

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 3 September 2015**

**(Extract from book 12)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

The Honourable LINDA DESSAU, AM

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

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



**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**Speaker:**

The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

**Acting Speakers:**

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny,  
Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,  
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

**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 A. Young

*Parliamentary Services* — Secretary: Mr P. Lochert

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

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>1</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>2</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Brooks, Mr Colin William	Bundoora	ALP	Noonan, Mr Wade Matthew	Williamstown	ALP
Bull, Mr Joshua Michael	Sunbury	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David <sup>3</sup>	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Clark, Mr Robert William	Box Hill	LP	Paynter, Mr Brian Francis	Bass	LP
Couzens, Ms Christine Anne	Geelong	ALP	Pearson, Mr Daniel James	Essendon	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pesutto, Mr John	Hawthorn	LP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dixon, Mr Martin Francis	Nepean	LP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>4</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Koroit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

<sup>1</sup> Resigned 3 September 2015

<sup>2</sup> Resigned 3 September 2015

<sup>3</sup> Elected 14 March 2015

<sup>4</sup> Resigned 2 February 2015

**PARTY ABBREVIATIONS**

ALP — Labor Party; Greens — The Greens;  
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

## Joint committees

**Accountability and Oversight Committee** — (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.  
(*Council*): Ms Bath, Mr Purcell and Ms Symes.

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O’Brien, Mr Pakula, Ms Richardson and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

**Economic, Education, Jobs and Skills Committee** — (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Nardella and Ms Ryall.  
(*Council*): Mr Elasmarr and Mr Melhem.

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

**Environment, Natural Resources and Regional Development Committee** — (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward. (*Council*): Mr Ramsay and Mr Young.

**Family and Community Development Committee** — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed. (*Council*): Mr Finn.

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

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

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

**Public Accounts and Estimates Committee** — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing.

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



# CONTENTS

## THURSDAY, 3 SEPTEMBER 2015

### RESIGNATION OF MEMBERS

*Members for Polwarth and South-West Coast* ..... 3099

### BUSINESS OF THE HOUSE

*Notices of motion* ..... 3099

*Adjournment* ..... 3099

### PETITIONS

*St Leonards roads* ..... 3099

*Indian cultural precinct* ..... 3099

DOCUMENTS ..... 3099

### MEMBERS STATEMENTS

*Knox multistorey developments* ..... 3099

*Knox Central Primary School* ..... 3100

*Ferntree Gully electorate bowls clubs* ..... 3100

*Electorate office staff* ..... 3100, 3105

*Bendigo protests* ..... 3100

*Hume region youth employment* ..... 3100

*Workplace learning coordinators* ..... 3100

*Chandler Highway bridge* ..... 3101

*Osborne Primary School* ..... 3101

*Barwon Heads Primary School* ..... 3101

*Graeme Brown* ..... 3101

*Public holidays* ..... 3102

*Port of Hastings Development Authority* ..... 3102

*Shepparton Chamber of Commerce* ..... 3102

*Lara Primary School* ..... 3102

*Lara electorate bus services* ..... 3102

*Lara and Geelong business awards* ..... 3102

*Western Victoria mental health services* ..... 3103

*Nhill Learning Centre* ..... 3103

*Kevin Stark* ..... 3103

*Stephanie Grassie* ..... 3103

*International visitor survey* ..... 3103

*Members for South-West Coast and Polwarth* ..... 3103

*Debney Meadows Primary School* ..... 3104

*Abubeker Mohamed* ..... 3104

*Wear It Purple Day* ..... 3104

*Maryborough Education Centre* ..... 3105

*St Arnaud Secondary College* ..... 3105

*Jenny Davis* ..... 3105

*Geelong Business Excellence Awards* ..... 3106

*Araluen Centre* ..... 3106

*Caroline Springs railway station* ..... 3106

*1st Caroline Springs Scout Group* ..... 3106

*Kirsty Sword Gusmao* ..... 3106

### LOCAL GOVERNMENT AMENDMENT (IMPROVED GOVERNANCE) BILL 2015

*Statement of compatibility* ..... 3107

*Second reading* ..... 3109

### FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015

*Second reading* ..... 3112, 3129, 3169

*Third reading* ..... 3169

LEGACY WEEK ..... 3120

ABSENCE OF MINISTERS ..... 3120

### QUESTIONS WITHOUT NOTICE and MINISTERS

#### STATEMENTS

*Public transport strikes* ..... 3120

*Ministers statements: motor neurone disease* ..... 3121

*Electorate office staff* ..... 3121, 3122, 3123, 3124, 3125, 3126

*Ministers statements: Office of Living Victoria* ..... 3122

*Ministers statements: renewable energy* ..... 3124

*Ministers statements: Murray Basin rail project* ..... 3125

*Ministers statements: economy* ..... 3126

### SUSPENSION OF MEMBERS

*Members for Hawthorn and Frankston* ..... 3126

### CONSTITUENCY QUESTIONS

*Caulfield electorate* ..... 3126

*Yan Yean electorate* ..... 3127

*Morwell electorate* ..... 3127

*Geelong electorate* ..... 3127

*Brighton electorate* ..... 3127

*Pascoe Vale electorate* ..... 3127

*Melbourne electorate* ..... 3128

*Bentleigh electorate* ..... 3128

*Bass electorate* ..... 3128

*Brunswick electorate* ..... 3128

### INFRASTRUCTURE VICTORIA BILL 2015

*Council's amendments* ..... 3135

### HEAVY VEHICLES LEGISLATION AMENDMENT

#### BILL 2015

*Second reading* ..... 3144

*Third reading* ..... 3168

### NATIONAL ELECTRICITY (VICTORIA)

#### AMENDMENT BILL 2015

*Second reading* ..... 3168

*Third reading* ..... 3168

### RACING AMENDMENT BILL 2015

*Second reading* ..... 3169

*Circulated amendments* ..... 3169

*Third reading* ..... 3169

### ADJOURNMENT

*Melba College* ..... 3169

*Patterson River dredging* ..... 3169

*Dendy Village shopping centre* ..... 3170

*Aviation skills training* ..... 3170

*Sandringham electorate child care* ..... 3170

*Eltham electorate small business* ..... 3171

*Warburton Mountain Bike Hub* ..... 3171

*Oakleigh-Carnegie RSL* ..... 3172

*Goulburn Valley Health* ..... 3172

*Kyneton Football Netball Club* ..... 3173

*Responses* ..... 3173



**Thursday, 3 September 2015**

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

**RESIGNATION OF MEMBERS****Members for Polwarth and South-West Coast**

**The SPEAKER** — Order! I wish to announce that today I received the resignations of the members for Polwarth and South-West Coast.

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

**The SPEAKER** — Order! Notices of motion 1 to 10 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

**PETITIONS****Following petitions presented to house:****St Leonards roads**

To the Legislative Assembly of Victoria:

The petition of St Leonards Progress Association Inc. on behalf of the residents of St Leonards, Victoria, 3223, electorate of Bellarine in the state of Victoria, draws to the attention of the house the poor condition, narrow width and dangerous, damaged, uneven and unsafe surface of sections of the roads within the township of St Leonards, in particular the roads leading into and through St Leonards, namely The Esplanade, the Drysdale-St Leonards Road (Murradoc Road), and the Portarlinton-Queenscliff Road.

The petitioners therefore request that the Legislative Assembly of Victoria direct the repair of the rough, uneven and unsafe sections of the roads so as to render them safe for vehicular traffic, and where possible the widening of the said roads for safe traffic.

**By Ms NEVILLE (Bellarine) (483 signatures).**

**Indian cultural precinct**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria from western suburbs of metropolitan Melbourne, draws to the attention of the house that the western suburbs of Melbourne have more than 10 000 persons of Indian origin. The community needs an Indian cultural precinct in Wyndham to showcase Indian culture and to meet at a common place. Wyndham is the fastest growing council in Victoria and has got a large area of nearly 550 square kilometres to house the precinct at a suitable location. Apart from adding to the multicultural fabric of Wyndham, the cultural precinct will also be a major tourist attraction. The location of the council on the M1 will

be an added advantage to showcase the cultural precinct to tourists travelling on the busiest tourist route in Victoria.

Western suburbs have got no representation in the Indian Cultural Precinct Advisory Panel. We fear that the community will not be heard and the decision will be made in favour of south-eastern suburbs. The advisory panel already has members who have conflict of interest with another location pitching for the precinct.

The petitioners, therefore request the Legislative Assembly of Victoria to consider and choose Point Cook, or East Werribee, or any other suitable location in Wyndham City Council for the Indian cultural precinct in Victoria.

**By Ms GREEN (Yan Yean) (218 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Bellarine be considered next day on motion of Ms COUZENS (Geelong).**

**DOCUMENTS****Laid on table by Clerk:**

Ombudsman — Conflict of interest by an Executive Officer in the Department of Education and Training — Ordered to be published

*Subordinate Legislation Act 1994:*

Documents under s 16B in relation to the *Public Holidays Act 1993* — Easter Sunday and the Friday before the AFL Grand Final Public Holidays

*Terrorism (Community Protection) Act 2003* — Report 2013–14 under s 21M.

**BUSINESS OF THE HOUSE****Adjournment**

**Ms ALLAN (Minister for Public Transport) — I move:**

That the house, at its rising, adjourns until Tuesday, 15 September 2015.

**Motion agreed to.**

**MEMBERS STATEMENTS****Knox multistorey developments**

**Mr WAKELING (Ferntree Gully) —** Residents in Knox are gravely concerned at potential calls by this government for the development of multistorey developments. I raised this issue with my community, and over 1000 people have responded to me expressing their concern about this potential development occurring under this government. This government

needs to listen to the concerns of the Knox community and rule out any multistorey developments throughout our community.

### **Knox Central Primary School**

**Mr WAKELING** — I take this opportunity to congratulate Charles Spicer, principal of Knox Central Primary School, and all the staff and students for the school's 50th anniversary. Building on the work that was done by Studfield Primary School and other schools in the community, this is a great school and I congratulate all involved.

### **Ferntree Gully electorate bowls clubs**

**Mr WAKELING** — I also take this opportunity to congratulate the Ferntree Gully and Boronia bowls clubs. I had the opportunity to attend their openings recently with the member for Bayswater. I look forward to both clubs participating in the annual Sir George Knox Bowls Tournament here at Parliament.

### **Electorate office staff**

**Mr WAKELING** — Serious allegations have been raised about the misuse of public funds, with electorate office budgets used to employ campaign workers instead of people working for respective members. This is an outrage. It is of great concern to the Victorian community. I call on the Premier to explain his position, and I call on every single member of the ALP to come clean and to rule out their misuse of public money through expenditure on campaign workers and people who were not working in their electorate offices.

### **Bendigo protests**

**Ms ALLAN** (Minister for Public Transport) — Bendigo is a wonderful city with a rich tradition of welcoming people; indeed our city exists because of the migrants who flocked from around the world in the 1850s to call Bendigo home. The vision that has been broadcast around the country and around the world of the protest in our city last Saturday has placed Bendigo in the spotlight in the most unpleasant way. The people who travelled to Bendigo last Sunday to preach the message of hate and intolerance do not represent me or the overwhelming number of people in the community.

It distresses me greatly that Bendigo's proud name is being stomped on by people who have no regard for respect, freedom of religion or tolerance — and I am alarmed that they are proposing another day out in Bendigo in a few weeks time. These people should stay home and stay away. Their protest has no place in Bendigo and will not change people's views. We will

continue to celebrate diversity. In response to the events of last Saturday, I thank Victoria Police for their good work in ensuring that the safety of the public was first and foremost in their minds and also for the work they did in coordinating activities with the City of Greater Bendigo.

I also acknowledge the ongoing role of the local media in presenting this issue in a very balanced and fair way. Most importantly I would like to thank the Bendigo community for staying away from these rallies and thereby continuing to reinforce the fact that they believe in respect and diversity, that we are a great city and that people should continue to remember that fact when we talk about the wonderful city of Bendigo.

### **Hume region youth employment**

**Ms RYAN** (Euroa) — There has been an alarming rise in youth unemployment across the Hume region, which includes my electorate of Euroa. Youth unemployment has increased to 18.7 per cent in Hume since Labor was elected, which is an increase of an astounding 5.5 per cent. This government is making life harder for young people who are struggling to find work. You only have to look at its crazy decision to create a new public holiday on the grand final parade day, which will see thousands of casual workers, many of them young people, lose their shifts.

### **Workplace learning coordinators**

**Ms RYAN** — I am dismayed that Labor has axed Victoria's workplace learning coordinators. These coordinators are aligned to the state's 31 local learning and employment networks and are responsible for helping some 50 000 young people studying vocational education and training in schools to connect with meaningful industry placements. Shane Crispin was one of the coordinators working with local schools, including Benalla college, FCJ College, EdSpace and the Centre community college. Without Shane's help, these schools will have to organise workplace learning themselves, taking valuable time away from teaching.

The coalition government understood the importance of aligning workplace learning with the needs of industry and local skill shortages. The work of these coordinators has resulted in a significant increase in the number, duration and quality of workplace learning placements, particularly for Koori, newly arrived, disabled and at-risk students, and the number of employers participating in the program has increased from around 8600 in 2011 to 12 500 last year.

### Chandler Highway bridge

**Ms RICHARDSON** (Minister for Women) — Members of this house know that the duplication of the Chandler Highway bridge is a key priority of mine and my community and of the Andrews Labor government. Prior to the last election Labor committed \$110 million to duplicate the Chandler Highway bridge and committed to fix a level crossing on Grange Road as part of plans to fix 50 of the most dangerous and most congested level crossings. Since then VicRoads has completed a range of investigative works and prepared possible routes and lanes for a prospective bridge. Works are also underway to plan for a new bike and pedestrian route along the river below the bridge because they form part of Melbourne's principal bicycle network.

In the coming weeks my community will inspect all the options prepared by VicRoads in order for them to provide feedback and comment. This is a significant project for my local community and one that has been campaigned on for a very long time. Plans that were developed when Labor was last in government were shelved by the Liberal government, just like the Melbourne Metro rail tunnel and so many other worthy infrastructure projects. Well not anymore! Labor is delivering on its commitment because we recognise that even without the Amcor development the existing bridge has well and truly gone past its use-by date. And most importantly we want to help the residents of my community to spend more time where they want to be and less time on a dangerous and congested road. This is a fantastic Labor project, planned by Labor, delivered by Labor, despite the army of opponents along the way.

### Osborne Primary School

**Mr MORRIS** (Mornington) — In February this year I raised with the Minister for Education by way of an adjournment matter the urgent need for building works at Osborne Primary School. I raised the matter in the light of the respective commitments of the coalition and the ALP to the school prior to last year's election. The coalition promised a minimum of \$960 000 towards works at the school, with a legitimate expectation that improving budgetary conditions would in fact allow a full rebuild. Labor in contrast promised nothing. In response to an adjournment matter the minister informed the house as follows:

I acknowledge the member for raising the issue of Osborne Primary School. I will get further information from the department with respect to that school ... I will ensure that Osborne is on my radar.

What has the minister delivered? He has delivered \$19 000. Perhaps it was a verbal briefing; perhaps he thought they said \$900 000. But it was not \$900 000, it was only \$19 000, which will be used to reinstate the 1970s pebble-mix cladding on the school's music room. I welcome the \$19 000 — every dollar puts the school closer to where it needs to be — but there is still a very long way to go.

The coalition recognised the needs of Osborne before the election with a \$960 000 commitment, which is 50 times the amount the school has received. We took our time, listened and understood the needs of the school. If the minister had done this, he would realise that the funding offered, given the school's genuine need, is nothing less than insulting. The minister must find the necessary funds and find them now.

### Barwon Heads Primary School

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — On Monday, 31 August, I had the pleasure of joining Her Excellency, the Honourable Linda Dessau, AM, Governor of Victoria, in presenting the 2015 Landcare Awards. The Landcare Awards are held every two years and recognise and celebrate the achievements of land carers across Victoria. I congratulate all award winners for 2015.

In particular I take this opportunity to congratulate Barwon Heads Primary School, which is in my electorate, on its award. Barwon Heads Primary School is a great school that is very much focused on protecting and enhancing both its local land and marine environments. The school received the Junior Landcare Team Award for its role in promoting the local environment campaign 'Let our Sea be Plastic Bag Free', including designing the branding for the project and continuing to support and spread the message.

In addition the school is also very focused on learning about the environment through workshops on litter, marine life and waterway health. This year students asked the business providing their lunch orders to do so in environmentally friendly bags. This eliminated nearly 10 000 plastic bags, and together with local traders plastic bag usage in the town has decreased by 23 per cent in the last eight months. Well done to all at Barwon Heads Primary School.

### Graeme Brown

**Ms NEVILLE** — I also congratulate Graeme Brown from the Bellarine Peninsula, who received a commendation in the individual awards. Graeme co-founded the Bellarine Landcare Group back in 1994

and since that time has worked hard to integrate sustainable farming with natural resource management. Graeme has committed an enormous amount of his time and energy to Landcare on the Bellarine. I again congratulate him on his work and also the work he does for the Bellarine Agricultural Show.

### Public holidays

**Mr BURGESS** (Hastings) — On 17 August the Australian Industry Group released a report on the impacts of the Premier's grand final eve public holiday. The key findings were that three-quarters, or 158 000, of the businesses surveyed are expected to close for the entire day, there will be \$1 billion in lost or deferred sales and closed businesses will be left with \$500 million in wages cost. The Premier's reckless decision will cost Victoria \$1.5 billion and will mean three out of four businesses are expected to close. The closure of 158 000 businesses means thousands and thousands of Victorians will lose pay because of the Premier's thought bubble.

### Port of Hastings Development Authority

**Mr BURGESS** — An opposition freedom of information request has revealed that the Andrews government has paid \$2.64 million to 17 workers made redundant from the Port of Hastings Development Authority. The development authority would have had a critical role in this project. These jobs should not have been lost because a second container port is critical for Victoria's economic future — —

**Mr Paynter** interjected.

**Mr BURGESS** — This is just another cruel blow for the Western Port community from this state government. Back in this year's state budget the Andrews government stripped the Port of Hastings Development Authority of all remaining money — some \$80 million from our community — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Essendon and the member for Bass are warned.

**Mr BURGESS** — Just nine months ago the port of Hastings was building a real future for our community and our state, already providing more than 100 jobs and preparing to provide many thousands more over the coming years. Victoria needs a second container port; it should be at Hastings, and it should happen now.

### Shepparton Chamber of Commerce

**Mr BURGESS** — On 26 August I was pleased to join my colleague Wendy Lovell, a member for Northern Victoria in the upper house, in meeting with Shepparton, Numurkah and Nathalia small business people and then addressing a Shepparton Chamber of Commerce networking evening.

### Lara Primary School

**Mr EREN** (Minister for Tourism and Major Events) — It has been an extremely busy month in my electorate of Lara, and I have had the pleasure of being involved in a number of meetings, celebrations and festivities with those in my community. I had the pleasure of speaking to local students about the importance of literacy at a school assembly during Book Week. I attended Lara Primary School's special assembly, where students gave public presentations in front of a filled stadium and discussed their classes' favourite books. It was wonderful to see so many classic Australian books still being loved in our classrooms today. Well done to Lara Primary School.

### Lara electorate bus services

**Mr EREN** — The Lara community is an extremely passionate one, and throughout the last few months I have discussed with my community new changes to the bus services in my electorate. Community members asked for a consultation meeting with Public Transport Victoria, which I organised accordingly. The consultations on public transport were a fantastic opportunity to address the issues relating to the changes that Public Transport Victoria has been implementing over the past few months.

### Lara and Geelong business awards

**Mr EREN** — I have also had the pleasure of celebrating the great business associations in the electorate at not one but two prestigious business awards nights. I had the pleasure of attending and speaking at the Lara District Business Awards and also attending the Geelong Business Excellence Awards. Both of those events prove that Lara, and more broadly the Geelong region, is a great place to invest in local business, and it was wonderful to see so many different industries represented at the awards. I would like to congratulate all the winners from the respective awards nights.

One of the greatest things about the Lara community is the diversity. People of all ages and from all different community sectors are celebrating their victories, I was

honoured to have been invited to celebrate with them and am deeply humbled to be able to represent them in this Parliament.

### **Western Victoria mental health services**

**Ms KEALY** (Lowan) — I wish to bring to the attention of the house the dire seasonal conditions in parts of western Victoria. The poor rainfall over the season means that crops are now at a critical point, with many producers expecting total crop failure unless a substantial rain event occurs very soon. This will have a significant financial and mental health impact. I am deeply concerned that mental health services in rural communities are not at an appropriate level to meet the demand for mental health support. After extensive representations to the state government and the generosity of local council, I am confident that mental health first aid train-the-trainer courses will occur in the southern Mallee in the near future. This is an investment that is likely to save many local lives. I strongly support the rights of country Victorians to access a reasonable level of health care and believe this mental health training will provide vital support to our food producers in an exceptionally difficult season.

### **Nhill Learning Centre**

**Ms KEALY** — Congratulations to Nhill Neighbourhood House learning centre on winning the prestigious title of Victorian community training provider of the year at the 2015 Victorian Training Awards. This recognition of the great local training opportunities Nhill Learning Centre offers its local community is well deserved. The tailored courses developed for our Karen community and the Karen language courses show that Nhill Learning Centre is willing to listen to the local people and ensure that they have access to the training opportunities they need. I am very proud of the achievement of the Nhill Learning Centre team. Well done, and keep up the great work.

### **Kevin Stark**

**Ms KEALY** — Congratulations to Kevin Stark of Lake Mundi, who was recently awarded the prestigious title of Australian Cattle Council rising champion. This award is not only a great reflection of the talent of our young farmers in western Victoria but obviously also a great credit to Kevin for his commitment to the beef industry. I look forward to hearing Kevin's views on how we can improve agriculture policy in Victoria.

### **Stephanie Grassie**

**Ms D'AMBROSIO** (Minister for Industry) — I recently had the pleasure of meeting with a constituent, Stephanie Grassie, who has physical disabilities impacting on her mobility. Mrs Grassie has installed a hoist for a mobility scooter in her car. Over three years her insurance premiums have risen significantly, and the cover of the hoist has been reduced. Not one to accept passively the loss of cover, Mrs Grassie shopped around and found an insurance policy which covered the car and the hoist adequately. Mrs Grassie also requires a number of physical aids, such as special gloves costing \$45 a pair and new crutches costing \$175. The gloves require regular replacement, as they wear out easily.

Having received a good deal on her insurance, Mrs Grassie is keen to make sure other people in similar situations can also get the same benefit. In my meeting with Mrs Grassie, she was more concerned about other people with disabilities rather than about her own situation. I am impressed greatly with Mrs Grassie's selflessness and determination to assist other people. Mrs Grassie has a number of ideas on ways to assist people with a disability and has invited me to attend a meeting of the Whittlesea Disability Network. I have undertaken to meet with the Whittlesea Disability Network as soon as practicable to hear about the needs of other people with a disability in my electorate. We need to constantly remind ourselves and others to see the person and not the disability, and Mrs Grassie provided me with that powerful reminder.

### **International visitor survey**

**Ms ASHER** (Brighton) — I wish to draw the house's attention to the results of an international visitor survey dated March 2015. Victoria has now overtaken Queensland for the first time as the no. 2 state in Australia for numbers of international visitors. Victoria received just over 2.2 million international visitors according to this survey, whereas Queensland received 2.19 million visitors. This is momentous news for Victoria and clearly sets out an agenda for the minister to maintain that momentum. China is our no. 1 market, and it is very important that campaign activities be undertaken into China. We have also seen a big increase in Indian visitors, partly due to the ICC Cricket World Cup, secured by the previous government. I would urge the minister to keep this momentum going.

### **Members for South-West Coast and Polwarth**

**Ms ASHER** — On a second issue, I congratulate the member for South-West Coast and the member for

Polwarth on their outstanding service to the state of Victoria over many years and indicate that I will certainly miss both of them. It is very lonely where I am at the moment. I wish them every success in their futures, both personally and in whatever profession they take up. They are two outstanding men with decades of outstanding service to the state of Victoria. I salute them, I congratulate them and I wish them well for the future.

### **Debney Meadows Primary School**

**Mr PEARSON** (Essendon) — Recently I had the great honour of farewelling the students of Debney Meadows Primary School in Flemington as they left on their first school camp, which was funded by the Andrews Labor government's school camps fund. A whirlwind of emotions accompanies a child's first school camp — joy, excitement, worry and a tinge of sadness in saying goodbye. The separation of parents and child on that first school camp is a rite of passage for many families.

However, for some families living in my electorate of Essendon school camps are unaffordable, and many children miss out. If these children have committed any sin, it is one where they simply lost the ovarian lottery and have lived their short lives in poverty and disadvantage. On Monday, 3 August, I was privileged to join Debney Meadows Primary School parents and teachers as we said farewell to a group of students who had missed out on school camps in previous years. The school organised the three-day camp at Cottage by the Sea in Queenscliff. Thirty children attended the school camp, 28 of whom would have been unable to do so but for the government's initiative. I am particularly pleased that the camp was held at Cottage by the Sea. Going to the beach is a great Australian pastime. The soothing sound of the waves, the feeling of sand between the toes and the salty taste in the air; these are sensory delights that many of the children from Debney Meadows Primary School have rarely, if ever, experienced.

This is a practical demonstration of what it means to be a Labor activist. This is what we came to the Treasury benches to do. I am delighted to inform the house that we are getting on with it, and we are making sure that these children have the opportunity that every other child can experience in this great state. It is a great initiative and one I am immensely proud of. I look forward to seeing more children from this school attend these camps in the future.

### **Abubeker Mohamed**

**Mr PAYNTER** (Bass) — On Monday Wonthaggi resident Mr Abubeker Mohamed was named Victorian Father of the Year. Abubeker migrated to Australia in 1996 from the African country of Eritrea, moving to Wonthaggi a decade later to raise his family. He and his wife Suad have seven children, aged between 2 and 13 years. Abubeker first came to the attention of the Father's Day Council through YMCA Bass Coast Community Father of the Year. He is a loving dad who has put his family first, ensuring they have the best educational opportunities and access to swimming and water safety lessons. In her nomination, Abubeker's 12-year-old daughter, Nusayba, wrote:

My father is someone I can look up to and inspires me to do good things. He stands up for me and supports me.

In his acceptance speech Abubeker thanked YMCA staff at Bass Coast Aquatic and Leisure Centre, as well as his family and friends.

I would like to take this opportunity to wish all dads a happy Father's Day this Sunday, in particular my father, Ray, who has done an outstanding job raising seven sons and one daughter to become fine citizens and loving parents in their own right.

### **Wear It Purple Day**

**Ms THOMAS** (Macedon) — Last Thursday I had the pleasure of attending Kyneton Secondary College to join in Wear It Purple activities. I know we were a day early, but in Kyneton we like to think we are very progressive and forward thinking. Founded in 2010 by two Australian teens, Wear It Purple Day has grown into a worldwide celebration of diversity and pride. Wear It Purple has a simple message: you have the right to be proud of who you are.

The activities at Kyneton Secondary College were the result of a successful partnership between the college and Cobaw Community Health Services to support LGBTIQ — the 'Q' is for questioning young people in Kyneton and surrounding communities. Kids in country Victoria deserve to feel proud and to be safe. Wear It Purple Day is about raising awareness and showing same-sex-attracted and gender-diverse young people that they are supported, celebrated and respected exactly as they are. We know too many young people experience depression, anxiety, self-harm and suicide. Too often this is driven by fear of discrimination and bullying. That is why we need more community leaders like Kyneton Secondary College principal Mark Ridgeway and Cobaw CEO Margaret McDonald to step up and ensure that our young people are supported

by comprehensive mental health and suicide prevention programs, and I congratulate them on their leadership.

Congratulations also to Charlotte Arlow and Nhkita Le Guier, Carmen Smith and Michelle Jones, students at the college who took time to tell me why they were wearing purple. Their candour, care and knowledge were refreshing. With young people like this the future is bright.

It was fantastic also on that day to announce on behalf of the Minister for Mental Health that Cobaw Community Health is receiving \$195 000 for its successful WayOut program.

### **Maryborough Education Centre**

**Ms STALEY** (Ripon) — Last week I had the pleasure and privilege of being asked to talk to the year 11 Victorian certificate of applied learning students at the Maryborough Education Centre — the MEC. The students had prepared by giving me a list of topics they wanted answered, including about what we do here in Parliament. They were extremely interested to hear how I had mentioned their school on 4 August in the adjournment debate and had called for much-needed funding of \$2.7 million to be provided. In questions I got the full gamut, from the need for additional train services from Maryborough through to how I got to be an MP and why sex education stops at year 9.

The MEC continues to demonstrate key important values in all it does — these students quite rightly want to know that jobs, services and opportunities will be available for them at the end of their schooling. The level of engagement in issues important to them was great to see. I look forward to watching their future progress. I thank them for inviting me.

### **St Arnaud Secondary College**

**Ms STALEY** — Last week I again visited St Arnaud Secondary College. This time I was there to see firsthand its power hour, which is a new initiative to help students get their homework done and enhance learning, especially in literacy and numeracy. This initiative of principal Branko Lukic brings together up to 40 students, 15 community volunteers and a number of school teachers under the coordination of Roxanne Egan. It was inspiring to see teachers, community members and students putting in the hour — they do so three times a week — to improve educational outcomes in St Arnaud. This initiative deserves our applause and support. It is a local solution which is suited to local

conditions and which is leading to better outcomes for the students of St Arnaud.

### **Jenny Davis**

**Ms WILLIAMS** (Dandenong) — I rise today to pay tribute to the efforts of an important member of my community, Jenny Davis. Jenny has lived in Doveton for over three decades and throughout that time has contributed immensely to its community life. One of Jenny's many volunteer roles is her position as president of the Doveton Eagles Football Club. Jenny puts in long hours throughout the week to ensure that things run smoothly on match days. Whether it is stocking the fridge, organising events, attending to paperwork, or simply ensuring that the player who forgot his footy shorts can still get on the field, Jenny, along with the club's other volunteers, including her children and grandchildren, put in that bit extra to ensure that the club continues to tick over each week. In fact you could go as far as to say that without the efforts of Jenny Davis the club may not be around today.

Sadly in 2012 the Doveton Eagles faced some tough challenges on and off the field and were on the verge of not competing that year. The hard work of Jenny and a group of loyal supporters and volunteers has seen efforts put in place to turn around the club's culture. Jenny and the team continue to work tirelessly at improving and growing the club and its culture. Hearing of the club's plans for the future is reassuring, and with this forward-looking approach in mind, the future looks bright.

Outside of the club Jenny finds the time to run a local midweek basketball competition and continues to enjoy her day job of calling bingo at a local bingo hall. This work often goes unheralded but without it our community would not be as strong as it is. When I visited Jenny again just last week I was delighted to hear that she had welcomed her ninth grandchild into the world — truly wonderful news. It was a proud day for Jenny and her family. I congratulate them on their new arrival.

### **Electorate office staff**

**Mr KATOS** (South Barwon) — The people of the Geelong region deserve to know the extent to which taxpayer-funded electorate officers were used for party political purposes in the 2014 election campaign. The *Members Guide* specifically states that:

The Parliament does not fund positions to support the member's political or party duties.

The campaigns in Bellarine and South Barwon were tight contests. How many Community Action Network organisers who ran the Labor campaigns in Bellarine and South Barwon were paid for using taxpayer funds? How many swinging voters were duped into voting for the Labor Party by Community Action Network organisers funded by the taxpayer? This misuse of hundreds of thousands of dollars of taxpayer funds needs to be fully investigated.

### Geelong Business Excellence Awards

**Mr KATOS** — I would like to acknowledge the local businesses that were recognised at the Powercor Geelong Business Excellence Awards presentation dinner held on 20 August. I would like to congratulate particularly Robert and Julie Hunter, proprietors of SC Technology, on winning the Business of the Year Award as well as the Commercial Services Medium Award. SC Technology employs 25 staff, and the award gives due recognition to its exceptional customer service and commitment. I also make mention of two South Barwon businesses: Great Ocean Road Surf Tours won the K-Rock Regional Business Award, and Go Ride a Wave was the winner of the Truffleduck Hospitality and Tourism Award. I would like to congratulate those two businesses.

### Araluen Centre

**Ms WARD** (Eltham) — I rise today to acknowledge the wonderful work of the Araluen Centre in my electorate. Araluen is a not-for-profit organisation that provides accommodation and day services for adults with intellectual disabilities. One of the things I love about Araluen is that its staff and volunteers do incredible work to assist and encourage creativity. A range of programs is offered at Araluen, catering for individuals' interests, including IT, woodwork, lawn bowls, drama, cooking, literacy and art.

Last week I was fortunate to launch David Waterhouse's sculpture *Metropolis* at Araluen in Lower Plenty. Funded by an inaugural artists with disability grant provided by the arts advisory body of the Australia Council, David's piece is a reflection of how people and nature can coexist, inhabit space and interact. As a non-verbal individual, art is a major form of self-expression for David — creating work that people can physically interact with. I congratulate David on a joyful, vibrant and happy piece of work.

I congratulate all the staff at Araluen who make the arts program such a success, particularly the CEO, Ross Coverdale. The staff involved in the arts program are Lara Hynes, Andrew Mayes and Celia Adams. I would

also like to express my thanks to Araluen for being generous with the art of its clients. I have many pieces by Araluen artists in my electorate office. They are terrific pieces and they give pleasure to all who come into my office.

### Caroline Springs railway station

**Ms KAIROUZ** (Koroit) — After four long years of community campaigning I am pleased to announce the commencement of works on the Caroline Springs railway station. The Caroline Springs railway station is an important infrastructure project for members of the Koroit community who saw no work on the project for four long years under the coalition government.

On Wednesday, 26 August, I turned the first sod on the project to officially mark the start of works on the new station. It will be used by 1500 people a day when it opens in 2016 and will be safe and accessible. It will have 350 car spaces, CCTV cameras, protective services officer facilities, bus bays, a taxi rank and a drop-off zone. The commencement of works on this project is a huge milestone for the Caroline Springs community and will give much-needed access to better public transport facilities.

### 1st Caroline Springs Scout Group

**Ms KAIROUZ** — On another matter, on 22 August I was pleased to attend the 1st Caroline Springs Scout Group annual reports and presentations ceremony. It was a wonderful event that was an opportunity to celebrate the work of the scouts over the past year. The 1st Caroline Springs Scout Group runs exciting events, including weekly programs and camps, and the group is involved with community organisations. The success of the scout group is a testament to the efforts of hardworking volunteers who have helped the group's membership grow from 24 to 112 youth members in the past five years. I thank members of the group for inviting me to their presentation ceremony, and I wish them the best of luck for the upcoming visit of King Carl Gustaf XVI of Sweden on Friday, 18 March next year.

### Kirsty Sword Gusmao

**Ms GRALEY** (Narre Warren South) — I rise today to speak about a remarkable woman, who has made a significant difference to the lives of many women and their families in Timor-Leste. I speak of Kirsty Sword Gusmao, founder of the Aloia Foundation, former First Lady of Timor-Leste and now an Officer of the Order of Australia. Dr Gusmao was recognised for her distinguished service to Australia-East Timor relations

through the development of mutual cooperation and understanding, particularly in the education sector, and through her advocacy for improved health and living conditions for the Timorese people.

From 1992 to 1996 Dr Gusmao lived in Jakarta, Indonesia, and worked there as an English teacher, humanitarian aid worker and human rights campaigner. During this time she worked closely with the Timorese pro-independence movement and took the codename Ruby Blade. Dr Gusmao would smuggle information, documents and even telephones to Xanana Gusmao, who was serving a 20-year sentence in a Jakarta jail.

In 2001 Dr Gusmao established the Alola Foundation to improve the lives of women and children across Timor-Leste. The foundation is named after Juliana 'Alola' dos Santos, a 14-year-old girl who was brutally raped and taken to Indonesian West Timor during the militia attacks of September 1999. Following this horrifying incident the foundation set to work raising awareness of the widespread sexual violence against women and girls in Timor-Leste. Today the organisation seeks to nurture women leaders and advocate for the rights of women by addressing problems relating to education, economic development and maternal and child health.

I am lucky enough to know Dr Gusmao and have met her many times. Many people in my electorate are members of the group called Friends of Ermera, which is changing people's lives. Dr Gusmao has changed lives. She has fought to create a better nation and a free nation for all. I congratulate her.

## LOCAL GOVERNMENT AMENDMENT (IMPROVED GOVERNANCE) BILL 2015

### *Statement of compatibility*

### **Ms HUTCHINS (Minister for Local Government) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Local Government Amendment (Improved Governance) Bill 2015.

In my opinion, the Local Government Amendment (Improved Governance) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

### **Overview**

The purposes of the bill are to amend the Local Government Act 1989 ('act'), to enhance the standards of governance and behaviour across local government. The key changes will include requiring newly elected councillors to make a declaration that they will abide by the council's councillor code of conduct, introduce a mandatory internal resolution procedure within councils and make improvements to the councillor conduct panels including the capacity for panels to hear serious misconduct matters. The amendments will also strengthen powers of the chief municipal inspector ('CMI'), and allow the minister to seek an order in council to stand down problematic councillors.

The bill also amends the act, the City of Melbourne Act 2001 and the Electoral Act 2002 to make immediate improvements in electoral processes for the forthcoming local government general elections scheduled for October 2016.

### **Human rights issues**

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

##### Taking part in public life

Section 18 of the charter establishes a right for an individual to participate in the conduct of public affairs, to vote and be elected at state and municipal elections, and to have access to the Victorian public service and public office, without discrimination.

This bill will strike the right balance in achieving the highest standards of behaviour and conduct, as expected of elected councillors as they exercise their right to participate in public life, while providing appropriate oversight by the state government. The bill also includes reforms to strengthen the local government electoral system, further promoting and increasing opportunities to participate in the conduct of public affairs.

Clauses 4, 5 and 13 of the bill, which amend existing sections 29 and 63, and substitute a new section 64 of the act, provide that a person elected to be a councillor is not capable of acting or continuing to act as a councillor until he or she has made a declaration stating that he or she will abide by the councillor code of conduct. Clause 13 of the bill also amends section 29 of the act to lower the threshold for disqualifying a councillor where convicted of a criminal offence punishable with a term of imprisonment of five years to two years. It also increases the period for which a councillor is disqualified if convicted, from seven to eight years.

Clauses 25 and 26 of the bill, which amend sections 81J and 81K of the act, provide that where a finding of misconduct, serious misconduct or gross misconduct has been made in relation to a councillor by a councillor conduct panel or the Victorian Civil and Administrative Tribunal ('VCAT'), a range of disciplinary actions may be imposed including directing the councillor to take leave of absence, suspending the councillor or disqualifying the councillor from holding office.

Clause 36 of the bill inserts a new section 219AF in the act which provides that a councillor may be stood down by order in council on the recommendation of the minister on the grounds he or she poses a threat to the safety of other councillors or council staff, or is disruptive of council

business, or is not acting in accordance with the role expected of a councillor.

The right to take part in public life is relevant here since there are occasions where people are prevented from serving or continuing to serve as councillor. However, any restrictions are justifiable because there are standards required of people who hold public office, and the community is entitled to be represented by people who are capable of performing their duties as councillor, and do so with integrity and respect of others. It also ensures that appropriate disciplinary measures are taken against councillors depending on the seriousness and nature of their conduct.

Further, clause 34 of the bill inserts new section 81U in the act to provide that the minister must establish a councillor conduct panel list of eligible persons. A person is eligible if the person is an Australian lawyer of more than five years or has any other experience the minister considers relevant to the position.

While this may engage the right to participate in public life, this requirement ensures panel members have appropriate legal and other necessary experience, and therefore a greater likelihood that decisions are made competently, fairly, impartially and in accordance with the principles of natural justice.

Clauses 49 and 82 of the bill remove the requirement for an exhibition roll to be prepared prior to the certification of the final voters roll for a council election. The right to take part in the conduct of public affairs through voting at municipal elections may be relevant here, however it is noted that no longer having an exhibition roll that can be inspected by voters does not prevent a person from inquiring about their voting entitlements with the Victorian Electoral Commission or the local council at any time before the roll closes. It is also noted that the act allows the final voters roll to be subsequently amended before an election if it is found to contain an error or omission.

Clause 56 introduces an additional ground for disqualification from becoming a councillor — where he or she is disqualified from managing a corporation under the Commonwealth Corporations Act. This clause engages the right to participate in the conduct of public affairs through being elected at municipal elections. It is considered that such a prohibition is reasonable as it is not appropriate that an individual banned from managing a corporation should be allowed to act as a local government office-holder with significant responsibility for public assets.

Clause 69 requires all candidates to nominate in person with the returning officer. A candidate will no longer be able to nominate via a third party. The right to be elected in municipal elections is relevant to this clause. However, the right to nominate is not removed outright and the obligation to nominate in person is reasonable as a disincentive to the involvement of 'dummy' candidates who run at an election solely to give preferences to another candidate.

Clause 70 requires a candidate's nomination to be rejected if they are not enrolled on the voters' roll for the relevant election. The right to be elected at municipal elections is engaged by this clause. It is considered reasonable and not onerous for candidates to take appropriate steps to ensure they are enrolled at local government elections, in the same way that applies in state elections.

Clauses 71 and 72 allow a returning officer to remove a candidate from an election if he or she believes they are disqualified from contesting the election. The right to be elected in municipal elections is engaged here, but it is noted that before making any such decision the returning officer must make inquiries as to the candidate's bona fides and seek information from them. It is reasonable to remove a candidate from an election if it is clear they are disqualified; to allow a candidate in this instance to contest runs the risk of voiding an election and requiring a new election to be held.

#### Freedom of movement

Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria.

Clause 42 of the bill, which amends section 223B of the act and clause 44, which inserts new section 223CC of the act, provides that the CMI and municipal monitor ('monitor') may require a person, by notice, to give all reasonable assistance in connection with the exercise of their powers of examination and investigation, such as appearing before them for questioning.

Whilst this power may interfere with a person's right of freedom of movement, the CMI or monitor must provide notice in writing to the person to appear before the CMI or monitor, giving that person the opportunity to arrange to do so. Further, the person may refuse to attend if he or she has a lawful excuse, such as that it may incriminate them. Such powers of examination and investigation are important to allow the CMI and monitor to properly perform their statutory functions in ensuring potentially misbehaving councillors are brought to justice and good governance is maintained within local government.

The CMI's key functions under the bill include investigating and prosecuting offences under the act, advising on and bringing applications for serious and gross misconduct against a councillor, as well as advise on council governance matters and ways of improving governance practices. A monitor will also have a key role in monitoring council governance processes and practices, as well as advise on whether a councillor's behaviour should result in them being stood down.

#### Privacy and reputation

Section 13 of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have his or her reputation unlawfully attacked.

Clauses 42 and 44 of the bill also provide that the CMI and monitor may require a person, by notice, to produce any document in the person's custody or control that relates to any matter that is the subject of the CMI's or monitor's examination or investigation, and permit any other person entitled to inspect the document to do so. Such documents may contain personal information.

Any interference with a person's privacy is lawful and not arbitrary in this case, since the requirement to provide information will be clearly set out in the bill and information may only be requested where it is relevant to the examination and investigation, and may only be inspected by the CMI or monitor, or other person entitled to do so. Furthermore, a person may refuse to comply with a request of the CMI or monitor where he or she has a lawful excuse.

Freedom of expression

Section 15 of the charter establishes a right for an individual to seek, receive and impart information and ideas of all kinds, whether orally, in writing, in way of art, in print or other medium.

Clause 18, which inserts new section 81AB of the act, and clause 25, which amends section 81J, provides that if a councillor is found to have breached the councillor code of conduct following an internal resolution procedure, or engaged in misconduct or serious misconduct following a councillor conduct panel hearing, the council or panel, whichever applies, may direct the councillor to make an apology.

The freedom of expression is relevant here since potentially a councillor may be required to make an apology. However, this right would not be limited or if it is, it is justifiable on the basis that requiring a councillor to make an apology ensures that the community is made aware of the councillor's breach, and serves as a disincentive to the councillor to engage in similar misconduct given their reputation may be compromised as a result. Further, while such reputational issues may engage and interfere with a councillor's privacy under section 13 of the charter, this statutory requirement is considered lawful and not arbitrary.

Property

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

Clause 36 of the bill inserts new section 219AF in the act, which provides that a councillor's allowance is to be withheld where that councillor has been stood down by order in council on the recommendation of the minister on the grounds they are a risk to council.

There is no deprivation of property in this instance since the councillor who is required to stand down is unable to perform his or her functions as councillor. For this reason the councillor should not be entitled to an allowance during this period. Further, the withholding of the allowance is only for the period of the order in council and not permanent.

Clauses 42 and 44 of the bill further provide that the CMI and monitor may take possession of any document produced for so long as he or she considers necessary in the exercise of their powers and functions.

Requiring a person to provide the CMI or monitor with documents within their possession does not amount to a permanent deprivation of property, and is therefore compatible with the charter. Also, a person may refuse to comply with a request of the CMI or monitor where he or she has a lawful excuse under section 223C(2) of the act.

Rights in criminal proceedings and right to a fair hearing

Section 25(2)(k) of the charter establishes a right for an individual charged with a criminal offence not to be compelled to testify against himself or herself or to confess guilt. This is also an aspect of the right to a fair trial protected by section 24 of the charter.

Section 24 provides that a person charged with a criminal offence or a party to a civil proceedings has the right to have

the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Clauses 42 and 44 of the bill amend the act to provide that the CMI and monitor may require a person, by notice, to appear before the CMI or monitor for examination on oath and to answer questions, as well as require the person to produce any document that relates to the matter under examination or investigation. Such powers are important to ensure the CMI and monitor can effectively perform their functions under the act and achieve fair, informed and appropriate outcomes in doing so.

Section 223C(2) of the act provides that a person may refuse to comply with a request of the CMI or monitor if that person has a lawful excuse to do so, such as that answering the questions may incriminate them. This demonstrates that the least restrictive approach to interfering with a person's rights under sections 24 and 25 of the charter has been taken.

In addition, a person appearing before a CMI or inspector is entitled to be represented by a lawyer and be advised of their rights in this regard, which is an important safeguard.

The bill seeks to balance the need for the CMI and monitor to be able to obtain relevant information and properly conduct examinations and investigations against the need to protect the rights of individuals who provide the information. The least restrictive approach has been taken. To the extent that the bill could enable a person's right to protection against self-incrimination and right to a fair trial to be limited, I consider that this is reasonable and justified.

Further, the bill provides that a councillor who is the subject of a council's internal resolution procedure, an application for misconduct, serious or gross misconduct before a councillor conduct panel or VCAT, or an investigation of the CMI or monitor, is given a fair hearing by ensuring appropriate requirements and mechanisms are in place. These include making it mandatory for an independent arbiter to be appointed and preside over a council's internal resolution procedure, that appropriately qualified and experienced persons constitute councillor conduct panels and VCAT, and that councillors are given every opportunity to respond to allegations against them before the arbiter, panel, VCAT, or CMI or monitor. Further, councillors are given a right to seek a review of decisions made by a councillor conduct panel or VCAT under the bill and act.

Natalie Hutchins, MP  
Minister for Local Government

*Second reading*

**Ms HUTCHINS** (Minister for Local Government) — I move:

That this bill be now read a second time.

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

This bill will improve standards of governance and the conduct of councillors in local governments across Victoria.

In particular it will ensure councillors know and understand what is required of them and accordingly adopt appropriate

standards of behaviour from the outset of their terms of office. It will do so by requiring all persons newly elected to be councillors, including those who have previously been councillors, to read the council's councillor code of conduct and declare that he or she will abide by that code. Failure to do so, or failure to take the oath of office within three months of being elected, will result in the person not being capable of becoming a councillor. All councillors must repeat this declaration process each time a new councillor code of conduct is adopted.

The bill also encourages councils to take responsibility for resolving conduct issues internally so far as possible by strengthening internal councillor codes of conduct. It does this in three ways. First, councils will be required to review and adopt their codes within four months of the election at a special meeting set aside for this purpose. Second, the bill requires councils to have an internal resolution procedure within codes that makes it clear to all councillors how allegations of breaches of the code are to be handled. Third, the bill provides that councils may impose sanctions where a finding of breach of the code has been made following an internal resolution procedure. These must be voted on by council and include requiring an apology and excluding a councillor from attending or chairing meetings and removing them from any role representing council on an external body. This is aimed at ensuring councillors know the consequences of their actions in breaching the standards of behaviour that they as councillors have adopted. It is also aimed at ensuring councils accept responsibility for resolving behavioural and conduct issues occurring in their councils.

In a further measure to encourage better understanding of what is expected of them in terms of their behaviour and their role as councillors, the bill defines the roles of a councillor and mayor for the first time. The role of a councillor is set out in the bill as participating in decision making of the council, representing the local community in that decision making, and contributing to the strategic direction of the council. The role of the mayor includes providing guidance to councillors about what is expected of them as councillors and supporting good working relations between councillors. It also includes acting as the principal spokesperson for the council and carrying out civic and ceremonial duties.

The CEO's responsibility for the organisational structure and day-to-day management decisions of council is also expanded in the bill. The bill provides that the CEO must also ensure council receives timely and reliable advice about its legal obligations under this act and any other legislation. This means there is an obligation on CEOs to inform councillors about the legal implications of all decisions or actions council is considering. Such advice must be given without fear or favour. In addition a CEO is also required to provide support to the mayor and to manage interactions between councillors and staff. This includes putting in place appropriate policies, practices and protocols for how that interaction should take place.

The bill enables regulatory authorities to more effectively enforce the appropriate behaviour of councillors through strengthened councillor conduct panel processes and a broader jurisdiction for panels. It also puts the chief municipal inspector on a more modern footing providing the inspector a role in serious conduct matters.

### **Councillor conduct panels processes**

In respect of panels, the bill provides that the minister will appoint suitably qualified people to a central list of panel members. This replaces the current arrangement whereby the Municipal Association of Victoria is responsible for this process. Legal practitioners and any other persons whom the minister considers suitably qualified to the position will be appointed to the list. A new position of principal councillor conduct registrar will be established to then manage the establishment of panels when applications against councillors for misconduct and serious misconduct are made. The registrar will be appointed by the Secretary of the Department of Environment, Land, Water and Planning, and will be employed under the Public Administration Act 2004. The registrar will importantly have an important new function. This is to vet applications to ensure they are properly supported by evidence and are not made for frivolous or vexatious reasons. The registrar will be able to refuse to establish a panel if there is no clear evidentiary basis for the claim of misconduct or serious misconduct. However, where the application is made by the chief municipal inspector for a serious misconduct, the registrar must establish a panel. The registrar will also be empowered to refer an application back to a council if he or she determined the matter has not properly been dealt with through the council's own processes.

### **Expanded councillor conduct panel jurisdiction**

Panels will now be able to hear applications against councillors for both misconduct and serious misconduct. Misconduct is defined to mean failure by a councillor to comply with the internal resolution procedures in the councillor code of conduct or repeated contraventions of the councillor conduct principles in the act.

Serious misconduct is defined as failure to comply with a panel direction which includes attending, providing information to or otherwise cooperating with the panel. It also includes continued misconduct after a panel direction, bullying another councillor or a member of staff, attempting to direct council staff or releasing confidential council information. Bullying is defined in the bill in the same way it is defined in the commonwealth Fair Work Act 2009, which is the definition used by WorkSafe Victoria. This is repeated, unreasonable behaviour that creates a risk to health and safety.

Panels will be able to direct councillors to make an apology, undertake counselling or, if found to have engaged in serious misconduct, take leave for up to two months or be suspended for up to six months. The Victorian Civil and Administrative Tribunal will continue to be the only forum in which allegations of gross misconduct will be heard with applications now to be made by the chief municipal inspector rather than the secretary of the department. The definition of gross misconduct has been amended to mean behaviour that demonstrates a person is not of good character or is not a fit and proper person. Appeals to the Victorian Civil and Administrative Tribunal may be made from all panel determinations.

These changes have been made to create a clearer hierarchy of dealing with misconduct allegations against councillors to ensure allegations of misbehaviour are escalated to the appropriate forum at the appropriate time.

### Chief municipal inspector

The chief municipal inspector plays an important role investigating and prosecuting offences against the Local Government Act 1989. The bill provides a statutory basis for the chief municipal inspector to reflect this primary role.

The chief municipal inspector will also be given a role in investigating and prosecuting serious and gross misconduct matters. This reinforces that breaches of the conduct provisions are as important as other offences under the act.

The bill will introduce two new offences for breach of confidentiality and directing staff. An offence under these provisions will now invoke a penalty of up to 120 penalty units (over \$18 000) which is on a par with breach of the conflict of interest provision of the act. The chief municipal inspector will now be able to investigate and prosecute these two matters either as offences under the act or as serious misconduct. A councillor, however, cannot be both prosecuted and taken to a councillor conduct panel for the same behaviour.

The chief municipal inspector is also recognised in the bill for the first time to put the chief municipal inspector on a modern statutory footing. This position will be a statutory appointment made by the Special Minister of State, and the chief municipal inspector will be employed under the Public Administration Act 2004. He or she will retain the current powers of investigation and be able to delegate these powers to employees of the chief municipal inspector, who will be known as inspectors of municipal administration. This replaces the current appointment of individual inspectors by the minister.

### Monitors

The role of municipal monitor is set out separately in the bill for the first time so that the minister will continue to have the capacity to appoint persons to monitor the activities of councils where governance issues have been identified. Municipal monitors will have the same investigatory powers they hold at present, which are now described as the powers of the chief municipal inspector.

Municipal monitors will also provide advice to the minister when a complaint is made that conduct by a councillor represents a threat to health and safety, or is completely obstructing council business, or is not acting in accordance with the role expected of a councillor. In these circumstances, if the municipal monitor confirms that the conduct is occurring, the minister can stand the councillor down while a claim of serious or gross misconduct is being heard by either a panel or at the Victorian Civil and Administrative Tribunal. This will be through an order in council on the recommendation of the minister. Such an order will lead to a councillor being stood down and not permitted to attend council meetings or to attend council premises while awaiting the panel or the Victorian Civil and Administrative Tribunal hearing of the substantive matter. A councillor's allowance will be set aside during this period and either withheld if the claim of serious or gross misconduct is upheld, or paid to the councillor if no such finding is made. This is an important new power for the minister and one that has not been embarked on lightly. However, as we have seen in recent times in extremely serious cases of serious or gross misconduct, the removal of a councillor may prevent a complete failure by the council to provide good government.

In addition to being able to appoint monitors, the minister is empowered by the bill to issue directions about governance

matters to councils where the minister considers governance processes and policies require improvement. The minister can only exercise this power following advice from the chief municipal inspector or municipal monitor. How a council responds to such a direction will be taken into account when the minister exercises the power under the act to recommend suspension of the council. This provides a minister with power to direct a council to take specific actions or discontinue current practices.

A range of other governance reforms are included in the bill. These include lowering the threshold for disqualifying a councillor where convicted of a criminal offence punishable with a term of imprisonment of five years to two years. It also increases the period for which a councillor is disqualified if convicted, from seven to eight years.

### Prohibition of councillor discretionary funds

The bill expressly prohibits councillor discretionary funds where a councillor is allocated funds for their discretion. This includes funds allocated to particular council wards. It is expected that allocation of council resources should all be dealt with in a transparent and accountable way and consistently with the strategic directions set by council in its key strategic plans and statements. Further, allocation of resources should follow expert advice from council officers on the appropriateness of the expenditure in the light of those strategic directions agreed to by council.

### Audit committees

The bill provides for increased independence for audit committees by specifying that the chair of an audit committee has a right to have a report placed on the agenda of any council meeting. Whilst it is recognised that most councils have strong working relationships between audit committee chairs and CEOs, this provision will give audit committees the capacity to bring things to the attention of councillors without requiring CEO agreement if they feel that is needed.

### Electoral reforms

A number of electoral reforms are also being introduced, for implementation in time for the 2016 Victorian council general elections. A key reform includes making the Victorian Electoral Commission the statutory provider for all council elections, a role it has provided for all councils since at least 2003. Other reforms include removing the requirement for an exhibition voters roll which does not occur in state elections, preventing a person who is banned from being a company director from being a candidate at an election or continuing as a councillor, and requiring councils to have an election period (or 'caretaker') policy and clarifying limitations on publication of council documents during the election period.

The highest standards of behaviour and conduct are rightly expected of elected councillors as they exercise their right to participate in public life. This right is not absolute, and the government is confident that this bill strikes the right balance in supporting the independence of the local government sector as a third tier of government while providing appropriate oversight by the state government.

I commend the bill to the house.

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

**Debate adjourned until Thursday, 17 September.**

## FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015

*Second reading*

**Debate resumed from 2 September; motion of Mr NOONAN (Minister for Police).**

**Mr DIMOPOULOS** (Oakleigh) — I was up to the point where I was commending — as I do not do often — the then Prime Minister, John Howard, for his leadership after the Port Arthur massacre. In my view the restrictions on certain weapons and the gun buyback that he shepherded through changed the situation with firearms in Australia and definitely saved lives. But there exists a potential in any country with such vast borders for guns to be imported illegally. The fact is that we have a significant agricultural economy, as others have talked about, and despite the strict controls we have, many guns kept for genuine and rightful purposes on country properties are stolen and used for inappropriate activities. As others have said, some estimates are that we have over 260 000 unregistered or illegally acquired guns in the Australian community. That is a pretty astounding number for a population of 23 million people. It tells us that even though we have had the gun buyback, we have had a national agreement and we have had state laws, there is still work to be done.

The member for Essendon and others probably referred to this, but two months ago a constable on night patrol attempting to intercept a suspect vehicle was fired upon at close range by an offender with a shotgun. The difference between life and death came down to a matter of centimetres, perhaps even millimetres. Other officers in the last 30 years have not been so fortunate, paying the ultimate price at the end of a gun as they served to ensure our safety. We hear weekly reports of gun-related violence in Victoria, often resulting in serious injury and all too often death.

I do not want to overplay this issue because we remain a safe community in one of the safest countries. We are lauded in comparison to most other countries for the lack since Port Arthur of gun-related incidents involving injury to multiple victims. Other members have talked about the situation in the United States. I am not sure where we draw the line between good luck and good management. While the work we have done to date has been exceptional, I think there is ongoing work to do, and this bill does some of that work.

It is also relevant, as others have said, that this bill is evidence based. We take the advice of Victoria Police on a whole range of these issues. Some of the existing

legislation does not make sense. Why is it okay for you to traffic or carry around 9 unregistered firearms in seven days but not 10? We are getting rid of those anomalies. As I said earlier, we are shifting the focus from the relationship of the suspect to the gun and making it more about the relationship of the suspect to the premises or the vehicle where the gun is found. There was an example given of bikie gangs and clubrooms. There might be unregistered firearms in the corner of a bikie clubroom but under the existing legislation, no association can be made in law between the bikie gang members and that gun. We are shifting the focus to the premises and the context of the situation. As others have said, it is a balanced approach.

I have to say that I do not personally support the shooting of animals, but it is a legal activity in the state. We respect the rights of sporting shooters. This bill is not aimed in any way at impinging on the rights of those who use firearms for agricultural purposes or legal sporting shooters. This is purely about taking the advice of Victoria Police based on the advice of their lived experience in trying to prosecute illegal activity in this state and the fact that we are in many respects behind other jurisdictions in Australia in redressing an imbalance.

These changes are targeted and protect against inadvertent application. Reference has been made to family violence situations. Shifting the focus from the relationship between the suspect and the gun to the relationship between the suspect and the premises could potentially inadvertently capture victims of family violence, such as women whose intimate partners may have guns on the property. It is very clear from this bill that the government has no intention that the legislation will capture those situations. Victoria Police will operationalise this law in a way that shows the target is the illegal activities of gang members and others. Additionally, the courts will understand the government's intention and not pick up those other people inadvertently.

I want to very genuinely commend the Minister for Police, as others have. He is an incredibly hardworking and effective police minister. I support this bill, I support his endeavours, and I look forward to living in a safer community.

**Ms KILKENNY** (Carrum) — I am very pleased to contribute to the debate on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. I am immensely proud that the Andrews Labor government is doing something that the Napthine government just could not do, and I congratulate the Minister for Police wholeheartedly on his great work on preparing this bill

and also for accelerating its introduction into the Parliament.

Those opposite had four years to bring in this legislation of significance. They did not do it; they did not do a lot of things. Self-reflection, exercising humility and accepting responsibility for things are traits to be commended, and I advance them to those opposite, as well as to those who are no longer in this place. While they are self-reflecting and accepting responsibility, they may also want to take time to look for a couple of million missing dollars.

This bill has been welcomed by the Police Association Victoria. This bill will strengthen the ability of Victoria Police to keep our communities safe. This bill will help Victoria Police fight organised crime. This bill will help to get rid of illegal firearms that are circulating through organised crime groups in our local communities.

We know that illegal guns pose a very serious and real threat to our communities. The Port Arthur massacre, which we have heard people speak about in this house over the last two days, occurred on 28 April 1996. It is nearly 20 years ago, and it is hard to believe it has been that long. I know many of us will remember where we were when we first heard the news of those chilling murders at Port Arthur. Thirty-five people died on that day; the youngest were a little girl named Madeline, who was three, and her older sister, Alannah, aged six.

There will be no surprise when I say there was not much I liked about the Howard years but, as others on this side of the house have mentioned, the gun buyback scheme introduced in response to Port Arthur was an exception. It was an extraordinary piece of legislation coordination with the states and territories that did a lot of amazing work to reduce the number of illegal firearms in our communities. In that instance we understand, and we have heard, that all the states and territories worked with the federal government to ban or heavily restrict certain weapons. The buyback scheme was set up to compensate gun owners and dealers who surrendered certain legal guns, and we understand that more than 640 000 guns were surrendered. That is an extraordinary number of guns to take out of circulation. But we also know that there are more illegal guns out there, and these are posing a real threat to community safety.

That is what this bill is doing: it is addressing the threat that illegal firearms are posing to our communities. The Andrews Labor government is responding directly to this threat. In doing so we recognise that legislation needs to keep pace with changes in our community. For example, we are seeing new technologies. Things like

the manufacturing capabilities of 3D printers are going to pose additional challenges for us. We also know that the internet has opened access to illegal overseas weapons markets as well. Sadly, there also seems to be a growing culture around illegal weapons. This is absolutely wretched, and it really underscores just how critical it is for the Labor government to introduce legislation that is much tougher and stronger. This is about sending a very clear message to those who illegally own guns that we will not tolerate it.

As we have heard, our Minister for Police has brought this bill forward partly in response to the case of two police officers being shot in Moonee Ponds in July. The article by John Silvester in the *Age* of 8 July makes for chilling reading:

On Tuesday about 3.40 a.m. a 31-year-old first constable was shot in the head attempting to pull over a suspect car ...

You would imagine that randomly pulling over a car is a fairly routine thing to do and that it must happen many times a day. Sadly this was no routine traffic matter. The police divisional van followed the suspect into the dead-end road. The article continues:

Trapped, the driver ... did a U-turn in an adjoining school and as he passed the police van fired a shot with a shotgun, shattering the driver's side window and striking the policeman in the back of the head as he instinctively turned away from the blast.

The policeman ducked just as the shot was fired with most of the pellets hitting his headrest ...

This was no warning or accident. The offender intended to kill.

Police are now discovering guns every two days ... in Melbourne's north-west and dealing with a drive-by shooting every six days.

Closer to my electorate of Carrum, in the Frankston area, police are seeing a spike in low-level ice dealers carrying firearms. This issue is occurring all over our state. We have heard about crime statistics showing a doubling and even tripling of firearm offences. These are significant increases that we cannot ignore. In 2011–12, only two people were charged with selling or acquiring a trafficable quantity of guns and only eight people were charged with possessing a trafficable quantity of guns. This is wrong. The reason it is wrong is that there are anomalies in the current legislation. This bill addresses those anomalies.

I will go briefly through what this bill is doing, because others have spoken at length about this. The first is that the onus of proof will be reversed. This is really significant: it means that if someone is found in possession of a gun, that person must prove that the gun

does not belong to them. The second aspect of this bill is that the number of guns required to trigger a trafficable quantity will be reduced from 10 to 3, and the time period will be increased from 7 days to 12 months. This means that an offence will be committed if someone distributes three unregistered firearms in a period of 12 months. If you compare that to the current legislation, under which an offence is only committed if a person distributes 10 or more guns in a 7-day period, it is no wonder Victoria Police wanted things to change. Thirdly, this bill creates a couple of new offences: the manufacture firearms, bringing with it a maximum penalty of 10 years jail; and the theft of a firearm, which will carry a maximum penalty of 15 years jail.

Others have spoken at length about the new provisions dealing with the trafficking and manufacturing of illegal firearms. These are very important because they will bring Victoria into line with other jurisdictions, and when we are talking about any debate on illegal firearms and community safety it is critical that there be consistency across Australian jurisdictions.

In the few remaining minutes I will speak about the third aspect of this bill, which is theft of guns. I want to speak about this because it is a marked change to any proposed legislation we have seen before. The bill amends the Crimes Act 1958 to create a specific offence for stealing a firearm which will carry a maximum penalty of 15 years jail, 5 years more than the penalty for theft that currently applies. It is important to highlight this, because creating a specific offence reflects the absolute community condemnation of firearm theft and underscores the very real possibility that firearm theft leads to more serious criminal activity in our communities.

A former member for Frankston, Alistair Harkness, is currently conducting a study into the theft of firearms from rural properties. Mr Harkness has said:

We know how important long-barrelled rifles and shotguns are for farmers as a tool. When these fall into the wrong hands and are sawn off, they can have deadly consequences.

...

What often goes unrecognised is the direct link between the theft of a firearm from a farm and its use in armed robberies, home invasions and other crimes in the city.

We are seeing direct action on this particular issue. This bill is not about farmers who legally own guns; it does not address their use of guns. This bill addresses the very serious issue of illegal guns being stolen from rural properties and then being used in serious crime closer to home in the cities.

Finally, I must say something about a certain Liberal Democratic Party senator, whose approach so far has been to gun up our communities to enhance community safety. Thankfully our communities do not support this. The way to tackle illegal guns and the way to make our community safer is to do what the Andrews Labor government is doing — that is, to introduce tough new laws to combat trafficking in firearms and to create new offences with tougher penalties for manufacturing firearms and stealing firearms. I commend the bill.

**Ms WILLIAMS (Dandenong)** — It is a pleasure to rise and support the Firearms Amendment (Trafficking and Other Measures) Bill 2015. This extremely important bill touches on an issue that goes to community safety. Like others on this side of the chamber, I am disappointed to see so few speakers from the opposition. It shows a disappointing lack of interest in this issue.

This bill is important because it gives Victoria Police the powers it needs in the fight against the illegal use, manufacture and marketing of firearms. The aim is to find the right balance between protecting the interests of those who are responsible gun owners, such as sporting shooters and primary producers, and the arming of our police force with the necessary powers to protect the community against those who acquire, manufacture and use firearms illegally.

The 2012 statistics tell us that there are at least 260 000 firearms in the black market, which is pretty incredible. This figure is comprised in part of weapons not handed in under the national firearms agreement in 1996. It also includes stolen and illegally manufactured weapons. As the law currently stands, a gun trafficker may trade up to 10 guns per seven days and escape prosecution, and I think this would probably come as a surprise to the average Victorian.

Statistics show that firearms offences have doubled in Victoria in the last five years; however, only two people have been charged with acquiring trafficable quantities of illegal firearms during that time. Further, in the same period only eight people have been charged with possessing a trafficable quantity.

This bill closes a loophole in the current law which allows for the trafficking of up to 10 firearms in a seven-day period, as I just said. This will change. The amendment bill prohibits a person from acquiring or disposing of more than three firearms in a 12-month period. This restriction does not apply to licensed firearms and licensed firearms dealers but targets organised crime groups where there is a potential to acquire and stockpile large numbers of weapons. This

legislation reduces the legal number of guns traded from 10 to 3 and also alters the time frame from 7 days to 12 months.

This amendment also aims to address another serious issue for Victoria Police in proving ownership of illegal firearms. Currently the situation exists where proof of ownership of illegal firearms is difficult to establish. For example, gang members can simply deny knowledge of firearms discovered on the premises of an organised crime group. This situation is made more difficult when the suspect does not have the weapon on their person. It is again further complicated when a number of people are on the premises, so witnesses are more often than not too afraid to give evidence for fear of reprisal. I think we can all easily imagine a situation where police conduct a raid and weapons are abandoned on a property with all those present simply saying, 'They're not mine'.

Our police are understandably frustrated by this situation, and they need this amendment to enable them to do their job. The increasing number of firearms offences and the increased frequency of shootings and random vehicle intercepts revealing illegal firearms — in some areas as frequently as every couple of days, I am told — show us that it is time to act. This legislation does just that and in doing so meets a very important need.

A deemed possession provision is introduced by this bill. The definition of possession will be changed, and under this amendment the burden of evidence of possession will be on the defendant to prove that the firearm was not theirs. Essentially the relationship between a person and the firearm will no longer be the main focus of an investigation. The relationship between the person and the premises or vehicle where the illegal weapon is discovered will now be the main link in determining ownership of the illegal weapon, and police will be able to exercise reasonable discretion in these situations.

This definition of possession will not apply if it can be established that a person either did not know, or could reasonably be expected not to know, that the weapon was on the premises or in the vehicle. The prosecution will still be legally responsible for proving ownership beyond reasonable doubt.

Another issue to be addressed with the introduction of this amendment concerns the illegal manufacture of weapons. We know it is increasingly easy for people to access information about weapons manufacture. I am told that it is quite simple to make an extremely dangerous and deadly weapon. I have no intention of

investigating this for myself. This bill creates a new offence around the illegal manufacture of firearms, which carries a maximum penalty of 10 years jail. This brings Victoria in line with all other jurisdictions which have offences specific to this activity. This new offence will be distinctly separate from the offence of carrying on a business of dealing in firearms.

Another new offence of theft of a firearm carries a maximum penalty of 15 years jail, an increase from the current maximum of 10 years. On 19 August the *Weekly Times* reported that more than 140 guns were stolen from rural homes in western Victoria in the first half of last year and, staggeringly, some 530 were stolen in rural Victoria in 2013, which was reported in the *Age* in June.

It is widely acknowledged that it has never been more dangerous for our police to conduct car intercepts than it is today. The risk to police members is significant and concerning. Making laws that strengthen penalties regarding the possession, manufacture, trafficking and use of illegal firearms is absolutely vital. This legislation will aid our police force in its endeavours to remove them from our streets, and we in the broader community will reap the benefits of this through improved community safety.

The Andrews government is serious about getting on with the business of ensuring community safety. I think that is clear from the debate on this bill both yesterday and today. The government is serious about minimising the risk to members of the police force as they go about their jobs in ensuring this community's safety. It is serious about listening to and acting on advice from Victoria Police regarding the difficulties encountered by its members in the fight against crime, especially organised crime.

This government is also serious about listening to and protecting the rights of responsible licensed firearm users. We understand that devising these sorts of reforms is a balancing act. In preparing this legislation we were mindful of a range of difficult circumstances, and we do not wish to unfairly target people in those circumstances. The intention of the new deeming provision is not to inadvertently capture innocent parties such as the victims of family violence or drivers of public vehicles, who may not know or be expected to know that there is a weapon on board the vehicle they are driving. These new laws are designed to aid the police in dealing with organised crime groups in their acquisition, trafficking and use of illegal firearms.

The penalties as they stand are serving to frustrate our police force in its efforts to deter criminal activity

involving the illegal acquisition, manufacture and use of firearms. This legislation will strengthen those penalties. I want to be clear that we are talking about serious crime here. This is a crackdown. Members should make no mistake: outlaw motorcycle gangs and organised crime are specifically targeted. The Andrews government has worked closely with Victoria Police to identify gaps and loopholes in our gun laws which effectively make prosecution of offenders difficult. This amendment serves to close those gaps and loopholes. Consequently, the police force will be empowered with the tools it needs to get these illegal weapons off our streets and successfully prosecute offenders.

I am also aware that our parliamentary colleagues in the Shooters and Fishers Party in the other place have an ongoing interest in this policy work and are supporting this legislation. We are grateful for their contribution and for their hard work on this issue. I also thank the Minister for Police for his work in bringing the bill to this place. He is an extremely hardworking minister, and he should be commended for his work on this issue and a range of other matters in his portfolio.

*Honourable members interjecting.*

**Ms WILLIAMS** — I do not expect those on the other side to understand hard work after four years of very little activity. I think all of us on this side would agree on that, and so did the Victorian population.

Strong regulation around gun control is clearly important. We know there are many places in the world that do not enjoy having very strong gun control laws — the US being the most notorious example — and we know well the devastation those communities suffer as a result of gun violence. We got a taste of that devastation ourselves with the Port Arthur massacre in 1996. Thankfully the Australian community was so outraged and heartbroken by that event that strict gun laws swiftly followed. I do not generally find much reason to commend former Prime Minister John Howard, but I commend him for implementing those gun reforms.

The Victorian community will be safer through the introduction of this amendment bill. As a community we have a lot to gain from strict and effective gun control. For that reason I commend the bill to the house.

**Ms RICHARDSON** (Minister for Women) — It is my great pleasure to rise to speak in support of the Firearms Amendment (Trafficking and Other Measures) Bill 2015, which has been brought before the house by our hardworking and dedicated Minister for Police. I commend him for all the work he is

undertaking, particularly in bringing this bill before the house and in dealing with the mess that was left behind by the former Liberal government in respect of policing in this state. Members of that government talked tough, but talk is very cheap. In fact, a man on a galloping horse could well and truly see that the performance of the former Liberal government in the police area was particularly parlous.

In stark contrast, we have a minister who has wasted no time whatsoever in getting on with the job of strengthening our police force and giving its members the tools they need to help keep Victorians safe and hold those who have committed crimes to account. In the family violence space — which is of course Labor's no. 1 law and order issue — the police minister has shown his willingness to engage on this issue in a fresh and innovative way, because he understands that more of the same will lead to more of the same tragic outcomes. Like the police force he works so closely with, he is keen to ensure that we have a change in our justice response in respect of family violence, because if we continue in the manner in which we have been responding to family violence in the justice system, we will continue to fail victims of family violence.

With this bill the police minister makes a range of amendments to the Firearms Act 1996 to further strengthen our laws around the possession of firearms, firearm manufacturing and trafficking offences and firearm theft. Other speakers before me have already provided details about the bill, and of course the second-reading speech provided the detail for the house. Therefore I want to use the time that is allocated to me to speak on the amendments that shift the focus away from a person's relationship with a firearm to the relationship between a person and the premises or vehicle where a firearm is found.

This shift is particularly important because at present the police may find an unregistered firearm in a home or vehicle and the people connected to that property can deny all knowledge of that unregistered firearm. That is clearly a ludicrous situation, because all parties concerned know what those unregistered weapons are likely to be used for, yet the police have one hand tied behind their backs as they try to do their job of stopping illegal activity and holding those who engage in illegal activity to account. Criminal groups, including outlaw motorcycle groups, can clearly wriggle away from the full force of the law by simply denying knowledge of the weapon that is either in the home, on the premises or in a vehicle.

This provision in no way impacts upon individuals who are registered firearm holders, because if you are a

registered firearm owner, you have to register where the firearm is kept and you must declare all weapons in your possession. This provision is clearly targeting serious crime offences and serious criminal activity.

The bill gives the police the resources they need to bring about the full force of the law. Concerns have been raised about the way these provisions might impact on innocent victims, in particular victims of family violence. I am very pleased that in the second-reading speech for the bill the minister made direct reference to these concerns and made it very clear that these changes are in no way intended to involve innocent parties in any activities the police might undertake to bring about the lawful arrest or prosecution of people engaged in these kinds of activities. The police will be able to use what is described as 'reasonable discretion' and in doing so will be able to give proper consideration to the circumstances they uncover as they are inspecting properties or vehicles. Police will be able to use this discretion to ensure that family violence victims in particular — who may be anxious about declaring what is going on in their house and about the kinds of weapons that are in the house — are not caught up as they hold those who have some sort of relationship with the weapon to account.

These provisions are clearly about serious criminal activity in our state and are being introduced in response to the concerns of the police and the wider community that as the law current stands they are unable to deal with a situation where individuals simply say to a judge or the police, 'I knew nothing about this weapon being here'. As the second-reading speech spells out, the bill is clearly not designed to capture family violence victims or drivers of vehicles who might find themselves in a circumstance where the police are concerned about an unregistered firearm on site. As I said, I am very pleased that the Minister for Police spelt that out in the second-reading speech and made reference to the challenging circumstances that family violence victims in particular face when violence is being perpetrated against them.

There are other provisions in the bill and I will touch on those in summing up. The bill strengthens a number of provisions in order to facilitate the successful prosecution of firearms trafficking offences. It does this by lowering the threshold number of trafficable quantities of unregistered firearms from 10 within a period of 7 days to 3 within a period of 12 months. This is a very important change to the principal act. It will bring Victoria into line with other jurisdictions around Australia and make our laws as strong as theirs so

Victoria is not at a disadvantage or targeted by criminal activity as a consequence of weaknesses in our laws.

There is also going to be a specific offence of the unlawful manufacture of firearms. This will be distinctly separate from the offence of the business of dealing in firearms. It will be a distinctly separate offence within the act; this is also an important provision. The bill will also introduce a new offence of theft of a firearm under the Crimes Act 1958. All of these provisions have been introduced through consultation and following recommendations by the police, who have clearly been undertaking their work. They have seen limitations and barriers in their work and they want to see them addressed. These provisions clearly go a long way in helping police undertake the work they do. As I say, this is not about capturing innocent parties, this is not about family violence victims being targeted; far from it. This is about dealing with serious crimes and serious criminals in our state. To that end I commend the bill to the house.

**Mr RICHARDSON** (Mordialloc) — I appreciate the opportunity to contribute to the debate on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. I think it is important to highlight from the outset that this legislation further empowers Victoria Police to effectively tackle serious crime and organised, firearm-related criminal activity. It focuses on the removal of the illegal firearms that continue to circulate in society and present a severe risk to our community. We must do all we can as a government to strengthen and protect the citizens of our state. We are focused on the very important work with our responsible, diligent and respectful firearm owners, who understand the importance of ensuring they operate and maintain firearms within the parameters of the law.

I will briefly highlight the key elements of the bill to the house. The bill makes the following amendments to the Firearms Act 1996. It changes the definition of evidence of possession by shifting the focus away from a person's relationship with the firearm to the relationship between the person and the premises or vehicle where the firearm is found. The bill facilitates the successful prosecution of firearms trafficking offences by lowering the threshold number of trafficable quantities of unregistered firearms from 10 down to the 3 we have been talking about. It introduces a new offence of theft of a firearm. Under these reforms anyone caught possessing three or more unregistered firearms over a 12-month period can be prosecuted for trafficking.

I would like to reflect on a couple of key elements which go to some of the challenges facing our law enforcement agencies. In 2012 the Australian Crime Commission estimated that there were over 260 000 firearms in the illicit market. The estimates were that there were 250 000 long-barrel guns and 10 000 handguns in the illegal firearms market. Many of the guns on the black market were not handed in following the national firearms agreement in 1996, which followed that terrible massacre at Port Arthur. This is in contrast to the crime commission's finding that there are 2.75 million registered guns held by 730 000 licence-holders.

According to the Crimes Statistics Agency Victoria, figures show that despite a doubling of firearm offences statewide in five years only two people have been charged with selling or acquiring a trafficable quantity of guns since 2010, and only eight were charged with possessing a trafficable quantity. Furthermore, we have seen recent reports that Melbourne's north-west has seen a 300 per cent increase in firearm offences in the past five years. We are seeing children as young as 16 years in possession of firearms. This is a sad and disturbing trend, and something needs to be done to address this from both an enforcement and an education perspective.

Experts believe many of the guns that are still in circulation stem from the establishment of that national agreement. We must find ways to better support enforcement and track down those firearms in circulation. The police association secretary flagged his concerns before this bill entered the Parliament that the current laws are deficient and contain a loophole for potential gun traffickers.

I want to touch briefly on Victoria Police and the service its members provide to our community. Each and every day they are on the front line, supporting and protecting our community. Just last year police officers responded to over 430 000 different offences across the state. Each and every day the men and women of our police force are putting themselves first for the protection of others. Yesterday I reflected on the contributions of the member for Macedon, who referred to the service her partner has provided to the community throughout his career in Victoria Police. It made me think of the sacrifices these men and women make every day as well as the dangers and potential risks they face and the toll this takes on their family. Recently we were provided with a frightening reminder of the risks and dangers our police face, when Constable Ben Ashmole, 31, was shot in the back of the head after he and his partner pulled over a car in Moonee Ponds. Thank goodness Constable Ashmole

escaped that shooting with minor injuries. However, it is a telling reminder that at any time our police could be subjected to some very challenging circumstances.

Where are we at today? We are now almost 20 years on from the terrible massacre at Port Arthur that saw the senseless and devastating loss of 35 lives. This horrendous crime shook the foundations of our nation and galvanised the then new government, under the leadership of Prime Minister John Howard, to legislate the national firearms agreement, which restricted legal possession of automatic and semiautomatic firearms, mandated registration and licensing schemes with the states and further restricted the importation of a range of firearms and was followed by a gun buyback scheme. It was a courageous step and the centrepiece policy framework that led to a reduction in gun-related crimes in Australia over the past two decades. It provided the foundation for where we are today and the reforms we are putting in place, with the support of the Minister for Police. I remember seeing footage of the former Prime Minister addressing hostile crowds of hundreds of angry people and remaining undeterred. There was a need at that time to show strength, and bipartisan support was vital to enacting those reforms.

I was interested to hear the contributions of some members, who have contrasted the experience of the United States and its systemic gun offences with Australia and the United Kingdom. There are a number of elements to these analogies that need further consideration. The contrast is significant. Last night I was having a look at some of the statistics. I thought I would reflect on these to the house. The percentage of homicides by firearm in Australia is 11.5 per cent. In England and Wales it is 6.6 per cent. Astonishingly in the United States it is 60 per cent. We see that the homicides by firearm rate per 100 000 people is 0.14 in Australia, 0.07 in England and Wales and 2.97 in the United States, which is some 21 times greater than in Australia. These are startling statistics.

I recall the member for Sunbury also touching on this yesterday. In the United States the average number of firearms per 100 people, which is another per capita assessment, is 89, which is just astonishing. That compares with 15 in Australia. These are startling statistics, but it is wrong to categorise the gun-related violence in the United States or any community as just statistics. They are people, they are families and they are children. There are too many examples of mass shootings in recent times that we can name that show the horrendous toll this violence takes. There is so much misery, so much heartache and so much tragedy that one wonders how their communities can cope and rebuild again.

What we see in the United States in the debate about the Bill of Rights is surreal compared to the Australian experience. As Australians I believe we look more at the cause and effect of what we perceive as a fundamental constitutional flaw in the United States system that has snowballed and festered over 200 years into today's deluded Bill of Rights discussion and debate. The key difference between the Australian and United States experiences is the notion of gun ownership being a privilege in Australia as opposed to it being a right in the United States. Many responsible firearm owners in Australia recognise the strong policy foundations in the Howard reforms of 1996. They respect the laws, vehemently follow them and approach gun ownership as a privilege within the parameters of these laws.

One should not suggest that we cannot change and reform our constitution. Members have reflected in this place about the challenges they face, but there are currently some gaping holes in our Australian constitution. I point to section 51, which says:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to ...

Subsection (xxvi) is quite significant. It effectively says the commonwealth has the power to make laws for:

The people of any race, for whom it is deemed necessary to make special laws.

That is a race provision in our constitution that is not used or reflected upon. At the time of Federation it was defended and promoted as being necessary. That shows how we move on and how our legal system and its guardians have evolved over time. It was not so long ago that women were given the right to vote, in 1902. Indigenous Australians were granted the vote in 1962.

We need to look to constitutional reform. The point I make about this is completely different. In Australia we have accepted that reducing the number of firearms in our community is an absolute necessity. We respect that. As I said, proportionally many more firearms are legally owned and managed by people in our community for various purposes. This bill tightens up some of those gaping holes concerning illicitness and strengthens the powers of Victoria Police. I commend the bill to the house.

**Mr STAIKOS** (Bentleigh) — It is a pleasure to rise to speak on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. The government is giving Victoria Police powers it has sought — powers it needs — to effectively combat the illegal use of firearms and the illegal firearm market in the

community. We must stress that this is about criminal elements; it is not about recreational shooting. While shooting an animal out of the sky is not something I derive pleasure from, or like, it is absolutely a legitimate sport. My grandfather was a recreational shooter before he decided to take up fishing, and he was a very responsible gun owner.

This is in response to the spike we have seen in the number of illegal firearms and the need for laws to be in place not only to bring that number down but also to ensure that police have powers to seize those illegal firearms as well in the best way possible. The bill introduces a number of amendments. One of those amends the definition of evidence of possession in section 145 of the Firearms Act 1996. The amended provision will shift the focus away from a person's relationship with a firearm to one of a relationship between the person and the premises or vehicle where a firearm is located. As I said, this is something Victoria Police sought and also something the police association absolutely supports.

A new offence will apply to a person who is not a licensed firearms dealer if they are involved in the illegal manufacture of firearms and firearm parts, carrying penalties ranging from up to 5 years imprisonment to up to 10 years imprisonment. Section 7C of the act will be amended to lower the trafficable quantity of unregistered firearms that a person cannot possess from more than 10 to more than 3. An amendment will also be made to section 101A of the act, lowering the legal number of unregistered firearms a person can acquire or dispose of in a certain period from 10 to 3, which will prohibit a person who is not a licensed firearms dealer from acquiring or disposing of more than 3 unregistered firearms in a 12-month period. The current time frame provided for in section 101A is 7 days. Finally, the bill introduces a new offence, being theft of a firearm. This is to combat the illegitimate flow of firearms in the community. The new offence will carry a significantly higher penalty.

I was recently at a conference with legislators from all around the world, and the biggest delegation was from the United States. It was interesting talking to our counterparts in the United States, particularly those on the Republican side. What has amazed me is that they are totally in denial of the scale of the problem they face. It seems that it does not matter how many massacres they have in their country — in primary schools, in churches or in picture theatres — nothing is going to shift that attitude. It is no wonder that President Barack Obama recently said:

... if you ask me where has been the one area where I feel that I've been most frustrated and most stymied it is the fact that the United States of America is the one advanced nation on earth in which we do not have sufficient common-sense, gun-safety laws. Even in the face of repeated mass killings.

It is a chilling reminder of how important it is that in this country, where we do not face problems of that scale, we ensure that we are always amending our laws to give police the powers they need to tackle the illegal firearm industry.

It has been nearly 20 years since the Port Arthur massacre. We all remember where we were when that terrible event took place — when 35 people lost their lives. Regardless of our politics, we are all proud of the strong action Prime Minister Howard took in the face of opposition from people who really were part of his own constituency. It is sad that we do not see that level of commitment from the opposition today, not bothering to offer up any speakers in debating this legislation.

**Business interrupted under sessional orders.**

## LEGACY WEEK

**The SPEAKER** — Order! I inform the house that the Minister for Veterans kindly arranged for Legacy Week badges to be distributed to all members in support of Legacy Week. Legacy Week, which began in 1942, is the annual national appeal to raise awareness and funds for families of our incapacitated and diseased veterans. Legacy Week this year runs from 30 August to 5 September, and badge day is tomorrow, Friday, 4 September. Badge day and the iconic badges are offered as tokens of appreciation for the donations made by the public. The funds raised from Legacy Week will help Legacy continue to assist approximately 90 000 widows, 1900 children and people with disabilities Australia wide with essential services, such as counselling, special housing, medical advocacy and social support.

There are thousands of Australian Defence Force personnel currently deployed overseas, and Legacy stands ready to assist their families should the worst happen. Our veterans, who put themselves in harm's way to defend our way of life, and their families deserve the community's support and that of this Parliament. I encourage members to collect a badge from my office, and I encourage their constituents to buy a badge in support of this important cause. I thank the Minister for Veterans for drawing the Parliament's attention to Legacy Week and for providing the badges.

## ABSENCE OF MINISTERS

**Mr ANDREWS** (Premier) — The Minister for Finance will be absent from today's question time, and the Treasurer will answer in his place. The Attorney-General will also be absent from question time, and the Minister for Roads and Road Safety will answer in his place.

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Public transport strikes

**Mr HODGETT** (Croydon) — My question is to the Minister for Public Transport. Two weeks ago the minister gloated about having persuaded the Rail, Tram and Bus Union to call off tram and train strikes. Now, two weeks later, one has been held and another comes tomorrow. Is this the price Victorians pay for a government that sold out to the unions to get elected?

**Ms ALLAN** (Minister for Public Transport) — In answer to the question that was put, the answer is no, and I can tell members about the price Victorians could have paid for people who resigned from the public transport portfolio for four long years. What we are doing is investing in building a stronger public transport system.

**Mr Pesutto** interjected.

**The SPEAKER** — Order! I have warned the member for Hawthorn before. I warn him again.

**Ms ALLAN** — I take full responsibility for working hard every single day in supporting the election commitments that we are investing in better public transport.

*Honourable members interjecting.*

**The SPEAKER** — Order! It is Thursday and all of that, but the minister will be heard in silence. The minister has concluded her answer.

### *Supplementary question*

**Mr HODGETT** (Croydon) — We have had a tram strike and a train strike. If we have three strikes, is the minister out?

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order. The question advanced by the

Deputy Leader of the Opposition proves the point; it is Thursday. But I will allow the question.

**Ms ALLAN** (Minister for Public Transport) — I appreciate that those opposite think that public transport is something to joke about, given they did so little for four long years. That is why Victorians voted for a very different approach. They voted for a government which is removing 50 dangerous level crossings, which is investing in Melbourne Metro, which is extending the rail line to Mernda and which is running Victoria's first trial of 24-hour public transport on weekends. I will continue to work hard on delivering that agenda. That is why we are working so hard after four long years when the former government went on strike altogether from investing in public transport.

### **Ministers statements: motor neurone disease**

**Mr ANDREWS** (Premier) — The member for Bendigo West and I had the great privilege, indeed the great honour, this morning to attend the Florey Institute of Neuroscience and Mental Health with Neale Daniher, who is not only a great champion of the Essendon Football Club and our national game but who is also a great champion in his dedication to raising awareness and money in the fight against motor neurone disease (MND). We were joined by Ian Davis and other researchers from the Florey.

It was great to be able to be there to see cutting-edge research, the best scientists and the most brilliant minds anywhere in the world working hard on this important task and making really significant breakthroughs. They are close to a more effective treatment. They are getting closer every day towards a cure for this wretched condition.

I pay tribute to Neale Daniher, Ian Davis and all of those who are raising awareness and money to support the 1900 Australians who deal with MND every day. There is a new diagnosis every 12 hours. Sadly, someone is lost to MND every 12 hours. There is no effective treatment, and there is no cure. But through the work of Neale Daniher and his bravery, his courage and his commitment, funds are being raised and awareness is being raised.

I was very pleased this morning to announce that our government will provide \$150 000 towards Daniher's Drive, one of the many fundraising activities that Neale Daniher and the Cure for MND Foundation have instituted in the last couple of years. Being someone who is dealing with all of those difficulties, with the pain and the great tragedy of this condition, to be more concerned about others and more concerned about

raising money, awareness, treatment and cure than they are about themselves, I reckon marks Neale Daniher out as someone who is pretty special.

### **Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. If the Premier is adamant that no rules have been broken by his government in the placing of casual electorate staff as paid Community Action Network organisers, I ask — —

**An honourable member** interjected.

**Mr GUY** — It was a two-day-a-week staff member.

**Mr Merlino** interjected.

**The SPEAKER** — Order! The Deputy Premier! The leader will — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the Deputy Premier. The Leader of the Opposition will be heard in silence, and that includes the Deputy Premier.

**Mr GUY** — If the Premier is adamant that no rules have been broken by his government in the placing of casual electorate staff as paid Community Action Network organisers, I ask: can the Premier now inform the house exactly where in the staff rules does it state that casual electorate staff can be used as paid operatives for Labor's Community Action Network?

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Kew! The house will extend the same courtesy that the Chair expected to be extended to the Leader of the Opposition. The Premier to respond, and to be heard in silence.

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. The Leader of the Opposition in his question made a number of claims. They are wrong, just as they were wrong yesterday.

*Honourable members interjecting.*

**Mr ANDREWS** — He made allegations, and they are wrong today, just as they were wrong yesterday.

*Honourable members interjecting.*

**Mr ANDREWS** — The Leader of the Opposition is both confused and wrong, and he thinks the louder he gets the more convincing he gets. There are rules in

place, Speaker, and I again confirm for you, for the confused Leader of the Opposition and for all members that the rules have been followed. The Leader of the Opposition makes claims, he makes allegations. He in effect would hold others to a high standard. One would hope that he could meet such a high standard and that all of his colleagues could meet such a high standard.

**Mr ANDREWS** — There are rules, and they have been followed.

**Mr R. Smith** — On a point of order, Speaker, the Premier is debating the question. If he says there are rules, he should just show us where they are. Just show us the page, show us the paragraph.

*Honourable members interjecting.*

**The SPEAKER** — Order! There is no point of order.

**Mr R. Smith** — Just show us where these — —

**The SPEAKER** — Order! The member will resume his seat. As the member for Warrandyte understands, there is no point of order. The Premier has concluded his answer.

**Mr Guy** interjected.

**The SPEAKER** — Order! Funny, but — —

**Mr Guy** — Sorry, Speaker, I was momentarily distracted by Lord Farquaad.

**The SPEAKER** — Order! Funny, but out of order. The Leader of the Opposition to ask a supplementary question.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — On a supplementary, is it not the case that the Premier just cannot find any rules saying that using casual electorate staff as paid campaign operatives for Labor's Community Action Network is acceptable, because the government has been caught rorting red-handed?

*Honourable members interjecting.*

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition. I do not know that it was a question; it was more a statement filled with claims, filled with allegations. They are wrong. The Leader of the Opposition can get as loud and as dramatic as he likes but it will not make his incorrect claims correct. There are rules in place, and they have been followed.

**Mr M. O'Brien** interjected.

### **Ministers statements: Office of Living Victoria**

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I rise to provide to the house the outcomes of the independent review into the Office of Living Victoria (OLV) that I asked the former Auditor-General to conduct. This report contains very serious evidence of a culture of mismanagement and bad governance, overseen by the Leader of The Nationals, that has resulted in the loss of millions of taxpayers dollars.

*Honourable members interjecting.*

**Ms NEVILLE** — The report shows that a minimum of \$3.6 million is unaccounted for.

*Honourable members interjecting.*

**The SPEAKER** — Order! I indicated to the house that the Chair has to be able to hear questions and answers. As I said, there are some friends in the media. Many members will not believe me on that, including myself. But if I may, I want to take this opportunity to indicate that there is a friend in the media, Frances Bell. I understand that today is her last day before she goes on maternity leave. We wish her all the best. We will miss her, but I am sure she will not miss us.

**Ms NEVILLE** — As I was saying, we have seen the loss of millions of taxpayers dollars at the hands of the Leader of The Nationals — a minimum of \$3.6 million just gone; one-third of all projects failed to deliver anything; 58 projects provided no value for money to Victorian taxpayers; there was zero clarity around deliverables for projects, and invoice after invoice was paid for promotional tools and materials, some of which have just disappeared. We cannot find them — an app has just gone. There was double dipping and there are huge questions about the dubious projects and payments made under the \$50 million Living Victoria grant program.

*Honourable members interjecting.*

**Ms NEVILLE** — The lack of ministerial oversight by the now Leader of The Nationals was extraordinary. There was wasted money. For example, \$500 000 was given to a company that donated money to the Liberal Party two weeks later, and there is not one piece of evidence that anything happened on that Sunday. The OLV was not an independent body, but the former minister made it clear that it was accountable only to him, and the result was a dodgy arm of the former government which failed to adhere to even the most

basic of standards, resulting in taxpayers money rolling out the door with absolutely no outcome. The former minister should apologise. Victorians deserve no less.

**Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Can the Premier guarantee that the Minister for Sport, the Attorney-General and the Minister for Environment, Climate Change and Water never signed casual employment forms for staff who did not actually work for them but instead worked for Labor’s Community Action Network?

*Honourable members interjecting.*

**Mr ANDREWS** (Premier) — Again the Leader of the Opposition makes claims and in making these claims he is completely wrong. I again make the point that there are rules in place and parliamentary pool arrangements have existed for a very long time. They have been used by those opposite, used by all political parties and endorsed by presiding officers of all political persuasions.

**Mr ANDREWS** — The answer to the question, very simply, is that there are rules in place and they have been followed. But I have to say what a joy it is to be lectured on integrity from someone who rezoned land around a Liberal Party donor’s kitchen table. That is what he did. That is what — —

**Mr Clark** — On a point of order, Speaker, the Leader of the Opposition asked a very specific factual question. The Premier is debating that question. I ask you to bring him back to order.

**The SPEAKER** — Order! The Premier will come back to answering the question.

**Mr ANDREWS** — The Leader of the Opposition has asked a number of questions, and far from being factual they are riddled with errors. We will not be taking integrity lessons from this one over here.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier and the Leader of the Opposition will desist.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I note that the Premier did not give a guarantee there, and I further note that PricewaterhouseCoopers advice prepared for the Parliament in this term described Labor’s practice of using casual electorate staff for campaigning outside of the electorate to which they have been hired as being

a clear breach of parliamentary rules, and I ask: with all electorate staff employed under the Parliamentary Administration Act 2005 to which the Premier is responsible, will the Premier ensure that this advice is made public?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. Yesterday the Leader of the Opposition asked me a question in relation to responsible authorities, and I thought we cleared it up at that point that the responsible authority in terms of these matters is in fact yourself, Speaker, and the President in the other place. Far from the question and all the allegations — this question — being directed to the government, the question ought properly be directed to you and/or the President of the Legislative Council. The Leader of the Opposition does not like that, but that is the fact.

*Honourable members interjecting.*

**Mr Guy** — On a point of order, Speaker, by way of relevance, the Premier is responsible for the Parliamentary Administration Act, not you or the President of the Legislative Council. I have asked the Premier about some advice that has been prepared in relation to that act, and I am asking the Premier, not anyone else, to release that advice. I want him brought back to that question.

**The SPEAKER** — Order! I do not uphold the point of order.

**Mr ANDREWS** — The Leader of the Opposition can stamp his foot and carry on and get all angry and loud and rattled, but these matters are for the Speaker and the President in their capacity as Presiding Officers. Of course in all of your functions, Speaker, we would fully cooperate and support you.

**Mr Clark** — On a point of order, Speaker, I raise with you sessional order 11(2) in relation to answers not being responsive to questions. I submit to you that the Premier’s answer to the substantive question asked by the Leader of the Opposition was not responsive. It was a specific question about whether the Premier could guarantee that certain ministers had not signed casual employment forms for staff. It was a question that was open to the Premier to answer yes or no or in whatever other way he saw fit, but he failed to be responsive to the question. I ask you to direct him to provide a written answer to it in accordance with the sessional orders.

**Ms Allan** — On the point of order, Speaker, in response to the claims of the manager of opposition business that the requirements of sessional order 11 (2)

have not been complied with, they most certainly have. The Premier gave a long and detailed answer to the question and complied entirely with sessional order 11 (2). I ask that you rule the member's point of order out of order.

**The SPEAKER** — Order! I do not uphold the point of order advanced by the manager of opposition business. The Premier was responsive. The Chair cannot direct the Premier to respond in a particular way, but I was satisfied that the Premier had been responsive.

**Ministers statements: renewable energy**

**Ms D'AMBROSIO** (Minister for Energy and Resources) — This government backs renewable energy, and I am pleased to report that we have a plan to grow more Victorian jobs and investment. We know how important it is for investment to flow to regional Victoria, and we are delivering this through *Victoria's Renewable Energy Roadmap*. Can I say: it is a great opportunity today to speak on the government's energy work program. There is so much to be done, given that we lost four years with four years of nothing under those opposite.

In the coming weeks we will be holding community forums across Victoria on our renewable energy road map. The road map sets out a framework to drive investment and sustainable energy sources. The clean energy industry knows that, the community knows that and even the Victorian Employers Chamber of Commerce and Industry knows that, and they have all welcomed our road map. The road map will include a baseline target of 20 per cent generation from new renewable sources by 2020, plus a further target for 2025. Community consultations will be held right across regional Victoria.

We are getting on with it and picking up the pieces of an industry that was under threat from those opposite, who sought to destroy it. Renewable energy makes good economic sense, especially for regional Victoria. It is good for our future, and everybody knows that except those opposite. You would hope those opposite, certainly those from The Nationals, would understand this, because we are using the government's electricity purchasing power to kickstart and deliver 100 megawatts of new energy projects to be built in regional Victoria. This has been well received. This translates to 1000 new construction jobs and \$200 million worth of investment in western Victoria.

We are proud to stand up for those people who have relied on this important sector to get that investment

flowing and the jobs created, and this government will deliver just that.

**Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Can the Premier confirm that Labor staffer Jadon Mintern sent emails to Labor MPs containing filled-in casual employment forms for Labor MPs to sign and return that were for individuals who were never to work in those MP's offices but were to staff Labor's Campaign Action Network?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. I cannot confirm that, no.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I ask the Premier: does he categorically deny that he or his office had any knowledge of the organisation of the systematic roting of casual employment from Labor MPs' electorate offices paid for by the taxpayer, which has resulted in Labor MPs employing staff who never worked in those offices but rather as campaigners for Labor's Community Action Network?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. The Leader of the Opposition continues to make claims. He continues to make allegations. He continues, with some dramatic flair, to accuse lots of people of lots of things. His question is replete with inaccuracies. He is simply wrong.

**Mr Clark** — On a point of order, Speaker, again I draw your attention to sessional order 11 (2). This is a sessional order introduced by the present government, designed, as it claimed, to ensure culpability of the government to the community. The Leader of the Opposition in both the substantive and supplementary questions has asked for specific factual information from the Premier. The Premier has not sought to provide any form of factual response to the specific points put to him by the Leader of the Opposition.

I ask you, Speaker, to give effect to what this house and presumably this government intended that sessional order 11 (2) would achieve and require the Premier to provide a written response to the specific factual questions asked by the Leader of the Opposition.

**Ms Allan** — On the point of order, Speaker, sessional order 11(2), which was the subject of the point of order, I note only exists because this government brought in reforms to question time. But

going on from that, can I make it absolutely clear that the Premier in response to both the substantive question and the supplementary could not have been clearer in his response to both questions.

In response to the first one — he was asked to confirm a particular situation — the Premier said he could not confirm that. In response to the supplementary question, in answering the question he said it was wrong. The Premier could not have been clearer in answering those questions. I ask that you rule the question out of order, Speaker, and advise the opposition to stop abusing sessional order 11(2), which was introduced to improve the operation of the Parliament.

**Mr Hodgett** — On the point of order, Speaker, I submit that the Premier did not answer the substantive or the supplementary questions, and I would ask you to uphold the member's point of order.

**The SPEAKER** — Order! I do not uphold the point of order raised by the manager of opposition business.

### **Ministers statements: Murray Basin rail project**

**Ms ALLAN** (Minister for Public Transport) — Isn't it good to be talking about this government's public transport agenda and getting on with things that matter to the community of Victoria? In this instance I will talk about the Murray Basin freight rail project and provide some new information to the house. I am pleased to advise the house — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister to continue in silence.

**An honourable member** interjected.

**Ms ALLAN** — I will get to that! I am so pleased to advise the house of the work we are doing not only on pushing on with this project but also on securing support from the commonwealth, particularly in an environment where Victoria gets less than 9 per cent of commonwealth infrastructure funding — and we have a project that ticks all the boxes for the commonwealth.

I am pleased to advise the house that I have met with both the Deputy Prime Minister, Warren Truss, and more recently the federal Assistant Minister for Infrastructure and Regional Development, Jamie Briggs, to advise them of our government's work on this project and to seek their support.

I said this is a project that ticks every box. It ticks the box in terms of economic growth, regional growth, jobs and agriculture, and it will also fix the missing link in our nation's freight rail network in this state. It provides access to the ports of Portland, Geelong and Melbourne, and it is a great project. Certainly the federal member for Mallee thinks it is a great project and is happy to get support from his Canberra colleagues for it. Would it not be great if there was a unity ticket on this between The Nationals at state and federal level?

It would be great if there were a unity ticket, but I am sad to inform the house that that is not the case. A chasm has opened up in north-western Victoria amongst The Nationals, and the Leader of The Nationals is now saying this is not a project that Canberra should consider funding.

*Honourable members interjecting.*

**The SPEAKER** — Order! I will not warn the Minister for Tourism and Major Events and the member for Mordialloc again. The next interjection will guarantee the imposition of standing order 124.

**Mr Clark** — On a point of order, Speaker, the minister has ceased complying with sessional order 7. She is debating the issue, and I ask you to bring her back to compliance.

**Ms ALLAN** — On the point of order, Speaker, this is very new information to the house which complies with sessional order 7. It goes directly to the delivery of this very important project. Looking for support for this project and detailing how not everyone wants to support this project, is a very factual matter.

**The SPEAKER** — Order! I uphold the point of order. The minister has 8 seconds to come back to making a conclusion. I have not yet called the minister to conclude her minister's statement. I ask the minister not to defy my ruling.

**Ms ALLAN** — This is an important project. We are going to do it properly, and we would hope that those opposite would get on board.

### **Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Can the Premier confirm that his office is engaging in a witch-hunt against the three government MPs who exposed to Victorians the systematic roting of taxpayers money to staff Labor's Community Action Network?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. The answer is no.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I ask the Premier what mechanisms he has put in place to ensure that these three Labor MPs who have lifted the lid on Labor Party rorts are protected under whistleblower legislation.

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question.

**Mr Pesutto** interjected.

**Questions and statements interrupted.**

**SUSPENSION OF MEMBERS**

**Members for Hawthorn and Frankston**

**The SPEAKER** — Order! The member for Hawthorn will withdraw from the house under standing order 124 for an hour.

**Mr Edbrooke** interjected.

**The SPEAKER** — Order! Under standing order 124 the member for Frankston will also leave the house for an hour.

**Honourable members for Hawthorn and Frankston withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Electorate office staff**

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. Through his question he has simply shown that he is manifestly confused about all these matters, absolutely confused. He can get as loud and as desperate and as rattled and as addled as he likes, but he is wrong — as simple as that, wrong. That is my answer to his ridiculous question.

**Ministers statements: economy**

**Mr PALLAS** (Treasurer) — I rise to inform the house about new information relating to the Andrews Labor government's pledge to create jobs and to build a people-powered economy in Victoria. I have more good news for the Victorian economy. Despite the insidious dead hand of economic incompetence at the

federal level, the national accounts figures released yesterday show that Victoria is growing.

Victoria's state final demand rose 0.9 per cent in the June quarter, and in fact for the first six months of the year Victoria's state final demand growth was 2.6 per cent. It is the highest of all the states, and the Andrews government is making sure that the benefits of the growth are enjoyed by all Victorians, not just those who live in Melbourne.

A year ago Victoria's regional unemployment rate was 6.5 per cent, and the junior coalition partners — the people who purport to represent regional Victoria — refused to act. Instead they were just riding out their last days in government. A bunch of political rhinestone cowboys wearing big hats —

**Mr Clark** — On a point of order, Speaker, the Treasurer is not complying with sessional order 7. He is debating the issue, and I ask you to bring him back to compliance.

**The SPEAKER** — Order! I ask the minister to come back to making a statement.

**Mr PALLAS** — We are standing up for rural and regional Victoria. Under our stewardship, focused on infrastructure creation and job creation, regional unemployment is down to 5.6 per cent. That is why I will be in Horsham tomorrow talking about our \$200 million Agriculture Infrastructure and Jobs Fund. I will be talking about the biggest upgrade to regional Victoria freight in decades — the Murray Basin rail project. When we say we represent all Victorians, we go ahead and act like it — not like those opposite, who are all hat but no cattle. The Andrews Labor government will work for every Victorian, and we will deliver what Victorians voted for.

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

**CONSTITUENCY QUESTIONS**

**Caulfield electorate**

**Mr SOUTHWICK** (Caulfield) — (Question 526) My question is to the Minister for Police. Carlisle Street, Balaclava, is a vibrant shopping, cultural and social precinct in my electorate of Caulfield. Unfortunately shoppers and traders are frequently exposed to illegal and undesirable activities in the street, and funding is desperately required to fund an updated crime prevention strategy and CCTV cameras in the area. Having consulted with a number of traders and locals in the street, I ask the minister to consider

providing funding for CCTV cameras in Carlisle Street. I note that the previous government offered funding to Port Phillip City Council to install these cameras and that it was not accepted. It is my understanding that the council is now willing to adopt the enhancement of local crime prevention. Will the minister provide funding for CCTV cameras and a crime prevention strategy for Carlisle Street?

### **Yan Yean electorate**

**Ms GREEN** (Yan Yean) — (Question 527) My constituency question is to the Minister for Local Government. As the minister knows, my electorate covers one of Victoria's largest growth corridors. After years of neglect by the Liberals, when nothing happened and the outer north was left to develop with no investment, at last constituents in my electorate are seeing a Victorian government that is managing growth with significant investments in education, transport and community infrastructure. I am aware that the application period for the Interface Growth Fund has now concluded, and I ask the minister for an update on the next phase of the Interface Growth Fund and how constituents will benefit, in particular those in the local government areas of Mitchell, Nillumbik and Whittlesea?

### **Morwell electorate**

**Mr NORTHE** (Morwell) — (Question 528) My constituency question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation. By way of background, I understand that Tatts intends to roll out its products into an initial 25 Victorian Caltex Woolworths fuel convenience stores from October. For existing retailers, who are in the majority of cases small businesses, this decision is of significant concern to their continuing viability in a difficult economic climate. I also understand that Victoria does not have the same protections in place for small businesses as Queensland does with respect to who can operate and where Tatts outlets can be placed. This is at the same time that the Andrews government is undertaking a review into the future of lottery licences in Victoria, which are due to expire in 2018.

My question to the minister is: I understand the Lottery Retailers Association has asked the government to seek a voluntary agreement with Tatts and implement a moratorium on the rollout of Tatts products in convenience stores in Victoria until such a time as the lotteries review has been completed. Will the government take action to protect these small businesses?

### **Geelong electorate**

**Ms COUZENS** (Geelong) — (Question 529) My constituency question is to the Minister for Small Business, Innovation and Trade. I ask the minister to visit Geelong to meet with small businesses and the Geelong Chamber of Commerce to outline opportunities as a result of the Andrews Labor government's budget. More than 500 000 Victorian small businesses provide almost half of the state's private sector jobs and contribute around a third of the state's output in goods and services. Over 28 per cent of small businesses are located in rural and regional Victoria. There are almost 16 000 small businesses in the city of Greater Geelong, employing over 6000 people. Small business plays a vital role in our economy, and Geelong is no different. I want to ensure that small businesses in Geelong can benefit from the Andrews government's budget initiatives. It is important to small businesses that they be able to access relevant and reliable information to grow their business.

### **Brighton electorate**

**Ms ASHER** (Brighton) — (Question 530) The question I have is for the Minister for Roads and Road Safety, and it is in relation to heavy vehicle traffic on Beach Road. There are currently some restrictions on heavy vehicle traffic depending on the time of day and on what day — I will not read all those out as part of the question — but some constituents of mine have called for a complete ban on heavy vehicles and trucks on Beach Road. The Nepean Highway is a clear alternative to Beach Road, and it can adequately accommodate large trucks. We have a significant problem with the number of cyclists on Beach Road, as the member for Albert Park would be well aware. It is very heavily congested with cycle traffic, particularly on weekends. My question is: will the minister consider this change of policy?

### **Pascoe Vale electorate**

**Ms BLANDTHORN** (Pascoe Vale) — (Question 531) My constituency question is to the Minister for Roads and Road Safety. My question concerns the speed limit in the Coburg Primary School zone on Bell Street in Coburg. I thank the minister for providing me with an update on the progress of the road safety review VicRoads was conducting in the vicinity, and I understand that VicRoads has now completed this review. I ask the Minister for Roads and Road Safety to provide me with an update on the findings of the completed review.

I understand that as part of this review VicRoads investigated the possibility of implementing a permanent 40-kilometre-per-hour zone between Service Street and Budds Street in Coburg. Coburg Primary School is in this vicinity and is uniquely located with campuses on both sides of Bell Street. Currently there is a school zone between 8.00 and 9.30 a.m. and between 2.30 and 4.00 p.m., but because of the nature of the school, students are crossing the road all day. If it is to be a school zone between 8.00 and 9.30 a.m. and 2.30 and 4.00 p.m. because students are crossing as they arrive at school and depart school, it is also appropriate that it be a school zone for the course of the day.

### Melbourne electorate

**Ms SANDELL** (Melbourne) — (Question 532) The Parkville precinct in my electorate is an example of Victoria leading the country and the world in science, innovation and research. I have been lucky enough to tour a number of the facilities in the precinct and have learnt that Parkville accounts for 27 per cent of National Health and Medical Research Council funding. Its research output is unparalleled in Australia, and the precinct employs over 10 000 researchers.

Right here in Melbourne scientists have created and commercialised many important breakthroughs, including the bionic ear, new vaccines, new diagnostics and more; however, the precinct faces some big challenges, including insufficient funds to cover the indirect costs of research and difficulties in retaining mid-career researchers due to the unstable nature of grant funding. Victoria is at risk of losing its competitive advantage. Many institutes in New South Wales, for example, are up to 25 per cent better off due to better state government support for the indirect costs of research.

My question is to the Premier: will the Victorian government boost funding for the indirect costs of research to ensure that Victoria does not fall behind other states?

### Bentleigh electorate

**Mr STAIKOS** (Bentleigh) — (Question 533) My question is to the Minister for Aboriginal Affairs. The Victorian Aboriginal community is a very proud and strong community; however, of late there are some alarming statistics in the Aboriginal community in relation to Aboriginal children in the out-of-care system. I understand both the Minister for Aboriginal Affairs and the Minister for Families and Children have been working tirelessly with key Aboriginal stakeholders in the Aboriginal community to look at

this issue holistically and put culturally sensitive strategies in place to work on having the children reconnected with family members and culture.

Can the Minister for Aboriginal Affairs inform my constituents and the house of the key measures that have taken place to date and what key strategies are planned for the future, and also inform the house on how it is a whole-of-government responsibility to not only close the gap in out-of-home care but in all the key areas where there is a need to close the gap?

### Bass electorate

**Mr PAYNTER** (Bass) — (Question 534) My question is to the Minister for Education. In November 2014 the Labor Party claimed that asbestos would be removed from all 1200 state schools by 2020. The minister's personal quote was:

What kind of message does it send to parents and to school communities that you have stickers across our school buildings, across Victoria, saying there is deadly asbestos and then do nothing about it?

During the inquiry into budget estimates earlier this year the minister stated that \$50 million had been set aside to 'tackle the worst cases of asbestos' in classrooms. The minister further stated that there are funds available in the capital works program for asbestos removal. It is now September 2015. My question is: will the minister provide me with a timetable and schedule of works for the state schools in the Bass electorate, including Bayles Regional Primary School? I received a letter from Bayles Regional Primary School which stated that it was concerned 'about the substantial asbestos in and around the school and the potential risk of exposure to children, families and staff members'. The school's last audit revealed that asbestos is present in 13 areas of the school. The school wants to know what the minister is going to do about it.

### Brunswick electorate

**Ms GARRETT** (Minister for Emergency Services) — (Question 535) My constituency question is to the Minister for Roads and Road Safety on behalf of concerned residents of Brunswick, who have raised concern about the safety of Nicholson Street where it intersects with Albion Street near the Brunswick East Primary School. This narrow street can be very dangerous for road users, including schoolchildren, parents, cyclists and visitors to the nearby Centre for Education and Research in Environmental Strategies.

Glenda, a community volunteer in Brunswick East for nearly 40 years, has spoken of the near misses and collisions she sees nearly every day. She is worried that a child or parent walking or riding their bike to school or the park will be hit by a car. I would like to commend Glenda on her advocacy for safety, and on her behalf I ask the minister for roads to investigate a method of making this area safer for all road users. Possible solutions could include lowering the speed limits to 40 kilometres per hour or speed humps close to the blind corner.

The Minister for Roads and Road Safety and the Andrews Labor government have been strong in advocating for and delivering safer roads around Victoria, and I look forward to working with the minister who has continuing passion for the safety of Victorians in my electorate.

## FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015

### *Second reading*

#### **Debate resumed.**

**Mr STAIKOS** (Bentleigh) — Before I was interrupted by question time I was contrasting the situation in the United States with the situation we have here. As I said, about a month or so ago I had the opportunity to be at a conference with some legislators from the United States and in talking about the gun culture of the United States was astonished at the attitudes held, particularly those held by Republican legislators. It is astonishing that every third house in the US contains a gun. It does not matter, it seems, how many massacres occur at schools, picture theatres, churches and shopping centres.

The President of the United States has lamented this perhaps sad chapter of his presidency, the one that he regrets the most — that is, that there has not been the political leadership in the Congress to properly deal with this issue. Thankfully we are not the United States, but we also have somewhat of a problem. In 2012 the Australian Crime Commission estimated that there were 260 000 firearms in the illicit market. Many of the guns in the black market were never handed in when the national firearms agreement was established in 1996 following the Port Arthur massacre.

Recently we read newspaper reports that showed some alarming police statistics from the north-west of Melbourne that there had been a 300 per cent increase in firearm offences in the past five years in the north-west of Melbourne. It is reported that police are

discovering guns every two days in that region of Melbourne, and 530 guns were stolen in rural Victoria in 2013. This is why Victoria Police has sought these changes to the law.

I am proud that this government has brought them to this Parliament and is taking action on them. It is indeed a very sad day when the opposition cannot even cough up more than two speakers to contribute to the debate on such an important bill, despite what I would call the strong legacy of those on the conservative side. Nearly 20 years after John Howard took such strong leadership following the Port Arthur massacre, here we are with the Liberal Party in Victoria not wanting to contribute to the debate on this bill. That should come as no surprise, because those opposite did absolutely nothing when they were in government.

In summary, this bill lowers the trafficable quantity of unregistered firearms from 10 to 3 over a 12-month period, reverses the onus under which a person is taken to be in possession of a firearm found on a premises or in a vehicle, creates a new offence for the unlawful manufacture of firearms, introduces an offence of theft of a firearm to the Crimes Act 1958 and lifts the maximum penalty for such a theft to 15 years jail.

The police have sought these changes, and the police association supports them. Illegal guns are a threat to community safety. These new laws send a clear message that Victoria is cracking down on the illegal firearm market and organised crime. This government is serious about helping police tackle the unlawful circulation of firearms within Victoria. We have worked closely with the police to close gaps in the state's gun laws and give police more powers to prosecute gun crimes. It is regrettable that those opposite do not take these issues seriously enough to cough up, as I said, more than two speakers on this bill. I commend the bill to the house.

**Ms BLANDTHORN** (Pascoe Vale) — I also rise to speak on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. The bill makes amendments to the Firearms Act 1996. It is an important bill, and as the member who spoke before me has just said, it is disappointing to hear that those opposite see all of us government members taking the opportunity to speak on the bill as filibustering rather than making contributions on an important issue. The member for Malvern accused us of filibustering when he was in the chamber earlier. Maybe these issues are not a particular problem in the leafy suburb of Malvern, but I can assure members that they are in the electorate of Pascoe Vale.

The amendments focus on the understanding of what possession of firearms actually means, as well as on the manufacturing, trafficking and theft of firearms. The bill will strengthen the capability of Victoria Police to fight the illegal use of firearms and associated offences. Guns are a huge threat across our communities, and they are a particular threat in my community. Unfortunately they are a common tool in violent criminal activity. They cause physical and psychological injury, and they create fear in our community.

It is crucial that Victoria's firearms legislation keeps up with the evolving nature of firearms crime. It is also crucial that police are empowered to hold accountable those who use firearms illegally. It has been said by those who have spoken before me that this legislation is not about targeting those who legally hold firearms and who use those firearms responsibly; this is very much about getting to the heart of organised gun crime. Successful prosecution of firearms offences is very important. We need to remove the barriers that are allowing many people to walk free. The newly introduced offences add specifics to the current legislation, clearly identifying different crimes which constitute firearms offences.

Every Victorian, wherever they live — whether it is in the leafy suburb of Malvern or in Pascoe Vale — has the right to feel safe and secure. Many other speakers have referred to the gun culture gone mad in the USA and told stories of gun crime in US picture theatres, schools and shopping centres. But unfortunately we do not need to look too far from home — indeed in my case not too far from my home or perhaps my office — to find our own crazy examples. Dubbed the 'red zone' by Victoria Police, Melbourne's northern suburbs are unfortunately home to a large amount of gun crime. A simple Google search throws up several quite specific examples of gun crime in the suburbs of my electorate over the last 18 months.

An article headed 'Shot fired into house in Glenroy, Melbourne' published in the *Herald Sun* of 21 March 2014 says:

A family at home when a shot was fired into their front window in Melbourne's north believe the attack was targeted.

A husband and wife, their two sons, the wife's brother and her mother were at their home in Gowrie Street, Glenroy, when two shots were fired at about 3.50 a.m.

One shot was fired into the front window, while another hit a tree opposite the house.

No-one was injured. Police believe a shotgun was used in the attack.

Neighbour Anne Bartolo said she was woken by two shots.

'I heard a bang, a big bang. After a while I heard another bang', she said.

'It's a bit frightening because this street's so peaceful. Now I don't know what's going on. I want to take off'.

In August another article, 'Coburg hair and beauty salon targeted in drive-by shooting', described how on a Friday night shots were fired at a Coburg shop in the same street as a hairdressing salon which was sprayed with bullets the night before. It states:

Workers arrived at The Rack Fashion Room in Munro Street on Saturday morning to find at least two bullet holes in the glass shopfront.

The shop is two doors down from Vuda Hair Body and Beauty which was sprayed with bullets overnight on Thursday. It was the second time in as many weeks the salon had been shot at.

Police believe the latest drive-by shooting is linked to a number of attacks on the hairdressing salon and a woman linked to the business who was recently assaulted.

This attack happened in a bustling precinct in Coburg which has restaurants, Italian patisseries and Greek cake shops. I recently bought a new sewing machine from a shop a few doors down around the corner. Unfortunately gunshots have been fired in this bustling precinct.

In October 2014 a drive-by shooting baffled the apparent victim, again in Glenroy. It was one of two shootings within 4 hours in the north-western suburbs of Melbourne. It was on Melbourne Avenue, Glenroy. I remember it distinctly. It was during the election campaign, and I had been campaigning that day in that precinct. The press described how the person whose house it was found a bullet hole in the back mirror of his utility and another in a side fence. It was reported that:

The man, still at home on Wednesday afternoon, was clearly shaken as he made himself a strong drink.

'I'm beside myself, in a way. It has been doing my head in', said the man, who did not give his name.

'I'm hoping it wasn't meant for me ...

In January this year an Australian Associated Press article referred to drugs, cash and guns being seized from a Pascoe Vale suburban home after a police raid. A sawn-off shotgun, handgun and two pill presses were found. Also in January another young couple in Pascoe Vale had their house shot at. Again, they do not know who did it or why.

A number of members who have spoken on this bill have referred to the recent Moonee Ponds shooting after police attempted to pull a random vehicle over to the side of a road. This incident struck me because the police officer involved was from the Moonee Ponds police station where a friend of mine is the sergeant. He is the husband of one of my best friends; they have a one-year-old daughter. It was difficult to wake up to that news that morning. My partner said to me, 'There's been a shooting of a police officer from the Moonee Ponds police station. You had better check with' — my friend — 'that it was not her husband'. I thought to myself, 'How do you actually make that call? How do you ring your friend and say, "I am just checking that your husband was not the officer from the Moonee Ponds police station who was shot last night"'?. As distressing as it was for me and for my friend, who would have been at home with her one-year-old baby — I am sure it would have been very distressing for her — it is a situation that our police face all the time.

There was then the question of where the gun was to be found. I was driving between schools in my electorate one afternoon and saw a number of police — tens of them — combing the streets, looking for the gun across Coburg North. I was driving around the streets wondering where you would hide a gun in the area. But when you are the families of the people who live around the nearby parks or use Bunnings around the corner or live near where the car was burnt out in Hossack Street, which is right next door to the very popular Australian Seafood Fish & Chippery, these are very real issues.

I contemplated whether I should ring my staff the morning after that incident happened and say to them, 'Be careful who you let in the front door today'. I decided that that might frighten them more, but again these are very real issues for us locally. Only a few weeks later a Holden Commodore was stolen at gunpoint at Piedimonte's supermarket in Bell Street, Pascoe Vale, which is only a 1-minute walk from my office. That supermarket is the closest to my office and to my home. A woman shopping there had her car stolen from her at gunpoint. For the supermarket owners, for the shop assistants and for the customers of Piedimonte's supermarket in Pascoe Vale this is still a very frightening situation for them to think about when they drive into the supermarket to do their shopping.

There are a lot of incidents happening around my electorate and across the north-west of Melbourne. They may or may not be related, and many of them are probably linked to organised crime, but the reality is that they hurt individuals who may be the victims of

those circumstances and they also very much affect the local community. You think about it now when you drive to Piedimonte's supermarket or when you go and get fish and chips in Hossack Street in Coburg North. For the opposition to suggest that we are filibustering by drawing these issues to the attention of the house certainly does downplay the issue.

This bill changes the definition and consequently the focus of the evidence of possession. It will enable more successful prosecutions of firearms and trafficking offences, and it introduces a specific and new offence related to the manufacture of firearms. These are all very important measures that will allow our police to better respond to organised crime and better respond to gun crime in our community. They are also measures which will ensure that we are better able to prosecute those people who are found to be in possession of firearms and involved in these offences. Our government takes firearm crime seriously. With rising firearm crime such as drive-by shootings, shootings in car parks, burnt out cars and guns going missing occurring often in the community, our government is responding to these issues with clarified offences, stronger penalties and easier methods of prosecution.

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

**Mr NARDELLA** (Melton) — I will push the debate a little in another direction. Law and order, firearm safety and community safety are major issues for us on this side of the house. They are major issues for the community and particularly for women and families, but the use of firearms, the safety of the use of firearms and the training of firearm owners are also important issues. One of the things that strikes me about this debate is that these issues are usually seen as being conservative Tory matters and priorities that members of that persuasion are usually more than willing to speak on in this house. I am amazed that in my nearly 23 years in this house that we now have an opposition that has vacated the field in regard to community safety, has vacated the field in regard to the unlawful use of firearms and has vacated the field that its members keep on telling us that they hold dear, and yet they have gone on strike. I have never seen an opposition that has been so bone lazy that we only have one honourable member in this chamber who is willing to listen and remain in the chamber for the debate on this bill.

This lazy opposition — I will get to The Nationals — should be absolutely condemned for its lack of work ethic. In fact, it has no work ethic. Opposition members think that coming in here for 45 minutes and asking five questions and five supplementary questions by the

Leader of the Opposition and a couple of frontbenchers is what this Parliament is about. It is not about that. It is about making your policies and views known to the Victorian people. It is about making some hard decisions in regard to what you believe in and being able to debate your particular view in this democratic Westminster chamber. On this particular bill before the house, members opposite have vacated the field. Fifty per cent of the opposition's contribution to this debate has been by the member for Prahran, a member of the Greens political party, rather than by the other side the house. That is a disgrace.

I now go to The Nationals rats, whose constituents make up a major part of people concerned with this legislation. They are concerned that legitimate firearm owners continue to have access to and use of firearms because as farmers, as veterinarians and whatever other occupations they have, they need this legislation to protect themselves, their families and their communities. Yet The Nationals rats are not even here. They are not even prepared to debate on behalf of their own constituents. They are so lazy that not only did they lose party status in the election last year but now they are so dispirited that they cannot even debate a major issue concerning their constituents. It is just a disgrace. It is a disgrace when you have legitimate firearm owners in Victoria and other organisations like the Police Association Victoria supporting this legislation.

Even worse, when you look at this legislation, you see that the first three parts of it were actually developed by the previous government. It was actually brought to this house, but because the Geoff Shaw government at the time was so dysfunctional, it could not even get that debate started. Can members imagine what would happen if those opposite took the same attitude then that they are taking now? They would have brought the legislation to the house and then they would not have even debated it, which is just a disgrace. It is a disgrace to see the depths of despair the Liberal Party and The Nationals have reached in this Parliament. We have an opposition that will not even debate one of the most important pieces of legislation we have ever had before us.

The fourth part of this legislation deals with increasing the penalties for people who steal firearms from 10 years to 15 years. That is one of the prime ways of getting those illegal firearms out of the community, yet we have a vacuum in this chamber. Not only do we have a vacuum in this chamber, we have a vacuum of honourable members who have any brain matter between the ears because they cannot even get here to debate this major issue. They cannot string even two

words together to support a policy issue that should be dear to their hearts. Community safety should be a major point in their platform, and yet these lazy, indolent people from the other side are not even in the chamber.

I have consulted with many organisations because the Minister for Police has given me the honour of making me chair of the Victorian Firearms Consultative Committee. I have travelled to Queensland, where I met with Rod Drew and Luca Rossi from the Shooting Industry Foundation of Australia. I have met with the Sporting Shooters Association of Australia. I also went to the gun expo in Brisbane. Other members on that consultative committee include representatives from the Police Association Victoria. I have had dealings with gun clubs. I have been out to the Bacchus Marsh Rifle Range, where I shot a rifle. I have been out to the Melton Pistol Club, which is a fantastic club. I shot a pistol there. They are all legitimate firearm owners who are just as concerned about the safety of themselves, their community and their families as we are. That is what this legislation is all about. A backbencher like me — —

**Mr Pearson** — A hardworking backbencher!

**Mr NARDELLA** — A hard worker? I would not go that far, Speaker. I can be accused of a lot of things but hard work is probably not one of them. Somebody like me can take an interest in legitimate firearms and the safety of the community and consult on every aspect of this issue, including with all the organisations and individuals involved. I get a number of emails on this issue. It is important that the views expressed be taken into account whenever legislation is put in place, and that is what we have done here. That is what the Minister for Police has done through his office; he has taken those views into account.

There are extreme views on both sides. There is the extreme view which says, 'Everybody should have a gun; you should be able to coat your bullets with Kevlar; you should be able to do a range of things. There should be no restrictions'. Then there is the other side, which says, 'Nobody whatsoever should have a gun'. It is about using common sense and taking a balanced approach. That is what this legislation is about. You will not get legitimate firearm owners complaining about increasing penalties for possessing an illegal firearm or denying that the gun in your possession in a vehicle is not yours and you do not know how it got there. These concerns were brought to us, including to the current minister, during the previous Parliament. This legislation embodies those concerns. It is about making the community safer; it is

about putting in place a reasoned approach to gun firearm safety. I commend the bill to the house.

**Ms SPENCE** (Yuroke) — I am very pleased to join the debate on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. I do so because the provisions of this bill are very important to me. They are also very important to my community, because, as members may know, Yuroke is in the red zone. Police are reporting that there is evidence of a burgeoning gun culture in the city's north-west, particularly among young adult males. This is very concerning.

I will just mention a few things taken from recent media reports. We have firearm-related incidents such as drive-by shootings every six days. That is astounding. There is an increasing trend of children as young as 16 carrying guns. That is again astounding. The police are regularly finding guns in cars, including sawn-off shot guns, and an automatic machine gun was found during a routine car intercept. This is also astounding. We have had guns stolen from homes being used in violent crimes in the north-west. Some 530 guns were stolen in rural Victoria in 2013. These are terrible figures.

The other reason I want to comment on this bill is because not only are they terrible figures, not only are they outrageous statistics, not only is it terrible that this red zone exists and that there is an increasing risk to community safety in this area but also because, as members before me have mentioned, we are reminded at times like this about the tragedy of the Port Arthur massacre and the great strength shown by then Prime Minister John Howard and Deputy Prime Minister Tim Fischer in changing our gun laws to make Australia a safer place.

I am particularly reminded of that time because, as the member for Carrum said, we all know where we were at the time of the Port Arthur massacre. I know where I was because I was about half an hour down the road from Port Arthur. I quite often took my then toddler son to Port Arthur because it is a spectacular place and he could run and run all day around the beautiful fields. On that day, my sister was visiting, and she and I were discussing what we should do. We said, 'Should we go down to Port Arthur?'. It was a surprisingly beautiful, sunny day in April and we thought, 'That's a good idea'. But we were all a bit tired. We thought, 'Not today; we'll go another day'. That was the best decision of our lives, because as we know far too many people did not make it home that day. Thirty-five people did not make it home that day and another 23 people were hospitalised with severe injuries.

We know about those statistics, and we know about the effect the massacre had. We also need to know about the broader effect it had on the community. Hobart was paralysed in the days following it. There was a sense of not only fear but distress; there was huge worry amongst the community. I recall over the 24 hours of this event taking place the sky was full of helicopters and the streets were full of police cars. Roads were blocked off. People who worked in the Port Arthur area could not come home, so families did not know whether or not their family members were coming home. There was this great anxiety and absolute fear. People knew something really bad was happening, but they did not know whether their loved ones were involved. When I read about this red zone — and I know about this terrible increase in our gun culture amongst our youth — I am reminded of that. I am reminded of the Hoddle Street massacre, and I am very concerned about what could happen if we do not take measures to not only consolidate but continue to build on the great strength of the gun laws we currently have. If we just ignore what we see as growing problems and do nothing, we risk those consequences. I do not ever want to see my community face the distress, the terror and the absolute loss that can occur when we ignore the great danger that comes with not addressing gun issues.

I commend the minister for this terrific bill. The measures in it go towards increasing community safety. I am very proud to be a member of a government that wants to entrench its opposition to lax attitudes towards guns. I am very pleased to be a member of a government that has had member after member willing to speak on this issue. I am extremely disappointed that I am not seeing a commitment to this by those opposite. They say they do not oppose the legislation, but do they actually support standing here and talking about the importance of community safety? No, they do not. We can see that. The seats over there are empty. They have nothing to say.

**An honourable member** — Gone to lunch!

**Ms SPENCE** — They have gone to lunch!

**Ms SULEYMAN** (St Albans) — I rise to speak in support of this bill and echo the sentiments of my colleagues on this side of the house in support of the Firearms Amendment (Trafficking and Other Measures) Bill 2015. This is an extremely important bill. It gives Victoria Police the powers it needs to combat the illegal use of firearms and the illegal firearm market in the community.

Whilst Australia's and Victoria's gun laws are some of the strongest in the world, I note that after 2012 there

were an estimated 260 000 firearms on the black market, after the national agreement was established. It is staggering to think that 260 000 illegal firearms are out in our community, being traded and used for violent crimes. Firearm offences have increased over the last four years in Victoria, but only two people have been charged with selling or acquiring a trafficable quantity of guns since 2010, and only eight have ever been charged with possessing a trafficable quantity.

This bill aims to tackle this by strengthening firearms trafficking provisions to ensure that police can combat the large number of black market firearms that could potentially be in the community and be used for organised crime and violent crimes. This bill will amend section 7C of the Firearms Act 1996 to lower the number of unregistered firearms required for a trafficable quantity from more than 10 down to more than 3 over a 12-month period. This means that any person caught possessing more than three unregistered firearms over a 12-month period can be prosecuted for trafficking, and that is an important element of this bill. This will tighten the penalties for trafficking guns and make it harder for those on the black market to continue their trade, hopefully stamping out the black market trade. This amendment is vital in ensuring that police can stop the illegal trade in firearms and keep not only our families but also women, children and innocent people in our community protected and safe whilst ensuring that those who commit firearm offences are brought to justice.

Further amendments address the illegal manufacturing of firearms, which can lead to unlawful firearms spreading amongst our community and putting people — as I said previously, innocent people — at risk. This includes the creation of a new offence where a person who is not a licensed dealer is involved in the illegal manufacture of firearms and the carrying of firearms. The offence has a penalty of up to five years imprisonment. That includes, for example, paintball markers and also category A or B longarms. Hopefully we will also see significant change with this particular amendment in this bill.

The bill introduces into the Crimes Act 1958 a new offence of theft of a firearm. This offence carries a high penalty of up to 15 years imprisonment. These are all necessary amendments to the Firearms Act 1996 to ensure that the community is safe from criminal elements.

Many countries around the world envy Australia for the strong gun laws we have in place at the moment. The lack of gun laws in the United States has resulted in a staggering 247 mass shootings this year alone, which

averages to about 1 shooting in the US each day. These mass shootings include the recent tragic on-air fatal shooting of a reporter and cameraman by a disgruntled former colleague and the killing of nine people in a church in Charleston in a hate crime in June this year. Shootings happen too often in the US, and the loss of so many innocent lives could be prevented if the US had stronger gun laws designed to protect the community and control the trafficking of firearms.

In Victoria we have much stronger gun laws than the United States, no doubt, but more can be done to ensure that innocent people are not caught in the firing line. In the west and in particular in the electorate of St Albans there have been great concerns in the community regarding the rise in firearm offences in what has been dubbed the red zone. The high crime rate in the red zone, which includes the suburb of Sunshine in my electorate of St Albans, includes a 13 per cent increase in gun-related crimes between 2012 and 2014, with firearm-related incidents, such as drive-by shootings, occurring on average every six days. Those sorts of numbers in the electorate of St Albans are staggering when we have places like Sunshine, for instance, which is a vibrant community. It offers great job opportunities, wonderful home options and is a fantastic, vibrant community.

Police in the west regularly find guns in cars during routine vehicle intercepts. Recently on Ballarat Road in Albion officers found a homemade handgun in a car that they randomly searched. This again is a concern for my community in St Albans. We want to see the elimination of any form of crime, including the use of firearms and drive-by shootings. Recently M16 rifles and machine guns were seized in raids on homes in the west. This is extremely alarming.

The other side to this is the tragic and worryingly increasing trend of children as young as 16 years carrying guns and there being a gangster-style culture in our community. That is not on. These amendments will be most welcome in my community in St Albans. It will help to make an effective stand against crime in the west. This is why these changes are so important in ensuring that our communities, regardless of whether you live in St Albans, Malvern or Burwood, are all safe from any form of crime. We do not want to see another Port Arthur massacre, we do not want to see the loss of innocent lives and we do not want to become like the United States, where every second house has a gun. These laws are vital to ensuring that members of our communities are protected and safe, and that those who commit violence with guns are punished for their crimes.

The Andrews Labor government is sending a very clear message that we are cracking down on illegal firearms and organised crime. It shows that the government is committed to being tough on crime and ensuring law and order. I welcome these amendments, and I commend the minister for his strong leadership on this issue. I commend the bill to the house.

**Debate adjourned on motion of Ms THOMSON (Footscray).**

**Debate adjourned until later this day.**

**INFRASTRUCTURE VICTORIA BILL 2015**

*Council's amendments*

**Message from Council relating to following amendments considered:**

1. Clause 8, line 22, after "measurement of" insert "costs and".
2. Clause 8, after line 25 insert —  
 "( ) infrastructure policy issues arising from climate change, such as the measurement of greenhouse gas emissions produced by infrastructure; and".
3. Clause 10, line 7, after "thinks fit" insert " , including academics and professional bodies".
4. Clause 14, after line 13 insert —  
 "(2) When making a recommendation under section 13(1), the Minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally."
5. Clause 16, page 11, after line 14 insert —  
 "( ) When making an appointment under subsection (5), the Minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally."
6. Clause 32, after line 7 insert —  
 "(2) Infrastructure Victoria must transmit the 30-year infrastructure strategy to the Parliament on or before 31 December 2016."
7. Clause 34, line 24, omit "publishing" and insert "transmitting".
8. Clause 34, line 26, after "(as the case may be)" insert "to the Parliament".
9. Clause 34, line 28, omit all words and expressions on this line and insert —

"consultation on —

- (a) a draft of the statement of social, economic and environmental objectives referred to in section 33(2)(a); and
- (b) a draft of the strategy."

**NEW CLAUSE**

10. Insert the following New Clause to follow clause 34 —

**"A Transmission of 30-year infrastructure strategy to Parliament**

- (1) Infrastructure Victoria must cause the strategy or updated strategy (as the case may be) to be transmitted to each House of the Parliament as soon as is practicable after it has been completed.
- (2) The clerk of each House of the Parliament must cause the strategy or updated strategy (as the case may be) to be laid before the House on the day on which it is received or on the next sitting day of the House.
- (3) If Infrastructure Victoria proposes to transmit the strategy or updated strategy (as the case may be) to the Parliament on a day on which neither House of the Parliament is actually sitting, Infrastructure Victoria must —
  - (a) give one business day's notice of intention to do so to the clerk of each House of the Parliament; and
  - (b) give the strategy or updated strategy (as the case may be) to the clerk of each House on the day indicated in the notice; and
  - (c) publish the strategy or updated strategy (as the case may be) as soon as practicable after giving it to the clerks.
- (4) The clerk of each House must —
  - (a) notify each member of the House of the receipt of a notice under subsection (3)(a) on the same day that the clerk receives that notice; and
  - (b) give a copy of the strategy or updated strategy (as the case may be) to each member of the House as soon as practicable after the strategy or updated strategy (as the case may be) is received under subsection (3)(b); and
  - (c) cause the strategy or updated strategy (as the case may be) to be laid before the House on the next sitting day of the House.
- (5) Subject to section 25, upon the strategy or updated strategy (as the case may be) being laid before each House under subsection (4)(c), Infrastructure Victoria must publish, as far as is reasonably practicable, the evidence and analysis relied upon in preparing the strategy or updated strategy (as the case may be)."

11. Clause 35, omit this clause.
12. Clause 36, lines 11 to 12, omit “a notice is published under section 35(b)” and insert “the strategy or updated strategy (as the case may be) is laid before each House under section 35.”.
13. Clause 37, lines 31 to 33, omit all words and expressions on these lines and insert —
  - “(3) The Minister must cause the Government response to be laid before each House on or before the date specified in subsection (4).
  - (4) For the purposes of subsection (3), the date is the first sitting day after the first anniversary of the sitting day on which the 30-year infrastructure strategy or updated 30-year infrastructure strategy (as the case may be) is laid before each House of the Parliament under section 35.”.
14. Clause 38, lines 4 to 6, omit all words and expressions on these lines.
15. Clause 39, line 20, after “priority projects” insert “, including an explanation of how the priority projects will achieve the social, economic and environmental objectives stated in the 30-year infrastructure strategy”.
16. Clause 41, line 17, omit “publishing” and insert “laying”.
17. Clause 41, line 18, after “(as the case may be)” insert “before each House of the Parliament”.

**NEW CLAUSE**

18. After clause 41 insert —
 

**“A Laying of 5-year infrastructure plan before Parliament**

  - (1) Upon the preparation or amendment of the 5-year infrastructure plan under this Division, the Minister must cause the 5-year infrastructure plan or amended plan (as the case may be) to be laid before each House of the Parliament by the date specified in subsection (2).
  - (2) For the purposes of subsection (1), the date is the first sitting day after the first anniversary of the sitting day on which the 30-year infrastructure strategy or updated 30-year infrastructure strategy (as the case may be) is laid before each House of the Parliament under section 35.”.
19. Clause 42, omit this clause.
20. Clause 45, lines 30 to 32, omit all words and expressions on these lines.

**Ms ALLAN** (Minister for Public Transport) — I move:

That the amendments be agreed to.

I am pleased to make a few brief comments in response to the amendments to the Infrastructure Victoria Bill 2015 that have arrived in this chamber. As members will recall, the bill successfully made its passage through this house a few weeks ago. It was considered by the upper house during the last sitting week, and it is back with us for final consideration and, I hope and anticipate, successful passage. It includes some amendments that have been worked through in the Legislative Council. I believe the amendments have the support of members of the opposition, because some of the amendments are those proposed by not just members of the Liberal-Nationals coalition but also by some other crossbenchers in the upper house. For those of us in the lower house the mysterious ways in which the upper house works in terms of this is a matter for that house, but we are very pleased to see the transmission of the bill and to be debating the amendments.

The Infrastructure Victoria Bill is a brand-new bill. For the first time it puts in place in Victoria a model that has been in place at the federal level for some time in the form of Infrastructure Australia. Indeed for some time other states have had similar bodies. They have had independent authorities that look to long-term infrastructure priorities. In our case it would be for our state, and in the federal jurisdiction with Infrastructure Australia, it is obviously for the nation.

I pause to reflect for a moment that back in May, Infrastructure Australia released its 15-year plan in terms of a number of infrastructure challenges, particularly given the population growth in particular parts of capital cities and in some regional centres. This bill will be a welcome addition to the consideration of long-term infrastructure planning in this state. Part of that is taking the short-term politics out of planning for infrastructure and ensuring we have projects such as, for example, the Melbourne Metro rail tunnel, which has a very long life in terms of going through business planning, design, engineering work and then construction. Indeed the construction period for this massive project is going to take quite a while given that we are constructing twin 9-kilometre tunnels and five new underground stations. These are big jobs, and they should rightly transcend the political cycle. The Melbourne Metro project is a good example of a project which had fallen foul of the political cycles but which is now back on the books. It is back in town and work is well and truly under way on it.

I will reflect on the amendments which have made their way through the upper house. Many of them go to strengthening the work of Infrastructure Victoria, requiring it to undertake significant consultation and

consideration of a range of factors. I will touch on a few of the amendments which have been passed by the upper house and which are supported by the government. One amendment provides for Infrastructure Victoria to research the benefits and costs of infrastructure rather than just the benefits alone. Obviously that makes sense. For Infrastructure Australia all projects above a \$100 million threshold are required to have a cost-benefit analysis undertaken, so there is certainly some logic to this. This amendment also gives the capacity for Infrastructure Victoria, if it wants to, to conduct research on any infrastructure-related area it chooses.

It is not surprising that a further amendment was initiated by the Greens political party. It requires Infrastructure Victoria to research the impact of climate change on infrastructure, including the measurement of greenhouse gas emissions caused by infrastructure. I should have made this point in relation to the previous amendment that this research area is indicative rather than prescriptive but it obviously includes the addition of the opportunity to look at the impact of climate change on infrastructure that is being considered.

The third amendment goes to clarifying that when Infrastructure Victoria is consulting on its activity it is able to consult academics and professional bodies. Given that there is a wealth of knowledge in those areas, this is also a common-sense approach. There is a further amendment, and again I think this was one of the coalition's amendments, relating to need for directors to have experience in the private sector, both nationally and internationally. I guess in some ways it goes without saying, but obviously there was a desire by the coalition to ensure that that was included in the legislation. Given its composition, the board of Infrastructure Victoria will have a very big task, particularly as it will consist of the first members of the board, and it makes sense that there be representatives from the private sector in its ranks.

A further amendment puts an obligation on the board to do a lot of work pretty quickly. This amendment goes to a requirement for Infrastructure Victoria to release its first 30-year infrastructure strategy by 31 December 2016. Once this bill is passed and the Infrastructure Victoria board is set up, it will have to set a cracking pace. It will be a big piece of work when you consider that Infrastructure Victoria will have to look at infrastructure planning for the whole of the state and at demographic changes and where there are areas of population growth and areas of population decline.

Infrastructure Victoria will also need to look at what is obviously one of the great challenges we have,

particularly around the city — that is, how people move around the city for work. More and more people are continuing to come into the city of Melbourne and along St Kilda Road as jobs in those areas continue to grow. That will be a significant consideration for Infrastructure Victoria, as will its consideration of how people move around the suburbs and how to ensure that families can travel safely. At this time I will put in a plug for our level crossing removal program, because that is what that removing the 50 most dangerous level crossings is all about. That will be of great benefit to families in suburban areas.

This is a significant piece of work. As I just mentioned, in May the chair of Infrastructure Australia, Mark Birrell, and I think the Prime Minister, released a 15-year priority plan, and no doubt that will form the basis of some of the work that Infrastructure Victoria will consider as part of its work in delivering an infrastructure strategy by 31 December 2016.

The next amendment that flows from this relates to the requirement for Infrastructure Victoria to publicly consult on the objectives for the 30-year infrastructure strategy. That is fairly reasonable. It may go without saying, but it has been proposed that it be included in the legislation, and I am sure the board of Infrastructure Victoria will take strong note of this and ensure that there is appropriate consultation across the three key objectives — the social, economic and environmental objectives — for the 30-year infrastructure strategy.

Further to that, amendment 10 makes changes around how the strategy will be transmitted through the Parliament prior to its public release. This amendment creates a stronger role for the Parliament in relation to Infrastructure Victoria and also provides for a greater level of independence for the organisation. This issue has been contemplated in Auditor-General and Ombudsman reports and budget documents in the past. The Parliament will receive the 30-year infrastructure strategy report prior to it being released publicly. Further to that, the amendment requires Infrastructure Victoria to release the evidence and analysis it relied on in developing its 30-year infrastructure strategy. Not only will we see a strong and independent infrastructure priority-setting organisation but there will be a significant amount of opportunity for the community to be consulted and a significant amount of transparency around the work the organisation does.

Further to that is the requirement that in the five-year infrastructure plans governments will be required to set they outline how those plans link to the objectives of the 30-year infrastructure strategy. It will bind government, if you like, to ensure that there is

appropriate consideration of the work that Infrastructure Victoria will do. Again, it is one of those things that may go without saying, but it will be in the legislation. It will ensure that there is connectivity between the work of Infrastructure Victoria in its broader, longer term work and the immediate priorities that government is looking at and how they are consistent with and reference back to the 30-year strategy.

The final amendment I want to touch on was I think proposed by the coalition. I am sure the lead speaker for the coalition will also touch on this. It goes to removing the restriction on Infrastructure Victoria from publishing advice that it has been requested to provide to the minister. Infrastructure Victoria will still be required to comply with commercial-in-confidence and cabinet-in-confidence requirements within this, but the amendment picks up on some other issues around ensuring that there is a lot of visibility in the work that Infrastructure Victoria undertakes.

There are quite a few amendments here. Obviously the upper house would have spent quite a bit of time working through these issues. It worked through them successfully, and I think — I am happy to be corrected — all the amendments were ultimately adopted and agreed to by the government. No? I am getting a nod — no, I strike that from the record. There might have been a bit more argy-bargy in the upper house, but the amendments have been worked through to this point. The most important thing is that Victoria is getting a new body called Infrastructure Victoria.

This is another example of how we are delivering on our election commitments. We came to government with a significant infrastructure program. I have mentioned the 50 level crossings. We are not only delivering on the 50 level crossings but there is the work we are doing on the Melbourne Metro rail tunnel, the work we are doing with the \$1 billion for suburban and regional roads, and the Murray Basin rail project. I could keep going — —

**Ms Garrett** interjected.

**Ms ALLAN** — I am being encouraged to. In relation to the strong infrastructure agenda that we have in Victoria. I should mention stage 2 of the convention centre as well, should I not?

**Ms Garrett** — Absolutely.

**Ms ALLAN** — And many projects. As I said at the outset, this really enables a long-term view to be had on the infrastructure our state needs and makes sure that there is the best available data and the best inputs and that we can plan strategically for the future — taking it

out of the short-term political cycle, which has caused issues in the more recent past with making sure we get the right projects at the right time. We have to remember that the whole reason we are doing this is so people can continue to move around our city and have the facilities they need to make sure we keep racking up the world's most livable city record. One of the reasons we achieve that title year after year is that we have a great city that people can move around in and the sorts of facilities that not only we enjoy but that people from around the world can come and also enjoy.

I commend the amendments to the house, and I wish the amended bill a speedy passage through this chamber so it can head off to the Governor to be made law.

**Mr M. O'BRIEN** (Malvern) — I am pleased to see the government agree to a number of the amendments proposed by the opposition parties in the other place. They will improve the Infrastructure Victoria Bill 2015. However, there remain some fundamental problems with the bill. Some of those problems will not be ameliorated by the amendments being considered in this debate. There is the fact that of the seven board members of Infrastructure Victoria, three of them will be secretaries of government departments. Three of them will be obliged professionally to implement the policy of the government of the day. You have to wonder just how independent the advice from Infrastructure Victoria will be when three out of the seven members are bound by their professional obligations to uphold the policy of the government of the day.

For example, if Infrastructure Victoria felt that an important road project that might be about connecting up Melbourne's freeways — that might be about connecting up the Eastern Freeway and CityLink and providing an alternative to the West Gate Bridge by connecting CityLink with the Western Ring Road, for example — it would be a very brave Secretary of the Department of Premier and Cabinet, a very brave Secretary of the Department of Treasury and Finance, and a very brave secretary of the department that reports directly to the planning minister to say, particularly to the current government, 'We think you should build the east-west link'.

One really has to question how independent Infrastructure Victoria can be when three of its members have an obligation to uphold government policy of the day. Notwithstanding that, all the amendments that have been agreed to, which the opposition will support in this chamber, do improve the bill. The requirement to have private sector experience

amongst the non-public servant members of the Infrastructure Victoria board is something that should have been considered by the government at the outset, but too many members of the Labor Party have no care for or understanding of the private sector. They do not have a lot of trust in the private sector and do not value the fact that the private sector has a lot to contribute when it comes to infrastructure. It took the coalition to move amendments to ensure that the qualifications of the independent directors of Infrastructure Victoria should include relevant private sector experience.

We have also been able to improve the transparency of the operation of Infrastructure Victoria. The government made a lot of claims before the election about how Infrastructure Victoria was going to give the people of Victoria this great independent advice about the infrastructure needs of our great state. When the bill was finally brought into the Parliament, however, we saw that the government proposed to set up Infrastructure Victoria essentially to advise itself and to keep information away from the Parliament and the public. Then the public would only get to see what the government chose to show. That is not my idea of independent, and that is certainly not what the Labor Party said in opposition in terms of what Infrastructure Victoria was going to be about. The original bill was going to break those commitments, but the coalition has forced the government, to some extent, at least, to follow through on those commitments and ensure that there will be reporting to Parliament. This is in relation to the transmission of the 30-year infrastructure strategy. This is very important.

We think long-term plans for infrastructure are good, but as I have said in this place on other occasions, plenty of independent advice has come to governments in the past about long-term infrastructure needs. A report was authored by Sir Rod Eddington, who is very well regarded in the infrastructure space. He was asked by a former Labor government to report on the need for an east-west link. He had a lot of experts around him, and he consulted with the community. It was a long, involved, detailed and in-depth process. I note that Sir Rod is highly regarded by the current government, because it has appointed him chairman of the new body which covers the merger of Tourism Victoria and Victorian Major Events Company. Sir Rod Eddington is well regarded on both sides of the house, but apparently when it comes to independent advice from infrastructure experts there is some advice a Labor government is happy to hear and some advice it is happy to ignore.

We will certainly not be taking any lectures at all from members opposite when it comes to the importance of

independent advice on infrastructure, because they have shown themselves to be nothing more or less than a pack of hypocrites. Until the Labor Party can explain why independent advice given by Sir Rod Eddington and his assembled experts on infrastructure is bad but independent advice given by Infrastructure Victoria and its experts is good, all we are left with is the very strong impression that this is simply window-dressing by a Labor government that will not be bound by any advice from Infrastructure Victoria, will not commit to giving recommendations and has stacked the board with three public servants whose jobs depend on telling the government its policy is okay.

This government has managed to sack boards and sack chairs. It sacked every water board in the state. This is not a government that has any regard for independent advice. This government sends a very clear message: if you disagree with this government, you will be sacked, or you will be forced to resign; you will be shown the door. They have three departmental secretaries on the board of Infrastructure Victoria whose jobs are beholden to the government of the day. We will be very interested to see who the other four directors will be and whether they will be genuinely independent. Will they have conflicts of interest? I can assure members opposite that there will be a lot of scrutiny of those appointments. Any suggestion of jobs for the boys or girls and any suggestion of conflicts of interest with current government projects in which Infrastructure Victoria or its board members may have an interest will be the subject of great public scrutiny. I can assure members opposite of that.

In relation to the 30-year plan, I think the last time Labor had a 30-year plan was under the Brumby government. It was Labor's big transport plan. I think the member for Werribee, the current Treasurer, was the transport minister at the time. He had about a \$37 billion transport plan. It was extraordinary. The Labor Party spent a lot of money on the ads around the plan, but there was no money to actually deliver the infrastructure. The most tangible thing to come out of that plan was a proposal from the member for Werribee for fairy lights on the West Gate Bridge. That was his great transport plan. It was going to be his great legacy. Frankly, it is probably about the closest thing the member for Werribee will ever come to delivering on infrastructure. Given that in his first budget he cut the infrastructure budget by 24 per cent, this is not an infrastructure government, and he is certainly not an infrastructure Treasurer.

**An honourable member** interjected.

**Mr M. O'BRIEN** — The fairy lights were actually prettier than the member for Werribee, I think. There is a 30-year plan, and thanks to the amendments put forward by the coalition, that 30-year plan will now be tabled in the Parliament by 31 December next year. We think that is good. The government is keen to say 'hashtag getting on with it' — and I defer to you, Acting Speaker; I know that is one of your favourite phrases — but we need more than a slogan. We need more than a hashtag, and we need more than ripped up contracts. We need to see shovels in the ground. This government has been very good at ripping up contracts, closing projects and delaying projects.

What it is not good at is actually delivering anything. How often did we hear the phrase 'shovel ready' before the election? How often do we hear it now? Not very often. The phrase 'shovel ready' has been stricken from the Labor vocabulary. Labor members are no longer allowed to use the phrase 'shovel ready' because they have got nothing. They have got nothing shovel ready at all. There are a few proposals to boost casual employment through using electorate allowances, but apart from that the government has not much on the go at all.

It will be very interesting to see the 30-year infrastructure strategy that will be produced for Parliament — thanks to the coalition's amendments in the other place — by 31 December next year. That will give not just the government but also the Parliament and, more importantly, all Victorians the opportunity to consider this 30-year plan. We will then see the government's response. Exactly how does it plan to fund these things? What priorities will it select?

We have heard the Treasurer come out this week and say that the one thing Victoria does not have enough of is debt. He wants to be known as the debt Treasurer. He wants to be the debt boy. It sounds like a third-rate superhero: Debt Boy, the Treasurer, Tim Pallas. The amendments that have been made to this bill in the other place, at the behest of the coalition parties — and, I notice, in some cases the Greens — improve this bill, but they do not fix fundamental flaws with it or with this government's failed infrastructure agenda, an agenda that has failed Victorians by cutting the infrastructure budget by 24 per cent in the government's very first budget, by ripping up projects, by delaying projects and by putting people out of work.

Now at least with this bill and the amendments that have been made to it by the coalition there will be more accountability and more scrutiny. On that basis we will be supporting the amendments, given that the genesis of most of them came from the coalition. But the proof of

the pudding will remain to be in the eating, and we look forward to seeing this government not just hashtagging 'getting on with it' but actually getting on with it.

#### **Sitting suspended 12.59 p.m. until 2.02 p.m.**

**Mr CARBINES** (Ivanhoe) — It is good to make a contribution on the Infrastructure Victoria Bill 2015. This government is getting on with jobs and delivering for Victorians. That is what we are all about on this side of the house. I am very pleased to make a contribution to this debate. The previous speaker, the member for Malvern, the old side dealer, decided to go to the substantive bill in relation to these matters and not just to the amendments. I will go to some of those amendments now. I think it is important to touch on what has been happening in the Legislative Council, the upper house, where some 20 amendments to the bill were passed. That is an interesting statistic to pass on to the house.

The government supports the bill as it has been amended for passage through the Legislative Assembly, particularly in relation to amendments 1 to 19, which were government amendments accommodating proposals from the coalition and the Greens political party. These amendments were of course supported by the government, particularly amendment 20, which was moved by the coalition and passed with the support of the Greens political party — obviously working in concert over there — and some crossbench MPs.

Amendment 20 removes the prohibition on Infrastructure Victoria publicly releasing advice which has been directly sought by the responsible minister. Infrastructure Victoria will still be required to comply with commercial-in-confidence and cabinet-in-confidence requirements before releasing advice sought by the minister. That is in keeping with the conventions of Westminster governments, which is particularly important.

Three Greens political party amendments were defeated by the government and the coalition. Two amendments would have required members appointed to the board of Infrastructure Victoria to have specific qualifications or experience in assessing the social, community and environmental costs and benefits of infrastructure projects. I reiterate to the house that these amendments were opposed because the qualifications do not need to be specifically enshrined in legislation in order for Infrastructure Victoria to undertake a social, community or environmental impact assessment. These are important criteria to take into consideration when it comes to appointments of board members to Infrastructure Victoria, but it is not particularly required

that they be enshrined in legislation, so they were not accepted as amendments.

A further amendment would have required all infrastructure projects considered by Infrastructure Victoria to be assessed against the benefits of public and active transport options compared to private vehicle and road freight transport options. This amendment was opposed because the ability to conduct these comparisons is already facilitated by the bill. The amendment would have resulted in an incomprehensible clause in the bill, and the government is not big on supporting incomprehensible clauses in bills, which will come as no surprise.

The 20 amendments adopted by the Legislative Council and presented to the Assembly are outlined in the papers before members. I take a couple of clauses as examples. Amendment 3 clarifies that when consulting on its activities, Infrastructure Victoria is able to consult academics and professional bodies. This amendment is indicative rather than prescriptive, which is particularly important. It was inspired and initiated by the Greens, and it is particularly useful for the way in which this bill will be administered.

There is also a requirement for the minister to have regard to the need for directors to have experience in the private sector within Australia and internationally. The amendment is an adaptation of a coalition-initiated amendment but is quite reasonable and supported by the government. There was a further consequential amendment to amendment 5, which required that when making acting appointments the minister have regard to the need for acting appointments to have experience in the private sector within Australia and internationally.

Amendment 9 places a new obligation on Infrastructure Victoria to publicly consult on the draft social, economic and environmental objectives of the 30-year infrastructure strategy. Of course such consultations were already anticipated and are achievable in the new time frame proposed in amendment 6, to which I draw the attention of members. There were also some requirements for the government to table its response to that 30-year infrastructure plan in Parliament, and amendment 10 was also an adaptation of a coalition-inspired amendment.

**Mr R. Smith** — On a point of order, Acting Speaker, during the last sitting the member for Ivanhoe took the chair. There was some debate around his lack of concentration on the debate at hand. The Speaker was called in and ruled that the person who takes the chair should not be checking their phone and should not be looking at correspondence.

**The ACTING SPEAKER (Ms Thomas)** — Order! There is no point of order.

**Mr R. Smith** — So you are disregarding the ruling of the Speaker?

**The ACTING SPEAKER (Ms Thomas)** — Order! There is no point of order.

**Mr CARBINES** — I look forward to continuing my contribution on the Infrastructure Victoria Bill 2015, particularly in relation to those amendments that the member for Malvern touched on. We are pleased that in the member for Malvern's contribution he went to the substantive bill, the Infrastructure Victoria Bill 2015. This is a very important piece of legislation that reflects the government's commitment to making sure that we have an infrastructure pipeline here in Victoria. We have a concerted and deliberate plan to make clear and transparent to those in industry and business that when investing in Victoria they can have a very clear insight into the way in which projects are managed and prioritised and have the opportunity for input into the planning and deliberations for futureproofing infrastructure to meet the needs of a population that continues to grow and whose numbers will outstrip that of New South Wales and Sydney in coming decades. It is particularly important to make sure that we have the infrastructure to meet those needs.

The previous government was the first one-term government in some 50-plus years, making history here in Victoria. That was partly because of its incapacity to deliver a pipeline of infrastructure projects to maintain jobs, investment and growth in Victoria in its four years of government.

That failure led to the demise of Premier Ted Baillieu, replaced with the now departed member for South-West Coast. The previous government clutched and grabbed at whatever capital project was kicking around, and it grabbed a road tunnel project. If you do not look at the way you plan projects and build for the future by having an orderly pipeline of projects for capital investment and development in Victoria, you are not able to bring investment and expertise to Victoria to promote jobs, growth and opportunity in our economy. These aspects were left to rot without any support from the previous government. It essentially put the economy to sleep, largely because it lacked a plan for infrastructure investment that had community support and would result in affirmation at the ballot box for the investment of taxpayers dollars. That is why at the election the Andrews Labor government sought an affirmation from the Victorian community for the

development of Infrastructure Victoria as outlined in this bill.

One of the key projects Infrastructure Victoria will work through is the investment in 50 grade separations of rail and road across Victoria. That is one of the substantial policy planks that saw the election of the Andrews Labor government. The rail crossings project was always about creating jobs, investment and growth in the Victorian economy. What we know is that we can have more such projects once the Infrastructure Victoria board is in place and able to do its job, after these amendments have been adopted, hopefully today, in the Assembly.

Infrastructure Victoria will make clear and transparent the process for recording and assessing infrastructure projects before they are put to the Victorian people. That is what was lacking under the previous government and its two failed premiers. That government did not focus on jobs, investment and growth in the economy, and it paid the price at the ballot box. The Infrastructure Victoria Bill is part of the Victorian Labor government's election commitments.

**Mr EDBROOKE** (Frankston) — It is my pleasure to rise to speak on the Infrastructure Victoria Bill 2015 and the Legislative Council's amendments. When listening to the member for Malvern — and I think I saw a couple of people nodding off at the time — I started getting a tune in my head. It is a song by a lady named Demi Lovato. I think the lyrics apply to the member for Malvern's situation so well, and they might apply to others too:

Let it go, let it go;  
Can't hold it back anymore.  
Let it go, let it go;  
Turn away and slam the door.

That is what Victorians did: they slammed the door on the east–west link. Just forget about it. Let it go.

This bill is very important for Victoria. It is important because it maintains a pipeline of infrastructure commitments to the state. I thank the members of the upper house for their vigilance in proposing these amendments to this important bill. Why is this bill so important? Because we want to keep Melbourne as the world's no. 1 city. We want to keep our momentum going and keep this city kicking goals. We saw that after four years of inaction by the previous government unemployment rose to a 13-year high. Growth stagnated and private capital investment, which members opposite pride themselves on, declined substantially. We see now that the unemployment rate has gone down from 6.9 per cent to 6.4 per cent, and

this bill will support that trend. The Victorian economy is starting to kick goals once more.

The member for Malvern quoted Rod Eddington, but he failed to tell us that Rod Eddington's no. 1 recommendation was a rail tunnel. It was to be 17 kilometres long and link the booming western suburbs of Melbourne with the booming south-eastern suburbs of Melbourne, doubling the capacity of the city loop and thereby increasing capacity for the whole network, including for Frankston. Does anyone know the name of that particular project? It is Melbourne Metro, the mighty Melbourne Metro. That was the first recommendation made by Rod Eddington's study.

These amendments demonstrate the robustness of the original bill. There is nothing revolutionary in these amendments; they just make a bit of a change to the original bill. They do a bit of tidying up and reflect some negotiations with the coalition. This new body, Infrastructure Victoria, is being introduced to stop what was happening under the coalition government in the previous term of Parliament. Victoria had a referendum on the east–west link, and I think that was really important. Tony Abbott, the Prime Minister, came to Victoria — I do not think he will be visiting some electorates anytime soon — and said that the state election on 29 November 2014 would be a referendum on east–west link. How did that one go? I think Victorians told us what they wanted to do.

Infrastructure Victoria is going to ensure that dud projects like the east–west link do not happen again. The government of the day did not consult Victoria on that project. Did it? No, of course it did not, because it was originally voted in on Rowville rail. Anyone remember that? It also promised the Doncaster line, Southland station, an Avalon rail link and an airport rail link. How many inches of rail were put down in its time? Not many. Less than 1 inch I would say. The member for Malvern's new nickname should be Wreck-it Ralph. He struck out. We had a side letter deal — Victorians were not consulted on that — and we were to have tolls on every freeway. What is the plan, guys?

The east–west link was assessed as returning 45 cents for every \$1 spent. You cannot even get a Macca's cone for 45 cents. This bill is about making sure that incidents like this do not happen again and that we have a steady pipeline of infrastructure for Victoria.

The Legislative Council made 20 amendments to the bill, and the government supported the bill as amended for return to the Legislative Assembly. Some 19 government amendments accommodated proposals

from the coalition and the Greens party, and I respect that these amendments were supported by the government.

In the upper house three Greens party amendments were defeated by the government and coalition. Two of them would have required members appointed to the board of Infrastructure Victoria to have specific qualifications or experience in assessing social and community environmental costs and benefits of infrastructure projects. Obviously these amendments were opposed because these qualifications do not need to be specifically enshrined in any legislation in order for Infrastructure Victoria to undertake a social, community or environmental impact assessment. That would have been doubling up; it would be pure bureaucracy.

One amendment would have required all infrastructure projects considered by Infrastructure Victoria to be assessed against the benefits of public and active transport options compared to private vehicle and road freight transport options. Again, that would be just doubling up. The amendment was opposed because the ability to conduct these comparisons is already facilitated by the bill, as with the previous example. The amendment would have resulted in an incomprehensible clause in the bill. As the member for Ivanhoe said, we are not in the business of putting through incomprehensible clauses in bills; we are in the business of getting on with it.

I will go through some of the amendments to provide some clarification. Amendment 1 provides that Infrastructure Victoria can research the measurement of the benefits and costs of infrastructure rather than the benefits alone. However, the areas for research contained in the legislation are indicative only, and Infrastructure Victoria may conduct research on any infrastructure-related area it chooses. The amendment directly adopts one proposed by the Greens. Score one to the Greens — the score is 1-0.

Amendment 2 provides that Infrastructure Victoria can research the impact of climate change on infrastructure, including considering the measurement of greenhouse gas emissions caused by infrastructure. As with the first amendment I spoke about, the research area is indicative rather than prescriptive. Once again the amendment is an adaptation of a Greens-initiated amendment.

Amendment 3 clarifies that when consulting on its activities, Infrastructure Victoria is able to consult academics and professional bodies. Once again, this

amendment is indicative rather than prescriptive, and it was a Greens-initiated amendment.

Amendment 4 requires the minister to have regard to the need for directors to have experience in the private sector within Australia and internationally. The amendment is also an adaptation of a coalition-initiated amendment. I say well done to the coalition for that.

Amendment 5 is a consequential amendment that requires that when making acting appointments the minister have regard to the need for acting appointees to have experience in the private sector in Australia and internationally, which I think is quite reasonable.

Amendment 6 places a new obligation on Infrastructure Victoria to prepare and release its 30-year infrastructure strategy by 31 December 2016. The proposed timing is achievable by a government that gets on with it, and the amendment directly adopts one proposed by the coalition.

It is important that this bill be passed and acted upon. After four years of absolutely nothing down at my end of town, in Frankston, we need legislation like this to be passed through Parliament and acted upon so that we can get things going. Every morning in Frankston at the Overton Road level crossing people are held up for up to 15 or 16 minutes. Those people know that the sale of the port and this legislation will make things easier. People will get to work on time, people will come home on time and people will be safe. The Overton Road crossing has claimed a number of lives. Lines of cars up to 500 metres long wait at the intersection every single day while the BHP Lysaght freight train rolls through. From the feedback I get, I think the people of Frankston agree wholeheartedly that this level crossing needs to go, and it will go once this bill is passed.

This bill is very important because it provides that pipeline of infrastructure for Victoria and will ensure that the south-eastern region and its rail corridors will be clear of these ancient and archaic level crossings that cause so much damage and take up so much time in our day. There are no side letters in this bill, there is no tolling of every freeway and no ridiculous ratios of 45 cents in the dollar. This is plain Jane stuff. This gets it done. This is actually making moves, and that is why I am proud to be part of a government whose members have not been sitting on the pine for four years telling themselves how good they are and how well they have done. When in opposition, those opposite get buyer's remorse and regrets remorse. We have heard from Wreck-it Ralph. I think it is time we heard from members of the government. I commend the bill to the house.

**Motion agreed to.**

## HEAVY VEHICLES LEGISLATION AMENDMENT BILL 2015

*Second reading*

**Debate resumed from 19 August; motion of Mr DONNELLAN (Minister for Roads and Road Safety).**

**Mr R. SMITH** (Warrandyte) — I rise to speak on the Heavy Vehicles Legislation Amendment Bill 2015. I say at the outset that the opposition will be supporting this bill. I note that it is the very first bill that the Minister for Roads and Road Safety has brought into this Parliament, and the initiative dealt with in the bill that was led not by him but by those in other jurisdictions around this country. The bill is being brought in specifically to align Victorian legislation with the legislation of other jurisdictions. The appearance of this bill is in complete contrast to the minister's workload; he certainly has not done any work when it comes to the legislation before us.

If any of us sat down with the minister, I know he would say he has the best job in the Victorian cabinet. With his job, he must have a lot of spare time and a lot of leisure time. He would have plenty of time for any activities he might want to do. He has cancelled the biggest road project in the country, he has scrapped his own road project that he came to the election with and he has not penned a scrap of legislation in the nine months that he has been the minister. He must be having a fantastic time. I am sure that he is — —

**Ms Hutchins** — Back to the bill.

**Mr R. SMITH** — I am speaking about the bill.

**Ms Hutchins** — No, you're not. You're speaking about the minister, not the bill.

**Mr R. SMITH** — Very good. I am talking about a roads bill that the roads minister introduced. I must say that the roads minister must be doing very well in his leisure time, of which he must have a whole heap.

The east–west link was a shovel-ready project, and certainly one that would have brought an amazing number of jobs to this state. It was the second project that Sir Rod Eddington recommended to the Brumby government. Indeed the Brumby and Bracks governments supported the east–west project wholeheartedly, and it was well progressed. It is a great shame that this vital piece of infrastructure was not delivered to this state. It certainly will not be delivered

under this government — its members have made that very clear. That is fine, but if Infrastructure Victoria recommends it, it will be interesting to see how the government respond to that. It would be quite an odd thing if a so-called independent group or agency did not recommend such an important piece of infrastructure when only a few years earlier Sir Rod Eddington did recommend it, and it has been well supported among industry and many other groups as well.

The government did come to the election with a major roads project: the West Gate distributor. The project was supposedly going to take 5000 trucks of the West Gate Bridge. The RACV said that was probably a bit of an exaggeration and that it was probably closer to 2500. That piece of infrastructure has been scrapped. The government does not talk about it anymore, and we do not know what is going to happen to it. Indeed I noticed a recent letter from Hobsons Bay Council to the minister which basically says, 'What the hell is going on with these road projects in our area? We haven't heard a thing about it. We don't know if you've done any community consultation. You haven't told us where the route is. You haven't told us anything at all'.

**The ACTING SPEAKER (Ms Thomas)** — Order! The member for Warrandyte will direct his comments through the Chair.

**Mr R. SMITH** — Sorry; I was just saying what the council had said.

**The ACTING SPEAKER (Ms Thomas)** — Order! Through the Chair.

**Mr R. SMITH** — The government has not told Hobsons Bay City Council, or indeed anyone really, what it is doing with this road infrastructure. The western distributor is a project that was proposed by another organisation, Transurban — —

**Ms Hutchins** — On a point of order, Acting Speaker, I am struggling to find where the matters that are being raised by those opposite are pointed to in the bill. The member is straying. I ask you to bring him back to the bill.

**The ACTING SPEAKER (Ms Thomas)** — Order! The member for Warrandyte on the point of order?

**Mr R. SMITH** — No, I am ready to keep going.

**The ACTING SPEAKER (Ms Thomas)** — Order! I thank the member and ask him to speak to the bill.

**Mr R. SMITH** — When it comes to scrapping major infrastructure, ripping up his own project and

delivering no legislation but introducing a piece of legislation that another jurisdiction delivered, this minister is the man for the job. He is absolutely the man to do it, and I am sure he is very proud of his work so far.

The bill amends the Heavy Vehicle National Law Application Act 2013 and the Road Safety Act 1986 on matters relating to measuring and controlling the mass of vehicles and fatigue management of drivers of light buses. The changes are broadly administrative and non-controversial. Indeed the RACV and BusVic are very happy with this legislation. The Victorian Transport Association (VTA) has some concerns, which I will come back to later. As far as I can ascertain, the government has not spoken to VTA about its concerns with the bill.

We on this side of the house understand that there is a need to regulate the safety of the truck and bus industry. Road Safety Victoria has said in a typical year 15 per cent of all road fatalities involve a heavy vehicle. In 2011 another 260 people were injured in such incidents, and this is also a fairly typical figure. Road trauma is a serious issue, and for some decades governments have taken a bipartisan approach to road safety. It is important that we do all we can to limit the number of injuries and deaths resulting from road accidents.

Recently I visited Road Trauma Support Services Victoria (RTSSV), which does a fantastic job. I know the Minister for Roads and Road Safety, who is in the chamber, has been good at supporting the organisation's Shine a Light on Road Safety campaign, which all members of Parliament should embrace. It seeks to raise awareness of the effects of road trauma. It is important that we embrace that campaign and raise awareness. In particular we need to educate our young people, who I believe are over-represented in traffic and road accidents, to make sure that they understand that it is a great responsibility to put a car on the road and that when they get in a car under the influence of drugs or alcohol or ignore important road rules, such as speed limits or the need to wear a seatbelt, they are potentially endangering not only themselves but others on the road.

I urge the government to acknowledge the work that RTSSV is doing, and certainly that has been done, but for a modest cost the organisation could roll out its services across regional Victoria, and that is important because accidents are caused by not only fatigue, which is addressed in this bill, but other influences as well.

The number of heavy vehicles is projected to double by 2025. The Australian Bureau of Statistics notes that the number of buses on our roads is presently growing at

around 10 per cent every five years, and that figure is around 17 per cent for light commercial vehicles. The reach of these regulations and the legislation we are discussing is quite significant, and it is growing.

Clause 1 of the bill sets out its purpose. Clause 2 makes a minor amendment. As a result of changes that have been made over the last few years to the Victoria Police legislation, many bills that involve the police will be amended to update them and make sure that it is in line with the Victoria Police Act 2013.

Clause 4(1) of the bill allows for prescribed devices which test the weight of vehicles to be used as evidence in court, within a margin of error, if there is no contrary evidence. The purpose of this clause is to make sure that the prescribed devices that test the weight of these vehicles can be used in a court of law instead of, perhaps, an expert witness.

The department has supplied me with some details around the weighing device that is used. It is called a Haenni wheel scale, and it is tested and certified by the University of Melbourne. It is interesting to note that this is the only device that is allowed to be used in the state of Victoria, because a number of devices are allowed to be used in other states. With the truck industry sending vehicles right around the country, crossing state borders, it is curious that the state of Victoria only allows for this one particular device.

The regulations which govern the use of this device are set out in the Road Safety (General) Regulations 2009. Those regulations describe the kind of weighing device that should be used and the testing of the devices. The devices are tested by a technical officer or the head of the engineering department at the University of Melbourne. They must be tested before they are used on the road and at least once a year. The regulations go on to prescribe the limits of error for portable weighing devices and discuss the sealing of the devices. The regulations are clear and succinct. They certainly lend weight to the fact that these devices should be used as the definitive measure if issues go to court, noting the importance of the ability to contest that evidence in court if required. If people who are in court regarding these issues can show that the device was tampered with, then certainly that would be part of their defence.

By and large the regulations are pretty clear about how these devices are used, sealed and tested, the frequency with which they are tested and who tests them. In general terms Victorians should have confidence that these measuring devices are the right ones to be used and that they are calibrated and tested often enough to reduce any margin of error.

Clause 4 of the bill inserts a new section 36A, subsection (2) of which prescribes that, when determining mass, 16 adult passengers is be calculated as 1 tonne. That is a practical matter to assist drivers in assessing their load and is certainly one we support. It is something that has been rolled out in legislation in jurisdictions right across the country, and with these sorts of vehicles frequently crossing state borders, it is important that we have a uniform figure that all drivers can adhere to.

Following concerns raised by parliamentary counsel, part 3 of the bill extends the law to ensure that it fully covers light buses. Parliamentary counsel raised this with the department and the minister's office, and it was deemed that there was some ambiguity in the current legislation and that this provision should clarify that ambiguity. I think that is a good thing. Light buses are vehicles that weigh 4.5 tonnes or less and seat more than 12 passengers and as such are the sort of vehicles where the detail of these regulations will most affect the individual constituents across each of our electorates. This is because we have a lot of amateurs, rather than professionals, who drive light buses in the community. Many of us have RSL, football or other sporting clubs and senior citizens groups that might have a light bus they use to take people down to the shops or on fun excursions — in the case of senior citizens. Footy clubs might use a light bus to take players to other football grounds. I think it is therefore important that we ensure that the people driving these buses are aware of the changes to the legislation.

The minister's office has advised me that community groups that use light buses will need to ensure that their members are up to date on the changes made in this legislation. The minister's office told me that back in 2009 advice went out to these groups, but it is fair to say that over the last six years we have probably had some changes in the volunteers who drive these vehicles. While the government says that a communication strategy for community groups will be considered, I think it is important that all the volunteers who drive these buses around the state be given more than just the consideration of being told what is going on with this legislation. There should definitely be a communication strategy to allow all these volunteers to understand what their responsibilities are.

The bill goes on to talk about fatigue management regulations for light buses. I go back to something I said earlier in this contribution about fatigue. Fatigue is a big issue. My father was an overnight truck driver for many years, certainly through my childhood, and he only recently retired from doing some further truck driving in Queensland. Here in Victoria when we lived

in Mount Evelyn on Mount Dandenong, he would typically leave home around 5.30 p.m. or 6.00 p.m., drive down Mount Dandenong and all the way to Footscray, pick up his truck from TNT — I do not know if there are many members here who remember the TNT trucking company — —

**Ms Spence** — No idea at all!

**Mr R. SMITH** — You must be very young.

He would jump in the truck and drive all the way to Albury, maybe snooze for about an hour or so and then come back. We lived on Mount Dandenong. He parked the car about 80 metres from the house, and there would be times when my brother and I would leave school and find Dad asleep in the car because after that trip he just could not muster up the energy to walk to the house and go to bed.

While we may have been a bit young to have understood some of the pressures on him, we could see that if he could not make that last 80 metres to bed, then he must have been pretty tired. Back then Canterbury Road, which he took from the bottom of the mountain to the city, was a single lane each way with broken edges, so even before he got to his truck to start the big trip to Albury it was already quite a trip just to get from Mount Dandenong to Footscray. It would have been quite difficult, and he did it for a number of years. It certainly speaks of his work ethic; I am very proud of him in that way. Fatigue was clearly a big issue for my father, as it probably was for a number of truck drivers.

It is important that we manage fatigue as much as possible and that we manage our drivers as much as possible to make sure that employers do not demand too much of them. By having succinct legislation, we can do that. We certainly do not want to see an individual driver in charge of a truck or light vehicle become a fatality, and we also know that a vehicle of that size can do terrible damage if it hits another car or another vehicle, so it is very important that we manage fatigue.

The changes in the legislation extend the exemptions for fatigue management processes to light buses in the same way that the provisions cover heavy vehicles. These exemptions are for circumstances where there are emergency situations — for example, a light bus might be brought into a bushfire zone to evacuate people. It is important that we put people being evacuated from emergency zones above some of the processes around fatigue management, notwithstanding that we also have to consider that fatigue will play a part in the evacuation.

Certainly in my area of Warrandyte bushfire is a big concern; it is something many residents are worried about when it is the fire season. If you needed to evacuate people from the North Warrandyte or Warrandyte area, we would hope that there would be enough opportunities and enough volunteers and emergency service workers to do what needed to be done to evacuate people from those areas. I certainly understand that it is important that we manage fatigue, but we also have to acknowledge that in some emergency circumstances some regulations might need to be put aside to deal with the urgent nature of the situation.

There are also exemptions around fatigue management for circumstances where buses are used — for instance, in circumstances where there may be train delays. I guess it is particularly relevant at this time when we are going to have a day when a number of trains are not running. I think the Minister for Roads and Road Safety will be pleased that the roads are going to be used a lot more that day. Unfortunately there is going to be a bit more congestion, and I am not sure there is a plan to deal with that.

Having said all that, when looking at fatigue management we have exemptions for driving light buses to manage commuters who may be inconvenienced by train delays or due to a safety issue. We probably most often think of buses taking commuters between stations in a metropolitan situation, where fatigue management might be less important, but we also need to look at the circumstances of a V/Line train where the driver of a light bus might be driving passengers significant distances. It might be seen in some circumstances as a relatively short trip, but it is only short in comparison to some of the distances we have to travel in country Victoria. If you are doing a trip of 100 kilometres and back and then you are doing another one 100 kilometres and back, you would certainly want to know that your driver was having a rest between taking those two trips.

During the briefing I was told that the exemptions would be taken care of by the Occupational Health and Safety Act 2004 and the Bus Safety Act 2009. Looking at those acts, there is some ambiguity about how they deal with the issue of fatigue management. The Occupational Health and Safety Act is not as precise in these situations as I would like it to be. Clause 20(1) of the act states:

To avoid doubt, a duty imposed on a person ... to ensure, so far as is reasonably practicable, health and safety requires the person —

- (a) to eliminate risks to health and safety so far as is reasonably practicable ...

Clause 21(1) states that:

An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.

Regarding the duties of employees, clause 25(1)(a) states that:

While at work an employee must —

... take reasonable care for his or her own health and safety ...

In the circumstance we are talking about, I would suggest that maybe the driver is not the best person to manage their own fatigue or understand that they do not have to go that extra 20 kilometres. I think there is some ambiguity around this in the OHS act. Division 5 of the act talks about specifics. People who manage or patrol workplaces have duties, including designers of buildings or structures. The act details a number of workers to whom the act applies, but it is a bit ambiguous when it comes to drivers. I am just not sure that the exemptions given in the Heavy Vehicles Legislation Amendment Bill 2015 adequately manage fatigue, so I ask the government to look at that as we go forward. I would hate to see the relative power of the OHS act tested in court as a consequence of a fatal incident occurring, so I encourage the government to clarify that matter.

To go back to something I said earlier, a lot of these light buses are driven by volunteers in our community. We have to make sure that people in those circumstances are kept up to date with the issues surrounding changes in this legislation. If the government feels it is necessary to ensure that 100 per cent of the regulations in this legislation apply, it is not unreasonable to ensure that 100 per cent of those persons who are subject to these regulatory and legislative changes know about them. If the coverage of the law is uncertain, then surely the knowledge of an average member of our community would also be uncertain. As I said, the bill is largely pedestrian and administrative. The opposition will support it; I will certainly not oppose it. I look forward to its passage through the house.

**Mr CARBINES** (Ivanhoe) — I am pleased to rise to make a contribution to debate on the Heavy Vehicles Legislation Amendment Bill 2015. I will just pick up on some of the comments of the lead speaker for the opposition, the member for Warrandyte. He made some fair comments in relation to the Occupational Health

and Safety Act not perhaps adequately dealing with fatigue matters. I think that is a fair comment, which the government has sought to pick up in some of the clauses in the bill before us.

I also wish to acknowledge the work of the Transport Workers Union (TWU), particularly its work in pursuing paid fatigue breaks for owner-drivers. While it has been unsuccessful in a recent ruling in New South Wales that there should be payment for mandatory fatigue breaks for transport workers, the union continues to pursue this issue. It will appeal that decision in the New South Wales Industrial Relations Commission. It has done some work to try to ensure that there are paid fatigue breaks for owner-drivers, whose time is not their own. This is different to the arrangements that are in place for contracted drivers for large companies.

Clearly there is a lot of work to do, but I know the TWU continues its great advocacy on behalf of workers and drivers to make sure they have laws to protect them in relation to fatigue issues, and that is really important. We know that the public often takes a dim view of heavy vehicles, but drivers of these vehicles are earning a living and working hard and they require strong governments and strong representation and advocacy from their union to make sure that the laws respect and protect them in the course of their duties in their workplace, which is often driving heavy vehicles on our roads.

I would also like to thank the Minister for Roads and Road Safety for his work, in particular around election commitments in my electorate that relate to heavy vehicles, some of which are covered in this bill. In particular I am talking about the fatigue management of drivers of light buses. Several election commitments have already been delivered by the minister. One of those relates to the truck curfew on Rosanna Road. This was a very important election commitment that resonated strongly in my electorate, as well as the neighbouring electorates of Eltham and Bundoora. There is now a truck curfew between 10.00 p.m. and 6.00 a.m. along the spine that is Rosanna Road.

We have also developed a strategy and policy that addresses many feeder roads in those electorates to make sure that we are taking account of the need for residential amenity to be respected and the fact that there are other alternative appropriate road uses in the middle of the night for heavy vehicles along both the Eastern Freeway, the Tullamarine Freeway and the Western Ring Road. It is appropriate that heavy vehicles use those roads in the middle of the night rather than residential and local streets. This was an

amenity issue the previous government failed to address in the electorates of Ivanhoe, Eltham and Bundoora. We advocated for a trial of that truck curfew, which is already under way. It will be assessed by VicRoads.

We will now be able to put a lot of the anecdotes to one side and make sure that we have appropriate data around where the truck movements are coming from and going to, and what the destination surveys and work are so that in a year's time we will be able to access data that counts truck and heavy vehicle movements across suburbs such as Rosanna, Ivanhoe, Heidelberg, Yallambie, Macleod, Montmorency, Bundoora, Watsonia, Eltham and Briar Hill and Greensborough. It is important that we are able to do that so that we can be sure that any further policy and infrastructure investments the government chooses to make in the north and north-eastern suburbs take into account the appropriate data in relation to truck destinations and heavy vehicle surveys in our electorates.

Further to that, and in relation to this bill on heavy vehicles and light buses, I will just say in relation to buses that the Andrews Labor government has also delivered on its commitment to add an additional 517 bus services in my electorate, particularly in Viewbank, which has long been a public transport black hole. Viewbank College, a school in my electorate that I attended a long time ago, now has over 1000 students. Many of those students rely on the 517 bus service so they can get to Rosanna or Heidelberg train stations or further afield to the north. Extra 517 bus services are critical for Viewbank College so that it can operate effectively and offer, on top of its significant and impressive academic opportunities, safe public transport that is appropriate to meet the demands of the area.

The extra bus service, the route 517 service, is provided through the Dyson bus company. The service is also available to local residents; it is not exclusively for the college students, although they will be the main beneficiaries of the additional services that are being offered. What is important about that, of course, is that the government has acted quickly to deliver on its commitment to provide extra public transport services in Viewbank and to have better links with Rosanna station, particularly around those peak demand times when school starts and finishes. I note that Rosanna station is also one of the 50 locations for grade separations that the government has announced, which I know is welcomed by my local community.

Also in relation to buses and heavy bus services in my electorate, in the adjoining electorate of Bundoora —

and my colleague the member for Bundoora is in the chamber — is the La Trobe University shuttle bus service. This trial service will operate between railway stations and La Trobe University, and we will try to have it in place partly funded by the university and partly funded by the Andrews government. That service should start at the beginning of 2016. That is what we are working towards — the start of the 2016 university year. Greater links will be provided with this shuttle bus service travelling between local train stations and the university.

La Trobe University is well situated in the northern suburbs of Melbourne and caters for a very large catchment. It is well serviced by both the Hurstbridge and the South Morang lines in relation to Reservoir and Macleod stations, but there are myriad bus services operating. La Trobe University has done a lot of work with us, particularly around university shuttle bus services between the train stations that it would like to have operating. The previous government failed to commit half the funding towards a trial of that La Trobe University shuttle service. The university was looking to fund 50 per cent of that trial but was unsuccessful in getting the previous government to make a commitment. I am pleased that the then Leader of the Opposition, the Premier, committed to making sure that an Andrews Labor government would make a contribution to meet part of those costs with La Trobe University for that trial shuttle service, which I expect will begin at the start of next year. That is what we are working towards.

I would also like to acknowledge the work of Bus Association Victoria. It does a lot of great work on policy implementation, and it has been integral to making sure that the Andrews government provides very significant work and addresses a lot of the priorities around bus services in metropolitan Melbourne. In the state budget this year we have allocated \$100 million towards expanding, extending and strengthening bus services across metropolitan Melbourne. The beneficiaries of that funding will include that La Trobe University shuttle bus service and also the 517 bus service in my electorate of Ivanhoe. I am pleased that Bus Association Victoria worked very hard to make sure that it is a policy that is very attuned to work and investment that is needed in my electorate. Many of the commitments we made around bus services have been reliant on some great policy, advocacy and work of Bus Association Victoria and the advocacy work it does on behalf of bus companies, members and, of course, commuters. I commend this bill to the house, and I note that it has the support of those opposite.

**Mr CRISP (Mildura)** — I rise to make a contribution to debate on the Heavy Vehicles Legislation Amendment Bill 2015. The purpose of the bill is to amend the Heavy Vehicles National Law Application Act 2013 to make provision for evidence of the mass of a heavy vehicle; to amend the Road Safety Act 1986 to apply provisions of the Heavy Vehicle National Law (Victoria) in respect of fatigue management of drivers of light buses; and to provide an exemption to those applied provisions in relation to drivers of light buses in certain circumstances.

This is a pretty straightforward bill. There is not a lot there we can talk about, so I will be brief. That might be the best way to approach this matter. As we work our way through this bill, things are relatively straightforward. It makes light buses up to 12 seats subject to the fatigue law, and then there is also working out what a useful number of people to add up to a tonne are, which is 16. It also makes provisions under emergency circumstances. I cannot let an opportunity go by when we are looking at buses and emergency circumstances to question whether a strike is an emergency and whether that makes these provisions for our bus drivers who may have to work extra tomorrow to move people around with no trains. That has certainly been left out of his bill.

There are some bigger issues that need to be addressed in the transport area. It is interesting to note that this is the first bill by the Minister for Roads and Road Safety that has appeared this year. Here is just a quick tip in regard to the second-reading speech. He should remove 'cabinet in confidence' from the pages of his speech handed out next time. Those words are on the version I have. It just makes it look a bit tidier.

*Honourable members interjecting.*

**Mr CRISP** — Perhaps I did. I take on board the interjections. There are some bigger issues that I think need to be addressed in the heavy vehicle area, and one is certainly the cross-border issues that pop up with productivity. I can give a number of examples of those, one of which has only recently been resolved but not without an inordinate amount of work by those responsible. I refer to the area of livestock transport. The standard unit of livestock transport in outback Australia, or country Australia, is a four-deck sheep trailer or a two-deck cattle trailer. Many of our saleyards across the northern part of Victoria are competitive with those in New South Wales, in particular Dubbo, when you are drawing out some of those outback areas of New South Wales and north-east South Australia. Here is the anomaly: you could take a normal tri-axle truck-trailer combination at this height

to saleyards at Ouyen or Swan Hill, but if you hook it up as a road train, you could not.

I take my hat off to a number of the operators who work through the Livestock & Rural Transporters Association of Victoria to try to get this common-sense measure through. That is what we need to do in the heavy vehicle industry — that is, get on with looking at productivity, because productivity drives our economy, and we need to do better every year to remain competitive. Certainly in Victoria we need to do that because, as I said, there are choices about where stock can be taken to sale. Once stock are sold, if they are in Victoria, there are benefits to Victoria. If they have gone to Dubbo or someplace else, then those opportunities are lost and those jobs are lost to Victoria.

Then we get to a really great chestnut for the people in my electorate, particularly around Mildura, and that is axle loadings across various states. At present you can be legal with axle loadings in New South Wales, illegal in Victoria and legal again in South Australia. I know this from our citrus industry at the moment, which is exporting a great deal of citrus. Sometimes operators use the port of Melbourne, sometimes they use the port in South Australia's Outer Harbour or they move produce in road containers to South Australia, which under equalisation is then railed to the port of Melbourne.

This leaves those in my electorate at a disadvantage, because someone in South Australia who can put more citrus inside a container, particularly a 40-foot container, and then take it to port can be in a position to be just a little bit cheaper when they get to market. That is all it takes to make a difference with a sale. We have got to get this axle loadings issue resolved, particularly on the Sturt Highway from Mildura to the South Australian border. They simply have to go light. It increases the cost to Mildura's citrus growers who are already at a slight disadvantage because of the distance, but those loadings make it an even bigger disadvantage. This is the work we need to do if we are going to have a productive economy. In a diverse country like Australia we have to be able to shift our stuff around at really good prices, and axle loadings should be on top of the minister's list.

We have some very good operators who operate road transport out of Mildura to all over Australia. They have a lot of modern technology, and I have heard previous speakers talk about that. I am proud to talk about the trips to GTS Freight Management, where you can look on a large screen to see where all the trucks are and get a whole lot of data back. Modern vehicles provide you with an enormous amount of data — and

that is certainly very important — down to g-force, so you know how hard a truck is going around a corner. The technology is there for us to have great confidence in our trucking industry and our road freight industry. From time to time they come in for some bad press, but in my estimation those in Mildura are very good operators. That is where we need to focus.

This is a very small bill. It has the support of the opposition, so we could well dispense with it at this point and move on to general business. The next item of general business is a motion by the member for Ringwood on the western distributor. That has some transport connotations too, because it helps to move stuff into the port. I suggest we could better use our time by moving on to general business.

*Honourable members interjecting.*

**Mr CRISP** — If you have a good look, you will notice that the motion goes back to 12 February and is on top of the general business list. We are quite happy to debate for the rest of the day how roads work in the west. With those words we commend the bill to the house. We suggest the bill could well pass right now so we could get on to do something productive for the rest of the day.

**Ms WILLIAMS** (Dandenong) — It is my pleasure to rise in support of the bill. It touches on an issue that is close to my heart, but I will get to that later.

The bill recognises some important issues that the Andrews Labor government is seeking to address, as well as acknowledging the responsibility to respond to community needs. It brings into line restrictions and exemptions of both light and heavy buses in regard to fatigue management and enforcement of those restrictions and exemptions. It ensures that light buses are covered by certain exemptions regarding fatigue management restrictions in the case of emergencies, such as evacuations in the instance of bushfire. It will also allow for these exemptions when such buses are required to replace rail services. Emergency situations where large numbers of people need to be moved quickly rarely allow for the strict application of fatigue management laws, so the amendments are in keeping with real-world realities.

Whilst both light and heavy buses are required to meet fatigue management requirements under existing legislation, only heavy vehicles enjoy the exemptions previously mentioned. This amendment allows for exemptions for light buses in certain circumstances also. These exemptions include such things as rest and work record keeping. It should be noted that even in

situations where exemptions apply, both light and heavy buses are still required to comply with the Occupational Health and Safety Act 2004 and the Bus Safety Act 2009.

The bill also empowers our police and other authorised officers with the ability to direct drivers of light buses to stop driving when it is determined that fatigue laws have been breached. They will also have the power to give formal warnings or issue infringement notices for such breaches. This ties in neatly with a broader commitment of the Andrews Labor government to reduce our road toll. Fatigue is suspected of causing 20 per cent of fatalities on our roads. The Transport Accident Commission (TAC) website tells us that being deprived of sleep for 17 hours is equivalent to having a blood alcohol concentration of .05, and not sleeping for 24 hours is equivalent to having a blood alcohol concentration of double that figure, .1.

VicRoads Transport Safety Services has revealed that of more than 37 000 vehicles intercepted in the last 12 months, more than 4000 were issued with defect notices and 1000 of these were for major defects. Of this number it was necessary to remove 70 from the road immediately. Further to this, there were more than 420 offences related to driver fatigue. Another 500 notices were issued for breaches of mass restrictions. These figures reveal a frightening potential for tragedy on our roads.

Overloaded vehicles are another danger on our roads. Currently the only device that VicRoads uses to determine mass is the Haenni wheel scale. This is tested and certified by Melbourne University, as required by Road Safety (General) Regulations 2009. The bill aims to assist in the calculation of the mass of a vehicle by allowing for such mass to be based on 16 adult passengers equalling 1 tonne. A light bus is defined as one which seats more than 12 adults, including the driver. The gross mass of a light vehicle, including any attached trailer, is deemed to be no more than 4.5 tonnes. Community groups that use these buses will continue to be required to comply with the law.

The commitment by the Labor government to safety on Victorian roads is a major one, and those on this side of the house appreciate the significance of the commitment. We are aiming for a road toll of zero, and I would like to speak about that for a moment. Some may think it is reputationally safer to simply aim for fewer deaths, but when you think about it, it is a bit perverse to incorporate into your objectives the loss of any life. People dying on our roads should not be considered inevitable.

Recently we saw the launch of a new road safety campaign by the TAC called Towards Zero. This campaign takes a different approach to death on our roads. We are asked to change the way we think about the road toll. The TAC advertisement makes for compelling viewing, and I hope many people here have also seen it. We see a man who is asked what he thinks is an acceptable number of deaths on our road. After hesitation, he replies 'Seventy?'. Then we watch as 70 people walk towards him. Led by his wife, the group consists of his family and friends. Reality hits as he recognises each one of those 70 people. His expression says it all; no number is acceptable.

The reality of road death is that the victim is always going to be special to someone. It will be someone's father, mother, brother, sister, son, daughter or friend. An unfillable hole will be left in the life of someone, or perhaps the lives of many, with the death of their loved one in a road accident. That is why I began my speech by saying that the bill has particular significance for me, because I have lost a loved one in a road accident. I lost my grandmother.

After celebrating Christmas with family, on Boxing Day 1991 my grandmother made a decision to drive from Melbourne to her home in Bairnsdale. She was underslept, and the decision proved to be fatal. She fell asleep at the wheel and drove head-on into a tree at Stratford. She had only 50 kilometres to go in a 280-kilometre drive. She was almost home. She was so close to home, but we lost her forever that day.

The heartbreak was compounded by the fact that at around that time, on that very same day — my apologies; I did not anticipate getting emotional about this — my family and I were travelling that very same road on our way to our summer holiday destination in Narooma. The traffic slowed to a crawl in Stratford as we were detoured around an accident. As Dad steered the car through the line of traffic he did not know that in the wreck of that accident was his mum, our grandmother. We travelled all the way to our destination and were greeted with the tragic news on our arrival. I was nine years old at the time and still remember the day vividly.

Doreen Hughes, my grandmother, was so much more to her family and friends than a statistic and so much more than a part of that year's road toll. To me she was Grandma — the bringer of Portello and sarsaparilla in big glass bottles and the maker of trifle which sometimes lasted for days, but that is another story. My point is that each of these deaths is so much more than a statistic to the friends, families and colleagues of a person killed.

Some think a target of zero is too ambitious, but there is no other acceptable target. We cannot be satisfied with any deaths; they are all tragedies and each of them changes lives irrevocably. We must always strive to do better, and that is what a zero target is all about. It is about sending a message that no death on our roads is acceptable. If the message we send to the community is that it is okay if 'some' people die — that this is a satisfactory outcome — think of what we are inadvertently telling the families of those killed. If anyone tried to tell me that my grandmother's death was a satisfactory outcome in an overall reduction, I would probably have some choice words to say in response.

The Andrews Labor government is not the first government to support a target of zero. Sweden approved Vision Zero in its Parliament in 1997. Vision Zero is now a multinational road safety project. Sweden and Britain have reduced their road fatalities to around 2.7 per 100 000 people. Ours are about 4 per 100 000. The mayor of New York City, Bill de Blasio, launched a citywide Vision Zero initiative in 2014. There are more fatalities on New York roads than there are deaths by firearms in the city. The aim is to change that with Vision Zero. The road toll in Victoria was higher last year than in the year before. To add to that horrifying fact, we are currently on track to have a higher toll again in 2015. All Victorians are asked to share the responsibility of road safety. We all need to get onboard.

We have come a long way in our endeavours to make road use safe, from legislating for the compulsory wearing of seatbelts to legislating against driving under the influence of drink or drugs. We have made it illegal to speed or to use a phone whilst driving. We have come a long way, but we still have a long way to go. Last year 249 people died on our roads. That is potentially 249 families and countless friends who are doomed to live their lives with sadness at the senseless loss of their loved one. My family knows this sadness well.

This government proudly supports the Transport Accident Commission in its aim for zero road deaths. Not one death through road trauma is acceptable. It is the responsibility of all of us, all Victorians, to stop and think before taking an unacceptable risk, whether that risk be driving under the influence of alcohol or drugs or driving whilst fatigued. Whilst this legislation will further ensure the safety of drivers and passengers of light buses and consequently make travelling safer for all road users, the flexibility to put community needs at the forefront in emergency situations is a necessary consideration, and I commend it. It is another important

step towards zero. On that basis, I commend the bill to the house.

**Ms THOMAS** (Macedon) — It is my pleasure to speak on this important bill, the Heavy Vehicles Legislation Amendment Bill 2015. Before I begin I again voice my disappointment, as I did yesterday, that those on the opposite side of the house are showing such little interest in important legislation before the house, particularly legislation that deals directly with the safety and wellbeing of Victorians. The constituents in my electorate of Macedon would be very disappointed to know that those in the Liberal, Nationals and Greens political parties have such little regard for road safety that they cannot be bothered to contribute to this debate.

This is an important bill. I commend the member for Dandenong on her very affecting speech and important contribution. As of today, 173 people have died on Victorian roads this year. That is 173 too many. As the member for Dandenong has reminded us, I doubt there are many members who have not been touched in some way by the impacts of road accidents and road trauma with that number of people dying on our roads each year. As we have heard, behind those numbers is someone's grandma, someone's granddad or someone's husband, daughter, mother or son. These are real people with real stories and families.

Before I talk in detail about the bill I would like to commend the Minister for Roads and Road Safety, because I also have seen the new zero road deaths campaign. I think it is a very impressive campaign and that a zero target is extremely appropriate. I congratulate the minister and the Transport Accident Commission on this campaign.

We know that driver fatigue contributes to more than 20 per cent of overall road crashes in Victoria. As I am sure members of this house know, this is a particular issue for drivers in regional Victoria. With this government's focus on reducing the road toll, every action that it takes to reduce the number of people who die on our roads as a result of fatigue is incredibly important. Research has shown that going without sleep for 17 hours has the same effect on driving ability as having a blood alcohol concentration of .05, and going without sleep for 24 hours has the same effect as having a blood alcohol concentration of .1, which is double the legal limit.

This amendment bill will ensure that the fatigue management provisions applied to drivers of heavy buses apply also to drivers of light buses. I will pick up on some points that other members have made and also

say that this is particularly important when we think about how light buses are used in our community by schools and many community groups to transport our children and the elderly. It is very important that we look to the safety of those people at all times.

As we have heard, the bill seeks to ensure that light buses that seat 12 or more passengers, including the driver, and with a gross vehicle mass of 4.5 tonnes will have these fatigue management provisions applied to them. However, it is important to note that they will be exempt at times when they are required to respond to emergencies or are being used as rail replacement buses. That is also important because there needs to be that flexibility in our system, given the state in which we live and what we saw in 2009 with the most devastating bushfires. We live in a bushfire-prone state and we need to have a responsive emergency management plan that includes the use of all transport in times of emergency. It is a very good bill and one that I commend to the house.

I also want to touch on various commitments the Minister for Roads and Road Safety has made in the seat of Macedon, all of which are directly linked to improving the safety of our roads and therefore the safety of drivers. The minister has committed to VicRoads conducting a review of the Barry Street intersection in Romsey. Concerns about this intersection have been raised by the community many times. It was fantastic to have the now roads minister in my electorate in the lead-up to the election and to have him make that commitment. Barry Road intersects with Melbourne-Lancefield Road, and that intersection can be quite hazardous. I am looking forward to VicRoads conducting an assessment of how best to manage traffic at that intersection.

As members will know, the Calder Freeway runs through my electorate. In the lead-up to the election the now minister committed the state to contributing, along with the federal government, to funding to enable roundabouts to be built at the on and off-ramps of the Calder Freeway at Gisborne. This is extremely important because trucks en route from Bendigo to Geelong use the off-ramp and have to travel some of the way through Gisborne, which is far from an ideal circumstance, I might add. Given, however, that it is the current circumstance, I am pleased that the minister has made the commitment to put those roundabouts in place. They will not only make it safer for trucks to get off the Calder Freeway at that intersection but also significantly impact the safety of the school buses that use that off-ramp when travelling from Kyneton to Gisborne every day.

These are a couple of fantastic announcements that the Minister for Roads and Road Safety has made. They are about improving the safety of the roads in the seat of Macedon for all road users and making a contribution towards the lowering of the unacceptable road toll.

Finally, the Minister for Public Transport has made a commitment to the Macedon electorate to provide a community bus in Woodend. This is a fantastic commitment. The type of bus that will be delivered has yet to be determined. However, if it is like the Gisbus in Gisborne — a fantastic initiative of the previous Labor government — it will be a light bus, and I am pleased that its use will be subject to these fatigue management provisions.

The member for Ivanhoe reflected on the work of the Transport Workers Union (TWU), and I might also do that. The TWU has worked long, hard and assiduously over many years to bring to the attention of the public just how dangerous truck driving is as a career. It is a very dangerous occupation, and fatigue has long played a role in contributing to that danger. I know this legislation is one small step, but members of the Transport Workers Union will be pleased to see that the Andrews Labor government continues to take truck driver safety very seriously. We take bus driver safety very seriously. We take the safety of all bus passengers very seriously. We will continue to advocate and campaign for a zero road toll because, as the member for Dandenong so beautifully and poignantly reminded us, behind every statistic is a person who was much loved by someone. I commend the bill to the house.

**Ms GREEN (Yan Yean)** — I take pleasure in joining the debate on the Heavy Vehicles Legislation Amendment Bill 2015. I would like to follow the lead of the member for Macedon and offer supportive words to the member for Dandenong, who spoke in this debate immediately before the member for Macedon. I do not think anyone could have summed up as well as she did, and with the emotion she showed, the impact of a road death and of road trauma on a family. I thank her for her recounting to this house the loss of her much-loved grandmother when she was only nine years old, which happened immediately after Christmas. One could see the member's emotion and hear it in her voice. I think the rest of the house should thank her, and all Victorians should thank her, because it is these stories that bring that very real pain home. We should all be mindful of keeping ourselves and others safe.

I commend the government on its new Towards Zero campaign. No road death is without pain for the families involved, and we should settle for nothing less

than a zero road toll. Earlier this week I spoke on the condolence motion for a former member for Northcote and former leader of the parliamentary Labor Party, the late, great Frank Wilkes. I know one of the things he was most proud of was being a part of the Road Safety Committee of this Parliament which recommended the world-first legislation that made the wearing of seat belts compulsory in this state.

I know it is not parliamentary to refer to those in the gallery, but no-one speaking here could miss the great sea of young faces in the public gallery. When I was their age, and they look like primary school children, it was the 1970s and it was common for more than 1000 people to die each year in this state as a result of road trauma. It is really pleasing to see that despite our population having more than doubled since that time and despite most families now being two-car households — when I was growing up there were only one-car households, so there are many more vehicles on the road — the road toll has dropped to between 200 and 300 a year. Our aspiration, however, must be zero. Getting rid of traumatic injuries should also be an aspiration for us.

One of the biggest killers on our roads is fatigue, and it is something I had to think about on a personal level when we used to sit late in this place. Research has shown that going without sleep for 17 hours has the same effect on driving ability as a blood alcohol concentration of .05, and going without sleep for 24 hours has the same effect as a blood alcohol concentration of .1, which is double the legal limit. In my first term in this house we frequently sat after midnight, and we also sat for weeks on end.

Trying to balance all of that with the needs of being a new MP and having a primary school child, I regularly used to have to pull over while driving home, generally on the Greensborough Highway, because that was as far as my tired self would take me. Later I resorted to drinking lots of coffee on parliamentary evenings just to get myself home, but then I virtually did not sleep at all before I had to be back in the car again the next morning. Since then we as a workplace have taken sensible steps to ensure that members of this chamber and the staff who work in it no longer have to work punishing hours that make us dangerous drivers, and I urge the other chamber in this place to do the same.

Earlier this year I had the privilege of visiting and meeting with some fantastic people in the great town of Alexandra, which is only a short distance north of my electorate, in the electorate of Eildon. I went with my colleague Jaclyn Symes, who is a new member for Northern Victoria Region. I know driver fatigue is

something she is having to take account of and think about, because she is one of five members representing the largest electorate in the state. We met with Andrew Embling and the head of the Alexandra Traders and Tourism Association. It runs the Alexandra Truck, Ute and Rod Show in Alexandra, which is held on the Queen's Birthday weekend in June every year. It is a massive festival. I urge the Transport Accident Commission or WorkCover to look at sponsoring the festival because of the number of people who attend it. There would be an enormous ability to get across road safety and occupational health and safety messages about the dangers of driving for too long. The festival will be a decade old next year.

These great people have also established a Victorian Truck Drivers Memorial Honour Board. It is sad that such a board is necessary, but it is a loving thing that the Alexandra Truck, Ute and Rod Show committee has done, together with the Creative Ministries Network. The location of the honour board is a beautiful place in Alexandra. Sadly the board records every truck driver who has died in the course of their work, but it is a lovely place where families who have lost a loved one can be reminded that that person and that person's commitment to the road freight industry has not been forgotten. I urge members of this place to travel to Alexandra, or if they are visiting the high country — places such as Lake Eildon or Mount Buller — they should stop off in Alexandra for a healthy rest break and look at this beautiful memorial. I look forward to having a discussion with the Transport Workers Union, whose officials are great friends of mine, about how they might partner with this committee to ensure that the memorial is looked after into perpetuity and also that plaques are laid for any future drivers who may be killed in this way. I hope there are not too many.

The bill before the house originates from changes that are happening nationwide. It seeks to ensure that light buses are exempt from fatigue management provisions of the Heavy Vehicle National Law when they are responding to an emergency or being used as rail replacement buses. It also seeks to apply enforcement powers under the Heavy Vehicle National Law to the enforcement of fatigue management in relation to light buses, so these powers are consistent with the powers that apply in relation to heavy buses.

In relation to the emergency powers, I would not normally want to say that there should be exemptions, but having represented a community that was so impacted by the fires of Black Saturday I know full well that it is incredibly important to be able to move people quickly in an emergency. This was also true of

the Kerang rail disaster. It is important to be able to shift people who have been impacted by a terrible accident. This is a logical step, but I would urge that in a more general sense all of us as drivers recognise the sacrifices that heavy vehicle drivers make in moving goods around this country. I commend my friends at the Transport Workers Union, particularly officials like Wayne Mader, John Parker and John Berger. John Berger and John Parker both live in the same federal electorate as I do, and we have worked together on a lot of things. I know that they are very committed to the safety of their members. I urge the bill a speedy passage.

**Ms EDWARDS** (Bendigo West) — I also rise to make a contribution on the Heavy Vehicles Legislation Amendment Bill 2015, in the absence of any opposition members willing to speak on this bill today. It is a known fact that too many people die on Victorian roads, and it is also a very well-known fact that young people make up the largest number of people who die on Victorian roads. People in rural areas are three times more likely to die in a car crash, and they are also 40 per cent more likely to be seriously injured in a collision. Almost 70 per cent of rural road deaths involve local residents. One-third involve a single vehicle veering off the road and hitting a tree.

Just last week my sister rang me in a very distressed state because her 19-year-old daughter, my niece, had run off the Maryborough to Bendigo Road and into a tree on her way to attend Bendigo TAFE. She was on a bend when a car travelling in the opposite direction came too close. She swerved to miss the car but lost control in the gravel and spun into a tree. Unfortunately the other driver did not stop, and it was traumatic for her to be left on the side of the road on her own. Fortunately, though, she is okay. She has some bruising and whiplash. It brings home just how quickly these car accidents can happen and how our young and inexperienced drivers need to learn to handle a range of driving situations.

My sister sent me via text a photo of the car, which is a write-off. Such damage makes your heart sink and makes you feel sick to the stomach, while at the same time you feel so thankful that your loved ones are alive after an accident like that. I am really pleased to say that the Andrews Labor government is making the largest ever investment in driver education for young Victorians. Almost one in five drivers killed on the roads in 2014 was aged between 18 and 25.

The government's positive road safety agenda is to establish generational change to start safer behaviours from a young age. That is extremely important. It

reminded me of learning to drive when I was 17 or 18 and my brother was my driving instructor. My father did not have the physical capacity to take me for driving lessons, so it fell to my brother to do it. I recall that many times while I was learning to drive my brother was sitting in the passenger seat visibly shaking. One time he asked me to do a reverse park. I pulled in so close to the car I was reversing around that I could move neither forwards nor backwards. We sat there for a while wondering what to do until he said, 'All right, I'll get out', but I had to get out and he had to scoot across to the driver's side so that he could move the car and drive us out of that predicament.

**Mr Edbrooke** — Precision driving!

**Ms EDWARDS** — Precision driving — which, I have to confess, I still cannot do very well.

The government's agenda also includes the fantastic \$80 million road safety education complex — a world first — which will be a global hub for road safety, featuring a range of innovative learning experiences about road trauma and its prevention.

There are a few other initiatives around safe driving, particularly for secondary students in line with our commitment to the safety of young Victorians. There is a \$24 million allocation to provide Victoria's secondary school students with a practical, safe driving program, as well as the L2P learner driver mentor program, which recruits community volunteers to provide supervised experience to learner drivers who find it difficult to meet the required 120 hours of driving practice due to family, economic or other circumstances. Having taught my four children to drive, I know it is always a challenge not just to get the 120 hours but also when you realise that you are teaching a young person to drive and that ultimately their experience of learning to drive with you is what will stand them in good stead as they become adult drivers.

Last year for the first time in a decade the Victorian road toll increased to 248 people from 243 in 2013. As has been mentioned, and no more eloquently than by the member for Dandenong, these are not just statistics but people, who were loved by family and friends and whose death impacted on all of them.

I congratulate Victoria's first minister for road safety for leading the charge on reducing to zero by 2020 the number of people who are tragically killed on our roads. I also congratulate the Ministerial Council for Road Safety, which is working on a cross-portfolio approach to reducing death and serious injury on our

roads. This road safety partnership has been expanded under the Andrews Labor government with the Department of Health and Human Services joining the Transport Accident Commission, VicRoads, Victoria Police and the Department of Justice and Regulation to tackle the road safety challenge.

Tragedy on our roads destroys families, and any measures to make zero the only acceptable number of people who die on our roads are great news. Towards Zero has at its heart the belief that human health is paramount, as it should be. It also acknowledges that as humans we are fallible and we make mistakes.

Mistakes that happen on our roads cost lives and cause serious injury, but reducing road trauma is a shared responsibility, and everyone has an important role to play. Death and injury should not be seen as inevitable.

As previously mentioned by other members, driver fatigue is one of the biggest contributing factors to road trauma, making up over 20 per cent of overall road crashes. Most of us in this house would know about fatigue and working long hours and weekends. It has also often occurred to me — and to other regional members, I am sure — that we are very tired after a long parliamentary week and that driving home is probably a risky thing to do. It is a well-known fact that going without sleep causes confusion, blurred vision and poor concentration and that decision-making is impaired, as is reaction time. It has also been mentioned regarding this extreme tiredness that 17 hours without sleep is equivalent to having a blood alcohol concentration of .05 and has the same effects on a person's mind and body.

This bill amends the Heavy Vehicle National Law Application Act 2013 and the Road Safety Act 1986 to ensure that light buses that usually carry around 12 passengers are exempt, as heavy buses are, from the fatigue management provisions of the Heavy Vehicle National Law (Victoria) (HVNL) when they are responding to an emergency or when they are being used as rail replacement buses. It also applies enforcement powers under the Heavy Vehicle National Law (Victoria) to the enforcement of fatigue management in relation to light buses so that they are consistent with those powers that apply in relation to heavy buses. This amendment is needed because it will enable private rail and bus companies to meet their contractual obligations to move passengers if there is an unexpected interruption to the train service. It will also enable the state to respond adequately if large numbers of people have to be moved quickly in an emergency situation — hopefully that will never have to happen.

This bill also contains the provisions in which Victoria's law for heavy vehicles departs from the national scheme. It is evident that the rail replacement buses and buses responding to emergency in Victoria are exempt from the fatigue management work and rest hours and record keeping of the HVNL, but it should be noted that they are still obliged to follow the health and safety fatigue measurements at other times. Let us hope there is never any need to use either heavy buses or light buses in an emergency situation, and let us hope that our communities are kept safe. Let us hope that the road toll drops to zero.

In July this year \$15.5 million was allocated to six new Safe System Road Infrastructure Programs for regional Victoria. One of those was an intersection at Lockwood in my electorate that has been the site of several crashes with fatalities and serious injuries over a long time. Despite the flashing warning signs and give-way signs, there continue to be near misses and accidents at this intersection. It is an intersection with a lot of traffic from Bendigo to Maryborough, and I really look forward to seeing these safety improvements commence and be completed. On that note, I commend the bill to the house.

**Ms SULEYMAN (St Albans)** — I am very pleased to speak in support of the Heavy Vehicles Legislation Amendment Bill 2015. This legislation will help improve safety on our roads and ensure that fatigue management provisions are streamlined for both heavy and light buses. Light buses are vehicles that seat 12 or more passengers including the driver and have a vehicle mass of 4.5 tonnes or less. These amendments will be welcome news in my electorate of St Albans, where a lot of motorists, pedestrians, trucks and buses use the Western Ring Road on a daily basis.

This year's budget announcement regarding the \$150 million investment towards the duplication of Sunshine Avenue to the E. J. Whitten Bridge will make the bridge much safer, as will the placement of rails along the bridge. It will improve this stretch of road, which is heavily used by not only residents but also passers-by trying to get to Melbourne Airport, the port of Melbourne, the western suburbs or the south-eastern suburbs. Buses that are replacing trains or responding to emergencies often use roads such as the Western Ring Road to get commuters home safely. It is important that drivers — particularly bus drivers, who ferry people from place to place — are well rested, alert and doing their job in a safe manner.

This bill will ensure that light buses are exempt from the fatigue management provisions of the Heavy Vehicle National Law (Victoria) when responding to an

emergency or being used as a rail replacement bus. This amendment is vital to ensure that private rail and bus companies can meet their obligations to move passengers if there is an interruption to train services or in the case of an emergency, such as a bushfire, flood, or any other form of emergency. This means that light buses used as rail replacements during an emergency are exempt from the fatigue management work and rest hours and the record-keeping requirements of the Heavy Vehicle National Law (Victoria).

It should be noted that light buses and heavy buses will still be subject to the requirements of the Occupational Health and Safety Act 2004 and the Bus Safety Act 2009 when responding to an emergency or when being used in a rail replacement capacity. These are very sensible amendments that will ensure that the state can effectively respond to emergencies in which large numbers of people or entire communities need to be moved quickly. For example, we unfortunately saw during the Black Saturday bushfires that a lot of buses needed to be used to ferry communities away from danger.

This bill will also apply enforcement powers under Heavy Vehicle National Law (Victoria) for light buses to ensure that the enforcement of fatigue management provisions is consistent with that for heavy buses. The bill will also empower the police force to give directions to drivers of light buses to stop working and take a rest if they are fatigued. I think giving Victoria Police officers the ability to assess whether a driver may need rest is an important element of the bill because it will ensure that drivers and passengers are safe when travelling in light buses and it will enable authorised officers to do their jobs in a professional manner that will hopefully reduce safety risks on our roads.

This is particularly important for the electorate of St Albans, where I have a significant number of community groups, many of which consist of pensioners or multicultural groups, that use light buses for events, group outings and general transport. For some groups this is the only means they have to get people from one place to another — most pensioners and elderly citizens, for example, do not have the capability to drive and are therefore reliant on bus services to get from one place to another. These groups especially look forward to travelling outside the municipality together to enjoy Melbourne. I wish to clarify that the community groups that use light buses will still be subject to fatigue management laws and will be required to meet their obligations under the existing Bus Safety Act 2009. We want to make sure

that our community, particularly bus drivers, bus passengers and other motorists, remain safe at all times.

These amendments are in line with the Andrews Labor government's commitment to consult the Victorian community in developing a road safety action plan to ensure the needless loss of lives on our roads is prevented. We see a lot of accidents. In particular, I see a lot of accidents firsthand on the Western Ring Road. It is not a good sight, and not only is it not good for the victims, it is also not good for the innocent people who may be using an affected part of the road. Road safety is very important. We need to continue looking at ways to improve road safety and educate younger members of the community about road safety, and we need to keep in mind the safety of our elderly citizens as well. The Andrews Labor government is determined not only to improve road safety but also to ensure that fatigue management provisions required of heavy buses are applied to drivers of light buses. I commend the minister for initiating this bill, and I commend the bill to the house.

**Mr LIM (Clarinda)** — I am very pleased today to rise to speak on the Heavy Vehicles Legislation Amendment Bill 2015. The bill amends the Road Safety Act 1986 and the Heavy Vehicle National Law Application Act 2013 in order to improve the effectiveness of the Heavy Vehicle National Law (Victoria). Heavy vehicles on our roads are of great danger to motorists due to their size and weight, and this can be a recipe for disaster when combined with speed and driver fatigue, which is of frequent concern. In 2014–15 alone, of approximately 38 000 compliance checks done during interceptions, defect notices were issued more than 11 per cent of the time. Of these, almost 1000 were major defect notices, and 70 vehicles were grounded immediately. These interceptions were conducted by VicRoads transport safety services, which continues to monitor offences and assist in providing a working relationship to further enhance laws to manage the use of heavy vehicles.

This bill will apply the same laws from the Heavy Vehicle National Law (Victoria) to the fatigue management of light buses. This will mean that drivers of light buses, such as some school buses or public transport buses, will be subject to the same fatigue standards as heavy vehicle drivers. A light bus is classified as a motor vehicle with at least 12 seats, and weighing over 4.5 tonnes.

In particular, the bill will give police officers or other authorised persons the power to direct a driver to take a rest or to stop working if the driver is found to be in breach of fatigue laws. The bill will also provide a

power for improvement notices to be issued in circumstances where it is considered that breaches of fatigue laws may persist. The maximum penalty for failing to comply with such a notice is \$10 490. The bill also provides the power to provide a formal warning instead of issuing a notice or commencing court proceedings. This power may be utilised in instances where it is deemed more appropriate to issue a warning than to proceed with what can sometimes be viewed as more vexatious options.

I note that buses that are used as train replacement buses or in an emergency will be exempt from these laws. They will be exempt from the standards of fatigue management that apply to heavy vehicle drivers. They will also be exempt from related record-keeping obligations. However, I also note that whilst they will be exempt from the standards previously mentioned, they will not be exempt from standard occupational health and safety laws and regulations related to the Bus Safety Act 2009.

The bill amends the Heavy Vehicle National Law Application Act 2013 in relation to evidentiary provisions for determining the mass of a vehicle. The bill will facilitate the use of devices that weigh vehicles. The bill also stipulates that the mass of 16 adults is 1 tonne. These measures are essential in carrying out enforcement and investigations of breaches.

Driver fatigue contributes to greater than 20 per cent of overall road crashes in Victoria. This Labor government aspires to reduce the road toll to zero by 2020. This bill is a step towards achieving this aspiration. Research has shown that going without sleep for 17 hours has the same effect on driving ability as having a blood alcohol concentration of .05. Going without sleep for 24 hours has the same effect as having a blood alcohol concentration of .1. This amendment bill will ensure that the fatigue management provisions required for heavy buses also apply to the majority of drivers of light buses and will therefore increase safety on our roads. I commend the bill to the house.

**Mr PEARSON** (Essendon) — I am delighted to join the debate on the Heavy Vehicles Legislation Amendment Bill 2015, which makes a number of amendments to the Road Safety Act 1986 and the Heavy Vehicle National Law Application Act 2013 to ensure the continued effective operation of the Heavy Vehicle National Law (Victoria).

In preparing for this debate I thought it would be interesting to have a look at the way road transportation, and the freight industry in particular, has evolved over time. I was drawn to the Department of

Infrastructure and Transport's 2011 research report 123, *Truck Productivity — Sources, Trends and Future Prospects*.

The report indicates that back in 1971 domestic road freight was 27 billion tonnes per kilometre. That had exploded to 180 billion tonnes by 2007. If we look at that as a compound annual growth rate from 1971 to 2007, Australian road freight has grown at 5.4 per cent per annum. That is in part due to the fact that we are using heavier vehicles which are far more productive. The average load more than doubled between 1971 and 2007, from 9.7 tonnes per vehicle per kilometre to 20.7 tonnes per vehicle per kilometre.

It is also interesting to note that transport labour productivity increased enormously over that time. If we look at the financial years 1985–86 to 2007–08, we can see that the growth rates in terms of productivity for transport-related labour was 2.3 per cent per annum, compared to 2.2 per cent per annum across the economy.

Over the course of time we have seen the propensity for heavier concentrations on larger vehicles, so articulated truck freight grew by 6.4 per cent per annum between 1971 and 2007. That has seen a greater level of efficiency, because the cost per tonne per kilometre is lower with larger vehicles than with smaller vehicles. It just follows that if you have, say, 20.7 tonnes per vehicle per kilometre, you are shifting that volume of goods with one driver, as opposed to, say, 9.7 tonnes per vehicle per kilometre, when you would be more likely to require two drivers. These greater efficiencies have happened as a consequence.

This is obviously very important for a wonderful state like Victoria, particularly in the most livable city of Melbourne, because Melbourne has the largest container port in the country. I was looking at the 2013–14 annual report of the Port of Melbourne Corporation. It indicates that port trade in that year was \$85.4 million revenue tonnes or 2.53 million 20-foot equivalent units. In that particular year 367 416 new motor vehicles were transported to the port and transported out. Given that most of that trade is containerised, most of it is going to have to get out of the port through the use of heavy articulated vehicles like B-doubles. Over the course of the next few years we will probably see an increase in that volume of traffic.

For example, yesterday the Australian Bureau of Statistics (ABS) released figures for Victoria's state final demand which show that there was a 0.9 per cent increase in the June quarter, which is up 3 per cent on

the previous year. It would follow that with that level of economic growth and economic activity we will see an increase in the level of trade and in the number of containers that will be deposited at the port of Melbourne, and therefore an increase in traffic on our roads.

The great thing about the strong economic figures that we are seeing coming out of the ABS is that in terms of state final demand, for the first six months of this year we were leading the nation, with a 2.6 per cent increase in state final demand, leaving New South Wales in our wake at only 1.7 per cent. Strong economic growth like the growth we are seeing will see an increase in trade and therefore an increase in port-related activity and the number of truck movements.

Bills like this are important because we need to make sure that the legislation that comes before us is providing a safe regulatory environment and regulatory framework to make sure that, with population growth and this level of economic growth that we are seeing and experiencing, there is that ability to ensure that these trucks that are coming on our road will be safe.

The bill will also look at managing the use of heavy vehicles. This is very important, because last financial year VicRoads transport safety services intercepted and checked the compliance of 37 888 heavy vehicles. Of the total sum of vehicles intercepted, 4142 vehicles, or 10.93 per cent, received defect notices; 987, or 2.61 per cent, received major defect notices; and 70, or 0.18 per cent, were grounded immediately.

If we are looking at having population growth, an increase in the level of economic activity in the state and a higher level of trade and throughput through the port of Melbourne, which we would anticipate with the privatisation of the port, it would follow logically that we are going to see more trucks on the road and therefore that we need to make sure there is an appropriate regulatory framework in place to ensure compliance with the law. It is also interesting to note that in 2014–15 VicRoads transport safety services issued 547 infringement notices for offences against mass restrictions, 422 infringement notices for fatigue offences and 196 infringement notices for speed-related offences.

It is also important that VicRoads regulatory services and the National Heavy Vehicle Regulator have established an open and collaborative working environment. That can be further assisted by ensuring that Victoria has effective laws to manage the use of heavy vehicles. Again, we have to do the very best we can to have best practice in this space, and as far as

possible we need to ensure that there are appropriate regulatory frameworks in place to deal with the heightened level of volume we are seeing on our roads.

The bill uses the term ‘light bus’. I have a large vehicle, a 7-seater Ford Territory, and when I saw the term ‘light bus’, I thought I might need to consider getting a light bus in the event I have any more children.

*Honourable members interjecting.*

**Mr PEARSON** — No, I wish to advise the house there will be no more, but I thought I would ask: how many kids would you need to have in order to need a light bus? I am advised that a light bus is a motor vehicle which, together with any trailer attached to it, seats more than 12 adults, including the driver, with a gross vehicle mass of 4.5 tonnes or less. I am pleased to advise the house that I will not be requiring a light bus, at least not until partners and grandchildren come onto the scene, and hopefully that will be a number of years away. I absolutely hope this is not something I have to contemplate while I am a member of this place.

It is important that we have proper fatigue management in relation to drivers of light buses. As other members have said, light buses are often used by volunteers. Where I grew up out in the suburbs, out at Wantirna, there was the idea of a big night in town. You would get the boys in the light bus and go hooning down the Eastern Freeway. You would have the esky in the back, and you would try to work your way through as much beer as you could before you got to the city — and you always made sure there was enough beer for the ride home as well. Usually the most boring person in the group was the designated driver. If you are having a bit of a road trip with your mates in a light bus, you are having a party or you are going to town and coming back, it is important that those fatigue issues are addressed, as you would expect.

Interestingly Bus Safety Victoria made a presentation to the Victorian Community Transport Association conference on 21 May this year. It looked at the safety performance of registered bus operators and the rate of collisions. There were 11 collisions in 2011, the number peaked in 2014, with 51 collisions, and I am pleased to say that there have only been 22 collisions in 2015. This is an important bill. It might not be the most earthshattering, groundbreaking piece of legislation, but it is important. I commend the bill to the house.

**Mr RICHARDSON** (Mordialloc) — It is great to contribute to the debate on this important bill, the Heavy Vehicles Legislation Amendment Bill 2015. While the member for Essendon called it a minor

change to incorporate small buses into the categorisation for larger buses, it is actually part of a hairpin bend in the journey we have been on for some time, with all the road safety issues we have confronted over the last 20 years. It is a small part in an effort that has been going on for many years and that has culminated in some of the road safety initiatives we have seen. I would like to touch on that as well as some of the elements of the bill. I note that there is a bipartisan position on road safety and lowering the road toll.

I want to quickly reflect on a powerful Transport Accident Commission (TAC) advertisement that has been aired recently, in which a person is asked — and it is quite novel — to estimate what they thought the road toll should be. Quite powerfully, the advertisement then has families walking towards the person who had made that exact estimation. That is a powerful message about the families and the people behind those directly affected by road trauma.

The bill applies powers under the Heavy Vehicle National Law (Victoria) to the enforcement of fatigue management in relation to light buses, making it consistent with the powers regarding heavy buses. Light buses are defined as a vehicle seating 12 or more passengers, including the driver, so it affects community organisations as well. It might be a seniors bus, for example. Mordialloc Sporting Club provides a light bus service for elderly residents, so that would be covered by those regulations. It might be schools or community associations, and that is appropriate.

I will touch a little more on its elements, but it is worth reflecting on how we have come to this position on the bill. It stems from Council of Australian Governments (COAG) negotiations at the federal level, working together to bring in appropriate laws and regulations. That work was done by the former Labor government, and the federal minister at the time, Anthony Albanese, was part of that work. The development of the Heavy Vehicle National Law began in March 2008 and is still being applied in each state jurisdiction.

In researching this bill I found that the issue goes right back to 1991 and the Hawke government — that fantastic federal government that was — when the National Road Transport Commission was established. It was a significant start that has been carried on through the COAG process, where the negotiation with relevant ministers continues on.

It is interesting to see where we have come to now in lowering our road toll. Thankfully the Victorian road toll has been more than halved since 1989, but sadly we

have lost 9000 people on our roads. Whether it is getting in our car or getting on a bus or seeing trucks on the road, we take for granted our opportunity and privilege of operating a vehicle on the road. We never consider it might happen to us until it touches someone we know and affects our community. It almost goes without saying that it has such a ripple effect on communities when people are lost. There is the loss of life but there are also those who are injured, especially those who are severely injured.

I put on the record that the Transport Accident Commission does an incredible job in supporting our community. We very much support its no-fault scheme — people should be cared for appropriately when they are in that position regardless of the cause of the incident. There were 6000 claims involving hospitalisation alone last year under the Transport Accident Commission scheme, which is quite significant. Let us consider the education around fatigue. The learnings on the effects of fatigue and its impact on people's driving habits have been emerging in the last decade. If you are on an interstate commute or a long-haul drive, if you are a bus driver or a truck driver, using rest stops offers a great education about how we take the appropriate rest breaks and how we support people.

This legislation takes things a step forward. This week has been interesting with the matter of public importance and the conversations we have had about the union movement. I had the privilege of working for the federal Labor government at a time when the safe rates campaign was a big discussion. It was a campaign led by the Transport Workers Union, particularly by Tony Sheldon, who did an enormous amount of work in putting forward safe rates, protecting truck drivers from fatigue and the stresses and pressures placed on them to meet targets and the devastating impacts that had on them and on accident rates. It was lobbied for for many years and culminated in safe rates being put in place as a policy in 2011 and 2012. It was an incredible period.

For my troubles and for the profession I am in, I have had some time this year to read a couple of books. One was the *Gillard Project* by Michael Cooney, who was Julia Gillard's speechwriter. There is a moment in the book where he talks about a private function with the Transport Workers Union. The cohort, Tony Sheldon, was there. Cooney describes the emotion in the room of the ordinary workers who had campaigned for safe rates and had put it on the agenda; it was ordinary people who had put that forward. That is what the union movement does: it empowers workers to work together to highlight issues of concern. There had been a clear

problem, they put it on the agenda, but the government of the time was not listening. It took a Labor federal government to get involved and pass the safe rates legislation. It was an emotional time. I would have loved to have been a fly on the wall when Anthony Albanese gave a speech and told those members and union officials that it was going to come into legislation, because based on the writing of Michael Cooney it was a very emotional time.

I will touch briefly on some of the workings of the current government in terms of road safety. The recent advertising campaign by the Transport Accident Commission has been quite powerful and shows the investment by the TAC into some of the work it does in educating some of our younger drivers and getting them the appropriate training; for instance, the \$80 million funding for our first road safety complex. It is important to give our young people the most appropriate skills. Some teenagers coming through will rue the fact that they have to do 120 hours of mandatory driver training, but those kinds of reforms and the regulations being put in place are important to give people, especially young people, the understanding, the skills and the education they need to face the challenges of the road.

When talking about all the elements of fatigue and its proper management, it is so important that we continue to educate and invest in programs about its dangers. When we think about the small buses covered under this legislation, they are servicing our schools and our communities. We need to make sure that there is consistency across the board in terms of the fatigue management principles set for small buses, private larger buses and the transport industry. That is exactly what this legislation does. It makes minor amendments but it is an important strike to require that proper fatigue management and fatigue auditing effectively.

To sum up, I come back to some of the key elements. The bill aims to codify and bring together the operation of small buses and larger vehicles. The bill stems from the Heavy Vehicle National Law Application Act 2013, which was part of a COAG process. That process will continue; and that support was continue. I commend the bill to the house.

**Mr HOWARD** (Buninyong) — I am pleased to add my comments in regard to the Heavy Vehicles Legislation Amendment Bill 2015. As we have heard from other speakers on this bill, this government and I think it is fair to say previous governments have all seen that road safety is vitally important. When it comes to heavy vehicles, we need to be vigilant in ensuring that there is a clear regime requiring all heavy vehicles to be managed appropriately to ensure that

they are maintained to a high standard, so there is no doubt when you are travelling on the road with heavy vehicles that should an accident happen, the brakes are working and all aspects of the vehicle are in order so as to prevent a serious crash that could cause either loss of life or serious damage.

This bill tidies up some aspects of the Heavy Vehicle National Law Application Act 2013 by ensuring that light vehicles — vehicles below 4.5 tonnes — now have fatigue checks done. However, we have allowed for an exemption for light vehicles if they are being used in emergency situations or in situations where they are replacing rail carriages for some reason — periodically we see problems with railway lines where buses need to be brought in. If there are light vehicles available, they can be used for that purpose without necessarily having to show they have done their fatigue testing. This is only a minor exemption and in most cases drivers of light vehicles will also now be required to have fatigue testing done.

There are other minor changes to the bill in terms of it referring to police officers rather than members of the police force, as well as issues associated with how to calculate the mass of a heavy vehicle.

Like those who have spoken before me on this bill, I am sad that, as with other bills presented earlier today, very few people from the opposition side of the house are present for the debate on the bill currently before the house. As with debate on earlier bills, only lead speakers have spoken on this bill. It is very unfortunate that the opposition is not contributing to the discussion on legislation before the house this week. It is not in the interests of good democracy for that to take place.

Having noted the issues with this bill, I think it is useful to look at the broader context of why we are looking at the matter of safety on buses. At the Ballarat Regional Multicultural Council gala ball, which was held in Ballarat last Saturday night, I had a chat to a former colleague in local government, Lawrie Hocking, a former councillor for the Borough of Sebastopol until that borough was incorporated into the Ballarat City Council as part of the amalgamations under the Kennett government. Lawrie was also the last mayor of Sebastopol borough. He was working for VicRoads at the same time as an assessor of buses and ensuring their safety by conducting checks. At about that time VicRoads determined it would not do those checks itself and put them out to contract. Lawrie Hocking decided to set himself up as a contractor, and I am pleased to see, as a Ballarat person, that he now has a thriving business, for which he has contracts not only for buses in much of the Ballarat region and to the west

of Ballarat but also many of the bus companies in Melbourne and even in Gippsland have contracted his small family company to do their work. It has been a great success.

Lawrie needed to invest a large amount of money to purchase equipment to conduct evaluations of those buses. As members would appreciate, you need the best quality equipment to test brakes and all other aspects of the bus to ensure its structure is sound, and he has been doing that very successfully. Lawrie had a discussion with me about how important the business is. He feels that the present testing regime is operating fairly well. He did note that some of the equipment that other groups are using — even VicRoads itself — could be upgraded to take advantage of better technology, but overall we have a very high standard of safety and checking of our buses in Victoria that ensures that whether it be our schoolchildren going to school each day on buses — and in my electorate many students come in from the country to Ballarat each day for schooling — or the many other people on our public bus system, they are completely safe when they are travelling.

By comparison I reflect on the times I have travelled on buses. I have been to India on a number of occasions and travelled on buses there. The situation there is very different. The buses are much older. I have had reason to be concerned about the checking of buses in India. On one occasion I had to catch a bus in the Himalayas from a town called Mussorie. I was travelling through a very hilly area. The bus was one of those that has seats in the front part of the bus that face the driver. The fellow who got on the bus and sat in the driver's seat looked to me as though he had been drinking. He was very unsure of himself. I was very nervous about this man potentially driving this bus, and I was wondering whether I should get off the bus if this man was in fact the driver, considering the hilly roads of the Himalayas.

I was relieved that just before the bus was due to leave, somebody else got on and that man moved out of the driver's seat and sat opposite him. I was still concerned, however, because the man who had been drinking wanted to converse with the driver as we travelled along this road, from which you could see extremely steep cliffs off to the side. I did not even like to look out of the windows at different times when I saw the bus going along a pretty hairy part of the drive. In some parts of India you see buses and other vehicles that have crashed and gone over the edge. You just hope that the one you are on is not going to be added to the list. The fact that I am still here shows that I completed that trip safely, and I am very pleased about that.

In my time in India I learnt that on occasions if I wanted a seat on a bus I would have to climb in the windows when it arrived at the terminus. So many people were trying to get on the bus that you did what the locals did. I found I developed some agility jumping through the window of a bus to get a seat as people were trying to crowd in the door. I joined some of the locals in getting on a bus that way, but then I found that more people were getting on the roof of the bus. I found that travelling on the roof of a bus can be interesting, but it is not the safest means of travel.

I am glad to see that in Victoria we have a much safer regime, where you can feel confident that if you travel on a bus you are most likely to get to the end point safely. We have had a couple of serious accidents and crashes in Victoria over the years, sometimes involving smaller buses, so we have to make sure that we continue to be vigilant in order to ensure that the buses on Victorian roads are of a high standard and well maintained so that people can travel safely.

I commend the bill to the house. I welcome the advice I received from Mr Lawrie Hocking and trust he and people like him continue to do the work on our buses to ensure that they are safe. I am very pleased to see this bill progress through this house.

**Mr EDBROOKE** (Frankston) — I look forward to reading the member for Buninyong's book on his travels through India and wherever else and hearing more about him riding on the roof of a bus. It sounds very adventurous.

I rise to speak on the Heavy Vehicles Legislation Amendment Bill 2015. This is a very important bill for a number of reasons. The amendments are required to deal with a number of issues. Some of these include when large numbers of people have to be moved quickly in an emergency situation, such as Black Saturday — which is a great example — buses are often called into action to run emergency routes and ferry people to safety. Also, sometimes private rail and bus companies require light buses to meet their contractual obligations and move passengers if there are unexpected cancellations of train services.

Another issue addressed by this bill is that at the moment the Road Safety Act 1986 applies provisions of the Heavy Vehicle National Law to light buses. It does not include any reference to the important chapters 9 and 10, which deal with rest breaks, formal warnings about fatigue management, improvement notices and infringement notices. It is important to ensure that fatigue management legislation for heavy

vehicles also includes light buses. After all, they carry some of our most precious cargo.

The bill also addresses an anomaly — I think you would call it — with portable weighing devices, which are used by some of our agencies under the Heavy Vehicle National Law (Victoria), and their results are often used in evidence. Neither the Heavy Vehicle National Law nor associated regulations provide for accuracy and certification of these devices.

Down in Frankston we have quite a number of heavy vehicle arterial roads — the Nepean Highway, the Moorooduc Highway, the Peninsula Link and Cranbourne Road. As a firefighter in Frankston and throughout the state for 14 years I would like to give a very different perspective about why this bill is so important. I have been to quite a few hazardous materials incidents where we have had truck rollovers, and we have had to deal with them. This bill provides for prevention, and as we know, prevention is better than cure.

One particular incident I was involved in demonstrates the cost to families, the cost to governments of rehabilitation and the enormous toll exacted in reconstructing lives. On a morning shift in 2005 I was called with my crew to a truck-versus-car incident on Ballarto Road in Frankston. It probably would have been about 9.30 a.m. Allegedly a mother had been in a rush to take her children to school. She was seven months pregnant with an eight-year-old in the car, and she went to overtake a truck. She unfortunately misjudged and had a head-on collision with a council heavy vehicle.

As you can imagine, ‘truck versus car’ is a very unforgiving situation, and the turmoil that ensued with this accident was no exception to that. When we rolled up we went through our methodology of how we were going to fix this accident. That is what we do as emergency services workers: we turn up, adapt and overcome accidents as emergency services workers. This one was an absolute mess. I was put in charge of triage in the cabin of the vehicle. We had an eight-year-old with an acquired brain injury and a mother who was seven months pregnant and obviously losing her baby. This bill is so important because it could prevent incidents like this. Being the person who had to control that incident is something I will never forget, but I learnt a lot from that situation that helped me during other incidents as a firefighter and in knowing how to deal with stressful situations.

In saying that, it is saddening to see the lack of interest from the other side of the house. We had one or two

speakers from that side with regard to the firearms legislation yesterday and today. We have had one lead speaker today. As the member for Buninyong said, it is a sad reflection on democracy.

**Mr Clark** — On a point of order, Acting Speaker, if the honourable member is going to filibuster on a bill that has support across the chamber, he at least needs to be relevant to it and not be telling untruths about the opposition’s position. I ask you to bring him back to contributing to the debate on the bill if he insists on continuing to speak.

**The ACTING SPEAKER (Ms Kilkenny)** — Order! I bring the member back to the bill.

**Mr EDBROOKE** — No worries. On the point of order, though, Acting Speaker, I was not reflecting at all on the opposition’s attitude towards the bill. I was reflecting upon a truth — that the opposition had only one speaker on this bill.

To continue, this bill fixes a number of these issues, and it does this by ensuring that light buses carrying 12 or more people and having a 4.5-tonne gross vehicle mass (GVM) — which is, for people who do not know, the maximum weight that the vehicle can carry, including its own weight, measured where the tyres contact the road — are exempt, just like heavy buses, from the fatigue management provisions of the Heavy Vehicle National Law when they are responding to emergencies or being used as a rail replacement bus, and there is no record management in that.

The bill also applies enforcement powers under the Heavy Vehicle National Law to the enforcement of fatigue management in relation to light buses so that they are consistent with the powers that apply in relation to heavy buses. As I touched on before, this is important. Buses carry some of our most precious cargo, including school students, sometimes in large buses but in small buses as well when they are carrying sports club members or special developmental school children. We must maintain the most stringent of rules around fatigue management and quality control over who is driving those buses and over the buses themselves.

The bill also assists in the calculation of the mass of a heavy vehicle to determine whether it is overloaded by using the readings from the portable weighing devices as evidence. The amendment in the bill prescribes that the mass carried on the axle of a heavy vehicle, as determined by a prescribed device when tested, sealed and used in a prescribed manner is, after due allowance of the prescribed limits of error, proof in absence of

evidence to the contrary of the actual tested mass. The manner in which these devices are tested, sealed and used is described in part 5 of the Road Safety (General) Regulations 2009.

Clause 4 of the bill inserts new section 36A into the Heavy Vehicle National Law Application Act 2013. It is an evidentiary provision which sets out how evidence from a portable weighing device may be used to prove the mass of a vehicle. This type of provision greatly improves the efficiency of the criminal justice system by allowing what are usually non-controversial evidentiary matters to be presented in court without the need to personally call out the people who took the measurements at a roadside VicRoads measurement station. The types of measurements we are talking about are just from a single plate about 50 centimetres by 50 centimetres which the VicRoads operators use to measure the GVM over one axle. It appears that the evidence provided by these is not good enough in court, and the bill clears that up.

Another adjustment made by this bill is the substitution of the term 'police officer' in place of references to 'a member of the police force'. That is to ensure consistency with the Victoria Police Act 2013.

It is a great responsibility to be driving heavy vehicles, and I have been privy to the mess left behind when things go wrong. These vehicles carry passengers. They can be a danger to other people on the road. We know fatigue is an especially serious problem in this industry, and we are trying to control it. When you drive a heavy vehicle you realise very quickly how hard it is to pull up 23 tonnes of truck. It has different steering geometry and a different centre of gravity. It is the same driving light buses. It is one thing to be fatigued in your car, as many of us have been, but it is quite another thing to be fatigued when in control of a passenger heavy vehicle or a bus.

This is a common-sense bill. This bill deserves the bipartisan support it has. I commend the bill to the house.

**Ms KNIGHT** (Wendouree) — I am pleased to rise to speak on the Heavy Vehicles Legislation Amendment Bill 2015. I begin by giving a bit of a shout out to our bus drivers and truck drivers and the unions that represent them — the Rail, Tram and Bus Union and the Transport Workers Union. They do an amazing job. It is an incredibly stressful job navigating roads when they are responsible for a whole lot of people or a whole lot of produce. They have to rely on the drivers around them to do the right thing, which

does not happen all the time. I know they work very long hours and are away from their families quite a lot.

From time to time I pick up a truck magazine at the local servo. Being a bit of a hot rod girl and a bit of a petrolhead I do not mind flicking through such magazines. I picked up a copy a few months ago because a friend of mine was going overseas. I slipped it into his bag because I knew he would have a lot of time on his hands. He told me that the magazine had provided him with hours of entertainment. Members who are in the chamber should check it out.

There are not many members on the other side of the house; I do not know how they are earning their money this week — it is certainly not by representing their constituents. There has been a lack of speakers from the other side. I am going to speak on the —

**Mr Clark** — On a point of order, Acting Speaker, if the member is going to speak on the bill in order to filibuster and prevent debate on other items on the notice paper, she must at least be relevant to the bill, and I ask you to bring her back to it.

**The ACTING SPEAKER (Ms Kilkenny)** — Order! There is no point of order.

**Ms KNIGHT** — I am very pleased to speak on the bill, which makes amendments to the Road Safety Act 1986 and the Heavy Vehicle National Law Application Act 2013. Consistency in the application of laws as they apply to heavy vehicles is important, and as background to the bill I am going to speak briefly on the process of achieving national consistency in regard to heavy vehicles. There are many instances when different states have circumstances requiring varied policy responses. Equally there are instances when a national approach not only provides greater efficiency but is also common sense. In the area of fatigue management, as it is applied to the use of heavy vehicles, it seems to be the case that both efficiency and common sense are served by the harmonisation of state laws. In this case, harmonisation was undertaken through the work of the Council of Australian Governments, with each state and the commonwealth sitting down to work in the country's best interest, leading to the development of the Heavy Vehicle National Law.

A number of years ago the Queensland Parliament passed the Heavy Vehicle National Law Act 2012. The Heavy Vehicle National Law was then applied in our state with the passage of the Heavy Vehicle National Law Application Act 2013 through this Parliament. The principal purpose of the act is to provide for the

application of a national law to regulate the use of heavy vehicles. This is the legislative framework to manage the use of heavy vehicles in our state, consistent with the national approach.

Through my contribution today I will use the term 'light bus' a number of times. In each reference to 'light bus' I will be using the same definition as the Minister for Roads and Road Safety, who is in the chamber, used in his second-reading speech. It is:

A light bus is a motor vehicle which (together with any trailer attached to it) seats more than 12 adults (including the driver) with a gross vehicle mass of 4.5 tonnes or less.

**Mr Donnellan** interjected.

**Ms KNIGHT** — It was a great speech; it kept me awake all night. Consistency is important not just between state jurisdictions but within a state, and the bill provides for the consistent treatment of heavy and light buses through the application of fatigue management provisions in the Heavy Vehicle National Law (Victoria) to those two types of vehicles.

The bill has four purposes: to make sure that light buses are exempt from fatigue management provisions in the Heavy Vehicle National Law (Victoria) when they are responding to an emergency or being used as rail replacement buses, as other members have spoken about; to apply enforcement powers to light buses, consistent with how they are applied to heavy buses under the Heavy Vehicle National Law (Victoria); to maintain consistency with the Victoria Police Act 2013, and to replace references to 'a member of the police force' with 'police officer' twice within the Heavy Vehicle National Law Application Act; and to make amendments to that act to assist in calculating the mass of a heavy vehicle.

The provisions in the Road Safety Act that apply the Heavy Vehicle National Law (Victoria) to light buses do not include a reference to fatigue-related matters such as the enforcement of offences. The bill remedies that so that the enforcement of fatigue management is consistent for both light and heavy buses.

Clause 5 amends the Road Safety Act 1986 so that some of the powers of enforcement that are applied to heavy buses as part of the Heavy Vehicle National Law (Victoria) are also applied to light buses. These powers include the power to direct a driver of a light bus to rest and stop working if there has been a breach of fatigue laws. The bill also provides police officers or authorised officers with the power to issue improvement notices if there have been fatigue breaches. Improvement notices can be issued if there has been a breach of fatigue

provisions and the officer believes further breaches will occur.

The powers also include the power to give a formal warning in place of issuing an infringement notice or commencing court action, providing legislative discretion to police and other authorised officers, and the power to issue infringement notices for offences against the Heavy Vehicle National Law (Victoria). In effect this provision treats light buses in the same way as heavy buses are treated when considering fatigue management and the Heavy Vehicle National Law (Victoria), and that is most appropriate.

With my limited time today I will address each of the main changes that will be brought into effect if the bill becomes law. Currently drivers of heavy buses are exempt from the fatigue management work and rest hours provisions in the Heavy Vehicle National Law (Victoria) in emergency or rail replacement situations, as I mentioned before. This recognises that there are circumstances that are so outside the ordinary as to require special consideration. The bill makes sure that light buses are similarly exempt from fatigue management provisions of the Heavy Vehicle National Law (Victoria) when they are responding to an emergency or being used as rail replacement buses. This is a common-sense position in that an exemption that is appropriate to heavy buses in certain circumstances is logically appropriate to light buses in the same circumstances. Importantly, the safety of drivers, passengers and other road users is not compromised, and that is a critically important point that the minister has advocated for strongly. Occupational health and safety requirements and the Bus Safety Act 2009 will continue to apply in these circumstances.

To maintain consistency with the way members of Victoria Police are referred to in the Victoria Police Act 2013, the bill amends the Heavy Vehicle National Law Application Act by replacing reference to 'member of the police force' with 'police officer'. As I said earlier, consistency matters whether it is applied to light and heavy buses or applied to how members of Victoria Police are referred to in legislation.

The bill amends the Heavy Vehicle National Law Application Act by allowing the weight determined by a proscribed weighing device to be used for the enforcement of the Heavy Vehicle National Law (Victoria). It makes sense that a properly calibrated and technically capable weighing device can be used to determine the mass of a vehicle. The bill also provides a notional weight of 16 adult passengers as being 1 tonne for the purposes of the Heavy Vehicle National

Law (Victoria). It would obviously be impractical to weigh passengers and providing a notional and generally applied weight of 16 passengers provides simplicity and consistency.

In concluding my remarks on the bill I would like to mention the common-sense nature of its provisions as well as the government's continued focus on road safety. I congratulate the minister for his work not just on this legislation but also around the safety of Victorians more generally. I acknowledge the work he is doing to bring the road toll down to zero, which is incredibly important. I finish by acknowledging the member for Dandenong for the very heartfelt story she told about her personal circumstances. It is very important that these stories are told. I commend the bill to the house.

**Ms WARD** (Eltham) — Before I start speaking on this good legislation that has been created by the very hardworking Minister for Roads and Road Safety, who I am pleased to see is in the chamber today — —

*Honourable members interjecting.*

**Ms WARD** — I am pleased to see that the minister is in the chamber today; thankfully he is not absent without leave like most of the coalition members. There are two coalition members in here today; the government has two ministers here.

**Mr R. Smith** — On a point of order, Acting Speaker, I refer you to page 61 of the June 2015 edition of *Rulings from the Chair* which says that imputations against members are disorderly. When Deputy Speaker Maddigan made that ruling she basically said that if the imputations continued, she would sit the member down and no longer hear them. Members have been making these imputations throughout this debate. It is not the fault of the opposition that the ministers have delivered legislation that is non-controversial and light on and that not many bills have been introduced to the house. It is not up to opposition members to fill the speaking lists — —

**Mr Donnellan** interjected.

**Mr R. Smith** — It is a fact. I would have thought that members opposite would be happy that the non-controversial bills enjoy wide support across the chamber. There is no need for members over here to get up and hear themselves speak just for the sake of it. We do not have anything to argue with the government about. As I said, we offer broad support for the bills here. That the speaking lists need to be filled by government members is not the opposition's fault. The bills that have been put forward by ministers are

non-controversial, and not many have been put forward, and the imputations that are being made need to be limited because *Rulings from the Chair* says that they should be — —

**The ACTING SPEAKER (Ms Kilkenny)** — Order! There is no point of order, but I will bring the member back to the bill.

**Ms WARD** — Before I do I have to comment that it is ironic that the word 'filibuster' has been used by those opposite a number of times, and yet we just had a 2-minute intervention.

I commend the member for Dandenong on the heartfelt speech she gave earlier today. It is not easy to stand in this place and talk about matters of the heart and things that are of deep importance to us, but she did it very well and with grace and consideration, and I commend her for that.

This bill is about improving efficiency, and that is exactly what we on this side of the house are about. We are about improving efficiency. I am glad to see that the minister has been working hard and is producing such good, worthwhile bills that are worthy of debate and of our presence in this house to discuss them.

This bill is about responding to areas that need to be improved. It is yet another example of Labor working hard to improve legislation and improve the lives of Victorians. We are indeed, as has been said a number of times in this place, getting on with it. We are proud to be getting on with it, and we will keep talking about getting on with it because that is what we are doing and that is what we are committed to continuing to do. The change to provide flexibility in fatigue management provisions is not one that has been made without serious consideration and thought, which is more than I can say about those on the other side, who appear to have paid very little attention to this legislation, as they are not here today to speak on it.

**Mr Pesutto** — Acting Speaker, I direct your attention to the state of the house.

**Quorum formed.**

**Ms WARD** — I am glad to be able to continue and to be doing something productive and devoting my time to this bill instead of playing pointless, childish games, as we have seen happen on the other side of the house.

The fatigue exemption in the bill does not mean that an employer relinquishes their responsibility for the wellbeing and care of their employees. Employers must

continue to monitor the health and wellbeing of their employees, and they must ensure that the employees are well aware of their rights. This means, for example, that in an emergency situation if a driver is called in to drive a bus after completing their shift but is in a required rest period, that employee still has the right to decline — to say, ‘No, I’m too tired. It is not safe for me to drive this bus’. In the instance of rail or bus providers being unable to carry their passengers in the usual way, other flexible arrangements can be put in place. That is the purpose of this bill, and that is why it is worth us being in this house today to discuss it.

It is in emergency situations that this bill will prove useful. In this state we have sadly experienced a number of emergency situations. The one that immediately comes to mind is Black Saturday. Having the flexibility to use what I will call minibuses — there have been various descriptions of them so far today — and drivers as needed in these situations, as is currently the case with larger buses, will be extremely useful. While those opposite sit on their hands and wish to do nothing to address the damaging effects of climate change, mirroring the behaviour of our climate change-denying Prime Minister, emergency situations in our state run the risk of becoming increasingly prevalent. This includes bushfires, floods and damaging storms — all common occurrences with climate change.

This is why the lack of interest coalition members have shown in this legislation is surprising and disappointing. It will be their communities, especially those in rural areas, that will benefit the most. I cannot understand why members of The Nationals are allowing themselves to be caught up in the petty politics of the Liberal Party by not being here for this debate. I am sure their constituents will be concerned to know that their local members pretty much did not bother to show up for work today. It has been suggested that they are all busily deleting photos of staffers campaigning last year from various forms of social media. I imagine it would take more than a few hours to do this; after all, there are a lot of social media sites out there.

While this government is putting in place strong legislation and policies to respond to climate change and to mitigate the damage — —

**Mr Pesutto** — On a point of order, Acting Speaker, I ask you to bring the speaker back to the bill.

**The ACTING SPEAKER (Ms Kilkenny)** — Order! I ask the member to come back to the bill.

**Ms WARD** — While this government is putting in place strong legislation and policies to respond to climate change and to mitigate the damage global warming is creating, we also need to look at other legislation that can help us improve our responses to emergency situations. Transporting people as quickly as possible was of vital importance on Black Saturday. As is the case for all in this place, that day is vividly etched in my mind, as is the time I spent in the emergency management centre in Kangaroo Ground over the following days.

Transporting people to a safe refuge as quickly as possible is paramount in these situations, and often it is a matter of all hands on deck. All hands being on deck, however, does not mean all day, every day. It means only in emergency situations or when there is an interruption to services. Fatigue management laws will remain in place, ensuring the safety of drivers, their passengers, other commuters and pedestrians.

Like the member for Macedon, I have been affected by the zero road toll advertising campaign, and I am glad the member commended the minister for this very moving, very poignant and very strong advertising campaign. Who cannot shed a tear over the idea of losing a loved one in a road accident, as we heard described for us so eloquently by the member for Dandenong? It is a good campaign, and I am sure it will have the required effect of making people stop and think and work towards reducing the road toll.

I am extremely pleased to see that our minister has been so proactive in this area and that he is getting on with it. He is working hard to get results for this community and is creating legislation that is important to people because it will help them as they go about their day-to-day lives. He is a hardworking minister, as are all the ministers on our front bench. They are hardworking, great people. I commend the bill to the house.

**Mr NARDELLA (Melton)** — I rise again today with a heavy heart because I cannot understand how, when it comes to such an important piece of legislation as this bill, dealing as it does with fatigue management on our roads in Victoria, the Liberal Party and The Nationals are on strike. The people in this chamber are being paid by the minute to give their views in this Parliament on this debate — —

**Mr Pesutto** — On a point of order, Speaker, I am reluctant to interrupt the member for Melton. I understand that he wants to give an impassioned and heartfelt speech — —

**The SPEAKER** — Order! What is the point of order?

**Mr Pesutto** — I will get to the point of order.

**The SPEAKER** — Order! The member for Hawthorn will make the point of order and will not use this opportunity to debate, repeat or entertain any other discussion beyond the point of order. The point of order now.

**Mr Pesutto** — In that vein, Speaker, I ask that you draw the member for Melton back to the subject of the bill.

**The SPEAKER** — Order! The member for Melton will come back to the bill.

**Mr NARDELLA** — Only two people from the opposition have given their views on this bill: one person from the Liberal Party and one person I heard from The Nationals. With respect to fatigue management and making Victorian roads safer, the people opposite are on strike. They are being paid — and being paid handsomely — but they are not debating important issues in this house — —

**Mr Pesutto** — On a further point of order, Speaker, I believe the member for Melton is defying your ruling.

**Mr NARDELLA** — On the point of order, Speaker, I am speaking directly on the bill. I am speaking directly about the contributions not made by members on the other side of the house, and it is absolutely appropriate that I comment on the debate that has been occurring in this house today.

**The SPEAKER** — Order! I uphold the point of order advanced by the member for Hawthorn. I ask the member for Melton to come back to the bill.

**Mr NARDELLA** — On this bill, which is important to this side of the house, honourable members from this side of the chamber have made contributions consistently. This legislation is important because many people have been affected by drivers affected by fatigue. That is what this bill is about. I will just inform honourable members who have not had the gumption to pick up a copy of the bill, read the clauses and comment on the bill before the house.

**Mr Clark** — On a point of order, Speaker, the member is defying your order. He is also engaging in imputations contrary to standing orders. I ask you to bring him back to compliance.

**Mr NARDELLA** — On the point of order, Speaker, I am absolutely speaking on the bill before the house. I have been talking about fatigue. I have been talking about the clauses and the effects of the bill. I am being absolutely relevant to the bill before the house.

**The SPEAKER** — Order! The member for Melton will continue on the bill.

**Mr NARDELLA** — In closing, I wish to talk about people who make slogans. We have had people who make slogans in this house over a long period of time. One of the slogans was ‘Fix local roads. Save country lives’. Do members remember that one? When we are talking about fatigue, it is not only about the condition of the road but also about the driver and the safety of passengers in types of heavy vehicles this bill refers to.

However, again we have a situation where members of The Nationals have not had the ability to get up and talk about their constituency. They have been on strike. At every opportunity through this afternoon they have been on strike.

**The SPEAKER** — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015

*Second reading*

**Debate resumed from 2 September; motion of Ms D’AMBROSIO (Minister for Energy and Resources).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**RACING AMENDMENT BILL 2015***Second reading*

**Debate resumed from 1 September; motion of Mr DONNELLAN (Minister for Roads and Road Safety).**

**Motion agreed to.**

**Read second time.**

*Circulated amendments*

**Circulated government amendments as follows agreed to:**

1. Clause 8, page 8, lines 13 to 14, omit "industry or have experience or interest in that industry." and insert "industry;"
2. Clause 8, page 8, after line 14 insert —  

“(c) up to 2 persons who have experience or interest in the Victorian harness racing industry.”.

*Third reading*

**Motion agreed to.**

**Read third time.**

**FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015***Second reading*

**Debate resumed from earlier this day; motion of Mr NOONAN (Minister for Police).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted under sessional orders.**

**ADJOURNMENT**

**The SPEAKER** — Order! The question is:

That the house now adjourns.

**Melba College**

**Mr HODGETT** (Croydon) — I stand to raise a very important matter for the attention of the Minister for Education. My adjournment matter relates to the full rebuild of Melba College in my electorate of Croydon. The action I seek is that the minister give a reassurance to the broader school community that he will fully fund stage 1 of the entire rebuild of the school in the 2016–17 state budget.

Several weeks ago I met with principal Terry Bennett, school council president Philippa Rowlands and members of the teaching faculty, who provided me with a very thorough update on developments in the full rebuild and showcased the plans for the new facilities. The rebuild will deliver a terrific, modern, state-of-the-art educational facility, which will be an asset to Melbourne's east once completed. In the lead-up to the last election, both parties gave a commitment to fund this rebuild, which I was pleased about. I know the minister is working with the school community to deliver this rebuild, but we seek a reassurance that the full funding of stage 1 will be included in the next state budget.

In recent times staff at my electorate office have been contacted by several prospective parents and interested parties, all seeking a reassurance that this full rebuild will be completed, in anticipation of registering or enrolling their children to attend Melba College in future years. I again reiterate: can the minister provide a reassurance to the students, parents, teachers and school community that funding for stage 1 of the full rebuild will be included and released in the 2016–17 state budget?

**Patterson River dredging**

**Ms KILKENNY** (Carrum) — My adjournment matter is for the Minister for Roads and Road Safety, who is also Minister for Ports. Can the minister provide an update of the review conducted by Parks Victoria on the dredging operation process and channel design of the Patterson River entrance. As the minister knows, the entrance channel of the Patterson River regularly fills with sand from both natural coastal sand movement and periodic storm events, which impacts on this important boating precinct.

Many residents have raised concerns with me about this problem and the dangers it poses for boat users. That is why I called on the minister in this place to conduct a review of Parks Victoria's dredging processes back in June, and I congratulate the minister on his swift action on this important matter. Following the completion of

the review, I would be grateful if the minister would join me in visiting Patterson River to provide local residents and boat users with an update on the proposed recommendations by Parks Victoria and also indicate a time line for the implementation of the recommendations.

### **Dendy Village shopping centre**

**Ms ASHER** (Brighton) — My adjournment issue tonight is for the Minister for Roads and Road Safety. The action I seek is that he improve safety at the Dendy Village shopping centre, which is located in Hampton Street, Brighton. VicRoads will probably advise him not to do much at all in this shopping centre, but I draw to his attention to the fact that the local community has significant concerns about safety in the area. Traders and the community have requested that a 40-kilometre-per-hour speed limit flashing signal be installed. Currently a 40-kilometre-per-hour advisory sign is there. Some tree clipping around the current sign would also not be a bad idea.

Other recommendations include the installation of a pedestrian crossing and the removal of the pedestrian refuge. I will add, for the minister's edification, that this pedestrian refuge goes right across the main area of Hampton Street. If cars are parked on the side in order to access businesses there and a car door is opened, there is a grave danger of a cyclist or indeed other cars running into the exiting driver's car door. It is a very congested area. To make matters worse, most of the shops are located on the opposite side from the car parking, which is why there has been a request for pedestrian signals.

I again draw the minister's attention to this dangerous strip shopping centre. Tragically an elderly pedestrian was killed there in 2008, and traders and the community have made a range of requests in recent times for there to be a safety upgrade. My request is that the minister provide such a safety upgrade at this location.

### **Aviation skills training**

**Mr CARROLL** (Niddrie) — I rise to direct a matter to the attention of the Minister for Training and Skills. The action I seek is that the minister meet with representatives from Aviation Australia and Essendon Airport to discuss their plans and goals to become a registered training organisation here in Victoria.

Aviation Australia is a not-for-profit organisation owned by the Queensland government that has been based in Brisbane since 2001. Today Aviation Australia

is an international training organisation which operates facilities in Malaysia, the United Arab Emirates, Oman and Papua New Guinea. The organisation wants to continue to expand and has selected Melbourne as an ideal destination, specifically with the aim of setting up a training facility at Essendon Airport. Aviation Australia forecasts a training program where within five years some 2000 students could complete training, including approximately 1000 international students. This plan will be a direct investment in jobs at the airport, with many flow-on impacts and forecast economic benefits of some \$16 million for the city of Moonee Valley and multimillions of dollars for the state of Victoria.

The proposal would also provide a welcome boost for Essendon Fields, which is already a thriving retail precinct and corporate hub. Aviation Australia has been working closely with Essendon Airport on this proposal, and the two parties have agreed to terms to lease a hangar so that training can commence in Victoria in the near future. The hangar that has been selected is hangar 103, which was originally constructed in the 1950s as the terminal for athletes and officials at the 1956 Olympic Games. Aviation Australia's new plans for the hangar include locating 737 aircraft there for training purposes.

I was recently at Essendon Airport and met with Essendon Airport CEO Chris Cowan. Having toured the business I can see that a thriving industry is beginning to develop there. Chris Cowan and Justin Giddings, CEO of Avalon Airport, are both passionate about their airports and fully realise the sorts of precincts that airports have become. In many respects airports have become destinations in their own right, and they provide a powerful engine room for local communities. With Aviation Australia commencing operations there, Essendon Airport will thrive even more.

### **Sandringham electorate child care**

**Mr THOMPSON** (Sandringham) — The matter I raise this evening is for the attention of the Minister for Planning. The action I seek is that he or a representative of his office meet with local residents who are concerned about planning provision for future childcare places in the Sandringham electorate. As members know, Melbourne's population growing by 100 000 people a year produces many challenges. There has been a strong view over the last couple of decades in the Beaumaris region that areas such as Ricketts Point, inland areas and backyard spaces should be protected in order to preserve the tree ambience of the region.

In addition the challenge for government relates to the provision of open space for playing, and there are important goals regarding playing fields for football, soccer, cricket, netball, baseball and other playing areas. There is a challenge for public transport and sufficient spaces and an ongoing need for more commuter bike parking spaces. There is a challenge for places at local schools and on buses that might transport people to the main station nodes within the precinct. There is also the need for the provision of sufficient hospital spaces. Other important aspects are housing and the density of housing, and I have raised matters in relation to housing on other occasions.

The principal matter on which I seek the meeting of a group of residents and the minister or a representative of the minister relates to childcare provision. In yesteryear on Bluff Road a local childcare or kindergarten space might have had hours between 9.00 a.m. and 12 midday or an afternoon session with a finite number of hours. The planning scheme provided for kindergartens, medical surgeries, dental surgeries and convenience stores within the locality. With the advent of scale and larger centres being required, I have concerns as to whether the planning scheme adequately accommodates the continuation of neighbourhood amenities in neighbourhood zones with demands for large day care-childcare centres which might operate between 7.00 a.m. and 7.00 p.m. A case in point is a 102-place childcare centre for which Victorian Civil and Administrative Tribunal approval has been given in Bluff Road, and the impact on the residents is significant.

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

### **Eltham electorate small business**

**Ms WARD** (Eltham) — My adjournment matter is for the Minister for Small Business, Innovation and Trade. The action I seek is for the minister to meet with me and advise on how to best recognise the tremendous work undertaken in my community by local small businesses. Small businesses are the backbone of any community, including my own. The support they offer to local organisations and sporting clubs is immense. This support can be as simple as organising ongoing advertising in a school newsletter or a metal advertising sign on a footy club fence. It can be hosting a pink ribbon event or providing grants to help build community facilities. Small businesses do a lot more than offer local employment opportunities; they also help build communities. I ask the minister to sit down with me and advise me how this community support

created by my great local small businesses can be acknowledged and recognised.

### **Warburton Mountain Bike Hub**

**Ms McLEISH** (Eildon) — I rise to request the Minister for Local Government to provide \$3 million to the Yarra Ranges Shire Council from the 2015–16 Interface Growth Fund for the construction of the Warburton Mountain Bike Hub. The minister announced this funding in July. As a bit of background, the Warburton Mountain Bike Hub is the no. 1 shovel-ready project in the Yarra Ranges shire. It is ready to go. Prior to the election, former Premier Napthine committed to invest in this project because it is a winner for the people in the Yarra Ranges. They will certainly benefit from such an investment.

A feasibility study has been completed and was presented to the council. That study was obviously supported by the council in partnership with Parks Victoria, the Department of Environment and Primary Industries, as it was then, the Yarra Ranges Mountain Bikers, the Warburton Valley Community Economic Development Association and the Warburton Advancement League. The feasibility study demonstrated clear economic benefits through such an investment. The economic benefits are estimated to be \$23 million injected into the local economy.

There are direct and indirect benefits from this project. Direct economic benefits include the riders buying food, drinks, cycling equipment, other supplies and also accommodation. That was estimated to be worth \$12.6 million a year. With indirect economic benefits included, the study estimated a total benefit of about \$23.7 million, which is pretty significant. The project is also expected to bring 175 jobs to the Yarra Ranges and to attract 130 000 new visitors to Warburton every year. There are the direct costs of eating, sleeping and shopping, and there are some great places to go in Warburton. The facility would also be used to host national and international biking events.

There have been some great contributions to the program locally. Yarra Ranges Shire Council has put in \$500 000 and Upper Yarra Community House has put in \$300 000, which is terrific. I thank Damian Auton, Doug Greenall and Andrew Swann, who have all been very heavily involved in the Yarra Ranges Mountain Bikers, for their ongoing advocacy.

There is so much potential in Warburton already with the infrastructure for the existing rail trail along the flat and the O'Shannassy Aqueduct Trail that rises above the valley. Warburton and the Yarra Valley need a

stimulus. We recognised it. We are rolling out gas, the Edgewater development is underway and this is the next cog. Jobs are so important in this area, which was stripped of them with the loss of large employers such as the Sanitarium Weet-Bix factory and the closure of the hospital. Warburton is a great place. This is a great investment. The minister needs to get on her bike and support it.

**The DEPUTY SPEAKER** — Order! Before the member takes her seat, I ask her to repeat who the minister was and the action. I missed it.

**Ms McLEISH** — The Minister for Local Government.

**The DEPUTY SPEAKER** — And the action was to?

**Ms McLEISH** — For her to — get on her bike! — provide \$3 million for the Yarra Ranges through the Interface Growth Fund.

### Oakleigh-Carnegie RSL

**Mr DIMOPOULOS** (Oakleigh) — I wish to raise a matter for the attention of the Minister for Veterans. The action I seek is that the minister visit the Oakleigh-Carnegie RSL in my electorate to see firsthand this amazing organisation and what it does for veterans and the broader community. The Oakleigh RSL sub-branch was formed in 1917 while the Great War was still underway. We are very close to the 100th anniversary of this sub-branch. The current sub-branch building was completed in 1922 on land leased from the state government. In 2006 during a rationalisation of the RSL a merger with the Carnegie RSL sub-branch took place.

It should be recognised that this sub-branch now exists financially entirely without poker machines. It is the better for it — something I know members and the community appreciate. Located at the Oakleigh-Carnegie RSL is the fantastic Onion Patch Bistro, run by John and Sue, with seriously great food at very reasonable prices. They always look after me when I go there. Many community groups have their meetings there while enjoying a meal. Also located there and very well known throughout Victoria is the Caravan Music Club, run by Peter. This club brings great Australian and world-famous music artists to the heart of Oakleigh, and literally hundreds of people attend.

But the best thing about this RSL sub-branch is the atmosphere. This is a real community. It does not matter who you are; if you pop in for a meal or a drink,

there is usually someone there who will stop you for a chat. This RSL might have had the same atmosphere had you walked into it 50 or 80 years ago. There is a real sense that the club is for veterans but also open to the broader community. As in all good RSL sub-branches there is significant support offered for the welfare of veterans and their families. The organisation of commemorative services is incredible. Over 1000 people turned up to the club's very moving dawn service this Anzac Day, which preceded many events that ran through the day.

Membership of the Oakleigh-Carnegie RSL is strong, and it is growing. This is a club that has adapted to changing situations to create a viable future, particularly for the community. It is in a good financial position, due in no small part to the governance of the great volunteer executive team, including president Rob Osborne and the secretary, who would be very well known to the minister and to this chamber, my predecessor in the seat of Oakleigh, Ann Barker.

**Ms Ward** — Another hardworking local member!

**Mr DIMOPOULOS** — Absolutely hardworking. I know the Minister for Veterans would be very welcome at this RSL. I would be only too happy to join him there and treat him to a meal and a quiet drink as he meets the members and sees that the Oakleigh-Carnegie RSL sub-branch is a model community organisation.

### Goulburn Valley Health

**Ms SHEED** (Shepparton) — My adjournment matter is directed to the Minister for Health. It relates to Goulburn Valley Health and the waiting times in our emergency department. The waiting list times were released only two weeks ago, and Goulburn Valley Health is the third worst performer in the state. That might seem like a seriously bad situation, and for the people of Shepparton it is not good.

I have had the opportunity of seeing the conditions in our emergency department. We have 11 emergency cubicles to deal with people coming through, but places like the new Echuca hospital have 30. Echuca has a much smaller population, so members can see the discrepancy between the two hospitals despite the population differences, with Goulburn Valley Health having a catchment area serving up to 230 000 people and including southern New South Wales. One of the main problems with our emergency department is the fact that people are coming in and having to wait for a long time, partly because there is nowhere to put them — there is no back end for them. Many people

need to be admitted to hospital but there are simply not enough beds to accommodate them.

This is a long-term problem that has developed. I am pleased to say that I have been appointed chairperson of the community advisory group by the government and that funding has been provided to engage the community in a process around what a redevelopment of Goulburn Valley Health should look like. I feel quite confident that Goulburn Valley Health will achieve the funding it needs during the next three years to start stage 1 of its redevelopment. In the meantime I call on the minister to consider ways of relieving the stress that currently exists in our emergency department.

### **Kyneton Football Netball Club**

**Ms THOMAS** (Macedon) — I wish to raise a matter for the attention for the Minister for Sport. The action I seek is that the minister grant \$100 000 to the Kyneton Football Netball Club (KFNC) to install lights at the Kyneton Showgrounds, fulfilling our election commitment to the people of Kyneton. Kyneton Football Netball Club is a proud club which was founded in 1891 and which now comprises a senior men's, a senior women's and a junior football team, as well as seniors and under 17s netball teams. It is fantastic news that the Kyneton Tigers are set to return to finals football in the Bendigo Football Netball League for the first time since 2003 when they take to the park against Eaglehawk this Sunday. We will have one senior and three junior football teams in finals action this Sunday.

In 2014 the minister visited Kyneton with me and saw firsthand what needed to be done to increase the usage of the oval and netball courts as well as to support night games. I was delighted when the minister made the commitment of \$100 000 to the Kyneton Football Netball Club, and I was delighted again when KFNC was successful in its application for a country football and netball grant of an additional \$100 000. The club will be able to stage blockbuster night matches on home soil thanks to an Andrews Labor government funding package totalling \$200 000. Night fixtures are growing in popularity in country and metropolitan leagues across Victoria. They allow clubs to draw bigger crowds, ensuring vital revenue. This is another major milestone for the Tigers. As club president Rob Waters said:

The club has done a great job in upgrading the facilities. With our new scoreboard, female change rooms to be installed, new netball court and replaced flooring in the social rooms we have a facility to be proud of.

The cricket club will be able to play night games and new lights will enable the Kyneton Show more flexibility with its events.

This is a great result not only for the KFNC but for our wonderful town as well.

I commend the Minister for Sport on the establishment of the Community Sports Infrastructure Fund, which aims to support the development of high-quality and accessible community sport and recreation facilities across Victoria with a focus on increasing participation amongst all Victorians. Across the Macedon electorate I have encouraged clubs to take the lead from Kyneton and get active, plan for a bright future and work with local government to deliver much-needed upgrades to our community sports facilities. I thank the minister for his consideration of my request, and I look forward to welcoming him to Macedon again soon. He is always welcome in the Macedon electorate, particularly with his chequebook.

### **Responses**

**Ms ALLAN** (Minister for Public Transport) — Ten members raised 10 matters with a number of different ministers, and I will refer those matters on for response.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 5.24 p.m. until Tuesday, 15 September.**

