Ms MILLER** — Last week the member for Caulfield and I welcomed Israel's ambassador to Australia, Shmuel Ben-Shmuel. We discussed the strong relationship between Victoria and Israel and our growing Jewish community in the Bentleigh electorate. We also discussed plans to strengthen the relationship with me and the Bentleigh community into the future.

### **Winter Wise information campaign**

**Mr HOWARD** (Ballarat East) — Last week the Minister for Environment and Climate Change, the member for Warrandyte, came to Ballarat to launch the Winter Wise energy information campaign. In a press release, the minister said:

The Winter Wise campaign builds on the Napthine government's already substantial investment in practical energy efficiency programs and complements the energy saver incentive scheme.

The Victorian Energy Saver Incentive scheme is also known as the Victorian energy efficiency target, and this scheme, highlighted by the environment minister last week, was in fact abolished two weeks earlier by the Minister for Energy and Resources, the member for Morwell. According to the state government website, the energy saver incentive scheme, helped the community cut its power bills and reduce greenhouse gas emissions. The scheme required energy retailers to reach targets on reduced energy consumption in homes and businesses across the state and initially saw households assisted to replace older light globes with newer energy-efficient globes and saw many other programs established which were making significant progress in reducing household energy bills and reducing carbon gas emissions.

While the Minister for Environment and Climate Change was reintroducing his latest information program, his colleague announced the axing of a much more substantial scheme. Not only does this show that this government is in disarray, with the environment minister talking up a program which had two weeks earlier been cut by his ministerial colleague, it also shows how this government continues to go backward in helping consumers keep their energy bills down.

### **Adoption**

**Mr NEWTON-BROWN** (Pahran) — It was a pleasure to recently meet with Felicity Marlowe from the Rainbow Families Council to discuss adoption law reform for same-sex couples. This year I have also been working with a Monash University intern to prepare a paper on the issue of same-sex adoption and in particular the interests of children in rainbow families. Personally I believe that there are compelling arguments to support same-sex adoption as being in the interests of children in many scenarios, such as those in long-term foster care or those conceived through surrogates. I look forward to continuing to work through these issues with a view to law reform in this area.

### Shu-Cheen Yu

**Mr NEWTON-BROWN** — Congratulations to Windsor resident Shu-Cheen Yu, who is currently performing as a principal artist in the Melbourne production of *The King and I*. Ms Yu's extensive list of performances is extraordinary, and I am inspired by the great success and numerous awards she has received throughout her career. I look forward to seeing *The King and I* and encourage all of my parliamentary colleagues to get to the Princess Theatre to view a performance.

### Protective services officers

**Mr NEWTON-BROWN** — The people of Hawksburn were pleased to welcome protective services officers (PSOs) to their station last week. The PSOs will be a friendly presence at the station every night of the week from 6.00 p.m. to the last train. I met with local residents at the station, and many informed me that the presence of PSOs will mean that they will now use public transport after hours.

### Melbourne International Horse Trials

**Mr NEWTON-BROWN** — I was pleased to represent the Premier at the Melbourne International Horse Trials this week. The three-star event brought the best three-star talent in horse eventing to Werribee for competitions in dressage, cross-country and showjumping. I was honoured to present the top honours to Olympian Shane Rose, riding Shanghai Joe. Well done to Equestrian Victoria, Doug Wright and Georgie Murphy for putting on this fantastic event. I look forward to them snatching the four-star event from Adelaide in the near future.

### Melbourne Boston Sister Cities Association

**Mr NEWTON-BROWN** — It was a pleasure to recently represent Premier Napthine at the Melbourne Boston Sister Cities Association annual gala dinner at the Athenaeum Club. It was great to meet with delegates from the city of Boston to celebrate the longstanding and dynamic relationship between Boston and Melbourne.

### Melbourne rail link

**Mr FOLEY** (Albert Park) — The big question in the areas of Port Melbourne, South Melbourne and Southbank is: where is the phantom Montague-Fishermans Bend-South Melbourne-casino railway station? The Napthine government's botched rail scheme is no more than a panicked idea on the run, written on the back of a beer coaster after a boozy night

in the Premier's private office. With every new day further evidence shows just how ill thought out and ridiculous this botched scheme is. Now we learn that the Napthine government's \$11 billion scheme is designed to run straight into the city's major rebuilt sewer, a sewer that Victorian taxpayers spent \$206 million upgrading in 2012.

The Napthine government has torn up the shovel-ready Melbourne Metro plan, deemed by Infrastructure Australia as the no. 1 public transport priority for Melbourne. Instead we see a scheme cooked up with no business case. The communities of Albert Park and South Melbourne will see unprecedented chaos, with heritage-listed parts of the city ripped up for a Fishermans Bend-Montague-casino-somewhere mystery station to service Minister for Planning's high-rise, high-density concrete city, which he has begun through his rubber-stamping of approvals.

When you do not have a plan and do not consult communities, when you have all the powers but none of the community values of planning, you have a public policy free for all. This is now what we have under this government. Locals want public transport options that they know will contribute to an integrated transport solution for all of Melbourne. They want public transport that will take them to where they want to go every day. They do not want transport plans to be used as an excuse to attract Hong Kong-like urban density skyscrapers, clogging their trams, roads and communities.

**The SPEAKER** — Order! The member's time has expired.

### Victorian Truck Drivers Memorial

**Ms McLEISH** (Seymour) — I attended the unveiling of the Victorian Truck Drivers Memorial and the second annual memorial service in Alexandra on the weekend. The memorial was unveiled by my colleague and good friend the member for Narracan and Parliamentary Secretary for Transport, who is very familiar with the transport industry. The memorial provides a permanent place of quiet reflection for the families and friends of the men and women who have died doing their work.

The truck driving industry includes drivers of large long-distance trucks, tow trucks and small zip-about suburban vehicles. The memorial itself creates quite an impression with its Corten steel panels, stone pathway and prominent location in Rotary Park in Alexandra. The work-related grief support services provided by Bette Phillips of Creative Ministries Network were

integral to this project. Bette has been working with grieving families over the journey.

The first memorial service was conducted last year at the same place as a part of the Truck, Ute and Rod Show in Alexandra. The committee is made up of locals Gordon Simpson, who is a quiet achiever, and Andrew Embling, and its patron is Liz Martin, OAM, CEO of the National Road Transport Hall of Fame. I want to thank the local traders for their time and skill-based volunteerism and the suppliers who donated their products. On the Sunday I was involved with the opening of the Alexandra Truck, Ute and Rod Show, and it was again a marvellous event, with record entries providing a boost to the local economy.

**The SPEAKER** — Order! The member's time has expired.

### **Earthworker Cooperative**

**Ms GARRETT** (Brunswick) — I rise to acknowledge the fine work of the Earthworker Cooperative, which is progressing strongly in its mission to establish local jobs in the manufacturing of sustainable and renewable energy technology after a decade of groundwork and preparation. It is a unique and pioneering collaboration between employers, unions and community activists and is supporting local manufacturing jobs at a time when they are sorely needed in Victoria by producing cost-saving renewable energy technology for households and families here and across the country.

The Earthworker Cooperative is working to establish an Australia-wide network of not-for-profit cooperatives, beginning with Eureka's Future, a worker-owned factory that will manufacture high-quality solar hot water systems in Morwell. Through partnerships with local businesses, Earthworker is currently producing solar hot water components in a factory in Dandenong and plans to expand production into Morwell soon, bringing much-needed employment to the Latrobe Valley.

What is unique to this cooperative is its use of agreements between unions and employers whereby individuals can decide to purchase a solar hot water service through the cooperative as part of their negotiated agreement. This gives those families and households the opportunity to reduce their energy bills, helps to create manufacturing jobs and addresses our need to reduce carbon pollution.

I call on the government to fully investigate this important cooperative and support it as is appropriate,

particularly in light of yet another disgraceful decision to cut the Victorian energy and efficiency target program and hack into much-needed environment and energy efficiency programs.

**The SPEAKER** — Order! The member's time has expired.

### **Australian Red Cross Chelsea branch**

**Ms WREFORD** (Mordialloc) — I recently attended at the Chelsea branch of the Australian Red Cross at Chelsea's St Andrews Uniting Church. We all know about its annual doorknock appeal and efforts in disaster-affected places, but the extra work it does to help others in need in the local community is largely unheralded. I wish to record my appreciation for all its members do in the community.

### **National Netball Day**

**Ms WREFORD** — The inaugural National Netball Day was held on 31 May and was a day to recognise and celebrate the netball community. I attended the Chelsea Sportswomens Centre to see and speak to players and parents from local clubs, such as the Aspendale Arrows, Chelsea Heights, Chelsea YCW and Edithvale netball clubs. They are all terrific clubs and are doing a wonderful job of getting people involved in a great sport. Netball is definitely a great sport in the region, thanks largely to the positive attitude of the clubs themselves. Well done to all involved.

### **Bayside rail project**

**Ms WREFORD** — Last week the Minister for Public Transport, Terry Mulder, attended Aspendale train station in my electorate to witness the progress on the \$115 million Frankston line upgrade. Aspendale station is leading the upgrades, with painting and the installation of tactile services, shelters and boards now occurring. Other work in the program relating to line upgrades includes preparation for the more reliable X'trapolis trains. In May 2010 the Frankston line's punctuality hit 62.6 per cent under Labor. In May 2014 it is at 90.7 per cent, which is a 28.1 per cent improvement and makes it significantly better for people —

**The SPEAKER** — Order! The member's time has expired.

### **Migrant, refugee and asylum seeker services**

**Mr PANDAZOPOULOS** (Dandenong) — I rise to raise my concerns about the Auditor-General's report

into services for migrants, refugees and asylum seekers tabled last sitting week. As the former minister and someone involved in multicultural policy for 20 years, I find it very disappointing that we have had a report that says, basically, we have gone backwards in the services for multicultural communities. It is a longstanding bipartisan area, but it is an area that needs coordination and resourcing. We have seen from the Auditor-General's report — and in fact the Auditor-General's staff told MPs this at the briefing on the report — that the government is not meeting its obligations under the Multicultural Victoria Act 2011, which is legislation that the government also supports.

The issue is to do with cutbacks across government services. Departments, as part of their whole-of-government reporting, are now falling further behind and pigeonholing multicultural affairs as a disadvantaged area rather than as a strength for the community. The report also highlights that the government got it wrong by dismantling the multicultural commission that we established when we were in government. Instead it created two agencies — the Office of Multicultural Affairs and Citizenship and the Victorian Multicultural Commission — but it did that without adding resources.

The multicultural commission in its response to the Auditor-General's report said that it cannot meet its obligations because it does not have the level of funding required to do so. Having broken them apart, not only has the government not resourced these agencies; it has in effect disjointed the leadership and authority for multicultural programs across government —

**The SPEAKER** — Order! The member's time has expired.

### Queen's Birthday honours

**Mr SOUTHWICK** (Caulfield) — I acknowledge the following individuals who have made significant contributions to our great state by serving our community, largely through philanthropic work. These individuals were appropriately awarded Queen's Birthday honours for their great work: Dr Alan Finkel, AM, for distinguished service to science and engineering, to tertiary education administration and to philanthropy and as an advocate for the protection of children; Professor Ingrid Scheffer of the University of Melbourne for distinguished service to medicine in the field of paediatric neurology; Mr Michael Gawenda for significant service to the print media as a journalist and editor; Professor Paul Komesaroff for service to ethics in medicine as a physician, researcher and philosopher;

Rabbi Morgan for service to the Hebrew congregation of Victoria, particularly through the development of spiritual and educational programs, and to a range of interfaith activities; Professor Phillip Nagley for significant service to education in the fields of biochemistry and molecular biology; Professor Jeffrey Szer for significant service to medicine as a practitioner and administrator in the field of clinical haematology; Mr Jeffrey Appel, vice-president of Jewish Care Victoria and current cabinet member of United Israel Appeal Victoria, for service to the community, particularly in the area of social welfare; Ms Evelyn Field for service to the community, particularly through school and workplace antibullying initiatives; Mr Frank Tisher for service to aged-care, cultural and sporting organisations; and to my Auntie Delysia Pahoff, who is now the fourth member of my family to have received an Order of Australia Medal, for her work for the Melbourne Hebrew Ladies Benevolent Society.

**The SPEAKER** — Order! The time for statements by members has now expired.

## MATTERS OF PUBLIC IMPORTANCE

### Budget initiatives

**The SPEAKER** — Order! I have accepted a statement from the member for Gippsland South proposing the following matter of public importance for discussion:

That this house notes the many beneficial aspects of the Liberal-Nationals coalition government's budget, including substantial increases in funding for essential services such as police, education and health, a record program for infrastructure developments thereby creating thousands of jobs and an array of initiatives for regional and rural Victoria, and contrasts these fully costed and funded programs with the vague, misleading and populist agenda of the Labor opposition, as encapsulated in the 2014 Labor policy platform.

**Mr RYAN** (Minister for State Development) — The Liberal-Nationals coalition government has a very proud record of having rebuilt Victoria and having done a lot to restore its finances after it was hit by the wrecking ball that was the Labor government. That is represented first and foremost by our AAA-rated economy, which has a stable outlook with surpluses going into the future. It is of course the envy of the nation. Every other jurisdiction in Australia would love to have what we have been able to display here in Victoria. It is the collective effort of the people of Victoria, through their government, and it is all being done despite what Labor has done and what it continues to attempt to do.

Mind you, Labor members did do something constructive yesterday, one of few such days they have had in this place — they passed, together with us, the budget of the state of Victoria for this year. We are pleased to have their unanimous support in that process. The Labor opposition has been singularly silent in its criticism of the actual content of the budget while it has tried to focus people's attention on other matters. The fact is that this is a great budget for Victoria, and we are delighted that it has passed the house with the total agreement of everybody in this place.

This budget maintains our record of achievement on behalf of the people of Victoria. It provides major infrastructure initiatives for our state. There is record funding for various service provisions across the gamut of government responsibility and, very importantly from the perspective of The Nationals in this government, it includes a raft of initiatives for rural and regional Victoria. The reality is that the Labor Party threatens most of these initiatives; it will destroy some of these initiatives. The fact is Labor members will say and do anything if it suits their own miserable purposes. This time they have exceeded their usual endeavours and have actually written their objectives down in the form of what is termed the *Victorian Labor Platform 2014*. It is therefore with reference to that document, to contrast its content with the record of our government, that I propose the matter I have provided to the house.

The Regional Growth Fund is the focus of the commentary I want to make with regard to this initiative. The fund has been an extraordinary success for rural and regional Victoria. As the house knows, it is a \$1 billion fund. The Labor Party lost \$500 million of the \$1 billion. We all remember the member for Bendigo East, in her responsibility as a shadow minister, coming in here, I think it was on 8 May, and announcing to the house that the \$500 million was a hoax and did not exist. Worse still, to the eternal chagrin of the poor member for Lyndhurst, the member for Bendigo East dragged him into the web. He had the unenviable role of heading up the questions in the Public Accounts and Estimates Committee investigations. He put the question to me, no doubt following the nonsense the member for Bendigo East was propagating, about whether the \$500 million was a hoax. 'Where was it within the budget papers?' he asked. When it was all explained to him and to the Labor Party, they went silent except for a few half-baked apologist explanations by the member for Bendigo East basically complaining that it was all hidden away and was a bit too hard.

The reality is that the \$500 million is there, and if we are re-elected to government, we will continue the

programs under the Regional Growth Fund. Indeed, why would we not? It is a great record of achievement. In the period to the end of April 1475 projects had either been commenced, were in the process of completion or had been completed. I will quickly run through the different aspects of those projects. The economic infrastructure element of the fund, which is some \$200 million, has to date invested \$168 million in 83 projects. It has leveraged investment of just over \$1 billion. That investment has in turn produced over 5000 new jobs that either exist now or are in the making. It has provided for another 10 800 indirect jobs. It has provided for an additional 3800 jobs in the construction phase. In addition to all of that there are some 8000-plus retained jobs as a result of the work of the economic infrastructure component of the fund.

I pause to say these are actual, real jobs. They are great jobs that have been created right across rural and regional Victoria or are in the phase of being created. Were the Labor Party in government, this simply would not be happening. A further \$100 million is being dedicated to the Energy for the Regions program. As we know, the former Labor government completely abandoned the regions of Victoria in terms of the extension of natural gas to those parts of the state that need it. In the closing phase of the 2010 election campaign former Premier Brumby made it very clear that as far as he was concerned, Labor was done and dusted in terms of this issue. It was not going to spend any more money — not another cracker — on the extension of the provision of natural gas to rural and regional Victoria.

We as a government have invested \$100 million in this very laudable cause. We named the provision of natural gas to 14 towns and extensions to the natural gas provision at Mildura as priority projects. We have completed or are in the final stages of completing the augmentation of Mildura's natural gas supply by some 50 per cent. We have contracts with 7 of the 14 priority towns. We have a request for tender process in place which will not only deliver gas to the remaining 7 priority towns but will also deliver natural gas to the Murray towns that come within that tender. It is a great project that is working well. Labor abandoned it.

Another \$100 million has been allocated to the Putting Locals First program, a fund from which 610 projects have resulted. So far there has been an investment of some \$68 million. That has resulted in substantial leveraged investments coming out of these initiatives. I emphasise to the house that these are local initiatives. These are initiatives that rural and regional communities have brought to the government. These initiatives are reflective of the aspirations of those

communities, something that they see as being their future. That is why this element of the program is so vitally important. It is wonderful to be able to transfer and change the way in which our country communities present. These programs have achieved wonderful outcomes for those communities.

I might also say that it has been a wonderful addition to the funding for local government. In the 48 municipalities which comprise rural and regional Victoria, local governments have come to understand that they can look to the Putting Locals First program to supplement the funds they have available. It is a very important element of what we have been able to achieve.

Another \$100 million of the \$500 million in the fund that we have access to in this term of government has gone into the local government infrastructure program. This is another \$100 million divided amongst those 48 councils on the basis of an agreed formula and it has made magnificent changes to the regions of our state. Some 400 projects have been developed through this aspect of the fund and they have resulted in roads and bridges, in libraries, in community facilities, in sporting grounds and in pools. A total of \$270 million has been invested.

**An honourable member** interjected.

**Mr RYAN** — I hear the interjection, ‘Libraries?’ coming from the other side. Just as an example, I had the great pleasure of being in Bendigo about 8 to 10 weeks ago where I was able to open the newly refurbished library, a magnificent investment on behalf of that great city. The council there chose to use the \$2 million it had available in the fund under that agreed formula. It incorporated that funding with investments from the federal government and money from the council itself to end up with a total investment of, I think from memory, about \$8 million. It is a magnificent initiative.

I say again that this funding is reflected in some 400 projects right across rural and regional Victoria. Again, the creation of this fund has resulted in the creation of those real jobs to which I referred. That in turn has resulted in the fact that as at the end of April the unemployment rate in rural and regional Victoria was 6.3 per cent. Australia’s unemployment rate in the regions was 6.8 per cent. That fund has made an extraordinary difference. In the 12 months up to the end of April this year some 18 800 jobs have been created in rural and regional Victoria, and all of this has been generated as a result of a combination of factors. Firstly, there is the strong budgetary position. Secondly,

and very importantly, there are the various programs which we have brought to the regions of the state of Victoria as a result of the operations of the Regional Growth Fund.

What is going to happen under Labor? I refer to the Murray Basin rail project that we have also funded in our budget with an allocation of \$220 million. Labor is never going to build that project. It said it would do it in 1999, but it did not ever do it and it will not do it now. It refuses to commit to it. The communities in that part of the state of Victoria that are going to be the beneficiaries of this great project need to understand very clearly that Labor, if it is returned to government, is not going to build the Murray Basin rail project. That would be absolutely tragic.

However, it is worse than that. I refer to page 12 of the famous document entitled *Victorian Labor Platform 2014* — and I should wash my mouth out with salt that I am referring to a Labor Party document, but I will — that contains the heading ‘Growing rural and regional jobs and economies’. Fancy that coming out of the Labor Party. I quote from page 13 of the document, which says:

Labor will:

Reinvigorate the successful Regional Infrastructure Development Fund to target priority infrastructure projects in each region.

What does that translate to? Labor is going to destroy the Regional Growth Fund. That is what it is going to do. It is going to bring back the Regional Infrastructure Development Fund.

*Honourable members interjecting.*

**Mr RYAN** — That is what its document says. I hear laughter from the other side of the house. The member for Melton ought to read his own policy document. I will read it again:

Reinvigorate the successful Regional Infrastructure Development Fund ...

That is what his own party’s document says. These dills cannot even read their own material. The point is that that fund provided about \$660 million or \$670 million over a period of almost 11 years. It was around \$61 million a year on average.

We have put \$1 billion into this fund over eight years. Accordingly it is an absolute and utter travesty for opposition members to say the opposition is going to reintroduce its dog of a program and destroy the Regional Growth Fund. People across rural and regional Victoria should have no misgivings and be

under no misapprehension because if it were returned to government, the Labor Party would destroy the fund. Labor has had enough time and enough opportunity to say what it is going to do, let alone the opportunity to say in its own policy document that it would retain the Regional Growth Fund. But no, on the contrary, not only has it not said that it would retain the Regional Growth Fund, it has said in its own document, which I have just read to the house, that it will reintroduce its Regional Infrastructure Development Fund.

I say to the people of rural and regional Victoria: be aware and be alarmed. All these programs and projects to which I have referred across these various sectors are never going to happen under a Labor government. The Putting Locals First program will be no more. The Energy for the Regions program was no more under former Premier John Brumby because, as I have said, he was not interested in it in any way. We can imagine all those communities out there in rural Victoria pining for the provision of natural gas, but if the Labor Party is re-elected that will never happen. Labor will destroy the Energy for the Regions program. The prospect of ever having natural gas extended across rural and regional Victoria will be finished. It was finished under John Brumby — out of his own mouth it was finished — and if this lot is re-elected to government it will also destroy it. Members can go through the raft of programs to which I have referred, and those programs will be laid waste by a Labor government, which will return to its old habits of concentrating on metropolitan Melbourne and forgetting the regions.

I conclude where I started, and on the basis of the content of the matter before the house. This government has a proud record of providing for the whole of the state of Victoria across the whole gamut of government services. If Labor is re-elected, people just have to have a look at the documentation Labor has produced to see that that work will be destroyed.

**Mr PALLAS** (Tarneit) — I rise to speak on the matter of public importance put forward by the Deputy Premier. The words of Napoleon Bonaparte come to my mind. He once said that you should never interrupt an enemy while they are busy making a mistake. If that principle were to apply, we would never get a word in in this place, because this government is littered with error, mistake and illusion. For a government that says it will not be held to ransom, this resolution proves that its members' grasp on reality has been abducted, and it is Victoria's and Victorians' opportunities that have been held hostage.

If delusion were a substitute for debate, this government would win. If arrogance were a substitute

for action, this government would be a study in perpetual motion. If government could be achieved by gobshite, then the fields of our economy would be fertilised by the fruits of their effort. It is a sign of this government's stupidity and desperation that its members are gloating about how their budget has more detail in it than the Labor Party's platform. The document they have referred to is not a budget; it is a statement of values and of intentions. It is where political parties explain to the public what they stand for.

Let us contrast the Labor Party's platform with the budget. It simply serves to show that the budget lacks not only the necessary amount of detail but also lacks coherence and reality. If members of this government really wanted to compare our platform with what the Liberal Party stands for, it seems to me that the obvious place to start would be on the Liberal Party website in the section entitled 'What we stand for'. It is a wonderful document. Members should read it. It says things like:

Liberal government means a safety net of assistance for all who are disadvantaged by life's chances ...

What a load of nonsense! This is a government that marches lockstep, arm in arm with a federal government, both of which are intent on taking away opportunities for those who are least advantaged. What if you are sick, old, unemployed or a student? Members of this government and their fellows in the federal coalition — the people they are locked arm in arm with — in their one and a half pages of beliefs basically tell us:

Liberal governments have been highly successful in Victoria and nationally over many decades.

The people of Victoria are seeing the sort of success that Liberal governments wreak upon them, and it stinks to high heaven. If members look at the Liberal Party website, they will find a page and a half of total drivel that covers protecting the environment, better public schools and a raft of other motherhood statements. There is nothing there that would give anyone an indication that the defining feature of this Liberal government would be a panicked assault on the quality of life of Victorian families. I suppose the Liberal Party's highly paid political consultants have decided that the less said about the page and a half of bare-arsed philosophical bankrupt opportunistic claptrap the better.

The Nationals statement of values has only brevity to recommend it. It is made up of 13 vacuous sentences from The Nationals headed 'What we believe'. How

dare members of the coalition government criticise a 70-plus-page document of values against their 13 vacuous sentences and their page and a half of poppycock. The Nationals referred to freedom of speech twice in their 13 vacuous sentences, so I suppose it is really 12 sentences. Nevertheless is good to know that The Nationals support the rule of law and the Westminster system, unless you are the rorting member for Frankston. If this government really wants a debate about policies and values, then I say bring it on. But that is the last thing the government wants. The government does not want to talk about values, because its members are valueless and vacuous.

This week we are all being forced to watch the Premier belligerently defile the traditions and the dignity of this place in his sordid determination to hang onto power. Any straw — any opportunity to keep himself above the inevitable tide of public opinion — will do, as he is going down for a third time. Members of the government stand for nothing and care for no-one but their own petty, grasping ambition. In his and Tony Abbott's Victoria there will not be any record funding for anything. Any suggestion to the contrary simply reaffirms a new iron law of Australian politics — Liberals lie.

**The SPEAKER** — Order! The member knows very well he is not permitted to use the word 'lie'. It is unparliamentary. There are other words he can use.

**Mr PALLAS** — Liberals are massively distorted and dislocated from reality. They have no moral compass. There is reality, and there is the Liberal Party. There is truth, and there is the Liberal Party. How was that? I will never mention the L word again.

Any suggestion to the contrary simply reaffirms the iron law of Australian politics. Since the Liberals came to government they have cut \$11 billion from essential Victorian government services. These \$11 billion in cuts have already crippled our hospital system, and they have pushed our schools into disrepair, but members of the government are apparently proud of their efforts. This matter of public importance indicates that. If the budget truly delivers record increases in funding, why will the government not reopen a single TAFE institution? Why is it that our elective surgery waiting lists are tipped to hit 115 000? Why are more and more Victorians dying while they wait for an ambulance to arrive?

The reality is this government has no bearing in reality. It has no principles and no perspective. Members of the government have lived in the rarefied air of self-delusion and self-praise, and this matter of public

importance simply demonstrates what they stand for — getting up and patting themselves on the back despite all the evidence to the contrary. This is a government with a budget jobs target in 2013–14 that it knows it cannot meet, because so far jobs growth has gone backwards, but it published it anyway. This is a government that has overseen the highest youth unemployment on the mainland but is proud of its TAFE cuts. It is a government that is excited about its regional jobs performance, as we have been hearing from the vacuous and ignorant.

Let us talk about the government's jobs performance. This is a government that during its term has seen a total decrease of 5000 in the number of jobs in regional Victoria. Not only are there fewer jobs altogether, but full-time jobs have fallen by 20 000, despite a drop in the participation rate. There are fewer full-time jobs, and people are just giving up on looking for them, but government members are proud of their efforts.

**Mr O'Brien** interjected.

**The SPEAKER** — Order! The Treasurer! That is unparliamentary language.

**Mr PALLAS** — What a bunch of delusional clowns. Despite this drop in the participation rate, we still have nearly 9000 unemployed people seeking full-time work. Members of this government praise themselves on jobs. They actually believe they are good. That is how sad it is for the Victorian people.

Let us look at infrastructure. First of all, the idea that the infrastructure program of this government in the 2014–15 budget is fully funded is an outright — I cannot say that word — distance from reality. Of the \$27 billion in job-creating infrastructure that this government has identified, less than 4 per cent will get out the door in 2014–15, so let us look at what will happen in the forward estimates period. How much of that money — of that job-creating infrastructure — will actually go out the door in that period? Only 26 per cent has been identified for expenditure at any time in the next four years. The \$27 billion does not include asset divestments, like the backroom deal to sell the Rural Finance Corporation without any kind of process. Considering how much of that \$27 billion the government plans to spend on ill-conceived and wasteful projects, the extended time lines start to look like a positive, certainly to the people of Victoria.

Let us look at the Cranbourne-Pakenham rail corridor upgrade. This is a truly astounding piece of work from the government, which brags about this upgrade. It is bragging about a deal in which it got taken to the

cleaners by its mates in the Liberal Party. In the 1990s Alan Stockdale was the Victorian Treasurer, and he converted assets to dollars on behalf of taxpayers during the asset privatisation program. In 2014 Alan Stockdale is now extracting some serious value and dollars, but this time it is coming from the Treasurer and in effect from the taxpayer, and the Treasurer is too weak and desperate to resist. He wants to sign a deal that will require the people of Victoria to pay up to \$1 million a day for 15 years for a project that will only cost \$1.8 billion to build. That works out as an interest rate of around 20 per cent per annum. The government could literally get it cheaper on a credit card. Perhaps if the government were willing to hold an open tender, MasterCard might bid and we might be able to knock a couple of hundred million dollars off the price.

Let us look at the ridiculously named and ridiculously conceived idea of the Melbourne rail link. This budget abandons the Melbourne Metro rail tunnel for the Melbourne rail link. It is hard to say exactly when this decision was made. We could ask the Premier, but he just gets angry when you ask him for an explanation of his unhinged decisions. I cannot say for sure how he might react to similar questions from his backbench, but I suspect it would be pretty similar. We do know that when the government released its policy document *Securing Victoria's Economy — Planning. Building. Delivering* in December 2012 the Melbourne Metro rail tunnel was described as one of the government's highest priorities.

Only a couple of years ago we were told in that document that it was going to transform the Parkville precinct and generate development potential in the Arden-Macaulay precinct by delivering direct passenger access to the city. It has now been replaced by the Melbourne rail link, a project supported by only an interim business case and the government's assurance that it is visionary. A 100-year catastrophe is how the Liberal Lord Mayor of Melbourne has described it. How can it be a 100-year catastrophe? It would take a 100-year catastrophe of a government to deliver it.

Over three years in education the Liberals have spent on average only \$203 million a year on school capital works, compared with Labor's average investment spend of \$467 million a year in its last term. This election year pork-barrel fest will only bring the government's average spend to \$278 million a year, still way short of what is required in our schools and in our communities for the education that our kids deserve. Opportunistically, two-thirds of the 70 school upgrades were in marginal seats.

What of this government's approach? This is a government in name only. It lacks the character and courage to lead Victoria and to stand up to the challenges that confront our state. The Premier admitted what all Victorians know to be the truth when yesterday he said, 'Ever since I've been Premier it hasn't been easy'. It has not been easy for the people of Victoria either. Why? Because the Premier says he will not be held to ransom, yet he then capitulates at every opportunity in his own political self-interest. In the interests of clinging onto government at all costs, of simply being there, he has cowered and covered up the malfeasance of the member for Frankston. Meanwhile he sits quietly while Victoria's future is being held to ransom by a dishonest and discredited anti-Victorian Abbott federal government — a government that loves Sydney's north shore even more than this government loves the member for Frankston.

The failure of this government — a government that bears no relationship to the government that Victorians voted for three and a half years ago, a government that is not on Victoria's side, a government that is so busy with delusion — —

**The SPEAKER** — Order! The member's time has expired.

**Mr MULDER** (Minister for Public Transport) — May I say, beautifully read by the former Minister for Roads and Ports. I rise to join the debate on this matter of public importance, which seeks that the house note the many beneficial aspects of the Liberal-Nationals coalition government's budget, including its investment in road and rail infrastructure. It is interesting to look back and think about the days when former Premier John Brumby walked down the street with roads ministers and public transport ministers walking alongside with the Victorian transport plan — a \$38 billion transport plan with a sprinkling of dollars that was going to revolutionise Victoria, a plan that had no money attached to it and a plan to simply try to buy Labor's way through the next election.

Why was Labor thrown out of office? Because it failed to plan for growth. What does that say about the so-called transport plan? What does that say about the so-called platform documents, whether it be a platform document issued prior to the last election or Labor's 2014 platform document? What it says is that you can have as many plans as you want, but in the end what the public wants to see is excavators on the site. Members of the public want to see the supply chain cranked up. They want to see job-creating projects. They want to see money in the budget. They want to see real action, and that is what they are getting from the coalition

government. They are sick and tired of the so-called plans and the trickery of a Labor government that treated the community with absolute disdain as it moved forward and tried to buy another term in office with a dodgy plan. The public saw plan after plan and platform after platform. Members of the public are a wake-up to it and they want real action, and that is exactly what the coalition government is delivering for them.

I have the absolute privilege of a \$24 billion package, courtesy of the hard work undertaken by the Treasurer, for public transport and road projects. There is \$8 billion to \$10 billion for the western section of the east–west link, and we know, as we have gone through this time and again in this chamber, that we could talk about the support for the western section of the east–west link. It is good to see the member for Williamstown sitting in the chamber through the course of this debate. He was a great supporter of that project, as indeed were a number of people on the other side of the house. They were really supportive of that project, until crunch time came. Even the Leader of the Opposition was a great supporter of this project, until it was announced by the coalition government. Not only were we planning for it, but we have the money to build it, and that is the difference between a Liberal-Nationals coalition government and a Labor opposition would-be government. Labor talks the talk but it never walks the walk. Labor never ever gets the job done, and that is why we are in government today.

The \$8.5 billion to \$11 billion Melbourne rail link project has been opposed outright by those opposite. It was just today that I was listening to the radio and there was report of an incident at Melbourne Airport involving a taxi. The alerts were going out via radio warning people to add a significant amount of additional time to their trip to the airport because there were going to be delays on the road network. There was no option for those people other than to leave home earlier, get caught up in traffic and lose a lot of time on the road sitting there waiting while that particular incident was cleared.

We know what this project means to Victoria. No matter where you live around the state, if you can get to a railway station with your luggage, your holiday will start when you get on a train anywhere around Victoria when this project is completed. Whether they live at Warrnambool or whether they live at Swan Hill, Bairnsdale, Ballarat, Bendigo, Geelong, Traralgon, Frankston or Cranbourne, people right across the network will be able to get to Melbourne Airport if they can get on a train. All great cities should have this facility, and we will deliver it in this great city.

Prior to 1999, who committed to an airport rail link? We all know it was the Labor Party. Labor in opposition committed to an airport rail link. When it was elected to government, Labor turned its back on the idea as soon as it walked through the door. It said, 'We are not going to proceed with this project'. Time and again Labor produced these phoney claims and offerings to the public. However, as soon as Labor members hit the door and enter government, they turn their backs and walk away from these claims. The coalition government will make sure it delivers this vital project for Victoria. This will be a legacy of the government of the day. It is what Victoria is calling for, and we are the government that will deliver it. We know the number of people who are using Melbourne Airport at the moment. We know that over the next few decades 30 million passenger movements will grow to over 60 million. The road network will not cope with that growth. We have to have a rail link, and we are going to build a rail link.

We are up to about 40 grade separations with the regional rail link. There is one on the Princes Highway duplication to the west. There are around 40 that either have been built, are being built or are in the planning phase. We are talking about 50 grade separations over two terms of government. I am sorry, but the opposition is dragging behind already, because we are well and truly on our way. If you are going to make a commitment to level crossings, the first thing you need to do is know how much they will cost. I have an understanding about the \$120 million that Labor has estimated its plans will cost. Mr Tee, a member for Eastern Metropolitan Region in the other place, is closely connected with the Construction, Forestry, Mining and Energy Union. At least he has some idea of construction costs. I think what he said they would cost is pretty close to the mark.

Rail safety is either in your DNA or it is not. Prior to the last election, the Labor government provided only half the cost of one grade separation. Out in the western suburbs, which is so-called Labor heartland, who is delivering the St Albans level crossing for the people of the west? The coalition government is delivering that project. Labor turned its back on the west. We are the ones who are out there time and again. As people in the west are saying, 'We have never seen premiers before', and, 'We have never seen ministers before'. We treat everybody equally, right across the state. We do not provide projects for people simply because we think they are going to vote for us. Labor people have turned their backs on the west, and we are out there doing the work. Main Road, St Albans; Blackburn Road, Blackburn; Burke Road, Glen Iris; and North Road, Ormond — the list goes on. We know those projects

are vital for Victoria. We know they have great benefits, not just in terms of road safety but also for people who travel on the rail network. The freight industry in Victoria also relies on smooth flowing traffic. Getting rid of these level crossings delivers enormous benefits right across the network.

The \$2 billion to \$2.5 billion Cranbourne-Pakenham rail corridor upgrade also has history. We all remember the triplication, as it was called, of the line between Caulfield and Dandenong, which was committed to and promised by the former Labor government. Labor dumped that project and walked away from it as soon as Labor was elected to office. Once again a coalition government has stepped up to the mark. We have provided \$2 billion to \$2.5 billion of funding to make sure we make this project a reality, and it has to happen. One in 10 people who use the metropolitan network in Melbourne travel along that corridor.

When we came to government I asked a number of questions. As a minister you get briefings from your department about a variety of projects. This issue floated to the surface. A member of my department said to me, 'Minister, do you realise that in coming years people will be left standing on the platforms along that corridor? There is not enough capacity. That is one of the most urgent issues that you as minister are facing and that the government is facing'. What did we do? We put our shoulder to the wheel, we came up with the money and we are delivering that project for the people who travel on the Dandenong, Pakenham and Cranbourne lines. That project is extremely important to them. They will get new trains, new stations, grade separations, high-capacity signalling and a new depot at Pakenham to be able to maintain and look after the trains. This is all about creating jobs, and once again, the government has a great partnership with the consortium that put together the bid for this project. This project will deliver a great outcome for the people who live along that line.

There is also the CityLink-Tullamarine Freeway widening project, which is another partnership with Transurban. We have committed \$850 million to build an extra lane in each direction. Once again this morning an incident at Melbourne Airport highlighted the problems along that corridor.

Turning to regional and rural initiatives, you could go right through the lot: the Princes Highway duplication, the Winchelsea to Colac project, the Murray Basin rail project and \$100 million to operate and maintain the regional rail link project. The Labor government provided no money for signals, no money for trains, no money for stations, no money for grade separations and

no money to run the business. We will get on with the job.

**The DEPUTY SPEAKER** — Order! The member's time has expired.

**Mr NOONAN** (Williamstown) — It is funny to listen to the Minister for Public Transport. He does not talk about his transport plan, he talks about his transport package. This package will deliver a railway station to the casino, not to the cancer centre. Let us deliver a station to the casino, not the cancer centre. Let us deliver a rail line to the airport. Let us not say when it is going to happen. It is never going to happen or it will happen in 2050 or in 2030, who knows!. What a joke!

This government is not only dysfunctional, it is truly delusional. Look at it this matter of public importance (MPI) today as an example. It is full of self-praise and chest beating. The government should be embarrassed about this offering today. I say to the government that it should have a look at today's newspapers. Have a look at the headlines. Look at the press gallery, whose members are not here for the MPI or to hear about the budget and how well the government is doing. This is not a day for the government to revel in its own achievements. This is not a day to be pulling the party poppers and having a great time. This is a day on which the coalition is trying to hold onto government; trying to stop a by-election in Frankston to save the government. That is what today is about, and that is what the headlines are about.

Members should have a look at the *Herald Sun* editorial today. The headline says 'Rogue pulling strings'. I will read two paragraphs:

The government's decision to suspend the disgraced MP rather than expel him from Parliament for his conduct smacks of appeasement rather than punishment.

And this:

Keeping Mr Shaw out of the Legislative Assembly until September is like sending him on gardening leave when there are few sitting days in any case.

The Minister for Agriculture and Food Security appreciates something about gardening leave.

That is the story of today. That is the story of this government. That is the story of this year. There is nothing in the newspapers today that I have read talking about education and schools. There is nothing in the papers today talking about health and hospitals. There is nothing in the papers today about policing, other than the crimes that are going on all across Melbourne and Victoria. There is certainly nothing in the papers today

about jobs. But that is what this MPI is supposed to be about. All we have are stories about a Premier trying desperately to hold onto government and his job.

Let me go to the MPI and deal with the issue of policing. I cannot begin to tell the house how many times I have heard government members chest beat about policing. I will come back to crime rates in a minute. I need to make it clear at the outset that Victorian taxpayers today are spending \$1 billion per year under this government to prop up the Liberal-Nationals government's failing law and order policy. The budget papers for 2014–15 reveal that the government is spending \$5.91 billion on public order and safety. Contrast that to Labor's last budget in 2010–11, which allocated \$4.89 billion to public order and safety. That means more than \$1 billion more is being spent on the issue of public order and safety. This spending is desperately out of control. Only a delusional, dysfunctional government would allocate more funding for prison beds than for hospital beds, but that is exactly what this government is doing. In fact under the Napthine government funding for schools and education has grown at a substantially lower rate than funding for police and prisons.

Despite this reckless spending, Victoria is no safer today than it was three years ago. In fact it is less safe. Have a look at Victoria Police's crime rate data. It shows there were over 40 000 more offences recorded across Victoria last year compared with the situation in Labor's last full year in office. Crime statistics recently came out for the year ending 31 March, and they show a continual upturn of rising crime rates. Let me go through them. Crime against the person was up by 2.7 per cent. Crime against property was up by 4 per cent. Drug offences were up by a whopping 17.8 per cent. Other crimes, which include weapon offences, breaches of intervention orders and deception offences, were up by 21.3 per cent. Total crime was up by 7.1 per cent.

Crime is going up and up under this government. In fact this government has never seen a reduction of crime in its term in office. This is extraordinary when you consider this is a coalition that wanted to make a centrepiece of law and order prior to the 2010 election. It has not one set of crime reduction figures to speak of. I am sure we will hear government members talk about additional police. They love to do that. You will never hear from government members that the additional police were budgeted for in Labor's last budget in 2010–11. I warn government members that talking about inputs rather than outcomes is a very dangerous path to follow.

I will move on to this issue of so-called front-line police. The government loves to talk about front-line police. The problem is that there are fewer front-line police officers assigned to local stations today than there were in November 2010. Victoria Police documents obtained by the state opposition under FOI reveal that of the 56 police service areas across Victoria only 6 have more police today than they did in November 2010. More than 20 police service areas have had front-line staffing cuts of more than 20 per cent, and that is despite a pre-election commitment from the coalition to address what it called undermanned police stations.

We have some police service areas that have lost 30 uniformed police since 2010. Some police regions are already reporting that they are having trouble filling shifts and keeping up uniform patrols. In many cases there is a direct correlation between the loss of local police and increased crime rates, which is absolutely extraordinary. The government says the state opposition is making it up. I say to government members: these are Victoria Police's own statistics released to the state opposition under FOI.

Let me go through the statistics for the interest of some members. The local police service areas of Benalla, Knox, Monash, Yarra Ranges, Darebin, Hobsons Bay, Melbourne, Melton, Moonee Valley, Moreland, Wyndham, Yarra, Cardinia, Glen Eira, Greater Dandenong, Kingston, Mornington Peninsula, Port Phillip, Stonnington and Surf Coast have all recorded police losses of more than 20 per cent. Why is this happening? It is pretty simple. An Auditor-General's report was tabled this morning, and it shows that about 500 police are monitoring prisoners in cells. In November last year the number of prisoners in police cells hit a record high. The government has forced — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Forest Hill is warned.

**Mr NOONAN** — The government has forced the Chief Commissioner of Police to find \$113 million worth of savings in his operational budget. What has that meant? The chief commissioner has had to cut 400 public service jobs. That means that uniformed police have been shifted to those jobs that were formerly occupied by public servants, and at a higher rate. The police forensics budget has been cut by about \$2 million a year, and that has not helped either. It is no wonder that the chief commissioner is trying to move away from the failed policies of this government. Let

me say very clearly that this is a delusional and dysfunctional government.

The attack on Labor's platform document is remarkable. It is hysterical, quite frankly. I am very proud to have been part of Labor's platform committee. I am proud to have consulted our party's membership in producing the document. I am proud to have attended Labor's conference to debate this document, and I am proud that it has been adopted. Labor's platform creates a vision for where we want to take this state. We want a state that Victorians can be proud of; we want a state that leads; we want a state that allows our kids to prosper, whether they live in Melbourne or right across rural and regional Victoria; we want a state that cares for our sick and elderly; we want a state that is fair and compassionate; and we know that only a Labor government can deliver that for Victoria.

**Mr WALSH** (Minister for Agriculture and Food Security) — I rise to support the matter of public importance of the member for Gippsland South. I would not be proud of the Labor platform document if I were the member for Williamstown. It says very little, with absolutely no costings and no outcomes. The member for Williamstown talks about outcomes; it sets out no outcomes at all.

The contrast could not be starker between the coalition government's budget, which is building a better Victoria, and Labor's poor financial management and habit of doing what its union mates say. When you talk about poor financial management, you need not look any further than the shadow Treasurer, the member for Tarneit, and the \$1 billion mistake he made in reading the budget. There is a very old saying that Labor cannot manage money, and you just have to look at what the member for Tarneit did in his budget analysis. The member for Bendigo East has already been in the chamber this morning saying that there is no money for the Regional Growth Fund in the forward estimates. Someone had to show her where it was. People who were ministers in the previous government cannot read the budget to know what is there. That is a disgrace. It very much reinforces the view that Labor cannot manage money.

The choice could not be clearer: the Premier versus John Setka. Who do people want to run this state into the future? The budget has charted a course for the prosperity of this state. The Murray Basin rail project, worth \$220 million, is a game-changing project. It is a project that Labor will not support and will not implement if it gets into government. This project will revolutionise freight movement in northern and western Victoria. Ken Wakefield's business in Mildura is one of

the pioneers of intermodal freight transport, and he is over the moon about this project and what he will be able to do in moving containers of produce out of Mildura with a standardised, upgraded railway line. It has been talked about for decades. It was talked about and promised by the previous government, which did nothing for 11 years.

Deputy Speaker, you use the Calder Highway at times; there is \$86 million in the budget to fix up the Ravenswood interchange, one of the worst intersections in Victoria. Again, this was talked about for a long time. Two Labor members of Parliament represent that area, yet they did nothing for 11 years. That project is now funded in the budget to be done, another really great outcome, particularly for the trucks that have to cross a busy section of the freeway and make a right-hand turn. We are delivering and building a better Victoria.

Talking about game-changers, the Regional Growth Fund is a great initiative, particularly for regional Victoria. With the Putting Locals First local government infrastructure component of the fund, nearly every country town has had a benefit in its social or business infrastructure. It has created jobs right across Victoria. You know, Deputy Speaker, the benefit that Murray Goulburn has had from money out of the Regional Growth Fund for the upgrade of power and water into its plants. The dairy industry is leading the Victorian economy and the exports out of this state.

The Minister for Roads can be congratulated for his initiative with the country roads and bridges program, which is again a great thing for regional Victoria. There is \$160 million across the four years for that, with 40 of our large but not so revenue-rich councils across regional Victoria getting \$1 million a year to help fix their backlog in roads and bridges — a backlog that was created by 11 years of Labor in government. If you read this document that the member for Williamstown is so proud of, it says Labor would unwind all of that; it would all be gone. One of the things country councillors most often say to me when I meet with them is, 'That country roads and bridges program is the greatest thing we've seen, where government actually gives us the money to spend on our priorities, the way we want to spend it to help our communities'. They want to see that continuing. They do not want to see Labor get in and destroy that project.

If you look at the agricultural policy in this document that the member for Williamstown is so proud of and compare it to the budget this year, you see that in the budget there is money for aerial baiting. How you control wild dogs is again something that has been

talked about for years. As I understand it, the Labor Party is opposed to aerial baiting; it wants to appease its green mates because they do not like that program. There is no commitment to the continuation of a fox and wild dog bounty, which we brought in and are committed to. It has now seen 284 000 fox scalps and 1345 dog pelts handed in. That means there are 284 000 fewer foxes out there eating domesticated animals, like lambs, and preying on small native marsupials. That is a great outcome, and the Labor Party would scrap it. If the Labor Party got into government, there would be no fox bounty, no wild dog bounty and no aerial baiting. We would go back to the days when none of those sorts of things happened.

In the time I have left I will spend a couple of minutes on water and compare the government's record on water with the Labor Party's. Under Labor you saw water bills more than double. Melbourne water bills went from \$500 a year to nearly \$1200 a year because of the poor decisions Labor made while it was in government. What we have announced post the budget is a fairer water bills initiative, where for the first time in many years we will actually see a reduction in water bills, not only in Melbourne but right across Victoria. From 1 July Melbourne water customers will have a \$100 reduction in their bills. Barwon Water customers will have an average \$80 reduction in their bills across the next four years. Ballarat customers will have a \$50 reduction. I put on the record my appreciation to the chairs, the boards and the management teams of the water authorities. They have done great work in taking costs out of their particular businesses.

Again I come back to this document the member for Williamstown is so proud of. If you read that — and the member for Benalla will be very interested in it — you see that Labor is going to unplug the pipe. Labor is going to extend the pipeline network across Victoria so that there are more pipelines than there ever were before. Labor plans to take more water from the north and to take more water from agriculture. Labor just wants to build pipes everywhere, as it started doing before. What you will see is an increase in water bills again, like you saw when Labor was in government last time. You will see another doubling of water bills while Labor continues to build more pipes around Victoria. I am sure the member for Benalla will have a lot to say if the pipe is actually unplugged.

If you read that document again, which those opposite are apparently so proud of, you see that Labor is effectively against irrigation. The document talks about restoring water regimes to a sustainable level. If you read between the lines of that document, you see it means taking water off irrigators to use for other

purposes. As we said before, people do not need to be aware; they need to be afraid if that mob gets back on the Treasury benches in the future.

In conclusion, the budget also provides record investment in country Victoria from a health and education point of view. I finish on one point: \$630 million for the new Bendigo Hospital. That is a great project that has been managed well by the Minister for Health to drive really good value out of that project. I just cannot understand why the member for Bendigo East and the member for Bendigo West would be against such a great project. All I ever see in the Bendigo press clippings from those two members is that they are opposed to that project. That project is a great project for regional Victoria and a great project for the catchment, where people can actually go to access services.

**Mr HERBERT** (Eltham) — I shall try to inject some fact into this debate, because quite frankly, if you bound all the speeches from the other side and put them in a book, it would be in the fiction section of the parliamentary library. Talk about making it up as you go along! What a disgrace. When I read this matter of public importance (MPI), I could not believe that anyone would put an MPI of such poor calibre before this Parliament. You have to think, 'What must have been going on?'

All the big boys and girls in the Liberals and The Nationals are working on their strategy around the member for Frankston, so they have taken an intern and said, 'Here, write up an MPI for us'. They have given it to an intern to do, and now we have this MPI. Government members do not like the Labor Party policy platform — boohoo! — and have been debating it in here. Of course they do not like it, because it is about social justice. It is about strong government. It is about initiatives to get the state going. What a surprise that government members do not like our policy. What absolute rubbish.

I notice that the Minister for Higher Education and Skills is in the chamber. I am pleased he is in here, because I am going to direct a lot of my contribution to the education comments in the MPI. It follows on from an adjournment matter I raised last night about the secrecy of this government and its hiding from public scrutiny vital information about the collapse of our training system and our training market, in particular the disasters that have befallen public TAFEs. We are not talking about trivial information; we are talking about what should be publicly accessible information about the performance of over \$1 billion worth of government funding hidden from scrutiny.

The minister has grabbed market training reports that have been put out by governments of all political persuasions. They are put out every quarter so that people can see what is happening in our training system. He has grabbed them and said to his bureaucrats, 'Give them to me. Don't put them out, for goodness sake; it will tell everyone how bad the situation is'. He has put them in his desk drawer, turned the key and locked it. What a disgrace that is. Those reports are well overdue. Last year's report still has not been put out. It is at least 10 weeks overdue. The report for the next quarter is due now — the report to show just how far our TAFEs have fallen this quarter. The minister is here. He should go out, unlock his drawer and release these reports. What is he scared of? What is he hiding about the training system? He quotes his highlights, but he will not release the details. What an absolute disgrace that is. Even at the Public Accounts and Estimates Committee hearings, when he was asked about this, he said, 'Yes, we'll release them shortly'. There is still no sight of them. What is the problem? Is it that it takes him a while to photocopy them? It was done last year. He has the facts, but he is hiding them from public scrutiny.

Why is the government doing that? Why will it not release any data about what is happening in our TAFEs and in our training sector? The reason is clear, because we know the facts. We know that those opposite have slashed \$1.2 billion from TAFE institute funding. We know that the government has caused the loss of 2500 talented teachers and trainers from their jobs. They have all been sacked. We know that the government has scrapped the fee caps which kept fees affordable for apprentices, and we know that fees have gone through the roof to unaffordable levels for young apprentices and trainees. We know that those opposite are responsible for numerous campus closures and the scrapping of hundreds of courses. We know that subsidy rates have gone down to ludicrous levels — \$1 an hour to train someone in this state. That is what the government is paying for some courses. How obscene is that? Then government members wonder about quality.

We know that those opposite have abandoned rural and regional TAFEs, put them into bankruptcy and forced them to merge. We know that, and I will talk a little bit more about The Nationals compliance in this matter. We know that the government has sacked the chair of any TAFE who complained about the disastrous impact that the funding cuts would have on their communities. What hypocrisy that is when you read what The Nationals stand for. The former minister was a member of The Nationals. The Nationals platform is in 18-point font with big gaps between each item. We read that one

of the priorities is the preservation of freedom of speech, but not when it comes to public TAFE institutes.

If you speak out, you get the sack and a hand-picked boy or girl gets put into your job. Silence the criticism, silence the facts — that is what has happened here. We know that very talented public servants have been sacked and replaced with million-dollar consultants. No contracts or expressions of interests, just 'A million bucks; here you go. You're the one who's going to get the job' — a job that was advertised as a public service job at a quarter of the rate. It was an absolutely disgraceful waste of public money.

We know the government sacks public servants, and we know it has slashed funding to local learning and employment networks (LLENs) — vital community organisations set up by Labor as part of its plan to keep young people in school and help them to get jobs. A local learning and employment network is like an octopus: it is a hub of a whole heap of community effort to give young people a chance in life by keeping them in school, engaged and on the road to jobs. Funding has been slashed from LLENs by this government. It is much the same when it comes to adult community education providers, which are often the last chance for people in our community to get back into education and find a job. They are small neighbourhood houses and Learn Local centres comprised of people who give the most basic education to those who want another start to life, including women who have been out of the workforce for years and young kids who have left school because they were bullied — a whole range of young people, in fact. These providers offer a non-institutionalised setting and do a fantastic job to give opportunities to people in our community — and they are on their knees in this state. They are closing at a rapid rate across the state because they simply cannot afford to operate on the funding reductions imposed by this government. What a disgrace it is that they are on their knees right across the entire state.

The disasters go on and on. I will mention that we have a proliferation of dodgy providers right across the state and nothing has been done about it. There are mountains of extra bureaucratic work and paperwork that every training provider has to do. I mentioned the local living and learning networks earlier — if you go to one of them now, it will often have only two or three trainers while half of its staff sit in back offices filling out compliance forms and paperwork — work for this government — rather than working on the front line to give people an opportunity to get an education, find a job and get back on the road to success. It is an absolute

disgrace that paperwork and red tape in the training sector has ballooned under this government, and it is grinding the entire sector to a halt.

Then there is quality. You can no longer find an employer in this state who will recognise a certificate from most of our training institutions. Quality has gone out the window, and nothing has been done about it. We hear stories daily about people turning up at the Waltzing Matilda Hotel car park at 2 o'clock on a Saturday and getting a certificate IV. If they go back the next week they will get a diploma. The lack of quality is absolutely rife in this state, and the government has done nothing — absolutely nothing. Our whole quality assurance system had gone down the gurgler. Victoria was once the absolute pinnacle of training in this country when compared to any other state. People from countries overseas came to us to learn how we did it, and it was something we were very proud of. We are now at the bottom of the heap, and they laugh at us. You go and speak to officials — —

**Mr Wakeling** — On a point of order, Deputy Speaker, for the member's assistance the system he is talking about was in fact created in 2008 by the Labor government.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I could not hear the point of order for the interjections. I have heard enough of the point of order. I do not uphold it at this stage.

**Mr HERBERT** — The new minister should get his facts straight because anyone else in this place, apart from the minister, knows it was Jeff Kennett who brought in public funding for private providers.

**The DEPUTY SPEAKER** — Order! I remind the member for Eltham that his comments should be made through the Chair.

**Mr HERBERT** — I could talk more about the disaster that is impacting upon TAFEs and training across this state or the mergers that have been forced upon them. This government starves country TAFEs of funds and demands that they merge, but when they come up with a plan it says the problem was not of its doing and that the Premier did not lie when he said the government would not support mergers. It is happening right across this state. One of the most disgraceful things is that it is the TAFEs and training in country Victoria that are suffering the most, yet from the 10 Nationals members of this place we do not hear one word. They have stood by and allowed their communities to be decimated. They have seen

agricultural training going down the gurgler across this state and not one of them has said a word. It is hypocrisy at its greatest. Victorians deserve better — they deserve a Labor government.

**Mr MORRIS** (Mornington) — It would appear that this matter of public importance proposed by the Deputy Premier has struck a rather raw nerve, and that is because there is absolutely no doubt that the budget is delivering for the state of Victoria. If you need evidence of that, you only need to look at the shambolic response we have had from the Labor Party. We have seen a series of claims, fallacious claims, and a collapsed speaking list of members who would rather talk about other things. Opposition members do not want to talk about the state budget; they would rather focus on playing political games. That is the absolute sense of it. Indeed apart from those fallacious claims, there has not been one criticism of this budget. Not one legitimate criticism has been levelled at it.

I contrast this state budget, the coalition's record on prudent financial management and its delivery of services and infrastructure with not only the record of the Australian Labor Party in government in Victoria but also with the 2014 state Labor platform. The Leader of the Opposition said Labor simply could not keep up in government, and it is clear from its state platform that he has learnt absolutely nothing. Today's matter includes the words 'vague', 'misleading' and 'populist', and that probably describes some of the contributions we have heard from the opposition side today. I would add two further words to that: 'uncosted' and 'unfunded'. If you really want to be reminded of why the Labor Party opposed the parliamentary budget office, you only have to look at its state platform.

As I said, this state budget absolutely delivers. It is a once-in-a-generation investment.

**Mr Hodgett** — A game-changer!

**Mr MORRIS** — Exactly, a game-changer — as the Minister for Ports says. It is a once-in-a-generation investment that is delivering for this state.

There is \$27 billion infrastructure investment in this budget. We are providing better services, record funding in health, record funding in education, record funding in community safety, surpluses of \$1.3 billion this year building to \$3.3 billion by 2017–18 and maintenance of the AAA credit rating with a stable outlook. No other state in Australia has been able to maintain that status. There are tax cuts in this budget too, including payroll tax cuts for 39 000 employers, the abolition of stamp duty for life insurance policies

and investment, as the Minister for Ports said, in transformational infrastructure.

It needs to be said that the government also has a terrific record when it comes to regional employment. We have a terrific record on employment generally but particularly in regional employment. In the last 12 months there has been growth of 18 000 jobs in regional Victoria. That is 2.9 per cent growth to April 2014 — one of the best results in this country. Let us compare our record over the 41 months since we have been in office, in which we have created 21 000 jobs in regional Victoria, with the last 41 months of the Labor Party government, in which 9000 jobs were created. More than twice as many jobs have been created in regional Victoria under the watch of this government than under the Labor government.

There is also terrific support in the budget for regional and rural councils, a subject that is close to my heart. We have heard about the Regional Growth Fund on many occasions so I do not think I need to go over that again, but I note that \$400 million has been committed to support regional councils in the term of this government, including through infrastructure, the Putting Locals First program and support for Regional Cities Victoria and Rural Councils Victoria as well. I contrast the approach of the state budget and the record of this government with that of the opposition.

Let us look at the document referred to in the matter of public importance, the *Victorian Labor Platform 2014*. I would have thought that one of the primary duties of any government was to create an environment where the economy can grow, where jobs can be created and where opportunities are created. What do we see in this state labor platform? If we turn to page 21, the subject of productivity comes up under the heading 'Public holidays'. What is the Labor Party going to do first and foremost? It is going to wind back the coalition changes to the Easter holiday arrangements, putting thousands of small businesses at risk. The next point is that Labor will declare the Friday before the AFL Grand Final a public holiday. That is just what this state needs — an extra public holiday. That is just what this economy needs — the burden of the cost of an extra public holiday in the state of Victoria. The fact is that if you add costs, it will cost jobs. If you add costs to business, employment opportunities are lost. That is something that Labor has never, ever managed to learn.

Reading further into the document we come to the subject of local government. I am sorry the member for Richmond, the shadow Minister for Local Government, has left the chamber, because I am interested in some of

the words used here. The document says that Labor will:

Ensure local government autonomy, independence and community ownership;

Empower democratically elected councils to manage their duties and responsibilities ...

...

Encourage further devolution of program responsibility to the community level ...

Some might call that cost-shifting, but the principle is not a bad one if you can avoid the cost-shift. Labor will also:

Ensure shared service models are not used as a pretext to reduce local government employment conditions, staffing levels or to threaten harmonious industrial relations.

We could not possibly have productivity improvements proposed in local government, could we? It is all about protecting conditions. What I am really interested in is the contrast between the words about the autonomy, independence and empowerment of councils and a recently announced policy to cap rates in Victorian councils, which is not in fact referred to in this state platform. I was interested in the comments of the mayor of Monash City Council, Cr Geoff Lake, who recently said that rate capping is a failed New South Wales policy and will hurt Victoria.

We have also had comments in the past from a former Premier, John Brumby, who said that rate capping has 'put back by years and years Victoria's ... economic capacity' and that it is a 'short-sighted, politically expedient policy'. Those quotes can be found in *Hansard* of September 1998. A former Minister for Local Government, Candy Broad, said that rate capping drove councils broke. There are significant problems not only in the ALP draft platform but beyond the draft platform as well.

I was interested in the section of the Labor Party platform on ports. We know that the Bay West option is the preferred one of the Labor Party. Indeed Labor says in the document that the case for Bay West is 'compelling'. It goes on to say in the very next sentence that 'the Bay West option requires significant further investigation'. If the case is so compelling, you would not think that significant further investigation was necessary. The document goes on to talk about investigating long-term freight needs. Labor did that when it came to government in 1999. It then sat on its hands for three years and caused a crisis at the port of Melbourne due to a lack of capacity. The last time Labor failed we had to fix the mess, and that is what is

going to happen again. The platform goes on to talk about bulk capacity at the port of Hastings. Are we talking about bulk oil? Are we talking about ammonia urea? Are we talking about bitumen plants? Those are all options that have been considered for the port of Hastings by the Labor Party. I suggest that the option of a container port is a far safer one in the environmentally sensitive port in Western Port.

The platform supports the Melbourne Metro rail project, a second-best project that moves only 19 000 passengers an hour compared to 35 000 under the proposal from the government and causes massive disruption to the city centre. There is no mention of the airport rail link in this document at all. Then we have the response to the problems with the second river crossing of taking 5000 trucks a day off the West Gate Bridge. The West Gate distributor is supposedly a better option than east-west link stages 1 and 2, which will provide the second river crossing that is so desperately needed as an alternative to the Monash Freeway-West Gate Bridge. The choice is clear: a responsible budget and a responsible plan for the future from this government, or — the alternative — vague, misleading, populist, uncosted and unfunded. I commend the matter to the house.

**Ms NEVILLE** (Bellarine) — What an extraordinary exercise in self-praise and self-congratulation that was. This matter of public importance is so far from the truth that I had to read it a number of times; I was sure the Deputy Premier had gotten some of the words wrong. Perhaps he meant to say the budget was detrimental rather than beneficial for regional and rural Victoria. Perhaps he meant to say ‘substantial decreases in funding’ rather than ‘substantial increases in funding’. The facts do not match what this matter of public importance claims. The facts do not match the claims that this budget is great for regional and rural Victoria, creates thousands of jobs and creates new initiatives, infrastructure and investments. Like my mum used to say, somebody is telling porkies.

This budget illustrates what we have known for three and a half years: regional Victoria is not valued by those opposite. It is less important to them than Melbourne. The truth is that in this budget the state’s total infrastructure spend for regional Victoria is only 4 per cent. Of all the infrastructure money being spent, about which we hear time and again from those opposite, only 4 per cent is being spent in regional Victoria. We heard claims this morning from the Deputy Premier about how fantastic the Regional Growth Fund is, unlike our Regional Infrastructure Development Fund. He forgot to mention to the house and to the community that when that Regional Growth

Fund was established those opposite changed the guidelines. Instead of it being a regional fund, it became a fund available to parts of metropolitan Melbourne. It is not really a regional growth fund; it is a regional and metropolitan growth fund. That is why in this budget we see only 4 per cent of the infrastructure spend being put into regional Victoria.

The other truth about this budget is that it continues to undermine the key services that regional Victorians rely on for quality of life. Over the last three and a half years we have seen massive pressure put on key services — the very services those opposite claim are doing so well. The police, health and education budgets are all under massive pressure from substantial funding cuts initiated by this government — cuts that will continue in this budget and also be reinforced by further cuts by the Abbott federal government.

Let us have a look at cuts to TAFE. We heard the member for Eltham talk in detail about the impact those cuts have had. I remind the house about what the cuts to Gordon TAFE have meant for my community of Geelong. We have seen 136 staff members lose their jobs, and the impact on students has been even greater. Four thousand fewer students are able to attend Gordon TAFE than when this government came to office. That is due to fee increases and reductions in classes that occurred so that Gordon TAFE could manage the funding cuts it had to sustain.

We have seen TAFE campuses close across regional Victoria. As the member for Eltham said, The Nationals once again sat quietly, as they did in the Kennett era, while TAFE campuses across regional Victoria closed. This matter of public importance talks about how great this government is when it comes to education and job creation, yet if we look across regional communities, we see examples of thousands of people missing out on education opportunities through TAFE courses. One of the most concerning things we see at the moment in Victoria is the high level of youth unemployment — the highest in mainland Australia. The young people in Victoria are facing a very high unemployment rate. It is made even worse by a proposal by the Abbott federal government that is going to further punish these young people by not allowing them to access financial support under Newstart.

What this matter of public importance does not talk about or tell us about is the truth about job losses in Victoria. We already know, for example, that 260 jobs were lost at Target in Geelong, 300 jobs were lost at Murray Goulburn and 400 jobs were lost at Qantas at Avalon. We have seen further job losses in Victoria as a result of the Qantas call centre moving jobs to

Tasmania. We have seen Ford announce it will close by 2016. Toyota is going by 2017. My region is also about to face hundreds of jobs being lost at Alcoa.

Our regions have also been hit hard by public sector job cuts. Over 500 jobs have gone from the Department of Environment and Primary Industries (DEPI). On top of that a further 200 jobs have gone from Parks Victoria. Most of these are being lost in regional Victoria. These cuts are impacting not only job opportunities in our regions but also the services and infrastructure that were previously supported by those DEPI staff in regional Victoria.

When I spoke last night on the budget, I spoke about some of the impacts those job and funding cuts are having on infrastructure — for example, the park infrastructure in regional Victoria and the coastal infrastructure in my area of Bellarine. This infrastructure is deteriorating so quickly that we are now setting performance measures of only 50 per cent of that infrastructure being in good or very good condition. We are going to see further job cuts as a result of this budget, and we will see further funding cuts that will ensure that the infrastructure that people appreciate when they go to a national park or to our beautiful coastline will continue to deteriorate.

We have seen massive job cuts across regional Victoria both in the public sector, through specific government decisions, as well as in the private sector. These decisions are not achieving what the matter of public importance claims, which is that somehow thousands of new jobs are being created in regional Victoria. We are now seeing 5000 fewer jobs in regional Victoria; in fact we have lost 20 000 full-time jobs in regional Victoria. There are fewer jobs, including full-time jobs, and less expenditure on infrastructure, and unfortunately over time we will see further job losses. In my community of Geelong we are about to face millions of dollars in payroll being ripped out, and yet in this budget the government has provided no strategic investment in Geelong to try to deal with this. It has provided no support to workers, and with the TAFE cuts we know that many of those workers, particularly at the moment those at Alcoa, will be unable to access retraining opportunities at the Gordon TAFE.

I want to talk very briefly about police. The matter of public importance praises the government for the increase in funding for police. I spoke in detail about this in the last sitting week, and I can tell members that there are fewer front-line police in Bellarine now than there ever have been. In fact the decisions that are being made by the government will see three of my police stations closed, all the staff moved into the Bellarine

station and all being part of the roster for Geelong in order to backfill the Geelong area. Instead of the 224 staff that we had in 2010 we now have 181 — not the promised 70 additional on top of the 224. We have fewer police now than we had in 2010, yet the crime rate has gone up by 15 per cent. In order to backfill the Geelong area the Bellarine community will suffer. As we move from the model of community policing that has worked so well in my community over many decades, we see the government support the closure of three police stations in Drysdale, Portarlington and Queenscliff. There is no new additional money or services in police. The reality for communities is that there are fewer police, our communities are less safe and, as was done back in the Kennett era, the community is fighting these changes.

Regional Victoria is suffering. Basically we are back to the Kennett era when regional Victoria was seen as being the toenails of the state. Whether it is in infrastructure funding or funding for critical services like police, health and education, regional Victoria is bearing the cost.

**Ms RYALL (Mitcham)** — I rise in support of the matter of public importance submitted by the member for Gippsland South, who is the Minister for Regional and Rural Development. The government has spent three and a half years in turning around the state's economy from the massive revenue write-downs that Labor refuses to acknowledge ever happened. We have had three and a half years of getting the state budget back to a sustainable position after the structural deficit left by Labor when it increased its expenditure by more than the revenue than was coming in. It is three and a half years since the federal Labor government tap was turned off and Victoria was left to deal with what the Labor government in Victoria never did.

Clearly Labor Party members have their heads in the sand. They say, 'We were running things so well, weren't we? We wouldn't have changed a thing'. Therein lies the problem — that is, their failure to accept that there was a problem in the first place. That gives them licence to complain about every economic measure that has been taken to get the state back on track and to get it into a position where we have been able to fix the structural deficit that they left behind. We hear Labor Party members moan and groan about everything, but in government there was a lack of courage, a failure to act on their out-of-control spending or to get some good financial management and good project management in place. They squibbed it.

Now the state finances have been brought back into a sustainable position and there are surpluses to fund the

infrastructure that Victoria needs, they want to slide back in not having learnt a single lesson and not having done any of the hard yards. Instead they are trying to tell people how good they had it under Labor. If they think Victorians are not awake to their words, then they are wrong.

Let us look at the hypocrisy in the 88 pages, I think it is, of a policy platform contained in another glossy brochure from Labor. It contains hypocrisy and contradictions. Labor members want a second river crossing, but they do not want the east–west link. They used to want the east–west link, but now they do not want it. They have turned their backs on the west, Geelong and Ballarat. They want better public transport and a major underground rail link, but they do not want the Melbourne rail link with its airport connection. They do not want the additional 35 000 members of the public being moved on public transport or the additional 30 peak-hour services that come with it. They do not want the Cranbourne-Pakenham rail upgrade that is being managed through the budget.

Labor members want more jobs, but they do not want the 25 000 jobs created by the massive infrastructure investment that our state needs and will get under the \$27 billion game-changing infrastructure investment the coalition is making. They want to increase exports and to have jobs growth, but they laugh at this government's trade missions that have led the country and have helped to build major investment, jobs and exports in Victoria. They want those things, but they just do not want them the way the government is doing them. The 80-something page glossy brochure does not say how they will do any of this. It contains lots of motherhood statements.

Labor members want less ramping and more hospital beds, but they do not drive around to look at the billions of dollars being spent on building upgrades and redevelopments of hospitals that is going on before our eyes, including new emergency departments and hospital expansions. Labor members only need to drive towards the Mitcham electorate and to stop at the Box Hill Hospital to see the 221 additional beds and another floor that has been built because the hospital came in under budget and under time. We have an additional floor, a 10th level for the cost of nine floors, for all inpatients in the new facility. If they drive through they will see what hospital expansions and bed building actually looks like. If they drive by Maroondah Hospital as well, they will be able to see what redevelopment and expansion looks like.

The state was flush with cash under Labor, but did Labor do any of this? No, it did nothing at all. It is one

thing to be in opposition and to say that everything is a mess and use the word 'crisis' whenever you can to make it sound like something is a problem, but it is another thing to have never acted during 11 years of government, to have never done anything to actually deal with it. It is one thing to leave a mass of waste through massive mismanagement and another thing to turn around and point the finger at a government that is cleaning up your mess. We have done and are still doing in three and a half years what Labor should have done in 11 years.

Opposition members talk about the crime rate. They want a reduction in crime, but they refuse to acknowledge that they left Victoria with a lower per capita spend on police than any of the other mainland states. That is something else that this government is now fixing with more than 1500 additional police on the beat and over 700 protective services officers on our railway stations. We now have more police detecting more crime, more often.

**Ms Garrett** interjected.

**Ms RYALL** — I hear the member for Brunswick. If she does not have and Labor does not have — —

**The DEPUTY SPEAKER** — Order! The member for Mitcham knows that it is out of order to respond to interjections. If the member for Brunswick wants to take her position on the speakers list, she needs to desist from interjecting.

**Ms RYALL** — Members of the opposition do not like what we are doing in putting more police on, but they cannot say how they would fix the problems. The thing is that when we look at modern policing, we have heard much from members of the opposition during this MPI. If they do not have the confidence in the Chief Commissioner of Police to resource the regions in the way he is doing, then they should say so. We have more police detecting crime more often.

Labor, through its glossy document, wants to be all things to all people at any cost. That is its policy platform. The thing about Labor members is that you hear what they say, but you can never trust it because it is not about what they say, it is about what they do. The preamble to its *Victorian Labor Platform 2014* is laughable. Labor has its head in the sand because it gives the impression that nothing has happened over the last three years. It has no regard for the economic impacts in this state. Labor speaks of the jobs it has created and the AAA credit rating. Labor members need to come clean because it was the Australian taxpayer, courtesy of former Prime Minister Kevin

Rudd, that kept this state's AAA rating in place and created jobs through massive stimulus.

Labor says in its document:

Labor built a pipeline of major projects for Victoria.

Where is it? Where is that pipeline?

**Mr Katos** interjected.

**Ms RYALL** — The north–south pipeline, absolutely. I agree with the member for South Barwon. Labor built a north–south pipeline at a cost to Victorians of \$700 million, and it was a total waste. The document states:

Only Labor has a comprehensive plan for major projects.

Where is it? It goes on:

... putting more cranes in the skies and more jobs in our economy.

Have they seen the city skyline of late? There are more cranes in the sky and more jobs in the economy.

Labor says that a strong economy means we can invest in health and education. That is an epiphany, is it not? The coalition has fixed up the economy. One thing is certain — you only need to look around Australia to see what Labor does to economies. It is only ever coalition governments that come in and fix those economies because Labor always stuffs them up. We have a shadow Treasurer and a shadow minister for the regions who cannot read the budget papers, and they make not just million-dollar blunders but billion-dollar blunders.

Regarding industry, Labor says that it believes:

... that government has a responsibility to respond to these changes, identify sources of growth, encourage investment and innovation ...

Yet Labor members laugh at the trade missions this government has taken the lead on in Australia that actually do those things. The document says Labor believes the food industry is a priority. Hello! How long has it taken Labor members to realise that? Where have they been? We have billions of dollars of increased exports in food and fibre products and those opposite have now had an epiphany and think that food and fibre is a priority.

Labor members understand the importance of tourism now, and yet they have not realised that we have had a massive expansion in visitors, an increase in visitors to this state from overseas. Major events and international conferences are attracted to this state. I think the state secretary for Labor said it all when he said:

It was the French author Victor Hugo who made the universal observation that nothing is more powerful than an idea whose time has come.

For 11 years Labor has failed to act. Hindsight is a wonderful thing. The truth is that Labor cannot manage money.

**Ms GARRETT** (Brunswick) — I am wondering whether the member for Mitcham actually let the slogan out of the bag when referring to the Premier's 'Victoria — more crime more often', which she did repeatedly during her contribution. But I must say that as I stand up here to make my contribution to this silly little matter of public importance (MPI) that has been served up by this government that there is more than a little *deja vu* for me personally and for members on this side of the house because it was back in May 2011 that I spoke again on a self-congratulatory MPI put up by members of this government. I think at that stage they were congratulating themselves on their first six months in office.

Of course the settings around members of this house were somewhat different. We had the elected Premier, the member for Hawthorn, in the big seat. The member for Bass was in the Speaker's chair. The Deputy Premier was still the Minister for Police and Emergency Services. The member for Scoresby was the Treasurer and a range of other people held ministerial or parliamentary secretary positions they no longer enjoy today. It was really quite a lifetime ago, and just as a pointer to history I think it is worth going back to the contribution I made at that time. I said:

I find, members of this house, that it is always better if you are going to boast, if you are going to have a bubble bath in your own hubris, if you are going to light candles, put on the soft music and slow dance with yourself, to have something genuine to boast about. Otherwise, members of this house, it is more than a little awkward and a little embarrassing.

**Mr Newton-Brown** interjected.

**Ms GARRETT** — I say to the member for Prahran, through you, Chair, that the bubble bath of hubris goes on.

I went on to list some of the more heinous activities of the then six-month-old government led by the then elected Premier, the member for Hawthorn. We had the backdown on teachers pay; the debacle of the enterprise bargaining agreement negotiations with the police, which we all remember; the proposal to keep wage increases below inflation; changes to Easter trading hours, which have forced workers to work on Easter Sunday; and the passing — indeed the ramming through — of changes to the equal opportunity

legislation, which for the first time meant that Victorian antidiscrimination laws have gone backwards. It was a shameful period, which was bad enough back then but — goodness me — how much worse has this mob got over three years?

Let us take stock. We have lost a Premier and so many others along the way. The government has been held to ransom by a rogue MP and has repeatedly failed to act decisively to take control of that issue or to deliver a proper agenda. Government members have lost control on the floor of the house many times and failed to deliver a government business program. It is chaos, it is shambolic and it is a circus, which brings me to this particular matter of public importance, which is another feeble attempt by government members to kiss themselves in the mirror. The offerings of those opposite are lacklustre, and they sound tired, listless, lacking in life and unconvinced by their own musings. Their efforts do nothing to give this MPI any oomph.

We also have a government MPI which, as opposed to what happened in 2011, focuses on the Labor Party's election platform, such is the forlorn nature of their offerings. I do not blame government members for doing this; I do not blame them for being obsessed with the significant work and undertakings of our party. Compared with what government members have served up over the last three and a half years, I would be enamoured with the ALP too.

It is worth listing Labor's significant body of work. Opposition members had a comprehensive jobs plan at a time when this government abandoned any serious effort to save, protect or grow jobs in this state. Under the watch of this government, Victoria has lost tens of thousands of jobs, including an entire industry. What will that mean down the track? Government members and their federal mates in Canberra turned their backs on thousands of workers just when they needed them the most.

Labor has also delivered its very comprehensive and well-received Project 10 000 transport plan, which left members of this government scrambling for a transport agenda, forcing them to come up with a ridiculous thought bubble at the last minute. They have scrapped the well-thought-out Metro rail project and come up with an entirely new rail route overnight, which cuts entire lines from the city loop and refers to Fishermans Bend station, which is really located at the casino.

It is also worth highlighting that our leader has conducted literally hundreds of community forums across the length and breadth of this state. He has listened and is listening to thousands of Victorians. Our

party platform document is yet another significant body of work. The member for Williamstown and I spent many happy hours in a room together working on this values-laden document. It is our party's election platform and an outline of our vision and values for Victoria. Members will note very clearly the message from our leader at the beginning of the document, which says:

As we head toward the next Victorian state election in November, the parliamentary team will be working hard to prepare a costed and funded policy program to present to the people of Victoria.

The important ideas set out in the platform will help inform this work ...

What I am most proud of in this document is that it sets out our party's values, which we seek to go forward with and take to the people: security, services, standing up for you, strength, standards and sustainability. These are important values. They inform the Labor Party's presentation of its commitment and ideas. We are most proud of the document.

What do we have to compare our platform with from those on the other side of the house? We have our comprehensive values-laden document, but what document has this mob come up with off their own bat? We see an 11-point plan that would see the member for Frankston back here in a couple of months — a circus, chaos and a lack of vision. The fact is that this government is incapable of articulating, discussing and touching on a vision, let alone delivering on one.

This year's budget once again fails, just as over the last three and a half years this shaky mob who try to call themselves a government have failed. There were the missing Gonski billions. Where did they go? Apparently they are in the one big bucket of happiness this government calls its education agenda.

As the member for Eltham so articulately put it, we have had a further smashing of TAFE and vocational training, which is leaving our young people bereft of opportunity at a time when we have lost so many jobs and entire industries. Crime is on the rise; as the member for Mitcham said, there is more crime more often under the Napthine government. Contrast that to the Bracks and Brumby governments, which oversaw a fall in crime year on year.

We have had a comprehensive failure to properly fund or articulate an agenda for dealing with family violence in this state, and we have seen the scrambling that has happened since then. We have had the ongoing and disastrous ambulance crisis and an absolute ripping out of the guts of our public hospitals. Now coalition

members have got their mates in Canberra to really finish the job in both health and education, where we are seeing people charged, regardless of their income, to visit a GP. We are seeing people unable to access unemployment benefits for six months, and with the slashing of funding to TAFE and vocational education, the capacity for these vulnerable, struggling Victorians to find work is going to be further reduced. This government should stand absolutely condemned for that.

I stand here today, three years on from when I first spoke. As I said, it was bad enough back then, but look at the shambles we are in now. This MPI is as big a joke as this government. It is a government that cannot bring itself to talk about its own agenda, but instead is obsessed with talking about Labor's agenda, because the Labor Party in this state has an agenda. Our agenda is the product of listening and leading. Our agenda very proudly and clearly puts people first and is entirely focused on delivering stable, caring government for the people of Victoria — and, goodness me, isn't everyone craving that?

**Mr GIDLEY** (Mount Waverley) — I rise to make a contribution to the debate on this matter of public importance. It is important that the Parliament notes significant achievements for the Victorian community, and that is what this matter of public importance does. It notes the significant achievements for the Victorian community that, in partnership, the Liberal-Nationals coalition government has delivered — tangible improvements to our state over the last three years.

**Mr Noonan** interjected.

**Mr GIDLEY** — That may well be news to the member for Williamstown, but glossy platforms documents with plenty of photo opportunities do not deliver the significant improvements that have happened under the coalition government.

The economic action plan the government has implemented has ensured that future generations will not be straddled with the debt and deficits that Labor produced through its ongoing day-to-day expenditures. The Liberal-Nationals coalition government on coming to power implemented and understood the basic principle that for day-to-day operating expenses, whether it be a household budget, a community organisation budget or a Victorian government budget, you cannot always live beyond your means for the day-to-day running of services. You need to balance the budget and ensure that you do not max out the credit card for future generations.

When we came to government it was clear that the previous government had an unsustainable platform. Whether or not members of the opposition like to hear them, the facts are that expenditure growth outstripped revenue over the previous decade, when Labor was in power. Spending grew by an average of 8 per cent a year — yes, 8 per cent — contrasted to revenue growth of 7.3 per cent. The effect on families and our community of that structural deficit — when you take out the one-off sugar hits from the commonwealth — is that today's children will tomorrow be paying for Labor's reckless overspending on day-to-day services.

That is something the coalition government simply was not prepared to tolerate, because it understands that when you are building for future generations in our country day-to-day services need to be paid for by this generation rather than saddling future generations with debt and deficit. Not only was the former government operating in a structural deficit but in addition to that it faced the challenge of the write-downs in revenue of on average about \$1.9 billion a year from state taxes and GST as a result of the global financial crisis.

I note that because when you look at where the government has come from you see that it has delivered a budget which will ensure that the state's finances are on a sustainable footing. That will deliver our state confidence and it will ensure that future generations will not be saddled with the debt and deficits that are the hallmarks of Labor, whether it is federal Labor under Rudd and Gillard or state Labor under John Brumby and Steve Bracks, which operated in structural deficit. As I said, in addition to that there was the important task of managing the debt and ensuring that the growth in the debt was reduced.

The government has done that in this budget wherever possible by keeping in mind that it is the custodian of taxpayers funds. We are not going to undertake reckless spending on infrastructure projects like myki, the desalination plant or others that were so clearly mismanaged by the Labor government. Because of the very good project management of this government it has been in a position to not only balance the budget but also provide some tax relief to families. That has meant wherever possible putting downward pressure on the cost of living for families.

In particular I note that in this budget the rate of payroll tax has been cut from 4.9 per cent to 4.85 per cent. I know the opposition will not like this, because it is inconvenient to its spin, but the fact remains that that cut in payroll tax will save Victorian businesses around \$234 million over four years. That will deliver jobs, investment and security. It is not a glossy document; it

is actually delivering real policy outcomes. The measure will benefit around 39 000 Victorian employers, and in one particular bracket it will make Victoria's payroll tax rate the lowest effective rate of any jurisdiction in the country.

In addition to that, the government has put downward pressure on the cost of living for families that hold life insurance by abolishing duty on it, saving consumers \$16 million over four years. That dividend, if you like, of good economic management could never be delivered under a government as reckless and careless as the previous government was in putting together projects like myki and the desalination plant or managing the Building the Education Revolution (BER) school rip-off building program, which was not necessarily in our children's interests. Victoria's AAA rating has been protected, again to ensure the lowest possible interest rate for future generations. That means governments will have the capacity over time to ensure that more funds are directed to front-line services rather than to bankers overseas, which the Labor Party clearly showed an interest in by running debt and deficits.

Let us look at some of the infrastructure projects that have been made possible by this government as part of a record \$27 billion of investment to improve the lives of ordinary Victorians. In particular I note what the east-west link will do for the residents of the city of Monash. Unfortunately, as the member for Tarneit said very clearly in the lead-up to the 2010 state election, Victoria is over reliant on the M1 corridor and there is a need for a second east-west crossing. The member for Tarneit was right; I will give him credit for telling it like it was then and like it is today. What that means is that the east-west link will provide my community with an alternative to get around on other than the M1. That will deliver not only economic outcomes but also positive social outcomes.

In terms of better roads and public transport, the \$2.5 billion investment in the Dandenong rail corridor will ensure the removal of level crossings around the municipality of Monash. I note the contrast with the opposition's glossy document entitled *Victorian Labor Platform 2014*, which talks about level crossings and the capacity to remove them. I ask: why did the Labor Party not remove the level crossing at Clayton Road, Clayton? Why did it not remove the crossing at Centre Road, Clayton? In its 11 years in government, with good revenues from the commonwealth government's one-off sugar hits, why did Labor not undertake those projects? The reasons are that Labor did not have the capacity to manage projects and that it was not a high priority for it.

Simply because something is printed in a glossy document six months from a state election does not mean anything will be different. One thing that is sure in politics is that actions speak louder than words, and when a government does not undertake the sorts of infrastructure projects that are required, as Labor did not, it cannot be trusted to undertake those sorts of infrastructure projects into the future. What we do know is that under Labor we had more projects like myki and the desalination plant.

In terms of project management, this document talks about a new office called Projects Victoria. Why was it not implemented during the term of the Labor government for myki, the desalination plant or the BER school rip-off projects? The facts and the record speak for themselves. Outside of a glossy spin-doctored document released six months before a state election, Labor has shown it does not have the track record to manage major projects. The consequences of that are that Victorians pay higher taxes and charges, get less front-line services and do not get the project management they deserve.

In the short time that is left I turn to fairness and justice. One of the great things this government has done is ensure that those who want to work can do so. I will use the example of illegal blockades. It is no surprise that this document talks about tearing up the construction code, in effect ensuring that the rule of law on building sites will not continue to be enforced and illegal blockades on building sites will occur. The consequences of that for Victorian families would be higher costs on building sites, both for government and non-government projects, lower economic growth, reduced job opportunities, higher debt, higher taxes, higher interest rates and less front-line services.

If a government spends more on major projects and building sites because it does not have a construction code, it will have less to spend on front-line services. That is why this government has delivered the construction code. Importantly, this document talks very clearly about how Labor will abolish equal employment opportunity exemptions in education and destroy parental choice in independent schools.

## STATEMENTS ON REPORTS

### Road Safety Committee: serious injury

**Mr PERERA** (Cranbourne) — I wish to speak briefly on the Road Safety Committee report on its inquiry into serious injury. I begin by thanking those who worked hard to produce this report. It is well and truly a historical document. I very sincerely thank Yuki

Simmonds, the executive officer, who managed all aspects of the inquiry beautifully, understanding the exact nature of her role; John Aliferis, the research officer, who has enormous aptitude for research into new concepts and in-depth analysis; and Christianne Castro, the office manager, for getting everything on track smoothly, and having patience and a no-fuss approach with the ever-changing diaries of members of the committee. They are a fantastic trio. Should circumstances permit, I look forward to working with them again.

I also acknowledge the contributions made by my parliamentary colleagues: the chair of the committee, the member for Sandringham; the deputy chair, the member for Derrimut; the member for Benambra, and a member for Western Metropolitan Region in the other place, Mr Elsbury. I also thank all the organisations and individuals who provided briefings, made written submissions and presented at public hearings of the committee.

Every measure identified and analysed by the committee studies reinforces the view that motorcycle use is growing and is likely to continue to do so.

Currently there are more licensed riders and motorcycles registered than at any prior time. A key theme in the report is the need for a new approach to address crash-related serious injuries in order to both raise the profile of these injuries and to reduce them. The committee suggests that there is an urgent need to take a whole-of-government approach to road safety, one that moves away from the traditional engineering-enforcement approach.

The integration of road safety policy into broader government objectives around health, planning, justice, transport, environment and education is considered the key to significantly reducing road trauma. This is particularly important given the rise of alternative travel modes in Victoria, specifically bicycling and motorcycling. Among inquiry participants there was also a push for greater promotion of active transport, through urban design and other means, as a way to reduce the dominant impact of the road transport system on land use. This also aligns with public health objectives, such as overcoming obesity with safe walking and cycling, as well as accommodating the ageing population within the road transport system. The integration of road safety into other policy areas, and particularly its alignment with broader government transport and planning decisions, is also a key characteristic of the safe system approach, the model of road safety management employed by the Victorian government.

The report makes 47 recommendations, including that the government explore ways to contribute to reducing road safety risks and change the way serious injury data is compiled. The report also recommends the government develop terms of reference for an inquiry into cycling and its challenges, and to introduce a new tiered definition structure that will ensure all aspects of injury are included and therefore monitored. The report states that the current structure tells us very little about the nature of injuries at the time of a crash and at the treatment stage, and nothing at all about the functional outcomes or long-term implications of injuries on patients. Under the new structure, the existing injury categories will be retained, with the current serious injury definition renamed 'admission to hospital'. Taking this approach will ensure that Victoria meets the national definition of 'serious injury', which is 'admitted to hospital', and will also allow the Victorian government to track the resources used to treat victims of road crashes — that is, how many hospital beds have been used to treat crash victims — and the number of fatalities. The committee found that the cost of crashes contributes to an understanding of the magnitude of the road safety burden — —

**The ACTING SPEAKER (Mr McCurdy)** — Order! The member's time has expired!

### **Road Safety Committee: serious injury**

**Mr THOMPSON** (Sandringham) — The Victorian parliamentary Road Safety Committee undertook an inquiry into serious injury, and I have previously commented on it. To paraphrase, in broad terms, the terms of reference to the committee were that it examine the cost of a serious injury to the Victorian community and economy, look at the better correlation of data, consider best practice definitions in relation to injury and injury severity, determine the correlation between reductions in fatalities and serious injuries resulting from different road safety countermeasures, identify cost-effective countermeasures to reduce serious injury occurrence and severity, and identify best practice in managing long-term reductions in serious injury, including raising the profile of the serious injury burden.

As members of this house would know, the Victorian parliamentary Road Safety Committee has had a significant impact on reducing the death toll on Victoria's roads and has led the world in the implementation of some measures, most notably the mandatory wearing of seatbelts. In addition there have been other pioneering reforms that have included the mandatory wearing of bicycle helmets, which occurred a number of decades after the introduction of the

mandatory wearing of helmets for motorcyclists. There has also been pioneering reform in relation to drink-driving legislation, random breath tests and other matters.

Where do we go in the future? There is an overall objective of reducing the burden of the road toll by 30 per cent, and it will take a quantum leap in order to be able to achieve that. There have been submissions made in relation to the use of technology, and it is one area that I placed high hopes on in the future in my role as chair of the committee, as there is great scope through the application of technology to achieve some outcomes. The Monash University Accident Research Centre provided evidence on:

... the examples of fitting of mandatory alcohol interlock to all new vehicles, seatbelt interlocks, and Intelligent Speed Assist (ISA) to address speeding and low-level unintentional speeding.

That is a direct quote from the committee's report, which goes on to say:

Similarly, VicRoads stated in its submission that 'the future landscape of road safety will require a heavy reliance on the introduction and uptake of existing and new technologies to modify driver behaviour and to deliver greater road user compliance'.

I note that in Europe at the moment the trucking industry has a black box recorder device that is installed in all freight vehicles across Europe. After a period of time they are placed under security and are subject to an audit process. There have been calls in Australia for such measures to accommodate interstate truck driving that will monitor the level of fatigue and reduce subsequent crashes arising from fatigue, but there is an overall focus within the Victorian parliamentary committee on evidence-based research.

There is also an opportunity for the media to assist in terms of raising the profile of serious injuries. The great work of former *Herald Sun* editor Harry Gordon in the 'Declare War on 1034' drove reforms in the state of Victoria. The legislature acted once there had been some significant headline work undertaken by Harry Gordon in the late 1960s and early 1970s in Victoria, which led to the implementation of the seatbelt legislation. I pay a great tribute to Harry Gordon and others who were involved in pioneering reform at the time.

There is a focus on better identifying the serious injury burden, and that it be statistically calculated and presented. I, along with colleagues, took evidence during the course of the current Parliament from people who had acquired brain injuries. We also heard more

about the incidence of quadriplegia and paraplegia through our own constituency work and general commentary during the work of the committee.

The impact and toll on families and communities of people having sustained serious injuries is massive, and we have the responsibility as legislators to redress that impact. More people have been killed on Victoria's roads than in the great wars of the 20th century. The burden on the community from serious injuries is a double-digit multiple of that produced by deaths, and more can and should be done about this. If I was to distil the principal advice for safety from the committee's report, it is that motorists and motorcyclists should stay in the safety zone at all times.

**The ACTING SPEAKER (Mr McCurdy)** — Order! The member's time has expired.

### **Outer Suburban/Interface Services and Development Committee: growing the suburbs**

**Ms HUTCHINS (Keilor)** — I rise to speak on the Outer Suburban/Interface Services and Development Committee report entitled *Inquiry on Growing the Suburbs — Infrastructure and Business Development in Outer Suburban Melbourne*, which was tabled in the house in June last year. As a former member of the committee — the committee no longer exists in the form it did previously — I have spoken on this report a number of times. Today I want to focus on one of the points of the terms of reference of the inquiry, point (d), which states that the committee 'catalogue the skills mix of outer suburban residents to identify those areas with a skills shortage and provide options for skills training and retention, especially as these relate to both younger and semi-retired people.

Issues relating to young people are particularly relevant in the outer western suburbs, where youth unemployment is significantly higher than in other parts of the state. The growth rate in Melbourne's west is the fastest in the nation. Over the next few years the population of Melbourne's west will hurtle towards 1.1 million. As things stand, this milestone is set to be tarnished by wilfully short-sighted planning and a lack of commitment from the state government to spending on infrastructure in the outer suburbs or providing supports for employment in this area. As the west has continued to grow, the infrastructure that underpins that growth has not been invested in, and the region is feeling the burden of its own progress.

I draw the attention of the house to some of the points made in chapter 13 of the report — in particular, part D, dealing with skills development, where the committee

identifies that the skill and training needs of the outer suburbs are quite different to those of the inner suburbs. In particular the committee notes that Melbourne's interface councils have a ratio of job provision of approximately one job for every two labour force participants, as compared to one for one among non-interface councils, particularly those in the inner suburbs.

Many stakeholders who spoke to me during the committee's inquiry emphasised the importance of providing outer suburban residents with training opportunities that would enable them to participate in Melbourne's knowledge economy. Unfortunately during the time since the hearings occurred and this report was tabled, the outer west has slipped backwards significantly. It now receives less funding for TAFE, and the state and federal governments have walked away from their commitments to the local learning and employment networks (LLENs) that exist across the state. LLENs are amazing facilities that underpin support, partnerships, relationships, brokerage and training for kids most at risk, including those currently engaged in schooling and those who have dropped out of schooling and are facing unemployment. The unemployment rate in the western suburbs for young people aged 15 to 19 is 38.4 per cent, as compared to the rate in greater Victoria, which is 7.2 per cent. The difference is stark.

The region as a whole is in decline when it comes to employment. In 2003 the west had 8 per cent of Victoria's population. In 2014 that has jumped to 16 per cent, yet the unemployment rate in relation to population has skyrocketed. There are many barriers to employment, including a lack of local jobs and a lack of support. Unfortunately it looks as if this will worsen due to the potential closure of the LLENs in the western suburbs. This is particularly so with the great Brimbank/Melton LLEN, which is in my electorate. For every dollar invested by the state government into that the Brimbank/Melton LLEN, it has leveraged an additional \$2 from the community to support kids who are at greatest risk of long-term unemployment, in partnerships with businesses and schools. I urge the government to have a good look at the recommendations in this report, endeavour to secure the future of LLENs and take up the fight for jobs and youth in the outer west.

**Rural and Regional Committee: opportunities for people to use telecommuting and e-business to work remotely in rural and regional Victoria**

**Dr SYKES** (Benalla) — I wish to comment on the Rural and Regional Committee report entitled *Final*

*Report — Inquiry into the Opportunities for People to Use Telecommuting and E-business to Work Remotely in Rural and Regional Victoria.* This subject and the report on it is of particular interest to people in north-eastern Victoria. Our part of the world is a great place to call home, as you know, Acting Speaker. Around 70 per cent of the land in my electorate is owned by people who have significant off-farm income, and a number of those people run businesses that may involve working with people throughout Victoria, particularly in Melbourne, and also interstate — Sydney and other locations — and internationally.

The committee visited north-eastern Victoria, and a number of us had the opportunity to address the committee. The message we conveyed loud and clear was that we know how to use this technology. What we need is for the technology to be put in place. To this end, the federal government has committed \$100 million towards addressing a number of mobile phone black spots throughout Australia. We know that money will be stretched to cover the many black spots, but over and above that the Liberal-Nationals state coalition government has committed \$40 million to address mobile phone black spots and to put wi-fi on a number of train lines, including the Melbourne to Seymour line. That will go some way towards helping people conduct their business through e-technology, and I hope this can be expanded.

The challenges for providing greater services in regional Victoria particularly include the cost of the necessary infrastructure. Companies such as Telstra and Optus are private businesses, and they need to make a profit. But that said, they often underestimate the level of technology usage in the areas seeking greater services — that is, use of the technology by locals but also in north-eastern Victoria by the many visitors who come throughout the year. What we need over and above meeting the baseload requirements is to meet peak demand requirements and usage.

To that end, I encourage local communities to put up their cases as they have done in the past. The community of Myrree collected information on usage by both locals and visitors and was able to convince Optus, I think, that it was worth the company's while to put in place a communications tower. Similarly, the Mansfield shire has taken the lead in arguing the case for improved telecommunications throughout all of north-eastern Victoria, and I commend it for taking that action.

Over the weekend we had an example up in the high country of north-eastern Victoria where we saw the

alpine resorts taking advantage of evolving technology. At Hotham, for example, people now have the ability to book their accommodation online and also to organise their parking permits online so that it is a seamless transition. You come up the mountain, you go straight to the car park, you go straight to your accommodation and you can start enjoying our beautiful high country hospitality from the moment you arrive. Technology is also being applied to providing options for ski lift usage — certainly the Mount Hotham Skiing Company is doing that — and we will see greater opportunities evolving.

The issue of improving telecommunications and e-technology is fundamental to the coalition's commitment to growing regional Victoria. In addition to ensuring that we provide greater educational opportunities for our young people, which e-technology and telecommunications can provide, we are providing support and guidance to older people through our small business seminars to help them understand what they can get out of e-technology through growing their markets.

As an example of growing their markets, our educational institutions in north-eastern Victoria, such as Mansfield Adult Continuing Education, the Euroa Community Education Centre and GOTAFE, have all recognised that by using telecommunication and e-technology they can service the education needs of people far afield. My message is that the coalition government strongly supports the growth of regional Victoria, and the growth of telecommunications and e-commerce is a fundamental part of that plan.

**Public Accounts and Estimates Committee:  
budget estimates 2013–14 (part 2)**

**Mr FOLEY** (Albert Park) — I rise to make some comments on the Public Accounts and Estimates Committee (PAEC) reports to this Parliament — a number of them — particularly the report on the 2013–14 budget estimates, parts 1 and 2. I do so particularly in regard to those reports and their associated transcripts insofar as they relate — —

**The ACTING SPEAKER (Mr McCurdy)** — Order! I remind the member for Albert Park that he can speak on only one report.

**Mr FOLEY** — Thank you for your guidance, Acting Speaker. I will restrict my comments to the Public Accounts and Estimates Committee report on the 2013–14 budget estimates, part 2, tabled on 16 October 2013. In so doing, as those budget estimates reports deal with the operations of particular

departments, I will restrict my comments to the Department of Environment and Primary Industries (DEPI). I do so particularly with regard to the fact that that report gives us an insight into the management of the environmental contribution levy system — a levy that comes back to government through that arrangement and which was the subject of some consideration by that committee.

The environmental contribution levy was established in 2004 by the Labor government in recognition of the issues around water extraction for consumption by industries and the impact on the sustainability of rivers. Under the requirements relating to that environmental contribution levy, water authorities are required to pay a portion of their revenue to fund initiatives that, as stated in section 194 of the Water Industry Act 1994:

- (a) promote the sustainable management of water; or
- (b) address adverse water-related environmental impacts.

As members would be aware, that levy is set at 5 per cent of revenue for urban water authorities and 2 per cent for rural authorities. The money most recently identified in that PAEC report indicates that \$406.9 million was projected to be raised over the period 2012–16. DEPI, as the department responsible for administering this levy and deciding how it is spent, was the subject of some consideration by that committee. It is interesting to note that, in the seven years in which the department was able to identify an environmental contribution since the levy's establishment, some \$435 million was collected under the Labor government. This money was fully expended, with 30 per cent of the identified projects going into protecting or repairing river or water sources; 25 per cent going to water recovery, including the Living Murray; and the remainder of the money being spent on urban recycling projects, WaterSmart farms and a variety of other water projects.

Interestingly enough, the reports available for the last two years — that is, reports made under the current government — have coincided with a remarkable change of events. Over these two years, 2011–12 and 2012–13, \$138 million was collected by the levy, but only \$72.724 million, or some 52 per cent, of the available money has been spent. A further examination reveals that the decline in spending has accelerated in more recent times, with the figure coming down from 62 per cent to 42 per cent of the available money being spent in 2012–13. Most problematic of all is the fact that this money has been identified as having been spent on non-consistent projects such as, as DEPI puts it, entitlement refinement, market development or whole-farm planning in the Goulburn-Murray irrigation

district. Whilst these are no doubt worthy projects, they do not fit the requirements under the act. Indeed, they fit better the routine government business that is required under the Water Act 1989.

In short, this state government now appears bent on a path, having collected this money, of spending less and less on the dedicated works that the environmental contribution levy is aimed at whilst pocketing the remainder. This continues this government's performance in the water management area, particularly its mismanagement of the Office of Living Victoria and its extension of The Nationals' politicisation of that office into these arrangements. Perhaps most disturbing of all is the preparation of the Minister for Water, as we are now seeing through the independent economic regulation review, as he looks towards the potential privatisation of the pipes and bills areas of water corporations.

### **Education and Training Committee: education of gifted and talented students**

**Mr WATT** (Burwood) — I rise to speak on the report of the Education and Training Committee inquiry into the education of gifted and talented students, completed in 2012. I thank the crowd we have here listening to this contribution, especially some of those in the media. The reason I am speaking on this report is that the government recently released a policy with regard to aiming higher around this topic.

Before I start, I will comment on some of the barbs that are thrown in this place, especially from the member for Albert Park. I get called things like 'Mensa', which is quite hilarious — if the member for Albert Park only knew!

This report is interesting. I will start with some of the things that were identified in the executive summary. Under 'Improving provision for gifted students in Victorian schools', it says:

There is no one-size-fits-all approach that can be used to educate Victoria's gifted students.

That is very interesting. I will follow up on that later in my contribution, understanding that I have only 3½ minutes left. The executive summary also says:

Raising a gifted child can be exacting and exhausting. Parents often struggle to find information about giftedness and, in particular, about educational options for their child.

I raise that because when I was in primary school I remember taking a form home for my parents, and my parents just did with it what they did with all of these forms whenever they got them from my sisters — they

put it aside and did not bother to fill it out or do anything with it. A couple of weeks later I rocked up to school and the teachers said to me, 'You have got to go and do this test'. I was thinking, 'Why do I have to do this test? My parents didn't fill out the form'. It so happens that somebody else filled out the form, I assume one of my teachers. That then led to me going to a different school. I used to travel 30 kilometres a day to get to school and 30 kilometres home, because I was accepted into a program for academically talented students.

I do not normally talk about that, but I mention it now because in Victoria we may have a number of select-entry schools but they do not work for everybody. What I learnt through my schooling is that if you do not provide kids with the ability to be enthused, to progress and learn, they get bored and do not necessarily do what they could do in life or progress as they should. This report talks about making a decent education accessible for gifted and talented students throughout the state, not just in these select-entry schools. I was lucky because I was in a metropolitan area and 30 kilometres is not that difficult — a train and a couple of buses, no problems — but students in other areas do not necessarily have access to select-entry schools. As a government we need to make sure that we provide for all students right across Victoria to ensure that every student has the ability to excel in their own way.

That is where I come to the Aiming High strategy for gifted and talented students, which the government is progressing at the moment. The government has developed 18 actions and initiatives for the next five years that are designed to improve gifted and talented education. That includes the provision of \$1.2 million over three years for educational and community organisations to establish extension programs for gifted and talented students and \$200 000 for select-entry schools to provide outreach programs for Victorian students. That is a particularly worthy outcome: to make sure that we can provide outreach programs and that students right across Victoria can get access to the education facilities and programs that they need. Other actions are to provide professional learning in gifted and talented education for early childhood professionals and teachers, to work with universities to support gifted and talented early entrants and to develop identification toolkits for parents and early childhood professionals and teachers to recognise gifted and talented students.

I would like to end my contribution by saying that we need to make sure that we assist parents, as my parents were not given that assistance other than through the teachers I had at primary school.

## BUSINESS OF THE HOUSE

### Standing orders

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

That so much of standing orders be suspended so as to allow government business order of the day no. 1 to be considered before the government business notice of motion 1 as listed on today's notice paper.

I again thank the opposition for facilitating this. What we will now do as a house is move to the second-reading incorporation of the Freedom of Information and Victorian Inspectorate Acts Amendment Bill 2014. For that we will follow the new process that the government and opposition have agreed on. Then I understand we may — but it is completely up to you, Acting Speaker — break for lunch, which would enable question time to proceed, followed by the motion in which everyone is interested. The notice of motion proposed by the Premier will be the first item of government business after question time. Again I make a point of thanking the opposition; without its cooperation we would have had the ludicrous situation of the Premier commencing his speech, having a break for lunch, having question time and then going back to it. For those of us in this place who are interested in the smooth running of the house this is a good solution. I give an undertaking — and I am completely and utterly locked in by this anyway — that the notice of motion proposed by the Premier on the Privileges Committee report regarding the member for Frankston will be first up after question time.

**Motion agreed to.**

### FREEDOM OF INFORMATION AND VICTORIAN INSPECTORATE ACTS AMENDMENT BILL 2014

#### *Statement of compatibility*

**Mr CLARK** (Attorney-General) 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 Freedom of Information and Victorian Inspectorate Acts Amendment Bill 2014.

In my opinion, the Freedom of Information and Victorian Inspectorate Acts Amendment Bill 2014, 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.

### Overview

The bill makes various amendments to the Freedom of Information Act 1984 (FOI act) and the Victorian Inspectorate Act 2011 (VI act).

The FOI act amendments in large part seek to improve the operation of the act, including by clarifying time limits and notification requirements by the freedom of information commissioner (FOI commissioner). In addition, the amendments will allow for the appointment of assistant commissioners, providing much-needed support to the office of the FOI commissioner.

The amendments to the VI act provide a process for dealing with detained persons, including processes for a detained person to make a complaint to the Victorian Inspector (VI), and enabling the VI to issue a summons to a detained person to attend before the VI. In addition, an amendment will provide specific consequences where a corporation or its officers are guilty of an offence under the VI act.

### Human rights protected by the charter that are relevant to the bill

#### *Section 13: privacy and reputation*

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. This right may be relevant to clause 16(1) and clause 23 of the bill.

Under the existing FOI act the FOI commissioner may disclose a document that is claimed to be exempt under section 33 (document affecting personal privacy), provided that he or she notifies any affected person of their right to appeal that decision. In some cases, it is not possible for the FOI commissioner to obtain the contact details required to notify affected people. Clause 16(1) will amend the FOI act to require the FOI commissioner to notify a person 'if practicable'.

This amendment will ensure that the provision is consistent with section 33(3), which requires an agency or minister to notify a person 'if practicable', if, in response to a request, the agency or minister intends to release documents containing information relating to the personal affairs of the person. The amendment does not limit the right in section 13 of the charter act because it has no effect on which personal information is disclosed under the FOI act. It will still be necessary for the FOI commissioner to consider, under section 33, if the document should be exempt from disclosure where this would involve the 'unreasonable disclosure' of information relating to the personal information of the person. The FOI commissioner will also still be required to make endeavours to notify an affected person.

Section 63D of the FOI act currently imposes substantial limitations on the FOI commissioner and her office in relation to the use of any document or information produced or provided in the course of a review or complaint process. Clause 23 will amend this provision to apply only to exempt documents such as cabinet documents and documents affecting personal privacy. The purpose of this amendment is to reduce the administrative burden on the FOI commissioner of handling and disposing of every document and item of information received as though it were sensitive, which often is not the case.

The bill amends section 63D so that it only applies to exempt documents.

This has the effect that the requirements contained in section 63D will no longer apply in relation to non-exempt documents received by the FOI commissioner, which may contain personal information in some circumstances. However, this amendment serves a legitimate and necessary purpose, enabling the timely and efficient processing of FOI reviews and complaints. Victorian public servants who receive personal information remain bound by the requirements of the Information Privacy Act 2000, and by the data security processes utilised by the FOI commissioner which ensure the proper handling of such information and limit any interference with personal privacy.

In my view, the provisions do not limit the section 13 right to privacy and are therefore compatible with the charter act.

#### *Section 17: protection of children*

Section 17(2) of the charter act provides that 'every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child'.

Clause 28 of the bill provides that people in detention aged 16 years or over can be directed to appear before the Victorian Inspectorate (VI) by summons.

The VI act provides that the VI must not issue a witness summons to a person who is under the age of 18 years unless it considers on reasonable grounds that the information, document or thing that the person could provide may be compelling and probative evidence, and it is not practicable to obtain the information, document or thing by any other means. This process requires the VI to take the best interests of the child into account. Further, the VI process is fair and transparent and there is scope for a child's interests to be represented by a legal representative, parent or guardian.

These safeguards are sufficient to ensure that children aged 16 or 17 who are directed to appear before the VI receive sufficient protection within the meaning of section 17(2) of the charter act.

Robert Clark, MP  
Attorney-General

#### *Second reading*

**Mr CLARK** (Attorney-General) — I move:

That this bill be now read a second time.

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

The bill implements further important reforms to the Freedom of Information Act and the Victorian Inspectorate Act that will support and enhance the operation of Victoria's integrity legislation.

#### **Freedom of Information Act**

The coalition government remains committed to ending the abuses of FOI that pervaded the former government, and to

improving transparency and accountability across government agencies.

The establishment of the FOI commissioner by the coalition government was the most significant change to Victoria's freedom of information regime since its introduction more than 30 years ago.

For the first time, Victoria now has an independent FOI commissioner to review applications and investigate complaints, where applicants are dissatisfied with the initial response to an FOI application by an agency.

Victorians are already making good use of this regime: the office of the FOI commissioner has received more than 1000 inquiries, 250 requests for reviews and 160 complaints in its first year of operation.

The coalition government has allocated \$9.9 million over the forward estimates to the office of the FOI commissioner. This represents substantial additional resources compared with the position under the former government, where reviews were usually undertaken by agency officers as a side role on top of their main jobs.

This bill allows for the appointment by the Governor in Council of one or more assistant FOI commissioners. The coalition government has committed to appointing two assistant commissioners, who will assist in reducing delay and managing the FOI commissioner's caseload by deciding on applications for review and complaints referred by the FOI commissioner.

These two assistant commissioner positions will be funded by an ongoing increase to the budget of the FOI commissioner's office, in addition to the \$9.9 million already allocated over the forward estimates.

The bill provides for the FOI commissioner to be able to refer any review or complaint to an assistant commissioner. An assistant commissioner will have all the functions, and may exercise all the powers, of the FOI commissioner in dealing with a review or complaint. Assistant commissioners will be responsible to the FOI commissioner for the due performance of their functions; however, each assistant commissioner will have full authority to decide the cases referred to them, and a decision of an assistant commissioner will be taken to be a decision of the FOI commissioner.

These reforms will ensure timely decisions on FOI reviews and complaints, benefiting applicants and improving the efficient use of agency resources across government.

The bill also affirms that the FOI commissioner must perform functions and exercise powers with as little formality and technicality as possible.

The bill clarifies the process to be undertaken by the FOI commissioner when reviewing a decision of an agency to refuse a request on the grounds that it is apparent that the documents described in the request are exempt documents.

The bill clarifies that the FOI commissioner may rely on the advice and assistance of members of staff in all aspects of dealing with a review or complaint, including undertaking preliminary inquiries and making a fresh decision or recommendation. The bill also clarifies the circumstances in which the functions of the FOI commissioner may be undertaken by, or delegated to, members of staff.

In addition, the bill makes various amendments that clarify time limits and notification requirements by, and to, the FOI commissioner. The bill amends the FOI Act to require the FOI commissioner to notify an agency when the commissioner receives an application to review a decision of the agency. The bill also specifies a time limit for an agency to notify the FOI commissioner if it revokes a decision under review by the commissioner, and imposes a clear and appropriate time limit of 28 days on applicants to indicate whether they agree with the fresh decision of an agency.

**Victorian Inspectorate Act**

The bill also makes amendments to the Victorian Inspectorate Act, primarily designed to improve the capacity of the Victorian Inspector to hear complaints and evidence from persons in detention. The bill confirms that a detained person may make a complaint to the Victorian Inspector, and enables the Victorian Inspector to issue a summons to a detained person to attend before the Inspectorate. The bill also provides specific penalties for a corporation found guilty of an offence under the Victorian Inspectorate Act, and establishes that an officer of the corporation knowingly concerned in or party to the commission of the offence is also guilty of the offence.

Consistent with the government’s commitment to promoting an efficient and effective integrity regime, the bill will reduce administrative burdens, support the informal resolution of disputes, and underpin the provision of additional resources where they are required. The amendments will enhance the efficiency of the FOI regime and increase the effectiveness of the Victorian Inspectorate.

I commend the bill to the house.

**Debate adjourned on motion of Ms D’AMBROSIO (Mill Park).**

**Debate adjourned until Wednesday, 25 June.**

**Sitting suspended 12.47 p.m. until 2.03 p.m.**

**Business interrupted under standing orders.**

**QUESTIONS WITHOUT NOTICE**

**Member entitlements**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer to the Premier’s comments that wrongdoing should be met by an appropriate punishment, and I ask: is the Premier aware that a member of this house who is named and suspended for just 11 days will still take home salary and entitlements of more than \$163 000 between today and the end of November? Is the Premier aware of that, yes or no?

**Ms Asher** — On a point of order, Speaker, on the rule of anticipation, *Rulings from the Chair — 1920–2013*, December 2013, at page 29, states that ‘A question without notice may not anticipate debate on a matter listed for debate’, referring to a ruling made by Speaker Christie

in 1973. Subsequent Speakers have in fact ruled that if members wish to anticipate the budget, they may do so by a special resolution. Previous speakers have in fact ruled that if there is a motion on the general business paper which will never be reached, that would be permissible. However, the main Speakers ruling is that questions must not anticipate debate. I put it to you, Speaker, that given that the next item of business is the motion that has been referred to in the Leader of the Opposition’s question, this question is out of order.

**Mr Andrews** — On the point of order, Speaker, I put it to you that I have not referred to any specific member of Parliament.

*Honourable members interjecting.*

**Mr Andrews** — I have not. I put it to you respectfully, Speaker, that I have not referred to any specific member of this house, and I have been very careful not to do that, knowing the forms and conventions and rules of this place. No member has been specifically named. I have asked a question about the Premier’s knowledge or awareness of a set of facts in the context of commentary that the Premier, the leader of the government, has made repeatedly in recent days. There is no anticipation of a very specific debate that is listed for debate and may or may not occur after question time.

This question does not anticipate a specific debate; that would be inappropriate. This is a question about the Premier’s awareness or knowledge in relation to specific comments he has made, and in those comments I am not drawing the attention of the house to any specific member or any penalty beyond the scope of the carefully worded question. I respectfully put it to you, Speaker, that the question should stand.

**Mr Ryan** — On the point of order, Speaker, the position to which the Leader of the House has referred of course has regard to the actual practicality of the ruling which was made by the Speaker at the time. Coincidence, one can accept, sometimes has its place in things, but surely the clear implication in this question is that it is dedicated precisely to the matter which is about to be debated in this place. It clearly is in breach of the rule of anticipation and should be disallowed. It is entirely in order for the Leader of the Opposition to pose his question — of course it is — but he has to do it, surely, within the forms, precedents and standing orders of the house. This question breaches all of them.

**The SPEAKER** — Order! I have heard sufficient on the point of order to rule. The notice of motion does not refer to ‘11 days’. I allow the question.

**Dr NAPTHINE** (Premier) — Any penalty that applies to any wrongdoing should be fair, just and appropriate. It should be proportionate to the wrongdoing and consistent with the precedents.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Monbulk and the Leader of the Opposition will cease interjecting in that manner.

### Major sporting events

**Mr KATOS** (South Barwon) — My question is to the Premier. How is the coalition government's securing of major sporting events for Melbourne and the regions helping to build a better Victoria?

**Dr NAPTHINE** (Premier) — I thank the member for South Barwon for his question and for his interest in using major events and major sporting events to grow jobs and grow the economy, particularly in the Geelong region. Melbourne and Victoria are quite rightly recognised as the sporting capital of the world. We are also well known as the major events capital of the world.

Victoria is home to the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the Melbourne Cup carnival and the AFL Grand Final. These significant sporting events put Melbourne and Victoria on the world stage, delivering incalculable benefits to our great state. They also deliver direct economic and jobs benefits to the state, and they add to the great quality of life for those residing in Melbourne and Victoria.

I am pleased to advise the house that Victoria has secured two great Rugby League State of Origin matches for the MCG in 2015 and 2018. Those who watched the recent Rugby League State of Origin match saw that it was a game full of passion, commitment and involvement, and we are bringing that to the greatest sporting arena in the world, the MCG. We will see the great history of State of Origin here in Melbourne, with a crowd of over 85 000 people, bring enormous benefit to Melbourne and Victoria. Indeed, it is anticipated that over \$20 million per match will be delivered to the Victorian economy. In addition, Melbourne will also host an Australia-England Rugby League match at AAMI Park in November as part of the four-nations tournament, with a benefit of over \$10 million to the state.

Today I am pleased to advise the house, and particularly the member for South Barwon, that the government has joined with Melbourne Victory and the

City of Greater Geelong to deliver A-League premiership games at Geelong's Simonds Stadium in 2015, 2016 and 2017. The government is pleased to work with the City of Greater Geelong to deliver these great matches for Geelong and the Geelong region. This will attract thousands of fans from Melbourne and potentially from interstate, depending on which team plays Melbourne Victory, and it will also attract fans from throughout western Victoria. The match is expected to be scheduled over the New Year holiday period, so plenty of spectators will be able to go to this game at Simonds Stadium from the holiday spots on the Bellarine Peninsula, from along the Surf Coast and from throughout western Victoria. This will be an enormous economic stimulus for the Geelong region.

It is no wonder that the *Geelong Advertiser* today carries the headline 'Victory for Geelong — Simonds to host A-League clash this summer'. It highlights the fact that over 8000 people attended a Melbourne Victory game against a Thai team this year, and we would expect more people to attend a full premiership match for Melbourne Victory at Simonds Stadium. This is a great outcome.

Last year we saw over 95 000 people attend the MCG to see Liverpool play Melbourne Victory. We have seen the success of the World Cup of Golf and the Wallabies matches, and of course in 2015 we will have the Cricket World Cup and the Asian Cup. In country Victoria — regional and rural Victoria — we will see the Australian Motorcycle Grand Prix and the superbikes at Phillip Island, the Rip Curl Pro at Bells Beach, the Australian Goldfields Open snooker at Bendigo, the Stawell Gift and the Herald Sun Tour. We are the sporting capital of the world, and we turn that sport into great economic benefits. This decision will be great for Geelong and Simonds Stadium.

**Questions interrupted.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! Before calling the Leader of the Opposition, I welcome to the house Mr Tony Sheehan, a former member for Northcote.

### QUESTIONS WITHOUT NOTICE

**Questions resumed.**

### Member entitlements

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's comments that wrongdoing should be met with an

appropriate punishment, and I ask: is the Premier aware that a member of this house who is named and suspended for just 11 days will still collect more than \$9000 in vehicle allowances between today and the end of November? Is the Premier aware of that, yes or no?

**Dr NAPHTHINE** (Premier) — Any person who transgresses should be held to account for their transgressions, and the penalty should be fair, just and appropriate. They should be consistent — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Monbulk will not interject in that manner. The Leader of the Opposition!

**Dr NAPHTHINE** — They should be consistent with precedent and proportionate to the wrongdoing.

### Government economic initiatives

**Dr SYKES** (Benalla) — My question is to the Minister for State Development. How is the coalition government's investment in new industries broadening the state's economy, driving future economic and jobs growth and building a better Victoria?

**Mr RYAN** (Minister for State Development) — I thank the member for Benalla for his question. As the house knows, our government, through its 2014–15 budget, which was passed unanimously by this house yesterday and indeed passed through the other place as well — —

**Dr Naphtine** — It must have been a good budget.

**Mr RYAN** — It must have been a very good budget, Premier; good point. The government is focused on building a better Victoria. Through that responsible economic management which underpins the budget we are in a position to deliver a record infrastructure program that will create jobs, boost productivity and deliver a better quality of services for all Victorians. We are also looking to build on Victoria's existing strengths while expanding and diversifying the economic base of our state.

I have the privilege of leading two diverse but very important initiatives which are intended to achieve that end. The first is the Global Health Melbourne Plan, and I recently had the honour of launching it, together with the Minister for Health. It is a new \$17.8 million economic development initiative, and the accompanying document is entitled *Global Health Melbourne Plan — Taking Victoria's Health Strengths to the World*. This plan recognises that Victoria is a

leading provider of health and aged-care services and products and is very well placed to capitalise on the increased global demand for quality health services and products. The plan aims to increase exports of our health and aged care related services and goods to global markets while also ensuring that domestically and within Victoria we are able to continue to grow our skills in those respective areas.

The plan is an excellent example of a strategy that builds on Victoria's existing strengths while also looking to diversify our economic base. At the moment the exports out of this sector earn about \$2.6 billion annually for Victoria, and we are well advanced in establishing a presence in international export markets. Through the plan we are for the first time putting a concerted focus on growing these opportunities. There are seven pivotal elements to the plan. They are health system policy and design; medical research; health and medical conferences; workforce training; facility design, construction and management; provision of medical services; and, finally, manufactured products and related intellectual property.

The Global Health Melbourne Plan will help to grow export opportunities for Victoria's health sector through a range of initiatives that are set out in the document. This shows how the government is harnessing Victoria's existing knowledge in these important areas while also ensuring that we can earn greater income for our state in these global markets.

The second initiative relates to coal. It seeks to capitalise on the natural assets of our state as the home of one of the world's great brown coal reserves. As members will know, there are approximately 65 billion tonnes of identified resource in the brown coal fields of the Latrobe Valley. About 13 billion tonnes of that is unallocated, and we are working at examining the prospect of allocating those resources wherever the markets may prevail.

We have had a number of investigations domestically and internationally, the focus of which has been to provide further development for the Latrobe Valley, as well as to enable the development of a royalty system for the benefit of Victoria at large. We continue to work with those who have expressed interest. No decisions have or will be made until we have had regard to all prevailing factors, particularly the all-important environmental issues which surround this particular matter. This is a great opportunity for Victoria to further broaden its economic base.

### Member entitlements

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's comments that wrongdoing should be met with an appropriate punishment, and I ask: is the Premier aware that a member of this house who has been named and suspended for just 11 days is still eligible to collect a severance payment of more than \$36 000? Is the Premier aware of that, yes or no?

**Dr NAPTHINE** (Premier) — Any person who is involved in wrongdoing, whether they are being dealt with in front of the courts or by this house, needs to be treated with a penalty which is fair, just and appropriate. It needs to be proportionate to the wrongdoing and consistent with precedent.

### Arts funding

**Ms MILLER** (Bentleigh) — My question is to the Minister for the Arts. How will the coalition government's 2014–15 budget further nurture Victoria's arts sector and help to build a better Victoria?

**Ms VICTORIA** (Minister for the Arts) — I thank the member for her great interest in the arts.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order.

**Ms VICTORIA** — I would have thought this is something that is important to everybody in the house and to everybody in Victoria. The arts are sometimes — at the best of times — treated as discretionary by those who are interjecting, and I find that offensive on behalf of the arts community.

**Mr Foley** interjected.

**The SPEAKER** — Order! The member for Albert Park! That kind of remark is disorderly. The member is warned.

**Ms VICTORIA** — On this side of the house we are very proud to be great supporters of the arts here in Victoria. We are extremely proud of the level of investment that has been made in the arts community of Victoria, not only in this budget but also in the previous three budgets put through this house. Under the previous government there were plenty of opportunities to do really good things, and they were not taken.

This government has been investing in infrastructure that under the previous government fell into wrack and

ruin. We have had to invest very heavily in these particular infrastructure projects. We have invested not only in infrastructure that was desperately needed in this state but also in organisations, for the first time in the history of an arts ministry. For over 30 years investing in the arts was a very closed shop. Investment was within the realm of certain organisations only, and those who were coming through with new technologies and those who were coming through with new ideas were kept out because of the definitions.

We have opened that investment up to new technologies and to new organisations, and for the very first time we have invested long term in organisations, giving them not a handout but a hand up. This has given them the opportunity to go out and not only create a foundation for their organisations but also leverage from other organisations, to know that the government is investing in the arts and to know that the private sector and philanthropists can now go in and do exactly the same thing. We have made sure that not only organisations are taken care of but also that the independent arts sector is taken care of. Again, for the first time in history this has become a very open, clear and transparent process that has opened up the doors to many new people who have never before fitted into particular funding categories.

The arts sector is incredibly important in Victoria. It provides the equivalent of over 110 000 jobs. A substantial amount — over 3 per cent — of employment in Victoria is down to the arts sector. It contributes almost \$11.5 billion to the gross state product. For those who pooh-pooh what we have been doing in the arts and for those who do not appreciate the fact that we have been investing heavily in artists and arts organisations, what is the fabric of society? I say to them: question your own ideals of the arts.

The coalition has been investing heavily in the arts. We are very proud of the type of regeneration that we have brought to the arts sector in Victoria. This is the arts capital of Australia and is also one of the great arts capitals of the world. We are very proud of the work we are doing in the arts portfolio in Victoria, and we wish everybody would come on board and make this a bipartisan idea.

### Member entitlements

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's comments that wrongdoing should be met with an appropriate punishment. I ask: is the Premier aware that a member of this house who is named and suspended for just 11 days will still collect more than \$19 000 in

electorate allowances between today and the end of November? Is the Premier aware of that, yes or no?

**Dr NAPHTHINE** (Premier) — The penalties for any wrongdoing should be fair, just and appropriate. That the penalties that apply to wrongdoing are fair, just and appropriate is a sign of a fair and just society. They also need to be proportionate to the wrongdoing. They also need to be consistent with precedent, and they should never be based on political expediency or the personality of the wrongdoer.

*Honourable members interjecting.*

### Grampians Peaks Trail

**Mr DELAHUNTY** (Lowan) — My question is to the Minister for Environment and Climate Change. How is the coalition government's investment in the state's national parks helping to build a better Victoria, and is he aware of any alternative policies?

**Mr R. SMITH** (Minister for Environment and Climate Change) — I thank the member for Lowan for his question. A few weeks ago I was delighted to release the government's vision for that great Victorian icon, the Grampians. The draft Grampians Peaks Trail master plan sets out a clear vision for growth opportunities for the Grampians and will set the direction for the region for the next 50 years. The Grampians Peaks Trail is a world-class long-distance walking track that will go from Dunkeld to Mount Zero and showcase the beauty of Grampians National Park.

The Napthine government supports the Grampians Peaks Trail; indeed it supports nature-based tourism right across this state. We consider it a vital part of the Victorian economy, particularly in the regions. As part of the master plan we highlight the opportunities that are available to commercial investors to develop low-impact hut accommodation right along the trail. The development of the Grampians Peaks Trail is forecast to bring in an additional 86 000 visitor nights annually over next 10 years, with the tourism spend to increase by \$6.4 million.

In addition to this, the operation and construction of the trail will bring in around 170 direct and indirect jobs to the region, which will be a fantastic boost to the region's employment. Tourism operators and local governments are excited about the opportunities this development will bring. In an article in the *Wimmera Mail Times* headed 'Tourism body backs Grampians investment plan', the CEO of Grampians Tourism, William Flamsteed, said:

This policy direction will open up new lucrative international markets, such as China, to exploring more of regional Victoria.

In a subsequent article in the same newspaper he went on to say:

That is something we should applaud because it is creating tourism opportunities on Crown land but also ensuring that our national parks, their assets and the environment are protected ...

He also said:

... allowing private investment in national parks would boost tourism in the Grampians.

The master plan will be further informed by community consultation that is happening at the moment. In short, our plan brings more jobs to the area, it brings opportunities to the area and it brings commercial investment to the area. But unfortunately not everyone agrees with that approach. While local operators are saying that this will support their business, one person has said:

This move by the Napthine government will undermine tourism in our regional towns ...

Who brought us that pearl of wisdom? It was the member for Bellarine. While tourism operators are saying this will support their business, the member for Bellarine obviously knows a lot better than local businesspeople, and that is what she said.

*Honourable members interjecting.*

**Mr R. SMITH** — It gets better. Page 72 of another document I have here says that opening up national parks for private developers is actually one of the worst environment decisions in Victoria's history. In the same document — —

**Ms Allan** — On a point of order, Speaker, I refer you to standing order 58, and I think you can tell from the disquiet coming from the opposition that it is pretty clear that the minister is offending against the standing orders by debating the question. We ask you to bring him back to answering the question, which was a pretty narrow one, on the topic he was asked about.

**Ms Asher** — On the point of order, Speaker, the minister was asked a specific question in relation to alternative policies, and he is answering that question directly and in accordance with standing orders.

**The SPEAKER** — Order! I do not uphold the point of order. The minister was being relevant to the question.

**Mr R. SMITH** — As I was saying, on page 72 of this document it says that opening up national parks is one of the worst environment decisions made in Victoria's history, but in the same document it says that development is okay in national parks as long as it is appropriate. They have not even made up their minds. On the one hand it is okay and on the other hand it is the worst decision made in Victoria's history. This the ALP's policy platform. It is all over the place.

**Ms Allan** — On a point of order, Speaker, the minister just indicated that he was quoting from the Labor Party's platform document. Previous Speakers have ruled consistently that it is out of order to use party documents from either side of the house during question time and for forms of debate, and we ask you to bring him back to — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Points of order will be heard in silence.

**Ms Allan** — Before government members get a bit too excited and a bit more shrill than they already are, perhaps we could have the minister try to pretend he is the Minister for Environment and Climate Change and answer the question.

**The SPEAKER** — Order! The member for Bendigo East! I bring the minister back to answering the question.

**Mr R. SMITH** — I conclude by saying that we have a policy and a draft master plan that is informed by local communities, local governments and local businesses. That is who we are listening to. We are listening to local businesses; we are not ignoring them. We are not saying that this sort of approach is going to hurt their businesses; rather we are listening to them when they say that it is going to help their businesses. This government is presenting a clear vision for the regions. We have a clear vision, unlike the flip-flopping from those opposite.

### Member entitlements

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's comments that wrongdoing should be met with an appropriate punishment, and I ask: is the Premier aware that a member of this house who is named and suspended for just 11 days will retain a fully resourced electorate office and a full complement of staff, in addition to a \$163 000 golden handshake? Is the Premier aware of that, yes or no?

**Dr NAPHTHINE** (Premier) — Any person who has been involved in wrongdoing deserves a penalty that is fair, just and appropriate, proportionate to the wrongdoing and consistent with precedent.

### Budget initiatives

**Mr TILLEY** (Benambra) — My question is to the Treasurer. How will the coalition government's 2014–15 budget create more jobs, grow the state's economy and build a better Victoria, and is the Treasurer aware of any alternatives?

**Mr O'BRIEN** (Treasurer) — I thank the member for Benambra for his question and for his interest in the Victorian budget and sound financial management. It is fantastic news that yesterday not only this place but the other place passed intact all three bills in the Napthine government's budget. This means that the Parliament has approved the most ambitious infrastructure agenda seen in Victoria in decades — a \$27 billion program that will deliver job-creating, congestion-busting, economy-growing, game-changing infrastructure like never before.

I acknowledge and welcome the fact that opposition members in this place supported the budget. They voted for it. It makes you wonder why on 8 May the member for Tarneit wasted 4261 turgid words criticising, bagging and critiquing the budget, only to turn around yesterday and vote for it. It reminds me of that other famous politician, John Kerry, who famously said:

I actually did vote for the \$87 billion before I voted against it.

**Ms Allan** interjected.

**The SPEAKER** — Order! The level of interjection by the member for Bendigo East is disorderly.

**Mr O'BRIEN** — The member for Tarneit is Victorian Labor's answer to John Kerry and just as successful.

This budget has appropriated the funding to get on with building east–west link stage 1 and stage 2. There is no doubt that this side of the house is unanimously in favour of east–west link stage 1 and stage 2, but we appreciate that not everyone shares the same view, although many do. The RACV supports the east–west link; the Victorian Employers Chamber of Commerce and Industry supports the east–west link; and when the Premier was out visiting LeadWest it was delighted with this government's plans to invest in east–west link stage 2.

Another commentator was quoted recently in the newspaper as having said:

Having spent so long presenting compelling arguments for the western side, it puts our critique of the east–west link in a very strange place.

I am referring to an article in the *Age* of 1 June headed ‘Labor split on road link plan’. The article says:

Insiders admit the shift has confused the opposition’s message, leaving some MPs unsure how to sell Labor’s transport agenda.

There is no doubt that they are having trouble selling an agenda when they do not have one. They do not have an agenda.

**Ms Allan** — On a point of order, Speaker, under standing order 58 it is absolutely clear that the Treasurer is debating the matter. He is referring a lot more to the Labor opposition than he is to government business, which is what he should be talking to in order to be relevant under standing order 58, and I ask you to bring him back to answering the question consistent with government business.

**Ms Asher** — On the point of order, Speaker, the Treasurer was asked a direct question relating to alternative policies, and he is addressing that question in a most relevant way. I put it to you that the point of order is out of order.

**The SPEAKER** — Order! I do not uphold the point of order. I ask the Treasurer to continue answering the question.

**Mr O’BRIEN** — What we are seeing is rats in the ranks and leaks against the Labor leadership’s position to oppose stage 2 of east–west link. There is no question that the coalition stands united for east–west link stage 1 and stage 2. We stand united for the CityLink-Tullamarine Freeway upgrade. We stand united for the Melbourne rail link. We stand united for the airport rail link. We stand united for the Cranbourne-Pakenham rail corridor upgrade. We stand united for the Murray basin rail upgrade. We stand united for tens of thousands of new jobs for Victorians. We stand up for payroll tax cuts now kicking in from 1 July 2014. We stand for the abolition of stamp duty on life insurance. We have delivered a budget which UBS described as the fiscal equivalent of the 4-minute mile. We stand united. We have direction. We are not a divided rabble like the other side.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer has completed his answer. The time for questions has expired.

## MEMBER FOR FRANKSTON

**The SPEAKER** — Order! I remind all members that the next item of business is a serious proceeding of great significance to the member concerned and the house. Debate should be focused on the matters for the action of the house and the substantive motion and the two reports. Whilst every member is entitled to express their point of view, it is important they make use of the richness of the English language and select phrases that express their meaning without causing offence to others. Members will be referred to by their correct titles at all times. The addition of adjectives to a title will not be allowed.

**Mr Merlino** interjected.

**The SPEAKER** — Order! I view that seriously. That was casting a reflection on something I delivered to the house.

**Dr NAPHTHINE** (Premier) — I move:

That this house —

- (1) notes the special reports of the Legislative Assembly Privileges Committee *Investigation into the Improper Disclosure of a Committee Document*, February 2014, and *Investigation into the Improper Disclosure of Committee Deliberations*, March 2014;
- (2) notes the report of the Legislative Assembly Privileges Committee inquiry in relation to recommendation 2 of the Ombudsman’s report *Whistleblowers Protection Act 2001 — Investigation into Allegations against Mr Geoff Shaw MP*, May 2014;
- (3) orders the member for Frankston to repay \$5220.75 for the improper use of his parliamentary vehicle and fuel card to the Clerk of the Legislative Assembly by 1.00 p.m. on 2 September 2014;
- (4) orders the member for Frankston to pay an additional \$1617.69 for misuse of his parliamentary entitlements to the Clerk of the Legislative Assembly by 1.00 p.m. on 2 September 2014;
- (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;
- (6) requires the Speaker to name the member for Frankston for not complying with the code of conduct;
- (7) resolves that the member for Frankston not be permitted any interstate or overseas travel funded by his electorate budget while he is suspended;
- (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;

- (9) refers to Victoria Police the Privileges Committee reports set out in paragraph 1 of this motion for investigation;
- (10) requests the Speaker to write to the Premier asking that the government considers the legislative changes outlined in recommendation 2 of the Privileges Committee report of May 2014; and
- (11) refers recommendation 3 of the Privileges Committee report of May 2014 to the Standing Orders Committee of the Legislative Assembly.

I agree with your sentiments, Speaker, that this is a serious matter that deserves very serious consideration by each and every member in this house. There is no doubt in my mind that the member for Frankston misused his taxpayer-funded parliamentary entitlements, and he must be held to account for those wrongful actions.

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.

In detail, paragraphs 1 and 2 of motion note the three relevant reports of the Privileges Committee. Paragraphs 3 and 4 are in line with the unanimous recommendation of the Privileges Committee that requires the member to pay to Parliament a total amount of \$6838.44, being a component of repayment of costs associated with the identified misuse of the parliamentary electorate office vehicle plus a penalty payment of \$1617.69.

Paragraph 5 of this motion is very important and vital to the motion. It calls on the member for Frankston to accept personal responsibility for this misuse of parliamentary resources. It requires that the member for Frankston accept that responsibility by apologising to the people of Victoria and apologising to the Parliament for his wrongdoing.

Paragraph 6 requires the Speaker to name the member for Frankston. I can advise the house that it is the government's intention when this motion passes to move for the member for Frankston to be named and suspended for 11 sitting days. To put that in context, over the past 100 years in this house the highest number of days any member who has been named has been suspended for is 6 days, so this is almost double that previous suspension.

*Honourable members interjecting.*

**The SPEAKER** — Order! I will not tolerate interjections.

**Ms Allan** interjected.

**Debate interrupted.**

## SUSPENSION OF MEMBER

### Member for Bendigo East

**The SPEAKER** — Order! I have just said I will not tolerate interjections. Under standing order 124, the honourable member for Bendigo East will leave the house for half an hour.

**Honourable member for Bendigo East withdrew from chamber.**

## MEMBER FOR FRANKSTON

**Debate resumed.**

**Dr NAPHTHINE** (Premier) — The naming of a member and their suspension for 11 sitting days in the context of this Parliament and the history of the Westminster system in this state is a very significant penalty. We know that if the member is suspended for those 11 days he will lose \$386 of pay for each and every one of those 11 days. Paragraph 7 of the motion imposes a ban on interstate and overseas travel to be funded through the member's electorate office budget.

Paragraph 8 is very significant. This makes it very clear that the member will be held to account for his wrongdoing. It puts in place a system of accountability that says the member must do certain things, and if he

fails to do those things, there is an additional penalty. That is an absolutely appropriate way to ensure that the member understands his responsibility, accepts responsibility for his wrongdoing, makes the appropriate payments associated with the penalty and makes an appropriate apology, because if he fails to do so, at that stage the member would be deemed to be in contempt of this house by thumbing his nose at the decision of this chamber. 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.

Paragraph 9 seeks to refer to Victoria Police concerns raised by the Privileges Committee in relation to leaks from the committee and responds to the committee's recommendation on this issue. We know that any leaks from the Privileges Committee are a serious matter. The Privileges Committee — —

**Mr Nardella** interjected.

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

**Dr NAPHTHINE** — In its report the Privileges Committee asks the house to deal with this matter, and it is appropriate that this house does deal with this matter. Paragraphs 10 and 11 deal with recommendations 2 and 3 of the Privileges Committee report dated May 2014.

I now wish to move to outline why I am of the view that the member for Frankston is guilty in relation to the misuse of taxpayer-funded electorate resources and therefore appropriately subject to these very serious sanctions. I draw this from the conclusions that came from the hard, diligent and considered work of the Privileges Committee and the evidence presented in its report. The Privileges Committee faces a difficult task. The members of a Privileges Committee in any Parliament have the difficult task of dealing with issues raised with regard to the behaviour of their colleagues, their fellow members of a democratically elected Parliament. The job of the Privileges Committee is a difficult job. It is a job that requires hard work, good advice, proper consideration and fair and appropriate reporting.

That is what this Privileges Committee has done. I point out that members of the Privileges Committee operate as people nominated from the floor of this house to serve on the Privileges Committee in their own right as members of Parliament, not as members of the government or the opposition. They are appointed as individual members of Parliament based on their

own experience, track record and expertise. I commend all members of the Privileges Committee for the diligence with which they have undertaken this task.

The Privileges Committee, and I quote from its report, outlines the case against the member for Frankston. I refer to page 11, item 33, which refers to a document entitled *Members of Parliament Vehicle Plan*. In referring to that plan it says:

Vehicles should not be used for commercial purposes.

It further says:

It is the member's responsibility to ensure the person(s) authorised to drive the vehicle does not use it for commercial or illegal purposes.

It makes that very clear and plain. The Privileges Committee also came to a unanimous conclusion — a unanimous finding — that the member for Frankston had contravened the code of conduct in section 3 of the Members of Parliament (Register of Interests) Act 1978. Indeed on page 9, under findings, items 21 and 22, it says:

... 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.

It says further, at item 22:

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 —

use.

The report, on pages 8 and 9, goes into detail with reference to the Ombudsman's report, the evidence collected by the Privileges Committee itself and the thorough considerations of the Privileges Committee. It clearly outlines evidence of misuse of the electorate office vehicle allocated to the member for Frankston. Therefore I accept those findings. I accept that conclusion. It is clear that the member for Frankston was wrong in allowing his electorate office vehicle, funded by the Parliament, funded by the Victorian taxpayers, to be used for commercial purposes.

The next task we as a house need to look at is: what is the appropriate penalty for this wrongdoing? Consideration in this case must be based on fairness and justice. It cannot be based on political expediency or the personality of the person involved. It is absolutely imperative that this house act with fairness and justice. Our decisions should not be coloured by political expediency. They should not be coloured by our perception of the personality of the person

involved. They should be done in a fair and proper way. That is incumbent on all of us who have the honour and privilege to serve in this great Parliament, in the great traditions of this Parliament dating back 150 years.

It is an absolute honour and privilege to serve in this Parliament. It is an absolute honour and privilege to be elected to this place by the people in the electorate in which you serve. They are the people who decide who comes to this place, and they are the people who ultimately have the sanction about whether people are re-elected to this place. It is a very significant issue if this Parliament seeks to usurp that situation.

Therefore I say again that it is absolutely imperative that this house acts with fairness and justice with respect to consideration of the penalty to be applied to the member for Frankston. I repeat that it should not be about what is in the political interests of either side of this house. It should not be about our judgement of the personality of the person concerned. This is not a political Star Chamber or the *Big Brother* house. This is the Parliament of Victoria, and that ought to be the ultimate respect we have. It is what is in the best interests of the parliamentary democracy of this state. Consideration must be based on the long experience and tradition of the Westminster system of parliamentary democracy in Victoria, in Australia and in Westminster itself.

In those contexts it is very important that we look at the precedent of similar cases in Australia and across the world where there have been allegations and even admissions of misuse of parliamentary resources and what action has been taken in those cases. Let us have a look at some of the cases in Australia. I refer to the *Australian* of 17 September 2013:

Julia Gillard wrote a personal cheque for \$4243 to the Department of Finance because her partner, Tim Mathieson, had misused her taxpayer-funded car to drive around Victoria selling shampoo and other hair-care products in breach of parliamentary rules.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Footscray!

**Dr NAPHTHINE** — The article goes on to say — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier, to continue.

**Mr Howard** interjected.

**Debate interrupted.**

## SUSPENSION OF MEMBER

### Member for Ballarat East

**The SPEAKER** — Order! The member for Ballarat East will leave the chamber for half an hour.

**Honourable member for Ballarat East withdrew from chamber.**

## MEMBER FOR FRANKSTON

**Debate resumed.**

**Dr NAPHTHINE** (Premier) — Further, the article goes on to say:

The \$4243 repayment by Ms Gillard indicates her office estimated Mr Mathieson had driven several thousand kilometres while pursuing his commercial interests in the private-plated car, which was wholly funded by the commonwealth.

We can also refer to the *Sydney Morning Herald* of 8 October 2013, where it says:

... Labor frontbencher Mark Dreyfus has admitted to billing taxpayers for a ski trip to Perisher.

The shadow Attorney-General said he will repay \$466 for two nights accommodation he claimed in August 2011 ... after incorrectly claiming travel expenses.

I refer to an article in the *Australian* of 16 October 2013, which says:

Labor factional warlord Don Farrell has repaid almost \$900 he claimed from taxpayers to attend last year's AFL Grand Final because his trip had already been paid for by a grocery firm.

I refer to the *Herald Sun* of 24 January 2011, which says:

The *Herald Sun* reveals 65 federal MPs have repaid air fares and car transport in the past five years — many after being caught out abusing an entitlements scheme ...

Sustainability and population minister Tony Burke made 15 separate repayments involving family travel, totalling almost \$7000.

There were people on both sides of the house in the federal Parliament who were involved in these repayments. But the point I make is that the Leader of the Opposition and the Labor Party in Victoria did not at any stage call for Julia Gillard, Tony Burke or any other members to be expelled from the federal Parliament in relation to those repayments. The point I make is that you need fair, just and appropriate

penalties, and they need to be consistent with precedent, not imposed for political expediency.

I refer to the *Herald Sun* of 24 May 2000 and an article headed 'MP's vehicle a getaway car', which says:

A Labor MP's taxpayer-funded car doubled as a getaway vehicle in a shoplifting spree pulled off by his ex-wife.

Melbourne West MLC Sang Nguyen's parliamentary car was found by police loaded with stolen goods which they said were taken from a range of shops —

and it was found at the Glen shopping centre in Glen Waverley.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. Government members!

**Dr NAPHTHINE** — The point I make is that there needs to be consistency in how we deal with these matters, not political expediency. There need to be fair, just and appropriate penalties for the wrongdoing. There need to be serious penalties for wrongdoing, but they need to be fair, just and appropriate and not based on political expediency.

An example in Westminster was reported on BBC News on 4 February 2010 under the heading 'MPs told to repay £1.1 million expenses'. The article says:

MPs should repay £1.12 million of their second home expenses, an audit of claims dating back to 2004 has said.

Sir Thomas Legg recommended that 389 MPs, more than half the current and past MPs reviewed, should repay £1.3 million.

What we find from looking at that circumstance is that a number of those members resigned their positions in government and opposition, a number did not recontest the election, a few faced criminal charges and some were suspended by the Parliament, but none were expelled by the House of Commons — not one of those 389 MPs. What we need to do is look at the examples from across the world and in Australia to make sure we have a fair, just and appropriate penalty.

For the situation in the House of Commons, which is the father or mother of this Parliament, we can look at an article by Christopher Hope, Whitehall editor, in the *Daily Telegraph* of 6 February 2010, which says:

Expelling an MP is highly unusual ...

The last MP to be expelled —

from the House of Commons —

was in 1954 when Peter Baker, Conservative MP for South Norfolk, was thrown out after being convicted of forgery and sentenced to seven years in prison.

The point I make is that expulsion, which some people are arguing for in this case, is a very serious matter and should not be done lightly. In fact the extreme penalty of expelling somebody from Parliament should only be done in the most extreme circumstances. It should not be done for political expediency, and it should not be based on a member of Parliament's personality — and it has not been used in Victoria since 1901.

If we look at the advice we are receiving from expert commentators, we see an article in the *Australian* today under the heading 'Expulsion of elected MP a bridge too far — Democracy would be the loser if Geoff Shaw is kicked out', written by Greg Craven, the vice-chancellor of the Australian Catholic University, who has expertise in government and constitutional law. That article says:

According to media reports, he is quixotic, unpredictable and difficult. These seem to be his good points.

But when it comes to expelling him from Parliament, enough is enough. Personality flaws are one thing; democracy another.

The ostensible reason for pursuing Shaw is his alleged misuse of a government petrol card. Problematic, but hardly a force 10 on the Eddie Obeid scale of tectonic malfeasance.

...

But when we get to the point of throwing uncongenial politicians out of Parliament altogether we are dangerously close to the days of Cromwell, purging the House of Commons for supposed corruption and moral turpitude.

In an interview with the ABC on *Lateline* on 5 June, Hamish Fitzsimmons, the interviewer, said:

It's not certain that expelling an MP is legally possible and constitutional law expert Greg Taylor doesn't believe the punishment fits the crime.

Then Greg Taylor, who is an associate professor in the faculty of law at Monash University, said:

That would be an absurd outcome, far out of proportion to any offence that he might be thought to have committed. Members of Parliament have been expelled in the past. The latest case I know of is in 1969 ... but that was for really serious stuff like being suspected of bribing a judge and making up evidence.

In an article in the *Australian* of 6 June, it is reported that:

Swinburne University of Technology politics professor Brian Costar said Labor would take an extraordinary step by pushing for Mr Shaw's expulsion and risked a backlash.

'It's vindictive', Professor Costar said.

'He hasn't murdered anybody — it's 6000 bucks.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. The Leader of the Opposition will have his chance in a moment.

**Dr NAPHTHINE** — Indeed, when we look at experienced political commentators who have studied these matters for some time, we see views that are similar across the political spectrum. In the *Age* today, 11 June, Josh Gordon writes:

In terms of an appropriate sanction, Denis Napthine was probably on solid ground. Shaw is being ordered to repay \$5220.75 to cover the mileage chalked up through the improper use of his vehicle, plus \$1617.69 as an add-on fine.

Shaw will also be humiliatingly — —

**Mr Wynne** interjected.

**Debate interrupted.**

## SUSPENSION OF MEMBER

### Member for Richmond

**The SPEAKER** — Order! The member for Richmond can leave the house for half an hour.

**Honourable member for Richmond withdrew from chamber.**

## MEMBER FOR FRANKSTON

**Debate resumed.**

**Dr NAPHTHINE** (Premier) — The article continues:

Shaw will also be humiliatingly named by the Speaker, forced to apologise to the Parliament and the people of Victoria, and suspended for 11 sitting days until September 2, costing him about \$3600 in lost pay. If he fails to comply he will be expelled.

The article further says:

Napthine has also avoided setting what would be a dangerous precedent for Parliament.

At the other end of the spectrum, Andrew Bolt wrote in the *Herald Sun*:

Our political class is getting dangerously arrogant in deciding who is allowed to speak. Another state Parliament — this time Victoria's — is thinking of sacking one of its members, this time just for being obnoxious and submitting dodgy expenses.

This isn't how democracy should work.

This is a serious matter. The misuse of taxpayers funds is an extremely serious matter. It is clear that the member for Frankston must be held to account for his wrongdoing, but it is vitally important under the traditions of our parliamentary democracy — traditions that go back several hundred years in Westminster and almost 200 years here — that 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 the traditions of the Parliament and looking at, as I have done through my presentation, the precedents in the Australian Parliament, in the Westminster system and in this house, where there is unfortunately a track record of misuse of parliamentary resources by members on all sides of politics. In each and every one of those cases nobody argued for the house to expel that person and overrule the democratically elected position that was put forward.

The vital situation here is to make sure that the penalty is fair, just and appropriate and that it is based on precedent. 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. I believe that this motion before this house achieves those laudable and high objectives. I believe it provides a mechanism to deal with the wrongdoing of the member for Frankston — an effective mechanism, a mechanism that is fair, just and appropriate, a mechanism that is enforceable and a mechanism that is consistent with the traditions of the parliamentary democracy in this house and in Westminster systems across the world.

**Mr ANDREWS** (Leader of the Opposition) — If anyone wants to know why ours is regarded as the lowest profession, then simply look at the conduct of the member for Frankston and the Premier's protection of him. If anyone in this chamber wants to know why we are regarded as being for the public purse instead of the public good, if anyone in this chamber wants to know why we are held in such low regard by the hardworking people of this great state, then look no further than the conduct of the member for Frankston and the Premier's protection of him via this motion.

The Premier says this motion was carefully drafted. We will return to that in a few moments. It is this sort of conduct, this sort of weakness, this apologising for the member for Frankston that sums up this Premier, sums up this government and sums up, sadly, why the community has lost faith in us as a class of person — all of us — and, what is more, lost faith in this chamber and the institution of this Parliament.

The Premier's presentation was littered with inconsistencies and littered with the notions of strength and of doing the right thing. At the outset I remind all honourable members and all Victorians that it has taken the best part of 19 months for us to arrive at this position. Only after the member for Frankston indicated he would withdraw his support from this Premier is the Premier, in complete fulfilment of the great saying 'There is nothing like a convert', prepared to act and prepared to ensure that no wrongdoing goes unpunished. The Premier is prepared to make sure — I should not have to refer to my notes, because we have heard it so many times today — that punishments are 'fair, just and appropriate'.

Apparently one can only take the most extreme action if a murder has been committed, if there has been some other piece of absolute malfeasance at the highest of high standards or if it is September. That is the great arbiter of what sort of penalty should be applied, because timing is everything. If the member for Frankston were appropriately punished and an appropriate penalty were levied upon him — that is to say, if he were expelled from this house, which is exactly what should occur, for his completely inappropriate behaviour and for putting his private interests and profits ahead of his public duty and the public trust placed in him by the good people of Frankston — there would be every expectation that a by-election would be held.

Captain Courageous over there, the Premier — —

**The SPEAKER** — Order! I remind the Leader of the Opposition that I made it very clear that members should be referred to by their correct titles.

**Mr ANDREWS** — The Premier then, Speaker, fearful of a by-election — —

*Honourable members interjecting.*

**Debate interrupted.**

## SUSPENSION OF MEMBER

### Member for Bentleigh

**The SPEAKER** — Order! The member for Bentleigh will leave the chamber for half an hour.

**Honourable member for Bentleigh withdrew from chamber.**

## MEMBER FOR FRANKSTON

**Debate resumed.**

**Mr ANDREWS** (Leader of the Opposition) — Fearful of the people of Frankston, the Premier is determined not, as he would have us believe, to punish fairly, justly and appropriately the member for Frankston; he is intent on making sure that no by-election is conducted in Frankston. That is what drives this allegedly carefully drafted motion that does little more than give the member for Frankston a slap on the wrist, docks him 11 days pay and leaves him with all the entitlements, the pay, the allowances and eligibility for severance. It gives him a \$163 000 slap on the wrist. It is no golden handshake, it is a golden bear hug. That is what it is. It is not dictated by the Premier's alleged commitment to fairness and to justice.

The Premier has no shame when it comes to these things. He has done nothing. He has spoken barely a word of criticism against the member for Frankston. But the moment the member for Frankston says, 'I have had enough of your government that bears no relation to the government fairly and squarely elected three and a half years ago', suddenly the Premier is about fairness and justice and being appropriate — but only in September. This is transparent, and it is central to the reason why the people of this great state have such low regard for us as parliamentarians and politicians. The conduct of the member for Frankston, the protection of the member for Frankston by the Premier and the Premier's very recent conversion, motivated by self-interest and nothing more, to hold the member for Frankston to account for appalling behaviour, as found by the Ombudsman, are a reflection — —

*Honourable members interjecting.*

**Mr ANDREWS** — Well, that is the fact of these matters, that the Premier has only been motivated by self-interest. That is why he has not spoken one word against the member for Frankston but has been happy to deal with member for Frankston one on one in meetings, in texting back and forth, on the phone, in relation to all sorts of agreements around supply and

confidence and in rewriting the laws of this state. He has been happy to accede to demands, despite his protestations last week.

**Mr Ryan** interjected.

**Mr ANDREWS** — I am only quoting the Premier. The Deputy Premier might want to look at the tape. I would never want to misquote the Premier; his error can live on. I am happy for that to occur.

The issue here is that the Premier has been motivated by one thing and one thing only, and that is his survival. If decency, fairness, accountability, the public trust, the public good, and saying no to the abuse of the public purse were motivations for the Premier, then he would not have waited until the member for Frankston went on ABC radio 774 and said, 'I have had enough of this Premier' before speaking up and making the case that the member for Frankston had acted appallingly. The Premier says, 'I only just received the report'. I am not sure whether Hansard got that. The report was tabled at the end of the previous sitting week, and the Premier spent the entire weekend and the Monday, indicating, 'Well, we will need to get advice, and I see no reason why this matter needs to be dealt with before the winter break'. There we are, back to September again, you see, Speaker. So confident is the government of support in Frankston that the Premier will do anything to avoid being subject to the views of the people of Frankston.

There was talk about legal advice. We have seen none of that legal advice. We have had journalists quoted. We have had conservative commentators — I think it is fair to say that — quoted. We have had quotes from the UK. We have had all sorts of material dressed up as expert opinion, but where is this advice? Where is this legal advice that holds that it would be unsafe to apply an appropriate sanction to the member for Frankston, unless it is in September? Where is that advice that says it would be not only inappropriate and unprecedented but could be open to legal challenge? Where is that advice? Where is that advice for the consumption and consideration of every member of this house and indeed every Victorian? Again, so confident is it in this legal opinion, apparently paid for by the taxpayer — sought by the government and secured by the government — that the government will not come forward and give us a look at it; it will not table it and make it publicly available. That is because this is not a legal strategy; this is a political strategy. This is not a strategy about probity; it is a strategy about politics. It is not a strategy about representation; it is a strategy about apologising for rorting. That is what it is. It is not a strategy put forward by the government that is about the highest of standards or punishment; it is about protection. That is

exactly what this is: it is about protection, plain and simple.

Let us have a look at what the member for Frankston actually did. The Premier skated around a few of these issues and used a few terms to describe it, albeit tough talk by the Premier's pretty low standards. There was deafening silence from the Premier on the conduct of the member for Frankston for every single day of his premiership, until the day the member for Frankston said, 'I might end your premiership', when the Premier then found his voice. It is a mere coincidence, no doubt, Speaker!

The Ombudsman found in what is one of the most damning reports you would ever want to read, that there had been a systematic abuse of entitlements and resources, that there had been a wilful abuse of entitlements and resources. The Ombudsman found that the member for Frankston fundamentally had a warped view of his public duty and his private interests. In regard to those things provided to him as an extension or as a key feature of his membership of this house, his having been duly elected — and no-one questions that — the Ombudsman found in regard to those entitlements and resources that are only for a member of Parliament, such is the unique position and the great honour that we enjoy, and the Premier and I could agree on that, that the member for Frankston fundamentally misunderstood that there was a very clear line between his duties and obligations to this place, his electorate and the laws of this state and his private for-profit commercial interests.

The Ombudsman has gone into great detail. Despite the fact that I have 30 minutes available to speak in this debate today, I cannot run through each and every one of the breaches; I simply cannot. The member for Frankston driving the car himself to Sale was found to be a breach of the guidelines, found to be a rort. It is as simple as that. The report then goes on to detail a litany of other trips: interstate trips, trips conducted right across Australia and across Victoria without any sense of parliamentary function and without any sense of parliamentary duty or responsibility. There was absolutely no connection between the Parliament of Victoria and the member for Frankston's own use of his entitlements or their use by his staff members for which he had made provision. We got to a position where the member for Frankston's only defence was, 'Well if cars, vehicles owned by my company' — or 'companies', because both were involved — 'were in for a service, I would give the car to my employees, because if the company cars were in for a service they might need the use of a vehicle to get to and from work'.

That is an interesting proposition, and there are problems with it. The member for Frankston signed the logbook with hundreds and hundreds of kilometres. That is not a short trip from home, unless he is submitting that his staff lived in Sale and the workplace was in Frankston, Warrnambool, Wagga Wagga, Adelaide, Lakes Entrance or any of the many other places to which that vehicle provided to the member for Frankston — not the owner of a company, but the member for Frankston — travelled. There is no connection whatsoever between that use and the Parliament. These people were not staff of the member for Frankston; they were not staff of the Parliament.

We all know, as does the Ombudsman, that there was no personal use in this. This vehicle was used expressly for the member for Frankston's profit, not for the profit of this state, the public good or the public in any sense. This was the systematic rorting of entitlements for personal profit and gain; as simple as that. They are the findings of the Ombudsman and the findings that any reasonable person not blinded by their own political survival would make — not after 19 months, and not after 15 or 16 months as the Premier. They are the conclusions that ought to have been arrived at by a reasonable person back in October 2012 when we spoke about this matter in this house — or at least I did, when I arrived at those conclusions. I have stuck fast to those conclusions. This is rorting, plain and simple.

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. It is a very poor reflection on the Premier that he is only motivated to act against the member for Frankston when it is an 'I'd better get him before he gets me' outcome, despite the clear findings of the Ombudsman and even the Privileges Committee — which I will come to in a moment. I thought this Parliament was a bit better than that, and I reckon the Victorian people might have thought that the Parliament was a bit better than that. They might even have thought that the Premier was a bit better than that, but he has proven them wrong.

If we look at comments not just from the Ombudsman but from the staff of the member for Frankston — not his staff in connection with his parliamentary duties but his staff at the hardware store — here is what they had to say:

The only vehicle he had provided to me was the parliamentary one, and I was continuing to ... run the business on a day-to-day basis.

It was not trips to home and to work; this was a continuing arrangement. That staff member also said:

He ... told me that, if anyone asked me about it, I was to say I had the car for private use.

That level of conspiracy and intent renders completely useless many of the parallels that the Premier sought to draw with others. They ought to be accountable for their conduct, and let us hope they are; in fact many of them were. But the level of planning, deceit and frankly conspiracy around this misuse of taxpayers money —

**Mr PAKULA** — The failure to disclose.

**Mr ANDREWS** — and the failure to disclose, as the shadow Attorney-General points out, renders those rather feeble attempts at finding some bedfellows in inappropriate conduct for the member for Frankston absolutely irrelevant.

Another staff member said:

Mr Shaw went off at me for not using the parliamentary card —

the fuel card.

So ... we refilled a ... Southern Cross Hardware ... car using the fuel card.

That was a private vehicle refilled with a public fuel card provided expressly for the purpose of running a parliamentary car for private or parliamentary business, not for commercial business — not for the business of making money, not for the business of making profit and not for the business of lining your own pockets. That this obvious fact has only become clear to the Premier in the last week or so is a pretty poor reflection on the Premier, I would have to say.

That staff member went on further to say:

I specifically recall Mr Shaw asking me to reverse back from the pump so the service station operator could not take the registration number.

That is further evidence that this was not one incident; it was repeated. This was not one mistake; it was a litany, indeed a strategy, of misuse, malfeasance, inappropriate behaviour, rorting or whatever term you want to use. That is what the behaviour constitutes, which is something the Premier has only become aware of in the last week or so.

I want to pose a question: what if a staff member of this Parliament had behaved that way — not a member of Parliament but one of the attendants, a clerk, someone who works in the garden or someone who works in the catering department? What if someone else, a staff member in this building, had misused a credit card or a vehicle, not just for their private pleasure but for their commercial interests, such as a part-time job they had

on the side or for another venture that they were involved in? I am pretty confident, and I think all fair-minded members of this house would join me in saying, that there would be every expectation that that member of staff would be dismissed. That member of staff would be expelled from this workplace and dealt with appropriately. The month that they were dealt with would not matter and nor would their political allegiance. It would be clear to everyone from departmental heads through to managers that that person had done the wrong thing.

Indeed we have seen examples across the public sector of people in senior positions, and others in less senior positions, who have been dismissed or have resigned knowing that their position was untenable for much less than the member for Frankston got up to. They have gone; they have done the right thing. They did not have to be pushed or forced. In many respects the matter was not for them — they were dismissed immediately. If it is good enough for a staff member of this Parliament, if it is good enough for a public servant in that traditional sense of the term, then why is it not good enough for a servant of the public?

If it is good enough for a member of staff in this Parliament to go for doing what the member for Frankston did, or even perhaps less, why is it not the same? Why is it not good enough for the member for Frankston to be expelled from this workplace for having brought dishonour on all of us, regardless of what political party we are from, regardless of what electorate we represent, regardless of how long we have been here, regardless of what motivates us and regardless of what burns inside us? The member for Frankston has defamed all of us, and he ought to be dealt with by all of us, not to suit our own political purposes and not in an act of conversion but in an act of conscience, an act of decency, an act of character, might I say, and an act of leadership — a concept foreign to the Premier, because he became offended by this conduct only after the member for Frankston said, 'Well, you know what? I've had enough of you'. It was only at that point that the Premier thought that this matter could not wait until after the winter break. It was only at that point that the Premier thought we had to be fair, just and appropriate — but not too appropriate!

**Mr Merlino** — And not too early.

**Mr ANDREWS** — And not too early! 'We have to act on this, We have to do all this wonderful work, Speaker. We have to hurry around, convincing people that we are tough on the member for Frankston, but not too quickly, and not too much and not too well!'. That is the issue here. The Premier is paralysed to act

appropriately on the member for Frankston, and this motion shows it.

The Privileges Committee majority report, which is a complete and utter whitewash, finds as a matter of fact that, 'Yes, of course the member for Frankston did it all', but it could not find him wilful. It could not find that he did it on purpose. It could only find that he was 'not diligent'. 'Not diligent' is not doing a spellcheck. 'Not diligent' is not returning a phone call. It does not apply to rorting wilfully and systematically and working on your alibi as well. It does not apply to giving instructions to the staff you have told to misuse the resources — 'If anyone asks, make sure you say it's for private use' — as if that works anyway! How is going to and from work the responsibility of taxpayers? How is the member for Frankston's commercial staff getting to and from work a matter for any of our constituents? He did not just give them the line to run if they were ever queried. The member for Frankston also told them how to drive in — how to back the vehicle up so that the security camera did not see what he was doing. So confident was he that he was doing the right thing that he did not want anyone to film it.

Even if I had 3 hours I could not run through all the quotes out of the Ombudsman's report, the majority report of the Privileges Committee and indeed the minority report — a report its authors can be proud of, as opposed to the alleged first law officer of our state, the Treasurer and all the people who have been thrown under the bus by the Premier, junking, effectively, their whitewashed majority report in favour of desperate survival action as a tactic to survive, not a tactic to do the principled thing, the right thing and the thing that every Victorian ought to be able to expect of their leader. The Premier has not done that at all. He has thrown these servants of the government — and that is what they are in this work, servants of the government and its majority — under the bus, as it were.

The minority report, however, has some integrity. The majority report most certainly does not have any integrity, having ignored legal advice provided because it did not suit the purposes of government members of the committee, having taken the most charitable interpretation of intent and the burden of proof you could possibly summon and having whitewashed what the member for Frankston did. The minority report, on the other hand, calls this out for what it is: a wilful, deliberate, persistent, consistent, strategic rort. That is what it is — a rort, plain and simple, and one that constitutes without any doubt at all to any fair-minded member of this chamber and indeed every Victorian a contempt of this Parliament and, what is more, a contempt of the people of Victoria.

The member for Frankston was not sent to this place to run his small business out of the pockets of taxpayers. This is the great irony. The party of small business — those who sit opposite — thinks it is fine for the member for Frankston to run his small business like no other small business in Victoria. It can be run on the taxpayer. And that only becomes a problem — that rorting, that fundamental breach of trust — when the member for Frankston suggests that he might end his arrangement with this dysfunctional, chaotic, circus-like government and this Premier, chosen by no-one other than the member for Frankston. That is when all this became a problem. That is when fairness and justice and appropriate penalties, especially in September, became what was needed.

What is needed is an appropriate penalty for the worst behaviour we have seen for a very long time — the rorting of the member for Frankston. What is needed is an appropriate penalty and an appropriate recognition that we in this Parliament will not settle for the slur that the member for Frankston's conduct poses to all of us, that we in this Parliament will not settle for fundamentally failing the people of this great state with a standards and the example that we set, that 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. We will not celebrate the fact that in September all the news crews will be out the front again. The gallery will be packed. There might even be queuing to get in here, and the member for Frankston will strut in, I am sure, and let us all know that he is back, and the circus will continue — a circus, a government that bears no relation to the government fairly and squarely elected three and a half years ago. It is a circus — the dysfunctional, chaotic shambles opposite — that is not the government Victorians voted for nor the government Victorians need.

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, and I accordingly move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house finds that Mr Shaw is guilty of contempt of the Parliament, and that he be therefore immediately expelled from this house'.

I have provided that amendment to the Clerk in accordance with the usual practice.

When this debate comes to a conclusion I hope that members — all members, because all members will be accountable for how they vote on this amendment — search their conscience, not just for their own political survival but for the sake of decency and for the sake of honouring rather than betraying the public trust that is placed on all of us. 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.

**Mr RYAN** (Minister for State Development) — In the 10 minutes available to me I wish to make a number of points. The first is that the report from the Privileges Committee regarding these matters pertaining to Mr Shaw was tabled in this place on the last sitting day of the previous sitting week. We are now in a position where, having given notice of today's motion yesterday, which was the first sitting day of the immediate sitting week following that in which the report was tabled, we are in the course of debating the motion. Any proposition as advanced by the Leader of the Opposition that we are in some way seeking to delay all of this is preposterous.

A further point to make is that there are two essential issues in matters of this order. The first of those is the question of guilt or innocence. The second is the question of the penalty to be applied. On the first, there is no doubt about the fact that the member for Frankston breached the code of conduct in the manner which is set out in the report from the Privileges Committee. There is broad agreement about that issue in all its aspects across the whole of the Parliament. The Leader of the Opposition spent considerable time arguing the case, as it were, for guilt or innocence. The Parliament accepts that there has been a wrongdoing on the part of the member for Frankston — indeed, a grievous wrongdoing in the sense of the great disservice he has done to all Victorians and to this place in particular — but the issue of primary consideration is the question of the proper penalty which ought to be applied to the member for Frankston.

Edward Findley, a Labor member for Melbourne, was expelled from this Parliament on 25 June 1901, his third day in the chamber. Mr Findley was accused of seditious libel. In the 113 subsequent years no-one has been expelled from the service of this Parliament. It has not happened. Therefore, by definition, expulsion of a member from this Parliament by the Parliament is obviously at the absolute, utter and extreme end of any penalty to be provided. There is no in-between. There is no lesser. It is the ultimate penalty to be applied. Yet

113 years have passed since the previous occasion when there was an expulsion, and those events have not occurred again. Surely that demonstrates the extraordinary gravity which applies to the notion of anybody actually being expelled from this place.

Further, in many circumstances, particularly judicially, one talks about the punishment fitting the crime. The practical fact is that in this case there was no crime. The Ombudsman conducted investigations; the police laid charges and then withdrew them. This member has never been found guilty of a crime. It is true, without a shadow of a doubt, that he has breached the code of conduct — that is the absolute fact — but he has not committed a crime. Therefore the issue becomes the proper penalty that ought to be applied to a member of this place who has breached the code of conduct that applies to all of us.

The next point to be made is this: the suspension as proposed by this motion is the harshest penalty, as I understand it, which has been sought to be applied to a member of this place since those events of 1901, 113 years ago. This contemplates 11 days of suspension, being named, a monetary penalty, an inability to access interstate and overseas travel entitlements and an apology having to be given by the member to the house and to the people of Victoria. Most importantly, in my view, 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. If he comes back in here on 2 September and if the matters he is called upon to deal with are dealt with, then the penalty will have been applied and satisfied. If he does not, he then exposes himself to being expelled from this Parliament.

Therefore I believe that the future of these events lies quite rightly within the hands of the member. The Parliament is imposing a series of sanctions that we have not seen in this place for 113 years. It is now in the hands of the member for Frankston as to what will actually happen. Ultimately that is right because the member was elected to this place by the people of Frankston, so ultimately it is the people of Frankston who should determine whether this member stays or goes. If the series of sanctions set out in this motion are given effect, the people of Frankston will have that opportunity, subject to the member for Frankston complying with the various sanctions as set out.

There is no doubt that the propositions set out in the motion are tougher than those recommended by the majority of the committee, but that is simply because the conduct of the member for Frankston requires that it be so. You cannot treat this Parliament, the committee

and the processes in which it engages, the members of that committee and, most importantly of all, the people of Victoria with the absolute disdain and lack of remorse which has been exhibited by the member for Frankston and expect to do those things with impunity. As opposed to that circumstance, the propositions now before the house reflect the fact that the member for Frankston has conducted himself in the manner that has occurred since the committee's report was tabled.

Insofar as other comparisons with other jurisdictions are concerned, the Premier has gone through many of them. To take the point raised by the Leader of the Opposition that some degree of profit should be associated with the manner in which this is all viewed, I simply refer again to Mr Tim Mathieson, who drove around in the electorate vehicle of a former Prime Minister over a period of time, conducting a business by selling shampoo out of the boot, no doubt for profit. He did it all in circumstances where the Prime Minister wrote out a cheque for \$4243 and the whole thing went away. I also refer, by way of another example of penalties that have been applied, to the findings of the report undertaken by Sir Thomas Legg into the English system, as referred to in the *Daily Mail* of 5 February 2010, which says:

Half the cabinet — including Gordon Brown — were told to hand back money. The Prime Minister topped the list, being told to repay £12 888 in cleaning costs, decorating charges he claimed twice and garden maintenance.

All of this bespeaks again that nothing was done by way of the expulsion of that member or any of the others involved in that investigation.

On a further point, the motion calls for these issues to do with leaks from the committee to be investigated by the police. This is important. Self-evidently this has not happened on this side of the house, because we have advanced this element of the motion — —

**Mr Nardella** interjected.

**Debate interrupted.**

## SUSPENSION OF MEMBER

### Member for Melton

**The SPEAKER** — Order! The member for Melton will leave the house for half an hour.

**Honourable member for Melton withdrew from chamber.**

**MEMBER FOR FRANKSTON****Debate resumed.**

**Mr RYAN** (Minister for State Development) — This has nothing to do with media reporting, what was written by the media or otherwise. It has nothing to do with that. This is all about the question of where those leaks came from. We are entitled as members of Parliament to know where those leaks came from, and the police investigation is intended to achieve that end.

What we have seen here — and it was exhibited again today — is a Leader of the Opposition who has been blundering around these issues instead of focusing on the matter that is central to the question of what penalty should be applied. What we have before the chamber is a carefully considered motion that has been properly balanced and is proportionate in terms of what it suggests by way of sanctions to be adopted by the house that are appropriate to the member for Frankston. The member for Frankston was elected by the people of Frankston, and they should have the final say in determining what his future will be. This is the toughest series of sanctions proposed in this place in the last 113 years. It is quite appropriate, therefore, that these sanctions be adopted by the house. Of course, if the member for Frankston chooses not to abide by these, then he faces the prospect of expulsion from this place. That is the way it should be, and I commend the motion to the house.

**Mr MERLINO** (Monbulk) — We have a rare and important opportunity today for the Parliament to take a stand on standards of behaviour. This is an opportunity for the Parliament to set a marker that places us with the people of Victoria, not above them. The member for Frankston is a rorter who wilfully misused money for personal commercial gain. We need to get one thing straight: in the Victorian public service that behaviour would see him sacked. In the private sector such misuse of company funds would see him sacked. In any other line of work the member for Frankston would be sacked. Yes, this debate is extraordinary; and yes, it is a significant thing to expel a member of Parliament. But if the view of those opposite is that the sanction of expulsion does not fit the crime, then the government will be saying to the people of Victoria, ‘The behaviour of the member for Frankston may well be a sacking offence outside of this place, but in the Parliament of Victoria we will set a lower standard, thank you very much’. 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.

It is a privilege to serve in this place. Such is the honour and responsibility of serving that, if anything, a higher standard of behaviour should be demanded of us and displayed by us. The member for Frankston has never understood that, and he never will. The member Frankston has disgraced this Parliament, and the protection racket run by the Premier and his government is equally weak and reprehensible. The proposal by the Premier will continue this circus for months. The Premier had an opportunity to match his tough words with action, and he squibbed it. That is not leadership, it is weakness. It is not punishment, it is appeasement. It is driven by fear of a by-election in Frankston. We will all be back here in September, conveniently too late to give the people of Frankston a real voice. According to the Premier, it is only appropriate to expel a member if they have committed murder or if it is September 2014. This is driven by a pathetic unwillingness to properly deal with the person who installed him in the Premier’s seat. The Premier’s wet lettuce offering ensures that the member for Frankston will not be sanctioned but will be rewarded with a \$163 000 golden handshake and a ‘Thank you for your services’.

The member for Frankston’s behaviour was no one-off mistake. It was wilful misuse of his entitlements over an extended period of time. Let us go back to the Ombudsman’s report. The Ombudsman found — that is, he independently verified — that the member used and allowed others to use his parliamentary vehicle for commercial gain time and again. On 21 February 2011 employee Mr A used the member’s vehicle on a commercial trip to Warrnambool. On 21 April it was used by the member for Frankston on a commercial trip to Sale. Throughout May a number of commercial trips were made to New South Wales and country Victoria, and between October and December 2011 Mr B used the vehicle for commercial trips.

The Privileges Committee, the Parliament’s ethics committee, also investigated the rorting of the member for Frankston. The majority report was the whitewash and the rort that we expected it to be. Despite the damning Ombudsman’s report and despite the committee receiving legal advice from Lander & Rogers that a finding of contempt of Parliament could be made. That legal advice outlines the obligations of lawyers to their clients — that is, people in a position of responsibility. The advice to the committee is:

... breaches committed over a period of time can, in the light of the relevant circumstances, be so substantial and reckless and show such complete indifference on the part of the solicitor to his important obligations to his clients and to the public, as to amount to wilful failure.

For these reasons, we are of the view that indifference or reckless carelessness as to a member's obligations under the ROI act is sufficient to constitute 'wilfulness' for the purposes of section 9 of the ROI act.

That is contempt of this Parliament.

Let us go back to that trip to Warnambool — 694 kilometres. The member for Frankston signed a fringe benefits tax form. When he was asked by the Ombudsman if it ever occurred to him that that was slightly more than travelling to and from home and work, the member for Frankston said:

I can't recall, but I suppose I wasn't fussed.

Let us go back to the legal advice: complete indifference or reckless carelessness constituting wilfulness and a contempt of Parliament. The Liberal and Nationals ministers ignored that advice and produced a pathetically weak response. They found that the member was not in contempt and that he did nothing particularly wrong. Were those Liberal and Nationals ministers under instruction? I challenge the Attorney-General to get up on his feet and enter this debate. They have some explaining to do.

What we have witnessed from the other side has been a mutual protection racket. Those opposite made a choice: they chose the member for Frankston over their own leader and Premier. With the member for Frankston's approval they necked the former Premier. The current Premier is only Premier because he was the choice of the member for Frankston. Those opposite now understand — —

**The DEPUTY SPEAKER** — Order! I remind the member for Monbulk that this is a narrow debate and that he should keep his remarks to the two reports. I ask the member for Monbulk to come back to the debate on the motion.

**Mr MERLINO** — Perhaps you were not listening to the Premier's contribution, Deputy Speaker. Those opposite understand the bitter reality — —

**The DEPUTY SPEAKER** — Order! The member for Monbulk will not be disrespectful to the Chair. When I call order, order must prevail. When I ask the member to come back to the motion, he must come back to the motion, and he must not dispute my call.

**Mr MERLINO** — 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. A Premier is gone, the minister responsible for IBAC is gone, the Speaker is gone — —

**The DEPUTY SPEAKER** — Order! The member for Monbulk knows that this motion goes to the two reports. He is straying from the two reports. I ask the member for Monbulk to restrict his points to the two reports. If he does not do that, I will ask him to sit down.

**Mr MERLINO** — What do we hear from those opposite? Appeasement, appeasement, appeasement. Enough is enough. 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.

**Ms ASHER** (Minister for Innovation) — The motion before us today looks at three Privileges Committee reports. The first two are mentioned in paragraph 1, and they involve the issue of leaking from the Privileges Committee. A subsequent report had statutory declarations signed by every single member of the Privileges Committee, which maintained it had not leaked information. I note that the Leader of the Opposition's amendment has removed this particular clause for further investigation, which in itself may well say something.

The motion before the house also looks at a third report, which is the report on the member for Frankston. Obviously members will spend the most time on that. This majority report found that there was no breach of privilege. At page 6, finding 4 states:

Therefore Mr Shaw is not in contempt of Parliament under section 9 of the Members of Parliament (Register of Interests) Act 1978.

Finding 5 states:

The committee finds that access to and use of a parliamentary vehicle is not one of the special rights or immunities which belong to members of Parliament, and therefore Mr Shaw's actions in relation to his parliamentary vehicle and fuel card cannot be treated as a breach of privilege.

That is the basis of the Privileges Committee report. Members of Parliament would know that the Constitution Act 1975 clearly sets out who can and who

cannot be a member of Parliament. Section 44 of that act sets out very clearly that you cannot be a member of the Legislative Assembly if you are an undischarged bankrupt or if you are:

An elector who has been convicted or found guilty of an indictable offence which by virtue of any enactment is punishable upon first conviction by imprisonment for life or for a term of five years or more committed by him when of or over the age of 18 years ...

As I said, the constitution very clearly sets out who can and cannot be a member of Parliament. The Victorian Parliament has its own constitution act which provides for the same powers and privileges as the House of Commons. Standing order 1 makes a direct reference to Westminster parliaments.

The second point I make is that there is no doubt that the Parliament does have the capacity to expel. That was no revelation. In New South Wales, however, the Parliamentary standing orders are more explicit. The issue for this house is that expulsion is rarely used in Victoria. It has been used five times — in 1861, 1869, 1876 and in 1901 — for offences such as electoral fraud, corruption and bribery, an attack on the monarch and criticism of the Assembly. In the UK, the Parliament on which this Parliament is based, it was used three times in the 20th century, usually in relation to some crime associated with imprisonment.

It is interesting to note that the commonwealth removed its power to expel MPs some time ago. There is one case of expulsion from the federal Parliament. In 1920 Hugh Mahon was expelled for 'seditious and disloyal utterances', and these days that is regarded as flimsy grounds for the expulsion of a member of Parliament. In 1984 the Joint Select Committee on Parliamentary Privilege had a look at this, and again I am indebted to the NSW Parliamentary Library Research Service briefing paper no 17/2003, which advises us that the committee reported to the Parliament that:

... the power to expel was exercised in a case when, we think, the power was demonstrably misused in a compelling argument for its abolition.

The committee went on to say that as another consideration:

... we ... have something approaching a statutory code of disqualification.

It also made the point that it is the electors in a constituency or in a state who decide representation. The report then goes on to say:

... the houses still retain wide powers to discipline members.

The federal Parliament has divested itself of this power in response to a case where it thought it had been misused.

I also ask whether this would be contestable in a court of law. I think the answer may well be yes, because in 1969 there was a case before the New South Wales Court of Appeal after an expulsion. It is the case of *Armstrong v. Budd*. Again, I quote from the New South Wales document:

Concerning the potential for abuse of the expulsion power, in *Armstrong* the response by Herron FJ was twofold. First, he assumed that the house would not exercise the power 'irresponsibly or capriciously'. Secondly, he noted that an expulsion could always be appealed to the Supreme Court which has the power 'to declare a resolution for expulsion null and void ...

In the *Armstrong* case the evidence was the *Hansard* transcript. Again I quote the document, which states:

Wallace P used this to satisfy himself that the grounds stated in the resolution were not only grounds upon which the house was entitled to expel, but that the resolution was based on 'substantial material' and was therefore not a 'sham' designed to gain some political or other advantage ...

The decision in that case, even though it is in the reverse, is that this would only stand up in the Supreme Court provided the decision was not a sham to gain some political or other advantage.

**Mr Merlino** interjected.

**The DEPUTY SPEAKER** — Order! The member for Monbulk is warned!

**Ms ASHER** — I put it to the Parliament that manoeuvring for a by-election could well be interpreted by the courts as a sham designed to gain some political advantage, and it would be a great shame for a decision of this Parliament to end up before the courts. Again, at page 21 the document makes the point:

The general point to make is that, while the expulsion power is discretionary in nature, it is not to say that it can be exercised without regard to the rules of procedural fairness.

In relation to the one court case that has looked at this, this paper has made the point that we have an obligation to look at procedural fairness. In case these decisions are reviewed by courts, as a Parliament we need to show procedural fairness.

The final question for the Parliament is: does this offence warrant expulsion? Again, the point made by the Premier is that comparable offences have not resulted in expulsion. Reference has been made to former Prime Minister, Julia Gillard, who had to pay

back over \$4200 because her partner used her car for commercial purposes. There are other examples of people on both sides of politics having misused their entitlements and having paid them back. In state Parliament I understand the member for Cranbourne was asked to pay back \$3800 over a pamphlet that contravened the guidelines. A former member of the Legislative Council, Sang Nguyen, has been referred to already over a car that I understand was part of a divorce settlement. Nobody has ever suggested that any of those members of Parliament should have been expelled for what I accept is an abuse of entitlements.

Like the Premier I agree that the member for Frankston has abused his entitlements. However, I put to this Assembly that looking at precedent and at what has happened in other parliaments in Australia, looking at the court's judgement in *Armstrong v. Budd* and looking at the requirement on us to have regard to procedural fairness, this is not a reason for expulsion. It would be a reason for expulsion if the member for Frankston did not comply with this house's request —

**Mr Merlino** interjected.

**Debate interrupted.**

## SUSPENSION OF MEMBER

### Member for Monbulk

**The SPEAKER** — Order! The member for Monbulk will leave the chamber for an hour.

**Honourable member for Monbulk withdrew from chamber.**

## MEMBER FOR FRANKSTON

**Debate resumed.**

**Ms ASHER** (Minister for Innovation) — The member for Frankston may well be an unorthodox character. As I said, the member for Frankston has abused his entitlements. Probably more than anyone else in this Parliament, in dealing with the member for Frankston as Deputy Leader of the Liberal Party and Leader of the House, I have found him erratic and possibly even frustrating. However, these are not reasons for expulsion. This house has an obligation to provide procedural fairness. It has an obligation to look at this matter with integrity, and I support the Premier's motion.

**Mr PAKULA** (Lyndhurst) — 'Unorthodox' — that is what we are calling it now. Isn't a week a long time

in politics? Last Tuesday the Premier resembled Howard Beale, the Peter Finch character from *Network*. He was as mad as hell, and he was not going to take it anymore. That was the Premier last Tuesday. He said he would not be dictated to; he would not bow to the demands of the member for Frankston. But the motion moved by the Premier yesterday, and the 30-minute defence that he mounted of the member for Frankston today, demonstrates that the resolution we are debating could in fact have been drafted by the member for Frankston. That is how weak it is; that is what a damp squib it is. It is not like being flogged with a wet lettuce; it is like being flogged with fairy floss. That is how weak the motion is, and the member for Frankston could have drafted it.

Despite the findings of the Ombudsman that were gone through in great detail by the Leader of the Opposition and despite the legal advice from Lander & Rogers that went to the Privileges Committee — the advice that was ignored by the majority of the committee, including the Attorney-General — the Premier's motion essentially leaves intact the whitewash that was the majority finding of the Privileges Committee, the whitewash that was implemented by the ministers on the committee. What additional serious punishment is being levied on the member for Frankston by the motion? He has to say sorry, which was not in the original resolution of the Privileges Committee, and he might get 11 days leave from Parliament without pay. Opposition frontbenchers had 6 days out of Parliament without pay because they played up in the house. Members of the government love to come in here and castigate unions and their members, but let me ask: what worker in this state or in this country would not take this deal in a heartbeat? You wilfully and consciously misuse \$7000 or \$8000 of your employer's assets, you do not own up until somebody dubs you in, and you get off with an apology and 11 days leave without pay. A week really is a long time in politics.

A week ago, last Tuesday, at the Premier's press conference there was mentioned an outrageous and improper demand for a particular judicial appointment by the member for Frankston. That was how it was described on Tuesday last week. Yesterday in this house, in answer to questions, it had morphed into just a general whinge about Labor's judicial appointments. There was no particular claim, no particular request and the Premier said, 'I unequivocally ruled it out'. So unequivocal was the Premier that a couple of months later the member for Frankston came back and asked for it again. It must have been really unequivocal. A week really is a long time in politics.

For a week we have been hearing about how the government needed to get legal advice because it wanted to mete out serious punishment that would stick. Let us see that legal advice. We have released our legal advice, and it is crystal clear about the Parliament's power to expel the member for Frankston and about the fact that a court challenge would not succeed. In fact, according to the legal advice we have, it is quite obvious that the Premier's motion would be far more questionable in a court of law than a straight out expulsion.

**Mr O'Brien** interjected.

**The SPEAKER** — Order! The Treasurer will cease interjecting.

**Mr PAKULA** — That advice was from George Williams, an eminent constitutional lawyer — far more eminent than the Treasurer. Let us have the government release its legal advice because I doubt very much that the pathetic excuse for a punishment that is contained in the Premier's motion could in any way be described as being as much as the Parliament could impose. Let me say moreover that the Premier claims that this motion is very carefully drafted. I ask members to pay particular attention to paragraph 8 of the motion, which says:

... that if the member for Frankston does not comply with paragraphs 3 and 4 of this motion ... and that if the member ... does not apologise appropriately to the house for that failure ... he will be in contempt of the ... Assembly and the ... Assembly will move to expel him ...

What does that motion literally say? It says that if the member for Frankston does not comply — that is, if he does not pay back the money — he is only subject to expulsion if he does not apologise appropriately for that failure to comply. Even on the government's own motion, the member for Frankston does not get expelled for failure to pay unless he fails to apologise for that failure to pay. So carefully drafted is this motion that it does not even say what the government intends it to say. A week really is a long time in politics.

A week ago the Premier said that his government, the people of Frankston and the people of Victoria would no longer be held to ransom by the member for Frankston. Now he brings forward a motion, supposedly carefully drafted, which does not say what the government thinks it says and will not actually lead to expulsion so long as the member apologises for not paying. This really needs to be amended. He brings forward a motion that ensures that the chaos and the dysfunction will just go on and on. The member for Frankston would have two a half months gardening

leave until 2 September with only 11 days pay forgone in that period of time.

In September the member for Frankston will be back and we will be able, once again, to throw a big top over this joint and charge admission because the whole Ringling Bros. and Barnum & Bailey Circus will be back in town and the chance to get on with governing this state in the interests of Victorians will have been lost.

The Premier yesterday, and again today, had a chance to make good on his tough guy, Liberty Valance, Howard Beale, 'I'm mad as hell, and I'm not going to take this anymore' rhetoric of last Tuesday. He had a chance to come in here to end the circus, to put Victoria first, to demonstrate that when he said, 'Enough is enough', that when he said, 'We will no longer be held to ransom' and that when he said he would no longer bow to the demands of the member for Frankston, he actually meant it.

The Premier could have moved a motion in the same terms as the amendment moved by the Leader of the Opposition just half an hour ago. Instead what we got was this apology to the member for Frankston and this apology of a motion, this travesty of a motion, that just gives him the merest slap on the wrist and will not even do what the government claims it will do. Anybody who reads paragraph 8 of this motion closely will know that even if the member for Frankston does not pay back the money, so long as he comes in here and says, 'Sorry for that failure to pay', there will be no opportunity for this house to expel him.

In moving his motion the Premier demonstrated yet again that he is the best friend that the member for Frankston has ever had and that the member for Frankston is the best friend that the Premier has ever had. The protection racket continues. I urge the house to support the amendment moved in the name of the Leader of the Opposition.

**Mr WALSH** (Minister for Agriculture and Food Security) — I start by congratulating you, Speaker, on the way you are controlling the house while members are debating this particular motion. I rise to support the motion put forward by the Premier, the member for South-West Coast, and particularly the noting of the three Privileges Committee reports that are referred to in the motion.

As the Premier has said through this whole debate, the punishment must be fair, just and appropriate, and that is what we are talking about today. It is very important to put what we are talking about in some context. Some

of the other people who have contributed to the debate have talked about other examples of people who have misused their parliamentary entitlements. None other than Julia Gillard, the Deputy Prime Minister at the time, had to repay \$4233 following the misuse of her taxpayer-funded car by her partner, Tim Mathieson, to deliver hair-care products around regional Victoria.

Tony Burke, a former minister of the Crown in the commonwealth government, had to repay 15 different amounts involving family travel to a total of almost \$7000. As has already been said, Senator Don Farrell repaid \$900 for claiming travel entitlements to attend an AFL Grand Final. If we come closer to home, the previous member for Frankston drove his taxpayer-funded car to Brisbane and was seen driving around election workers during the Queensland state election on election day, and there were no issues around that, apparently.

**An honourable member** interjected.

**The SPEAKER** — Order! The minister is out of his place, is disorderly and will cease interjecting.

**Mr WALSH** — The taxpayer-funded car of a former Labor upper house member, Sang Nguyen, was used as a getaway car in a shoplifting spree by his ex-wife. As has already been said by the Leader of the House, the member for Cranbourne had to repay money because of an inappropriate flyer that was deemed not to fit the parliamentary standard.

There are a number of examples of people who inappropriately used their parliamentary entitlements and had to pay the money back. The federal Parliament has introduced a penalty of 25 per cent in addition to the paying back of money as a disincentive for people to do that. One of the paragraphs in the Premier's motion asks for the paying back of an amount for fuel and wear and tear on the car plus a 25 per cent penalty, which is in line with what the commonwealth has introduced.

I turn to the main report of the Privileges Committee inquiry in relation to recommendation 2 of the Ombudsman's report *Whistleblowers Protection Act 2001 — Investigation into Allegations against Mr Geoff Shaw MP*. There are five findings in the report. Finding 1 is that the member for Frankston was 'not diligent in the management of his parliamentary vehicle'. Finding 2 is that the member for Frankston:

... enabled the use of his parliamentary vehicle for commercial purposes and his parliamentary fuel card to purchase fuel for his private vehicle.

Finding 3 of the committee is that the member for Frankston contravened the code of conduct for parliamentarians about how their parliamentary cars are used and relates to the first two findings I have mentioned. Finding 4 is:

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 section 9 of the Members of Parliament (Register of Interests) Act 1978.

In the body of the report, the committee states that its members were not able to get all the information in front of them to make an appropriate judgement about that matter. Anyone who sits on one of those committees needs to make sure that they are given all the evidence so they can make appropriate decisions. Finding 5 is:

The committee finds that access to and use of a parliamentary vehicle is not one of the special rights or immunities which belong to members of Parliament and therefore Mr Shaw's actions in relation to his parliamentary vehicle and fuel card cannot be treated as a breach of privilege.

Those are the findings of the committee. The report's recommendations include that the member for Frankston repay the money, which has been set out in the Premier's motion; that the government amend legislation to facilitate any future investigations by the Privileges Committee referred to the house as a result of the Ombudsman or the Independent Broad-based Anti-corruption Commission; and, in preparing such, that consideration be given to whether the Ombudsman or IBAC should be empowered to make redactions from the evidence in order to withhold the identity of persons who have made protected disclosures, which goes to the nub of the issue about the committee being able to access evidence to make the appropriate decision. The last recommendation concerns the establishment of a parliamentary commissioner for standards in Victoria. It was a unanimous decision of the committee.

If we look at the Premier's motion, we see that paragraph 1 notes the two reports about the information that was leaked from that committee, and we can link that to paragraph 9 in the Premier's motion, which goes to the nub of the issue — that is, that there are quite often leaks in a number of areas of the Parliament. However, the key issue that links paragraph 1 with paragraph 2 is that all the members of that committee signed a statutory declaration that said that they were not the leaker, and that is why the Premier has asked in his motion for the matter to be referred to the police.

The issue is not so much about the leaking; it is about people signing statutory declarations saying that they are not the leaker, which I understand is a criminal offence. I hope that, if the police investigation identifies who that particular person is, the Leader of the Opposition and members of the opposition are equally as outraged about that particular person as they are about the member for Frankston at the moment if that person is found to have signed a false statutory declaration, which is a criminal offence.

As is set out in the Premier's motion, the member for Frankston needs to repay the money, which is the cost that was deemed under the RACV rules as the amount his car was used. Paragraph 4 of the Premier's motion is about the penalty, which is based on the 25 per cent put in place by the commonwealth for similar offences.

Paragraph 5 is that the member makes an apology to the house. Any member of Parliament who brings this house into disrepute brings us all into disrepute. The issue is what has unfolded out of these particular circumstances. The fact that there has been quite a bit of debate about the matter in this place has brought all members of Parliament into disrepute. It has lowered the value of parliamentarians in everyone's eyes, and that is very sad for democracy in this country and in Western society.

We have a proud tradition in the Westminster system, which goes back hundreds of years, and it has served our societies well. That is why it is very important as part of this debate to go back to where I started and to what the Premier said today — that is, it is very important, whatever this house decides, that it be fair, just and appropriate. It would be a travesty of justice if we ended up as a kangaroo court. As the Treasurer has been quoted as saying — and it is probably a very good quote — this is not the *Big Brother* house. This is not about expelling someone because you do not like them. It is not about expelling someone because they are difficult. It is not about expelling someone because they may be considered to be a pain.

If we look around at the 88 members who make up this chamber, we see a lot of different personalities that some people may not appreciate at certain times, but we all have a right to be here because we were elected by the people who sent us here. I do not think there is any debate that the member for Frankston has misused his parliamentary allowances. The debate is about how this chamber handles the report of the Privileges Committee and handles the motion before the chamber, moved by the Premier, which makes sure that the member for Frankston is dealt with fairly, justly and appropriately. I support the Premier's motion.

**Ms BARKER** (Oakleigh) — I note the motion before the house, and I will speak primarily about paragraphs 3, 4, 5 and 8. I also support the amendment moved by the Leader of the Opposition. I find it very interesting that the only way in which the government will accept a contempt of the Legislative Assembly is if the member for Frankston fails to pay an amount of money as recommended by the whole of the Privileges Committee and fails to provide an appropriate apology to the house, but only after 2 September.

What is considered an appropriate apology? Is it that the member for Frankston returns to this house, stands up and states, 'I apologise to the house and to the people of Victoria'? Who will determine the criteria for an appropriate apology? Perhaps he will come back in and state that he apologises for not accepting that his prime responsibility was and is to the performance of his public duty to ensure that his aim was and is not endangered or subordinated by involvement in conflicting private interests and that he is sorry for not ensuring that his conduct does not bring discredit upon Parliament, because his conduct has certainly brought discredit upon this Parliament.

Despite detailed and expert advice regarding the term 'wilful misconduct' as provided to the Privileges Committee, the only thing the government will accept as wilful misconduct is if, after a two-month period, the member for Frankston fails to provide an appropriate apology for the misuse of his parliamentary vehicle, as outlined by the member for Lyndhurst.

I stand by my signature to the minority report, which found that the member for Frankston was wilful in his misconduct and that over an extended 12-month period he showed no duty of care and he was careless, reckless and completely indifferent in regard to the obligations and requirements on the use of his parliamentary vehicle. He should be found in contempt of this house today. The Premier is quoted in the papers — in the *Age* and in the *Herald Sun* — as saying that this house cannot expel an MP just because you do not like them or on the basis of whether the MP is 'a good bloke or not such a good bloke'. Minority members of the committee did not consider whether they did not like the member for Frankston, and we certainly did not consider or comment on whether he is 'a good bloke or not such a good bloke'. Minority members considered the Ombudsman's report, which contains evidence given under oath or affirmation, the information the member for Frankston was given, as all MPs are given when they are issued with a parliamentary vehicle, and his actions over a period of some 12 months in regard to the use of that vehicle — and we certainly

considered the very considered legal advice that we were given.

We are now being asked to disregard totally that expert legal advice, and we are being asked to disregard a very careless and indifferent attitude to a vehicle issued to a member of Parliament to assist with electorate and parliamentary work. Yes, the car can be used for private use, but I would suggest that no member of the public anywhere in Victoria would consider that giving a parliamentary vehicle to two people who are actually employed in a private hardware business and not in any way connected to the work of a member of Parliament is a valid or proper use of the parliamentary vehicle or the fuel that goes into that car.

I just want to very briefly recap some of the matters outlined in the minority report. In December 2010 the parliamentary vehicle was given to the member for Frankston with a document, the motor vehicle plan, in which there are several references to the use of that vehicle, as detailed in the minority report. It states:

It is the member's responsibility to ensure that the person(s) authorised to drive the vehicle does not use it for commercial or illegal purposes,

It also states:

Members must complete and submit a driver acknowledgement form ...

And:

The motor vehicle is not to be driven by any person other than the member or an authorised driver ...

And:

The vehicle should not be used for commercial purposes.

Unlike other MPs, the member for Frankston says, 'that 10-pager or whatever it is guide' does not relate to him. It simply does not matter to the member for Frankston that a restriction on the provision of a parliamentary vehicle is that any other drivers of the car provided to him by the Parliament must be authorised through a process as detailed in the motor vehicle plan.

The member for Frankston then proceeded to tell two people who were employed in his hardware business — and again I point out that they were not in any way connected to his work as a member of Parliament — 'Guys, you can use this car, and it can only be used for private purposes, to and from home'. But on 21 February 2011, when the member for Frankston did not actually use the parliamentary vehicle, he completed the logbook as his having used the car on that day for private purposes for a total of

694 kilometres. The fact that he did not actually use the car for this 694 kilometres but signed off that he did does not really matter today in terms of wilful, careless and reckless conduct! Then it was found that an employee in his private hardware business had used the car on that day to drive to and from Warrnambool. The member for Frankston said, 'I can't recall but I suppose I wasn't fussed'.

It does not matter today, when we are debating this in terms of wilful, careless and reckless conduct, that the member for Frankston signed off as his having used the car for 694 kilometres of private use when he did not actually use the car for that purpose and did not bother to question the actual driver, who was employed in his private hardware business, as to how he could have driven 694 kilometres when he was supposedly only to use the car to drive to and from home, and who at that time was not actually an authorised driver! It just does not matter today that the member for Frankston used his parliamentary fuel card to fill up a private vehicle, despite the fact that the use of the fuel card is very, very clearly documented!

It does not matter today that from 8 to 23 May 2011 the member for Frankston did not, for an entire month, know of the location and use of the parliamentary vehicle which he was responsible for! It does not matter today that from October to December 2011 the member for Frankston only knew on a couple of occasions where the parliamentary vehicle was and what it was being used for! It seems it just does not matter that for a period of some 12 months the member for Frankston chose to show complete indifference as to the location of his vehicle, how that vehicle was being used by drivers not authorised, for a long period of time, to drive the vehicle — drivers who were actually employees in his private hardware business, not connected in any way to the work of the member for Frankston in his electorate or in this place.

It just does not matter today that his conduct was reckless, careless and completely indifferent! The attitude is that we will ignore all of that. We may consider a contempt of the Legislative Assembly motion in a couple of months time if the member for Frankston fails to pay an amount of money determined by the Privileges Committee and rightly owed for misuse of his parliamentary vehicle and, again, if he does not apologise. But again, as I said, an 'appropriate apology' — we are not quite sure what that means.

The Premier has said that if the member thumbs his nose at those requirements, then he will have crossed the line to be in contempt of the house and expulsion will be an option. The member for Frankston chose to

thumb his nose at requirements that over a long period of time he was supposed to fulfil, but that does not matter today — it just does not matter!

Let us have a look at what contempt might be. Others have used parliamentary precedent or cited other Westminster parliaments. Often quoted is an extract from *Erskine May*, which is quoted in the report. I ask members to turn to pages 260 and 261 of *Erskine May Parliamentary Practice*, 24th edition, where it says:

Other acts, besides words spoken or written, writings published reflecting upon either house or its proceedings, which, though they do not tend directly to obstruct or impede either house in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such house into odium, contempt or ridicule or by lowering its authority, may constitute contempts.

We cannot consider today that these actions, as outlined in the Ombudsman's report and the Privileges Committee report, have brought this house into odium and ridicule, and we have to wait until 2 September to see if the member for Frankston provides us with an appropriate apology before we might consider a contempt matter.

I have been in this place for some time, and I have heard many members say, and I have said it, it is a great honour and a great privilege to be a member of Parliament. We enter the Parliament to bring forward matters and issues on behalf of those we represent. We undertake our legislative functions and hold the government of the day to account. We are given authority to do that with integrity. We also undertake to be bound by the code of conduct, to accept that our prime responsibility is to the performance of our public duty. We do it — we work towards upholding the integrity of the Parliament, as we should always work to uphold the integrity of the Parliament, and we do not bring discredit upon this Parliament.

To suggest that the actions of the member for Frankston have not already brought discredit upon this Parliament by his wilful misconduct is absurd, and the house today should be considering this as a matter of contempt and not just a motion to make him take a break for a couple of months to allow him to think about whether or not an apology should be made. The government should reconsider its motion and — —

**The SPEAKER** — Order! The member's time has expired!

**Mr CLARK** (Attorney-General) — This motion and the amendment moved by the Leader of the Opposition raise fundamental issues of both process and of penalty. In short, the Leader of the Opposition

wants to tear up due process in order to impose a penalty that is completely out of line with what is proper or appropriate simply because he thinks it will suit his political ends. It is fundamental to this debate to bear in mind not only that this matter has been considered and reported on by the Privileges Committee but also that the Director of Public Prosecutions (DPP) has determined to withdraw all charges against the member for Frankston. In his media statement of 3 December last year, the DPP said:

The DPP has determined (in accordance with the criteria in his policy relating to prosecutorial discretion, available on the OPP website) that there is not a reasonable prospect of criminal conviction in this matter.

Yet now the Leader of the Opposition thinks he is a better judge of what happened than either the DPP or the Privileges Committee and says he wants an MP expelled from Parliament despite that member not having been convicted of any offence and not having been the subject of a finding by the Privileges Committee that would justify such expulsion. The Leader of the Opposition seeks to justify his decision to proceed in this way by attacking the majority members of the Privileges Committee, accusing those members, of whom I am one, of not finding a wilful contravention for political motives. Of course it would be just as easy to levy the reverse accusation against the minority — not my accusation, but just as easily made nonetheless — that the minority deliberately found the member for Frankston guilty of wilful contravention due to political motivations despite the gaps and uncertainties in the evidence.

The reasoning of the Privileges Committee is open to all to see: the arguments in favour of wilful contravention, the arguments against wilful contravention, the legal test that should be applied and the reasons for the Privileges Committee reaching the conclusion it did — namely:

The committee considers that it would be unsafe to make highly adverse findings of wilfulness on the incomplete and uncertain evidence available.

The report also sets out the unanimous recommendation of the committee as to the consequences that this house should impose on the member for Frankston. The motion proposed by the Premier gives effect to the Privileges Committee report, together with additional measures that are consistent with the member for Frankston's lack of contrition following the Privileges Committee report.

In contrast, the Leader of the Opposition and others say that they do not like the conclusions the DPP or the Privileges Committee have reached, that they know

better and therefore wish to substitute their own verdict. How does the Leader of the Opposition justify this disregard for due process, this naked attempt to exercise power to suit his political ends? He tries to do it by producing a legal opinion by Professor George Williams, a legal opinion that says that the Parliament can throw out anyone it likes whenever it likes as long as it gets the wording right. Members should just look at paragraphs 19 and 34.

The Leader of the Opposition and the member for Lyndhurst wave this opinion around as though it justifies what they want to do. But in fact it does exactly the opposite. It exposes their flawed and dangerous thinking that, 'If we get the wording right, we can do what we like. We can fend off any legal challenge, and we can get away with it'. That is not the responsible exercise of power by the highest representative body in the state. That is the power of the despot or of the union thug, saying, 'I have the power, therefore I will use the power.'

The Leader of the Opposition has completely overlooked the key question in this matter: on what grounds would it be appropriate to throw someone out and what procedures ought to be followed if that were to be considered? The legal advice obtained by the opposition says nothing about these things. The power to throw someone out of Parliament is a last resort power. It is a power that is extraordinary both in the ease with which its formal requirements can be complied with and in its consequences. It is a power of such far-reaching consequences and with such potential for abuse that the commonwealth Parliament has legislated deliberately to deprive itself of that power by the Parliamentary Privileges Act 1987, section 8. Since that power remains in Victoria, it is particularly vital that the Parliament exercise its powers responsibly and appropriately.

Throwing someone out just because you do not like them or what they have been doing or because you want to disregard the findings of the Privileges Committee is not a proper justification. There is no appropriate justification for the Leader of the Opposition seeking to proceed the way he has today. It tears up due process; it tears up measured and responsible exercise of the powers vested in this Parliament. If you follow the logic of the Leader of the Opposition, there would be nothing improper in any member, or more likely any minister, giving notice of motion one day and the next day having an MP expelled from Parliament on a party vote. That is the terrible precedent that the Leader of the Opposition wants to set.

On the Leader of the Opposition's logic, why could any government in future not simply give notice of motion one day that 'This house finds the opposition leader in contempt of Parliament and expels him from the house', and boot out the Leader of the Opposition the day following on whatever grounds the government of the day chose to allege? The last thing any supporter of democracy should want to see is a Parliament get to a point where a government is throwing out opposition or minor party or Independent MPs when there are not clear grounds to do so. Save in the most serious and clear-cut of cases, and only then after due process and usually after warnings or opportunities to make redress, it should be for the courts and the voters to pass judgement on whether or not MPs should lose their seats.

To take another example, what if the government were to form a view as to who leaked information from the Privileges Committee and were to form the view that it was a particular opposition MP? On the logic of the Leader of the Opposition, it would be quite appropriate for the government simply to come into this house, give notice one day that, 'This house finds X in contempt of the Parliament and expels him/her from the house', and then for the motion to be debated the following day and that member expelled from the house. Is that the precedent the Leader of the Opposition wants to set by this motion?

We have even had the member for Lyndhurst suggest in debate that it is sufficient grounds to move to expel someone from the house that they indicate they might support a motion of no confidence in the government. That is a bizarre assertion by the member for Lyndhurst, and it shows the illogicality with which members opposite are prepared to take the argument that they are advancing today. It also needs to be remembered that the power to punish for contempt applies not only to punishing MPs but also to punishing any other citizen. On the Leader of the Opposition's logic it would be appropriate for the Parliament or indeed the government of the day by using its numbers in the Parliament, simply by motion and with no adverse finding by a properly constituted tribunal, to resolve to find any citizen in contempt of Parliament and impose a massive fine.

Indeed if you accept the logic of the Leader of the Opposition, why stop at a fine? Parliament also has the power to imprison those it finds in contempt for up to the life of the Parliament on a bare resolution of the house. On the Leader of the Opposition's logic, why not use that power whenever it suits the majority of the house to do so? It seems the Leader of the Opposition has not properly thought through the consequences of

what he is attempting to do, and I would not be surprised if many opposition members have grave reservations about the folly of the reckless course to which he has committed them.

This motion imposes what are probably the toughest consequences ever imposed for negligent use of a parliamentary vehicle by a member of Parliament. The government is certainly not allowing the member for Frankston to get away with his wrongdoing, but it is also not going to let the Leader of the Opposition get away with seeking to use the member for Frankston's wrongdoing for his own political ends. 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.

The rule of law is vital. I conclude with the words of Sir Thomas More, Lord Chancellor of England and a former Speaker of the House of Commons, in Robert Bolt's classic play, *A Man for All Seasons*. More says in the play:

And when the last law was down, and the Devil turned round on you — where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast — man's laws, not God's — and if you cut them down ... d'you really think you could stand upright in the winds that would blow then?

This is part of the inestimable heritage of the Westminster system that we are privileged to enjoy, and we trample on it at our peril.

**Ms ALLAN** (Bendigo East) — I rise to speak on this matter before the house today, which as we know is a very serious and grave matter, without any great delight. We are considering a matter which concerns how one of our number, a fellow member of Parliament, has acted inappropriately and in a manner that reflects poorly on him and, by extension, on all members of Parliament. We are all too aware of how poor at times is the regard the community holds for members of Parliament.

Today we have an opportunity before us to improve the standing in which we are seen by the community. We have the opportunity to lift the bar on the standards of this place. We have the opportunity to send a very clear message that what is deemed inappropriate behaviour for other public servants, or other people outside this place, in employee-employer relationships we also deem inappropriate for ourselves. That is why I am strongly supporting the amendment that has been put forward by the Leader of the Opposition. The amendment to the motion spells out clearly that the member for Frankston should be found in contempt for

his wilful behaviour and that, by extension, he should be expelled from the Parliament.

What is wrong with demanding a higher standard from our profession? What is wrong with demanding that we as members of Parliament should be judged by the same standard as other members of the community? There has been much public commentary already around the fact that if public servants were found to have misused their entitlements and taxpayer funds and had taken money from their boss, they would lose their job. We are also public servants. We are paid by the public and are in the line of public duty, so why should we not also be held to that same standard? We saw earlier today from the performance of the Premier that he is clearly not up to performing to this higher standard. When he was focused on Labor members of this Parliament, former members of this Parliament and Labor members of the federal Parliament, he debased his contribution, which showed that he is more focused on protecting his own skin than protecting the standards of this Parliament.

If we go to the reason why we are having this debate, it is that the member for Frankston has been found by the Ombudsman and the Privileges Committee to have misused his taxpayer-funded car and further that this act was found by the minority report of the Privileges Committee to be wilful and in contempt of the Parliament. Years have been devoted to this issue. A huge amount of work went into the Ombudsman's report, and no doubt a huge amount of work went on through the Privileges Committee's debate and processes. There have been mountains and mountains of media reporting on this issue. Consistently through all of this the member for Frankston's behaviour has been found to be wilful — not by the five government members of the Privileges Committee, but certainly he has been found to have acted inappropriately by the Ombudsman, by the minority report of the Privileges Committee and indeed by much of the public commentary that surrounds this issue.

We then go back to the penalties that are appropriate for these actions by the member for Frankston. The government has spent a lot of time so far today talking about precedent — that this has not occurred in 113 or 114 years — and the precedent that this will set. Just because we as a Parliament are faced with this issue for the first time is no reason not to find the member for Frankston in contempt of the Parliament and, by extension, to expel him from his duties as a member of Parliament. Just because we have never considered this issue before is not a reason not to do it and not to support the Leader of the Opposition's motion before the Parliament.

I will now go to the motion before the Parliament. The government claims the motion is carefully drafted, and it certainly is carefully drafted. It is a desperate compromise by a government that is compromised by its own performance. It is compromised by its own ineptitude and by its failure to be strong. It had the opportunity many months ago — indeed years ago — to stamp out the inappropriate behaviour of the member for Frankston. It had the opportunity repeatedly, many times before last Tuesday night, to act in this way. But it did not, and that is because it is a government that is led by a Premier who himself is compromised by his desperation to cling to power, who only turned on the man upon whom the foundations of his premiership were built when that man, the member for Frankston, abandoned him last Tuesday afternoon.

It was this same desperate Premier who only came to the conclusion — as everyone else had already come to this conclusion, including the public, the members of the Privileges Committee and the Ombudsman — that action needed to be taken on the member for Frankston when the member for Frankston decided he had had enough of this weak and desperate Premier. My colleagues have spoken about how paragraph 8 of this motion reveals the government's true intent — to push this issue off until September to avoid at all costs a by-election, which would occur if this was acted upon sooner.

This motion is finally before the house, and it is a motion that is a far cry from the chest beating that we saw from the Premier last week. As I said before, we have to remember that the Premier only started beating his chest about the member for Frankston after the member for Frankston had well and truly dumped him. If you look at some of the commentary around this issue today, you will see that some of the media commentators have exposed what is behind the Premier's actions. Reporting in the *Age* today, Tony Wright talked about how the Premier:

... had his lines, and he was sticking to them, however far-fetched they sounded.

Not only is the Premier sounding far-fetched when he talks about these issues; he is also the man whose story has changed consistently over the past week.

The government would have us believe that it is punishing the member for Frankston by putting forward this motion — that it is some great big punishment the member for Frankston will receive should the house pass this motion. Again, media reports today reveal this not to be the great punishment the Premier is beating his chest about. Today's *Herald Sun* editorialises:

The government's decision to suspend the ... MP rather than expel him from Parliament ... smacks of appeasement rather than punishment.

Why are government members so keen to appease the member for Frankston? It is because we know they have owed their job to him for such a long period of time. The *Herald Sun* goes on to say that what the Premier appears to have done is 'avoid any likelihood of a by-election'. Then it goes on to say that the point about all of this is:

... Mr Shaw stole from his employer, the taxpayer, and the best Dr Naphthine can do is suspend him and tell him he must say sorry. This is laughable ...

Also, reporting in the *Age* today, Josh Gordon talks about how the Premier's language in recent days is out of step with his tough talk from last week, that the punishment being put forward today certainly does not fit the crime and that it is inconsistent with the supposed chest beating of the Premier last week.

Even in this motion there is the stench of desperation that hangs around this government. This motion is crafted around what is in the best interests of propping up a desperate Premier, not what is in best interests of Victorians. I am sure government members think they are terribly clever in the way they have drafted this motion, appeasing the member for Frankston, potentially appeasing the member for Bass and trying to avoid a by-election on the way through. I am sure they think they are desperately clever, but it is not clever to try to have MPs being held to a different standard to that of the rest of the community. If the Premier were sticking true to his tough talk of last week, he would be supporting the amendment put forward by the Leader of the Opposition.

We have also heard some commentary from the Treasurer. I am sure he also thinks he is incredibly clever and funny when he draws the analogy that this situation is akin to an episode of *Big Brother*. It does not seem to be an episode of *Big Brother* that we are witnessing; it is more like an episode of *Survivor* because this is clearly about the survival of this desperate government, propped up by a desperate Premier, who is also desperately keen to go down the path of appeasement rather than the strong, decisive action that has been put forward by the Leader of the Opposition.

It is the Leader of the Opposition who, since this issue came to a head last Tuesday afternoon, 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. Attempts to work with the

government on this very serious matter were rebuffed at every turn, and now we are faced with a motion that is all about appeasing the member for Frankston and propping up a very desperate government.

**Mr O'BRIEN** (Treasurer) — I rise to support the Premier's motion and to oppose the amendment to that motion moved by the Leader of the Opposition. Make no mistake, by his amendment the Leader of the Opposition seeks to usurp the democratic decision of the people of Frankston for base political ends — for nothing more and nothing less than his own base political opportunism.

Amongst other things, the Leader of the Opposition's amendment, which requires the expulsion of the member for Frankston, on the face of it does not even require him to pay back the money, which the Premier's motion requires. The opposition would allow the member for Frankston to not pay back the money that the Privileges Committee found unanimously the member should repay to the Parliament.

Let us go to the Privileges Committee report. There are a number of areas where the Privileges Committee spoke as one. The first is in paragraph 54, which states:

The committee finds that access to and use of a parliamentary vehicle is not one of the special rights or immunities which belong to members of Parliament and therefore, Mr Shaw's actions in relation to his parliamentary vehicle and fuel card cannot be treated as a breach of privilege.

There was unanimous agreement on that point. The second is in paragraph 63, which states:

The Ombudsman reported that 'the foundation of the plan — this is, the vehicle plan —

and any legal obligations that members of Parliament have to comply with it are, at best, uncertain'.

Again, this was agreed to unanimously by members of the Privileges Committee.

When it comes to what the appropriate test is, what the burden of proof is and what the appropriate legal test is for identifying contempt, I quote from paragraph 47, which again was agreed to unanimously by the committee:

... the legal advice provided to the committee by Lander & Rogers is that, while it is open to the committee to apply whatever standard of proof it considers appropriate, previous decisions of privileges committees suggest that a 'high civil standard' ordinarily applies in determining whether a contempt of Parliament has occurred. A 'high civil standard' is determined on the balance of probabilities, but, given the seriousness of the allegations, requiring proof of a very high

order. The committee has decided to follow the approach recommended by Lander & Rogers.

There was unanimous agreement that the member for Frankston's use or misuse of his vehicle was not a breach of privilege. There was unanimous agreement by the committee that the legal basis for the vehicle plan was uncertain, as found by the Ombudsman. There was unanimous agreement that the appropriate standard is a high civil standard. There was unanimous agreement that in enabling his electorate vehicle to be used for commercial purposes the member for Frankston breached the members of Parliament code of conduct. There was unanimous agreement as to the cost of that to the taxpayer, unanimous agreement that that money should be paid back and unanimous agreement that there should be a 25 per cent loading on top of that repayment, which reflects the practice of the federal Parliament.

Where there was disagreement was effectively on one issue — that is, whether the evidence met the very high standard that the committee found was the appropriate standard in relation to establishing contempt of Parliament. The reason the majority of the committee found that the evidence adduced to us did not meet that very high standard is set out, chapter and verse, in the Legislative Assembly Privileges Committee report. The report speaks for itself as to where there was agreement, where there was disagreement, why there was disagreement and why the majority found that the evidence adduced to us did not meet the very high standard required to be met, according to the legal advice the committee received, in order for contempt to be established.

This motion before the house goes even further than what was recommended by the majority of the committee. It has the repayment, it has the loading and it has the naming — and, as the Premier has flagged, that will be for 11 sitting days and pay will be withheld. The member for Frankston would also be banned from using his electorate budget to fund overseas or interstate travel during the period of suspension. There would be a requirement for the member for Frankston to apologise to the Parliament and more importantly to the people of Victoria. There are significant matters that are subjects of this motion by the Premier, and we believe these matters will appropriately sanction the member for Frankston for enabling his vehicle to be used for commercial purposes.

As other contributors in this debate have made clear, the member for Frankston is not the Lone Ranger when it comes to enabling his electorate vehicle to be used for commercial purposes. The example of the former

federal member for Lalor, Julia Gillard, who repaid \$4243 after her partner used her taxpayer-funded car to drive around country Victoria selling hair products out of the boot, is another clear example of a member of Parliament enabling an electorate vehicle to be used for commercial purposes.

What do we hear about that? This morning on the Neil Mitchell radio program there was an interview with the Leader of the Opposition, and I almost felt sorry for the Leader of the Opposition because it was absolutely excruciating. I will put some of it on the record because it deserves to be on the record. A transcript of the interview states:

NEIL MITCHELL:

How is this different to what happened with Julia Gillard and her partner using the car?

DANIEL ANDREWS:

Well, people can make their own comparisons about this and all sorts of other activities ...

NEIL MITCHELL:

But this also goes to your consistency and credibility. How's it different?

DANIEL ANDREWS:

Well, people can make their own judgements about consistency and credibility ...

NEIL MITCHELL:

Can you argue your case about why this requires outrage and the other one didn't?

The Leader of the Opposition goes on, and then Mitchell says:

You haven't answered the question.

This goes on for paragraph after paragraph because the opposition leader was embarrassed. He could not stand up either in this place or in the media and explain why he thought it was appropriate for the member for Frankston to be expelled, usurping the judgement of the people of Frankston, for enabling the use of his electorate vehicle for commercial purposes, when he does not believe the former Prime Minister should be subject to the same punishment. Where is the consistency? There is none, and that is the thing that bells the cat that this is not about fairness, justice, proportionality or appropriateness; this is an attempted base exercise of political power for naked political ends by the Leader of the Opposition.

We heard the member for Lyndhurst quoting Professor George Williams in support of the opposition's

argument that the house possesses the power to expel. The Attorney-General demolished the flaws and the failings in that argument chapter and verse. It is very instructive that the opposition can only refer to Professor George Williams; the last constitutional issue that Professor George Williams was involved in was where he provided advice to the Parliament of the ACT about the integrity and legality of its same-sex marriage legislation.

What happened when that went to the High Court of Australia? It went down six to zero. It did not trouble the scorer — a duck's egg. That is how well Professor Williams's advice to the ACT Parliament on the integrity of its same-sex marriage laws went down. I am not surprised that the member for Lyndhurst quoted Professor Williams, because they do have something in common: they are both failed Labor candidates for federal preselection.

This is a very serious issue. 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.

What the Premier has put forward is appropriate and fair. It is something which members in this house and our successors can look back on in time and think, 'That is a just sanction for the wrong that was done'. By contrast, what the Leader of the Opposition is proposing is something that would destroy any sense of fairness or justice for members in this house. It is not about Mr Shaw; it is about standards we need to apply to every one of us in every circumstance. That is why the Premier's motion should be supported.

**Ms GREEN** (Yan Yean) — I join this debate, and it is a grave and serious debate. To be elected to the Victorian Parliament is a privilege that few in this state will experience. Coming up to my 12th anniversary as a legislator I still feel strongly the sense of privilege and obligation to the state of Victoria, and especially to the electors of Yan Yean. It is my long-held and considered view that I and each and every member of this place have a greater obligation to uphold this state's laws, regulations and standards than anyone else. We ought

to be held not to the same standards but indeed to a higher standard.

As a member of the Privileges Committee since 2010, and during the 19 months of the inquiry into the member for Frankston, I have not wavered from this view; in fact my view has strengthened even further. I, along with the esteemed members for Oakleigh, Melton and Dandenong, took my role very seriously, and we did not take lightly the decision to present a minority report to this house. I might say at this time that I am very much in support of this minority report, and I am also in support of the amendment to this motion proposed by the Leader of the Opposition.

The inquiry about the member for Frankston was unprecedented, so the full committee engaged experienced legal counsel at the cost of the Parliament. I will quote from the minority report, which states:

Minority members of the committee find Mr Shaw was wilful in contravening the code of conduct, and is therefore in contempt of Parliament. He showed over an extended period of time, reckless and careless conduct, indifference, and a complete failure to inquire what was happening in relation to his obligations in regard to the use of his parliamentary vehicle.

The committee's legal counsel, Lander & Rogers, provided detailed expert advice to the committee regarding the term 'wilful misconduct' and summarised a number of authorities. The minority members note the following sections of the Lander & Rogers advice ...

I urge people to read that advice on page 2 of the committee's minority report. The legal advice offered to the committee was that the obligations and duties of a member of Parliament are higher than those of the ordinary man or woman, and are indeed more akin to those of a lawyer. This legal advice helped me conclude that the actions by Mr Shaw were in fact a contempt of Parliament and did show reckless and careless conduct and indifference to his obligations over a sustained period of at least a year.

I remind the house of some of the facts that were contained in the Ombudsman's findings and in this report. On one day in particular there was a 694-kilometre journey to Warrnambool and back. I know a bit about Warrnambool — I grew up there — and you could not forget that you had gone there or unknowingly sign off in a logbook that this was private use by someone from your private business to whom you had allocated the keys of the car, having nothing to do with your duty to the Parliament. He did not know where his parliamentary vehicle was for months at a time. Is it any wonder that our profession is considered so low in the public's understanding?

I recall that just after I was elected to Parliament I bought a new house. My son and I went to collect the keys from the real estate agent. The agent said, 'Ha! We beat you lot this year'. I think politicians were ranked on the bottom or second last of all the professions, and real estate agents were just one or two above them. My son was only 12 or 13 at the time, and he said, 'What does that mean, Mum? That's terrible. People should have more respect than that'. He asked me about the list, and I showed it to him. He felt really concerned because he has respect for institutions, as we should encourage our young people to have. He noted that nurses, police and firemen are at the top, and he said, 'Don't worry Mum. You're a volunteer firefighter. Maybe you personally are about the middle'. We should absolutely be saying to the community that we expect standards in this place.

The Privileges Committee took its work seriously. It looked at similar cases in other jurisdictions, in the UK and Queensland, and at what actions have been taken. People in my constituency have asked me what the Privileges Committee is. My answer to them is that it operates, or it should operate, as a committee to set standards, albeit a self-regulatory one, but largely as a parliamentary ethics committee. In relation to MP misdemeanours, it is the only body able to discipline our behaviour, given that the government has chosen absolutely to insulate itself, and indeed the whole state political class, from its so-called Independent Broad-based Anti-corruption Commission. It is a toothless tiger, unless you are an ordinary man or woman or an employee of state or local government, including a Victoria Police officer or a municipal councillor. There was \$170 million of taxpayers funds to set up something that does not cover anyone in this place.

This is the fundamental reason it was left to this parliamentary Privileges Committee — this ethics committee — to determine what should be done. Now it is the work of this house. Those on the other side would say, 'Let's be fair, just and appropriate'. Ordinary men and women in Victoria do not think it is fair, just and appropriate that members in this place have a completely different set of rules to adhere to than they do.

Let us look at the committee from the get-go. Rather than having this inquiry be heard in private, the four members of the opposition said, 'This must be heard in public. We must be seen to be held to a higher standard or at the very least equally'. But no, those on the government side used their numbers to ensure that this inquiry was held in secret. Let us not forget who the original chair of this committee was; it was the member

for South-West Coast. The member for South-West Coast is the one who determined that this inquiry would be held in secret. I actually feel sorry for the member for Hawthorn, because the member for Frankston, who was then before the Privileges Committee, chaired by the member for South-West Coast, determined that he had had enough of the member for Hawthorn, and he was for the high jump. There was no independent hearing for the member for Hawthorn, the then Premier — —

**The SPEAKER** — Order! I ask the member to come back to the matter before the house.

**Ms GREEN** — It continued. We had a new chair of the Privileges Committee, the member for Kew, who was then Minister for Corrections, Minister for Crime Prevention and Minister responsible for the establishment of an anti-corruption commission. He was forced to resign because he admitted to leaking from the committee, but there is nothing before the house about that matter. I actually think he was covering up for someone else, but there is nothing about that matter in this motion.

Who else has been on this committee, this passing parade of self-interest? The chief law officer in this state is tough on crime — he built more prison beds than hospital beds — but he is not tough on his own political class. He is prepared to say, ‘Oh no, give him the benefit of the doubt’, but no-one else — —

**The SPEAKER** — Order! I am having difficulty following how this fits in with the matter before the house.

**Ms GREEN** — It is about a member of the Privileges Committee. Those opposite have ascribed motivations to members on this side of the house and said that this is all for pure political expediency. I would say that about those on the other side. For every one of that passing parade of government members who have been on this committee, it is only about saving their own skin.

Only last week we saw the mock outrage by the Premier, who said he was going to talk tough. As the member for Lyndhurst said, this carefully crafted motion came out of that mock outrage on Sturt Street that goes into a damp squib on Spring Street. The Treasurer said that our amendment did not actually propose that the member for Frankston pay back the money. He would be losing a whole lot more money if he were expelled from this place. This motion by the Premier does not even say that he has to pay back the money; it is just that he has to apologise if he does not,

and the house will determine the apology. This is not an appropriate way to deal with this systematic rotting that has propped up this systematic circus of a government. I support the amendment moved by the opposition.

**Mr K. SMITH** (Bass) — Yesterday the Premier moved a motion dealing with the Privileges Committee findings on the member for Frankston. This included 11 separate points. Six of those can be seen as sanctions against the member. Today the opposition has moved an amendment to the government’s motion to expel the member for Frankston. I, as other members of the house have had to do, have looked into all the ramifications of each of the proposals, including suspension, the financial penalties and of course the apology, comparing it to the expulsion of the member for Frankston for contempt of the Parliament, something that has not occurred since 1901 when a member was expelled for seditious libel of the King.

Speaker, you and other members of the house would be aware that I, as then Speaker, had responsibility to seek a resolution to the accusations that the member for Frankston had allowed staff at his hardware business to use a parliamentary vehicle and petrol card for commercial purposes, which contravenes the code of conduct for members. I, along with the Clerk and the Deputy Clerk, investigated the matter, including the receipt of two whistleblower disclosures. I was then compelled under the Whistleblower Protection Act 2001 to pass that material onto the Ombudsman, and the rest, of course, is now on the record, culminating in the Privileges Committee report being tabled in the last sitting week.

I believe it is unfortunate that the Privileges Committee took so long to complete, but having a police investigation commence during the committee’s investigation held up the report for some months. This police investigation was requested by the opposition. The Privileges Committee recommended that the member for Frankston repay \$6838.44 and said that the member had contravened the code of conduct for members. I did not believe that that penalty was severe enough, but I also believe that the expulsion of the member from Parliament sets a precedent for future parliaments to expel members for minor matters and could lead to political decisions being made on the future of members when a government of either Liberal or Labor has a very decisive majority and decides to expel a member without good reason.

I have looked at the government’s motion and each of the 11 points that the Premier has made, and I consider the sanctions proposed by the government to be reasonable but could still allow the member for

Frankston some opportunity to return to this Parliament if he pays the financial penalties and apologises to the Parliament, which I believe he has disgraced, and to the people of Frankston, whose trust he has abused. Carefully considering both the Premier's motion and the opposition's amendment, I shall not be supporting the opposition's motion to expel the member for Frankston from Parliament.

In light of the expectations I may have raised in the last couple of weeks, I should explain my position as the former Speaker, who by virtue of that position had a special responsibility for upholding the rights and duties of members and the integrity of the institution of Parliament, and I took that responsibility seriously. My concern for the Parliament and for any precedent set which will have importance beyond the partisan politics of the next few months is the foundation for my decision.

I must base my decision on the high principle, and that must be argued and seen as such — as a matter of high principle. If the principle was so clear that no member could dissent — if, for example, the member was convicted on violence or dishonesty charges — I would not, and nor would any other member, have had any difficulty making what would have been a clear-cut decision.

However, there are legitimate arguments that could be put against the Leader of the Opposition's proposed sanctions for the member for Frankston's misconduct, being expulsion from Parliament, and the precedent that would set in place in our democratic history. In those circumstances it would, upon reflection, bring damage to our Parliament if the casting or critical vote, especially if from a former Speaker, could be characterised as being motivated by revenge rather than principle, and it would inevitably be so characterised, whether for good reasons or bad. That is how it would be conclusively characterised, no matter how clear I may be in my own mind, if I am the only one out of the 44 members of the Liberals and Nationals who chooses to vote for a Labor motion which is a nakedly unprincipled and opportunistic attempt to achieve a political advantage.

I cannot stress enough my strong belief in the importance of maintaining the integrity of the Parliament of Victoria. The member for Frankston has trashed the reputation of this Parliament over the past three and a half years, and I believe the government's motion will in fact see that he pays the price for the trashing that he has carried out. Expelling him would set an unnecessary precedent in this Parliament and be

seen as trashing our democratic system of parliamentary rule.

**Mr PANDAZOPOULOS** (Dandenong) — I speak with regret that we are in this position as a Parliament of having to consider the government's motion and the opposition's amendment, the latter of which I support. As a member of the Privileges Committee, and as the longest standing Labor member in the Assembly, I have taken my role in public duty very responsibly, and I think members from all sides would agree that this is the case. I think the ethical test for us as members of Parliament is much greater than it is for anyone else, and the test we apply to ourselves should be bigger than even that applied to us by the law.

As a member of the Privileges Committee I found this a very frustrating process — an immensely frustrating process. We have heard contributions by government members in this debate, but the focus of their discussion has not been about the Privileges Committee report — it has been about other presumed precedents and examples in which people have inappropriately used parliamentary resources, though none that have ever led to a Privileges Committee investigation.

The reason we are in this scenario is that the government has badly and continually mishandled the situation from the first day the *Herald Sun* raised accusations about the member for Frankston. The member for Frankston has continually thumbed his nose at this Parliament and treated it with contempt. He had every opportunity, like other members when they have been found to have misused their resources, to raise it immediately to allow the Parliament to identify whether he had in fact misused resources and to repay them straightaway if he had. He chose not to do that. The consequence was that whistleblowers had to approach the then Speaker, who acted very honourably in his role. As the member for Bass said in his contribution, he had a particular duty he had to undertake.

The member for Frankston never respected this, from the time the then Speaker referred the whistleblowers' complaints to the Ombudsman under the Whistleblowers Protection Act 2001. Again the member for Frankston thumbed his nose at proper law and process and made victims out of the decision-makers who had to uphold fairness. That is what happened to the Speaker at the time. We were forced into a situation in which the Ombudsman had to spend — who knows — tens of thousands of dollars investigating the member for Frankston and calling in witnesses.

The Ombudsman has more powers than we do as members of the Privileges Committee to obtain the information he needs and have it delivered under oath, so we had that Ombudsman investigation. The Privileges Committee and the now Premier, who was the then chair of the Privileges Committee, were advised early on by the Clerk that the Ombudsman is, in effect, the de facto parliamentary standards officer of this Parliament.

In the UK they have a parliamentary standards commissioner, and the advice from the Clerk of our Parliament was that, in effect, the Ombudsman was the equivalent of the parliamentary standards commissioner. In the UK you would therefore not necessarily have to go to the Privileges Committee to determine whether the member for Frankston had done something wrong because as members of Parliament we would have already accepted the advice of the equivalent of the Ombudsman.

Nonetheless, once the Ombudsman's decision came down, for some reason it was referred to the Privileges Committee. Okay, so the Privileges Committee met. The Privileges Committee has spent tens of thousands of dollars over 18 or 19 months investigating this issue regarding the member for Frankston. In fact it has spent a lot more money on lawyers advice than the member for Frankston owes this Parliament — and it is legal advice that the majority of members of this committee have chosen not to support. We have heard about precedent; in all his public media comments the Premier has said we should follow precedent.

On behalf of the Parliament we asked the top lawyers in the state who know this area of law to advise us as members of the Parliament's Privileges Committee. As we all know, our law is based on precedent, so we paid people who are the experts on the law to tell us what would happen in similar circumstances. They set the test and said that if the member for Frankston had been a solicitor and had had the same laws applied to him, as the Deputy Leader of the Opposition eloquently raised, under case law he would have lost his job.

A solicitor has the privilege of having a practising licence, and despite how many years they have spent in law and despite having many clients who have to be supported whether the solicitor is there or not, they can still lose their practising licence and therefore lose their living. That is what Parliament's lawyers told us is the standard to apply, and that is exactly why the member for Frankston should lose his job.

The advice we have is based on standards. The advice we have is based on precedent. The member for

Benalla, whom I respect, is nodding his head, and that is exactly what the Attorney-General, the chief law officer of the state, did. We had three separate meetings with the lawyers, and he, not being an expert in this field, decided that he had a very different view and the committee had to go down that road. We trashed the professional advice and the tens of thousands of dollars the process has cost this Parliament for what? For convenience?

As a member of Parliament, I have no malice for the member for Frankston. I have come into a position on the Privileges Committee for the first time and, as I said, I respect the roles that we have. I feel sorry for the member for Frankston in relation to many of the situations he has faced, and I have nothing to gain from the position that I took. I am not running for Parliament again, so I do not have to take a political position. Some of the speakers on the government side have suggested that the opposition's approach has been to take a political position. I have nothing to gain from this. I will not be a member of Parliament after November, I will not be in government and I will not be a minister. I have no malice for the member for Frankston. All I want is to follow properly the advice that we received.

The other bit of advice we received when the member for South-West Coast, the current Premier, was the committee chair is that precedent and the standing orders of the committee indicate that hearings should be held in public. I think, as a lot of people say in relation to transparency, that the best thing we can do is to shine the torch early on. The committee chose to hold hearings in camera. Because of that we could not use the evidence obtained in those hearings, of which we have *Hansard* records, in public hearings. Because the committee chose to meet in camera, we could not use that evidence. If that evidence had been available to us, the Privileges Committee minority report would have been a lot stronger. We would have been able to quote the Ombudsman's response when we asked him why he made these findings. His comments were even stronger than those made in his report. Even the member for Frankston made a number of comments that unfortunately we could not use.

The government chose not to continue with the established precedent of holding these hearings in public. If it had, this issue might have been resolved a lot quicker. Maybe the government did not want a resolution, because of the tenterhooks it is on as a government. We should not be driving the standards that will apply in the future based on what the numbers are in the Parliament at the moment. Let us imagine that this government had a majority of 10 or 15 people. Would it apply the same principle that it is applying

now, when it is on a knife edge? I honestly believe that the evidence the Privileges Committee saw indicates that under those conditions the same standard would not apply in relation to how government members would have voted after the tabling of the report.

The motion moved by the government says that its own senior ministers and parliamentary secretary got it massively wrong — that the state's law officer, the state's water resource minister, the Deputy Leader of The Nationals and the Treasurer got this report and its recommendations all wrong. In fact what the Premier is really saying is that the opposition in its minority report basically got it right, but the government does not have the political guts to own up to it.

There is no doubt that the fall of the previous Premier and the rise of the current Premier coincided with the actions of the member for Frankston. In my view there is no doubt that, when the member for South-West Coast resigned as chair of the Privileges Committee and was unencumbered by that committee, he had discussions with the member for Frankston that led to the downfall of the then Premier. If there is going to be a police investigation into leaks from the Privileges Committee, there should also be a police investigation into the role of the then chair and the role of the next chair of the Privileges Committee.

**Mr MORRIS** (Mornington) — Clearly the member the Dandenong is suffering from amnesia. He may recall that the Premier resigned from the Privileges Committee when he became Premier, not at some point prior to that. I rise to support the motion moved by the Premier. Like the member for Dandenong, I do so as a member of the Privileges Committee and, consequently, with a far greater acquaintance than other members — for better or for worse — with the facts and circumstances surrounding the series of incidents that led to the committee reference in October 2012. In my view the outcome envisaged by the motion supports the recommendations of the committee. In fact it builds on those recommendations in what I think is a positive way and in a manner consistent with the intent of the report.

I note that the monetary penalty proposed in the Premier's motion matches precisely the total amount proposed by the Privileges Committee. The presentation is slightly different, but the amount is the same. The motion also proposes a number of further sanctions. In particular, paragraph 5 of the motion proposes an apology to the house and to the people of Victoria; paragraph 6 proposes the naming of the member and, as the Premier has indicated today, the intention to suspend him for a substantial period of

time — in fact, for a record period of time; paragraph 7 proposes not permitting any interstate or overseas travel during the period of that suspension; and paragraph 8 forecasts an intention that, if the member does not comply fully with those conditions, then the house will move to expel him.

In indicating my support for those proposed further sanctions, it is useful to consider more closely the advice of the Clerk, which is contained in appendix 7 of the committee report. In that advice the Clerk says:

Interestingly, the Ombudsman has suggested that, if it was determined that a breach of privilege or contempt had been committed, the committee should consider what penalties should apply to Mr Shaw. Technically it is not the committee's role to determine a penalty as that is a matter that rests with the house.

The Clerk goes on to refer to House of Commons practice in recent years, where recommendations are sometimes made. Ultimately his advice concludes:

In my view the committee can, if it so desires, follow the Commons approach and make appropriate recommendations to the house in relation to penalties. Ultimately it is a matter for the house, but I see no barrier to the committee recommending a penalty.

That was always my understanding, and on the basis of that advice I considered it was the understanding of all members of the committee. We were given that advice. The final decision rests with the house. It is always open to the house to vary the penalty or to extend the penalty.

It is also useful to look at the clear and unanimous findings of the committee. There were five findings in total, and four of them were unanimous. On the basis of the evidence that the member for Frankston gave, as reported by the Ombudsman, the committee found that he was not diligent in the management of his parliamentary vehicle and that he allowed the individuals connected with his private business to use his parliamentary vehicle with little or no supervision. The committee also found unanimously that the member enabled the use of his parliamentary vehicle for commercial purposes and used his parliamentary fuel card to purchase fuel for his private vehicle. The committee unanimously found that the member for Frankston contravened subsection 1(a) of the code of conduct for members as set out in section 3 of the Members of Parliament (Register of Interests) Act 1978. The committee also unanimously found that access to a parliamentary vehicle is not one of the special rights or immunities of being a member of Parliament, so it was not a breach of privilege but it was perhaps contempt.

Those were four of the five findings of the whole committee. The additional sanctions proposed in the Premier's motion today are entirely consistent with those four findings. The finding that was not unanimous, finding 4, relates to whether the behaviour of the member was wilful and consequently whether the member is in contempt. A number of opposition members have claimed during the debate this afternoon that the committee had legal advice that the member was clearly in contempt. That is not correct. Appendix 8, upon which those claims are based, indicates clearly that the advice was in the general sense and that it was open to the committee to use the standards that it considered appropriate. No advice was offered or provided to the committee on the specifics of the case.

Turning to the issue of the Ombudsman and the whistleblowers, clearly, as the committee has identified, there were some difficulties with the issue of the evidence from the Ombudsman. I was a member of the majority — and by saying 'the majority' I mean the five members who voted in the majority sense of the report, not a group. I make it clear that I made up my mind as an individual; I did not discuss the outcomes with the group. Any suggestion to the contrary I find highly offensive. Speaking personally, I believe the decision comes down to access to evidence. The committee was presented with the findings of the Ombudsman, and paragraphs 78 to 82 refer to that. That deals with, as I mentioned, the Ombudsman issue.

The member for Dandenong suggested that under other circumstances the Ombudsman could be the parliamentary commissioner. The parliamentary commissioner of the Commons is a very different beast. It has a very different structure, and there are provisions built in that protect the interests of members as well as allowing the investigation to proceed. Any comparison between the two is simply not accurate.

A further issue with the Ombudsman's report was that the committee was not able to access the primary evidence. We were faced with evidence from the member for Frankston. He made a series of claims. We were able to test those claims by cross-examination. We received other evidence in the form of the Ombudsman's report, and we were not able to test that evidence. We had to take the comments in that report as gospel, and where there were contradictions with the member's evidence, we were not able to test that evidence. It is pointless to speculate, but had the committee been given access to primary evidence and had we been able to interview the informants that the member for Bass referred to, the whistleblowers, my view may well have been different. But we did not have

access to that information and we did not have access to those informants.

On that basis, given the lack of primary evidence, I could not in good conscience conclude whether the action was wilful or not. On that basis I supported what became the majority opinion. Those who supported the minority report were clearly prepared to give greater weight to what might be described as second-hand evidence. That is entirely their right, and I make absolutely no judgement. I do not criticise them in any way for that. I simply do not share their view.

With regard to whether the meetings were closed or not, there is a clear precedent from this committee under the chairmanship of the member for Melton where committee hearings were closed. It was on the basis of that precedent the closed meetings went ahead.

I turn briefly to the amendment. As the Treasurer colourfully put it, this is not the *Big Brother* house, this is the Legislative Assembly of Victoria. At its heart the amendment proposes that we should expel a member who might have committed an offence, not someone who has been proven to have committed an offence. Unfortunately the Leader of the Opposition and others have chosen to play politics with the issue and have made a series of personal attacks in this debate on the Premier, on the member for Frankston and on me, as a member of the committee. I simply say that the Leader of the Opposition diminishes himself in taking that course; he is better than that. I commend the motion to the house.

**Ms HENNESSY** (Altona) — I too rise with some degree of gravity to make some very brief comments on the Privileges Committee debate. I will not speak for the entire 10 minutes but I would like to take up a number of issues that have been raised by those on the other side of the house in the course of this debate. We have heard a lot about *Big Brother* today, and this chamber is certainly not the *Big Brother* house, but the story of the member for Frankston is the story of how a member of Parliament has virtually gone from being someone from South Korea to someone who has gone to North Korea: a rogue MP, just like a rogue state.

We have heard the Premier say today that part of his justification for not supporting the opposition's amendment is that it is, apparently, tainted by political expediency. I must take that allegation up because it is a bit rich for anyone from the other side to come in and speak about the member for Frankston and claim to be protected by political purity. When we look at the government's position on the member for Frankston — and that is before we go back to the fact that he was a

preselected Liberal Party candidate who was elected, who assisted in the procurement of the resignation of the former Premier, who assisted in the procurement of the resignation of the Speaker — —

**The ACTING SPEAKER (Ms Ryall)** — Order! I draw to the attention of the member the preamble set for this debate by the Speaker. The member should confine her comments to matters regarding the report and not make assertions.

**Ms HENNESSY** — Thank you, Acting Speaker, for your guidance. As I said, I will limit my comments to the issues that have been canvassed in the course of this debate, but when one considers where the so-called principle in the government's position has started from and where it has landed, let us remember that it was not so long ago that the member for Frankston was a 'good local member'.

Then we have the subject of the Ombudsman's inquiry, which made a number of incredibly significant findings based on whistleblowers' evidence, evidence that the Privileges Committee did not take. Importantly what the Ombudsman found in the course of that inquiry was a wilful contravention of the rules and guidelines that pertain to members' use of parliamentary resources. A wilful contravention is important because it is a wilful contravention under the members interest register legislation that gives rise to a contempt of Parliament. So when we reflect on the issue of who is cloaked with political expediency, it is my submission that the government only felt re-energised by the member for Frankston when he threatened the support of this government. The political expediency comes from the other side and the other side only.

Then we come to the Privileges Committee report which found, as the member for Mornington has just canvassed, that there was no wilful contravention; that this could have been just a bit of a whoops-a-daisy, despite the fact that evidence taken by the Ombudsman in the course of his investigation found a wilful contravention, a systematic abuse of resources and an abuse of public trust for private gain. Not only that, he found that in the course of that conduct there was the involvement and potential entrapment of those who were employees and who have subsequently become whistleblowers. That is very significant evidence.

When we come to the issue of what is an appropriate penalty, we have heard the government talking a lot about having a penalty that is appropriate and just as a sanction. I think that if we looked at what appropriate and just penalty would apply to those who are ruled by the rulers who are making these decisions, we would

find in a civil context that the termination of employment would prevail. In the context of those who hold positions of public trust where there are implied fiduciary duties as in the case of a company director or a solicitor there would be a termination of employment. Therefore, to only bring a criminal frame to this debate is incorrect. It ignores the legal evidence that was supplied by Landers & Rogers in the course of the Privileges Committee hearings. It ignores the Ombudsman's findings and the evidence of the whistleblowers. The voices of those victims have been entirely neglected.

The other point I would like to briefly make is that the government said that it had carefully considered all legal advice and that this was a resolution the government had spent an enormous amount of time agonising over. As others in the course of this debate have pointed out, a consequence of the drafting of this motion, as paragraph 8 is currently drafted, means that the penalty only kicks in in the event that the member for Frankston is not required to pay back the money. He is only required to apologise for not paying back the money. Before we come to that, what we see is that this sanction is all back-end loaded. I thought this was a government that liked to crow about abolishing suspended sentences but in fact it has loaded its so-called penalty by pushing out any of the impact of this penalty until September. It has botched the drafting, despite the fact that it says it is deeply and carefully crafted.

Furthermore, this is a government that said when it was elected that it was going to be a government that did what it said, that it was going to be open and transparent. Instead what we have seen is a parliamentary circus for the last three and a half years. The motion and the way in which the government seeks to apply this penalty is yet another example. I think it was John F Kennedy who said, 'If you want to test a man, give him power'. When we have given that power to both the member for Frankston and to the Premier, they have failed the public interest test abysmally. I speak in support of the amendment, and I sincerely hope that the government comes to its senses as well as walking away from its own political self-interest in the course of this debate.

**Ms D'AMBROSIO (Mill Park)** — The best government is that which teaches us to govern ourselves. That was said by Johann Wolfgang von Goethe back in the 1800s, and how true that is today because the Premier's motion that is before us today highlights the failure of this government to show the leadership required to govern well with moral authority in the service of the community. The Premier's motion

is a failure of his leadership. He has failed to do the right thing by this state and take rightful action against the member for Frankston, who was found by the Privileges Committee to have breached his obligations under the Members of Parliaments (Register of Interests) Act 1978. In their report, the minority members of the Privileges Committee also found that the member for Frankston had wilfully abused his office as a member of Parliament and had breached the high standards of the code of conduct that is attached to the powers of a member of Parliament, and was therefore in contempt of the Parliament.

Time and again the member for Frankston has shown by his very actions not only disregard about having repeatedly abused the benefits of his office but also utter indifference and contempt. We need to be clear about this. The member for Frankston's breaches of the parliamentary code of conduct were not one-off errors or oversights, a point the Premier chooses to ignore, but which is the paramount reason the Premier's motion is not 'fair, just and appropriate' to the wrongdoing, to use the Premier's own words from earlier today. The member for Frankston's breaches were multiple and wilful and occurred repeatedly. He took no action to bring an end to that abuse for which he was clearly responsible.

In summary, the member for Frankston himself was wilfully in breach of the code of conduct, which is rorting in any ordinary person's vocabulary. The Ombudsman himself found that the member for Frankston repeatedly allowed his parliamentary vehicle to be used by his staff for commercial purposes. I quote from some of the findings of the Ombudsman about these occurrences, these repeated breaches of the code of conduct.

Paragraph 132 on page 20 of the Ombudsman's report states:

... Mr Shaw used, and allowed others to use, his parliamentary vehicle for commercial use.

On 21 April 2011 Mr Shaw, the member for Frankston, used his parliamentary vehicle to drive to Sale. On 21 February 2011 he provided his parliamentary vehicle to a person who used it for a commercial trip to Warrnambool. In May 2011 again he allowed his vehicle to be used by another person to make commercial trips to New South Wales and country Victoria. Between October and December 2011 he again allowed the vehicle to be used for commercial purposes, and he also allowed his parliamentary fuel card to be used to purchase fuel for a private vehicle, in clear contravention — as the Ombudsman found — of

the member of Parliament's motor vehicle plan. Time and again there was wilful abuse.

The member for Dandenong made a spot-on contribution on the matter of what the Privileges Committee reported and the important independent legal advice about the settling of this issue once and for all, particularly as to whether or not the actions of the member for Frankston were wilful or otherwise. The legal advice obtained by the Privileges Committee states:

It is well settled law that there can be wilful failure within the meaning of the section without any positive intention to breach the law; breaches committed over a period of time can, in the light of the relevant circumstances, be so substantial and reckless and show such complete indifference on the part of the solicitor to his important obligations to his clients and to the public, as to amount to wilful failure ...

The members who provided the minority report stated:

For these reasons, we are of the view that indifference or reckless carelessness as to a member's obligations under the ROI act —

that is, the Members of Parliament (Register of Interests) Act 1978 —

is sufficient to constitute 'wilfulness' for the purposes of section 9 of the ... act.

That is what the members who wrote the minority report relied on to reach their conclusions — sound, professional, expert legal opinion. Is it any wonder that the people of Victoria have already passed judgement on the member for Frankston and are demanding serious and immediate action — expulsion, no less? A litany of breaches and deceptions have followed the member for Frankston every step of the way, as shown in evidence presented to the Ombudsman and to the Privileges Committee. How can it be that the majority report, led by the most senior ministers of this government, failed to reach what I say is an assessment and recommendations proportionate to the significant breaches committed by the member for Frankston? That is the very question we are faced with and which the Premier has refused to consider. He has completely ignored that in penning the motion we have before us.

Finding 4 of the Privileges Committee report is:

The committee —

that is, the majority of the committee —

is unable to be satisfied to the requisite standard that Mr Shaw was wilful in contravening the code of conduct.

How can this be so when we have seen the litany of breaches presented not just to the Ombudsman but to the Privileges Committee?

The Premier kept saying that any penalty for any wrongdoing should be 'fair, just and appropriate'. If the measuring stick for the Premier is the majority findings of the Privileges Committee — a weak and inappropriate conclusion — then I am very much afraid that a fix has been in place for 19 whole months and is culminating in the Premier getting a half-hearted second wind by moving the weak and feeble motion before us, and only after the member for Frankston last week threatened the Premier's survival.

The Premier's argument is conveniently based on a faulty finding of his government members on the Privileges Committee. As evidence exemplar, the minority report leaves no doubt whatsoever, and it is based on clear legal expert advice to the committee. The members who made the minority report:

... reject this finding —

that is, the finding in the majority report —

as it can be clearly shown that over an extended period, Mr Shaw had many opportunities to fulfil his obligations... but chose to be completely reckless, careless and indifferent to obligations that all other members of Parliament understand, follow and fulfil.

How in all good conscience can the Premier come into this house and present a motion for endorsement by the Parliament which is weak and fails to acknowledge what everybody else in Victoria can see — that the member for Frankston is a rotting and disreputable member of Parliament who has thumbed his nose not just at the parliamentary code of conduct and at the Parliament and the government but at the people of Victoria time and again, and is still doing it? Is the joke on us? This is the critical question.

In conclusion, we have a Premier whose man, the member for Frankston, was once a person government members coddled and who was assuaged with words of comfort and delicate handling for having brought down a Premier.

**The ACTING SPEAKER (Ms Ryall)** — Order! The debate should be focused on the matter of the actions of the house in the substantive motion and the two reports. I ask the member to confine her remarks to those matters.

**Ms D'AMBROSIO** — Last week the member for Frankston threatened to bring down the current Premier.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member is defying my ruling, and I ask her to comply.

**Ms D'AMBROSIO** — There is an amendment before the house, and I respectfully suggest that it is part of the debate.

**The ACTING SPEAKER (Ms Ryall)** — Order! I am not referring to the comments made from the commentary there, but I ask the member to confine her comments to those.

**Ms D'AMBROSIO** — I continue in support of the amendment that is before the house. Instead of showing leadership and stopping the member for Frankston in his tracks 19 months ago when these allegations arose, which have been backed up by an Ombudsman's report and the Privileges Committee minority report, instead of taking hold and showing the leadership that a good government — a 'best government', to use the words of Goethe — would show, this government and this Premier have chosen not to take any leadership whatsoever.

Instead we have a period of time within which we might have an apology — by 2 September. This is how serious this matter is for the Premier, who said today that this is a serious matter. Is it so serious that we have to wait until 2 September for an apology? Is it so serious that we have to wait until 2 September for moneys to be repaid? Is it so serious that we have to have a situation where the member for Frankston is suspended with 11 days pay forfeited, and is able to continue to enjoy \$163 000 in taxpayers money between now and September? I support the amendment.

**Mr HOWARD (Ballarat East)** — I am offended by this motion before the house. I am offended by its timing, I am offended by its detail and I am offended by the fact that in moving this motion the Premier wants to argue that it is not centred around political expediency.

Let us reflect on the timing of this motion brought forward by the Premier, and let us not forget that only one week ago the member for Frankston announced that he was in a position where he would move against this government and support a motion of no confidence in this government if it were put. Of course it has not been, but only a week later the Premier has brought forward this motion, which he argues is not a matter of political expediency.

It centres around the actions of the member for Frankston, particularly actions that took place through 2011 and which came to public light in May 2012, and

although most of us in the house did not know all the details, we knew they related to the member for Frankston on a number of occasions using his parliamentary vehicle for the benefit of his private hardware business and we knew these actions were not appropriate for any member of Parliament.

At the time I would have expected any Premier to act, to say that the member for Frankston — his member for Frankston in the Liberal Party — had done wrong and to discipline him. I think if that had happened at the time, this motion would not be before us now. But we all know that the Premier at the time — the member for Hawthorn, who was the Premier elected by the people for Victoria — did not act against the member for Frankston. We know he is no longer the Premier. We know the member for Frankston continued on his way, then deciding that he could be in a position to influence this Parliament and particularly the government to act in a range of ways. We know he did not show remorse and acknowledge that he had done wrong at any point along the way, and his party did not ask or require him to.

We know that in 2012 the then Speaker was provided with information with regard to claims made against the member for Frankston and that he referred them to the Ombudsman. The Ombudsman did a great deal of work over the following five months and delivered a damning report in regard to the behaviour of the member for Frankston. It outlined more clearly for the public the regular abuse of the member for Frankston's parliamentary vehicle, which he used for his private benefit. It also revealed that there was a case when the member for Frankston asked his staff to use his parliamentary fuel card to fill his own private vehicle, which was backed out so that the cashier at the petrol station would not see the numberplate on the car to see that it was not in fact the parliamentary vehicle that the fuel card applied to.

A number of cases were brought forward in October 2012. You would then have thought, 'Now the government will act against this member, who has clearly done the wrong thing'. But no, the government did not take action. We know why the government did not take action. It was because it still wanted the member for Frankston's vote to assure it of the ongoing rite of passage in government in this state. So the government did not take action when this matter came to light in May 2012, nor did it take action when the Ombudsman's damning report came out in October 2012. Then what did the government do? It did what Sir Humphrey Appleby would have told it to do: if you do not want an outcome, refer a matter on to a

parliamentary committee where you have the dominant hand. That is exactly what happened.

Even though we all knew what the facts were — the Ombudsman had made them very clear — this parliamentary committee, controlled by the coalition, then took until last month to eventually present a report to this Parliament. The Privileges Committee took a great deal of time to bring down its report — more than twice the time the Ombudsman took to bring down his. But it brought down a report and — surprise, surprise! — government members on the Privileges Committee said, 'Yes, the member for Frankston has done the wrong thing, but we do not know that he did it deliberately'. It would have been expected that if the government had acted on the report at the time, government members would have said, 'He has done the wrong thing, but because he did not do it deliberately we are not going to take action against him'.

It is only this week — a week after the member for Frankston said he was going to try to damage the government — that the Premier has suddenly decided he had better take a stronger hand, and he has come before us with this motion today. The motion says action should be taken, not to expel the member for Frankston, because that would not be the right thing to do, but to suspend him until September. Because we could not possibly expel him today on the damning information before us, we have to suspend him until September, and then if he does not apologise, we would have to expel him! How absurd is this motion? As I said at the start, I am offended by the nature of this motion — that we could expel him in October or in September but we cannot expel him now. The difference would be whether he has apologised or not.

We all know the member for Frankston has offended the sentiment of the house. We try to do the right thing — to use our parliamentary resources to benefit the people in our electorates and to undertake our duties — but clearly the member for Frankston has not done so here. What we have heard from members of the government is that it would be dreadful to be motivated by political expediency to act on this matter and that they are not doing it. We know they are. They are trying to accuse us of showing political expediency in saying the member for Frankston should be expelled now. He probably should have been expelled some time ago, but we are saying now that the matter has come to a head he should be expelled and the people of his electorate should get a by-election and have somebody else represent them for the remainder of the member's term, but this is not what this government proposes.

We have heard that the former Speaker, the member for Bass, said last week he was so infuriated by the actions of the member for Frankston he would cross the floor and support us in a motion to take real action. That is another reason we have this motion before us today — because the former Speaker has argued that, ‘We have to take some serious action against the member for Frankston or I am out of here — I am supporting the Labor Party’. We know this motion before the house is very much about political expediency. It is about putting the member for Frankston on the backburner for the next two and a half or three months and then, if he has not apologised, expelling him from the house without allowing the people of Frankston to vote in a by-election, so that this government can limp on until 29 November.

This is not a situation that is fair. It is not appropriate for the people of Frankston, who should have been given an opportunity to vote for a new member of Parliament. The government should have been serious about dealing with this matter decisively and should have called out the member for Frankston a long time ago, but it has not. It has dragged the situation out in the hope that the member for Frankston would be onside enough to keep voting with it and keep the coalition in government until November this year. But only now, when it has been made clear that the government is going to lose either the member for Bass or the member for Frankston, who are threatening to cross the floor, has the government brought this motion before the house today, but it is not an appropriate motion.

I support the amendment moved today by the Leader of the Opposition to expel the member for Frankston, and I commend the amendment to the house. I continue to be very offended by the whole process that has been followed in this matter. It reflects badly on us all that the government has not been decisive in the 18 months to two years since this matter arose in the house. When the Ombudsman’s report was tabled the government should have acted against the member for Frankston. We should not be in this position today.

**The SPEAKER** — Order! The time has arrived for members of this house to meet with members of the Legislative Council in this chamber for the purpose of sitting and voting together to elect a member to fill the vacancy on the board of the Victorian Responsible Gambling Foundation and to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Candy Broad.

**Debate interrupted.**

**Sitting suspended 6.14 p.m. until 8.01 p.m.**

## MEMBER FOR FRANKSTON

**Debate resumed.**

**Ms THOMSON (Footscray)** — This is a serious matter before the house. It saddens me that we are here discussing this extremely serious issue and that we have not taken the opportunity that was offered by the Leader of the Opposition to have a position that was jointly held by the opposition and the government on how we should deal with this issue. An offer was made to the Premier to meet and discuss this issue and how it should be dealt with. Unfortunately that offer was not taken up.

I want to talk a bit about the seriousness of the proposal that the government is putting forward today. If this government were genuine about this proposal, why has it not asked the member for Frankston to apologise by the end of tomorrow? Why do we have to wait until September for an apology? Why do we have to wait until September for the money to be paid back? If the government were serious about the sanctions it wants to put in place against the member for Frankston, those sanctions should have been immediate, because for 19 months we have been hearing about this issue. All of Victoria knows about this issue.

The member for Frankston has downgraded the reputations of members of Parliament even lower than they already were among members of the public. We all have to wear that with shame. For those of us who come to this Parliament to make a change for the better in people’s lives and those of us who come to represent the people who elect us, this is a great shame. It brings shame on all of us that we are not properly dealing with the actual indiscretions of the member for Frankston. He has flaunted his disrespect for us and for the way Parliament operates. The fact that he does not care enough to come into the Parliament himself during this debate and explain his own position suggests that he holds us all in contempt. If he holds us in contempt, surely he is holding the Parliament in contempt and should be judged accordingly.

Let us now put on the record the disgraceful way the government has decided to conduct this debate. Let us uncover every Labor MP who may have not done the right thing by their parliamentary entitlements. However, let us also make very clear that each one of those members voluntarily paid back the money that was owed and apologised for the mistakes they made. Have we seen that in the instance of the member for Frankston? No, we have not. Here is the man who, like all of us, when he received his car in 2010 was given a car plan that explains how you can use your

parliamentary car, who can use it, and how to ensure that anyone who drives it is authorised to drive it. It is not a hard form to fill in; it is very simple. There is not a lot of regulation required. Did the member for Frankston do that? No, he did not. Did he care that he did not do that? No, he did not.

There is the issue of the logbook and the 694 kilometres for which the member for Frankston signed off his logbook saying he was the driver of the vehicle. We all know now that he was not the driver of the vehicle. Did he care about that? No, he did not care about that either. This is not to mention the car being taken to destinations far and wide, including Adelaide, to do business for his hardware shop, which has nothing to do with his duties as a member of Parliament. There is also the disgraceful case of the member for Frankston going to a petrol station and ensuring he was out of sight of the cameras as he loaded his private car with petrol. That is disgraceful. If this is not a contempt of Parliament, I do not know what is.

This is not about an initial failure to use your car appropriately, or misusing it accidentally or inadvertently. The sin is that he did not own up to it, fix it straightaway and apologise straightaway. That is why we are here. That is why there was a matter before the Privileges Committee and why the Ombudsman had to have a look at it, and it may also be because he did it repeatedly and did not care. He thought he was exempt from all the rules that we as members of Parliament apply to ourselves. He thinks he is exempt from those. He sets his own standards by which he lives. But unfortunately for him we have an obligation to the communities we represent — the people we represent — and I like to think they would think more highly of us if we set standards that are appropriate for members of Parliament and actually live up to them.

I know that most members in the Parliament — the vast majority of us — are embarrassed by the member for Frankston. We are horrified by the member for Frankston and the way in which he treats this Parliament and the contempt with which he treats it. That is why the sanctions that the government has brought to this house are totally inadequate. Maybe this is something that could have been done 19 months ago, but it is not something that can be done 19 months later. It is far too late.

Looking at the argument that we are setting a new precedent, I do not mind if we set a precedent that members of Parliament have to live up to the obligations of members of Parliament, meet their obligations for conduct and meet their obligations under their interest statements. I think that is an appropriate

thing to expect of members of Parliament. I do not think we are setting any new standard that is based on politics. The sad thing about today is that this matter did not need to be about politics. This could have been a bipartisan position about how we deal with the member for Frankston. It could have been an issue of setting a standard for MPs that we are proud to look up to and proud to uphold.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Burwood is not to interject, and that applies to the member for Albert Park as well.

**Ms THOMSON** — I think we missed an opportunity to demonstrate to the Victorian people that we are serious about the standards that MPs live up to. We have heard in this house that, if you worked for anybody else and misused and abused the car that was provided to you by your employer, you would be sacked. Why is there one standard for others outside this place and a different standard for MPs? There ought not be.

Whilst I can accept that there may be an occasion when something may occur inadvertently, if a member rectifies it in goodwill straightaway and apologises straightaway, that is fine; they have taken care of the matter and have done so straightaway. But when a member is prepared to allow it to drag out like this and when he has to be ordered to come and apologise to the Parliament, as one of the members on this side of the house said earlier on, if you have a child whom you have to force to apologise, it is not a genuine apology. I ask someone to tell me what an appropriate apology is, because there is no way the member for Frankston can come into this place and make a genuine or appropriate apology, because he would have done so by now if he could have.

As other members have done, I indicate my support for the amendment before the house. This amendment is appropriate for the length of time that has passed and for the amount of work that has been done by the Privileges Committee, the Ombudsman's office and legal opinion. There is enough here to demonstrate that this member is bringing us all into disrepute. He is in contempt of the Parliament, and he should go.

**Mr NARDELLA** (Melton) — The motion before the house and the amendment proposing the expulsion of the member for Frankston are extremely important. As the last speaker for this side of the house, I want to express that personally I take this matter extremely seriously. I have been chair of the Privileges

Committee. I have heard the evidence from the lawyers. I have heard the evidence from the member for Frankston. I have read material from and heard from the Ombudsman, including the evidence that he and his investigators obtained under oath and tested and then reported to this house, and I understand that the Ombudsman is an independent officer of this Parliament.

I have also heard what the member for Bass has said to this house. Let me put on the record that members in this house have had to make difficult decisions that have affected them in a number of ways. One of the most difficult political decisions — but it was the right decision — was made in regard to this Parliament, this house, the rights of this house and the matters that were brought to the Speaker at the time, the member for Bass. The decision he took was courageous because it cost him very dearly. It was not just that particular decision — there were other factors involved — but it cost him the speakership of this house.

I say sincerely that the member for Bass was courageous. He took that decision because he saw the injustice. As he has reported, he sat down with the whistleblowers, took the evidence and tested the evidence, and then with all justification, because he understood the severity of the evidence that he was hearing, he deemed he then needed to refer it to the Privileges Committee and undertake that very serious course of action.

The Privileges Committee then undertook its investigation. One of the key aspects of this matter is that the committee found that the member for Frankston did the wrong thing. That finding was made not by me or by any individual member of this house, but on behalf of the Parliament and of the things we hold dear in our democracy. As members of Parliament we are here not only to represent our constituents but to uphold the dignity of this house and the things that are important — those things that distinguish us from other Westminster parliaments and from other parliaments and keep us from doing the wrong thing. The evidence that was given to the Ombudsman was tested by the Ombudsman and was irrefutable; it was taken under oath. As an independent officer of this Parliament, the Ombudsman was duty bound to report this to the Parliament, and we are duty bound to take that evidence extremely seriously.

I put it to you, Speaker, that if an apology is what this house requires, then that apology should be made immediately to this house — not tomorrow, not on 2 September, but immediately — because the member

for Frankston has brought this house and every member in this house into disrepute.

For that he needs to come in here today, after this debate is concluded, and apologise to every single member of this house and to the people of Victoria. He has rorted his privileges — the car, the fuel card — for his personal benefit. That should not be allowed. We should not allow any member of Parliament on either side of the house, whether they are Labor, Liberal, Nationals or Independent, to rort their entitlements. That is not what we are here for. We are here to represent our constituents. We are here to pass laws and to make sure that what we leave as a legacy in this house is for the betterment of all Victorians and not to line pockets or to bring this house and all its members into disrepute. This is about decency. This is about not having one of our own let off the hook.

Let me make it very clear: if the reasoned amendment is passed today, the Premier will remain Premier and the ministers will remain ministers — nothing will change. But if the sanction that has been proposed by the Leader of the Opposition is not carried, then it will bring dishonour to this house. It will bring shame to all of us, because we will have allowed, and will continue to allow, the honourable member for Frankston to get off scot-free. It will mean that until November and possibly beyond he will continue to get paid. He will continue to have all the rights and privileges of a member of Parliament. He will continue to be able to go interstate or overseas, regardless of the motion before the house, without any sanction. He will continue to earn \$163 000 until 29 November.

I find it extremely offensive — and I have said this before — that somebody could go to United Petroleum to get their petrol can filled up for their motor mower. I am not accused, but I do not go and rort my petrol card. I find it offensive that one of our own has used their petrol card and filled up a private car. One of our own has given the keys to their vehicle to somebody in their private hardware store and said, 'I know nothing'. One of our own thinks it is okay to use that vehicle to make money on the public purse. That is wrong. All of us here today know where our vehicle is, who has got our key and who is authorised to drive it, but the honourable member for Frankston wilfully ignored that. In fact he then went and doctored the logbook, and he did so over a long period of time. I put it to the house that we need to uphold the standards required of this Parliament.

**The SPEAKER** — Order! The Premier has moved a motion as listed on the notice paper. The Leader of

the Opposition has moved an amendment to that motion. The question is:

That the words proposed to be omitted stand part of the question.

**House divided on omission (members in favour vote no):**

*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	Weller, Mr
Miller, Ms	Wells, Mr
Morris, Mr	Wooldridge, Ms
Mulder, Mr	Wreford, Ms

*Noes, 42*

Allan, Ms	Hutchins, Ms
Andrews, Mr	Kairouz, Ms
Barker, Ms	Kanis, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pakula, Mr
Garrett, Ms	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Howard, Mr	Wynne, Mr

**The SPEAKER** — Order! The result of the division is ayes 42, noes 42. As Speaker I have the casting vote. The tradition in the house is that Speakers rely on precedents on many occasions in making a decision, so to allow the house to consider the motion in its original form, I cast my vote with the ayes.

**Amendment defeated.**

**Motion agreed to.**

## NAMING AND SUSPENSION OF MEMBER

### Member for Frankston

**The SPEAKER** — Order! In accordance with the resolution of the house, under standing order 125 I name the member for Frankston.

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

That the member for Frankston (Mr Shaw) be suspended from the service of this house for 11 sitting days.

**Motion agreed to.**

## JOINT SITTING OF PARLIAMENT

### Legislative Council vacancy and Victorian Responsible Gambling Foundation

**The SPEAKER** — Order! I have to report that the house met today with the Legislative Council. Margaret Lewis was duly chosen to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Candy Broad, and the member for Bendigo West was elected to the board of the Victorian Responsible Gambling Foundation.

## TREASURY LEGISLATION AND OTHER ACTS AMENDMENT BILL 2014

*Second reading*

**Debate resumed from 10 June; motion of Mr O'BRIEN (Treasurer).**

**Mr SCOTT** (Preston) — I was interrupted previously when speaking in response to the second-reading speech. The matter I was discussing, obviously, was the Treasury Legislation and Other Acts Amendment Bill 2014. When the debate was interrupted the issue I was referring to was about matters relating to the proposed changes in terms of establishing prudential standards for the Emergency Services and State Super (ESSSuper) superannuation fund. As I have previously outlined, this is a very significant part of public policy, with many billions of dollars invested and in terms of liabilities that accrue to the fund. There is approximately \$19 billion in assets under management and over \$30 billion in liabilities.

The amendments that have been proposed in this bill essentially establish that there be a compulsion to abide by prudential standards approved by the Department of Treasury and Finance (DTF). My understanding from the briefings that were provided is that those standards are based on the Australian Prudential Regulation

Authority (APRA) standards. To put this in context, APRA regulates the affairs of private sector superannuation funds and therefore, with certain amendments made for the public sector nature of the superannuation funds that ESSSuper manages, it is appropriate that DTF provide prudential standards. This amendment seeks to mandate the maintenance of those prudential standards and the requirement that ESSSuper abide by those standards.

As was noted in the second-reading speech, this brings ESSSuper into line with other aspects of other public financial corporations and other aspects of the state's public financial bodies such as the Victorian WorkCover Authority, the Transport Accident Commission and the Victorian Managed Funds Corporation, which are formally obligated to comply with the relevant prudential standards. This is a measure the opposition certainly does not oppose, and it is important to understand the nature, as I said, of the scale of funds that are involved. The importance to the community is very great, so it is reasonable to ensure that there are standards of prudential management which these funds meet. I note, though, as I have previously stated, that currently the ESSSuper is doing this on a voluntary basis, whereas the amendment in this bill would require the ESSSuper to meet prudential standards that can be varied from time to time by DTF.

In part 3 of the bill, which deals with workplace injury and rehabilitation, there are amendments to the Workplace Injury Rehabilitation and Compensation Act 2013. To put that in context, the Workplace Injury Rehabilitation and Compensation Bill 2013 sought to rewrite the Accident Compensation Act 1985, and the Accident Compensation Act is a very complex piece of legislation. Significant and important debate took place at the time that that piece of legislation was passed. It was proposed that the Workplace Injury Rehabilitation and Compensation Bill be rewritten on the basis that there would be no change to benefits. The Labor Party took the view that in fact there were some changes to benefits.

I will not go through the entire detail of the debate around it because I could be here longer than half an hour. It was a very involved and intricate debate, but amendments were moved because the Labor Party believed that the intent of the bill as stated by the government was not met by the legislation. We did not take the government's word. We sought to check in some detail whether there could be any impact. I will mention in brief a couple of clauses in that bill, which this bill in part relates to. Clause 200 was such a clause. We were concerned at the time that it could create a mechanism that could be used to stall the resolution of

injured workers' lump sum impairment claims and deny seriously injured workers the ability to initiate a common-law claim. There was also clause 313, which we thought could undermine judicial oversight of medical panels, reducing the capacity for injured workers to seek judicial review of medical panel opinions. There was also clause 269, which removes the protection of the Harman rule of evidence.

These matters were subject to a series of discussions because that bill required an absolute majority of the house to be passed due to some constitutional amendments contained in it. That meant that the Labor Party was able to negotiate with the government, and there were agreed amendments. I will go through the process and relate this to the bill currently before the house, because in undertaking those amendments it was found that the Office of the Chief Parliamentary Counsel made a number of drafting errors, which this bill seeks in part to correct. It is important to outline that the process of drafting those amendments was one which was agreed to, and the Assistant Treasurer and I separately sought advice on what had been agreed to in terms of the policy issues that had been discussed regarding those amendments. We both sought independently to receive amendments and then verify that the amendments were in fact the same.

There is no doubt that the amendments reflect what had been in the discussion as far as the minister and I, as a shadow minister, were concerned. However, it has turned out that there have been a number of drafting errors in dealing with those amendments, so one of the aspects of this bill is to fix a number of those drafting errors arising through the amendment process. On behalf of the Labor Party I say that this is a reasonable process and that we think it is reasonable to fix what are unintended consequences of the process to amend a bill seeking to achieve changes and outcomes which, in principle, had already been agreed to. In fact the substance of the amendments was also agreed to by both me as a shadow minister and the Assistant Treasurer. That is the machinery aspect of this bill, seeking to ensure that there are no unintended consequences from the amendments and that they achieve the agreed purpose for which they have been put.

Areas of the Accident Compensation Act 1985 are of great interest to the legal fraternity, and there has been close scrutiny of the proposed amendments. It is the opposition's view that the amendments will not erode the legal rights of injured workers, and therefore it has no reason to oppose or frustrate their passage through this house, because they seek to redress drafting errors made in good faith. While I am here I put on the record

my appreciation for the Office of the Chief Parliamentary Counsel and the work it does on behalf of members in terms of drafting amendments to legislation — a very complex task, particularly in a bill such as the Accident Compensation Act, which has so many clauses and so many interrelated measures of quite a complex nature.

In part, the bill also amends arrangements for the Victorian Managed Insurance Authority. This is a technical amendment which relates to the ability of the board to delegate authority to the holder of a named office. Currently the situation is that the delegated authority can only be made to a specific person. Obviously this creates — —

**An honourable member** interjected.

**Mr SCOTT** — It is a very exciting bill, I know, but I will not respond to interjections.

**An honourable member** interjected.

**Mr SCOTT** — I will not respond to interjections. No-one in my life has called me Scotty — I did not go to a private school. I will continue without responding to interjections, since that would be disorderly.

I would say that this is a more important issue because if you can delegate only to an individual, that would require the board to reissue a delegation in certain circumstances. However, if the delegation is made to a position, that creates more flexibility for the organisation when dealing with such a matter. This is again an amendment with which the opposition has no difficulty, and there is no particular reason to frustrate or seek to oppose its passage through this house.

There are also issues in part 5 of the bill which relate to the clarification and standardisation of references to Australian Bureau of Statistics (ABS) data. Victorian legislation can relate to datasets provided by the ABS. This may be a fairly dry area of public policy, but the ABS does not always maintain the same references to ABS data — there can be changes to datasets or subsets, and that can create difficulties in Victorian legislation that makes specific references to a particular piece of ABS data that has been changed. Part 5 seeks to clarify and standardise references to ABS data in various pieces of Victorian legislation. For example, it seeks to amend them to refer to relevant reference periods, because sometimes the period in which a piece of ABS data refers to can change from, say, six months to three months.

This may seem unimportant, but of course if legislation makes specific reference to a particular dataset, it might

affect how government money is paid to a third party, and this can be highly relevant and important in terms of the amount of money involved. It is also important in ensuring the smooth operation of these acts of Parliament that the reference can reflect the current dataset used by the ABS in the event that there is an obsolete reference. For example — and this applies in a range of acts, certainly including the Accident Compensation Act — if there are references to indexing relating to things like the consumer price index or various indexes relating to average weekly earnings, it is important that those datasets reflect the most up-to-date ABS dataset and that there is flexibility.

My understanding is that the amendments in part 5 mean that there will not be a requirement for future amendments to come to the Parliament every time the ABS makes a change in a dataset. It may seem a fairly obscure point, but again it is not something that the opposition would oppose, because it simply allows Victorian law to move with the practice of a federal body over which our Parliament has no direct control. An example I would use which is analogous is a penalty unit. Once upon a time every time you changed a penalty within the various acts of Parliament it required reams of legislation and omnibus bills that changed literally dozens of acts to ensure that the penalty was updated or indexed or that it reflected a change in government policy about what the penalty should be. This has obviously been simplified, and similarly in this case there is a simplification for how changes in datasets can be dealt with in order to prevent there being a requirement for direct legislative change in the event of a specific change by the ABS in relation to these matters.

Another matter addressed by this bill, which I think will perhaps be of more interest to people both within and outside the Parliament, is that there are clauses that relate to the defined benefit superannuation scheme paid to some members of Parliament — though certainly not the members of Parliament who have been more recently elected. It is important to understand this particular part of the bill — that is, clauses 4 and 5 of part 2. There is no intent, as far as I can see — and I sought advice on this — to increase the benefits or vary the benefits paid in a substantive way to members of Parliament under the defined benefit superannuation schemes. The reason that the opposition is relaxed about this clause is not that it seeks to expand the benefits but that it seeks to deal with a particular tax issue which has arisen. There was a change in commonwealth taxation law where the commonwealth increased superannuation contribution tax from 15 per cent to 30 per cent for people earning in excess of \$300 000 per year. Some people who are able to obtain

benefit under the Parliament's defined benefits superannuation scheme have accrued a liability.

In essence these clauses create the capacity to cash out a proportion of a pension in order to deal with a taxation liability that accrues. The liability is deferred. It is not paid on a year-by-year basis, but it becomes due at the time when the pension is taken. At that point in time there is a liability. This bill creates the opportunity for there to be, in effect, a cashing out of some of the pension in order to deal with that liability and only that liability. My understanding of the clauses is that if there are future tax changes made by the commonwealth that create similar liabilities, there is the ability to deal with such liabilities without the need for further legislation.

It is important to note that this change does not in any meaningful way expand the quantum of money which is being paid under the superannuation scheme. It is not an expansion of the benefits in that sense. It is an increase in the flexibility in order to deal with commonwealth tax liabilities. In those circumstances it is not something that the opposition finds to be of great concern. It is obviously a matter of some interest, and it has been looked at in some detail. I see in the box an adviser from the minister's office, and I place on the record my gratitude to the departmental and ministerial staff that are providing detailed advice on some of the complex matters raised. This is a technical bill, and ensuring that such technical bills do not inadvertently raise issues that relate to public policy in such delicate areas that would be of concern has been a matter about which the opposition has been able to seek assurance from the government through the work of ministerial and departmental staff. For their assistance I am grateful.

This is not a bill the opposition is opposing. As I said, it is a purely technical bill that deals with a number of technical matters. On that basis the opposition will not be opposing the bill. I will end my contribution there.

**Mr ANGUS** (Forest Hill) — I am pleased to rise this evening to speak in support of the Treasury Legislation and Other Acts Amendment Bill 2014. I note at the outset that this is an omnibus bill, a housekeeping bill, that takes care of a range of matters which I will go through in some detail.

Clause 1 of the bill indicates the purpose of the bill. It is broken into five parts. The purpose of the bill is to:

- (a) amend the Emergency Services Superannuation Act 1986 to enable the Governor in Council to make a prudential superannuation standard to be complied with by the Emergency Services Superannuation Board; and

- (b) amend the Parliamentary Salaries and Superannuation Act 1968 and the State Superannuation Act 1988 to enable the commutation of a pension to meet a superannuation interest taxation liability; and
- (c) make miscellaneous amendments to the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 to improve the operation of those Acts; and
- (d) amend the Victorian Managed Insurance Authority Act 1996 to improve the operation of that Act; and
- (e) amend certain Acts to update the operation of indexation provisions in or under those Acts.

As members can see, this is a very broad-ranging bill. I am going to touch on some of the details in relation to those specific acts I have referred to. The overall thrust of this bill is to improve the operation of these acts. It corrects a number of minor drafting anomalies and other matters. An omnibus bill such as this is a real tidy up opportunity.

The first matter I want to turn to is in relation to the pensions issue, the amendment of the superannuation act. I note that in 2013 the commonwealth government inserted division 293 into the Income Tax Assessment Act 1997, increasing the superannuation contribution tax from 15 per cent to 30 per cent for individuals earning an assessable income in excess of \$300 000 per annum. For defined benefit scheme members the new tax is being levied on relevant members when they leave the scheme. This is picking up the necessary amendment that flows on from that change at a federal level. That is an important thing to be dealt with within our legislative framework in Victoria.

The bill amends the State Superannuation Act 1988 and the Parliamentary Salaries and Superannuation Act 1968 to allow former members of these public sector superannuation funds to commute a pension to meet the division 293 taxation liability. That is the liability I just referred to. It enables that commutation to be made so that they can meet that liability at the appropriate time.

The bill also allows, by regulation, this commutation facility to be extended to other commonwealth superannuation taxes. This will negate the need for Victoria to legislate every time the commonwealth makes changes to the taxation superannuation benefits. We can see straightaway that this is a matter of efficiency and effectiveness and enables on an ongoing basis the Victorian acts to keep up with any changes that might be made in the federal domain so that they do not have to keep going back and revisiting them. This amendment picks that up and enables that to be done on an ongoing basis.

In relation to prudential supervision of the Emergency Services and State Super (ESSS) fund, the bill amends the Emergency Services Superannuation Act 1986 to require the ESSSuper to comply with any prudential standards approved by the Governor in Council. ESSSuper has been voluntarily complying with the prudential superannuation standards since 2009. While this arrangement has been working okay, an internal audit done recently by KPMG recommended that prudential supervision of ESSSuper be formalised, and that is important because it will enable the regulation and supervision to go to the next level. I can recall many times in my previous occupation, in my accounting practice, that we acted for lots of superannuation funds, and it is important not only for self-managed funds but also for industry funds and bigger funds such as this one that they are on top of their prudential regulation and that they stay on top of the standards so they are managed at an appropriate level. They are usually dealing with huge sums of money, and it is important that every prudential standard is dealt with and adhered to.

The next matter dealt with by the bill is the amendment to the Workplace Injury Rehabilitation and Compensation Act 2013, which bill received royal assent on 12 November 2013. The act delivers on the government's commitment to reduce the regulatory burden associated with workers compensation legislation by making it easier for employers and workers to read the legislation and understand their rights, obligations and responsibilities. The coalition government undertook a very important reform in rewriting that legislation. It was an enormous piece of work which resulted in a huge act. It has made for easier operation and a less burdensome red tape and regulatory regime, which is a very good thing for all those involved in using the legislation. It is a good thing for employers and employees. It makes the act easier to read and for people to become familiar with the way it is laid out.

Since that time a number of matters have been identified to improve the drafting of the act, and the bill clarifies the intent and operation of house amendments made to the act on 17 October 2013. It also responds to recommendations made by the Scrutiny of Acts and Regulations Committee, and corrects a small number of drafting errors, omissions or anomalies which have been identified in the Workplace Injury Rehabilitation and Compensation Act. These are housekeeping matters that are tidied up as they come to the attention of the Parliament, and that is a good thing to do. It is good to keep the legislative book up to date and to deal with these matters as and when they come to the attention of the Parliament, and that is what this

component of the bill does. The minor amendments are technical or administrative in nature. There is nothing earth-shattering in the bill, but it is the housekeeping that is so important. The Workplace Injury Rehabilitation and Compensation Act was passed on the basis of there being no changes in benefits to injured workers, and the minor amendments ensure this continues to be the case. There has been no erosion in any sense in that area.

The bill includes some minor amendments to update the Victorian Managed Insurance Authority Act 1996 to improve the operating efficiency of the Victorian Managed Insurance Authority. The amendments will enable the board of the authority to delegate powers and functions to a holder of a named office of the authority rather than to a named person who is the holder of that office; and it will also clarify the board's power to delegate to the chief executive officer, or any other person or persons, to appoint or engage other officers and employees, subject to the board setting the terms and conditions of appointment or engagement. This is consistent with the delegation and authorisation practices in other statutory bodies.

The final component of the bill deals with the indexation amendments. As the previous member mentioned in his contribution, this results in the ongoing automatic updating of any changes in Australian Bureau of Statistics figures that perhaps might be published quarterly. Rather than having to revisit the legislation there is a provision to enable automatic updates of the indexation figures. That will affect some 34 acts, and that is a prudent way of dealing with this matter on an ongoing basis.

As I said, this is an omnibus bill dealing with important housekeeping matters. It reflects the due diligence of the coalition government, which was epitomised yesterday when the state budget for 2014–15 passed through the house, and indeed through the other house, and was widely supported. What a great outcome that is for all Victorians. Although the bill might seem innocuous, it is a great outcome for all Victorians as it deals with what might be in some people's minds minor but nevertheless necessary matters. I commend the bill to the house.

**Mr McCURDY** (Murray Valley) — I am delighted to rise to make a contribution to the Treasury Legislation and Other Acts Amendment Bill 2014. As my colleague the member for Forest Hill said, this is an omnibus bill which deals with housekeeping matters. It is important all the same but it deals with some of the detail to square up a few things in relation to the Treasury legislation.

The objectives of the bill are to amend the Parliamentary Salaries and Superannuation Act 1968 and the State Superannuation Act 1988 to allow members of these schemes to commute their pensions to meet commonwealth superannuation taxation liabilities. The bill amends the Emergency Services Superannuation Act 1986 to provide a legislative basis for the Department of Treasury and Finance's supervision of Victorian public sector superannuation agencies. It also amends the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 to address a number of outstanding issues following the passage of the Workplace Injury Rehabilitation and Compensation Act in November last year. Finally, the bill amends the Victorian Managed Insurance Authority Act 1996 to improve the operating efficiency of the Victorian Managed Insurance Authority (VMIA).

The commonwealth has changed the taxation arrangements of superannuation contributions for certain members of superannuation funds. For defined benefit scheme members the new tax is being levied on relevant members when they leave the scheme. The bill amends the State Superannuation Act and the Parliamentary Salaries and Superannuation Act to allow former members of those public sector superannuation funds to commute a pension to meet a commonwealth taxation liability.

Speaking of former members, I was with a former member at the weekend at Rutherglen for the grape tread, which is a very popular event. About 10 000 to 15 000 people were there. The local pie shop, Parker Pies, said it would sell 12 000 pies over the weekend for the Rutherglen Winery Walkabout. It was a very successful weekend that value-adds about \$10 million to the local Rutherglen economy.

**An honourable member** — How much?

**Mr McCURDY** — About \$10 million; some say \$10.1 million. Rutherglen is very proud of its winery walkabout of which the grape tread is very important. Incidentally I won the grape tread this year. It worked out very well, and I was very proud of my efforts. I did not drink the wine afterwards, but it was a very successful event in the wonderful town of Rutherglen. It will be a shame for me to lose Rutherglen in the boundary redistribution.

ESSSuper, the emergency services superannuation fund, has been voluntarily complying with the Department of Treasury and Finance's superannuation standards since 2009, and while this arrangement has worked well, an internal audit conducted by KPMG late

last year recommended that the department's prudential supervision of ESSSuper be formalised, and we are doing that today so that ESSSuper complies with prudential standards made by the Governor in Council.

The Workplace Injury Rehabilitation and Compensation Act 2013 (WIRC act) received royal assent in November last year. Since the act received royal assent a few opportunities have presented themselves, and we are going to improve the drafting of that act with the proposed amendments in this bill. The amendments will fundamentally clarify the intent and operation of house amendments which were made to the Workplace Injury Rehabilitation and Compensation Act 2013 in October last year. The bill will also respond to recommendations by the Scrutiny of Acts and Regulations Committee and correct a small number of drafting errors and omissions which have been identified in that act.

The amendments to the Victorian Managed Insurance Authority Act 1996 will enable the board of the Victorian Managed Insurance Authority to delegate to a holder or the authority rather than to a named person who is the holder of that office. That is a practical outcome, and the Acting Speaker is well aware that it is no good delegating authority to a named person; it needs to be to a position so that, if that person changes, the position remains and changes do not need to be made on a regular basis. On this side of the house we like these sensible and practical outcomes that are very important. The bill will also clarify the VMIA board's power to delegate to the chief executive officer the power to appoint or engage other officers and employees and to set the terms and conditions of appointment or engagement. That is a critical part of this section of the bill.

Finally part 5, an integral part of this bill, provides for the amendment of various acts as specified in the schedule to the bill to update the operation of indexation provisions in or under those acts I spoke about earlier. You did too, Acting Speaker, and I thought it was a fine contribution you made on the bill.

The amendments to the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 address a number of outstanding issues following the passage of the WIRC act late last year, as I mentioned earlier. The superannuation amendments were developed in response to an internal audit by KPMG and the recommendations to and changes in commonwealth tax laws. The technical amendments to the VMIA act were identified by the VMIA — surprise, surprise — and the need to make these indexation-related amendments was

identified during the drafting of the original WIRC act, and this is where we are now.

Both the Victorian WorkCover Authority and the VMIA were consulted while we were developing this bill, and the boards of these agencies are very supportive of the legislation. It is important that we communicate with the agencies as we are drafting legislation so that it fits everybody and we do not have too many disgruntled players once we have passed this legislation. It is really important that we have that consultation.

With respect to the superannuation amendments, the Emergency Services Superannuation Board raised a concern that the requirement to comply with any prudential superannuation standard may impact on its ability to act as an independent trustee. That is a very important point. However, the ultimate objective of prudential supervision is to enhance the security of members benefits, so it is difficult to see that there is any friction between a requirement to comply with a prudential standard and the board's obligation to its members. You can see where we are going here — from one side to the other. It is important to make that clear. At the same time, the prudential superannuation standard is based on the standards that the Australian Prudential Regulation Authority has prescribed for the private sector in superannuation funds, so this is right across the whole gamut. It is important to understand that. The board also supported the other superannuation amendment in this bill.

In the limited time I have left I will touch on the WIRC act because it honours the government's election commitment to recast the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 into a single act that is simpler and easier to use. Again that is very important as we move through. As I said, this is an omnibus bill which is about general housekeeping. It is about trying to consolidate these opportunities to amend legislation where we can. I know the member for South Barwon agrees with that because it is very important that we keep a practical outlook all the way through. It is very easy to get off the rails, but we stay focused wherever possible.

The bill delivers on the government's commitment to reduce the regulatory burden associated with the workers compensation legislation by making it easier for employers and workers to read the legislation and understand their rights. It is really important that they understand their rights, their obligations and their responsibilities. As far as I am concerned, anything that

reduces red tape is a good thing. That is a very important part of what we are trying to do here.

This bill includes a number of amendments to correct a small number of drafting errors and remove potential ambiguities by clarifying the intention of various provisions. As I said earlier, these amendments are minor and will ensure that injured workers receive the compensation to which they are entitled.

I could go on for a lot longer because there is so much to get through in this bill, but I will allow some time for the member for Bentleigh, who I know is ready to get to her feet to make a contribution. She may elaborate further on clause 12, which amends section 313 of the Workplace Injury Rehabilitation and Compensation Act 2013, because that is another important part of the bill that I did not have time to speak about. She may talk about the panel, how the panel has 60 days to form its opinion on medical questions and how that opinion is binding on any court, body or person. The member for Bentleigh may get the opportunity to speak about that, but I am not sure, and I will not pre-empt what she will talk about. I commend the bill to the house.

**Ms MILLER** (Bentleigh) — I rise to speak on the Treasury Legislation and Other Acts Amendment Bill 2014. I thank my predecessors — yourself included, Acting Speaker Angus — for their very informed and comprehensive contributions to the second-reading debate on this bill. The bill is essentially tidying up: doing some housekeeping, tying up loose ends in various parts of the act and creating efficiency and effectiveness to meet the commonwealth taxation liability. The bill is an omnibus bill that makes amendments to various acts to formalise the prudential supervision of the public sector superannuation schemes and improve the efficiency of government administration. The coalition government has been about cutting red tape, easing the burden and making cost efficiencies where possible.

I am proud to say that yesterday the coalition government's absolutely stellar 2014–15 budget was passed. The opposition supported it, and all Victorians will be the beneficiaries of the much-needed infrastructure upgrades we in the government are projecting. We are investing \$27 billion in the Melbourne rail link, the Melbourne Airport link, the port of Hastings expansion and the east–west link, all of which the Labor Party has previously opposed. But members opposite came in yesterday and supported the budget, so Victorians will not be denied first-class infrastructure. It is definitely long overdue. We are investing record amounts in both health care and education. Again, this funding is very important and

will benefit Victorians in those areas. We are investing more in health care, education and infrastructure than the former Labor government. It is a fantastic and exciting thing that the coalition government is not only building for the future but also planning for the future and consequently creating, developing and building a better Victoria.

The bill amends the Emergency Services Superannuation Act 1986 to require Emergency Services and State Super (ESSSuper) to comply with the prudential standard approved by the Governor in Council. It also amends the State Superannuation Act 1988 and the Parliamentary Salaries and Superannuation Act 1968 to allow former members of public sector superannuation funds to commute a pension to meet a commonwealth taxation liability. It amends the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 to improve the operation of those acts. It amends the Victorian Managed Insurance Authority Act 1996 to improve the operating efficiency of the Victorian Managed Insurance Authority (VMIA), and it also amends certain acts to update the operation of indexation provisions in or under those acts.

I will go into each one in a bit more detail. On the commutation of pensions, in 2013 the commonwealth government inserted division 293 into the Income Tax Assessment Act 1997, increasing the superannuation contributions tax from 15 per cent to 30 per cent for individuals earning an assessable income in excess of \$300 000 per annum. For defined benefit scheme members, the new tax is being levied on relevant members when they leave the scheme.

The bill amends the State Superannuation Act 1988 to allow a commonwealth taxation liability to be met and the Parliamentary Salaries and Superannuation Act 1968 to allow former members of the Parliamentary Contributory Superannuation Fund to elect to commute their pensions to meet a division 293 taxation liability. The bill makes minor amendments that will provide cost efficiencies.

The amendments to the Emergency Services Superannuation Act 1986 will require ESSSuper to comply with any prudential standard approved by the Governor in Council. ESSSuper has been voluntarily complying with the prudential superannuation standard since 2009. While this arrangement has worked well, an internal audit conducted by KPMG recommended that prudential supervision of ESSSuper be formalised. Again, this is all about cost efficiencies.

I turn now to the amendments to the accident compensation acts. The Workplace Injury Rehabilitation and Compensation Act 2013 received royal assent on 12 November 2013. The act delivered on the government's commitment to reduce the regulatory burden associated with workers compensation legislation by making it easier for employers and employees to read the legislation and understand their rights, obligations and responsibilities. For anyone not familiar with reading acts, doing so can be quite cumbersome. Many people may not necessarily understand or interpret them appropriately. This government is trying to assist employers and employees to interpret that legislation in a way that is meaningful for them but is also clear to understand. In that way people will understand their rights.

A small number of opportunities have since been identified to improve the drafting of the Workplace Injury Rehabilitation and Compensation Act 2013. The bill will clarify the intent and operation of the house amendments made to the bill for that act on 17 October 2013, respond to recommendations by the Scrutiny of Acts and Regulations Committee and correct a small number of drafting errors, omissions and anomalies which have been identified.

Anomalies and loopholes are often identified as legislation is put forward. This government is being responsible and working through those pieces of legislation not only to close loopholes and make matters simpler for people to interpret and understand but also to create financial or other efficiencies where possible. These minor amendments are technical or administrative in nature, and the Workplace Injury Rehabilitation and Compensation Act was passed on the basis of there being no changes to benefits for injured workers. The minor amendments in this bill ensure that this continues to be the case.

The bill includes some minor amendments to update the Victorian Managed Insurance Authority Act 1996 to improve the operation and efficiency of that act. The amendments will enable the board of the VMIA to delegate powers and functions to a holder of a named office of the authority rather than to be a named person who is the holder of that office. The bill will clarify the power of the VMIA's board to delegate to the chief executive officer or any other person or persons the power to appoint or engage other officers and/or employees subject to the board setting the terms and conditions of the appointment or engagement. This is consistent with the delegation of authorisation practices in other statutory bodies.

The bill also amends a number of acts, which are listed in the schedule, to update the operation of indexation provisions. These amendments will update references to the 'Commonwealth Statistician' to reflect that position's current title of 'Australian Statistician' so as to reflect current Australian Bureau of Statistics publication practices and references. In particular the amendments are required to update references to indexation by changes in average weekly earnings in line with the half-yearly rather than quarterly publication of data. There is another cost efficiency. These amendments are technical in nature but not substantive and will not result in any variation of other amounts of any payment from what would otherwise have been applied if the ABS publication practice was not changed.

As I said, this bill is about tidying up legislation to make it more effective and efficient and to comply with commonwealth taxation liability. The government is tidying up the legislation with some housekeeping amendments because when we come across legislation that may have some loopholes we work to close those loopholes. Members of the Napthine government made a commitment to ease the cost burden on workers and to help them understand their rights, and we are working towards achieving that.

As I have limited time left, I indicate that the Treasury Legislation and Other Acts Amendment Bill 2014 is something by which we are looking to improve some legislation to make it simpler for people to read effectively, interpret and understand. We are also addressing cost efficiencies so that provisions of state legislation are in line with commonwealth law on taxation liability. What we are achieving through this bill is in line with working towards meeting the objective of addressing minor anomalies in various sections of legislation, as I have outlined briefly in the limited time I have had.

As I said, yesterday the coalition government had a great day when the Victorian state budget for 2014–15 was passed. I know that all Victorians will be the beneficiaries of the wonderful plans for and vision we have of building a better Victoria. I commend the bill to the house.

**Mr WATT** (Burwood) — I take great delight in speaking on the Treasury Legislation and Other Acts Amendment Bill 2014. The main reason I want to speak on this particular bill is because of the amendments it makes to the Workplace Injury Rehabilitation and Compensation Act 2013. I refer particularly to the fact that in part the amendments are made in response to recommendations of the Scrutiny

of Acts and Regulations Committee. As a member of that committee, I must say that normally the committee does not get a lot of kudos. I do not know how many members read our reports, although I know that a number of members presently in the house would go through the detail of those reports. I mention particularly the members for Benalla and Mount Waverley.

I refer to *Alert Digest* No. 13 of Tuesday, 15 October 2013, in which various sections of the Workplace Injury Rehabilitation and Compensation Bill 2013 are reported on. I am very pleased that the bill before the house picks up some of the recommendations made by the Scrutiny of Acts and Regulations Committee, which in part are the reason for the amendments to the act. I commend the bill to the house.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## FINES REFORM BILL 2014

*Second reading*

**Debate resumed from 8 May; motion of Ms ASHER (Minister for Innovation).**

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## CRIME STATISTICS BILL 2014

*Second reading*

**Debate resumed from 26 March; motion of Mr WELLS (Minister for Police and Emergency Services).**

**Ms HUTCHINS** (Keilor) — I rise to speak on the Crime Statistics Bill 2014 and to draw the house's attention to the crime statistics for the state that have

recently been released. In particular I will focus my comments on the crime statistics for the Brimbank and Keilor areas, where police numbers, in terms of officers based in the city of Melton, have been cut by almost 21 and where at the same time we have seen crime rates go up by around 23 per cent. An independent source of crime statistics is much needed. The government needs to face facts and not hide behind dodgy figures that are inaccessible and hard for members of the public to understand when they are searching for information on their local area and for a breakdown of where crime rates have increased.

In terms of crime statistics there is a further need for the government to make available policing numbers by region. We should have statistics around just how our local stations are manned, particularly in light of the blue paper released by the Chief Commissioner of Police in recent weeks — which has been discussed at length by the chief commissioner and commented on by the Minister for Police and Emergency Services — in relation to the entire reformatting and restaffing of the police force, which clearly would have an effect on and link directly into crime statistics.

As a former statistician who ran a small business looking at and writing research papers on statistics to make a living, in particular looking at workforce shortages, I have to say there are many ways in which there can be misinterpretation of how statistics are collected and released to the public. Having an independent body with the right parameters around it and with an open and accessible form of questioning around how statistics are collected, formulated and released and how in fact the public can question those statistics is extremely important in having a look at our crime figures publicly and thus effectively resourcing our police force and local communities.

Clause 8 of the bill provides that it is a summary offence for someone who is or was the chief statistician or an employee or consultant employed or engaged under clause 6 to, without a reasonable excuse, access, use or disclose any information obtained in the performance of functions under the act except for the purposes of the act. That offence carries a maximum penalty of imprisonment of two years. This goes to the point I just raised about the importance of the clarity — and, I guess, opacity — around how those statistics are collected and released.

There are a number of clauses within this bill that go to the detail of definitions, how statistical data on crime should be collected and how this should be enforced.

It makes further consequential amendments to the Victoria Police Act 2013 and the Police Regulation Act 1958. We have seen a humongous jump in the crime statistics that have come before this house on a quarterly basis. There is a real link between crime stats being up and police numbers being down, and that applies to stats whether they refer to thefts of a vehicle, the breaking into of homes or incidents of family violence — and unfortunately we often segregate family violence crime statistics from other crime stats.

When I held a community meeting in the suburb of Taylors Hill to talk about the issue of crime going up and police numbers going down in my electorate, many residents in attendance were angry because of the many incidents when they had called the police and the police had not attended in a timely manner. In one reported incident a five-year-old child was walking home from school through the local park when he found an esky. He took the esky home and his mother opened it and found it to be full of narcotics. The esky had been left in the local park of a fairly recently opened estate — it has probably been open for no more than five years. The mother called the police instantly. Thank God the child did not touch any of the paraphernalia inside that small esky. It took 4 hours for the police to come from a local station where we have seen police numbers dramatically drop since 2010. Nobody was interviewed, and the paraphernalia was taken away. Two nights later the house opposite the park where the narcotics were found was shot up by criminals who had fired into the windows and the garage. On that occasion it took the police almost 1 hour to attend the scene.

This did not make the residents in that neighbourhood feel very secure. There had been a number of incidents that led them to say ‘Enough is enough’ and to call a public meeting to discuss the issue. The residents asked their local police officers to attend the meeting, and a fine young constable who works extremely hard in the local area came to address them. The 50 residents at that meeting were quite rightly angry that they were not getting the response times they wanted, and they did not feel that their area was being secured following the break-ins and drug-related incidents they were reporting. Under severe pressure from the public at the meeting the young constable admitted to the crowd, ‘When I get calls, particularly on the weekends, I have to make decisions whether to attend call-outs for drug-related incidents and complaints or whether to attend family violence incidents’. He said, ‘I would always choose to protect women and children’, and I applaud the constable for standing up and saying that, but the reality is that he should not be in the position where he has to make a choice each time about which incident to attend.

In talking to the local police station and to the regional police division, the clear message coming back to me is that these incidents — whether the response time is short or long — need to be reported through either 000 or Crime Stoppers because all these incidents and reports add to our crime statistics.

Reporting any sort of crime is important, and is something that I have strongly emphasised in my local community. I have also tried to raise awareness that incidents of family violence should not be tolerated, and that if incidents occur in the community people should report them. They should feel able to pick up the phone and report any sort of crime.

The role of the chief statistician is to access crime data with the aim of analysing and interpreting that data so that governments can turn that information into resourcing, policy and action to make sure that crime statistics are kept at as low a level as possible. Reporting should enable governments to plan for the future, particularly in growth areas where the population is booming and the community is changing from a semi-regional or rural area to an urban area. Resourcing in those areas needs to be at an intense level in a whole range of infrastructure. However, often that infrastructure does not keep up with the incidents of crime nor with preventive programs. It is hoped that the benefit of having a chief statistician will be seen long term in resourcing and planning to ensure that we have the police force we need to keep our communities safe. I commend the bill to the house

**Mr SOUTHWICK** (Caulfield) — It is my pleasure to rise to speak on the Crime Statistics Bill 2014. The bill before the house delivers on an election commitment which the coalition took to the 2010 election. The commitment was made to improve access to crime statistics, because under the former Labor government a series of fudged figures were very carefully manipulated to ensure that the message sold to the Victorian public was that the situation was better than it actually was. One thing that can be said about the Napthine government is that it has been tough on law and order, proactive on policing and has delivered in every sense of the word, from delivering 1700 police to 940 protective services officers. We are getting on with the task of ensuring that Victorians feel safe.

The purpose of the Crime Statistics Bill is to ensure that, with the appointment of the chief statistician, crime statistics are put through a rigorous process so that the public has confidence in the statistics that are put in front of them. The chief statistician will publish crime statistics information in the form of quarterly and annual reports. The chief statistician will take over this

function from Victoria Police and work independently of Victoria Police.

We have seen reports from the Ombudsman that criticised former governments for failing to deliver in this area. The Ombudsman's report in 2011 suggested that under the former government a key factor that contributed to the resignation of the former Chief Commissioner of Police was the publication of crime statistics. In his annual report to Parliament the Ombudsman, George Brouwer, said that the establishment of an independent body was long overdue. He previously recommended the establishment of an independent body for this purpose in 2009, but the former government neglected to act on his recommendation.

The report said that there was an unusually high number of complaints about FOI requests, many of which were made by MPs; that many of those requests could not be processed sufficiently; and that there were long delays in implementing changes to the way this sort of information was handled and processed. In terms of data integrity for police, it is important that we have transparent information that the Victorian people can go by.

The report also suggests a number of other reports had looked into this, many of which dated back to the late 1990s. The 2011 Ombudsman's report says that before the last state election — and this is the real kicker — the crime statistics taken to the election by the previous government were misleading, and the then chief commissioner, as I say, resigned after they were released. The report says we should never put politics in the way of policing in our state, and through other bills we have brought before the house we have amply clarified a separation of powers between what police do and what government does. We certainly need to provide the necessary resourcing, but we need to ensure that operations are carried out by police, and that is what we will continue to do.

This agency will ensure that there is transparency, and the legislation will ensure that there is proper scrutiny. The bill provides for the opportunity for due process if anything misleading comes from the agency. The bill provides protections around the Crime Statistics Agency using potentially sensitive law enforcement information received from Victoria Police. It does this by creating two offences of unauthorised access, use or disclosure of such information. The bill is thereby protecting those individuals about which information will be handed over. This is very important: when we are handing over sensitive information to an

independent agency, we want to make sure this information is properly protected.

First, then, the bill creates a summary offence of a regulated person — the chief statistician, an employee or a consultant — without reasonable excuse, accessing, using or disclosing any information obtained in the performance of functions under the proposed act except for the purposes of the proposed act or otherwise in connection with the performance of functions under the proposed act. It will be a reasonable excuse that a person took reasonable steps not to access, use or disclose such information. The maximum penalty for the offence is 240 penalty units or imprisonment for two years, or both. Second, the bill makes it an indictable offence for the chief statistician, an employee or a consultant to access, use or disclose any information if they know or are reckless about whether the information may be used to endanger the life or physical safety of any person. If that is done, there is a penalty of 600 penalty units or five years imprisonment, or both. That is very important because it provides the necessary protections of the very sensitive information being handed over.

The bill also amends the Commissioner for Law Enforcement Data Security Act 2005, including by expanding its purpose to include the promotion of the use by the chief statistician of appropriate and secure management practices in relation to crime statistics data. It also amends the functions and powers of the commissioner to allow him or her to establish standards and protocols to conduct monitoring activities in relation to crime data held by the Crime Statistics Agency.

This is, then, a very important bill because it goes to the heart of delivering transparency in our policing and in the law and order area. The members of the Victorian public want to be confident about the data published by the government and confident when looking at relevant statistics about, for example, increases in certain crimes, such as crimes against the person.

The previous opposition speaker was speaking about family violence incidents, and we have specially targeted resourcing to allow police to create specific units to deal with family violence issues and incidents. We are putting resources in. We are equipping police with budget resources to ensure that more officers are out there policing. As I have said before in this house, when more officers are policing, this leads to more people being caught doing the wrong thing, more arrests and more processing of criminals. Protecting the public and making sure that people feel safe are the most important issues for our community.

The final important point about this bill is that it is not possible for a government to know about the best resourcing options for police unless it is provided with clear and transparent information. That is what this bill does. It provides that independent function of transparency, allowing the government to ensure that it is able to resource appropriately. Also, the important policing arm is not tied to the government, is not to be the hands and legs of the government or to manipulate figures for the government's privilege and benefit. That is what we are ensuring. We have deliberately ensured that there is a clear separation of powers. That is what we have done with the Victoria Police Amendment (Consequential and Other Matters) Bill 2014, which introduced the biggest changes to policing since 1958.

Now we are providing transparency to ensure that the sort of shenanigans that took place under the previous government do not recur. We have transparency, and we will ensure that we publish the right figures, which are independently provided and monitored. They will not be what a police minister has handed over to a police commissioner to distribute before an election. That is what we will ensure does not happen in the future. We are getting on with delivering on crime statistics, just as we have with the Independent Broad-based Anti-corruption Commission and with all areas of policing. Law and order has been at the forefront of our policy of ensuring that Victorians are safe.

**The ACTING SPEAKER (Mr Angus)** — Order! The member's time has expired.

**Mr NOONAN (Williamstown)** — I rise to speak on the Crime Statistics Bill 2014, and I say from the outset that Labor will not be opposing this bill. We accept that the government allocated \$8.4 million in the last state budget to establish the Crime Statistics Agency. I will say to the member for Caulfield that at no stage under the previous government was there ever a situation where the former Minister for Police and Emergency Services handed the Chief Commissioner of Police statistics and told the chief commissioner when to publish them. That is completely outrageous as a proposition. I challenge government members to substantiate that as a claim, if that indeed is a claim that the member for Caulfield is willing to make.

This bill primarily supports the establishment of the Crime Statistics Agency, which is an independent body responsible for the publication of Victorian crime statistics. The bill provides for a number of things, including the employment of a chief statistician, and that the chief commissioner provide law enforcement data to the chief statistician. It also provides for the

publication of those crime statistics. In the briefing I received from the department some time ago, I was advised that Victoria Police will release statistics to the community with the same regularity that it currently does. There will be offences for unauthorised use and disclosure of information. A commissioner for law enforcement data security will also be appointed. There are specific matters in this bill that relate to the monitoring of crime data held by the Crime Statistics Agency once it comes into force, which will not be until after the state election in November.

The bill provides that the Secretary of the Department of Justice may employ a chief statistician and necessary employees and consultants to assist in the performance of the chief statistician's functions. Those functions are in three parts: publishing and releasing information relating to crime in Victoria, undertaking research into and analysing crime and criminal justice issues and trends here in Victoria, and performing any other functions conferred under any other act.

Other members have provided some context in relation to the particular bill. It is true that there have been a number of reports from the Ombudsman that are relevant to this debate. A report from the Office of Police Integrity recommended that there be an independent body established to report on Victorian crime statistics, and it is acknowledged on this side of the chamber that crime statistics are an important tool in effective policing. They ensure an intelligence-led policing response, and they are there to enhance the level of policing performance. They should inform resourcing decisions, and they should help Victoria Police to develop policies and programs for crime prevention.

We hear a lot from members opposite about the inputs related to policing — that is, the additional police — but we do not often hear those members talk about what is happening with crime, which is really the outcome of those investments. It needs to be acknowledged that the Ombudsman recommended that the independent statistical agency be empowered to audit statistics or examine police crime-recording practices. This is worth mentioning in the context of my contribution to debate on this bill because in recent times there has been some commentary in relation to a number of crimes and the way our police respond to them and about the fact that those crimes are not being recorded and will not be subject to audit by the chief statistician.

As an example, I turn to the issue of petrol drive-offs. There has been a change in practice by Victoria Police in recent times in not investigating petrol drive-offs as a matter of routine. There are many thousands of petrol

drive-offs each year. I have been told by the industry that this amounts to losses of somewhere in the order of \$12 million to \$15 million, and these are small business franchisees operating on very thin margins. If you take those sorts of offences out of the crime statistics, it will have an impact on the reduction of offences figures across the board. In crimes where a person's car has been broken into, the police follow the practice of having that person bring their motor vehicle into the police station before an investigation is undertaken. This practice creates the situation where the number of crimes or offences recorded can potentially be brought down in that crime category.

There is a similar situation in relation to crimes involving deception or fraud. In recent times Victoria Police has changed its practice in relation to offences such as credit card offences where there are potentially minor offences occurring that are not of great monetary value. When people report such an offence, they are asked to complete a form and take it back to their financial institution, where they are then reimbursed as a result of their credit card having been stolen. In this situation you are not having an offence recorded or investigated. These sorts of matters that are occurring now can have a big impact in relation to the number of crime offences recorded in Victoria. It is worth noting that under this bill the chief statistician will not have the power to investigate the collection of police statistics.

It is worth noting that even though it is potentially valuable to have a Crime Statistics Agency, contrary to what we hear from those opposite this is not a measure that will bring down the incidence of crime. During the matter of public importance debate earlier today I reported to the house that crime continues to rise under this government, which is quite something given that law and order was a centrepiece policy for this government in the lead-up to the 2010 election.

It was a centrepiece policy, and each and every year under this government — —

*Honourable members interjecting.*

**Mr NOONAN** — I know this hurts government members. I know they do not like to hear it, but law and order was its centrepiece policy, and under this government we have seen increasing crime rates. In fact in the most recent year there were almost 40 000 more offences recorded under this government than in the last full year under Labor.

Labor increased police numbers each and every year and brought down crime rates. Under this government we have seen an increase in crime rates. The coalition

was prepared to measure the former government on crime rates when it was in opposition, but it does not like hearing the truth now, and the truth now is that the number of offences being recorded in Victoria is increasing, and it is increasing substantially. The most recent crime data — —

*Honourable members interjecting.*

**Mr NOONAN** — I hear the interjections. It is clearly a sensitive issue for Liberal and Nationals members to hear that crime rates are increasing. This might keep the chief statistician pretty busy, because the most recent figures show crime rates in Victoria are up 7.1 per cent.

*Honourable members interjecting.*

**Mr NOONAN** — I hear the interjections from government members.

**The ACTING SPEAKER (Mr Angus)** — Order! Through the Chair!

**Mr NOONAN** — This is their centrepiece policy. Law and order was the coalition's centrepiece policy in 2010, but Victoria is not safer today; in fact it is less safe today than it was in 2010. This might hurt the coalition members in the chamber tonight, but the most recent Victoria Police figures show crime in Victoria increased by 7.1 per cent in the year ending March 2014. The figures show that drug offences are up 17.8 per cent, family violence increased 6 per cent and assault is up 2.3 per cent. Victoria is a less safe place today than it was in 2010, and I know that hurts coalition members.

**Mr CRISP (Mildura)** — I rise to support the Crime Statistics Bill 2014, and I note the opposition is also supporting it. This bill represents the delivery of an election commitment by the government. I note up-front that this is also part of our finding what the facts are when it comes to crime statistics, and there has been some controversy over that matter over time. Another fact is that we have more police than we have ever had. We are well on the way to delivering our 1700-plus police, and this will also assist in maintaining our tough law and order stance.

In 2010 the government made an election commitment to improve access to crime statistics, and in the 2014 budget it allocated \$8.4 million to establish the Crime Statistics Agency. The Crime Statistics Bill 2014 gives effect to that commitment and implements the recommendations of both the Ombudsman and the Office of Police Integrity. The Crime Statistics Agency will be led by the chief statistician and will take over

annual and quarterly reporting of the statistics from Victoria Police. This is a very straightforward bill and measure. It supports the establishment of the Crime Statistics Agency. It has the statutory foundation role, as it needs to, ensuring that the chief statistician has adequate access to the data.

The Secretary of the Department of Justice will appoint a chief statistician under the Public Administration Act 2004. The chief statistician will be responsible for publishing this data, undertaking research and analysis of that data — this is very important because you can have an awful lot of numbers, but you also have to have some skilled analysis as to what those numbers mean — and performing the other functions conferred on the statistician under the act.

The bill requires the Chief Commissioner of Police to provide law enforcement data to the chief statistician, subject to appropriate safeguards. Of course you have to have all those protections when you have this sort of data. We have what is now in our time the routine protection of that data. The bill provides for the protection of the information by creating offences for unauthorised access and disclosure. It also contains provisions to make sure that employees fully understand their responsibilities. It also makes it an indictable offence for the chief statistician, employees or consultants to access or disclose information to someone or in some way that should not occur.

I think this is a straightforward bill. I am not going to speak long on this because I think the bill speaks for itself. We are going to have a qualified person — being a statistician — to collect this data, analyse it and present it to the public in what will be, I am sure, a very factual matter from which we can all draw our views. With that I am pleased to commend this bill to the house.

**Mr McGUIRE (Broadmeadows)** — I rise to make a contribution to debate on the Crime Statistics Bill 2014, and Labor will not be opposing this bill. In fact, it will be good to have a statistician bringing these figures together so that we know and understand not just the rate of crime but also what our response as a community to looking at a crime prevention strategy is. I am interested in analysing what the different causes are — so that is done by getting the statistics firmly on the record and being able to analyse crime by location or social circumstance. This is really important so that we know and understand what the issues are, where they occur and what we need to do, not just in a punitive way to respond to crime, but in a preventative way to develop a preventative strategy.

This has been a cause that I have been interested in for a long period of time now. One of the critical issues that I have spoken about is the repeated way that we cannot get a coordinated strategy across the three tiers of government, business and civil society on how to help build communities and to get a better response to understanding what the circumstances are for various people within our community. This goes to having a whole-of-government strategy as well, so that we do not just have issues, say in my electorate in Broadmeadows, where two years ago \$25 million was cut from Kangan Institute, and that was the key TAFE provider for this community. This happened basically in the shadow of the Ford Motor Company's announcement that it would end its local production. That of course created part of the domino effect: Holden said it would go, and then Toyota did as well. We had a loss of jobs that were very important in my community. This has a ripple effect, and can affect the crime rate as well on a whole range of different social indicators. It is about how we look at this.

Any government that is in power should want to make cuts that are targeted and surgical and that do not have unintended consequences, if you like, in areas like mine. This occurred with the local learning and employment network (LLEN) that is the Hume Whittlesea LLEN; its funding was cut by the federal government — by the Abbott government. There is deep concern now from the Hume Whittlesea LLEN. I met with its key people in the Parliament yesterday, and they wanted to take me through the facts that they have been able to establish networks with employers and communities to try to make sure there are pathways so that people can get training, get jobs and have a better opportunity in life. This is the other side of being able to balance out these issues. Yes, we need to have an evidence-based response, but there also needs to be a preventive strategy that backs that up and particularly looks at the socioeconomic circumstances involved in these issues as well.

Now I will turn to looking at this bill. It will provide for the employment of a chief statistician, the Chief Commissioner of Police providing law enforcement data to the chief statistician, the publication of crime statistics, offences for unauthorised use and disclosure of information and the commissioner for law enforcement data to monitor crime data held by the Crime Statistics Agency. The bill provides that the Secretary of the Department of Justice may employ the Chief Statistician as well as, if necessary, consultants to assist in the performance of the chief commissioner's functions, which include to publish and release statistical information relating to crime in Victoria, to undertake research into and analysis of crime and

criminal justice issues and trends, and perform any other functions conferred under any other act. So the bill provides — —

**The ACTING SPEAKER (Mr McIntosh)** — The time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue his speech when the matter is next before the Chair.

**Business interrupted under sessional orders.**

## ADJOURNMENT

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

That the house now adjourns.

### **Bellarine Peninsula ambulance services**

**Ms NEVILLE (Bellarine)** — The matter I raise is for the Minister for Health. The action I seek is that the minister intervene urgently to reinstate two peak-period units and a properly resourced, accessible mobile intensive care ambulance (MICA) service on the Bellarine Peninsula. In the last three years Bellarine has seen its ambulance service undermined and cut back. Two peak-period units have been withdrawn. In September 2011 a unit was cut from the Ocean Grove station and another peak-period unit was withdrawn in December last year, this time from the Bellarine station in Drysdale. These units were taken out of Bellarine to prop up branches in other areas of Geelong. This has caused serious concern amongst local communities and paramedics working across the Bellarine Peninsula.

That concern has been heightened by the changed arrangements for the MICA service. At the same time as the peak-period unit was cut from the Ocean Grove station, the MICA service also lost a peak-period unit, reducing MICA resources for the Geelong and Bellarine areas. There will now no longer be any MICA service operating out of central Geelong; instead the service will be based in Belmont and Norlane. Anyone who knows the area and the issues of access to the Bellarine Peninsula from either Belmont or Norlane will know that this will add considerably to the time it takes for those MICA units to reach parts of Bellarine. These new arrangements effectively mean that Bellarine can no longer rely on having a properly resourced, accessible MICA service.

These cutbacks to the ambulance service make no sense given that the Bellarine is recognised as an area of population growth. It is increasingly popular with young families who see it as an ideal place to bring up

their children, but we have also got an increasing ageing population that relies significantly on health services that are provided either at the hospital or through ambulance services. The government is currently building a new ambulance station at Leopold. This is good, but this ambulance service — which was predicted to be open last December and is still not open — will only replace the services that have been taken out of Bellarine. It will not provide the additional services that are supposed to be there to meet the needs of the growing population.

It is vital that the minister intervene, as a matter of urgency, to have these two peak-period units and a properly resourced, accessible MICA service reinstated to meet the needs of the Bellarine's increasing numbers of residents, holiday-makers and tourists.

### South Melbourne Life Saving Club

**Mr SOUTHWICK** (Caulfield) — I rise to raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to visit with me the South Melbourne Life Saving Club and meet with the president, Nick Bass, the club captain, Alison Porter, and any other members, and also with the Liberal candidate for Albert Park, Shannon Eeles, to look at the club and at some of the options available to assist that club into the future.

This is a great club. It was first formed in 1876 as a swimming club and since then has had many transitions — it was a sea bath club in 1913 and in 1927 the lifesaving club was founded. The members who are part of it benefit from a whole range of different activities. They are able to undertake training in both competition and award skills, and part of their training allows them to achieve their bronze medallions. The club also has programs for nippers, cadets and seniors. It has been around, as I say, for a very long time and is a strong club within the area of Albert Park.

The minister visited with me the St Kilda Life Saving Club, which has just received some funding — in fact \$1 million — and I had the privilege of going along to its centenary celebrations. The club was very happy to receive \$1 million of funding, and along with the \$2 million provided by the local council it will ensure that there will be new facilities for the 100-year-old St Kilda Life Saving Club. The South Melbourne Life Saving Club is down the road and also has a huge tradition.

I know that the government has invested heavily in Life Saving Victoria, an organisation that does a terrific job in saving lives. It also provides swimming programs for

the many people, including from our culturally and linguistically diverse communities. It provides training to young people and offers them opportunities to engage in volunteering and support programs. Life Saving Victoria also offers first aid courses and the like.

The South Melbourne Life Saving Club is very important to the electorate. I know Shannon Eeles has been working very hard as a candidate for Albert Park. She is very committed to serving in that community that was neglected during 11 years of Labor. I am sure the St Kilda Life Saving Club would not have received its upgrade under the Labor government. When she is the new member for Albert Park after the election in November we will be able to ensure that other clubs in the area will also be supported. This is an opportunity for the minister to visit the South Melbourne Life Saving Club with me and Shannon Eeles, to meet with club members, to learn firsthand about what the club needs and to see what can be done to support this club into the future.

### School funding

**Mr HOWARD** (Ballarat East) — I raise a matter for the attention of the Minister for Education. I ask the minister to take action to make information available to parents, students, teachers and school principals which explains how the additional Better Schools funding, or Gonski funding, is being allocated across the state. Members of the education community in my electorate were excited to follow the outcomes of the Gonski review of education and to learn that the Gillard federal government was prepared to commit substantial funding to support better outcomes for schools across the country. Following the signing of an agreement between the Victorian government and the federal government in August last year, that level of excitement grew, and the education community was relieved when then opposition leader Tony Abbott promised to honour the agreement if he became Prime Minister. The agreement promised an additional \$12.2 billion of funding from the federal government, which was balanced by the state government's provision of an additional \$5.4 billion to support better outcomes in our schools across Victoria.

Sadly, as we know, the Abbott government has now agreed to fund only the first four years of the agreement, and I expect that the Minister for Education and the government will argue strongly for the federal government to honour the full six years of the agreement. Schools would have expected to receive substantial increases in their funding under the agreed Better Schools funding guidelines, but as yet they still do not understand how this funding is being delivered.

It is important that the minister clarify this matter. I have been talking to school principals and other members of school communities who are still unclear about how the Better Schools funding is going to be delivered to them and how they can plan better outcomes for their students and put in place the appropriate programs.

I ask the minister take action to provide clear information to the principals and school communities across my electorate, and I guess across the whole state, explaining where the Gonski money is, how it is being delivered and how they can plan for the future. It is clearly very important that this information be provided. The expectation is out there that schools will gain this additional funding, but they want to understand how this money is being distributed and how they can expect to spend it.

### Gas exploration

**Mr NEWTON-BROWN** (Pahran) — My adjournment matter is directed to the Minister for Energy and Resources. The action I seek is that a metropolitan public consultation process be held on coal seam gas and fracking. There are many people in Pahran who are greatly concerned about fracking and its impact on our pristine agricultural areas. It is appropriate that these people also have a say in the consultations currently being undertaken by the government.

To get the story straight, Labor's record is abysmal. It has never had a community consultation on fracking. When Labor was in power there were 73 licences for coal seam, shale and tight gas exploration, and 23 fracking operations were approved. The last time hydraulic fracturing occurred in Victoria was under a Labor government, and there has never been fracking in Victoria under a coalition government. Had the Liberal coalition not been elected in November 2010, no doubt fracking would still be occurring; however, a moratorium has been placed by the Napthine government on new exploration licences and hydraulic fracturing approvals. This has been in place since August 2012. There has also been an administrative ban on BTEX, or benzene, toluene, ethylbenzene and xylenes, in hydraulic fracturing since August 2012, and this will be legislated for as well.

The coalition government's priority is to protect regional and rural Victoria's food and fibre production, aquifers, prime agricultural land and general livability. The government is eager to hear the views of the community regarding onshore gas exploration and production. My view is that it is important for the

minister to hear the views of metropolitan Victorians as well, who are similarly concerned about the threats that fracking may pose to our environment.

The minister launched the onshore natural gas community engagement program on 30 April 2014. This consultation will be run by an independent facilitator, who will facilitate an informed and rational conversation on this very important issue. I encourage all parties to have a say through the consultation process.

There is a comprehensive and independent benchmarking study being undertaken on underground water resources, led by the Minister for Water. There will not even be consideration of the approval of work plans and operations for exploration drilling activities until these community consultations have concluded and more studies have been done. This is in the spirit of the current moratorium and to ensure consistency across the onshore natural gas sector. I note that the proposal from Lakes Oil to drill a new gas exploration well near Seaspray is also included in the moratorium.

The minister has already engaged in many pre-consultation meetings with numerous groups, including the Victorian Farmers Federation, the Minerals Council of Australia, the Committee for Gippsland, the Gippsland Local Government Network, Sustainable Boolarra, Friends of the Earth, the Great South Coast Group, the Municipal Association of Victoria, the Gippsland Alliance network and the Shire of Surf Coast. There will be many public consultations in rural Victoria, but I seek that the minister also set up a metropolitan consultation so that metropolitan Victorians, such as my constituents, can have a say.

### Strathfieldsaye Road–Club Court–Tannery Lane, Strathfieldsaye

**Ms ALLAN** (Bendigo East) — I raise a matter for the Minister for Roads, and the action I am seeking from the minister is that he urgently look into and upgrade the intersection of Strathfieldsaye Road, Club Court and Tannery Lane in Strathfieldsaye. This is an intersection the community is deeply concerned about, and it is understandable that it is concerned.

Strathfieldsaye is a growing community. The population has increased rapidly — by more than 50 per cent since 2006 — to around 8000 people today. There is also another significant subdivision of 600 lots in Strathfieldsaye, further along Strathfieldsaye Road, which is the main road into Bendigo, and there are a number of important facilities in proximity to this intersection. There is a significant primary school, a

kindergarten, a maternal health service on Club Court and a 98-place child-care facility close by, as well as major sporting facilities in the area.

A couple of years ago I met with representatives of the local community. Many of them were parents at the local primary school who were deeply worried about this dangerous intersection, the accidents and near misses many of them had been involved in or witnessed and the congestion many people had experienced. In response to these concerns the local community has formed a traffic management working party to address the need for more detailed and comprehensive planning for traffic in Strathfieldsaye.

In August 2013 community members made a submission at the government's community cabinet meeting, requesting funding for intersection upgrades, but that request fell on deaf ears. Community members and councillors at the City of Greater Bendigo have also written to the Minister for Roads and the Parliamentary Secretary for Transport asking for action in this area. Again their requests have fallen on deaf ears. The local primary school students recently petitioned the council to improve safety around the schools, so concerned are they about this intersection.

As an outcome of the Napthine government's absolute failure to respond to community concerns, the councillors at the City of Greater Bendigo have taken matters into their own hands and have voted to provide funds for a comprehensive traffic management plan for Strathfieldsaye. They have put forward \$50 000 of funding for a study in traffic management to do what the government will not. I commend the council on this action, but it is disappointing that it has had to do this because the Napthine government has failed to act. The council report headed *Traffic Management in Strathfieldsaye*, tabled at a recent council meeting, says:

A very important consideration is whether council deems it appropriate to itself initiate a shift of a state government cost burden onto ratepayers by funding any works or activities associated with improving traffic conditions on Strathfieldsaye Road.

Clearly action is needed in this area. Action is also needed around safer pedestrian crossings and footpaths in the area. We are seeking that the minister urgently look at upgrading this intersection. It is dangerous, it is congested and it needs to be improved.

### **Tatura ministerial visit**

**Mrs POWELL** (Shepparton) — The matter I raise is for the attention of the Deputy Premier and Minister for Regional and Rural Development. The action I seek

is for the minister to visit Tatura and meet with key local businesses and local community groups. Tatura is a small town in my electorate with a population of 4362. It is home to Tatura Milk Industries (TMI), a major business in my electorate. It is also one of the biggest employers in Tatura, employing about 370 people. TMI has previously received support from the Victorian coalition government in expanding its organisation and moving into international markets. It joined the delegation on Victoria's largest ever trade mission to the Middle East promoting its clean, safe and reliable dairy products. I think it would be very worthwhile for the minister to come and visit the company and see for himself the great work it is doing and the big investment this company is making to the local community.

Tatura also has a very strong community, and local residents are keen to pursue with the minister a number of initiatives. These initiatives are supported right throughout the community. One of the projects is the upgrade of the Tatura memorial garden in Mactier Park. The park is in the heart of Tatura, and an upgrade of the gardens will improve this space to make it an important place for members of the community to meet but also bring visitors to the town. The gardens will soon be the home of a statue of Private Robert Mactier, VC, the only person in the greater Shepparton area to be awarded the Victoria Cross.

I pay tribute to Mr Robert Mathieson, president of the Tatura RSL, to the other RSL members and to the broader community for their fundraising efforts to establish a memorial to Private Robert Mactier, who was posthumously awarded the Victoria Cross for most conspicuous bravery and devotion to duty on the morning of 1 September 1918 during the attack on the village of Mont St Quentin. There were a number of fundraisers for the statue, such as auctions. There was a limited edition framed photo of Private Mactier, together with his citation. There were 60 made, and I bought one. Mine is no. 44, and it is placed proudly in my electorate office.

Local residents and the Tatura RSL want to see improvements to the gardens to help make this a fitting place for people to come to pay tribute and their respects to Robert Mactier. I hope the minister will accept my invitation to visit Tatura to see firsthand some of the great initiatives in this town, to visit Tatura Milk Industries, to spend some time in the Tatura memorial gardens and to meet some of the wonderful members of the Tatura community.

### Non-contributory parent visa abolition

**Mr LIM** (Clayton) — My adjournment matter is for the Minister for Multicultural Affairs and Citizenship. The action I seek is for the minister to make urgent representation to his federal counterpart, the Minister for Immigration and Border Protection, on behalf of Victoria's ethnic communities to overturn his disgraceful and cruel stroke-of-a-pen decision to abolish the non-contributory parent visa category and other family visa categories. Not only was his decision unjust, the fact that insufficient notice was given to family members who were in the process of completing applications speaks of a government that has completely betrayed these people and our ethnic communities. This change is heartbreaking, and our hardworking low and middle-income migrants now have no prospects of reuniting with their parents in Australia unless they can hand over up to \$125 000 in application fees. This is just highway robbery.

The non-contributory parent visa reconnects parents with their children; it brings families back together. This decision will hurt people, place enormous stress on them and result in more family reunion visits rather than permanent settlement fulfilment. I would have thought that a conservative government in this country would want migrants to come here and settle and not think about their old country. Forcing people to have to go back and visit their aged parents is just making them loyal to their old country, and that is acting against the government's own conservative thinking. This is mere stupidity. What does this say to our migrants? It says that we do not value you and that you are not welcome. Or does it say that you are welcome, perhaps on a 457 visa, but your family is not, unless you can come up with a truckload of money or you are wealthy?

The federal minister does not realise he is violating the Universal Declaration of Human Rights, specifically article 16, section 3, which says that family units should not ever be separated. I want him to consult his legal adviser tomorrow and rethink this stupidity. The community that will be most affected is that of Chinese migrants, the Chinese community, because each parent has one single child and they are being separated. Beware, there are over 1 million of them in this country, and they are not going to take this lying down, because it is insulting their contribution to this country. They want to be a part of this country, but this stupid conservative government in Canberra has decided that it does not want to welcome them. We are making them feel so unwelcome and making their lives so miserable that they want to go back. Their money goes back to China, not to Australia — what sort of stupid government wants that?

### Forest Hill electorate sporting facilities

**Mr ANGUS** (Forest Hill) — I raise an important adjournment matter for the attention of the Minister for Sport and Recreation. The action I seek is that the minister visit the electorate of Forest Hill to inspect a range of sporting facilities in the electorate and gain an understanding of the needs of its sporting groups. Residents in the electorate of Forest Hill are very blessed to have a wide range of sporting facilities. We are privileged to be well serviced, with an extremely large number of sporting options available to residents. Within the electorate of Forest Hill there are over 55 sporting clubs and associations representing some 20 different sports, including football, netball, soccer, tennis, equestrian, table tennis, cycling, swimming, lawn bowls, cricket, basketball, golf, bocce, athletics and baseball. Residents of Forest Hill are very fortunate to have such a wide range of sporting options to choose from and many good local facilities available to allow them to participate in these sports.

The coalition government continues to be a very strong supporter of local sport and seeks to increase participation in sport at all levels, both on and off the field. The benefits of regular involvement in sport to both the health of an individual and the health of the broader community are well recognised. This is something that this government strongly encourages. Most of the sporting groups in Forest Hill are run by teams of dedicated volunteers who are committed to serving their members and keeping their clubs going. The tireless work put in by these countless volunteers is to be heartily commended.

I welcome the opportunity to meet with the Minister for Sport and Recreation. I look forward to the minister's visit and the chance for him to view some of the sporting facilities in the electorate of Forest Hill and to gain an understanding of the needs of sporting groups within the electorate.

### Wimmera Development Association

**Mr DELAHUNTY** (Lowan) — The matter I raise tonight for the attention of the Deputy Premier and Minister for Regional and Rural Development is that I ask him to consider and support, under the coalition government's \$1 billion Regional Growth Fund, a project to attract new business and investment to the Lowan electorate and, in this instance, to the Wimmera Southern Mallee region. In western Victoria we have the Wimmera Development Association, which covers five councils: Horsham Rural City Council, Northern Grampians Shire Council, Yarriambiack Shire Council, Hindmarsh Shire Council and West Wimmera Shire

Council. The Wimmera Development Association is driving an important project that will create promotional material to bring new businesses and investment to our region.

The Wimmera Development Association is the peak economic development association for our region, and it supports existing local businesses as well as promoting opportunities for interested investors and potential new businesses. There is an opportunity in our region to attract new small businesses and agribusinesses. As we know, agriculture has a big bearing on our economic and employment fortunes, so we need to capitalise on those not only for the sake of value adding but for the importance of jobs.

This project will help to address issues that our region is experiencing in relation to skill shortages and declining population. The project the association is seeking support for has the backing of the local councils and other groups in the region, and it will take a region-wide approach to promoting the Wimmera Southern Mallee area. The project will involve the development of targeted case studies featuring local success stories and the creation of promotional material. Importantly, it will also monitor the success of such measures and provide access to the outcome of future learnings.

As you know, Acting Speaker, the coalition government is already undertaking a number of initiatives to help drive population growth and investment in our regions. The Regional Victoria Living Expo, which I have attended each year it has been on, provides an ideal opportunity for local councils and communities to promote their regions and attract new residents and businesses. It is great to see local organisations such as the Wimmera Development Association expand on that through its driving of projects such as this specifically to target new businesses and, importantly, investment.

I believe this is a great local project that will bring important economic benefits to our region, and I ask the minister to consider supporting this project under our \$1 billion Regional Growth Fund. The Wimmera Development Association is very fortunate to have the support of the Ace Radio broadcasters as a valued patron, but also to have the support of Grampians Wimmera Mallee Water and Telstra Country Wide. As I said before, it is the peak economic development organisation supporting local businesses and promoting shopping regionally.

### **Sandringham electorate technology businesses**

**Mr THOMPSON** (Sandringham) — The matter I raise is for the Minister for Technology, and the action I seek is for the minister to meet with a range of technology and business innovators and leaders, a number of whom are involved in start-up organisations. It is interesting to follow the member for Lowan, too, because I know there is a business within his electorate that supplies product to the world that started through technology, where orders are placed in Horsham and are distributed through the mail network around the world.

Likewise, in Sandringham there are some outstanding businesses that provide products to the world. One leading business of note was known as Leigh Mardon when I was first elected to Parliament, and it now has the name principally of the ABnote company. Every member in this chamber would have an ABnote product on their person. The company is involved in supplying drivers licences, security documentation and other products. A distinguishing feature in the development of this business is its continuing use and application of technology to drive competitive market advantage. Also, historically, there was great work undertaken through TED Engineering at the time, which did the design tooling for the Boeing 777. It involved the use of automated toolmaking and engineering design and used the latest computer technology.

Thirty-five years ago I met a lady out at Winlaton who made the remark that technology was going to change the world and the silicon chip was going to change the world. It is remarkable to see the changes that have been wrought and are seen in Melbourne today at places like Inspire9 and through businesses such as Envato Elite. There are local entrepreneurs who are galvanising the intellectual giftedness and skills of young Melbourne IT engineers, designers and innovators and providing services and products globally.

One local business, Envato, which is described as a 'bootstrapped Australian company that operates an ecosystem of sites with a global community', works with the web and enables creators to make a living. It makes websites that enable people from all over the world to change the way they earn and learn online. By building structures it enables people from places as diverse as Vienna through to Peru to a range of other countries and provides a framework where people can deliver services to the world from whatever country they are in. This is really a pathway to the future and, whether you are based in Horsham or in Sandringham,

they are amazing changes that are being driven. What I seek is for the minister to meet with a number of the designers and innovators.

### Responses

**Mr RYAN** (Minister for Regional and Rural Development) — The member for Shepparton has invited me to visit the community of Tatura in her electorate in northern Victoria. I have spent time in Tatura before. Indeed during my very non-illustrious footballing career playing for Shepparton United under-18s about 1000 years ago I can remember galloping around the Tatura oval trying to get a kick, most of the time unsuccessfully. That said, I know what a very important community this is to the city of Greater Shepparton and to the member's electorate. I would be delighted to accept the invitation to visit in the near future; indeed I hereby do so.

As the member outlined, Tatura Milk Industries is a very important business in her region. I have had the pleasure of visiting the organisation before. I understand the role that the business plays as an employer and also the central role it plays in the region's dairy industry.

The member also mentioned the community project at the Tatura memorial gardens and the redevelopment there. The park is in the heart of the town, and the erection of a statue of Private Robert Mactier, VC, is planned for the area. Private Mactier is the only person from the area to have been awarded the Victoria Cross. A statue in the redeveloped memorial gardens will be a fitting tribute to him and provide a very important space for the community and visitors alike to pay their respects. Accordingly I welcome the opportunity to visit the park and consider what support the government may be able to offer to assist with the project. This is one of those issues which is very appropriate for the Regional Growth Fund, and I would anticipate being able to do something constructive to bring about a positive outcome in terms of this very important project. I look forward to joining the member for Shepparton in Tatura in the near future.

The member for Lowan raised with me a matter regarding support for a project to drive business and investment attraction in the Wimmera-Southern Mallee region. As the member outlined, the Wimmera Development Association is looking to drive such outcomes through the development of promotional material and targeted case studies featuring local success stories. This sounds like a terrific project. It builds on much of the broader work that the government is doing to drive population growth and

bring new businesses and investment into the regions and rural areas of Victoria.

The member for Lowan mentioned the Regional Victoria Living Expo. It was a wonderful success again this year. Some 9600-plus people came through the doors. There were about 145 exhibitors. All of the 48 rural and regional councils were represented. The expo was a magnificent couple of days. It is a key plank in our strategy to encourage Melburnians to move to the regions.

We have heard many success stories following the event, including one in the member's electorate. A couple visited the Southern Grampians shire the week after the expo and have already bought a house and moved to Branxholme. It is stories like this which show the benefit of the work to promote the opportunities that our regional and rural communities have to offer, not only in a lifestyle sense but also for local businesses and the economic value such initiatives bring to the community.

That is why projects like the one the member for Lowan has referred to are the kinds of projects that can be supported through our \$1 billion Regional Growth Fund. As the house knows, all applications for funding are subject to the appropriate departmental consideration and rigour and are assessed on their merits. I can assure the member that any application for this project will be given due consideration, and I hope to be able to keep him posted on any developments in the near future.

**Mr WELLS** (Minister for Police and Emergency Services) — I thank the member for Caulfield for asking me to visit the South Melbourne Life Saving Club with the Liberal candidate for Albert Park, Shannon Eeles, who has done an outstanding job. This government has a proud record of upgrading lifesaving clubs. In 2010 we committed \$6 million to upgrade lifesaving clubs, and some of that money has been spent on the Dromana Bay Life Saving Club, the Carrum Surf Life Saving Club and the Fairhaven Surf Life Saving Club, which I was very proud to open. We have already got money put aside for the Mount Martha Life Saving Club. Just recently we have put \$1 million towards the Mordialloc Life Saving Club.

I was interested to see a *Herald Sun* headline from June 2011 stating that the St Kilda Lifesaving Club would close unless it was given a lifeline. It is ironic that the lifesaving club in St Kilda is in the state seat of Albert Park, which was held by Labor for the 11 years it was in government. Not one cent was committed by the state Labor government to the St Kilda Lifesaving

Club. It was so bad that the club was going to have to close because it was in such disarray. The club was neglected by the Labor member for Albert Park for the entire 11 years Labor was in government. It was a disgraceful situation.

It took the Napthine government to step in and make a \$1 million commitment to sort out the dreadful mess at the St Kilda Lifesaving Club. I pay great tribute to the member for Caulfield, who kept pushing this. I also acknowledge the great work of Shannon Eeles, who joined me in Albert Park on Saturday night to make that fantastic announcement. This is another great example of the Napthine government delivering not just for lifesaving but also for the people of Albert Park, who were left high and dry by the Labor government.

With that said, I look forward to visiting the South Melbourne Life Saving Club with both the member for Caulfield and the Liberal candidate for Albert Park to see what can be done about this important lifesaving club.

**Mr NORTHE** (Minister for Energy and Resources) — It gives me great pleasure to rise to address the important matter raised by the member for Prahran with respect to onshore natural gas and the community engagement program currently being undertaken by the coalition government. By way of history, it is important to understand — and I am sure the member for Prahran understands this — that during the course of the 2000s onshore natural gas was a fledgling industry. It was espoused by the Labor Party and the Labor government of the day, which allocated 73 licences for coal seam, tight and shale gas and also approved 23 fracking operations. The last time any hydraulic fracturing occurred it was approved by the Labor Party.

Once the coalition government was anointed it made a number of announcements with respect to onshore gas development in Victoria. We have made sure that there is a ban on fracking until July 2015. There is also a ban on new exploration licences containing coal seam gas until July 2015. Other activities that we have undertaken include the commissioning of the Gas Market Taskforce report, and that was delivered to government in November 2013. We have accepted a number of the recommendations and findings of the Reith report. We are yet to accept others at this stage.

We are going through this process slowly in order to understand not only the science but also the community and industry feedback with respect to onshore gas development in Victoria. This is an important industry, but at the same time we need to have regard to our

farming sector and community groups and to make sure that we better understand our watertables and aquifers as part of that.

In April I was pleased to be in Torquay to announce a community engagement program which is being facilitated by the primary agency. It is now out and about within the community making sure not only that we are providing accurate and up-to-date information to the community and individual landowners within it but also that they have an opportunity to provide feedback to government. Industry has an opportunity to provide that feedback as well. We have also set up a website, on which there is relevant information and an opportunity for people to provide feedback. That website is at [naturalgasinfo.vic.gov.au](http://naturalgasinfo.vic.gov.au).

An important element of the community consultation is also ensuring that Geoscience Australia is doing some work with respect to watertables and aquifers. We know that the farming community across Victoria is particularly keen to understand the potential impacts of the onshore natural gas industry on the watertables, and Geoscience Australia is doing that work. In his contribution the member for Prahran referred to a number of organisations and groups that we have already met with, and that I have met with personally, including the Victorian Farmers Federation, the Minerals Council of Australia, the Gippsland Alliance network, the Municipal Association of Victoria and a number of local groups and organisations that have an interest in onshore gas development in Victoria.

We are now in the middle of June and the facilitators are out consulting with community members, both individuals and groups, across Gippsland. We have already had sessions in Warragul and Sale, in Bairnsdale today, Yarram tomorrow, Inverloch next week and then moving west to Torquay, Casterton, Terang and Colac — a number of communities that have an interest in onshore gas development.

With respect to the member's question about whether a consultation session will be undertaken in metropolitan Melbourne, I can assure the member that that will be the case, and I will provide him with further details once they are to hand. I assure him that these consultation sessions will be held across Victoria where communities wish to have such sessions. I assure the member that Melbourne will also have such a session, and I will advise the house of those details once they are to hand.

**Mr DIXON** (Minister for Education) — The member for Ballarat East asked me to elaborate on the school funding agreement and what it means for

Victorian schools, and I am more than happy to do that so he can pass this information on to schools in his electorate.

Members may recall that when the response to the Gonski panel was first mooted the opposition and the Australian Education Union asked us to sign up immediately. They said, 'There's all this money. You've got to sign up immediately'. Unfortunately the immediate plan we were asked to sign up to would have meant that 500 schools, mainly government schools, would have had reductions in funding. Schools in the Ballarat East electorate would have had less money if we had signed up when the member and his party wanted us to sign up. I was not prepared to do that to schools in Ballarat East so we drove a hard bargain with the two Labor federal governments of the time and ended up with an agreement worth \$12.2 billion over six years, with \$5.4 billion coming from the state government.

Then there was a change of federal government with the coalition government being elected last year. That government then said, and this was reiterated and confirmed in this year's federal budget, that funding would only be available for four years. I have already been standing up to the federal government for Victorian schools on the final two years of funding because that is when most of the federal funding was to flow through. In fact I stood with Labor ministers, a Greens minister and a Nationals minister at a press conference urging the federal government to honour the six-year deal because we did not sign it with a Labor government; we signed it with the Australian government. I can assure the member that the Victorian government will see the agreement through no matter what the federal government might do. Our \$5.4 billion over six years will be allocated to Victorian schools.

Where is the funding going? An example of where the extra money is going is in this year's budget where it was announced that \$9.2 billion — a record amount — will be going into Victorian schools, which is up from \$8.8 billion in the previous budget. There is an extra \$400 million going to Victorian schools. When you look at the last budget of the previous government, \$1 billion more has been going into schools in Victoria in the four years that we have been in government. A more specific example of where the extra funding is going is the \$170 million to fund low-socioeconomic schools in this year's budget. That has always been an important part of the funding agreement, and we are honouring that. In fact in question time yesterday I outlined \$305 million that has been provided in this year's budget for a program for students with a

disability and also the transport needs of those students. The member for Forest Hill asked me that question.

This year schools received the largest non-wage indexation increase for probably more than 10 years. Schools have started to reap the rewards even though the actual funding was mainly back-ended for years 5 and 6. The extra money we had on the table is already flowing through to schools. Schools will be learning about their school resource package for 2015 in around September this year, and obviously schools will have further details regarding their funding for 2015 then.

**Mr MULDER** (Minister for Roads) — The member for Bendigo East raised an issue with me in relation to the Strathfieldsaye Road, Club Court and Tannery Lane intersection in Strathfieldsaye. If I recall rightly, I visited this location when I was in opposition. At the time it was raised with me I think the member for Bendigo East was a minister in the Labor government. I came into this place in 1999, and I think the member for Bendigo East came in at about the same time, so it appears that this intersection has been neglected for a very long time. In fact an upper house member for Northern Victoria Region, Wendy Lovell, recently raised the issue of this intersection with me.

I know that in the past I have received correspondence on the issue, and as we always say these matters are funded in accordance with a priority list. There are a number of ways in which they are funded. If there are significant road safety issues, they are projects that can be picked up under our \$1 billion Safer Roads Infrastructure program, where we work with the Transport Accident Commission to identify dangerous locations with an accident history or the potential for a serious accident to occur. We are prepared to have another look at this intersection. As I said, Wendy Lovell, who is the Minister for Housing, recently raised this issue with me.

Interestingly enough I went back — when issues are raised with me I always have a look at *Hansard* — to see whether this has been aired in the past. I went back as far as I could on the *Hansard* searchable database, and I could not find any example of the member for Bendigo East having raised this matter in the house. I had a look for 'Great Ocean Road', and it came up with 45 mentions. I am not sure; perhaps I missed it. I just had a quick look to see if 'Strathfieldsaye Road' had come up and whether or not it had been raised by the member. If it had been raised, particularly when the member was in government, I would have thought something would have been done around the cabinet table.

It is fair to say that when you visit Bendigo today you can look at the investments we are making. A beautiful new hospital is being built. The \$86 million Ravenswood intersection, funded by contributions from both the federal and state governments, is another project left behind by the Labor government. More recently I was out at the site where we are building the new \$7.6 million Epsom railway station, and we are getting very close to concluding the \$4.8 billion regional rail link project, which is \$900 million under budget. When that project is completed the people of Bendigo will have a dedicated set of tracks all the way into Melbourne. That project is running very well ahead of time, and there is a possibility that the people of Bendigo may have their own dedicated set of tracks prior to the end of this year, which would be fantastic. As I said, the project is well and truly ahead of time and is \$900 million under budget.

We will go back and have another look at this intersection in Strathfieldsaye. We will have a discussion with VicRoads. If the Greater Bendigo City Council puts some money into a traffic plan for this location, I will be more than happy to sit down and have a discussion with it on the matter. I will get back to the member and also to Wendy Lovell in the other place once we have concluded those discussions and negotiations.

**Mr WAKELING** (Minister for Higher Education and Skills) — The member for Bellarine raised a matter for the Minister for Health regarding two peak-period ambulance units in the Bellarine electorate. I will pass it on to the relevant minister.

The member for Clayton raised a matter for the Minister for Multicultural Affairs and Citizenship, and I believe that item related to family reunion visas. I will refer that matter to the relevant minister.

The member for Forest Hill, a very hardworking member in the house, raised a matter for the Minister for Sport and Recreation requesting the minister meet with various sporting clubs within his electorate. I will pass that on.

The member for Sandringham raised a matter for the Minister for Technology requesting that the minister meet with relevant technology and other innovative businesses in his electorate. I will ensure that is passed on as well.

**The ACTING SPEAKER (Mr McIntosh)** — Order! The house stands adjourned until tomorrow morning.

**House adjourned 10.50 p.m.**

**Wednesday, 11 June 2014**

**JOINT SITTING OF PARLIAMENT**

**Legislative Council vacancy**

**Honourable members of both houses met in  
Assembly chamber at 6.16 p.m.**

**The Clerk** — Before proceeding with the business of this joint sitting it will be necessary to appoint a Chair. I call the Premier.

**Dr NAPTHINE** (Premier) — I move:

That the Honourable Bruce Atkinson, President of the Legislative Council, be appointed Chair of this joint sitting.

He is willing to accept the nomination.

**Mr ANDREWS** (Leader of the Opposition) — I second the motion.

**Motion agreed to.**

**The CHAIR** — I draw the attention of honourable members to the extracts from the Constitution Act 1975 which have been circulated. It will be noted that the various provisions require that the joint sitting be conducted in accordance with rules adopted for the purpose by members present at the sitting. The first procedure, therefore, will be the adoption of rules.

**Dr NAPTHINE** (Premier) — Chair, I desire to submit rules of procedure, which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

**Mr ANDREWS** (Leader of the Opposition) — I second the motion.

**Motion agreed to.**

**The CHAIR** — The rules having been adopted, I now invite proposals from members for a person to occupy the vacant seat in the Legislative Council.

**Dr NAPTHINE** (Premier) — I propose:

That Ms Margaret Lewis be chosen to occupy the vacant seat in the Legislative Council.

She is willing to accept the appointment if chosen. In order to satisfy the joint sitting as to the requirements of section 27(4) of the Constitution Act 1975, I also advise the house that Ms Lewis is the selection of the Australian Labor Party, the party previously

represented in the Legislative Council by the Honourable Candy Broad.

**Mr ANDREWS** (Leader of the Opposition) — I second the proposal.

**The CHAIR** — Are there any further proposals?

As there are no further nominations, I declare that nominations are closed.

**Motion agreed to.**

**The CHAIR** — I extend congratulations to Ms Margaret Lewis.

*Honourable members applauded.*

**The CHAIR** — I formally declare that Ms Margaret Lewis has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly.

**Victorian Responsible Gambling Foundation**

**The CHAIR** — The second purpose of tonight's sitting is to elect a member for appointment to the board of the Victorian Responsible Gambling Foundation.

While joint standing orders 19 to 22 apply to this joint sitting, there is no joint standing order to cover the nomination of a member to the board. Therefore the first matter to consider is the adoption of rules.

**Dr NAPTHINE** (Premier) — I move:

That the rules for nominations, which are in the hands of members, be adopted.

**Motion agreed to.**

**The CHAIR** — I now invite proposals from members with regard to a member to be elected to the board of the Victorian Responsible Gambling Foundation.

**Dr NAPTHINE** (Premier) — I propose:

That Ms Maree Edwards be elected to the board of the Victorian Responsible Gambling Foundation.

She is willing to accept the appointment if chosen.

**Mr ANDREWS** (Leader of the Opposition) — I second the proposal.

**The CHAIR** — Are there any further nominations?

There being no further nominations and as only one member has been proposed, I have pleasure in

declaring that Ms Maree Edwards is elected to the board of the Victorian Responsible Gambling Foundation.

*Honourable members applauded.*

**The CHAIR** — As the two matters that the joint sitting was required to deal with have been completed, I close the joint sitting and thank members for their attendance.

**Proceedings terminated 6.21 p.m.**

