

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 10 November 2015**

**(Extract from book 16)**

**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>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent <sup>3</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
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>4</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>5</sup>	Polwarth	LP
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>6</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	Kororoit	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

<sup>1</sup>Elected 31 October 2015

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

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

<sup>4</sup>Elected 14 March 2015

<sup>5</sup>Elected 31 October 2015

<sup>6</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 Bourman, Mr Elasmr 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

## TUESDAY, 10 NOVEMBER 2015

DISTINGUISHED VISITORS .....	4205, 4212, 4214	<i>Noble Park Community Centre Art Show</i> .....	4225
SWEARING IN OF MEMBERS		<i>Glen Huntly Road, Glen Huntly, level crossing</i> .....	4226
<i>Members for Polwarth and South-West Coast</i> .....	4205	<i>Pascoe Vale South Primary School</i> .....	4226
ABSENCE OF MINISTER .....	4205	<i>Frankston rail line</i> .....	4227
QUESTIONS WITHOUT NOTICE and MINISTERS		<i>Republic of Turkey</i> .....	4227
STATEMENTS		<i>Mahmoud Karim</i> .....	4227
<i>Mr Melhem (Western Metropolitan Region)</i> .....	4205	<i>Wild dogs</i> .....	4227
<i>Ministers statements: Ice Action Plan</i> .....	4206	<i>Rural road funding</i> .....	4227
<i>Back to Work scheme</i> .....	4206, 4207, 4210, 4211	<i>Bayside, Glen Eira and Kingston Applied</i>	
<i>Ministers statements: Fishermans Bend</i>		<i>Learning Awards</i> .....	4228
<i>development</i> .....	4207, 4208, 4209, 4210, 4214	<i>Remembrance Day</i> .....	4228
<i>Financial report 2014–15</i> .....	4208, 4209	<i>Medical research grant</i> .....	4228
<i>Ministers statements: housing affordability</i> .....	4212	<i>Cage fighting</i> .....	4229
<i>Election commitments</i> .....	4213	<i>Nilumbik Biggest Ever Blokes Lunch</i> .....	4229
SUSPENSION OF MEMBERS		<i>Yallourn/Newborough RSL EnLIGHTen project</i> ....	4229
<i>Members for Hawthorn and Oakleigh</i> .....	4208	<i>Traralgon Cemetery Trust war memorial</i> .....	4230
<i>Member for Warrandyte</i> .....	4210	<i>Latrobe Regional Hospital Heart 2 Heart Ball</i> .....	4230
CONSTITUENCY QUESTIONS		<i>Level crossings</i> .....	4230, 4231
<i>Croydon electorate</i> .....	4214	<i>Alpine Shire Business &amp; Tourism Awards</i> .....	4230
<i>Pascoe Vale electorate</i> .....	4215	<i>Myrtleford Show</i> .....	4230
<i>Gippsland South electorate</i> .....	4215	<i>Wangaratta Festival of Jazz and Blues</i> .....	4230
<i>Essendon electorate</i> .....	4215	<i>Wangaratta Turf Club</i> .....	4230
<i>Nepean electorate</i> .....	4215	<i>Rangeview Nursing Home</i> .....	4230
<i>Sunbury electorate</i> .....	4215	<i>Elaine Recreation Reserve</i> .....	4231
<i>Sandringham electorate</i> .....	4215	<i>Hub on Eureka project</i> .....	4231
<i>Yan Yean electorate</i> .....	4216	<i>Member for Bass comments</i> .....	4231
<i>Ripon electorate</i> .....	4216	<i>St Brendan's School, Flemington</i> .....	4231
<i>Narre Warren South electorate</i> .....	4216	<i>Puckle Street, Moonee Ponds, traders</i> .....	4231
DRUGS, POISONS AND CONTROLLED		<i>Upper Plenty community hall</i> .....	4232
SUBSTANCES AMENDMENT BILL 2015		RELATIONSHIPS AMENDMENT BILL 2015	
<i>Introduction and first reading</i> .....	4216	<i>Second reading</i> .....	4232
ABORIGINAL HERITAGE AMENDMENT BILL 2015		LOCAL GOVERNMENT AMENDMENT (FAIR GO	
<i>Introduction and first reading</i> .....	4216	RATES) BILL 2015	
KARDINIA PARK STADIUM BILL 2015		<i>Second reading</i> .....	4244
<i>Introduction and first reading</i> .....	4217	TERRORISM (COMMUNITY PROTECTION)	
PETITIONS		AMENDMENT BILL 2015	
<i>Special religious instruction</i> .....	4217	<i>Second reading</i> .....	4273
<i>Grand Final Friday</i> .....	4217	ADJOURNMENT	
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE		<i>Murray Valley Highway–Warren Street, Echuca</i> ....	4275
<i>Investigation into allegations against</i>		<i>The Grass Ceiling</i> .....	4275
<i>Auditor-General</i> .....	4217	<i>Pakenham police resources</i> .....	4276
SCRUTINY OF ACTS AND REGULATIONS		<i>Grants of Australia</i> .....	4276
COMMITTEE		<i>Baw Baw bus services</i> .....	4276
<i>Alert Digest No. 14</i> .....	4218	<i>Macedon electorate small business</i> .....	4277
DOCUMENTS .....	4218	<i>PenBus service</i> .....	4277
ROYAL ASSENT .....	4219	<i>Thomastown electorate women's delegation</i> .....	4278
APPROPRIATION MESSAGES .....	4219	<i>Country roads and bridges program</i> .....	4278
BUSINESS OF THE HOUSE		<i>Hurstbridge railway station</i> .....	4279
<i>Program</i> .....	4219	<i>Responses</i> .....	4279
MEMBERS STATEMENTS			
<i>Graeme Elder</i> .....	4224		
<i>Box Hill High School</i> .....	4225		
<i>Colonel George Warfe</i> .....	4225		
<i>Brigadier John Deighton</i> .....	4225		
<i>Stanhope Legendairy award</i> .....	4225		



## Tuesday, 10 November 2015

**The SPEAKER (Hon. Telmo Languiller) took the chair at 12.03 p.m. and read the prayer.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! I welcome to the gallery today Mr John Vogels, a former member for Western Victoria Region; Mr Terry Mulder, the former member for Polwarth and the former Minister for Public Transport; and Mr André Haermeyer, a former member for Kororoit and a former Minister for Police and Emergency Services.

### SWEARING IN OF MEMBERS

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

**The SPEAKER announced the election of Mr Richard Riordan as member for the electoral district of Polwarth in place of Mr Terry Mulder, resigned, and the election of Ms Roma Britnell as member for the electoral district of South-West Coast in place of Dr Denis Napthine, resigned, pursuant to writs issued on 17 September 2015.**

**Mr Riordan and Ms Britnell introduced and sworn.**

### ABSENCE OF MINISTER

**Mr ANDREWS (Premier)** — I advise the house that the Minister for Police and Minister for Corrections will be absent from question time today. The Attorney-General will take questions in his place.

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Mr Melhem (Western Metropolitan Region)

**Mr CLARK (Box Hill)** — My question is to the Premier. On 10 February last year the Premier issued a joint press release with Mr Bill Shorten saying, and I quote:

... if you are a union official who has engaged in corrupt behaviour then you have betrayed the union movement and the millions of working people it represents.

I ask: noting the serious allegations of betrayal that have been made against Mr Cesar Melhem regarding alleged misuse of union funds and fraudulent creation of invoices in order to conceal corrupt practices, does the Premier stand by his statement of 10 February last year in relation to Mr Melhem's conduct?

**Mr ANDREWS (Premier)** — I thank the honourable member for Box Hill for his question. In the final part of his question he missed one word — he did not say 'alleged', even though he had made that comment all the way through. He has answered his own question.

**Mr R. Smith** interjected.

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

**Mr ANDREWS** — He would prefer that the government take action and me as the Premier take action before the royal commissioner, Mr Heydon, has taken action. Those opposite are all over the place on this; they are all over the shop on this. The royal commission has got a job to do, and it ought to be allowed to do it.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. I remind all members of the following important standing order 124, which has been adopted by this house:

Where the Speaker or Deputy Speaker considers the conduct of a member to be disorderly:

- (1) the Speaker or Deputy Speaker may order the member to withdraw from the house for up to 1½ hours. That order is not open to debate or dissent.

Further, as I indicated a couple of weeks ago, even the Chair has a friend amongst members of the media. My friend has indicated to me that members of the media, especially in reference to the last parliamentary sitting week, were unable to hear responses as put by the Premier and other ministers. I ask all members to cooperate. The Chair will at some point name that person, but not yet. I do not wish to damage that person's reputation.

**Mr ANDREWS** — I stand by the comments I made earlier on — the ones that the shadow minister, the member for Box Hill, referred to — and I again take the opportunity to make it clear to all honourable members and all Victorians that the royal commission, properly constituted, has a job to do, and it ought to be allowed to do that important work. That is my view and the view of our government.

*Supplementary question*

**Mr CLARK (Box Hill)** — Given the Premier's answer, I note that former Prime Minister Julia Gillard moved the disgraced member for Dobell, Craig

Thomson, to the crossbenches when he faced with similar allegations, and I ask: will the Premier take similar action and suspend Mr Melhem from the parliamentary Labor Party until this matter is resolved?

**Mr ANDREWS** (Premier) — I can only say again to the member for Box Hill that the royal commission has an important job to do, and it ought be supported by all members of this place to do its important work.

**Mr R. Smith** interjected.

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

**Mr Burgess** — He does your numbers, does he?

**The SPEAKER** — Order! The member for Hastings will allow the Premier to continue.

**Mr ANDREWS** — This is a serious matter, I would have thought, Speaker. Despite the juvenile interjections from those opposite, this is an important matter, and Commissioner Heydon ought to be allowed to get on and do his work, not to have it pre-empted — and not, can I say, to get this sort of integrity lecture from this lot opposite. You have got to be joking. The commission ought to get on with its work, and I am confident it will.

### Ministers statements: *Ice Action Plan*

**Mr ANDREWS** (Premier) — I am pleased to rise to update the house on progress that the government is making in fully implementing its *Ice Action Plan*. As all members of this place know, and as so many across our community know only too well, with great pain and resonance for so many families, ice is ruining lives in towns and suburbs right across our state. This highly addictive drug is an evil poison, and it is causing untold damage and harm right across Victoria.

There are 172 clandestine labs that have been detected by Victoria Police in the year to date. There are something like 30 incidents that have occurred in terms of trafficking, dealing or providing ice in and around schools during the calendar year 2014. The statistics go on and on. But this is a well-made case.

We need to act and we need to do more, but we also need to acknowledge that we do not have all the answers. That is why we established the ice action task force within 100 days of coming to office; that is why we provided \$45.5 million, the biggest boost in terms of ice treatment and support services and resources for Victoria Police our state has seen; and that is why today

I am very pleased to say that there will be a suite of new offences.

Tough — and we make no apology for it — penalties will be added to the statute book so that Victoria Police and our prosecutors have the resources they need to not only send a message but also to make sure that people who are making and peddling ice and standing over people, turning addicts into dealers, get what they deserve. That is not just a message but the full force of the law.

The Attorney-General will introduce this bill later on today. It is in full delivery of our commitments — in fact we have gone further than the commitments we made at the election — because this is something that simply cannot wait. We need to take action in providing resources, providing powers and making sure that we have the will to act and the maturity to admit that we do not have all the answers on this. But through hard work and determination I have no doubt that we — all of us in this place — will save lives when it comes to ice.

### Back to Work scheme

**Mr M. O'BRIEN** (Malvern) — My question is to the Treasurer. I refer to the government's Back to Work scheme, which the government pledged would create 100 000 full-time jobs over two years, and I ask: given the Treasurer's Back to Work scheme needs to support 12 500 full-time jobs every three months to fulfil its promise, how would he describe a mere 164 jobs in its first quarter of operation — a success rate of 1.3 per cent or a failure rate of 98.7 per cent?

**Mr PALLAS** (Treasurer) — I thank the member for Malvern for the opportunity to respond to his concerns — recently found concerns — around the situation of job creation and unemployment in this state. Of course we recall that unemployment under the previous government rose as high as 6.9 per cent. The number of unemployed Victorians in this state increased by 63 000 people under the tenure of those opposite, but they cry crocodile tears for the plight of the unemployed now when they did nothing to look after their interests while in government.

We know that our economy is growing. We know that we have created, since being in government, 45 700 jobs. So do you want to know how our *Back to Work* plan is doing? Our *Back to Work* plan is playing its part in getting Victorians back to work.

**Mr Pesutto** interjected.

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

**Mr PALLAS** — Our *Back to Work* plan is creating opportunities, and it is also ensuring that we commit to developing up the skills that people need.

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

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

**Mr PALLAS** — We hear from the cackling masses opposite that it is a sign of failure that we are creating jobs and that we are reducing the net level of unemployed people in this society.

**Ms Ward** interjected.

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

**Mr PALLAS** — That is what they describe as failure — 45 700 jobs. That is how many jobs have been created by this government, while those opposite presided over unemployment rising year on year.

**Mr Pesutto** interjected.

**The SPEAKER** — Order! The member for Hawthorn has been warned once. I warn him twice. I will not warn him again.

**Mr PALLAS** — They did not care one jot. They made no policy intervention or concern. All they had to offer Victorians was a dodgy road with a dodgy business case that they kept secret from them. This was a government that was 'gunna'. It was gunna do things eventually. Give it a bit more time, and it was gunna get around to worrying about the interests of Victorians.

This government will not waste a second of time in making sure that Victorians, and most particularly the most vulnerable Victorians, are supported and assisted by this government. Forty-five thousand seven hundred jobs, and the Leader of the Opposition says we have wasted a year. Let us put it up against his performance, because his has to have been the most underwhelming government that ever had the audacity to sit on the government benches.

*Honourable members interjecting.*

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

**Mr PALLAS** — The Leader of the Opposition should hang his head in shame for the sloth and the failure and his repeated willingness to desert the interests of Victoria.

*Supplementary question*

**Mr M. O'Brien** (Malvern) — Given that the Treasurer's *Back to Work* scheme assisted a mere 164 jobs in its first three months of operation, can he confirm that at this rate it will take 150 years to create his promised 100 000 full-time jobs, rather than the 2 years he promised Victorians?

**Mr PALLAS** (Treasurer) — Perhaps I could answer this question with a horseracing analogy, because I know that horseracing is a matter that consumes the member's interests. They are even more overwhelming than his political interests about the fortune of his own government. He should have noticed, if he looked at the start of the Melbourne Cup, that Prince of Penzance did not get out of the barrier very quickly.

*Honourable members interjecting.*

**Mr Guy** — On a point of order, Speaker — a very simple point of order on relevance — the Treasurer has had a long time now to answer the crux of the question, which was to confirm whether or not it is going to in fact take 150 years, not 2 years, as he has promised. I ask you to bring him back to the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Premier and the Leader of the Opposition are warned. The Chair is on his feet, and members will remain silent. That applies to the good member for Sandringham as well. The Chair does not uphold the point of order, but the Treasurer will respond to the question.

**Mr PALLAS** — Prince of Penzance was not quick out of the barrier, but the member for Malvern would have ripped up his ticket straightaway, saying, 'It is no good; it is last'. That is exactly how he views what is a continuous and deliberate effort. Of course our policy was our *Back to Work* scheme, and all its many facets will play their part in creating 100 000 jobs for Victorians — and they are. If we continue at this pace, we will create the necessary jobs in the appropriate time.

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

**Ministers statements: Fishermans Bend development**

**Mr WYNNE** (Minister for Planning) — I would like to inform the house of a new development that I have approved at Fishermans Bend. A 10-storey development — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Attorney-General! The minister is entitled to silence. The minister will continue and be heard in silence by all members. That applies to government members and opposition members, particularly, if I may say, the Leader of the Opposition and the Premier.

**Mr WYNNE** — He has got a bit to explain, Speaker. It is a 10-storey development with office space and seven terrace-style apartments that is within the government's new height limits. It is a development which actually addresses the future needs of the people who are going to live in Fishermans Bend. This is the type of development we encourage at Fishermans Bend.

Land was rezoned overnight without plans in place and no strategy for delivering infrastructure. This was done against the advice of the planning department and Places Victoria and without buying strategic sites or planning for public transport, parks, schools and other community infrastructure.

*Honourable members interjecting.*

**Questions and statements interrupted.**

## SUSPENSION OF MEMBERS

### Members for Hawthorn and Oakleigh

**The SPEAKER** — Order! The member for Hawthorn will withdraw from this house for the period of 1 hour, and so will the member for Oakleigh.

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

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Ministers statements: Fishermans Bend development

**Questions and statements resumed.**

**Mr WYNNE** (Minister for Planning) — We know now it will cost Victorian taxpayers dearly as this government tries to fix the mess that was left behind. Landowners and developers in Fishermans Bend were the only ones to profit from the opposition's land rezoning.

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr WYNNE** — The Andrews government will make sure communities are provided for. Work is underway to make sure Fishermans Bend has five well-planned neighbourhoods, including an employment precinct. We are getting on with the job of fixing the mess — the absolute mess — that was left to this government, and we will deliver for the people of Fishermans Bend.

### Financial report 2014–15

**Mr M. O'BRIEN** (Malvern) — My question is to the Treasurer. Despite his claim that the government delivered a surplus in 2014–15, I note that the Auditor-General has determined the general government net result from transactions for that year is 'a deficit of \$286 million'. Why has the Treasurer cooked the books to try to cover up his budget deficit?

*Honourable members interjecting.*

**Mr PALLAS** (Treasurer) — I thank the member for Malvern once again for giving me the opportunity to remind Victorians of the disgraceful behaviour that he exhibited in government — he of the side letter. The question still remains why he sits on the front bench; it is probably because those opposite care nothing for accountability.

**Mr Clark** — On a point of order, Speaker, the Treasurer in his opening words made it clear he did not intend to answer the question but instead to launch into a critique of the former government. I ask you to bring him back to compliance with sessional orders and to answer the question.

**Mr Pakula** — On the point of order, Speaker, the Treasurer has been going for just over 20 seconds, and given the question that was asked by the member for Malvern, his own contribution to the budgetary situation by the signing of that side letter is an absolutely relevant factor in the Treasurer's answer.

**The SPEAKER** — Order! The Treasurer has set the framework. He is entitled to that. The Treasurer will now respond to the question.

**Mr PALLAS** — Let me assure you that we are in surplus, we will remain in surplus and let me assure you —

**Mr R. Smith** — On a point of order, Speaker, it may have escaped the Treasurer's attention that the

Auditor-General, the state's financial watchdog, has actually said the net result from transactions — —

**The SPEAKER** — Order! The member will resume his seat. That is not a point of order.

**Mr PALLAS** — Speaker, let me assure you that the annual financial report actually gives some very good news for Victoria. It shows that our economy grew steadily in 2014–15 with the state final demand growing to 2.7 per cent in 2014–15 and employment rising by 2.1 per cent. Might I say that is the best result of any mainland state. It also affirms a \$1.2 billion surplus. Like a dog returning to his vomit, the member for Malvern likes to remind us all of how he tried to befool the Victorian budget.

Let us remember that on federal budget night the then federal Treasurer, without any warning to the state of Victoria, got up and said, 'I expect \$1.5 billion to be returned from the dodgy east–west project'. Let me remind you that our response was, 'Not then, not now, not ever will that \$1.5 billion be returned'. Who supported us in that view? Of course, it was the Leader of the Opposition. He has gone a bit quiet now because he is undermining the member for Malvern's position.

*Honourable members interjecting.*

**Mr PALLAS** — But let me assure you that that money did not go anywhere, and it is not going anywhere. Who confirms that as a matter of fact? The federal Treasurer. The federal Treasurer broke ranks with those opposite because they are a hopeless lost cause. They deserted them.

Who supports the position that we have adopted? Ernst and Young support the position. We went through a meticulous process to ensure that Victorians were protected while those opposite tried their hardest through dodgy side deals and dodgy side letters to sell out Victorians, and we have been proven to be correct. Victoria's budget position is strong and assured as a practical consequence of our hard position that protected the Victorian budget position, protected money that Victorians have every right to call their own.

**Mr Burgess** interjected.

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

*Supplementary question*

**Mr M. O'BRIEN** (Malvern) — The Auditor-General has found that the Treasurer is the first

Victorian Treasurer in over 20 years to deliver a budget deficit. So how can the government claim — and I quote the Premier — 'We're going to run surplus budgets', when the independent financial watchdog of this Parliament says that the Treasurer has delivered a budget deficit of \$286 million?

**Mr PALLAS** (Treasurer) — I do not know how complex this principle gets for the member for Malvern, but the money went nowhere. If we accept the proposition that the member for Malvern is putting: that the money should come off our budget now that the federal government has put the money back on our budget, the budget he framed in 2014–15 would be in negative territory; but the budget that we framed for 2015–16 would have a thumping \$1.5 billion whacked into it.

**Mr Burgess** interjected.

**The SPEAKER** — Order! The member for Hastings has been warned. I will not warn him again.

**Mr PALLAS** — We would be close to a \$3 billion surplus. Is that what the member wants? Is that what the member wants — to demonstrate how cravenly hopeless he is and how substantially better at managing the books we are? Speaker, do you know what sociopathic narcissism is? It is where you do not care about the consequences of your actions; and those opposite have never cared one jot for the welfare of the Victorian people.

### **Ministers statements: Fishermans Bend development**

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I rise to inform the house of new information that I have received about the development at Fishermans Bend and the current work that the Minister for Planning and I are doing in relation to the provision of open space. The minister and I have been working to identify opportunities to ensure that we are able to — —

**Mr Clark** — On a point of order, Speaker, I draw to your attention sessional order 7 in relation to ministers making statements to the house about new government initiatives, projects and achievements. The minister opened her remarks by saying she intended to provide new information to the house. The provision of new information is not the provision of information about informing the house about government initiatives, projects and achievements. This is an important point about the operation of sessional order 7. If the minister goes on to provide the house with information about

government initiatives, she will be in order; but if she confines herself to providing information about providing information to the house, she will not be in order. I ask you to rule accordingly.

**Ms Allan** — On the point of order, Speaker, I appreciate the opposition's attempt to shut down the minister's contribution for its obviously sensitive reasons about the dodgy practices of its leader. However, the minister started her contribution, quite rightly, by saying she is providing new information; and as a minister of the Crown and in line with the requirements of question time, she would then go on to discuss government administration, and she was doing exactly that. For the manager of government business to construct this nonsense demonstrates he is more interested in gagging the minister than allowing her to finish her contribution.

**The SPEAKER** — Order! The Chair does not uphold the point of order at this stage, but the Chair requests that the minister come back to making a ministers statement.

**Mr R. Smith** interjected.

**Ms NEVILLE** — Just be careful about that.

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

**Ms NEVILLE** — Let us talk about the people who cost the taxpayer millions of dollars with a flick of a pen and made sure that there was not one parcel of open space available.

*Honourable members interjecting.*

**The SPEAKER** — Order! The members for Ferntree Gully and Caulfield are warned. They will not be warned again. The minister to continue in silence without disruptions. That includes disruptions coming from the Leader of the Opposition. The Chair would appreciate all members' cooperation.

**Ms NEVILLE** — The minister and I have been looking at how we go about purchasing and making available open space, and, on the advice that we have, around 10 parcels of land were originally going to cost around about \$130 million; but with the flick of a pen and with the support of his developer friends, what we now need to do is spend many, many more millions of dollars to get that open space — open space that we know is absolutely critical to a healthy and sustainable community. The Leader of the Opposition deliberately — —

**Mr R. Smith** interjected.

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Warrandyte

**The SPEAKER** — Order! The member for Warrandyte will withdraw himself for a period of 1 hour from this house under standing order 124.

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

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Ministers statements: Fishermans Bend development

**Questions and statements resumed.**

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — The Leader of the Opposition deliberately flicked that pen to rezone that land and ensure — —

**Mr Clark** — On a point of order, Speaker, the minister is debating the issue. I ask you to bring her back to compliance with sessional order 7 about informing the house about new government projects, initiatives and achievements.

**The SPEAKER** — Order! I uphold the point of order. The minister is to continue; the minister has 16 seconds.

**Ms NEVILLE** — The cost of the land that we ended up having to purchase has increased three to four times from what it was before the Leader of the Opposition did a deal with his developer friends.

### Back to Work scheme

**Ms STALEY** (Ripon) — My question is to the Treasurer. With 15 jobs lost at Seppelt at Great Western and Aradale tours at Ararat closing, scuttled by this government, both on top of 15 800 full-time jobs lost in north-west Victoria since Labor came to office, I ask: can the Treasurer confirm that not one job has been created in the electorate of Ripon under Labor's Back to Work scheme?

**Mr PALLAS** (Treasurer) — I thank the member for Ripon for her question. It really does give us a great opportunity to talk about the transformation that is

happening in the Victorian economy after we got rid of a hopeless, useless government — and, quite frankly ‘hopeless and useless’ is a mild understatement. Let us find out what has gone on in regional Victoria since this government has come to power.

Of course the unemployment rate in regional Victoria at the moment is 6 per cent, so it is well below the Australian regional average of 6.6 per cent and the second lowest of all the states. Those opposite might like to say, ‘Well, what about this segment of the community?’, and they have got every right to advocate for their communities, but let us be very clear: all boats are rising on this growing economic tide, and it is a tide of opportunity.

I could of course talk about the jobs that were lost right across Victoria as a consequence of the sloth and inertia of those opposite. We could, for example, note that unlike the 2 per cent growth in employment that has been reflected in Victoria’s circumstances since we came to government — unlike that — we saw jobs go out the door every second day. We saw Sensis take 330 jobs out. We saw Swan cleaning services take 800 jobs out. If you want to go directly to regional Victoria, Thales in Bendigo took 100 out, and Keppel Prince took 100 out.

**Ms Staley** — On a point of order, Speaker, going to relevance. I asked about jobs created in Ripon from Labor’s Back to Work scheme. The Treasurer has yet to mention either Ripon or the Back to Work scheme.

**The SPEAKER** — Order! I do not uphold the point of order, but I do ask the Treasurer to refer to the question. I remind the member for Ripon that the preamble does become part of the question as well. The Chair is unable to specifically direct the Treasurer to respond. The Treasurer will endeavour to respond.

**Mr PALLAS** — If those opposite are concerned about the employment opportunities and circumstances of Ripon and, might I say, most of rural and regional Victoria, perhaps they would make the effort to ensure that the federal government is adequately versed in the Murray Basin rail project, with over \$400 million of opportunity — job opportunity — that we have stumped up with funding for. Silence from those opposite. No effort on their part — —

**Mr Watt** — On a point of order, Speaker, on relevance, and taking into account your previous ruling about the preamble, I have seen the preamble, and nothing that was in the preamble was actually being spoken about in the answer.

**The SPEAKER** — Order! The point of order is?

**Mr Watt** — Relevance. The Treasurer is not being relevant to the question or the preamble. Having read the question and the preamble, I note that the Treasurer has not been relevant to either. I ask you to bring him back to being relevant to the actual question that was asked.

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

**Mr PALLAS** — If we use the federal government’s local government area surveys for the area of Ripon, let us understand what those numbers are at the moment.

*Honourable members interjecting.*

**Mr PALLAS** — I am talking about Ripon.

**Mr Clark** — On a point of order, Speaker, both the preamble and the question were very specific about jobs created under Labor’s Back to Work scheme. With 13 seconds remaining, the Treasurer needs to address that issue. I ask you to bring him back to it.

**Ms Allan** — On the point of order, Speaker, the Treasurer was asked about unemployment and jobs and matters to do with the Ripon electorate, and the very last words coming out of the Treasurer’s mouth before he was interrupted were about unemployment numbers in Ripon. Perhaps he might be allowed to finish his contribution.

**Ms McLeish** interjected.

**The SPEAKER** — Order! The member for Eildon! I do not uphold the point of order. The Treasurer has 13 seconds to use his best endeavours to finalise his response.

**Mr PALLAS** — Speaker, I am having so much fun, I thought what I would do as an alternative is to save myself up for the supplementary, which no doubt will be as asinine as the question proper was.

*Supplementary question*

**Ms STALEY** (Ripon) — Given that the State Revenue Office confirms that the government’s Back to Work scheme created precisely zero jobs in Ripon, while the local unemployment rate has risen from 5.2 per cent to 8.3 — so it appears not all boats are rising under Labor — has not Labor’s dud Back to Work scheme failed the people of Ripon who are looking for a job?

**Mr PALLAS** (Treasurer) — I do not know what data the member for Ripon is relying on, but I rely on the federal government’s local area data. The jobless

rate in Ripon, across its local government areas, went down from 6.03 per cent in December 2014 to 5.35 per cent in June of this year.

**Mr Clark** — On a point of order, Speaker, the Treasurer has indicated that he is quoting from a document. The document appears to be on a mobile phone device. This raises an important precedent as to whether the Treasurer should make the mobile phone available to the house. My request is that the Treasurer do make available to the house the information, the figures that he is quoting.

**Ms Allan** — On the point of order, Speaker, the Treasurer was clearly referring to notes and referring to federal government employment data. The member indeed referred to her own set of employment data in her contribution, and there was not a clamour from those of us on this side demanding that she make available all that information. She was clearly referring to notes, as indeed was the Treasurer, and I ask that you rule this supplementary out of order.

**The SPEAKER** — Order! Was the Treasurer referring to notes or quoting?

**Mr PALLAS** — I was referring to notes.

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

**Mr PALLAS** — The critical thing is to recognise, of course, that there is a very profound improvement in terms of the employment circumstance right across the state. Remember the previous government's approach: jobs for the 21st century. Its whole plan for jobs for the 21st century was to sign a dodgy side deal and consign the people of Ripon to a massive capital works program in one location. We never heard any bleating from those opposite about capital investment distortion and lost job opportunities back then.

### Ministers statements: housing affordability

**Ms GARRETT** (Minister for Emergency Services) — I rise today with a new announcement that will assist us to respond to our changing real estate market and the challenges that this poses for those increasing numbers of Victorians who rely on renting. We know now that there are more and more people who are renting for longer periods before they buy their first home, and some Victorians will be renting for their lifetime: young families who want to remain near schools and elderly people who want to stay close to their communities. There is a broad spectrum of Victorians who do rely on renting. What they have in common is the need for security, and that is why I am

pleased to announce today that we are inviting the community to have its say when it comes to shaping rental laws for modern times.

As part of the Andrews government's plan for fairer, safer housing we are today releasing an issues paper called *Security of Tenure* that will consider the length of leases, terminations and rent increases. We will look at how we can give Victorians peace of mind when it comes to a roof over their heads. For instance, 10-year leases are something for discussion. The point of this approach is that we will be involving the community in the changes that will affect it profoundly. We will work with key organisations for renters, landlords, planners, experts from social services, real estate agents and lawyers. Advice is essential, and we will deliver the best results for Victorians. The wider the consultation, the better the result, and this will not be rushed.

We know what happens when advice is ignored and projects are pushed through without proper consideration and thought. In contrast, for example, we had the former planning minister, now the Leader of the Opposition, providing a textbook case of what not to do — —

**Mr Clark** — On a point of order, Speaker, the minister was doing very well, but she is now proceeding to debate the issue, and I ask you to bring her back to compliance with the sessional orders.

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

**Ms GARRETT** — Contrast is important here, Speaker, because Fishermans Bend, for example, is a place without a plan or services, and the possibility of affordable housing has been trashed.

**Mr Clark** — On a point of order, Speaker, the minister needs to relate her remarks to new government initiatives, projects and achievements. I ask you to bring her back to compliance.

**The SPEAKER** — Order! The minister will continue.

**Ms GARRETT** — Fairer, safer housing.

**Questions and statements interrupted.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! I welcome to the gallery the former member for Macedon, Jo Duncan.

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Questions and statements resumed.**

**Election commitments**

**Mr GUY** (Leader of the Opposition) — My question is also to the Treasurer. The Treasurer promised to create 100 000 full-time jobs, and Victoria has instead so far lost 7800. He promised not to increase debt, yet it has so far risen by over \$1 billion in just seven months. He promised to run surplus budgets yet has delivered a \$286 million deficit. Given this track record of broken promises and failure, why should Victorians trust a single promise that this government ever comes up with?

**The SPEAKER** — Order! I call on the Premier to respond — I mean the Treasurer.

**Mr PALLAS** (Treasurer) — Thank you, Speaker, I am sure the Premier would have preferred the opportunity to respond, but the great honour befalls me. We are not going to take any lectures from those opposite about honouring commitments. Remember, it was those opposite who promised Victorians they were not going to build an east–west road. They then cheated and defrauded the Victorian public and went about in an effort to ensure that Victorians did not even get a say on whether or not it was delivered. They wanted to sign Victorians up to enormous levels of debt with no rights for Victorians to become involved.

When it comes to the question at point and tackling unemployment, those opposite prove themselves to be an oasis of incompetence. While the previous Bracks and Brumby Labor governments proved themselves to be the job-creation engine of the nation and while this government is going about creating an enormous amount of job growth, let us look at the comparative performance, because comparison really gives us only a sign of how truly incompetent the former government was. It grew unemployment by 44.2 per cent whilst in government, but it grew employment by a small 3.6 per cent. In four years under those opposite the unemployment rate was above the national average 37 times, and they come into this place and they try to lecture us about job creation.

**Mr Watt** — On a point of order, Speaker, the Treasurer is clearly debating the question. I ask you to call him back to actually answering the question rather than debating the question.

**The SPEAKER** — Order! I ask the Treasurer to come back to answering the question.

**Mr PALLAS** — The question was about jobs and job creation, and believe me the answer to the question is that our Back to Work scheme in all its facets will play its part in creating the jobs that we committed to — 100 000 jobs. Let me give an illustration. We inherited an unemployment rate of 6.7 per cent. And the coalition itself created half of the jobs that Labor did. We brought this down to 6.2 per cent. That is something those opposite would not understand — an unemployment rate that is coming down. Victoria has the second-highest employment growth of all the states — 1.9 per cent in simple terms.

It is the second-best performance of all the states — 45 700 new jobs. And that is an outstanding performance in anybody’s language. Even the dolts on the opposite side, who tried their hardest to burden Victorians with an underperforming economy because of their underperforming approach and concern, would have to acknowledge that our performance has been outstanding.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I say to the Treasurer: you have increased debt, lost thousands of full-time jobs, slashed infrastructure investment and delivered the first Victorian budget deficit in a generation.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition is entitled to be heard in silence. The Chair must be able to hear the question.

**Mr GUY** — Why did the Treasurer claim in his budget speech that this is a modern Labor government when the financial performance has more in common with the Cain and Kirner governments?

**Mr PALLAS** (Treasurer) — This is a case of the triumph of hope over experience and competence. The question from those opposite really indicates exactly how badly performing they were as a government. Let us not forget that debt as a percentage of gross state product was 2.7 per cent when those opposite came to government. What was it when they left government? On their own projections, it was trending to 6 per cent of gross state product. That is pretty incredible. That is a gold medal performance on debt management, and they managed to do it without doing a thing! They managed to push debt up while they were twiddling their thumbs. What we can say is that under this

government the number of unemployed Victorians has decreased by 7.1 per cent — an outstanding performance.

**Questions and statements interrupted.**

**DISTINGUISHED VISITORS**

**The SPEAKER** — Order! It gives me pleasure to welcome to the house Mr Stewart McArthur, a former federal member for Corangamite.

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Questions and statements resumed.**

**Ministers statements: Fishermans Bend  
development**

**Mr PALLAS** (Treasurer) — It gives me great pleasure to be back here again. I rise to update the house on the government's work to assess the cost of and undo the damage that has been done by the Leader of the Opposition's calamitous decisions with regard to Fishermans Bend as planning minister. If Fishermans Bend had been planned properly, land could have been acquired by the government at a fifth of today's price — one-fifth! As early as 2011 the now Leader of the Opposition, the then planning minister, knew this and was advised of this.

If the former Minister for Planning was designing a Monopoly board, passing the minister's office would cost you dearly and Old Kent Road would increase by a factor of five to acquire. Fishermans Bend is the largest urban renewal project in this country. That is why the department — his department — gave him a plan to sensibly and systematically develop it. Instead, he ignored the advice.

He rezoned the land, and the cost of acquisition skyrocketed. Perhaps what is least surprising about this is that all this happened while he was ably supported by the member for Malvern, the Treasurer then. Dodgy deals seem to have been commonplace when it came to those opposite. The Leader of the Opposition refuses to talk about it but continues to talk about accountability — for everybody else.

Speaker, a kakistocracy is a government by the worst possible people. In 2014 that ended. But of course certain people in the development community have been cackling themselves at the expense of those opposite.

**The SPEAKER** — Order! The time for questions without notice and ministers statements has expired.

**Mr M. O'Brien** — On a point of order, Speaker, I draw your attention to constituency question 2845, asked by me on 8 October this year, to the Minister for Public Transport regarding the works being done at the Burke Road level crossing. The minister has failed to respond within the required 30-day timetable. I would ask you to make contact with the minister and require her to fulfil her obligation to answer that question.

**The SPEAKER** — Order! The Chair will take the matter up with the minister.

**Mr T. Bull** — On a point of order, Speaker, I have two questions on notice pending that I would like you to raise: question 1149 to the Minister for Energy and Resources asked on 6 October and question 0517 asked of the Minister for Mental Health on 3 September. Neither of those has been responded to, and I would ask you to follow that up.

**The SPEAKER** — Order! The Chair will follow the matter through for the member.

**Ms Ryan** — On a point of order, Speaker, I have an outstanding question on notice, the question to the Minister for Emergency Services that I put to her on 6 October regarding fire towers; that still has not been answered.

**The SPEAKER** — Order! The Chair will follow the matter through for the member for Euroa.

**CONSTITUENCY QUESTIONS**

**Croydon electorate**

**Mr HODGETT** (Croydon) — (Question 6323) My constituency question is directed to the Minister for Public Transport. On 18 November 2014 the member for Mulgrave, the ALP candidate for Evelyn and the member for Monbulk announced that under an Andrews Labor government the Manchester Road level crossing in Mooroolbark would be removed as a priority as it is a busy crossing close to local shops, parks and medical centres. It is almost 12 months since this announcement was made, yet the Andrews government has remained quiet ever since. Residents in my electorate of Croydon are keen to see this level crossing removed, as promised, so therefore I ask on behalf of my constituents when this will occur so I can provide them with an update.

**Pascoe Vale electorate**

**Ms BLANDTHORN** (Pascoe Vale) —  
(Question 6324) My question is for the Minister for Sport. From the grassroots to the elite, cricket is a sport that motivates and inspires thousands of Victorians — girls and boys, men and women alike. All over the state people young and old are involved in community cricket on and off the field. I ask the minister to detail what grants might be available to support participation in community cricket.

While I am talking about community cricket I would also like to take the opportunity to acknowledge the Pascoe Vale United Cricket Club, which recently won sporting club of the year — it was a joint winner — at the Moreland Awards. The club promotes an open, diverse, accessible and inclusive culture and welcomes a wide range of backgrounds within the community. I look forward to catching them in some of their games this summer.

**Gippsland South electorate**

**Mr D. O'BRIEN** (Gippsland South) —  
(Question 6325) My question is to the Minister for Environment, Climate Change and Water. It relates to the landfill project proposed by Veolia at Leongatha South in my electorate. The proposal would see 200 000 tonnes per annum of Melbourne's waste trucked into South Gippsland, with 20 A-double trucks a day six days per week for 15 years.

The local community is angry about this proposal, with over 1000 signatures already on a petition against the proposal. Of concern to the community is the potential perverse incentive provided by the current landfill levies to Veolia if it proceeds. Currently landfill levies for waste from metro councils are around \$60 per tonne, but for South Gippsland shire it is about \$30 per tonne.

My question is: can the minister confirm that waste that originates from Melbourne but that goes to landfill in South Gippsland will pay the lower fee, resulting in losses to the state of nearly \$6 million per annum, or \$90 million over the life of the project, and if so, will she amend the Environment Protection Authority Act 1970 to ensure that this perverse incentive, which hurts Victorian taxpayers, the environment and the people of Leongatha South, does not occur?

**Essendon electorate**

**Mr PEARSON** (Essendon) — (Question 6326) My constituency question is to the Minister for Mental

Health. The Farnham Street neighbourhood house is a local institution in Flemington and is ably run by the indefatigable Cathy Connop. Farnham Street plays a great role in providing strong local community linkages, particularly in the community mental health space. Every week members of the Boomerang Network, which is a local mutual self-help group for the mentally ill, meet to listen to music, socialise and engage in activities such as art. While neighbourhood houses are the responsibility of the Minister for Families and Children, I would welcome the opportunity for the minister to come and visit Farnham Street neighbourhood house and meet with the Boomerang Network.

**Nepean electorate**

**Mr DIXON** (Nepean) — (Question 6327) My constituency question is to the Minister for Environment, Climate Change and Water. I refer the minister to the recent fire at The Baths restaurant on the foreshore at Sorrento. At this stage it looks like the building will have to be demolished and rebuilt. Can the minister guarantee that the lessees, James and Helene Gibson, can rebuild on the same site and footprint as soon as possible?

**Sunbury electorate**

**Mr J. BULL** (Sunbury) — (Question 6328) My question is to the Minister for Public Transport. Can the minister provide an update on what action she is taking to address the concerns raised by a number of my constituents at a recent community public transport forum in Sunbury, specifically regarding changes to the pick-up and set-down restrictions imposed by V/Line as well as the current Metro services in the area.

The minister will recall she joined me and a number of representatives from Public Transport Victoria at Sunbury Bowls Club to hear from many concerned residents about changes to train services in Sunbury. The forum provided a great opportunity for residents to share their views about public transport in the area — now and into the future. Many residents, though, raised the changes to pick-up and set-down rules imposed by V/Line and the lack of Metro services to and from Sunbury, and I ask the minister to respond to these concerns.

**Sandringham electorate**

**Mr THOMPSON** (Sandringham) —  
(Question 6329) Public transport is a big issue within the Sandringham electorate, and the Sandringham line provides an important service for regular rail users. I

acknowledge the outstanding driving of the driver of the train that left Sandringham at 8.16 this morning. A constituent has informed me that there is scope to add an additional entry point to assist commuters who are travelling from the car park to the station, which would avert some commuters' dangerous attempts to access the station. I ask the Minister for Public Transport to advise whether there are plans underway to provide an additional access point to the platform at the Sandringham railway station.

### **Yan Yean electorate**

**Ms GREEN** (Yan Yean) — (Question 6330) My question is also to the Minister for Public Transport. The minister has seen firsthand how difficult it is for many students in my electorate to get to and from school, after years of bus service cuts and a lack of investment in new schools in growing suburbs such as Mernda. Labor is getting on with the job of building much-needed new schools and introducing new route bus services. Could the minister advise when new bus services will become operational, especially for the start of the school year?

### **Ripon electorate**

**Ms STALEY** (Ripon) — (Question 6331) My question is to the Minister for Energy and Resources. I refer to comments by then Leader of the Opposition, now Premier, about the proposed Big Hill open-cut mine at Stawell. He said:

If they were to seek a review, then that would be judged on its merits. Parties are able to seek a review ...

In April I called on the government to act. I said:

Tell the people of Stawell whether Big Hill is finished in its current form or whether the government is going to overturn the environmental effects statement and allow the project to proceed.

In May the mine operator said it is modifying its plan to open-cut mine the town's landmark, Big Hill, in an attempt to get government approval. So I ask: when will the Premier at last act and tell the mine operator and the community of Stawell what process, if any, he will use to end the continuing uncertainty for the mine operator and the community over the Big Hill project?

### **Narre Warren South electorate**

**Ms GRALEY** (Narre Warren South) — (Question 6332) My question is to the Minister for Roads and Road Safety and concerns Thompsons Road. I ask the minister to provide an update on the planning and preconstruction works that are now underway for the much-needed upgrade of Thompsons Road, works that the previous Liberal government

failed to start. I am very glad that we now have a minister for roads who understands the importance of upgrading our local roads. The government has already provided \$21 million towards this important upgrade, and local residents are thrilled that it is getting on with it. I know many residents took the opportunity to take part in recent community consultation on the project, and I continue to be contacted for updates. It is an incredibly important project for our local community, and I ask the minister to provide an update on how the project is progressing.

## **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2015**

### *Introduction and first reading*

**On behalf of Mr NOONAN (Minister for Police), Mr Pakula introduced a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for further offences in relation to drugs of dependence, to consequentially amend the Confiscation Act 1997 and other acts and for other purposes.**

**Read first time.**

## **ABORIGINAL HERITAGE AMENDMENT BILL 2015**

### *Introduction and first reading*

**Ms HUTCHINS** (Minister for Aboriginal Affairs) — I move:

That I have leave to bring in a bill for an act to amend the Aboriginal Heritage Act 2006, the Borrowing and Investment Powers Act 1987, the Cemeteries and Crematoria Act 2003 and the Coroners Act 2008 to improve the reporting requirements in relation to Aboriginal cultural heritage, to include provisions regarding Aboriginal intangible heritage, to establish an Aboriginal Cultural Heritage Fund and to provide for the further protection of Aboriginal cultural heritage and for other purposes.

**Ms VICTORIA** (Bayswater) — I ask for a further explanation.

**Ms HUTCHINS** (Minister for Aboriginal Affairs) — This bill provides for the improved protection of Aboriginal cultural heritage, it improves reporting requirements in relation to Aboriginal cultural heritage, it creates provisions regarding Aboriginal intangible heritage and it establishes an Aboriginal cultural heritage fund.

**Motion agreed to.**

**Read first time.**

**KARDINIA PARK STADIUM BILL 2015***Introduction and first reading***Mr EREN** (Minister for Sport) — I move:

That I have leave to bring in a bill for an act to establish the Kardinia Park Stadium Trust to administer certain land and facilities at Kardinia Park, to provide the functions and powers of the trust, to provide power to re-reserve land at Kardinia Park, and to make consequential amendments to the Geelong (Kardinia Park) Land Act 1950 and other acts and for other purposes.

**Ms VICTORIA** (Bayswater) — I ask the minister for a brief explanation.

**Mr EREN** (Minister for Sport) — The bill will fulfil the government's commitment to establish a state trust to manage and preserve Kardinia Park, Simonds Stadium. The underlying objective is to contribute to the economy, community and livability of the Geelong region of the state through improved use of the stadium.

**Motion agreed to.****Read first time.****PETITIONS****Following petitions presented to house:****Special religious instruction**

To the Legislative Assembly of Victoria:

The petition of residents in the Brighton electorate draws to the attention of the house that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Labor said it would not scrap SRI during school hours in Victorian government schools. Daniel Andrews, the Premier, and James Merlino, the Deputy Premier, have announced that as of next year they will break this promise.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allow students attending government schools to attend SRI during school hours, as has been the case in Victoria for decades.

**By Ms ASHER** (Brighton) (23 signatures).**Special religious instruction**

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that as of next year they will break this promise.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverse its broken promise and allow students attending government schools to attend SRI during school hours, as has been the case in Victoria for decades.

**By Mr ANGUS** (Forest Hill) (814 signatures).**Grand Final Friday**

To the Legislative Assembly of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Assembly of Victoria to note the harmful impacts of the decision by the Daniel Andrews Labor government to declare new public holidays in Victoria.

At a time of high and rising unemployment and when many businesses are already doing it tough, Daniel Andrews has imposed a major new cost that will see many businesses close their doors for the day, employees lose much-needed shifts and inflict significant damage on our state's economy.

The Andrews government's own assessment of the grand final eve public holiday put the cost of the holiday to Victoria at up to \$898 million per year.

The impact of these additional costs will not be restricted to businesses, with local government and hospitals also affected, leaving ratepayers and the community to foot the bill.

We therefore call on the Daniel Andrews Labor government to reverse its decision to impose the grand final eve public holiday.

**By Mr BURGESS** (Hastings) (144 signatures).**Tabled.****Ordered that petition presented by honourable member for Forest Hill be considered next day on motion of Mr ANGUS** (Forest Hill).**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE****Investigation into allegations against Auditor-General****Mr PEARSON** (Essendon) presented report, together with appendix.**Tabled.****Ordered to be published.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

*Alert Digest No. 14*

**Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest No. 14* of 2015 on:**

- Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015**
- Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015**
- Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Bill 2015**
- Education Legislation Amendment (TAFE and University Governance Reform) Bill 2015**
- Fisheries Amendment Bill 2015**
- Justice Legislation Amendment (Police Custody Officers) Bill 2015**
- Justice Legislation Further Amendment Bill 2015**
- Land (Revocation of Reservations) Bill 2015**
- Local Government Amendment (Fair Go Rates) Bill 2015**
- Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015**
- Relationships Amendment Bill 2015**
- Road Legislation Amendment Bill 2015**
- State Taxation Acts Further Amendment Bill 2015**
- Terrorism (Community Protection) Amendment Bill 2015**
- Transport Accident Amendment Bill 2015**

together with appendices.

**Tabled.**

**Ordered to be published.**

**DOCUMENTS**

**Tabled by Clerk:**

- Australian Health Practitioner Regulation Agency — Report 2014–15
- City West Water Corporation — Report 2014–15
- Commission for Children and Young People — Report 2014–15
- Consumer Affairs Victoria — Report 2014–15 — Ordered to be published
- Court Services Victoria — Report 2014–15
- Crown Land (Reserves) Act 1978:*

Orders under s 17B granting licences over:

- Albert Park Reserve
- Kings Domain Reserve and Alexandra Park Reserve
- Mordialloc-Mentone Beach Park
- Mordialloc Creek and Mordialloc-Mentone Beach Park Reserve

Orders under s 17D granting leases over:

- Albert Park Reserve (two orders)
- Flemington and Kensington Reserve
- Mordialloc-Mentone Beach Park (two orders)
- Victoria Park Reserve

Education and Training, Department of — Report 2014–15

Environment, Land, Water and Planning, Department of — Report 2014–15

*Financial Management Act 1994:*

Financial Report for the state of Victoria 2014–15, incorporating Quarterly Financial Report No 4 — Ordered to be published

Report from the Minister for Environment, Climate Change and Water that she had received the Report 2014–15 of the Goulburn Valley Waste and Resource Recovery Group

Reports from the Minister for Planning that he had received the reports 2014–15 of the:

- Architects Registration board of Victoria
- Surveyors Registration board of Victoria

Geoffrey Gardiner Dairy Foundation Ltd — Report 2014–15

Judicial College of Victoria — Report 2014–15

Justice and Regulation, Department of — Report 2014–15

Melbourne Water Corporation — Report 2014–15

National Environment Protection Council — Report 2013–14

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

- Boroondara — C195 Part 1, C212 Part 1
- Brimbank — C181
- Casey — C209
- Greater Geelong — C355
- Greater Shepparton — C178
- Hobsons Bay — C96
- Knox — C132
- Melton — C119

Nillumbik — C91

Victoria Planning Provisions — VC101

Whitehorse — C110

Whittlesea — C181

Yarra — C173 Part 1

Yarra Ranges — C144

Professional Standards Council — Report 2014–15 (two documents)

Residential Tenancies Bond Authority — Report 2014–15

South East Water Corporation — Report 2014–15

Statutory Rules under the following acts:

*Conveyancers Act 2006* — SR 122

*Drugs, Poisons and Controlled Substances Act 1981* — SR 124

*Land Conservation (Vehicle Control) Act 1972* — SR 123

*Local Government Act 1989* — SR 119

*Road Safety Act 1986* — SRs 120, 121, 125

*Subordinate Legislation Act 1994*:

Documents under s 15 in relation to Statutory Rules 118, 119, 120, 121

Documents under s 16B in relation to the:

*Gambling Regulation Act 2003* — Ministerial Direction under s 3.2.3

*Workplace Injury Rehabilitation and Compensation Act 2013* — Ministerial Direction — Return to Work Direction — information about the employment obligation period

Treasury and Finance, Department of — Report 2014–15

Treasury Corporation of Victoria — Report 2014–15

VicForests — Report 2014–15

Victoria Grants Commission — Report year ended 31 August 2015

Victoria State Emergency Services Authority — Report 2014–15

Victorian Commission for Gambling and Liquor Regulation — Report 2014–15

Victorian Law Reform Commission — Report 2014–15 — Ordered to be published

Yarra Valley Water Corporation — Report 2014–15

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 24 February 2015:

*Local Government Legislation Amendment (Environmental Upgrade Agreements) Act 2015* — Whole Act — 1 November 2015 (*Gazette S317, 27 October 2015*)

*National Electricity (Victoria) Amendment Act 2015* — Whole Act — 1 November 2015 (*Gazette S317, 27 October 2015*).

## ROYAL ASSENT

**Message read advising royal assent on 27 October to:**

**Local Government Amendment (Improved Governance) Bill 2015**

**National Parks Amendment (No 99 Year Leases) Bill 2015**

**Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015**

**Victims of Crime Commissioner Bill 2015.**

## APPROPRIATION MESSAGES

**Messages read recommending appropriations for:**

**Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Bill 2015**

**Fisheries Amendment Bill 2015**

**Justice Legislation Further Amendment Bill 2015**

**Local Government Amendment (Fair Go Rates) Bill 2015**

**State Taxation Acts Further Amendment Bill 2015.**

## BUSINESS OF THE HOUSE

### Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 12 November 2015:

Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015

Fisheries Amendment Bill 2015

Local Government Amendment (Fair Go Rates) Bill 2015

Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015

Relationships Amendment Bill 2015

State Taxation Acts Further Amendment Bill 2015

Terrorism (Community Protection) Amendment Bill 2015.

There are seven bills on the government business program this week containing significant matters for policy consideration and debate by the house. I am confident that on a number of these bills many members will be desirous of having an opportunity to make a contribution on behalf of their local communities.

Government members particularly will be very keen to participate in the debate because, again, a number of these bills go to the implementation of key election commitments around equality, local government and the recreational fishing industry, and there will be a keenness to see those bills debated and supported as we continue to implement our election commitments and agenda that we took to last November's election.

However, there will be some challenges for our whips on both sides of the Parliament this week, given that there is a short week, if you like. I appreciate the cooperation and the assistance of the house during the last sitting week, when we made provision for the Parliament not to commence until 2.00 p.m. tomorrow to accommodate as many members as possible being able to attend Remembrance Day functions, either here in the city or in their electorates. To accommodate that and to maximise the time available for debate, the government forwent its right, if you like, to have its matter of public importance debated this week to free up an additional 2 hours for debate. Notwithstanding that, there will be a challenge to ensure that there is adequate time for all members to make a contribution on the range of issues that will be considered this week.

Adding additional pressure — but I am sure from the opposition's point of view it is pressure of a nice type to have — is accommodation needing to be made to facilitate the inaugural speeches of the two new members for Polwarth and South-West Coast on Thursday. Following discussions with the opposition, and what will need to occur with other parties and Independents in the Parliament, it is the aspiration that those inaugural speeches be made on Thursday morning immediately after statements by members. If the house agrees to that and supports that, it will take place on Thursday, and that will be an important opportunity for those members to get underway and be able to contribute to issues in this Parliament.

One can only wonder if the member for Malvern is going to show them more support on Thursday than he

did on Derby Day, when he chose the Birdcage over the polling booths in Polwarth and South-West Coast. Rather than attending to his collegiate party duties and showing support for his potential new colleagues, he chose to swan around the Birdcage and attend to racing events rather than supporting his party.

**Mr Clark** — On a point of order, Acting Speaker, speakers on these motions are given some latitude, but the minister is now proceeding at an entire tangent to the motion. I ask you to bring her back to the subject before the house.

**The ACTING SPEAKER (Ms McLeish)** — Order! I ask the minister to resume and continue on the matter before the house, rather than on superfluous matters.

**Ms ALLAN** — Thank you, Acting Speaker. I think it is a pertinent point, and I believe I have made the point adequately. A number of things need to take place this week; as I said, there is a busy program. The government has introduced a further three bills that will add to a number of other bills that will also be debated over the course of the coming weeks of the Parliament. With that contribution, and again with appreciation for the support of the Parliament to accommodate appropriate arrangements for Remembrance Day tomorrow and in light of the need to accommodate inaugural speeches on Thursday and some of the challenges that will present in managing the course of the week, I commend the motion to the house.

**Mr CLARK (Box Hill)** — The opposition does not believe it will be possible to deal adequately with the bills that the government proposes for its legislative program within the time the government intends to make available. As the Leader of the House has indicated, the house will be sitting for shorter hours this week — in respect of Remembrance Day, not sitting until 2 o'clock tomorrow. That is entirely appropriate. We on this side of the house have put the view that it would be better if the house did not sit at all on Remembrance Day and that the sittings of the house were scheduled accordingly to avoid that, but we certainly accept that it is at least appropriate not to sit prior to 2.00 p.m. that day.

It has of course also been known for some time that there would be by-elections in the seats of South-West Coast and Polwarth and that, regardless of the outcomes of those elections, there would be new members needing to make their inaugural speeches. While I appreciate the goodwill with which the Leader of the House has reached agreement about arrangements for

those inaugural speeches, that further reduces the time that will be available for consideration of bills.

A number of the bills on the program merit extensive examination, regardless of the views that the Parliament might take on them. The Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015 is an important bill, following on from the *Betrayal of Trust* report. As with all of these matters, it is very important that the detail of this bill be got right if it is going to work to protect children in the way that I am sure all members of the house hope occurs.

The Fisheries Amendment Bill 2015 has the support of the opposition, but again there are matters in relation to that bill that need to be examined in detail. The legislation relating to rate capping allegedly gives effect to a government election commitment. The ramifications and detail of that bill are very profound for local government and for ratepayers, and the content of that bill also needs to be examined in detail to do justice to the importance of its subject matter.

The Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015 is a highly contentious bill. On this side of the house members will be exercising a free vote in relation to it, and I expect considerable numbers of members will wish to express a view on that. The Relationships Amendment Bill 2015 contains significant extensions to the existing law, and there are matters that need to be examined in relation to that as well. There is also the State Taxation Acts Further Amendment Bill 2015. Taxation legislation can sometimes be technical, but again it needs appropriate scrutiny.

Last, but certainly not least, the Terrorism (Community Protection) Amendment Bill 2015 is a bill to give effect to some of the measures that were in a report that was released during the term of the previous government, and it is important that this house examine why some recommendations have been given effect to and not others and what the government's intentions are in relation to the recommendations to which it is not giving effect.

If the government wishes to proceed with all these bills this week, then it would be appropriate for the government to make arrangements to extend the sitting hours of the house so that that could occur. If that had been what the government had proposed for good reason in terms of timing and getting this legislation dealt with, then certainly this side of the house would have been agreeable to that, but to try to push this number of bills through the house without an extension of the sitting hours is simply curtailing the legitimate

opportunities for members of Parliament to raise matters in debate.

Each and every one of us comes here to contribute our wisdom, our experience and our skill set and to represent our electorates, and there are many bills on which members will want to make a contribution. As the Leader of the House has acknowledged, it is likely that a significant number of members will not be able to make their contributions to good outcomes on this legislation in the time the government is proposing to allow for debate on the number of bills it has on the program. For that reason the coalition parties will be opposing this business program.

**Mr McGUIRE** (Broadmeadows) — This is one of the most significant government business programs in the first year of the Andrews government, addressing a range of substantial issues. Seven pieces of legislation will be debated, dealing with issues ranging from community protection against terrorism to greater safeguards for our vulnerable children and women. On the financial side we will also look at a fairer go for municipal rates that has consequences for families throughout the state, and I know that is particularly important to the people that I represent in the electorate of Broadmeadows after some of the issues that arose in the lead-up to the last election. I am sure we will hear more of that during the debate.

Then we have the clarification to Victoria's taxation and land valuation laws, and we have also a bill allowing for an increase in the catching rates for fish and their size for the recreational fishing sector. The aim of that is to enhance recreational fishing opportunities throughout Port Phillip Bay for many Victorians and to attract people from outside Victoria to come to fish here as well. So it is an incredibly diverse range of bills, and there are important issues that are to be addressed.

I take up the manager of opposition business's proposition, particularly about the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015. This follows the recommendations from *Betrayal of Trust*, the landmark report into child sexual abuse that has now been through two parliaments and three premiers to try to bring this legislation to the Parliament. This is obviously of great significance in being able to take care of the children that in the past, when they were in the state's care, we turned our back on in many ways. There were issues about not addressing systemic problems and not giving them the care that they were entitled to, particularly when they had no voice and no power to be able to address that.

This is an important piece of legislation, particularly to provide a phased implementation of child safety standards. This is of historic systemic and cultural significance, and it also comes in a timely fashion, as the royal commission into a number of these issues will be returning to Victoria shortly to address some of the issues that were raised by the inquiry that led to the *Betrayal of Trust* report and also subsequent to that as well. That is of major significance and will be addressed through the debates that we have. I look forward to that bill getting full approval.

Also the Local Government Amendment (Fair Go Rates) Bill 2015 is financially important to all Victorians. The primary purpose of the bill is to provide a mechanism for the Minister for Local Government to set a cap on the increases in rate revenue that can be levied by councils. I take up again the manager of opposition business's comment that there will be some contention around that piece of legislation as well.

Then there are also other bills, including one regarding terrorism and what we need to do to address this. These are urgent and vital bills, particularly for me as the member for Broadmeadows. When the former Prime Minister went to the Australian Security Intelligence Organisation, the maps were on the table, and it could be seen on them where the terrorism recruitment hot spots were. One was in Craigieburn, right where the Ford motor factory will close within a year, so that is an absolutely imperative issue for me. I know another one was in Craigieburn as well, just outside but nearby my electorate.

The manager of opposition business has also outlined that there will be a free vote from the coalition on a contentious piece of legislation, the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. That is as the Parliament should be. It will allow a full range of debate on that. I recommend the government business program to the house.

**Mr HIBBINS** (Pahran) — I rise to speak briefly on the government business program. The Greens will not be supporting the government business program in this instance, simply because there is not enough time for debate. We have some significant bills before us this week, and in previous weeks when we have had less bills — four or so bills, some technical in nature — we have used up the entire time; we have not gone into a consideration-in-detail stage. We now have seven bills before us, most of them very significant bills, and it only stands to reason that we simply do not have enough time to consider these bills and to debate them and for the Parliament to do its job — to do the job we are all here to do — and scrutinise legislation.

The bills before us include the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015 and the Fisheries Amendment Bill 2015, and by way of example, this bill proposes an eight-year phase-out of commercial fishing licences in Port Phillip Bay, yet for some reason the government feels the need for it to be rushed through by 4 o'clock or 5 o'clock on Thursday. There is absolutely no reason for that.

The Local Government Amendment (Fair Go Rates) Bill 2015 will have a long-term impact on the ability of local councils and local governments to deliver for their communities. This is a bill that deserves serious scrutiny in this house. The Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015 is a significant bill, very important. There is the Relationships Amendment Bill 2015, and I foreshadow that I will have amendments to that bill. Of course any time I have amendments — and any time there are any amendments — they should be considered by this house and voted on, not cut out and chopped off by the government's business program and the use of the guillotine. We have the State Taxation Acts Further Amendment Bill 2015 and the Terrorism (Community Protection) Amendment Bill 2015. When we are dealing with police powers that deal with terrorism, it is absolutely critical that such laws and such powers have the force of scrutiny, and we certainly need more time to analyse that bill.

I do acknowledge that yes, tomorrow we will not be starting until 2.00 p.m., giving members the opportunity to attend events in their electorates. Certainly I will be attending an event in the Prahran electorate. But at the end of the day there simply is not enough time being allocated in this business program to debate and scrutinise significant bills, so the Greens will be opposing the government business program.

**Mr CARBINES** (Ivanhoe) — I am pleased to make a contribution on the government business program. It is disappointing that those opposite, including the Greens political party and the coalition, are refusing to support the government business program. It beggars belief that those opposite would oppose a business program that offers an opportunity for two new members who represent the Liberal Party in this place to make their inaugural speeches and contribute to debate. It beggars belief that those opposite would oppose a business program that the government, by the good graces noted by the manager of opposition business, has provided by moving around the government's priorities — not those of individual members, new or otherwise to this place.

The government's business program has been amended and changed to reflect an opportunity for two new members opposite to make their inaugural speeches and contribute to debate in this place. That those opposite would oppose that opportunity does not indicate that they are putting the welcome mat out for new members in their party room. I note that the new member for the South-West Coast seat has seen a swing of some 17 per cent in the primary vote for the Liberal Party. Perhaps there is not much to talk about, but we will wait and see on that.

I commend the house and all members for their support, including those opposite, for providing opportunities to amend the program and sitting hours in the last sitting week in Parliament to accommodate Remembrance Day services. I will be attending the Heidelberg Repatriation Hospital at Austin Health for its Remembrance Day service. That is a hospital that has been serving the community since 1941. It is the 115th Heidelberg Military Hospital, and it continues to look after war widows and many of our veterans and emergency services workers who suffer post-traumatic stress disorder after their work both now and in the past. It will be a very big gathering at the Heidelberg repat tomorrow, and I look forward to being able to participate in that service, thanks to the agreement of all members to collapse our sitting day arrangements so that many of us can attend services. I know the member for Bundoora will be at the Watsonia RSL, just as we were at Remembrance Day services in Macleod on the weekend. The member for Eltham, of course, will be at services at Montmorency-Eltham RSL. The Minister for Veterans has made it clear that there are services at the Shrine of Remembrance that members not able or not choosing to return to their electorates during the morning can participate in.

I certainly think there has been an agreement across the house in relation to those arrangements. There has been good grace shown by the government and acknowledged by those opposite in allowing the business program to be compacted to allow opportunities for new members of this place to make their inaugural speeches and contributions. That remains important.

I also note there was a point raised about less time for debate on bills. I draw the house's attention to the fact that there have been several bills debated in this place where those opposite have refused to fill speaking places and debate those matters. There is no predictability and no guarantee that those opposite will seek to avail themselves of the opportunity to speak on bills that are listed in the government business program, because there is plenty of evidence to indicate that they

do not choose to make a contribution and put their views publicly in this place to the people of Victoria.

Those in the Greens political party make the point that they feel hard done by because of the lack of debating opportunities when never have they chosen to use their full 20-minute allocation as lead speakers as a political party in this chamber on any bill. I am looking forward to their contribution on the Local Government Amendment (Fair Go Rates) Bill 2015, a bill that has had unanimous support on this side of the house, a bill that we took to an election, a bill that has been affirmed by the people of Victoria. We all know that members of the Greens political party are captured by local government, they are servants of local government — not the people of Victoria, not Victorians — and that we will hear more, potentially, about their views on this bill as the opportunity arises through the government business program. It is a program that I commend to the house. It is a program in which those opposite have been happy to welcome opportunities to speak, but let us see if they take those opportunities up.

**Mr CRISP (Mildura)** — I rise on behalf of The Nationals to oppose the business program and very much support the comments of the member for Box Hill, who is also the manager of opposition business in the house. Certainly too this is a rare moment on which we need to pause and reflect on the fact that the Nats will agree with the Greens today on this issue.

It seems with this government that it is either a feast or a famine. We can sit here and do four bills or we can sit here and do seven bills. After a year in office perhaps the government could have worked out how to balance this feast and famine. Many of the bills that government members have talked about have been technical. In reflecting on some of the closing words of the member for Ivanhoe about filling speaking spots, we do do a lot of technical work in this house, and it is work that both sides generally agree on. When debating those bills we feel we want to get on with it. We want to get onto something that is worthwhile. Instead we have to sit back and watch government members filibuster on these technical bills. So to the member for Ivanhoe I say that quantity does not equal quality in this place; perhaps he can reflect on that.

Also, there are a couple of assumptions that we will make in this week's business program. I assume that committee reports on Wednesday will follow members statements, as they would have on a Wednesday morning. I also welcome the inaugural speeches from the new members on Thursday, which is consistent with the practice of this house of getting new members on their feet for their inaugural speeches as quickly as

possible so that they too can fully participate in the business of the house and represent their electorates.

I also cannot help but wonder, as we approach the first anniversary of this government, whether the sudden interest in stacking up the business program might be because someone had a look at the first year stats and thought, ‘Oh, oh, we have got a moment here. We’d better get some stuff onto the program’. Or, as reflected on earlier, is the government just a little bit slow out of the starting stalls in getting its programs implemented?

In a week during which there is a lot of interest in an enormous number of bills, I think to our disappointment debate will be cut short. A number of these bills are significant. There are a number of members who, I believe, want to speak on the Relationships Amendment Bill 2015. Also, amongst The Nationals, members wish to make a lot of contributions on the Local Government Amendment (Fair Go Rates) Bill 2015. I will end on something light. On the Fisheries Amendment Bill 2015, I say that yellowbelly are biting on shrimp if anyone is going up the north.

**Ms SHEED** (Shepparton) (*By leave*) — I rise to oppose the government business program, simply because it is a large program and there are a lot of matters today and during the course of this week that need to be dealt with. In her speech the Leader of the House indicated that many of these bills are before the house because they fulfil government promises and a number of members on that side of the house will wish to speak on them. Similarly, many people on this side of the house wish to speak on these bills too because they are important and deserve discussion and scrutiny.

For instance, in relation to the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015, given that members will have a free vote on that, it is important that all members who may wish to express a view on it do indeed have the opportunity to stand and speak on that bill. While generally speaking I would support government business programs, I am concerned when there are issues around a lack of time for members to properly research a bill and have an opportunity to speak, and also perhaps where there might be considered to be a lack of transparency. We have been busy throughout the course of the year and have had very little time to go into consideration in detail on a number of bills, so for those reasons I will not be supporting the program.

**House divided on motion:**

Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Brooks, Mr  
Bull, Mr J.  
Carbines, Mr  
Carroll, Mr  
Couzens, Ms  
D’Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Howard, Mr  
Hutchins, Ms

Angus, Mr  
Asher, Ms  
Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T.  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Dixon, Mr  
Fyffe, Mrs  
Gidley, Mr  
Guy, Mr  
Hibbins, Mr  
Hodgett, Mr  
Katos, Mr  
Kealy, Ms  
McCurdy, Mr  
McLeish, Ms  
Morris, Mr

*Ayes, 44*

Kairouz, Ms  
Kilkenny, Ms  
Knight, Ms  
Lim, Mr  
McGuire, Mr  
Merlino, Mr  
Nardella, Mr  
Neville, Ms  
Pakula, Mr  
Pallas, Mr  
Pearson, Mr  
Richardson, Mr  
Richardson, Ms  
Scott, Mr  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 40*

Northe, Mr  
O’Brien, Mr D.  
O’Brien, Mr M.  
Paynter, Mr  
Pesutto, Mr  
Riordan, Mr  
Ryall, Ms  
Ryan, Ms  
Sandell, Ms  
Sheed, Ms  
Smith, Mr R.  
Smith, Mr T.  
Southwick, Mr  
Staley, Ms  
Thompson, Mr  
Tilley, Mr  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Wells, Mr

**Motion agreed to.**

## MEMBERS STATEMENTS

### Graeme Elder

**Mr CLARK** (Box Hill) — My congratulations to Graeme Elder on his recent receipt of a Victoria Police award for service to Neighbourhood Watch. Graeme has served over many years at a local, divisional and state level, including as secretary and a public officer of Neighbourhood Watch Victoria. Graeme has also served on numerous other community organisations, including Elgar Contact, Meals on Wheels and the Box Hill Hospital redevelopment community advisory board. It has been my privilege to have known Graeme for many years, and I am delighted that his unassuming,

diligent and extraordinarily capable service to the community has been recognised by this award.

### **Box Hill High School**

**Mr CLARK** — Box Hill High School was promised capital works funding by Labor ahead of last year's election, after the then coalition government committed \$5 million for a major capital works upgrade. However, since the election there has been no word from the government as to how much funding it will provide the school or when it will be provided, despite my constituency question to the Minister for Education earlier this year.

Box Hill High School is projected to have big increases in enrolments over coming years due to its excellent reputation and the rapidly growing population in and around Box Hill. I call on the minister to provide the school with the funding for the facilities it needs for its growing student numbers.

### **Colonel George Warfe**

**Mr EREN** (Minister for Veterans) — On the eve of Remembrance Day I rise to inform the house of two matters concerning the veterans community.

Firstly, I wish to advise the house of the commemorative naming of a school in honour of a proud Victorian and long-serving veteran, Colonel George Warfe, DSO, MC, who passed away in 1975. As a major in the Australian Army Colonel Warfe was commanding officer of the 2/3rd independent commando company, a guerrilla unit that operated deep behind Japanese lines in Papua New Guinea. Colonel Warfe played an important role in the 1943 Salamaua-Lae campaign in Papua New Guinea, leading a platoon of 52 men to capture a key strategic asset from the Japanese and holding it against three days of intense counterattack from Japanese forces.

The actions of Colonel Warfe have been honoured by Morobe Province in Papua New Guinea, which, on 14 October dedicated the George Warfe Memorial Elementary School in gratitude and recognition of the company's efforts in defeating the Japanese forces. I am pleased to inform my colleagues about this honour bestowed upon one of our Victorian veterans.

### **Brigadier John Deighton**

**Mr EREN** — The second matter I wish to inform the house of is the passing of an outstanding Victorian veteran, Brigadier John Deighton, AM, MC, who served with distinction in the Australian Army for 30 years, including in deployments in Malaysia,

Borneo, New Guinea and two tours of Vietnam. He was awarded the Military Cross on 4 September 1968 for his aggressive determination, excellent leadership on the battlefield and personal courage of high order.

Brigadier Deighton was appointed state secretary of the RSL Victorian Branch in 1989 and held the position for 17 years, until 2006. He served on the Victorian patriotic funds council and the Victorian Veterans Council.

### **Stanhope Legendary award**

**Ms RYAN** (Euroa) — I rise to congratulate the community of Stanhope on being named Australia's Legendary capital. Stanhope is a small town of just 490 people in the Murray dairy region of my electorate, and it has been chosen over 39 other towns Australia wide to be the first to hold the coveted title. The Legendary status has been awarded as part of Dairy Australia's inaugural search for the nation's most vibrant and resilient dairying communities.

Stanhope was founded as a soldier settlement during the First World War. As the home of Australia's 18th Prime Minister, John 'Black Jack' McEwen, the town is synonymous with The Nationals and has a special place in the history of our party. The community has weathered its fair share of challenges in recent years, including a decade-long drought and the unbundling of water rights, driven by the Bracks and Brumby governments, which has seen thousands of megalitres of water leave the district.

Against the odds, Stanhope is still a close-knit, community-minded town, with dairying at its heart. The community has been recognised because of the willingness of its residents to chip in and help each other out and its ability to rise above the tough times it has faced in recent years. Stanhope residents will use the grant to build a playground at the Stanhope Recreation Reserve, which has been identified as a need by the community for many years. I congratulate the entire community of Stanhope but in particular local dairy farmer Andrew Hipwell and Kerry Gray, who have been instrumental in driving this application. I cannot think of a community more worthy of the title of Legendary capital of Australia.

### **Noble Park Community Centre Art Show**

**Ms WILLIAMS** (Dandenong) — I recently had the pleasure of attending the Noble Park Community Centre Art Show, which has just celebrated its 10-year anniversary. There was a huge turnout to the opening night — well over 200 people — and I was thrilled to

present an award on the night. This was the first time I have attended the art show, although I have heard a lot about it over many years, particularly from a former member for South Eastern Metropolitan Region in the Council, Lee Tarlamis, who is extremely passionate about the event and the volunteer effort that goes into pulling it together each year. This annual event would not be possible without the committed team of volunteers who work with the Noble Park Community Centre staff to provide a polished, culturally enriched exhibition. Chairperson Heather Duggan has been associated with the art show since its beginning and deserves special mention.

The talent on display across the 301 exhibits was phenomenal. My personal favourite was a piece by Le Ling Chen called *Boy and Parrot*, a painting of the artist's son. Congratulations to all those involved with putting together this amazing event — Heather, volunteers, local aged-care facilities and schools and David O'Halloran, who judged this year's show. It may have been the first time I have attended the show, but it certainly will not be the last.

### **Glen Huntly Road, Glen Huntly, level crossing**

**Mr SOUTHWICK** (Caulfield) — Yesterday, with the support of the Glen Huntly Village Traders Association and local residents, I launched a petition calling on the Andrews government to stop playing politics and include the dangerous Glen Huntly Road, Glen Huntly, level crossing as one of the first 50 level crossings to be removed.

An independent report by VicRoads has found the Glen Huntly Road level crossing to be one of the worst in Victoria, but Labor has chosen to snub Glen Huntly and doom commuters and locals to increased congestion and danger for years to come. To make matters worse, the report reveals that 15 of the level crossings on Labor's hit list have been given no priority rating by VicRoads, showing that the Premier only looks after marginal Labor seats at the expense of those who are in genuine need of help.

The 2014 report found the Glen Huntly Road level crossing to be of the highest priority for removal, with boom gates expected to drop for 82 per cent of the morning peak between 7.00 a.m. and 9.00 a.m. within seven years, rendering the crossing virtually impassable. The Glen Huntly Road level crossing is also traversed by trams on route 67, between Melbourne University and Carnegie, which are also subjected to significant delays.

James from Glen Huntly asks why the government is not removing the Glen Huntly Road level crossing at the same time as those at North Road, McKinnon Road and Centre Road. I will tell James why. It is because the Andrews government is trying to protect Labor seats instead of putting resources where they are most needed. Another constituent wrote to me stating that the Glen Huntly Road level crossing must be removed. She said it took her nearly half an hour, from 6.30 to 7 o'clock, to cross. Eunice from Glen Huntly also said it is a problem. It is time for the Premier to act to remove this level crossing.

### **Pascoe Vale South Primary School**

**Ms BLANDTHORN** (Pascoe Vale) — I rise to thank the Pascoe Vale South Primary School community for hosting the Deputy Premier and Minister for Education on a recent visit to their school. I particularly acknowledge school captains Liam Smith and Mia Floreani and school vice-captains James Grasset and Mia Soligo.

On behalf of all the students of Pascoe Vale South Primary School, these young leaders presented to the minister a document detailing their vision for the future of the Pascoe Vale South Primary School. The document is a beautiful collation of words and drawings that details what our young people in Pascoe Vale South see as important in their school facilities — things that will help them learn and develop as young people.

I also acknowledge school council president Kim Hurley and vice-president Michael Grant. I first met with Kim and Michael when I attended their school council meeting earlier in the year. At that meeting Kim and Michael detailed the history of investment, or perhaps lack thereof, in the school and asked for my assistance in the promotion of their facilities development plan. It was great to be able to introduce the Minister for Education to this fabulous school community so that he could see and hear firsthand the urgent need to redevelop the school. I know he appreciated the school council taking the time to meet with him.

Finally I also thank principal Sue Spurr and assistant principal Anne Bashford, who are relentless in their commitment to deliver a first-class education for the kids of Pascoe Vale South. The whole of the school community works wonders with what they have, but a first-class education should be delivered in first-class facilities.

### Frankston rail line

**Mr MORRIS** (Mornington) — Labor announced its level crossing removal program with great fanfare. Unfortunately it seems that these upgrades are destined to go the way of every major project associated with the ALP. Certainly it has not been a great start for the works on the Frankston line. Last Friday morning commuters were confronted with the news that the third track between Moorabbin and Caulfield will be temporarily — heavy irony on ‘temporarily’ — closed from 16 November until the middle of next year.

What is the fallout from this temporary closure? Not only will four weekday services be cancelled — there will be fewer trains at lower frequency — but every express service on the Frankston line, morning and afternoon peak, Monday to Friday, will revert to stopping all stations. All services that normally run express from Caulfield to South Yarra, all services that normally run express from Cheltenham to Caulfield and all services that normally run express from Armadale to South Yarra will stop at every station. Additionally these services will no longer go through the city loop; passengers will need to change at Caulfield or Richmond.

These changes are intended to improve services for passengers at stations from Highett to Hawksburn, but passengers from further afield are being asked to put up with significant inconvenience to solve someone else’s problem. Some 20 minutes each way is being added to the journey for Frankston and Mornington Peninsula commuters — that is, 40 minutes a day. Some 200 minutes, or more than 3 hours a week, is to be added to their commute, and the works will provide them with no direct benefit. That outcome is both unreasonable and unfair. The Minister for Public Transport must intervene and ensure that the passengers affected are provided with alternatives.

### Republic of Turkey

**Ms SULEYMAN** (St Albans) — On Thursday, 29 October, on behalf of the Premier and the Minister for Multicultural Affairs, I attended a reception hosted by the Consul General of Turkey, Mehmet Küçükşakallı, to celebrate the 92nd anniversary of the foundation of the Republic of Turkey. Victoria is home to the largest Turkish population in Australia. Today people of Turkish descent across the world will pause to remember and commemorate the life of one of the greatest leaders of all time, Mustafa Kemal Atatürk, the first president and founder of the Turkish Parliament.

The year 2015 marks the year of the Anzac centenary and the special friendship that exists between Australia and Turkey. Atatürk had the highest regard for the Anzacs who fought at Gallipoli. Mustafa Kemal Atatürk was the founder of Turkey’s social and political reforms, including giving voting rights to women, equal participation in the workplace, education reforms and the creation of the modern secular Republic of Turkey which we know today.

I join with members of the Australian Turkish community and all friends of Turkey to remember and acknowledge one of the greatest leaders and visionaries of all time, Mustafa Kemal Atatürk, the father of Turkey.

### Mahmoud Karim

**Ms SULEYMAN** — On another matter, I am saddened to note that on 29 October I lost a dear friend who succumbed to brain cancer. Mahmoud Karim was 37 years old, a St Albans resident, a tireless volunteer, a passionate Labor man, the father of three beautiful children and the son of Mouna and Riad Karim. I send his family my deepest condolences.

### Wild dogs

**Mr T. BULL** (Gippsland East) — It was with great concern to many in Gippsland East that members of the Victorian Wild Dog Advisory Committee recently received letters stating that their services will be no longer required when the current term finishes before the end of this year. The correspondence contains no plans for the future in relation to community input to the wild dog program, raising fears the committee will be discontinued altogether.

Farmers in my electorate — from places like Omeo, Benambra, Buchan, Dargo, Swifts Creek and the Bonang and Bendoc area, to name a few — are perplexed at this short-sighted decision. After steadily making progress against the scourge of wild dogs under the coalition government, with reports of attacks reducing and some positive feedback from landholders, this government has systematically pulled apart the defences to the wild dog program, which has also included reducing aerial baiting and cutting the wild dog bounty.

### Rural road funding

**Mr T. BULL** — This Labor government’s track record in rural Victoria is appalling and is no more evident than in the state of our roads. Labor scrapped the very popular \$160 million country roads and

bridges program and ripped \$80 million out of the roads maintenance budget, leaving major rural roads, like the Princes Highway near Cann River, littered with speed reduction signs. These signs are being erected more often and are left standing for longer rather than the roads being fixed in a timely manner. This observation is being made by more and more people in country areas, including a group I met with in Orbost just last week. It is time for the minister to reinvest in our roads.

### **Bayside, Glen Eira and Kingston Applied Learning Awards**

**Mr STAIKOS** (Bentleigh) — I recently had the pleasure of attending the Applied Learning Awards for the Bayside, Glen Eira and Kingston region with the parliamentary secretary for education, the member for Narre Warren South. A total of 122 nominations were received for these awards, which recognise the outstanding efforts of secondary school students undertaking applied learning programs, including the Victorian certificate of applied learning (VCAL), VET in Schools and school-based apprenticeships and traineeships. The awards also recognise the schools that provide these programs and the dedicated teachers and coordinators who administer them.

Once again the Bentleigh electorate cleaned up at the awards ceremony. Congratulations to Emer McAlinden from Our Lady of the Sacred Heart College for winning Applied Learning Student of the Year. Congratulations also to other award winners from Our Lady of the Sacred Heart College: Zoe Campbell, Mikaela Hum, Rebecca Nielsen, Melissa Peet and Taylah Quick. From Berendale in Hampton East, congratulations to James Campbell, Yo'el Ciddor-Moore and Isabel Iacovangelo.

Congratulations to our teachers Maureen Malone from Our Lady of the Sacred Heart College for winning the Jenny Marks Memorial Award for Applied Learning Coordination and Support as well as the VCAL Teacher award and Anne Claydon from Berendale, who won the VET in Schools trainer award. Berendale was also recognised with an award under the school and education provider category. Well done, everyone.

### **Remembrance Day**

**Mr WELLS** (Rowville) — This statement acknowledges the significance of Remembrance Day, 11 November 2015, marking the 97th anniversary of the armistice which ended the First World War. Every year on Remembrance Day, as Australians and as part of the commonwealth, we honour the memory of those who died or who have suffered in wars or armed conflicts. The First World War, or the Great War, has a

special place in the hearts of many Australians, particularly those who had relatives who fought in the fields of Europe or on the shores of Turkey at Gallipoli, or those who have since learnt of the bravery, mateship and great sacrifice of the Anzacs at Gallipoli that has now become Australian folklore.

This Remembrance Day I honour the memory of one of those brave young Australians who left our shores and went off to war. Many such Australians were never to return. My maternal grandfather, Alexander Backman, was 22 years of age when he enlisted in July 1915 and went on to become part of the 4th Australian Light Horse Regiment (brigade) that charged at the famous Battle of Beersheba on 31 October 1917 in Palestine, which is now part of Israel. Fortunately he returned to our country on 15 November 1918.

My grandfather was only one of the 324 000 Australians who served overseas in the First World War, and he was very lucky not to be one of the 60 000 Australians who died on foreign soil. The stories of World War I and those of all wars in which Australians have fought and lost their lives should not be forgotten; they should survive so that future generations can continue to recognise and honour those Australians.

### **Medical research grant**

**Mr McGUIRE** (Broadmeadows) — The leadership and excellence of Melbourne's medical research institutions have helped secure major investment for world-leading discoveries in life-saving breakthroughs for rare diseases and cancers. The Melbourne Genomics Health Alliance, led by researchers from the Murdoch Children's Research Institute, has been awarded \$25 million from the National Health and Medical Research Council (NHMRC) to promote the integration of genomic medicine in health care across Australia and has leveraged this grant to more than \$125 million through Victorian and interstate partnerships. This research could have a direct result on the 50 per cent of childhood cancers that have a genetic component as well as on common adult cancers, like bowel and breast cancer.

The research should significantly reduce the time required for diagnoses, provide faster treatment and improved results for children and reduce the enormous stress children and families suffer. The \$25 million grant is the second highest ever awarded by Australia's independent experts, the NHMRC. It is proof of the Victorian government's strategy of collaboration and coordination to maximise results, and it highlights the value of the Labor government's \$25 million

investment in the 2015–16 Victorian budget to develop a statewide genomic sequencing program to accelerate diagnosis and treatment.

Key partners of international standing include the Walter and Eliza Hall Institute, the Royal Children's Hospital, Melbourne Health, the Peter MacCallum Cancer Centre, the University of Melbourne, Monash University, the Victorian Life Sciences Computation Initiative —

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

### Cage fighting

**Mr PAYNTER** (Bass) — Next Sunday afternoon the Minister for Sport will take his front row seat to experience the first legally sanctioned cage fight in Melbourne. Let us hope his designer suit does not get spattered with the blood of the cage fighting contestants as they smash each other's faces with elbows, fists and knees until they are either knocked unconscious or forced into submission.

Whilst this government may contend that this type of fighting has been legal in Victoria for many years and that events are held every weekend, the addition of a cage has allowed the Ultimate Fighting Championship to enter town and take this brutal sport to a new level. It is ironic that this government has a Minister for Women and a Minister for the Prevention of Family Violence and yet actively promotes the most violent event to ever be staged in our great city. I wonder what the Minister for Health or the Minister for Families and Children really think about the staging of this event. Is this government oblivious to the One Punch Can Kill campaign and the growing level of violence in our streets and in our homes? Does the Minister for Sport realise that there are thousands of young men and women training as fighters throughout suburban factories on a daily basis and that this event only serves to condone and encourage the use of violence in our community?

It is no coincidence that the rise of one-punch killings and serious assaults leading to permanent and irreparable damage is linked to the culture developed in these factories and training facilities. This government should be ashamed of this irresponsible decision to allow cage fighting. I hope the minister comes to his senses as he witnesses another smashed nose and bloodied face and that he reimposes the ban on cage fighting.

### Nillumbik Biggest Ever Blokes Lunch

**Ms WARD** (Eltham) — I rise today to wholeheartedly congratulate the organisers of Nillumbik's Biggest Ever Blokes Lunch on their terrific success in organising what was an outstanding afternoon. Biggest Ever Blokes Lunch events are run in support of the Prostate Cancer Foundation of Australia to raise awareness of prostate cancer and to raise money for important prostate cancer research. More than 20 000 Australian men are diagnosed with prostate cancer each year, and more than 3000 men die from this disease.

The Nillumbik Biggest Ever Blokes Lunch was organised by the Diamond Valley Prostate Cancer Support Group under the guidance of its convenor, Peter Gebert, and included a wide range of local residents and businesses that were entertained by Nillumbik locals, including Greg Champion, Tony Shaw, Mike Brady and Gary Honey. We are certainly a very talented shire.

There was also a surprise guest appearance by Collingwood cheer squad favourite Joffa — much to my unhappiness, but he was a charming man. Over 160 people heard important messages about men's health and about dealing with prostate cancer. I understand that the lunch raised more than \$15 000 for the Prostate Cancer Foundation of Australia, which contributes to the more than \$500 000 raised across Australia. Nillumbik's lunch was one of the first lunches to be held in metropolitan Melbourne, with the focus of the events so far having been on regional Victoria. I thank the Diamond Valley Prostate Cancer Support Group for its wonderful work in my community and for putting together this great event, and I thank the former member for Eltham, Steve Herbert, for playing an important role in forming this group more than 10 years ago.

### Yallourn/Newborough RSL EnLIGHTen project

**Mr NORTHE** (Morwell) — Last week I had the pleasure of attending the Yallourn/Newborough RSL and the launch of its EnLIGHTen project, which has assisted in making some significant improvements to its park and cenotaph precinct. In particular the lights shining on the lone pine were simply spectacular, as was the dedication and tribute to Sir John Monash, who was known not only for his strategic efforts in conflicts but also for his work in establishing the State Electricity Commission. Troy Hutson, Steve Moy and their committee must be applauded for delivering such a successful project.

### **Traralgon Cemetery Trust war memorial**

**Mr NORTHE** — On Saturday morning the Traralgon Cemetery Trust honoured local men and women who contributed to Australia's efforts in World War I and returned home to our great country. Whilst we do pay our respects to those who made the ultimate sacrifice, the cemetery trust also wanted to acknowledge those who contributed to our war efforts at the time, by way of the dedication of a memorial plaque. Well done to Brian McIntosh, Carol Campbell, Dennis Seymour and the hardworking committee on their research and dedication.

### **Latrobe Regional Hospital Heart 2 Heart Ball**

**Mr NORTHE** — On this Saturday evening Latrobe Regional Hospital will hold its annual event with this year's aptly named Heart 2 Heart Ball. This year's ball seeks to support local people with heart disease. These annual balls are always well supported by local businesses and the community, and I am sure this year's event will be a great success. Talking about Latrobe Regional Hospital, I am proud that the coalition government in 2014–15 allocated \$73 million towards the stage 2A development of the hospital. Cockram has recently been selected as the successful tenderer of this vital project that will not only improve local health services but provide an opportunity for local businesses in which to participate.

### **Level crossings**

**Mr DIMOPOULOS** (Oakleigh) — You have to wonder about those opposite who were silent for four years but now presume to lecture us about government. I refer to the member for Caulfield, who during the last government mentioned level crossings in this place only a paltry seven times — seven times in four years. How many times has he spoken about level crossings in this place in just the last eight months? Eleven times! And today makes 12. He has found a voice again — mostly to throw cheap shots about us consulting with the community. Oh, the horror of consulting! So were members of the last government silent achievers? How many level crossings did they remove in my local community? None — not a single one.

Let me list some of Labor's crossing removals under construction or starting soon: Grange Road; Koornang Road; Murrumbeena Road; Poath Road; Centre and Clayton roads; North Road; McKinnon Road; Centre Road, Bentleigh; and Burke Road. That is 10 around our local area versus none under the Liberal government. We might take the member for Caulfield more seriously if he actually did something while he

was in power, irrespective of what electorate the level crossings are in. But let me finish on this: I am proud to be a part of a government that delivers on its promises. We do not just talk like those opposite do; we deliver. And that is something worth campaigning on.

### **Alpine Shire Business & Tourism Awards**

**Mr McCURDY** (Ovens Valley) — Congratulations to the Bright Brewery for being named Business of the Year and winning the Excellence in Hospitality category of the 2015 Alpine Shire Business & Tourism Awards held last month. This award is a testament to the hard work and commitment to quality and customer service at the brewery. The awards offer local businesses the opportunity to celebrate the high-quality local businesses and attractions in the Shire of Alpine.

### **Myrtleford Show**

**Mr McCURDY** — Well done to everyone involved in making the Myrtleford Show a great success this year. I really enjoyed it, particularly while many country shows are struggling. President Rosemary Garoni and her team did a great job, which was endorsed by the huge crowd that came along. A lot of work goes on behind the scenes to run our country shows and the commitment of our show committees is worthy of recognition.

### **Wangaratta Festival of Jazz and Blues**

**Mr McCURDY** — The Wangaratta Festival of Jazz and Blues board, chaired by Paul Squires, should be congratulated on the terrific staging of another successful festival this year. The weather failed to dampen the spirits of those in attendance with an estimated 25 000 people enjoying the festivities over several days at Wangaratta and surrounding regions. Changes were made to the running of this year's festival, and following reflection and review we can look ahead to the continued success of the event into the future.

### **Wangaratta Turf Club**

**Mr McCURDY** — The return of horse racing to Wangaratta on Melbourne Cup Day was enjoyed by both locals and visitors with some 4500 people having a great day out. Wangaratta Turf Club chief executive Paul Hoysted and the board are to be congratulated on a highly successful race meeting.

### **Rangeview Nursing Home**

**Mr McCURDY** — I was delighted to attend the Rangeview Nursing Home's 35th birthday recently.

The recent extension to the facilities will accommodate more people to this comfortable accommodation. I chatted with many locals who have lived in our region for many year and choose Wangaratta to retire to. We are very fortunate to have such caring people and modern facilities in our region.

### **Elaine Recreation Reserve**

**Mr HOWARD** (Buninyong) — Last Saturday I was very pleased to be able to attend the official opening of newly surfaced tennis courts at the Elaine Recreation Reserve. These courts, now surfaced in blue Plexipave, will be a great asset for the Elaine community and demonstrates that the Elaine Tennis Club, supported by the recreation reserve committee are being very proactive in working to support the development of their recreation reserve. I commend Ron Read, Shane Dunne, Debbie Mair and so many others for their fundraising efforts and their achievements in advocating to all levels of government, Tennis Victoria and all other groups that may be able to assist in improving the reserve. I will continue to work with the committee to assist in attracting further funding to ensure that plans relating to the upgrade of the cricket pavilion come to fruition.

### **Hub on Eureka project**

**Mr HOWARD** — I was also pleased to attend the launch of Hub on Eureka last week. This project, established at the Salvation Army community church in Eureka Street, involves a partnership with Ballarat Christian College and many businesses in Ballarat. Healthy meals will be provided to needy residents two days a week and these residents will also be offered food preparation classes as well as broader support. I congratulate Major Andrew van Gaalen and other members of the Ballarat Salvation Army community as well as staff and students of Ballarat Christian College and other sponsors including Coles and Aldi supermarkets, Bakers Delight, Ballarat Meat Company, FareShare, Second Bite and one2one Church of Christ for working together to establish this welcome community project.

### **Member for Bass comments**

**Mr RICHARDSON** (Mordialloc) — I was going to briefly touch on a level crossing announcement in my electorate, but I thought I would just address the comments of the member for Bass, who engaged in a sensationalist rant devoid of facts and devoid of any evidence when he asserted that mixed martial arts have some kind of link to family violence. That is absurd. He should retract it. It is offensive to people who engage in

mixed martial arts. I think he should come back to the chamber and apologise for that link. The policy work that we are doing as the government is undermined by statements like that that have no basis in facts. Disciplines like karate, Brazilian jujitsu and taekwondo that all come under the banner of mixed martial arts are already legally sanctioned, and to suggest that they are linked to family violence undermines the work of this government and its policies on family violence. He should be ashamed and should come back to the chamber to clarify his comments.

### **Level crossings**

**Mr RICHARDSON** — On a lighter note, it was wonderful to join the Premier and the Minister for Public Transport out in Carrum to announce that construction will start by 2018 on the removal of three dangerous level crossings in my electorate, being at Charman Road, Edithvale Road and Balcombe Road. These crossings are a legacy of the past, and this government is getting on with building them for the future. They will improve safety and they will ease congestion. There are over 40 000 vehicle movements through these crossings, and it will make a substantial difference to my community.

### **St Brendan's School, Flemington**

**Mr PEARSON** (Essendon) — I would like to, first of all, congratulate St Brendan's Primary School in Flemington on a fantastic fete on Friday night. Peter Hayes is the principal there, and he is a great local leader. Is it not wonderful, the great society we live in, that when you go to a school like St Brendan's you have the Ethiopian community brewing their own coffee in the corner of the hall, you have our wonderful and fantastic Vietnamese community frying spring rolls and dim sims, and then you have your rank and file Anglo community, the traditional people who have tended to live in Flemington in recent years, all cohabitating together, all getting together to support this fantastic school and working together collaboratively and collectively? It is a great school community, and it was a really fantastic night.

### **Puckle Street, Moonee Ponds, traders**

**Mr PEARSON** — I would also like to acknowledge the great role being played at the moment by the Puckle Street traders association in Moonee Ponds. The Essendon Youth Council, which is a council I have convened of young people, were talking about their concerns about the lack of employment opportunities in the retail space. I have been speaking with the Puckle Street traders association, including the one and only

Olga Kenny, and we are getting very close to being able to provide a forum whereby teenagers are able to put in their CVs and get practical work experience in the retail trade and business. That is a fantastic initiative.

### Upper Plenty community hall

**Ms GREEN (Yan Yean)** — In the brief time available I would like to express my support for the Upper Plenty community, who have recently suffered the terrible sadness of losing their community hall, The Shack, at Upper Plenty. It was destroyed by a deliberately lit fire — a terrible waste of community history. I want to commend the local primary school for the fete they held a couple of days later. This will not bring members of this community down. They will support each other through their sadness.

## RELATIONSHIPS AMENDMENT BILL 2015

### *Second reading*

#### **Debate resumed from 7 October; motion of Mr PAKULA (Attorney-General).**

**Mr PESUTTO (Hawthorn)** — It gives me great pleasure to stand up today to address the house on the Relationships Amendment Bill 2015. I should say at the outset that members of the coalition will be exercising a free vote, so there is no coalition position, consistent with the position that the coalition took in 2008 when the Relationships Bill first entered this place. Members of the coalition then had a free vote, as they do now. I am pleased to advise that I will be supporting the bill before the house. I think it is an appropriate change. In particular, although the stated aims of the bill in the second-reading speech tabled by the Attorney-General a fortnight or so ago assert a wider range of objectives, I think the bill at the end of the day is a fairly straightforward piece of legislation which, whilst worthy of support, is just effecting a couple of worthwhile technical changes that will improve the ability of partners to register their relationships.

The bill is a very short bill. It effects two principal changes to the Relationships Act 2008. The first matter it addresses is that it allows a couple, who ordinarily would be unable to register their relationship in Victoria, to register their relationship even if one member of that couple does not live in Victoria. As we know, at the moment, under section 6 of the act, to register a relationship under the Relationships Act both parties have to live in Victoria.

Clause 5 of the bill provides for an amendment to section 6 to allow persons in a registrable domestic

relationship to apply to the registrar, in a form approved by the registrar, for registration of that relationship if one of the persons in the relationship lives in the state, and each of the persons in that relationship is not married or in a registered relationship, and not in another relationship that could be registered under that part. In my view, that change is appropriate. Many people these days live in relationships where, for example, one party will be travelling quite often or might live in another state for much of the year, or indeed in another jurisdiction. It does not mean that their relationship should be seen in any inferior way to that of a couple who have to spend every day with each other. Some might say that is fortunate for some of those couples. I think that change is quite appropriate.

The other change relates to automatic recognition of relationships that have been registered in other jurisdictions. That too, I think, is appropriate. The reason I am prepared to support it is that what this change is doing is sparing a couple who would otherwise be eligible to register their relationship in Victoria under the act as it is at the moment from having to do that. This change is effected in a couple of provisions contained in clause 6 of the bill.

I note that the first hurdle that has to be overcome is that the relationship that is automatically registered in Victoria is part of a corresponding law, or effected under a corresponding law. That corresponding law is one that is either prescribed by the minister under the act or is a law of a state or a territory or another country that in accordance with the general requirements provides for the registration of or the formal recognition of a relationship. We then have to tie that — quite technically, I admit — to the definition of ‘corresponding law relationship’, which means a relationship registered or formally recognised under a corresponding law.

A corresponding law and the corresponding law relationship have to satisfy some general requirements. Those are contained in what will be new section 33B of the act. It will provide that”

The general requirements for a corresponding law are that to be registered or formally recognised under that law —

- (a) a relationship must be between two adult persons; and
- (b) a relationship must be entered into consensually ...
- (c) a relationship must not be between persons who are related by family ...
- (d) a relationship must not be entered into by a person who is already married; and

- (e) a relationship must not be entered into by a person who is already in a relationship that is registered or formally recognised under that law.

I think that is an appropriate summation of the criteria that I think need to be satisfied before a relationship can be recognised automatically under this amendment. It safeguards the integrity of the registration process by ensuring that in those jurisdictions where laws are enacted to enable recognition of relationships in circumstances that we would find either unacceptable, or indeed repugnant in some cases, that would not constitute or would not attract the automatic registration of a relationship under what would be new sections 33B and 33C of the act.

I think the key here is how this will be monitored and how Victorian authorities will ensure that the jurisdictions in which these relationships are formed have robust requirements in terms of eligibility and monitoring of the types of people who are seeking registration in those jurisdictions. Obviously it is very hard for a Victorian agency to investigate the integrity of the processes, even if at face value another jurisdiction provides for registration that satisfies what will be the new section 33B.

If you look through the criteria that will be contained in section 33B, you will realise that they will be important, particularly in cases where it may be necessary to ensure that in other jurisdictions familial relationships do not fall within the registration requirements of that foreign jurisdiction and that authorities in those jurisdictions conduct their processes rigorously enough to ensure that, for example, a couple that registers their relationship in a foreign jurisdiction is not already married and that is not missed by the foreign agency, or that they do not allow for couples, one of whom, or both of whom, might be in existing registered relationships.

It just goes to how robustly and how rigorously relationships that are registered in foreign jurisdictions will fully satisfy section 33B as it will appear in the Relationships Act after this bill goes through — not only on the face of it but also in practice and in operation.

I want to turn briefly to what will be new section 33C of the Relationships Act, and that provides that:

For the purposes of this Act, a corresponding law relationship, that is not a marriage within the meaning of the Marriage Act 1961 of the Commonwealth, is taken to be a registered domestic relationship.

That is the section that will allow principally for automatic registration of a relationship registered in a foreign jurisdiction.

One issue that the Scrutiny of Acts and Regulations Committee has looked at is how a couple who are married in a foreign jurisdiction wish to bring their relationship to an end under the Relationships Act, because as we know, the way this act will operate as a result of this bill will be that recognition will be automatic. For example, a couple who marry in the United Kingdom and come to Victoria, because of this bill, will not have to satisfy the normal requirements for registration — filling in the paperwork, submitting it to the registrar. Their relationship will be automatically registered. It is not clear from the bill as to how that couple might be able to terminate their relationship, if it comes to that, under the act. The Scrutiny of Acts and Regulations Committee looked at whether a couple in that scenario would need to revisit the jurisdiction from which they have emigrated to terminate their relationship there.

This is just a technical issue. It is not designed to take away from the merits of section 33C as I see it, but it is a practical aspect of the operation of this bill that the government should keep a close eye on because it can create a level of uncertainty. Automatic registration will occur for most couples without their ever having turned their mind to the fact that their relationship, whilst entered into and registered in a foreign jurisdiction, has actually been registered automatically under Victorian law. To that extent it will potentially be a source of uncertainty for some couples. That may be a substantial number or it may not be, but I think it is important for the government to consider whether at some point — certainly some point soon — it may be necessary to look at whether the termination provisions of a relationship that is registered automatically after these changes go through can be clarified so that couples know precisely how they are to do that.

The final thing I wanted to note in my remarks was that I understand an amendment is to be moved by the member for Prahran. I have only had a brief glimpse of that. I have not had the advantage of knowing the background to that proposed amendment, but I understand that it will be concerning the conduct of ceremonies by the registrar. I will wait and see that detail, but I understand it may be of that nature. I understand no more about the amendment than that, so I will reserve my position on the bill in terms of what that amendment proposes.

Subject to seeing the amendment, I wonder whether it may engage constitutional issues in terms of the

conduct of a ceremony. It may not — I do not know — but I will wait to hear the member's remarks in support of the amendment. But on the bill, which is, as I said at the outset, a fairly short bill of some five pages, I am happy to support it.

**Ms GREEN (Yan Yean)** — I am pleased to join the debate on the Relationships Amendment Bill 2015, just as I was happy to speak on the original bill that was passed in this place some seven years ago. As I have said in this Parliament previously — and indeed quite recently — I am the mother of two sons, one straight and one gay. My own family situation has informed my views on what should be the rights of GLBTI people in this state and that there should be no barriers. I would love it if Victoria was able to have the constitutional ability to amend the commonwealth Marriage Act 1961, but unfortunately we have to leave that to the whims of the federal jurisdiction. I will certainly welcome the day when that issue is freely debated in our national Parliament — and the sooner the better in my view. As I said, I was pleased to speak on the original bill that was proposed in 2008 by that great reforming Attorney-General Rob Hulls, who I was pleased to serve with. He put Victoria on the map in terms of being a jurisdiction that was committed to fairness and equality.

The amending bill before the house delivers on yet another Andrews Labor government commitment. I note that Jamie Gardiner, the vice-president of Liberty Victoria, has welcomed the delivery of this commitment in our first year. He said:

Broadening the reach of Victoria's Relationships Act, and ending unnecessary restrictions on a couple's eligibility, was a welcome election promise, and it's great to see it happening in the government's first year.

He goes on to say:

The beauty of Victoria's Relationships Act, now being enhanced, is that it respects the couple's decision to make their 'mutual commitment to a shared life' when, where and how they make it. The ceremony, the celebration, the party, if any, are the couple's choice, unlike the prescriptions of the Marriage Act.

**Mr Gardiner** further said:

I welcome Minister Foley's promise to consult through the LGBTI Taskforce on any further improvements. The one I'd like to see is better promotion of the Relationship Act, and making sure people know the registrar can collect, and use on their certificate, the date of their personal commitment, not just (as in marriage) the date the government gives them.

As a government I believe we have put equality back on the agenda. We had a period over the last four years during which this was going backwards. We had the

Equal Opportunity Act amended in a retrograde way, and sadly we saw the Liberal Party vote en bloc against a progressive piece of legislation in relation to the Adoption Amendment Bill 2015. One wonders where the small 'l' liberal credentials have gone from that previously great party — especially given it is the party that was led by Rupert Hamer. It certainly did not resemble the one now led by the Leader of the Opposition.

I am disappointed too that the opposition's lead speaker indicated that the opposition would be exercising a conscience vote on this bill, although he did indicate that he would be supporting the bill. I think that is really regrettable. I really hope there are some other members on the other side of the house who will vote for it. I remember some opposition members speaking in the debate on the Relationships Bill in 2007, and I particularly remember the then member for Murray Valley and also the member for what was then Swan Hill, now Murray Plains, who made some particularly extreme remarks about the rights of same-sex couples, particularly in relation to health care, in his opposition to the bill. I really hope that some seven years later he has reflected on those remarks and has changed his attitudes. Hopefully, if he makes a contribution on this bill, he will reflect on those and correct them, and he will be supportive of LGBTI people across this state and particularly in his own electorate.

Our government believes in building a Victorian society that stands up for human rights, confronts discrimination and respects diversity. While the federal Liberal government has refused to bring on a vote for marriage equality, the Andrews Labor government is moving through this bill to improve relationship recognition for LGBTI couples in Victoria. We are proud that the Relationships Amendment Bill 2015 does this in two ways: firstly, it requires that only one partner in a couple be a resident in Victoria in order to respect their relationship. The act previously required that both partners be Victorian residents. This created an unnecessary barrier to registration and was not in line with requirements in other jurisdictions. This amendment reflects the modern nature of relationships and will ensure that couples are not disadvantaged by their living arrangements.

Secondly, the bill also inserts a new chapter into the Relationships Act to provide for the recognition of corresponding law relationships from both interstate and a number of overseas jurisdictions that recognise same-sex marriage and/or civil unions. The amended act will mean that those couples will not be required to re-register their relationship in Victoria or provide any further evidence to establish that they were in a

domestic relationship. This additional recognition is great news for LGBTI couples who have registered or formalised their relationship overseas. Their relationship will now be automatically recognised as a registered domestic relationship for the purpose of Victorian law to make it easier for couples to access their rights under Victorian law — for example, when discussing a partner's health information with a doctor in an emergency or when seeking compensation entitlements as a dependent partner.

The bill promotes greater recognition of the rights of unmarried couples and enables more people who want the dignity of formal recognition of their loving relationship to register it or have a relationship that has been formalised in another jurisdiction recognised as a registered domestic relationship. These couples will have the security of knowing that their decision to commit to a shared life is respected here in Victoria. I look forward to the day that, just like my youngest son Carlo was able to marry the love of his life in December in the beautiful Yarra Valley, my older son Blake will be able to get married. If he meets someone that he is so committed to that he wants to marry, I will look forward to being there and celebrating that day with him. I hope that day is not too far away and that all couples in Victoria will be able to marry who they choose. In the meantime, this is the next best thing. I commend the government for fulfilling this election commitment, and I commend the bill to the house.

**Ms KEALY** (Lowan) — I rise today to speak on the Relationships Amendment Bill 2015. Coalition members have agreed to take a free vote on this bill. I think that is a good decision by the party. When it comes to these sorts of decisions we do not call them conscience votes, we call them free votes — we exercise our conscience in every action we take when we are in Parliament. I think having a party that will allow members to express themselves, their backgrounds and their views through their vote is very fair. I completely disagree with the member for Yan Yean when she says that this means we have an issue with thinking about these issues. In fact it shows that we have the ability to think for ourselves and not be dictated to by party elders or whoever is the union boss telling us what we should be doing on the day.

The purpose of the Relationships Amendment Bill 2015 is to amend the Relationships Act 2008 to allow for a couple — a heterosexual or same-sex couple — to register their domestic relationship, even if only one partner lives in Victoria. Secondly, it provides for deemed registration of certain domestic relationships registered in other local or international jurisdictions,

such as the UK or New Zealand, as if they were registered domestic relationships in Victoria.

There are two elements to this bill. If there is only one partner who resides in Victoria, that relationship can now be recognised, which I think is a good step forward. As outlined by the member for Hawthorn, there are some instances where partners live in separate states, and it is a logical step that the act is tweaked to ensure that for people to live in registered domestic or caring relationships only one partner needs to live in Victoria. This is a very sensible step forward.

Second, we look at recognising relationships formalised under corresponding laws, and this is specifically around clause 6, which inserts new chapter 2A into the Relationships Act 2008 to provide for automatic registration of a relationship registered in another jurisdiction. This will include the UK, for example, which allows for same-sex marriage.

I want to clarify for people in my electorate who have raised concerns that this bill means we will have same-sex marriage in Victoria that this builds on the existing framework, where you can register any domestic relationship whether you are a same-sex couple or not. Any same-sex marriage entered into in an international jurisdiction will not be taken in Australia to be a same-sex marriage but a registered domestic relationship. This is a very sensible approach. It is sensible from a bureaucratic and red tape perspective that, if a couple who are in a same-sex relationship go overseas to get married, they can come back to Victoria and their relationship will be recognised formally and legally.

There are of course some limitations. There are rulings that make sure that if it is not consistent with Victorian law — for example, if you are under 18 — the relationship will not be accepted, so it is entirely consistent with existing Victorian laws in terms of relationships. It is simply a matter of refining some of the technical aspects of how we transition relationships that are registered overseas into the Victorian system so they are legally recognised. It is obviously more a technical bill, and I commend the bill to the house.

**Ms THOMAS** (Macedon) — It is my pleasure to rise today and make a brief contribution on this very important bill. I might pick up where the member for Yan Yean left off and make the point that, when it comes to social reform and when it comes to governments that will take the necessary steps to recognise and respect all people in our community, you must always look to a Labor government to deliver on that. Whilst the member for Yan Yean commented that she was here under the previous Labor government and

was able to talk on the initial bill, of course I was not so lucky, but I feel very pleased and privileged to be able to rise to speak today on this important bill.

As we have heard, the bill makes some technical amendments, but we cannot for a moment underestimate the significance and symbolism of this bill. This is a bill that seeks to do what we as a state government can to recognise the loving relationships people are in and to provide for people who are in those relationships to have them recognised by the state if they want them to be. That is what this bill seeks to achieve.

The reason I talk about the symbolism is that as Parliamentary Secretary for Health I feel very privileged to be the co-chair of a committee advising the Minister for Equality on issues concerning gay, lesbian, bisexual, transgender and intersex health. If you look to the key issue of concern for the GLBTI community in Victoria, you see that it is mental health, and those mental health issues are a direct result of the heterosexist discrimination, violence and abuse that members of the GLBTI community experience here in this state. Because this bill seeks to give that recognition that I spoke of earlier to the centrality of people's intimate partner relationships and to provide the recognition of those intimate partner relationships by the state, it goes part of the way to addressing some of the reasons that give cause to that abuse and disrespect I spoke of earlier.

This is an important bill. It is part of a much larger agenda for equality that this government has. It is very much a hallmark of the Andrews Labor government that we are getting out there and making some significant social reforms. Unlike those on the other side of the house, this party is not a party that puts its head in the sand when it comes to how people live their lives and express their love. This is a party that recognises humanity in all of its diversity and seeks to do what it can to ensure equality for all Victorians. On that note, I commend the bill to the house.

**Mr HIBBINS (Prahran)** — I rise to speak on the Relationships Amendment Bill 2015. This bill makes changes to the Relationships Act 2008. It allows for relationships formalised in other jurisdictions, such as overseas same-sex marriages or relationships recognised in other states that have similar relationship registers, to be recognised in Victoria. It also removes the requirement that both partners be residents of Victoria, with only one partner having to be a resident. The Greens support these changes, and we support them because they are the changes that were proposed

by the Greens when the Relationships Bill 2007 first came before this house in 2008.

*Honourable members interjecting.*

**Mr HIBBINS** — We are on the same page with this one; you guys just took a little while to get there. That is all right.

At that time Sue Pennicuik, a member for Southern Metropolitan Region in the other place and the then Victorian Greens LGBTI spokesperson, said in her speech on the second-reading debate:

A range of problems and issues with the bill have been raised by interested groups in the community, which I will refer to in my contribution. The most obvious and easily remedied include the lack of mutual recognition of other registers. We know we have the Tasmanian scheme already in operation, we will presumably have the ACT scheme coming into operation in the near future, and we can look forward to similar schemes coming into operation in other states of Australia. It is only the second piece of legislation to come into fruition, and it has left out mutual recognition.

Regarding the requirement for residence, she raised this:

There is also an unnecessarily narrow requirement in the bill for both partners to reside in Victoria. Certainly the Law Institute of Victoria advocated in its submission that that should be completely removed ... so I will be proposing as an amendment that at least one person should reside in Victoria.

We support this bill and these changes, which we raised when this legislation was first before the Parliament.

Another issue we raised was that the Relationships Act does not provide for a ceremony, and we moved amendments accordingly, which unfortunately were only supported by the Greens, so I will also be moving an amendment in that regard.

**Greens amendment circulated by Mr HIBBINS (Prahran) under standing orders.**

**Mr HIBBINS** — This amendment adds a new line that says:

The Registrar may conduct a ceremony in connection with the registration of a registrable ... relationship under this section.

Essentially what this provides for is that it allows for a ceremony to be held in conjunction with the registering of a relationship. It would be an optional ceremony. At the time the government said there was no need to include the ceremony in the act as there was nothing stopping a person holding their own ceremony and that this was up to the individual, but this would essentially allow for the ceremony and the registration to be

combined, rather than having them as separate events. It is a modest change; it is a reasonable change. I think it would be a welcome goodwill gesture to the LGBTI community.

It is reasonable given that the Victorian Registry of Births, Deaths and Marriages conducts ceremonies at the Victorian Marriage Registry on Spring Street. I know this because I had my own wedding there. It was a terrific venue, and would it not be fantastic if, in lieu of achieving marriage equality, same-sex couples were able to hold their own ceremonies when registering their relationships at the Victorian Marriage Registry. I note that Tasmania and the ACT allow for ceremonies in their schemes, and I ask the Parliament to support this amendment.

The Relationships Act 2008 was established to provide same-sex couples who are denied the right to marry, and couples who choose not to marry, with an avenue to have their relationship legally recognised in the state of Victoria. Given that marriage equality has not been achieved yet, it is absolutely critical that we have a way for same-sex relationships to be registered. But overwhelmingly the aim must be that the federal government legislate to allow for marriage equality.

The Greens have long held a position in support of marriage equality, that all people, all relationships — lesbian, gay, bisexual, transgender, intersex — must be equal under the law. I have also put forward a notice of motion this morning which should be on the notice paper tomorrow, that would have this house support marriage equality, call on the Parliament of the Commonwealth of Australia to amend the Marriage Act 1961 to provide for marriage equality and call on the federal government to abandon the proposed plebiscite on marriage equality.

It is important that the Victorian Parliament debate and pass this motion, because it is important to the state of Victoria that if we are in the business of recognising relationships, which we are, if we are in the business of facilitating marriage, as we are, then this Parliament should be putting in the strongest possible terms to the federal Parliament that it should legislate for marriage equality.

There has been a bit of debate recently about whether we should have a plebiscite to do this, which is really a bit of a cop-out by the federal government, which is not prepared to give its members a free vote or even to do the right thing and compel its members to vote in favour of marriage equality. This is really a hangover from the era of Tony Abbott's prime ministership. I encourage the federal government to abandon this idea

of a plebiscite and certainly abandon any references to a referendum on this issue, which would set the bar even higher.

The main reason for this is that many in the LGBTI community have shared their concerns that the plebiscite would be incredibly damaging to the LGBTI community. We know, as mentioned in previous contributions, how damaging discrimination can be to the mental health of LGBTI people. A number of submissions to the Senate inquiry on the plebiscite indicated that this would be the case. I will read out one of them:

In particular, the —

Rainbow Families —

Council is extremely concerned about the impact of such a public debate on our children and young LGBTIQ people living in our communities.

No matter what explanation is provided about the need for a 'people's vote' by way of a plebiscite or a referendum, no matter what assurances or agreements are made to ask that the debate be respectful or must stick to the topic of marriage equality between two adults, we strongly believe our children and our families will always be dragged into the fray. Indeed there is evidence of this already occurring.

The Senate inquiry recommended that marriage equality be achieved via legislation.

The federal Labor position is constantly changing. The most recent policy is that Labor MPs will have a binding vote on marriage equality in 2019, which was a big win for Bill Shorten and the right in that debate, but not so much for the men and women of Australia who just want to be able to marry their partner, although it is a good change from the Howard-era Marriage Legislation Amendment Bill 2004 that enshrined 'the union of a man and a woman to the exclusion of all others', which was supported by the government and the opposition and opposed by the Greens.

The Greens support this bill to improve the Relationships Act 2008. We would like to see it improved further with the option to incorporate a ceremony in the registration. But overwhelmingly we need to achieve marriage equality in Australia. It should be for the Parliament to decide. The Greens have been leading the way in parliaments across Australia, and we will continue to do so.

**Mr DIMOPOULOS** (Oakleigh) — I am pleased to rise today to support the Relationships Amendment Bill 2015. I will never get tired of uttering the phrase, 'This is another key Labor election commitment that we are

delivering on'. As the Attorney-General stated in his second-reading speech:

This government aims to create a fairer Victoria by reducing discrimination and respecting diversity.

As I have said previously, and as others have said, laws have an influence on behaviour and on community expectations and standards. While in some senses we are behind community expectations and standards, the laws that have changed over the last decade or so, federal and state, have had an impact on community perceptions — in other words, people are more accepting of the humanity of every Australian.

I am proud that this bill does two key things. One is that it allows more equality and more opportunity for couples, particularly same-sex couples, so even if one is not domiciled or resident in Victoria, for whatever reason, it only takes one Victorian resident to make the application for registration. That brings Victoria into line with the rest of the states. You could see how that would be an issue. For example, as others have said, same-sex couples are not entitled to be married under Australian law. If they were, there would be an immediate recognition of that relationship regardless of where they live. This addresses that inequity in the current regime and therefore follows through on the government's commitment.

As I have said many times — and I am proud that people on this side of the chamber and some on the other side have said — equality for same-sex couples is important. Equality for everybody is important, but I am particularly proud of the commitment of the Premier, the Minister for Equality and the Attorney-General in this regard. We should not have a class system in Victoria or Australia, whether it be socio-economic or one based on sexual preference. Every relationship is different, and every relationship should be respected and given the same recognition and treatment under law.

I want to address a couple of the comments made by the member for Prahran. I do not doubt at all his commitment or his party's commitment to same-sex equality and equality generally. However, without being trivial about this, an amendment that talks about a ceremony is not significant in my view in relation to registration of a relationship. The far more significant issue is getting a federal outcome that allows marriage equality. The achievement of a ceremony is not excluded under this bill. It is not something that requires legislative approval. The bill in its current form, without amendment, delivers on the very election commitment made by this government to the community — both the LGBTI community and the

broader Victorian community. I would not want to tamper with something that we have clearly committed to, and this bill delivers on those commitments.

I am reminded of the other work that has yet to be undertaken. The Minister for Equality has asked the LGBTI task force and justice working group to examine a proposal for further reform of the Victorian Relationships Act 2008. This will give us a sense of what else is required. I think these things are required to be undertaken in a very thoughtful way and a way that engages with the community. I am not sure what engagement the member for Prahran or his party had with the LGBTI or the broader community in Victoria to propose the amendment he has today, but I have not been aware of any of that conversation or engagement. This topic is far too serious to put up an on-the-spot amendment without significant prior consultation. I am pleased that we have done that work and consultation and that therefore this bill comes before this chamber and this Parliament today.

I also want to touch quickly on the government's record and the Labor Party's record. I have some notes here that remind me that in 2001, when Steve Bracks was Premier of Victoria, almost 60 statutes were amended to ensure that recognition of de facto relationships was also given to same-sex couples. Sixty statutes — I mean, that is significant. Victorian laws now recognise domestic relationships regardless of the sex of the partner in the relationship. As if you needed reminding, it was not just the Bracks government that was reformist; it was also the Brumby government. In 2008 the Brumby Labor government passed the Relationships Act with the innovator and pioneer who was the then Attorney-General, Rob Hulls. I do not want to be political about this, but there is a track record there that in my view speaks volumes. Unfortunately for the member who spoke before me, I do not think he can claim any sense of that kind of history and those runs on the board, because his party has never been in a position to exercise executive government.

In my view the party that has introduced progressive laws and changes in support of the LGBTI community is the Labor Party. It is not a think tank — the member for Brighton laughs. I meant that the Greens are in a sense a think tank. In some respects their views, like those on LGBTI matters, I agree with, but, really, if you are not in government, you cannot do anything. The fact is we are in government and we have been for some time in Victoria, apart from the last four years, and the 60 statutes that I talked about were changed under a Labor government.

**Ms Thomas** — Aberration — a four-year aberration!

**Mr DIMOPOULOS** — That's right. I think in the end the track record is clear. I am really proud to be standing here in support of a bill that fulfils yet another election commitment for something that is far more than symbolic, though the symbolism alone would be pretty powerful in terms of recognition of same-sex couples.

I echo the member for Prahran and others in this chamber who agree that there needs to be a far more decent and national approach to this, and one that is not subject to a plebiscite, because that is quite demeaning. It is not anyone's business to decide my relationship or other people's relationships. Putting it out to a public vote reminds me of some kind of ancient Roman trial system where the masses would decide the interests of minority groups. That is an absolutely disgusting approach to public policy, and I think human rights and decency would compel us to think that elected representatives in the federal Parliament should be of a mind. They have the power now to make those changes to allow gay couples to marry under the civil government of this country, not under any religious governance. I commend the bill to the house.

**Ms ASHER** (Brighton) — I wish to say a few brief words on the Relationships Amendment Bill 2015 and to indicate that I am very proud to be a member of the Liberal Party and indeed part of the coalition, where both of our parties have decided we will have a free vote on this issue. I am happy to indicate at the outset that I voted for the Relationships Bill in 2008, and of course I will vote for this bill because that represents a consistent position both on my beliefs for equality and equity and also obviously on the actual mechanism of the proposed law itself.

If I could just touch on the Relationships Bill, which I did not get a chance to speak on in 2008, and many members have referred to it, that bill allowed the establishment of a relationships register for the benefit, primarily, of same-sex couples. That represented, to my mind, a modernisation of attitude towards same-sex couples. Whilst there are a series of very significant practical reasons why these relationships should have been recognised, such as property rights, medical treatment and the like, there is an underlying philosophical basis to that bill anyway, which is why I supported it, which is support for equality of all people within our community. I was very pleased to vote for that. I recall in fact that whilst the current member for Hawthorn gave a very good run-down on this particular bill before the house, the previous member for

Hawthorn also gave a very good speech, as I recall, on this particular issue.

The bill before the house, as other members have indicated, brings forward two additional reforms. The first one is in clause 5, and that will allow for one person who lives in Victoria to apply to register. Currently both people have to live in the state of Victoria. As I said earlier, this can apply to heterosexual relationships, but clearly the thrust of the reform in 2008 was for same-sex relationships. Whilst it may apply to heterosexual relations, everyone in this chamber understands the nature of this particular reform. I think that is a very small but sensible move forward.

Other members have referred to the reform at clause 6, which will allow for an automatic registration for a relationship that has been verified in another jurisdiction. I think the bill before the house is straightforward, and I am very pleased to support it. A number of other speakers have taken the opportunity to put this bill in context, and I too would like to refer to the context of this bill because this represents a gradual progress of approaches to this issue. I know the member for Oakleigh touched on the Bracks and Brumby governments' reforms in this area, and in so doing he has invited me to go back further into history and to look at how this social reform — 'this social reform' meaning recognition of equality and dignity for people who are gay — has taken a very, very long time to evolve.

I was pleased to be a member of the Scrutiny of Acts and Regulations Committee in my first term in this Parliament from 1992 to 1996, and that committee recommended an amendment to the Equal Opportunity Act 1995 to introduce sexuality as a ground of discrimination. Again the Kennett government brought in reforms to the Equal Opportunity Act which gave protection to people who were gay, and I thought that was a very important reform by that government, and I was very proud to have been one of the younger members of the government that recommended that through the Scrutiny of Acts and Regulations Committee.

If I can go back even further, I think it is very important that the younger members of this chamber appreciate the roles that both parties have played in social reform over decades. Of course when I was in the Young Liberals, which was a very long time ago, in the 1970s, we also encouraged the then Attorney-General, Haddon Storey, to remove the criminalisation of homosexuality, as it was then called, from the statute book. I was very pleased that Dick Hamer — Sir Rupert Hamer — was

then Premier; and he took on that particular reform. I would imagine for people in this generation that they could not possibly believe that this would constitute a criminal offence, but in those days it did. It was my party that instigated that reform. It was consistent with the Liberal belief obviously that people should be treated with respect and there should be equality, and that there was no basis for putting people in jail on the basis of their sexuality.

Whilst I appreciate and completely acknowledge that the Relationships Bill 2007 and previous amending legislation — I cannot quite recall the name of it — which amended a number of acts particularly in relation to property rights and a range of other things were instigated by the Bracks and Brumby Labor governments, there have been other instances where the reforms have been instigated by the Liberal Party. I see this as a continuum of reform, but also a continuum of reform that suits the era in which we live.

I cannot imagine a bill like this coming before the Parliament in 1992, nor could I imagine a decriminalisation bill coming before the Parliament in the 1960s and getting through. These things are often subject to community opinion and the effluxion of time; but I think it is an important bill. It is a continuation of treating people with dignity. It is a significant reform and, as I voted on the Relationships Bill, I will be delighted to support the bill before the house.

**Ms SPENCE** (Yuroke) — I am pleased to make a brief contribution to the Relationships Amendment Bill 2015, which is another step in Labor's commitment to equality, particularly for our LGBTI community. As we have heard today already, the bill does two things. Firstly, the bill provides that in order to register a domestic or caring relationship in Victoria, only one partner in the relationship needs to live in Victoria. Secondly, the bill provides for recognition of certain relationships formalised under Australian and international laws as if they were registered domestic relationships in Victoria. This will make it easier for couples to access their rights under Victorian law — for example, when discussing a partner's health information with a doctor in an emergency or when seeking compensation entitlements as a dependent partner.

These changes are really important, as they both rectify shortcomings in the current relationships registration regime and extend the regime to others where it is just and sensible to do so. To appreciate the importance of this extension it is also helpful to review the history of the Relationships Act 2008 and the associated efforts to recognise in particular same-sex relationships, because

this demonstrates the intent of the regime and the rights and protections that it provides.

We have heard a lot today from other members about this history, and I thank the member for Brighton for taking that history back a little bit further than my research did. A lot of this history does stem from the 1998 report by the Victorian Equal Opportunity Commission titled *Same Sex Relationships and the Law*. That report found that people in same-sex relationships often experienced differential treatment in social, legal and economic circumstances. It also found that the non-recognition of same-sex relationships was a significant cause of indirect discrimination in terms of property rights, rights upon the death of a partner and access to employment benefits. The report recommended ending discrimination against same-sex couples, but that required a general scheme to recognise all couples irrespective of gender, which was to be achieved through legislative definition reforms and a registration scheme which would provide proof of the existence of the couple's relationship for the purposes of Victorian law.

Labor's election commitment in 1999 was to implement the recommendations of that report, and in 2001 the Bracks Labor government delivered on the general recognition scheme with the amendment, as we have heard, of almost 60 statutes to recognise the rights and obligations of partners in domestic relationships irrespective of the gender of the partners in that relationship. The second component in ending this discrimination came about in 2008 with the Brumby Labor government passing the Relationships Act.

As we have heard from other members today, that act established the relationships register for domestic partners who are in a committed relationship. It provided these couples with easier access to existing entitlements without having to provide evidence that they were in a committed partnership or to prove this in court. It also dealt with financial and property matters in the event of a relationship breakdown. This approach in the 2008 act was based on the Tasmanian regime, which was adopted in 2003 and was the first relationships recognition scheme in Australia.

I was living in Tasmania at the time, and this was a very significant event. It followed the decriminalisation of homosexuality in that state, which was a long, hard fight that many had participated in over a very long time. It was extremely significant when this legislation came before the Tasmanian Parliament.

In noting that, I want to share the words of the then Attorney-General of Tasmania, Judy Jackson, when she

introduced the Tasmanian Relationships Bill 2003 in June 2003. She said:

Far from being the demise of the family and the end of the world as we know it, what we are seeing is a change in the make-up of the family. The family remains the cornerstone of our society, just as it always has, but today it looks different from the way it did in the 1950s. As a society we are a lot more accepting of the diversity of these relationships. We have come a long way since divorce or a child born outside marriage brought shame and dishonour to families, and I for one am glad of that change.

We have reached a point in our history where, as a government and as a community, we have a choice to make. We can either hide behind the white picket fence and hang on to a 1950s picture of the world, or we can open the gate and take a look up the street to see what is really going on. In this context, government has a responsibility to recognise the relationship choices that are being made, and to support people to cope with the changes in their lives. One way to do this is by changing the law to accord these relationships with the full legal recognition they deserve.

The Tasmanian response provided this legal recognition, and the Victorian response did likewise. What we have seen over the past 15 years or so is an ongoing effort to remove discrimination on the basis of sexuality to recognise relationships regardless of the gender of the partners of that relationship. This bill extends the protections, obligations and recognition afforded in statute law reform and in the Relationships Act 2008. It also affirms Labor's commitment to providing a safe and fair Victorian society which recognises and respects the LGBTI community and which stands up for human rights, confronts discrimination and respects diversity. It is also important that we continue to address inequality and discrimination and that we recognise same-sex relationships and those who are partners in them as the same as any other loving relationship between two adults. This bill extends that recognition, and for that I am proud, but I also accept that, despite this, there is still an obvious inequity for same-sex relationships that will remain until same-sex marriage is legalised, and this is long overdue.

The world did not end in 2003 with the introduction of the Tasmanian relationships register. It did not end in 2008 with the introduction of the Victorian relationships register. It has not ended following the extension of marriage rights to same-sex couples in the many jurisdictions worldwide where same-sex couples can and do now marry, and the world will not end when equality and common sense finally prevail in Australia and the right to marry is extended to same-sex couples. I look forward to that day, and I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution on the Relationships Amendment Bill 2015. The bill will amend the Relationships Act 2008 to allow a couple, heterosexual or same sex, to register their domestic relationship even if only one partner lives in Victoria and to provide for deemed registration of certain domestic relationships registered in other local or international jurisdictions — for example, the United Kingdom or New Zealand — as though they were registered domestic relationships in Victoria.

The key to this bill is contained in two clauses. Clause 5 amends the Relationships Act 2008 to allow two persons to register their domestic relationship if one of them lives in Victoria. Currently, unlike in the majority of other states, both parties must reside in Victoria. At Clause 6 the bill inserts new chapter 2A into the Relationships Act 2008 to provide automatic registration of a relationship that is registered in another jurisdiction — this would include, for example, a country that does allow same-sex marriage. Having said that, we must note that a marriage which may have been entered into in an international jurisdiction will not be recognised here as a same-sex marriage; rather it will be taken here as a registered domestic relationship under the Relationships Act. That is very much where we have been since 2008, and we are advised that automatic registration of relationships registered in another jurisdiction is intended to avoid the need for separate applications for registration of those relationships here.

This very much follows on from the legislation that was before the house and was passed in 2008, and I see this as a bill which is really just a technical tweaking of that legislation from 2008. It is something that was needed to be done and will be done. I commend the bill to the house.

**Mr PEARSON (Essendon)** — I am delighted to make a very brief contribution in relation to the Relationships Amendment Bill 2015. As has been noted by other speakers, the bill implements the government's pre-election commitment to amend aspects of the Relationships Act 2008. The bill provides that in order to register a domestic caring relationship in Victoria, only one partner in the relationship needs to live in Victoria. The bill also provides for recognition of certain relationships formalised under Australian and international laws as if they were registered domestic relationships in Victoria.

It is really important that legislation reflects the common circumstances we find ourselves in. We live in a pluralistic and progressive society. We also participate in a global economy, and the reality is that

bills like this are incredibly important. In preparing for the debate I looked at a study that was produced in November last year by the Williams Institute of UCLA titled *The Relationship between LGBT Inclusion and Economic Development — An Analysis of Emerging Economies*. There were a number of authors involved with the study. What the study looked at were economic development and the benefits of having a more tolerant and pluralistic society. The study looked at 39 countries, 29 of which were emerging economies, so they had high levels of economic growth, and 10 of which were particular countries of interest that were actively engaged in LGBTI social movements.

One of the theories the study sought to test looked at, for example, human capital theory. It said that inclusion allows LGBTI people to achieve their economic potential when they can get education and training that improves their productivity and when they are treated equally in the labour market. The capabilities approach suggests that greater rights and freedoms improve individual wellbeing by expanding the capabilities of individuals to be and do what they value.

The findings are quite interesting, because the study found that there is a positive correlation between per capita gross domestic product and legal rights for LGBTI people right across the countries, and it was done using the Global Index on Legal Recognition of Homosexual Orientation (GILRHO) and a transgender rights index respectively. The study's findings include that:

The simplest correlation shows that one additional right in the GILRHO (out of eight rights included) is associated with \$1400 more in per capita GDP and with a higher HDI value. In other words, countries with more rights for LGBT people have higher per capita income and higher levels of wellbeing. The positive correlation between LGBT rights and the HDI suggests that the benefits of rights extend beyond purely economic outcomes to wellbeing measured as educational attainment and life expectancy.

Most of us who will be voting for this legislation will do so because we come at this from the point of view that bills like this are fundamental to individual human rights. It is about making sure that people have the freedom and the capacity to live in a pluralistic, tolerant and respectful society and community so that they can achieve their full potential. But we also need to think about the broader economic impacts that we can make as legislators in this place by fostering and encouraging legislation that enables a more tolerant and pluralistic society. This bill will provide greater levels of freedom for people who are in a relationship where one of them may not be domiciled in Victoria. This is a function of a global economy.

We are a modern, pluralistic nation in a global economy, so bills like this are really important because they enable us to be seen as a safe harbour, as a place of tolerance and freedom where individuals can achieve their potential by having a tolerant society. This is the very best of legislation that can come before this house. I am pleased that those opposite will be allowed a free vote on this matter, but I think it is a wonderful piece of legislation, and I commend the bill to the house.

**Ms WARD (Eltham)** — I stand very happily and proudly in support of the Relationships Amendment Bill 2015 as another step in creating equality in this state. Not only are we delivering on yet another election commitment but we are also delivering legislation that is based on our core values of equality and fairness. Achieving equality is important to me. As a committed feminist I will not only fight for the equal rights of women but of all members of our society. As many people on this side of the house have said, equality is not negotiable.

One of the many reasons I belong to and represent the ALP is because of its commitment to those core values of equality and fairness. The ALP has a strong history of supporting equality over many decades. We saw it with the sand that that great man Gough Whitlam poured over the outstretched hand of Vincent Lingiari. We saw it with the establishment of the Office of the Status of Women and the passing of the federal Sex Discrimination Act 1984, the Racial Discrimination Act 1975, the Victorian Equal Opportunity Act 2010 — and the list goes on.

We have seen it with our Labor Premier's support for marriage equality and with our support for same-sex couples to adopt children. We have seen it with the history of this bill. We have seen it with Victoria's royal commission into family violence. Labor is a socially progressive party, the members of which understand that you do not have a fair society until you have an equal society. Again I say it: equality is not negotiable, and fairness is at the core of my party's values. Fairness is at the heart of the Labor Party.

This legislation provides that only one person in a domestic relationship needs to have a connection with Victoria to register their relationship. It treats couples recognised under equivalent laws in other states, territories and overseas, including overseas same-sex marriages, as if their relationships were registered domestic relationships in Victoria. This is at the core of the conversation around fairness and equality. People's relationships should be recognised regardless of with whom they are having their relationship. You cannot and you should not — and under this government you

will not — be judged on who you love. That will not be the decider.

We have a state government which is committed to fairness and equality, and its members are not prepared to sit back and watch the federal government go around in circles as it tries to appease its Lyons Forum or Lyons Forum-like members while also balancing its commitment to individuals and their rights.

I agree with the member for Oakleigh and the member for Prahran. While on the face of it it seems quite fair to have a plebiscite around marriage equality — ‘Let’s all see what everyone’s point of view is’ — it is actually not. It is something that a government should be mature enough to decide on its own. Government members should have the emotional maturity and sense to decide on the matter and not to slug it out in ballot boxes across the country as people argue over the merits of it. I think we are pretty united across this country in terms of recognising equality and the need for marriage equality, and I hope the federal government catches up with this; I really do. I do not understand those who feel they need to put a qualification on love. That some love is more worthy than other love based on who you love just does not make sense to me.

I am surprised at a couple of the pot shots that have been taken by people in this house, including the member for Lowan. I hate to burst her bubble, but my support for this bill has nothing to do with my membership of the Community and Public Sector Union. My membership of the union demonstrates my commitment to representing the needs of workers and my commitment to fairness. However, I do acknowledge that the Australian Council of Trade Unions is supportive of marriage equality, and I congratulate it on not putting qualifiers on its definition of equality. I note that many of those with whom the member for Lowan votes do not support marriage equality.

I am also surprised that the Greens party is taking pot shots over this bill in an attempt to portray it as something that it is not. It is not correct to say that the Victorian Relationships Act 2008 precludes couples from holding a public ceremony or celebration to coincide with their decision to register their relationship. It is just nonsense and possibly another social media attempt by the Greens party to trivialise an issue — to take a photo and whack ‘We did it’ over the top.

Mr Jamie Gardiner, a vice-president of Liberty Victoria, a human rights and equality advocate, wrote:

The beauty of Victoria’s Relationships Act, now being enhanced, is that it respects the couple’s decision to make their ‘mutual commitment to a shared life’, when, where and how they make it. The ceremony, the celebration, the party, if any, are the couple’s choice, unlike the prescriptions of the Marriage Act.

I welcome Minister Foley’s promise to consult through the LGBTI task force on any further improvements. The one I’d like to see is better promotion of the Relationships Act, and making sure people know the registrar can collect, and use on their certificate, the date of their personal commitment, not just (as in marriage) the date the government gives them.

I think this is a very important recognition of the fact that we do have a government that is committed to consultation, that does want to be inclusive, that does want to take on the opinions, views and needs of the broader community of people — across the whole community — that is not interested in trying to play games and one-upmanship and that wants to strive to get things done and to create a better community. I commend the bill to the house.

**Ms COUZENS** (Geelong) — I rise in support of the Relationships Amendment Bill 2015. I am pleased to contribute to the debate on this bill because we have put equity back on the agenda in Victoria, particularly for our LGBTI Victorians. I congratulate the Minister for Equality on the bill. The government has made a strong commitment to put equity back on the agenda in Victoria, particularly for our LGBTI Victorians. This government aims to create a fairer Victoria by reducing discrimination and respecting diversity. The Relationships Amendment Bill 2015 is just one part of the government’s broader equity agenda.

The bill implements the government’s pre-election commitment to amend two aspects of the Relationships Act 2008. Firstly, the bill provides that in order to register a domestic or caring relationship in Victoria only one partner in the relationship needs to live in Victoria. Secondly, the bill provides for recognition of certain relationships formalised under Australian and international laws as if they were registered domestic relationships in Victoria.

I know there is a great deal of support for this bill in my community. It is another step leading towards equity for all our LGBTI Victorians, including those in Geelong. In my electorate we have the Gasp project, a group of people who provide a safe and inclusive space and provide support and information to LGBTI people. Gasp launched an action team. This is an opportunity for young LGBTI people and their allies to make a positive difference in their community by creating social change towards a homophobia-free society that celebrates and embraces differences. It is also a brilliant

opportunity for young people to gain new skills in community-based action and development, as well as connecting with other young people and becoming great leaders in our Geelong community.

Having worked with young people for many years, I have seen the impact of this sort of inequity. We know it does happen, and it can have a devastating effect. There are reports that 75 per cent of same-sex-attracted people in Australia experience some form of homophobic abuse, and this should not be tolerated. We also know of the significant health issues. The National LGBTI Health Alliance is part of a national coalition of experts who have come together with the aim of halving suicides in Australia by 2023. It reports:

Young LGBTI people, particularly around the time of coming out, are particularly vulnerable to suicidal thoughts ... Research suggests that suicide rates are six times those of their heterosexual peers.

...

Unless services signal overtly that they are LGBTI friendly, people are often reluctant to access services. Young LGBTI people in particular are unlikely to access face-to-face services but may be comfortable in an online environment.

The Victorian government supports marriage equity and will continue to advocate for change to commonwealth laws to allow this. The Minister for Equality has asked the LGBTI Taskforce and justice working group to examine proposals for further reform of the Victorian Relationships Act in order to strengthen the rights of same-sex couples in this term of government. In the meantime through this bill the government recognises that all Victorians, regardless of their sex, sexual orientation or gender identity, are entitled to having their committed relationships recognised before the law. I commend this bill to the house.

**Mr EDBROOKE** (Frankston) — I am just wondering if anyone has asked members of the opposition whether we are having lunch today, because it seems that they have all gone to lunch. It seems appropriate since we are talking about equality. Their record there is not anything to be jealous of. We have long espoused that equality is not negotiable. We have heard from the member for Eltham that love is love, and I would question how some love is worth more than other love.

I rise to speak on the Relationships Amendment Bill 2015, and in doing so I would like to congratulate the Minister for Equality on the hard work that has been done and also the relationships that have been formed throughout the drafting of this bill. We have just heard

about the terrible circumstances that can occur for LGBTIQ people and that the suicide rates of same-sex-attracted teens can be up to six times those of heterosexual teenagers, which is a shocking figure.

This legislation enables the Victorian government to ensure that more couples have their relationships formally recognised under Victorian law. Relationships that are formalised under the equivalent interstate and international laws, including same-sex marriages, will be automatically recognised as registered domestic relationships without those parties being required to re-register their relationship in Victoria. Importantly these changes will also mean that only one partner in a domestic relationship will be required to live in Victoria in order for the relationship to stay registered. Previously both partners were required to live or reside in the state of Victoria.

This bill enables couples to have their relationship formally recognised under the law. As I have previously said in this house, if you want to live in the 1950s, feel free to, but do not drag me and my community back with you. This bill reflects very accurately the wants and wishes of my community. Bills like this are fundamental human rights, and we need them to create a more tolerant and equitable community. The heart of it comes down to the fact that we are delivering equality to Victoria through various bills — the adoption bill and this bill. As the member for Eltham once again very wisely put it in her contribution, Labor strives for a fair society, but you do not have a fair society unless people are equal. I was brought up not to judge people, and I am sure many other people in this chamber were brought up not to judge people, but you soon learn that even though the community espouses that ethos our judicial system does not, and it needs to change with the times. That is part of this. We are actually judging people unfairly, and we need to change that. That is what we are doing here today, and I commend the bill to the house.

**Debate adjourned on motion of Ms HALFPENNY (Thomastown).**

**Debate adjourned until later this day.**

## **LOCAL GOVERNMENT AMENDMENT (FAIR GO RATES) BILL 2015**

*Second reading*

**Debate resumed from 21 October; motion of  
Ms HUTCHINS (Minister for Local Government).**

**Mr MORRIS** (Mornington) — I am pleased to open the contributions on behalf of the opposition on the Local Government Amendment (Fair Go Rates) Bill 2015. Unfortunately I am a little bit disappointed, partly on a matter of substance and partly not so much. The ‘not so much’ is that we seem to have moved to a point where we now have sloganeering in the short titles of our bills. That is a disease this Parliament had actually been free of, apart from I think the very first bill that this government introduced, but it appears that it has now taken root, and that is unfortunate. The matter of substance is in the content of the bill that is before the house, because it does not deliver in any way the promise that was made by the government in opposition.

**Mr Foley** — Vote against it.

**Mr MORRIS** — It does not go anywhere near meeting the commitment. Just taking up the interjection of the minister at the table, it is not up to the opposition to endeavour to implement government policy. It is a matter of the government keeping its word to the community that voted for it. Unfortunately again in this case we have another broken Labor promise, because if you go back to 5 May last year, you see that we had the media release entitled ‘Andrews announces fair go for ratepayers’, which states:

Victorian Labor will force councils to cap their rates at Consumer Price Index (CPI) and justify any further increases.

The release then goes on to talk about the involvement of the Essential Services Commission, and that has certainly occurred in the intervening period. It also talks about councils being accountable for how they spend ratepayers money. Hopefully they already were accountable to their electors, but I do not for a minute suggest that there has not been an issue there; I think we are all aware of that. The media release then talks about where rate increases may need to be over and above CPI — things like natural disasters or extended services — and makes a reference again to the Essential Services Commission. The central headline and the central point was made by the then opposition leader and less enthusiastically, it has to be said, by the then local government spokesperson, the member for Richmond, now the Minister for Planning. I am certainly glad on his behalf that he is not the Minister for Local Government because his heart was never in it in terms of prosecuting the case. Despite that, the CPI promise was made and in this bill it is not delivered.

It is interesting to look at what has happened in the intervening 16 or 17 months since that release came out. I think most people — I certainly did — expected that were the Labor Party to be elected to government,

it would implement its promise. It is rather surprising, given the fact that the legislative capacity already exists in section 185 of the act to cap rate increases, that that cap did not occur, because if you look at the CPI for the June quarter 2014 to June quarter 2015 — the relevant period for the rate increases that people have been getting their notices for in recent months — you see we have a CPI increase of 1.1 per cent. Yet when you look at the rate increases that were actually delivered by councils, you see that the champion on the league table was the Murrindindi shire with a rate increase of 8.19 per cent. The runner-up was Wangaratta with 6.99 per cent, followed by Whitehorse with 6.84 per cent et cetera.

I must say I was quite pleased, in relative terms, to see the Mornington Peninsula shire only come up with a 4.06 per cent rate increase, but it is still a very long way from the CPI limit that was promised by the government prior to the election. From 1.1 per cent to 4.06 per cent is a very long way indeed. As I said, it is unfortunate, given the fact that section 185 of the act already exists and the minister had the power without requiring the intervention of Parliament, or even the advice from the Essential Services Commission, and that promise could have been implemented immediately. This is quite simply another broken Labor promise, and that is unfortunate because what we got in this bill is a very different proposition to what was promised.

This bill will not limit rate increases to CPI under any circumstances. I do not think anyone in the house will argue, and in my case having served 7 years on a local council, 3 years as the shadow parliamentary secretary for local government and 4 years as Parliamentary Secretary for Local Government, I am not going to come in here and argue that rate increases have been reasonable over the last 10 or 15 years. They have not. I am quite happy to say that on the basis of my own record, which is now back in the dark ages, admittedly, of pre-amalgamation. We set out to achieve a zero rate increase the year I was shire president — a position that is now referred to as mayor, for those who do not recall that title — and in fact we delivered it. We had an increase in revenue given supplementary valuations, but we in fact delivered a zero rate increase. That was with a council that was prepared to be rigorous and was prepared to take on the concerns of its community. It was not off the back of massive rate increases over a series of years. They had, I think, been a little bit above CPI, but in those days it was largely to accommodate the appropriately increased emphasis on human services delivery that developed under the Cain government.

But unfortunately we saw and had seen throughout the period in office of the Bracks and Brumby governments — ironically, rate capping was phased out in the first year of that government — an acceleration of rate increases. It just kept growing; it got bigger and bigger. Going from memory, and I have not looked at the statistics for some time, by the time we got to the 2010–11 financial year there was something like a 50 per cent increase over the decade in real terms, which is significant and was certainly not matched by improved services over that period. So, yes, we certainly need to do something about the accelerating rates growth. The coalition during its term of government sought to do that, and the record shows clearly that the coalition government slowed the growth. But we did not slow it, it has to be said, to a point that I was happy with or that the two ministers I worked with were happy with.

One of the things we worked on, and I worked on extensively, was the introduction of the performance reporting framework, which of course has kicked in in full in this financial year. I think we will see a big improvement, because as soon as you get to a point where the cost of providing services is able to be easily compared from council area to council area, it gives the ratepayers, and indeed — if you talk to councillors across the state — it gives the councillors the ammunition to query the officers in terms of the cost at which the services are being provided. So I think that will be a force for good.

In contrast, the introduction of the rate cap is a blunt instrument, but it was an election commitment, and had the bill in fact delivered on the election commitment then we would have had the opportunity to test the policy. I think it is also worth observing that not only are councils going to be tested in terms of the revenue that they are able to raise in their own right — and I am sure any state government would be delighted to have the own-source revenue that councils actually have, and I am sure sometimes councils forget that — but unfortunately they are being hit by the state as well.

I am referring to budget paper 3 of the Victorian budget 2015–16, page 406, table B.1, ‘Grants and transfers to local government’. That shows total grants in the year 2014–15. The revised figure was expected to be \$912.336 million, and in fact the budget for this year is only \$873.863 million, so it is a cut of \$38.47 million in the current financial year. So not only are councils going to be constrained in their opportunity to raise revenue — and as I have made clear, Deputy Speaker, I do not disagree with that in principle — they are going to be constrained in the resources they get from the state as well.

Compounding that issue, of course, is the fact that those figures conceal the impact of additional funding which has been made available for the interface councils. As a representative of an area that lies within an interface council I am certainly not going to be critical at all of the allocation of those funds — I think it is a good thing that is being done in that area — but that amounts I think in this year to something like \$50 million that also has not gone to other councils around the state, whether they be inner city councils or whether they be regional and rural councils. Of course the stand out cut in that area, particularly in terms of the smaller councils, is the impact of the country roads and bridges program cut. That has certainly put a big stress on those councils. Should they be allowed to pass that impact on to their communities? Their communities are probably doing it as hard as or harder than the councils are, and the cut from the state government certainly does not help.

No doubt government members will at some stage during this debate attempt to claim that funding from the commonwealth has been cut for councils too, so I will just make it clear in a pre-emptive way that in fact funding from the commonwealth to councils has not been cut. It is not accelerating in the way it was, but it is being increased each year to allow for an increase in population. I think, from memory, the growth in that fund, the financial assistance grants fund, is \$8 million in this financial year. So let us not have any nonsense in this debate about the commonwealth’s cutting funding to local government, because quite simply it has not.

In terms of the bill before the house, the bill defines the average rate cap as the percentage amount equal to the change in the Melbourne CPI as forecast by the Department of Treasury and Finance (DTF) plus or minus any adjustments specified by the minister. I would prefer to rely on the Australian Bureau of Statistics (ABS). I am not being at all critical of DTF, but its forecasts, given the methodology used, do tend to vary a little bit from those of the ABS. I would prefer to rely on the ABS figures, but there it is. I think the critical point there is the plus or minus adjustment which should be specified by the minister.

I particularly note the comment in the second-reading speech about the capacity to provide flexibility for wage pressures. It would have been far more appropriate to give the councils the tools to do something about the wage pressures rather than simply saying, ‘Well we’ll accept the wage pressures and we’ll build those into the cap’. Clearly — and I will return to this — the history of the enterprise bargaining agreements (EBAs) over the last few years is way in excess of CPI. If you are getting back productivity gains, then that is entirely reasonable; I have no

argument with that. But if you get productivity gains, then you do not need as many people to do the same job, so you actually get a benefit for the taxpayer, or in this case the ratepayer, and unfortunately that has been a feature that has been absent from these EBAs.

As I mentioned earlier, in setting the average rate cap the minister must request advice from the Essential Services Commission (ESC) and have regard to any advice that might be received from the commission, but the minister is not required to follow that advice. I think that is reasonable, because the minister certainly may need to take into account any issues that impact and that might be outside the model adopted by the Essential Services Commission.

The bill provides a formula for councils to calculate the average rate in the financial year preceding the year we are talking about for charges. It will apply to general rates and municipal charges, and I am advised that currently equates to about 88 per cent of the total revenue taken by councils from rates and charges. There are, of course, things like special rates — the fire services levy, of course, is not there — and special rates particularly provide an opportunity for councils to raise revenue outside of the normal rating basket. There is, of course, an opportunity there to hive off the functions that would normally be funded from general rate revenue and to fund them from special rates and charges, but I know there is also an opportunity, as far as the bill is concerned, to deal with councils if they are disproportionately allocating rates to special charges.

There is the opportunity for a council to apply to the ESC for a higher cap. A council that applies for a higher cap than the average rate cap may do so for either a single year or a maximum of four years, but that justification will be required for the multiple years.

The issue of non-compliance is a rather curious one in the way it has been treated in the bill. If the government wished to address this, it might be useful. There are, apparently, no sanctions beyond the sanctions for the council itself if a rate cap is applied and the councils breach it. I would have thought if we are going to go down the path of introducing this type of arrangement it would be appropriate to put in place fairly solid sanctions so non-compliance simply does not occur. That has not been done — I am sure there is a good reason for that, and I am not making that comment in a critical way — but certainly I think there will be a bit of head scratching out in the community and people saying, 'For non-compliance there are ultimately sanctions, but there is nothing that will actually make sure compliance happens there and then'.

From a local government perspective, councils are overwhelmingly opposed to capping rates to the CPI. I am sure there are many out there who would be opposed to capping rates in any way at all, and that is not surprising. But some may be brought back on side by the discretion which is given to the minister to determine the way she deals with pressures, particularly with regard to the average rate cap.

The bill is based on work done by the Essential Services Commission, as I mentioned earlier, with the initial draft report back in July and the final report in September of this year. I have neither the time nor the inclination to address all the issues covered in the final report. It is an interesting report — some sections of it probably more valuable than other sections — but it does lay out reasonably clearly the intent of the commission.

There are a couple of issues that are worth addressing which, while not specifically identified in the bill, clearly will be impacted by this report, by the approach of the commission and by the introduction of rate capping. The first issue I want to touch on is the issue of the asset renewal gap, which is a measure developed by the Victorian Auditor-General's Office (VAGO). I was interested to see in the final report that, quite rightly, many councils argued that rate capping would limit their capacity to close the renewal gap. That is probably reasonable, but it is a reflection more of the past practices of councils than the ongoing practices of councils.

There is often a kneejerk reaction from councils. We have already seen it in some of the commentary around the bill, particularly in the more far-flung parts of the state, but it is equally alive and well in the inner and middle ring suburban areas. These councils say something like: 'We're going to take on the low-hanging fruit. We're going to limit our capital works program. We're going to push back on our road maintenance'. That is all right for a couple of years, but then the place starts to fall to bits. Councils need to be aware that they need to make the hard decisions, but I am not sure that that penny has dropped yet. I am certainly hoping for some more informed discussion as the impact of the rate cap starts to take effect from July next year. The commission makes the comment:

It would appear that councils have gravitated towards VAGO's measure of the renewal gap as evidence of a need for greater investment.

The commission then basically says this is an accounting measure only. I can say with a degree of certainty that, yes, it is an accounting measure, but it is

a very important accounting measure. I was disappointed to read further on:

The commission has initiated talks with VAGO and Local Government Victoria (LGV) on developing agreed and multidimensional measures of capital requirements based on well-designed and strategic asset management practices.

We do not need to use this rate capping process to reinvent the wheel. A huge amount of work has been done since the introduction of AAS 27, which brought in accrual accounting for local government back in the 1990s. The systems are far, far better than they were. We know far more about the condition of the asset base. We know which assets need to be replaced. We know which assets can be usefully taken to the end of their life and discarded. We do not need to start having this debate all over again. We simply need to take notice of what is there and structure the reinvestment in assets accordingly.

The second point I wanted to raise is that I think the bill has done a reasonable job in terms of engagement with the community with regard to increases in rates above the cap but perhaps not as good a job as is desirable. In part that is because any council finds itself in great difficulty trying to get constructive input on a budget. For my sins, I have been to many council budget sessions over the years: as a councillor, as a private citizen and as a member of Parliament. Not in the last three or four years but in the three or four years before that it was very much the 'usual suspects' who attended and the same old arguments were being run. It would not have mattered if the council had come in and said, 'We're going to increase rates by 150 per cent', or if they had said, 'All right, we're going to cut your rates in half'; the same arguments would have been applied and the same people would have turned up.

The Mornington Peninsula is an area where there is generally a good level of engagement from the community — far better in many matters than you get in many parts of the state. While the key engagement principles are enunciated in the Essential Services Commission report and the requirements for the councils to engage are in the bill, and that is very appropriate, in practical terms this may prove to be a bit of a challenge.

The final point I wanted to make on the Essential Services Commission report concerns the commentary in chapter 6 of the report on monitoring and reporting. Coming back to the performance reporting framework that I talked about earlier, the Baillieu and Napthine governments and its ministers for local government, former Minister Powell and former Minister Bull, working with the local government industry, put a great

deal of time and effort into eliminating redundant reporting requirements, as did local government itself.

The net result of introducing the performance reporting framework and the accountability framework was a substantial reduction in the reporting requirements for local government. There was a net benefit, a net improvement, in cost. It would be very disappointing if as a by-product of this bill we see increased reporting requirements, more onerous requirements — and it is very much in the hands of the government and the commission, but I flag it as an issue — because while individually these requirements probably do not have great compliance costs, taken as a whole, as they are imposed separately over an extended period, they add significantly to the costs to councils, and of course we know those costs are ultimately borne by the ratepayers.

This is a difficult issue. I have resisted the attempts by the member for Mordialloc to have me say whether we are going to oppose this bill or not; we will not. The bill does go some way down the path of the claim that was made on 5 May 2014 that council rates would be capped. Unfortunately, as I said at the outset, it does not cap council rates anywhere near the way the government led the community to believe they would be capped. It will be very interesting to see what transpires in terms of this rate cap. I imagine the government is hoping this bill will pass this house and the other house before we rise for Christmas, because the figures need to be done for the end of the year. It is an interesting initiative. It is ultimately and sadly another broken Labor promise.

**Mr McGUIRE** (Broadmeadows) — The lead speaker from the opposition says he is disappointed with the words 'fair go'. Fair go! They should be seared into the psyche of every member of the Liberal and Nationals parties, because that is why they are in opposition — they did not understand what a fair go is — and it is absolutely the reason Tony Abbott is no longer the Prime Minister of this country. Unfairness was at a critical point in all of this, and nowhere is this shown and highlighted more than in what happened with the Sunbury out of Hume proposition.

What did they do? They came up with this contrivance to ram this proposition through the last executive council meeting. It was the last gasp of misuse of executive power under the coalition government. They slipped it through, and what were they trying to do? They were trying to win the seat of Sunbury, and they failed. What has happened since? Just to put it on the record, in the previous Parliament I raised this issue directly with the then Premier, Denis Napthine, and called him out on it. What they were trying to do in

gaming the seat of Sunbury was unprecedented, unfair and unsustainable. That is all that was wrong with it!

Then we had an independent inquiry into it by one of the state's foremost jurists, Frank Vincent. He analysed it and came up with what the facts of the matter were and what it was really all about. The rates in Sunbury were going to go up by 14.2 per cent. There was going to be a cross-subsidy from the people of the rest of the electorate of Hume, which has some of the poorest communities in the state of Victoria. They were going to cross-subsidise this rort, this scam for votes, this set-up and stitch-up — that is what it was. They knew about it. They were warned about it, and I raised it directly with the former Minister for Local Government in this house. I challenged him to come to Broadmeadows and speak to all the people there who came to find out how this was going to work and what it would mean for them. But of course there was a no-show. This is what was set up, and this was the case that was prosecuted. It goes to the whole thing about unfairness.

After the report from the transition auditors, what did the former planning minister, now Leader of the Opposition, say about this? Here he is, quoted in the *Hume Leader*:

... if re-elected, the Liberals would give Sunbury its own council as an 'absolute priority'. 'It's a core commitment I make this early on', Mr Guy said.

Good luck with that. Run with that — a 14.2 increase in rates. Good luck with that campaign. We need to get this story up and out. The good people of Sunbury, the rest of Hume and everywhere else need to know that this is the stated policy of the Leader of the Opposition. He wants to go to the next election running for a proposition that will deliver a 14.2 per cent rate rise. That is not my verdict on it; that is the verdict of one of the most eminent jurists in the state of Victoria. That is the contrivance those opposite got themselves into.

They did not have to have all these analyses on what was wrong and why they lost the last election. There was no vision, there was no plan and it was made up on the run. It was just one thing after another, and then there was the little cover-up line that 'planning was not bad', but we have seen all the planning stuff unravel. There were all these rorts for votes and scams that were done during that period by the former government. It really goes to the point of how the members of that government actually set it up and what they thought they were able to do to the poorest community in the state. And it was not just one thing. It was the reverse Robin Hood strategy all the way through.

The former Minister for Planning, now the Leader of the Opposition, took out nearly \$100 million to shut down the train line to buy the vote of the member for Frankston. We had that as well. Cut \$25 million from TAFE in the area and then merge it with Bendigo. Why is that? Because that is a marginal seat as well. I called it out at the time as the reverse Robin Hood strategy. In America it is straight out of the Reagan White House playbook and all the rest of it. They call it Hood Robin over there; it is the same proposition. That is all it was.

Which was the area hardest hit by Tony Abbott's two budgets? The people in the City of Hume and in Broadmeadows. We were forewarned. It was argued in the Parliament here, so we cannot claim ignorance or unintended consequence. This proposition was a strategy, a set-up and a stitch-up. That is where the former government is now. That is where it stands on a fair go.

The Leader of the Opposition will do the same thing again. He is wanting to get a cross-subsidy and put up the rates for people in Sunbury by more than 14 per cent and also for the rest of the City of Hume. That is the approach the former government had. That is the strategy it put into place, the strategy it prosecuted and the strategy that failed. That is the critical point: it failed. Good luck with that.

Here we are with the Fair Go rates bill — aptly named — and it delivers on this issue, because council rates are the biggest bill for most Victorians each year, apart from their mortgage. Fair Go rates provide certainty for Victorians that they will not be slugged by unwarranted rate rises well above CPI. The bill also brings transparency and accountability to local government budget processes and has been part of the Andrews Labor government's reform proposal and program for local government.

To put this into context, over the last decade Victorian councils have raised their rates by 6 per cent a year on average, twice the rate of inflation. This is clearly unsustainable, and local governments are clearly unable to address it alone. These rate rises put pressures on families whose incomes do not increase at the same rate. We can all cite examples of council expenditure deemed questionable in various areas. It was a good line in the then Leader of the Opposition's media release at the time when he said:

Under Labor, councils will be forced to limit rate rises and detail where every dollar will be spent, because ratepayers deserve a fair go. The days of ratepayers footing the bill for Arnold Schwarzenegger impersonators are over.

There you have it. No more Terminator impersonators. He continued:

This policy also sends a clear message that we expect councils to keep their rates in line with CPI; any increases above this must provide a clear benefit to ratepayers.

That is what it is. It is about scrutiny, accountability and a fair go and about getting compliance into this.

Commencing in February this year the Essential Services Commission spent eight months studying and consulting the sector before developing recommendations for the implementation of Fair Go rates. It did so through extensive consultation with the sector, which was supplemented by a reference panel established by the Minister for Local Government to advise her on the Essential Services Commission's work. This is an example of good government that stands in stark contrast to the previous administration. Labor took the policy to the election and consulted widely on the development of the legislation and framework, and now it is getting on with delivering the promise. In formulating the legislation, the government has accepted almost all of the Essential Services Commission's recommendations. Where the government has not accepted them, it has been for the purpose of providing flexibility.

Here we have the contrast. The new Minister for Local Government established the facts and got the evidence. We now know where these issues stand and how we can develop good policy. She then worked through the consultation process. It was not just a scam worked out as a triumph of politics over rational decision-making, as we had from the former government. What we have now is a rational approach dealt with in consultation that will deliver a fair go.

I say to opposition members: if they still want to argue against a fair go, good luck to them. That is all I can say, because the Victorian people and Australians, given what we have seen happen to Tony Abbott, are over these sorts of approaches and over this gaming of the system for political self-interest rather than governing in the best interests of the public. They are particularly over coalition members going to the poorest areas and trying to come up with scams and schemes just because people in these communities do not vote for them. There is a thing called responsible government, and that gets you credibility and longevity, and that is what they fail to realise, know or understand. That is what has brought them undone, and that is why they are in opposition.

**Mr T. BULL** (Gippsland East) — It is a pleasure to join the debate on the Local Government Amendment

(Fair Go Rates) Bill 2015. This is clearly a case of saying one thing and doing another. The repeated commitment pre-election — repeatedly stated in the media and other forums — was that there would be a rate cap at CPI. As the CPI of recent times has been 1.1 per cent, ratepayers should be asking the minister why the rise is not being set at the level that was promised a number of times pre-election — that is, CPI. This bill defines the average rate cap as the percentage amount equal to the change in the Melbourne CPI for the financial year as forecast by the Department of Treasury and Finance plus or minus any adjustment specified by the minister. That was not in any of the media releases that came out pre-election. Plus or minus any adjustment from the minister was not mentioned and is a far cry from the policy that was mentioned pre-election, which was specifically that rates would be capped at CPI.

The local government sector must be congratulated on its campaign, subsequent to the election, that has caused this change and has resulted in the cap being put in place being a more generous one. Of interest is that the Minister for Local Government is also saying she will take into account other issues that may be affecting a council or a group of councils, and this is something else that was not mentioned pre-election. We may find that we have a whole variety of councils across the length and breadth of Victoria on different caps, put in place specific to their needs. That was certainly not what was promised, and I am sure the ratepayers of Victoria will want to know why.

Where a council wishes to increase its rates by more than the average rate cap set by the minister, the bill provides, as the lead speaker pointed out, that it may apply to the Essential Services Commission (ESC) for approval of a higher cap. There is a level of concern as to where this cost will lie in the longer term. I know that it has been addressed in the bill in the shorter term, but at present the wording is that it will be subject to a regulatory impact statement. But councils are looking for more certainty and clarity that in the longer term they will not incur these costs. It is clear that it will be the councils that are under financial stress that will be making these applications to the ESC, and the government should perhaps clarify or qualify that it will at least fund or, at a minimum, part fund any applications that are being made into the future, because this will simply put more financial pressure on those councils that are already suffering a level of hardship for whatever reasons and also the ratepayers living in those municipalities.

This rate cap is being put in place at a time when state government funding to councils has been cut and is

diminishing — and this has been raised by a number of councils across the length and breadth of Victoria. As we know, we have seen the country roads and bridges program cut and the Local Government Infrastructure Fund cut. Community groups are going to councils knowing that neighbouring community groups have received funds out of the Local Government Infrastructure Fund for facility upgrades and community building upgrades only to be told that it is simply not there anymore. It is clear that a number of individual councils are overwhelmingly opposed to the capping of rates, and the Municipal Association of Victoria has voiced its opposition to this as well. It is a little bit bemusing that it seems to be a lot louder post-election than the noises it was making pre-election.

I also want to talk for a short time about council staff salaries and wages. We know that wages form a significant component of the operating costs of local government, and this was a point of conjecture for large numbers of ratepayers and ratepayer groups. It was continually raised with me in my time as minister.

Whilst the wages do form a significant component of the operating costs, there are many councils still covered by current enterprise bargaining agreements (EBAs) and there are also a number of other councils that will be entering negotiations in relation to upcoming EBAs over the ensuing 12 months. The sector predictably wants the state government to give consideration to wages when setting the annual cap rate. This is one area that I do believe needs to be reined in, and it is also an area where I think the majority of ratepayers in Victoria would expect costs and expenses to be reined in.

In my time as minister I had a lot of correspondence and a lot of discussions with ratepayers and ratepayer groups that were expressing their displeasure at this, and I also had some councillors who would organise meetings to brief and explain to me about the financial challenges that some of the councils on which they sat were facing, but I found out that in some cases these councils had 3 per cent, 4 per cent or 5 per cent salary increases as part of their EBA negotiations. When this was raised with the councils that said they were under financial hardship — that they had 4 per cent and 5 per cent annual salary rises — there was silence. Certainly not all councils do this, but there are some, and it is time these councils had a good look at what is reasonable and sustainable in relation to their EBA outcomes, particularly if they are councils that are under financial stress.

Labor clearly said it would cap rates at the CPI rather than at a constructed index that the minister can alter

anyway. It is of concern that the negative consequences of rate capping that are being raised by a large number of councils — being reduced to essential services, reduced infrastructure spending, the possibility of some employment reductions in councils — are being dismissed by this government. The government is continually claiming that it will only affect wasteful spending by councils. The member for Broadmeadows raised one incident — the Arnold Schwarzenegger impersonator. I do not think anyone in the chamber would believe that that is a good use of council funds. But we also have a number of councils and councillors raising very legitimate concerns, and these are simply being dismissed by saying, ‘No, this is only going to stop wasteful spending’.

One of those was Northern Grampians Shire Council, which raised recently in the media that it would have to get rid of its lollipop people who are on the pedestrian crossings making sure people can cross the road safely. If I heard rightly, the minister in her response on air said councils manage their own budgets. When they have a rate cap imposed on them they are not managing their own budgets. With the greatest of respect, I have slightly more faith in those councillors who are long-term local community members who are raising concerns over the impacts of lost services and infrastructure spending than I do in some of the rhetoric that is coming out of the government.

Post-election the Andrews government apparently realised the complexity of what was its simplistic policy of rate capping, and now it has a dilemma. It must support a number of councils with financial stresses with a more generous above-CPI rate cap flexibility, but then this is not what it promised the ratepayers of Victoria, who took the CPI promise on good faith — good faith that is clearly not being delivered.

I will finish with the comment I had from one long-serving councillor of over 15 years, who I caught up with in the last month and who pointed out to me the irony of having a rate cap imposed on local government and their finances stressed to them — in his own words — by a party that does not have a great record in managing its own finances, with projects like the desalination plant, myki and Melbourne Market all being blown out budget-wise, running enormously over cost. Yet they are being lectured at about how to run their own finances in rural areas. Some of these councils have big financial challenges — massive road networks and diminishing population bases — and they do need this flexibility. While I am pleased that the government is providing that, that is not what was promised pre-election.

**Ms THOMAS** (Macedon) — It is my pleasure to rise to speak on the Local Government Amendment (Fair Go Rates) Bill 2015. This is a really important bill, and I am delighted that the minister is in the chamber today, as she has worked really hard to deliver this bill to the house, and I congratulate her on that. This is an important piece of policy that was announced by the Labor Party in May 2014, a full six months ahead of the election, and one that was exceedingly well received by the people in my electorate of Macedon. In fact from the time it was announced it has been a piece of policy and a commitment the Labor Party made that has been welcomed whenever I am at street stalls, whenever I am doorknocking or whenever I am in touch with people in my community.

Those on the other side of the house might not care about the cost of living pressures experienced by everyday Victorians, they might not care about value for money being delivered to everyday Victorians and they have obviously never cared for reform in the interests of the communities that they purport to serve, but this side of the house — the Labor Party, the Andrews Labor government — is absolutely committed to delivering on all of these things. Labor will always stand up for those people in our community who are doing it tough, people who have to budget to meet their day-to-day expenses, people who work hard to raise their families, people who struggle against attacks on their working conditions by the conservative forces in this nation — the very people, indeed, for whom the Liberal Party has never shown any regard. These are the people that those on this side of the house, the Andrews Labor government, will always stand up for, and that is why we are introducing the Local Government Amendment (Fair Go Rates) Bill 2015.

Over the last 10 years Victorian councils have increased their rates by 6 per cent a year on average. That is twice the rate of inflation. I am certain that the working people and those on fixed incomes who those on this side of the house represent would dearly love to see their salaries or their pensions increased by 6 per cent a year. On this side we recognise that rates are the biggest bill that most Victorians will pay each year apart from their mortgage, and what we want to do — and indeed what this bill does — is provide certainty to Victorians that they will not be slugged with unwarranted rate rises well above CPI. This bill brings transparency and accountability to local government budget processes, and it is part of the Andrews Labor government reform program for local government.

Those on the other side of the house who want to characterise this bill as an attack on local government are absolutely missing the point. The Local

Government Amendment (Fair Go Rates) Bill 2015 is about ensuring that councils can maintain the trust of their communities by applying the financial discipline that their communities expect. Indeed, as the Lord Mayor of Melbourne, Robert Doyle, said on 19 October this year, referring to his role as a councillor:

Your responsibility is to sharpen your pencil as hard as you can and keep the rates down as far as you can.

As Sebastian Klein, who is a councillor for Hepburn Shire Council, a ward councillor in Trentham in my electorate and also the President of the Victorian Local Governance Association, has said:

The best councils keep a tight rein on budgets and only spend what it takes to get a job done well.

This bill will ensure that councils are applying the necessary discipline to keep their rates low and to keep them within the cap that this bill seeks to establish. That is because, as I have said, the rate impost on everyday Victorians is an enormous impost and we must ensure that our communities are getting value for their money.

The previous speaker attempted to characterise this as being anti local government or anti councils. I am very proud of the fact that this government is in partnership with a number of the councils in my electorate to deliver some very substantial projects. I am delighted that we have committed \$1.15 million to the rebuild of Victoria Park in Daylesford to develop a fantastic multifunction community and sport centre. We have committed \$240 000 to assist Macedon Ranges Shire Council to upgrade kindergartens, \$200 000 to work with Macedon Ranges Shire Council to put lights at the Kyneton Showgrounds and \$120 000 also to Macedon Ranges Shire Council for a municipal emergency management program. I hope and expect to continue to enjoy a very productive relationship with local councils in my electorate. This is a bill that is really delivering on the needs of families across Victoria who are constantly having to manage their tight budgets. It is an excellent bill. I commend the minister for bringing it to the house, and I commend the bill to the house.

**Mr HIBBINS** (Pahran) — The Kennett era continues here and it continues with this bill. The ghost of Kennett arises! The curse of Kennett has gone from Hawthorn down to local governments now. We know the effects of Kennett's rate capping, the effects in the past with infrastructure backlog and the inability of councils to deliver core services, and now it returns.

The Local Government Amendment (Fair Go Rates) Bill 2015 is an attack on local communities. It is an attack on democracy. It is an attack on the finances of

local governments, the services and the infrastructure they provide and on those who are most in need and rely on the services local governments provide. This bill allows the minister to set a cap on increases in rate revenue that can be levied in one financial year. It allows a council to apply for a variation to the cap and it stipulates that rate capping is to be based on CPI. The Greens support well-managed local councils that are efficiently delivering for their community, but we oppose this bill with its lack of transparency and the significant constraints imposed on councils to deliver for their community, particularly those in regional and rural areas, and we are seriously concerned about the impact this will have on services and infrastructure in the local community.

Harking back to the member for Ivanhoe's comments in the debate on the government business program, he essentially said the Greens are subservient to local government, that we are beholden to local government — that nefarious group of individuals who are looking to deliver services to their local community or trying to make their communities more livable. I would suggest, if you are looking at cost of living effects, looking at taking on the gambling industry and the potential effect it has on low-income earners out there in communities.

The Greens will continue to support councils being able to prepare budgets, as they do in consultation with their local constituents without being subject to this bureaucratic intervention from state government. Unlike state and federal governments, local councils invite formal submissions to their budgets. They put their draft budget out for consultation. It is adopted at an open council meeting with the opportunity for amendment — not just handed down from above, like a state budget. We are in a climate now where we have cutbacks to local governments and reduced funding from federal to state government.

I refer to the fact that the government is concerned about cuts to local government and is concerned about the impact on government bottom lines, because live off the Twitter feed there is a media release under the heading 'Federal government cuts cost Victoria's local councils \$118 million':

The tabling of the Victoria Grants Commission's annual report has revealed the damage inflicted by the federal coalition government's cuts to funding for local councils.

The government is concerned about cuts from the federal government and concerned about council's bottom line, but here it is pulling the rug from underneath them and denying them the ability to set rates and to gain revenue that suits the needs of local

communities. This rate cap poses a real risk of severe cuts to council services and will hit many communities hard. Local governments are on the front line of delivering for our local communities. They are making our communities livable and providing the essential services that so many rely on.

In the Prahran electorate, we have three councils: Stonnington City Council, where I was a councillor for two years prior to joining this place.

**Mr Richardson** interjected.

**Mr HIBBINS** — No. Actually I replaced him in the subsequent election, so our paths did not cross, unfortunately. I am not sure who was more relieved that he was no longer a South Ward councillor, himself or the residents!

We have also got Port Phillip City Council and Melbourne City Council there in South Yarra. I am familiar with Stonnington City Council. It is delivering good things for its community — big things such as the Chapel Street master plan; the open space strategy, creating more open spaces; the Cato Street open space and the undergrounding of the car park; the implementation of the bike strategy; and the Yarra River biodiversity project. These are big, significant, major projects that will benefit not only the local community but all residents of Melbourne and our state. All councils are also delivering social services and community services to those most in need. They are involved in strategic planning — they are on the front line of all our planning decisions and setting our planning laws — community advocacy and sustainability initiatives. Councils are doing great things, and they need to be supported to be able to do that.

We are concerned that this rate cut is pegged at CPI, which does not reflect the cost of government. We are concerned that the CPI is not reasonable. It does not reflect the unavoidable cost pressures that are faced by local government. We have got rural councils with roads of significant length that have far higher costs. We have got other impacts — wage increases, the implementation of high-quality local infrastructure and basic services. Councils are doing that heavy lifting, yet this government is essentially making — I think, if you add up the sums for Stonnington — a million-dollar cut to local budgets.

In this amendment the minister may oppose a rate cap on all councils, a class of councils or a specified council. Look, if you are going to provide a rate cap, if you are going to have this legislation for a rate cap, it is

good that you would have flexibility in that rate capping. It is not a one-size-fits-all approach. It is important, if the minister is going to go down this route, that the government consult with the local community, that the local government sector have confidence in this process, that there is transparency and disclosure in this process and that the local governments can have confidence that the rate cap set at least gives consideration to their individual needs.

There is a process in which councils can apply for a variation, which is essentially an appeal against the rate cap set. But the time lines, I think, are difficult to meet and problematic. We have got the minister setting the rate cap by 31 December. The council must advise the Essential Services Commission by the end of January of an intention to apply. The council must apply for a variation by 31 March. The Essential Services Commission takes two months then to make a decision, so essentially we are going to see councils needing to run two budgets for their community consultation: one whilst awaiting a decision by the commission — that is, one budget based on whether their variation is successful — another if it is not.

We have also got a fee that needs to be paid, which could even essentially put this process out of reach or make it not worthwhile for some councils. We have also got the fact that wages are rising, and that is not taking into account this CPI-based cap. New South Wales has already introduced rate caps, and a general standing committee of the New South Wales Parliament has recently released a report highlighting the infrastructure backlogs, the underspending on asset maintenance and the operating deficits, and the report concludes that there needs to be reform in this area. Communities should be able to decide the level of services provided by their local council and the rates they are willing to pay for such services.

I was hopeful that we would have been joined by the coalition in our opposition to this bill, particularly by The Nationals, given that this rate capping will have the effect that this will have on rural and regional councils. Having very intently listened to the contribution by the member for Gippsland East, I can tell members that I am pretty confused as to which way they will be voting on this particular bill. What we have seen from coalition members, from the Liberals, is an absolutely shameless performance on this particular bill. One day you have got the shadow Minister for Local Government going out there, telling rural communities how terrible the effects of rate capping will be on their communities and crying crocodile tears. Then the next day they are saying it is a broken promise because the government has not cut rates further. They are urging

further cuts and to have them sooner. They are making a weathervane look like the Rock of Gibraltar. This is absolutely appalling.

We need a government and an opposition and all parties to not just support local government but absolutely champion local government. We need members who will stand up for their local communities. So much of what can make our communities great, what can make them livable, is administered by local government. We are all very good at advocating for our community and seeing what else needs to be done in our community to make it better — no matter at what level of government — but are we going to go and tell these local councils where they should cut?

Are we going to go and tell the Moreland and Yarra councils? Are the local members there going to tell them where they should cut their services? Are we going to tell Stonnington and Darebin where they are going to cut their services, or Boroondara or Bayside? Where are we going to tell them to cut? Basic services? Is it going to be the big projects? Are we going to see councils having to raise their debt just to service their basic council needs? We do not need a government that is intent on exerting its power, rate capping — or let us call it kneecapping — local councils in their ability to provide for their communities.

*Honourable members interjecting.*

**Mr HIBBINS** — You like that one? With the massive population growth in Melbourne, councils need to be able to invest in infrastructure and services. They need to be able to meet the needs of their local community. The Greens oppose this bill.

**Mr CARBINES** (Ivanhoe) — I am really pleased to support the Local Government Amendment (Fair Go Rates) Bill 2015, a bill that was affirmed by the Victorian public at the ballot box last year, a bill that has already seen average rate increases across Victoria drop in the recent council budgets because of the increased public scrutiny that has been brought to bear on local government by this Andrews Labor government policy. I want to pick up on what the member for Gippsland East said when he made some comments about the fact that the CPI is 1.7 per cent and that the government has introduced a cap at that rate. That of course is because the CPI changes every year and because we are taking the recommendations from Treasury every year about how we will set those rates and how they will be applied.

I note that for the member for Gippsland East but also say that at Banyule City Council, where I served for

five years as a councillor, you absolutely understand, particularly when representing people in West Heidelberg and surrounds, that for people on fixed incomes rates are a very significant part of their budget and a very significant part of the contributions that they are required to make year in, year out. Priorities are what determine what cuts are made and what programs are funded, and we are all held accountable in a democracy, whether that is in local government or whether that is in this place.

At Banyule council a decision has been made to allocate \$31 million to build new council offices at Greensborough after accumulative rate increases of 34 per cent in the past three years. This was backed up by the *Age* on 5 July 2014:

In metropolitan Melbourne, the residents of Banyule council — taking in Ivanhoe, Greensborough and Heidelberg — are the worst hit, with an average increase of \$109, or 7.1 per cent.

Again under the headline ‘Ratepayers hit with 5 per cent rise’ the *Age* of 5 July 2013 says:

Likely to be in for the biggest shock today are those in Banyule City Council, which takes in Ivanhoe and Greensborough.

They will have a rate rise of \$172 ...

That is up amongst the highest in the state. I say that if the council in Banyule wants to choose to invest ratepayers money in \$31 million for a new Taj Mahal at Greensborough instead of choosing priorities which are about investing in and funding critical services, such as home and community care services, maternal and child health services, footpaths, roads, rates and rubbish — these are the key issues of local government — and if the choices the members of Banyule City Council make are about expending \$31 million on new offices for themselves at Greensborough, that is a priorities decision they have made for which they will be held accountable by the people of Banyule at the next election.

The mayor of Banyule used ratepayers money on 24 October 2014 to send every ratepayer in Banyule a letter pointing out why the council thinks the rate capping policy will be bad — spent and paid for by Banyule ratepayers. One week later he nominated in the state election to run as a stooge for the Liberal Party, but he used ratepayers money a week earlier to write to everybody to tell them why Labor’s policy is bad. I had people coming in to vote with our supportive literature outlining why the rate capping policy is supported in Ivanhoe, why it is supported in Eaglemont and why it is

supported in Heidelberg — people who are paying the highest rates in Banyule time and time again.

I say that if Banyule councillors want to make threats in mail funded by ratepayers that they will cut critical services while at the same time making decisions to spend \$31 million of ratepayers money building themselves new offices at Greensborough, they should not be surprised if next year people who are paying those rates decide that their priorities are different and seek to be represented by people who have very different priorities from the seven people who sit around the table at the moment. These are the critical issues that get determined in a democracy. These are decisions that we took to an election and that have been supported by the Victorian people.

I say also that Banyule City Council refused, when I was a councillor, to have annual tabling of mobile phone expenses, Cabcharges and trip costs. It refused to allocate and publicly advertise what those costs were year in, year out when I put those matters before council when I was there between 2005 and 2010. It still refuses to publish those details on an annual basis, yet it uses ratepayers money to enjoy those privileges of office. That is another disgrace. If you want to cut funding, cut things like mayoral balls, which I opposed when I was there, because the only people who attend them in the main are dodgy developer mates and people who end up on ballot papers as running mates for local councillors.

I put it to members that this is the sort of stuff we are sick of in Banyule. This is the sort of stuff we want to have held to account. We know very well that the decisions the council has made have not always been in the interests of ratepayers, despite the hard work of staff. This policy, affirmed by people at the ballot box who support the Andrews government, will bring a greater level of accountability for ratepayers and greater justice for ratepayers and people on fixed incomes in our electorates — in Labor electorates — who want to make sure that the services they prioritise and use every day are the services their council is funding and supporting with their money. I commend the bill to the house.

**Ms VICTORIA (Bayswater)** — I too rise to speak on the Local Government Amendment (Fair Go Rates) Bill 2015. At the outset I make it clear that the opposition is not opposing this bill; however, it has some reservations about some of the provisions within it, and it certainly has some reservations about what was promised prior to the election and what is being delivered to the Victorian people. I am going to go through a little bit of the main provisions of the bill, and

then I want to talk about how it is going to affect us locally in the areas I look after, which are the cities of Knox and Maroondah and areas which fall in the Assembly electorate of Bayswater.

The purpose of the bill is to make amendments to the Local Government Act 1989 and also the Essential Services Commission Act 2001, and it will provide a mechanism for setting rate caps as far as increases go for rate revenue on a yearly basis at local councils. One of the main provisions within the bill is at clause 3, which amends section 3(1) of the Local Government Act to insert definitions, which is obviously highly important when we are talking about the new provisions. There are definitions now being inserted about what an average rate cap is, the base average rate, the base year, the capped average rate, the capped year, CPI, the Essential Services Commission (ESC) — I think we know that one — a general order, a higher cap and also a special order.

The main new provision for rate capping comes in under clause 8, and new section 185A sets out the purposes of the new rate cap system. It says that it is to promote the long-term interests of ratepayers in the community in relation to sustainable outcomes for their local areas as far as the delivery of services and critical infrastructure goes but also to ensure that a council has the financial capability to perform its duties and functions and exercise its powers. It is interesting to note on that one that I had a letter from one of my local council CEOs a couple of months ago, back in June. He wrote:

This letter is to draw to your attention significant external financial pressures placed on council that will impact future service provision and infrastructure maintenance.

In particular he talked about impending rate capping having a constraint upon council's financial capacity into the future. He then went on to talk about council's budget process — how it is that it comes about its budget every year and its rate rises — and he said:

The 2015–16 budget outlines the provision of financial resources for the next 12 months and details how these resources will be applied to meet these priority actions as well as delivering the more than 120 services and extensive range of programs that council provides to the community.

I think about those sorts of things that councils provide. Obviously there is garbage collection and that type of thing, but there are also things as simple as libraries, which we take for granted.

I look at what is happening in my own area, and just out the back of my office and in our shopping centre we have a temporary library. We have always proposed

that there would be a permanent library for Bayswater, and that would be for children, like my daughter, Charlie, who loves to read and always says, 'Can we go to the library?'. I look at the future generations — her children and their children — if they grow up in the same area and say, 'Hang on, why can't we have a beautiful permanent library?'.

I have to say that that was actually intended to go across the road from where my office is, where we had a grand plan for some 10 years or so to build a beautiful new library and community centre, where there could be meeting rooms and also perhaps a community hub, if you like. That was all supposed to give a focus to the centre of Bayswater, but it now looks as though it will not happen because the undergrounding of the railway line in Bayswater falls short of the original plans and leaves absolutely no provision for that project. I am sure I will have my say on that matter on another day.

The CEO went on to say:

As always, our ongoing challenge is to balance the needs of our community maintain the quality and level of our services and manage the ever increasing costs that Council must accommodate. This budget will ensure Council can continue to meet the high level and variety of service expected by our community whilst ensuring our long term financial sustainability.

I have looked at the sort of infrastructure that Maroondah City Council has put in place over the last few years. Recently I had the great pleasure of going to the opening of Aquanation. As the member for Bayswater, I am very proud to say that I helped persuade Hugh Delahunty, the then minister for sport, to contribute the first \$3 million towards Aquanation, which prompted the federal government to then give some money, with the rest of the cost being met by ratepayers. A few weekends ago my daughter, Charlie, went to Aquanation for a party for one of her friends, and it was fantastic. That sort of infrastructure does not just happen by accident; we are talking about a \$30 million-plus facility. If rate capping is to be set at CPI, we are not going to be able to have those sorts of new facilities.

If a local council goes along to the ESC and says, 'We want more money', then councillors will have to justify every penny over the next few years, as they should, but rate capping will make it so much more difficult. Community consultation already happens, and now they will have to go through an extra process. What I find most funny about all of this is that, for the privilege of applying to the ESC for a variation in the rates, councils will have to pay a fee. They already incur a fee for preparing the documents that need to be sent to the

ESC — ‘This is what we are doing. This is the budget. This is what we are proposing. This is how we are going to be responsible citizens. This is how we are going to do responsible governance’ — and now they will also have to pay a lodgement fee to the ESC. I find that all a little bit perplexing.

The CEO of Maroondah City Council spoke about the 120-odd services that the council provides. I think of the local kindergartens that are run by the local council and the school crossing supervisors. People have talked about cost shifting between state, federal and local governments for many years, but how are they going to be able to afford things as necessary as school crossing supervisors if local governments are not going to be able to put up their rates according to what is going on?

We know that a very large chunk of the expenditure of councils is spent on staff salaries. Of course often there are wage claims, and a lot of council staff — I think about 60 per cent — are still on current enterprise bargaining agreements, but those agreements are going to have to be renegotiated over the next couple of years. If there are major wage claims, then where on earth is that money going to come from? We know that staff salaries is the bulk of local councils’ expenditure? I think we have some challenges ahead.

I think of such wonderful local events as the Ringwood Highland Games, which has been getting a nice amount of money to help bring the games to the local area. Lots of people come from interstate, intrastate and from right across Melbourne to this wonderful Scottish festival, but the games funding has been cut, and next year it is going to be cut again. In fact it is thought that next year, the 50th Ringwood Highland Games, is probably going to be the last because the council has been cutting money. Local councils will not be able to afford things like this if they are still trying to pay for essential things like school crossing supervisors.

I have great respect for the concept of keeping local government accountable — it is our money; I pay rates, and I do like the money to be spent wisely — but I also have a great problem with the concept that, with the wave of a pen, the minister can make variations. I also have a problem with the ESC, and with the fact that if an application for funding is made to the ESC an application fee has to be paid. These are just extra burdens. I look at all of this and say that I do not know if that this is exactly what was promised before the election, and that I am very disappointed about it.

Time will tell as to whether people have been, I will not say misled but perhaps sold a bit of a pup on this one and whether this legislation will deliver what people out

in the electorate think they will be getting. I certainly do not think it is the package deal that voters thought they would be getting. As I said, time will tell as to how much of this will fulfil the promises made before the election and how much is just a little bit of spin.

**Ms GREEN (Yan Yean)** — It is a great pleasure to join the debate on the Local Government Amendment (Fair Go Rates) Bill 2015. It is all in the name. I note that the lead speaker for the opposition took great issue with the notion that we would have ‘fair go’ in the name of a bill. Every member of this place should be about a fair go, and particularly when it relates to the exorbitant costs that ratepayers have had to absorb over a long period of time. This cost, along with electricity bills, is really crippling households in my community. It behoves everyone — every tier of government, as the Lord Mayor of Melbourne, Robert Doyle, said — to sharpen their pencils.

I think that elected councillors have nothing to fear from this legislation. There are increasing costs in the interface areas that I represent, with new communities and new facilities needing to be built, which is why the interface members of this government pushed really hard for the introduction of an interface fund. But there should also be nothing wrong with having councils subjected to an independent process. It gives councillors an additional proving of their budget and an additional watch on the budgets proposed by council officers. Councillors do not have full-time positions. It takes a lot of effort to be involved in council and in budget discussions, and some councillors do it better than others. There is a very real concern in the community about how much council rates have been increasing each year. Over the past 10 years within the municipalities covered by the Yan Yean electorate, the Shire of Mitchell has seen an average 8.23 per cent increase every year; Nillumbik, 7.3 per cent; and Whittlesea, 4.3 per cent. It behoves councillors to explain why these sorts of increases are necessary.

Councillors have expressed their concerns to me about cost shifting. I think the best mechanism within this piece of legislation is that, if councils do feel that they have been done over by another level of government through not providing an adequate level of funding, they have an opportunity to put that case before the Essential Services Commission and get the tick of approval. Then they can go to their ratepayers in any one year, or next year in an election year it can say, ‘We got the tick. We had to increase rates because of being done over by another tier of government’. It actually gives them the strength and power that they do not have at the moment to independently prove that.

Today we have seen, and I noted that the lead speaker from the opposition said, that the Victoria Grants Commission did not cut funds to local government but just froze indexation. In growing municipalities like mine that will mean that the Shire of Mitchell will lose more than \$1.4 million, the Shire of Nillumbik will lose \$712 000 and the City of Whittlesea will lose more than \$2.8 million. You cannot have it both ways, and it seems like the opposition is attempting to do that. If councils find that they need to increase rates because of that freeze in indexation, they will be able to apply for a variation to the rate cap, to present that and to get a clean bill of health.

I want to cover a couple of matters particularly in relation to the budget in the City of Whittlesea. There is a disappointing issue going on at the moment regarding a decision that has been made by that local council, and I really hope the council is going to reverse it. Whittlesea Community Connections looks after the most vulnerable people in our community. It looks after people who are homeless, who need food vouchers and who are fleeing from family violence. Behind closed doors this mean council has cut funding to this fantastic group. The grants that this organisation receives to do its essential work with the most vulnerable people in our community have been cut by this mean-spirited council. In order to pay rent the organisation will now have to use money that is supposed to be to assist people in the community. It is not good enough.

The late, great Peter Cleeland, a former federal member for McEwen, was the chair of this august organisation, and he pushed really hard to make sure that a community legal service was set up within Whittlesea Community Connections. He worked long and tirelessly as a volunteer after he retired as the member for McEwen. These Whittlesea councillors should take a leaf out of his book, make a commitment to the community and do the right thing. What is even worse is that they will not even be accountable for the decision that they have made, because they have made it behind closed doors. We cannot be certain. In the *Whittlesea Leader* this week the chief executive officer of Whittlesea Community Connections, Jemal Ahmet, said:

My understanding is the officers would have recommended not to —

increase the rent —

but we can never know for sure.

These councillors did it in a confidential meeting. What a corruption of democracy, and what cowardice to make such a decision behind closed doors. I would urge

these councillors to make good and to reverse this decision. It is not good politics, it is not good for democracy, and it is not good for the most vulnerable people in one of the fastest growing areas in the state. They cannot go around lecturing others about how money is spent when they do things like this.

I am pleased to do things in partnership with local councils when they are doing the right thing, but the community is concerned. There are some municipalities where executive salaries are exorbitant. The member for Ivanhoe mentioned mayoral balls. I am completely opposed to the Whittlesea mayoral ball. I think it should be a fundraiser for local organisations. Why not charge all of us to go? I would still go, and I would pay my own way. I can see the whips trying to wind me up, but let me finish my point. As developers have said to me, you could simply reserve a few places for those who could not afford it.

I would also say that regarding things like \$300 000 for a community festival that no-one attends, I am sure there are other ways that rates can be spent. They should not be spent on the VIP sectioned-off areas that are always at Whittlesea community events. For goodness sake, the people who get their citizenship are not provided with refreshments on one of the hottest days of the year, but the councillors go off to a VIP sectioned-off area. I would hope in this sort of environment we will be able to have a fair go for all ratepayers. I commend the bill to the house.

**Mr T. SMITH (Kew)** — It is my pleasure to rise to speak on the Local Government Amendment (Fair Go Rates) Bill 2015.

**Mr Edbrooke** — Come on, Timmy.

**Mr T. SMITH** — I thank the member for Frankston for his encouragement on these matters. This is an election promise of the former Labor opposition, and as a consequence of its winning of the election the opposition will not be opposing this bill. We do accept that the government has a mandate for certain changes to rate capping in this state, but what the Labor Party promised leading up to the last election is not what is being enacted here today. Quite simply this set of measures will not cap rates at CPI. In fact the Essential Services Commission review of this set of policies has predicted that the forecast annual rate cap for 2016–17 will be 3.05 per cent. Current inflation for the Melbourne area is about 1.5 per cent, so that is a broken promise — quite specifically a broken promise.

The simple fact is that the policy Labor took to the last election was simplistic. CPI is not the best measure for

local government expenses given that Labor's mates in the Australian Services Union (ASU) have been demanding wage increases of extortionate amounts over the best part of the last decade. I remember the enterprise bargaining agreement at the City of Stonnington when I was mayor and when I was a councillor. It started at 5 per cent. Someone has got to pay for that, and it is the ratepayers. When you have got the ASU demanding these extortionate wage increases, ratepayers have to pay for it.

We know that throughout the sector wages in local government are around 40 to 45 per cent of the cost of local government, so I make the observation that the desire to cap rates — the desire to keep control of local government expenses — has come from Labor's mates in the union movement. That has been the driver of the increased costs. The 6 per cent-on-average rate rises that have been talked about in the sector over the last decade come from the ASU; they come from these extortionate wage claims that we have seen. We know the ASU is opposed to rate capping. I can understand why; it goes to its very self-interest.

At the same time, however, what has been promised by the Labor Party in the lead-up to the last election is not what is being enacted here today. What rates will be capped at will be in excess of CPI. That is before you get into the variation models that have been proposed.

We know that the Essential Services Commission said that there should be only one rate cap that applies equally to all councils across Victoria, and the government did not accept that recommendation. That concerns me. I think there should be one rule for all. Given that we now have this quite strange process where councils can apply to a quango and make a submission to have various issues taken into account, you will have public servants deciding what can and cannot be allowed above and beyond this rather odd cocktail of wage increases and CPI blended together to work out what the rate cap should be. I worry greatly that there will be discrimination against certain councils in favour of other councils. The Essential Services Commission made it very clear that it does not support different rate caps around the state. It said:

There can be no doubt that there is very significant diversity of circumstances across the 79 councils operating in Victoria.

That is true; but what they also said is:

On balance, we have decided against these approaches —

that is, multiple rate caps —

for a number of reasons. Our primary concern was the arbitrariness of such arrangements. The adjustments that

might be made under either of these approaches are not self-evident and would involve a large degree of judgement.

We on this side of the house have always said, since we trialled this during the Kennett era, that it simply did not work. I understand and I see the motivation for what Labor is trying to do here, and for certain councils — certainly not any council I have ever been a part of — I could see why the state government is trying to cap rate rises, because they have been extortionate. As I said earlier, that is largely because of union demands for wage rises.

**Ms Ward** interjected.

**Mr T. SMITH** — The member for Eltham can laugh as much as she likes, but it is a simple fact. It is a simple fact. And we know —

**Ms Thomson** interjected.

**Mr T. SMITH** — And the member for Footscray is out of her seat and squawking. The point is that what the government promises is not what it will be delivering. As I said before, the rate rises that will be occurring under Labor will be in excess of CPI. That is not what it went to the last election with. We know why rates have been going out of control over the last decade, and we know through our experience through the Kennett era that such attempts to cap rates have a detrimental impact on local infrastructure, on local services and indeed on the local popularity of members of Parliament who are trying to defend this to their constituents when they are getting calls telling them that various different services and the like have been cancelled or have been realigned or some such.

So we have got experience in these matters. We did make it quite clear that we respect the mandate of the government on these matters, but in our experience this is going to be a very difficult set of circumstances to work out and achieve equity across the state. I wish the minister the best of luck in trying to work out which rate caps should be applied at what level, in what council, where and for what reasons. I wish her the best of luck, particularly in Labor-held councils in Labor areas.

**Mr Katos** — In marginal seats.

**Mr T. SMITH** — And indeed in marginal seats, as my friend, the member for South Barwon, has lamented. I will be very interested to see the level of ministerial interference in the role of the Essential Services Commission as it works out, coming up to election time, who gets the higher rate caps and who does not. I will just pose that question.

**Ms Spence** — So you are opposing it.

**Mr T. SMITH** — No, I am not opposing this bill; I am posing the question. That is my job in the opposition here — to pose the question. It is their job to see how it works out, and I fear for those guys that they will not have much fun doing it. Thank you very much.

**Mr J. BULL** (Sunbury) — It is always a pleasure to follow the member for Kew. It gives me great pleasure to rise to contribute to debate on the Local Government Amendment (Fair Go Rates) Bill 2015. This bill delivers on another election commitment and is from a government that is true to its word, that gets on with it and that is doing things that Victorians voted for. Victorians are hardworking, decent people. They are fair people, and they all deserve the chance to be the best they possibly can be. They deserve access to decent and affordable health care, a quality education and to be free from harm, intimidation and violence. These are all fundamental human rights set out in the Universal Declaration of Human Rights. They are equally entitled to a strong, fair, stable and working democracy and to a system of government that supports them, but does not charge them unfairly.

I have often heard people say that councils are only good for roads, rates and rubbish. I strongly disagree with this statement. Local government in my view plays a much greater role than this. A good municipality will be a leading municipality — it is one that liaises closely with state and federal governments but also one that charts its own course. It is a municipality that delivers services and promotes sport and recreation, social activity and a sense of community. The services of local government come at a cost, and this bill addresses a serious and growing problem that we have seen in the state for a number of years — that is, rising rates bills. Time and time again, year in, year out, families, individuals and businesses cannot afford or understand these rates bills.

If we are talking about rates, it would be remiss of me to not mention at this time the botched Liberal proposal for the separation of Sunbury from Hume City Council. We always maintained that to do this the economics must stack up. We could not stand for a situation whereby rates would go up and services would actually decline, but that is what the Liberals promised and that is what they are still promising. After extensive consultation with the Sunbury community, independent auditors Frank Vincent and John Watson recommended against proceeding with separation due to the long-term and significant financial impact on Sunbury residents.

The auditors found that a separation at this time would result in much higher rates and a reduction in services and community facilities for ratepayers. The report concluded that to maintain a similar level of services for a proposed Sunbury council, rates would need to increase by 14.2 per cent in the first year and 8.5 per cent every year after that. They found the process to be unprecedented, unsustainable and potentially legally challengeable. So I am not sure how those opposite can come into this place today and support this policy yet still maintain their desire to hike rates up by 14.2 per cent in Sunbury in the first year and 8 per cent every year after that.

**An honourable member** interjected.

**Mr J. BULL** — Tell them they are dreaming.

The former Minister for Local Government spoke on this bill a short time ago and said that there are a number of councils under financial stress. This is the same former minister who was happy to commit to the Sunbury out of Hume process.

Over the last 10 years Victorian councils have raised their rates by 6 per cent a year on average — twice the rate of inflation. This is unsustainable, and local governments are clearly unable to address it alone. With each rate rise comes pressure on families and individuals, starting with those who are struggling the most.

For someone with a healthy bank balance, a well-paying job and perhaps a mortgage paid off, a few percentage points each year may not be such a big impact. Contrast this with a family or individual who has recently gone through a job loss, ill health, the death of a family member or who is struggling with low-income pressure; a few percentage points each year is money that they simply do not have.

This is a bill about giving Victorians a fair go and ensuring that their rates money is spent effectively and efficiently. This is a significant reform for Victoria and for local government across the state, and once again it is a Labor government that has delivered it. This government is getting on with what it promised, and I commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Local Government Amendment (Fair Go Rates) Bill 2015. This is a bill that I have taken great interest in, not only as a member of Parliament but as somebody who is a former councillor and a former employee in local government. I have had the opportunity to see the impact of this bill on both sides of the ledger, if you

like, in terms of both elected officials and the staff of local government.

Can I firstly say that local government plays a very important role in our community, and I commend the work it does across the state. Locally I would like to commend the work of the City of Knox, an organisation that I was proud to serve as a local councillor.

**Mr Wynne** — For how long?

**Mr WAKELING** — I served one term, prior to entering this house. I worked in the Nillumbik Shire Council. Anyone who knows the history of Nillumbik council will know that was a fraught organisation, and I am very pleased to see that it finally sorted out the mess that was the council at the time. As an employee, that was a very challenging period.

I just say that I find this bill interesting in the sense that we have a group of people who are dictating to one tier of government how it is meant to operate. But one would think you would live by your actions rather than your words. Given that it is seeking to impose on local government that its rates be levied at a particular level and that it should limit its expenditure to CPI, one would think the Victorian government would be living by its own example. One would think this year's state budget would show that this is a government seeking to increase expenses on Victorians at a similar rate to CPI. One only needs to look at the state budget to see that this government has done anything but increase rates and charges on Victorians at the rate of CPI, yet it is seeking to impose that principle on local government.

It would be very interesting to see the history of those opposite who have served as local councillors and to see their voting record when they were members of local government, because obviously then they would have voted against any rate increase higher than the CPI. I am talking about the voting records for the member for Bentleigh, who is not here; the member for Oakleigh, who I think was a local councillor; and the member for Yuroke, who I think was also a local councillor. I am sure that their voting records would prove — —

*Honourable members interjecting.*

**Mr WAKELING** — I apologise, the former mayor, the former Lord Mayor — —

**Mr Wynne** interjected.

**Mr WAKELING** — I am sure he voted against any rate increase that was beyond CPI, and I am sure those

members' voting records would tell you the same. I just think it is very interesting that when you look at the situation here, those opposite are seeking to dictate a position to local government, but when you look at their own voting records I think you will find that they themselves have in fact voted for rate increases that were potentially double, if not triple, the CPI at the time. I do not know, but I would be interested to see the voting records of those opposite, and I will let them defend their own position.

Can I just say that I was interested to read the submission of Knox City Council, which, as I said, is a very important municipality in the eastern suburbs and does great work. It points out the fact that the rate income of most councils is around 56 per cent because many can attract income from other sources — namely, car parking expenses et cetera. But Knox does not have the benefit of significant large parking revenue sources, and 66 per cent of its income is drawn from rates. Therefore Knox council will be disproportionately affected by the implementation of this policy. I wonder what thought has gone into the matter of the impact on municipalities like Knox with respect to this policy.

The simple fact, as was mentioned by the member for Kew, is that the increase in people's wages as negotiated by councils across the state is significantly higher than CPI. I was involved in negotiating enterprise bargaining agreements when I was an employee at Nillumbik. I can say that 15 years ago the enterprise bargaining agreements increases were well above CPI and, let me tell you, the rate increases that are seen by councils today are well in excess of CPI. With CPI now running at 1.5 per cent, you would be hard pressed to find a municipality in this state that is giving salary increases to its staff in the order of 1.5 per cent. The simple fact is that if a council is going to increase its rates by over 1.5 per cent, it will possibly be able to keep its staff. But if, in accordance with the government's own policy, which it took to the election, it increases rates at 1.5 per cent, and with wages running the way they are, there is only one simple answer: as a local government employee told me, 'One of us will get the sack' — and it will be more than one.

The simple reality is that staff make up a significant portion of a council's budget. Wages are a significant portion of a council's expenditure. I want those opposite to articulate to the community in Knox what staff should be sacked. Should it be the staff who work in maternal and child health? Should it be the staff who work in preschools? Should it be the staff who work on school crossings? Should it be the staff who work in home and community care services? Should it be the sports and leisure staff? Should it be the staff in our

planning department? Should it be the staff working in our environmental department? Should it be the staff who work in our rubbish collection depot? I ask those opposite to show the residents in my community the courtesy of explaining which staff from which departments in my local council should be terminated. I think that is the respectful thing that they should do. They should identify the supposed fat cats and those within local government who sponge on my local community.

The simple fact is that when I was a member of the City of Knox I was proud of the fact that we did the work in creating the council's asset management plan. That was a strategic document that identified the life cycle of every asset within our municipality. We knew exactly what expenditure was needed to maintain the assets that the council owned. We knew exactly the life cycle of every asset that was owned by the Knox community. So as a council we knew exactly how much money council needed to expend over a given period to ensure that there was enough money being channelled into infrastructure — so that the footpaths in my community were replaced, so that buildings were maintained or replaced and so that our facilities were maintained. That is the reason why so many of the assets in my community are now in a far better state than they were in the past.

But we know one of the first things that will potentially go as a consequence of this bill is money for asset management. What does that mean in simple terms? It means footpaths will not be fixed. It means roads will not be resealed. It means that instead of a council putting tar in a crack in the road to stop water getting in, the tar will not be laid in the crack, the water will get in and instead of spending a small amount of money to put tar on a road, you will eventually have to replace the entire road surface. Councils have done a lot of work to maintain our community's assets, but we know as a consequence of this legislation these are the types of services that are going to be affected — by the government's own policy.

I simply make the point that this is a government that seeks to impose its view on a tier of government but does not seek to impose the same conditions on itself. It is not prepared to hold itself to the same standards that it is expecting local government to uphold.

I want to ask a simple question: why do we elect people to local government? We elect people to local government to make decisions on behalf of their local community. I would have thought that, in the democratic system we have in Australia, if local residents are not happy with their local councillors, they

have the capacity at an election to elect new councillors. That is the simple fact, and that is the reality of what happens in local government across this state, if not across the nation. If people are not happy with the decisions that are being made by local government, they are given the right at an election to make a decision about whether or not the councillors they have put in place have made decisions on their behalf that are good. I remind the Parliament that there are many councillors who are re-elected who have voted for rate increases well in excess of CPI.

The simple fact is that councils will make decisions on behalf their local communities, and local communities have the democratic right to determine whether councils have made a decision that is in their interest. Again I say to this government: if you are seeking to impose a policy of CPI on a tier of government, then the Victorian community will expect you to adhere to the same policy in your own funding in the future.

**Mr PEARSON** (Essendon) — I am delighted to join the debate. This bill is an important piece of legislation because it is implementing a key election commitment of the government. It is about making sure that we as an administration do the things in office that we said were going to do when we were in opposition. The reality is that most people in this state would want to see a greater level of transparency and accountability in relation to local government. If a piece of legislation like this compels local governments to try to run their administration more efficiently and more effectively so there are fewer junkets and there is more efficient use of asset management, then I think that is a very good thing. I think that is an important thing.

Those opposite have made some comments today in relation to the minister's capacity under this legislation to allocate an adjustment. That is an important measure. Those opposite seem to want to make a lot of heat and noise around this issue. The reality is that the consumer price index is a rear-looking indicator. The reality is that we do not have a real-time, live CPI measure in this state. You might be looking at the past financial year; you might be looking at the previous quarter. The reality is that there will be times when councils might be, for example, looking at putting forward a budget bid or proposal which would for good reason breach CPI. You might ask, 'What would that be?'. Let us suppose, for example, that the price of oil drops spectacularly. Let us suppose that the Saudis cease production of oil for whatever reason and there is a massive increase in the price of oil at a time when the Mildura Rural City Council has put forward its budget bid for an increase in rates.

It could argue, 'We've got an extensive road network that we have to maintain. We've got a very large fleet of diesel vehicles. The CPI rate in Melbourne in the past financial year, which might be some time ago, was 1.9 per cent, but we are actually now looking at 5 per cent or 10 per cent increases in relation to our fuel bill'. The minister would be entirely within her rights — or his rights — to turn around and grant that council an increase in its rates as they saw fit. That is an entirely appropriate measure. I would say that if this provision were not placed in the bill and down the track such a set of circumstances were to emerge, those opposite would be screaming at the Minister for Local Government, begging her to do something.

This is an important piece of legislation. It is an important change to provide that level of flexibility because, as I said, the reality is that the CPI is a rear-looking indicator. It talks about what has happened in the past; it is no predictor of what will happen in the future. There is a need to make sure that we have some level of flexibility in those arrangements. If we can look at trying to have a more efficient and more effective use of publicly owned resources in local government and if that compels councils to get off and do their work and have their assets properly managed, then I think that is a very good thing. It is for those reasons that I commend the bill to the house.

**Mr CRISP** (Mildura) — I rise to make a contribution to debate on the Local Government Amendment (Fair Go Rates) Bill 2015. This bill will amend the Local Government Act 1989 and the Essential Services Commission Act 2001 to provide a mechanism to set a cap on increases in rate revenue that can be levied by a council in a financial year and to make consequential amendments.

There are a number of councils in the electorate of Mildura, including all of the Mildura Rural City Council, part of the Swan Hill Rural City Council and the northern half of Yarriambiack and Buloke shire councils. These councils vary: Mildura and Swan Hill are rural city councils; and Yarriambiack and Buloke are geographically significant but much smaller in their budgets and revenue. Each has its own unique set of circumstances. The challenge for the smaller rural councils is a lack of a major population centre to provide them with both a rate and service base as well as very large road networks to maintain and low population densities, whereas Mildura and Swan Hill have major cities at the core of their electorates, which gives them a rate base and a skills base that they can draw on.

Each of these councils has its challenges. There is a strong level of concern about the rates paid in Mildura. Similarly there is a concern in the smaller councils because of the low population base over which they can set their rates. I know Buloke and Yarriambiack have to work very hard to meet the expectations of their ratepayers for services. For councillors, councils and their staff, and indeed the population in general, the challenge is to balance revenue and services. That always has been and always will be the challenge for local government.

To address some of the concerns, the government has introduced this legislation to cap rates, whether or not there are a number of ways it could have gone about helping councils balance the revenue versus services issue. Let us have a look at how this will work, and I will make some comments going through.

The minister will be able to set an average rate cap to limit the percentage and the amount by which councils can increase their rates in a specified year. Some of these numbers will be crunched by the Department of Treasury and Finance, plus or minus any adjustment specified by the minister. I see some difficulties here; decisions are being pulled into the minister's area. One of the themes of my analysis is how big a department Labor is going to have to run this and how much it is going to cost, and then, over time, the benefits it may or may not deliver to ratepayers. The minister can adjust it for things such as wage pressures or efficiency dividends where appropriate. I know you can build a system around this, but it is going to take a lot of resources to operate it.

Once that is done the minister can take advice from the Essential Services Commission (ESC) — in fact the ESC has a role in the structure that is being developed — but the minister is not required to follow its advice. There is yet another input from the minister into decisions that need to be made. When applying the average rate cap to general rates and municipal charges, the bill authorises the minister to direct a council by order that its average rate in respect of a specified financial year must not exceed the rate for the previous financial year by more than the average rate cap. The minister has to publish this by the end of December each year. In this legislation it appears to me to be an individual council-by-council decision. There will be 79 councils and each one of those will have individual treatment. I can understand that, but I come back to what this will cost to run and what benefits it will deliver.

The bill provides for other rates and charges to be prescribed as subject to the rate cap. That means a

council may or may not apply this across all of its rate base or all of its charge base, and that then means that councils, once they receive this information at the end of December when they are framing their budgets for the next year, will then look at their other charges or other forms of revenue and how much they will need to increase them by. If Labor, for your average ratepayer in the street, is endeavouring to deliver a lesser cost burden with this legislation, it may find that local government is forced so that if it cannot get you one way, it will get you another way. That is the concern we have in that area.

I will now go to how the minister makes a decision on a council-by-council basis. There is an application that can be made to the Essential Services Commission. A council has to make a decision as to whether it wears the rate cap that is delivered to it or whether it gets involved in working up an exemption argument to go to both the Essential Services Commission and the minister's office. What may well be spawned here is not only a whole new bureaucracy within the minister's realm but a new bureaucracy within council's realm, in which a council will need to employ people or direct people to try to work out the exemptions it will be seeking in order to balance the services it delivers with the budget it has at its disposal. I know these councils are responsible and will endeavour to do this as efficiently as possible, but we may well find that we spawn a whole new industry based on trying to qualify for an exemption and on going through that process. Again the question is whether this delivers the benefit you want.

The bill gives the ESC the power to approve a higher cap for councils that applies instead of the average rate cap set by the minister. The ESC may approve a higher rate cap for the council either for a single year or for up to four years. However, councils will be required to satisfy the ESC on all the requirements needed to support the single year cap over future years before multiple caps are given. Within councils there is going to be a redirection of resources towards ways to get around this process.

I come back to where I began, which is: what will that mean for the average ratepayer in the street? This government delivered a promise in the election campaign that it would cap rates and that that would deliver huge benefits for ratepayers by limiting their rate rises. This is certainly responding to concerns, concerns that have come to my office within the Rural City of Mildura in particular. However, the question is whether or not the instrument the government has chosen will be effective when it gets back to mum and dad, who have their annual council costs sitting on the

table waiting to be paid, and whether this can deliver that promise or whether this will spawn an industry in which councils will wriggle, squirm and queue up at the minister's office after preparing a great deal of information for the ESC in order to try to balance the services they need.

There may have been other ways — and in fact I am sure and I know there are better ways — we could have assisted councils and ratepayers to meet the needs of their rate-paying constituents as well as the services they want and require. I will finish this contribution where I started, with a little bit of *deja vu*, because I think Labor has done this before. There was a queue outside the minister's office, and I think there will be a queue there again. So be it; it is on their heads.

**Mr BROOKS** (Bundoora) — It is a pleasure to join this debate on the Local Government Amendment (Fair Go Rates) Bill 2015. In this debate, having listened to it for some time now, it is very clear that there are just two sides to the argument: you are either with rampant rate increases we have seen across Victorian councils and with wasteful council spending, or you are on the fair go side, the Labor side. You have the Greens in the corner opposing rate capping — they want to see rates lifted even further to pay for all of their crazy ideas — and you have those opposite making the most insipid arguments you could imagine against this bill, but slipping in at the end that they are not opposing it. They do not have the courage to oppose the bill — absolutely outrageous.

It would have been better just to come into this place and say, 'We're not going to oppose this bill. We recognise that the Victorian people voted for this bill at the election, and we're going to wave it through', but instead we have had a range of weak arguments. Probably the weakest argument I have heard so far was from the member for Ferntree Gully, who flagged the idea of different staff being sacked from his local council, which I find outrageous.

It is just like the outrageous leaflet put out by my local council just before the last council election. Banyule council intimated that there would be a whole range of cuts if Labor's rate capping policy came in. It was a council-funded publication that came out with the rate notices, from memory, talking about potential impacts on home and community care because of financial pressures. If that were legitimate, you could understand a council raising that on behalf of its local community, but what you have here is a council that has jacked up rates over the last three years in a compounding way by over 34 per cent. There has been a 34 per cent rate increase by that council if you include municipal

charges. I can tell members now that my community is absolutely sick and tired of councillors wastefully spending their money and then complaining and playing politics with people's basic services.

I applaud the Minister for Local Government for the way she has handled this process and for having the courage to stare down those opposite and make them back down. I applaud groups like the Victorian Farmers Federation that have also supported Labor's rate capping model.

I will come back to Banyule council. I mentioned the 34 per cent rate increase over the last three years. That was 8.66 per cent in 2013–14. When you include the municipal garbage charge, which it carefully snuck into the budget, it was an 18.47 per cent slug on rates in my local area in one year. It is just outrageous. We have kindergartens where we have had to argue with council to get the gas heaters fixed because of a poisoning issue. Some kinders do not have hot running water. There are dilapidated council facilities, and this council is playing political games.

To top it all off, after arguing that they will not have enough money to fund vital services, councillors have gone ahead and commissioned a \$31 million new office facility for themselves. It is completely outrageous. If there is one council that you would hold up as an example of why we need this system, I would argue that it is Banyule council, which is a basket case when it comes to good financial management.

I urge those opposite to get in behind this bill. It is a fair go to councils because it gives them the chance to simply raise their rates by CPI, and if they have a legitimate reason — a growth council with infrastructure pressures or a one-off issue like flood or fire — they can apply to the Essential Services Commission and will most likely get approval to raise those funds, but they have to justify it to the Essential Services Commission, which I think is an absolutely fantastic way for this system to work. I commend it to the house.

**Mr KATOS** (South Barwon) — I am pleased to rise and join the debate this afternoon on the Local Government Amendment (Fair Go Rates) Bill 2015. As a few speakers have said, this is a commitment the Labor Party took to the 2014 election. As such, it has a mandate to bring this bill in, and that is why we are not opposing the bill, but there are a lot of issues around this bill that need to be highlighted.

I have local government experience at the City of Greater Geelong, where I held the finance portfolio for

two and a half years, and I can tell members one thing: it was always the Labor councillors coming into budget meetings wanting to spend money and increase rates. All the Liberals and most of the Independents were doing our best to bring rates down at the City of Greater Geelong, and we had to deal with the Labor councillors wanting to spend money like drunken sailors. If government members want to talk about that, that is what used to go on there.

At the moment we have CPI of just over 1 per cent. In my local area the City of Greater Geelong rates went up by 4.5 per cent this year and Shire of Surf Coast rates went up by 5.5 per cent this year.

**Ms Ward** interjected.

**Mr KATOS** — Do you want to talk about Banyule? Banyule, was it, and the Taj Mahal? The Surf Coast shire certainly spent over \$20 million — the Labor-dominated council down there — on new council offices, so it is not unique to councils in Melbourne.

With regard to this, what we also have this year are state government cuts of \$38.47 million to the local government sector. The other thing is that the country roads and bridges program — a very successful program — has been cut. It delivered vital infrastructure in the Surf Coast shire. Many projects were funded by that program, but now we fund bridges in Mulgrave from programs like it because apparently Mulgrave is now in country Victoria. Country roads money will fund bridges in the Mulgrave electorate, which is not a good outcome for local government in the Surf Coast shire.

There is one particular intersection in Torquay — the Beach Road–Surf Coast Highway intersection — which we made a commitment to fund out of the country roads and bridges program. That money is now gone, and the Surf Coast shire is having to beg, cap in hand, for funding from the Minister for Roads and Road Safety for that very important intersection, which has many accidents.

One thing the member for Ferntree Gully highlighted earlier was that the state government is asking local councils to show restraint in what they do, but it is not leading by example. The fire services levy has had a 7.2 per cent increase across the state, and in the City of Greater Geelong and Surf Coast shire the increases are over 10 per cent. The government is asking local government to show restraint, but it is not prepared to show restraint itself. A rise of over 10 per cent in the fire services levy is outrageous.

In this year's budget state tax is up by \$1.1 billion, and more waste was revealed today. The payout on the east-west link is now \$857 million. Apparently no compensation would be payable — it would only be \$1 — so what a waste of money there is there.

**Mr Pearson** interjected.

**Mr KATOS** — The member for Essendon is doing his Sir Les Patterson impersonation today. What it has got to do with the bill is that the government is asking councils to show restraint and spend their money wisely, but the government is throwing money away on paying \$857 million to not build a road. That is where we are at with that.

What will happen is that infrastructure will start to suffer, particularly in the communities I represent that are growth areas. For example, Torquay is a huge growth area, along with Winchelsea in the Surf Coast shire. In the City of Greater Geelong, Armstrong Creek is a massive growth area. Clifton Springs, Lara and Ocean Grove are other growth areas in the Geelong region, so how will council fund this infrastructure? The state government is cutting money to local government for vital infrastructure projects, so where will the City of Greater Geelong and the Surf Coast shire find the money they need to build and maintain the necessary infrastructure for their local areas? Where will the money come from? There is some money for interface councils but absolutely nothing for councils like the City of Greater Geelong and Surf Coast shire, which have huge growth areas.

Armstrong Creek is an area that in the next 25 years is envisaged to have over 22 000 homes and over 55 000 residents, so where is the infrastructure going to come from for that if you cannot put rates up? Once the City of Greater Geelong comes to its prudential borrowing limits, then what? What does it do then? What does the Surf Coast shire do when it approaches its prudential borrowing limits? That is what will happen. Councils' credit cards will get maxed out because they will have to borrow the money to provide the infrastructure and services their local communities are expecting and demanding. That is what is going to end up happening here. They are not going to be able to put rates up, so they are going to have to borrow money. They will not be able to fund local football club clubrooms, because they cannot put rates up, so they will borrow the money and keep borrowing until they get to the prudential limits.

**Ms Ward** interjected.

**Mr KATOS** — I might remind the member for Eltham that she is out of her seat and disorderly. If she wants to heckle me, she should go and sit in her seat at least.

As I think the member for Kew said earlier, the minister will obviously have discretion in what she grants, so are we going to see this magical situation come, especially towards the election year, when there will be nice favourable decisions given to, perhaps, councils in marginal seats that the government needs to defend or seats where it needs to win. The minister will, surprisingly, probably have a great deal of discretion in those areas.

As I said earlier, the Labor Party did go to the election with this promise, and it is implementing it — rather sloppily. We have had a whole year go by and nothing has happened. The commitment was supposed to be immediate. That has not happened. I see a lot of issues, particularly with growth area councils — and the two councils that are in the electorate of South Barwon are indeed growth area councils. I am fearful about where the funding will come from to provide the vital infrastructure and services that growing communities need and whether we will see another backlog of infrastructure. That is something that I certainly do not want to see, and I do not think the constituents of South Barwon electorate want to see that happen either. With that, I will finish my contribution there.

**An honourable member** — Well done!

**Mr HOWARD** (Buninyong) — I heard a 'well done' about that last speech from the member for South Barwon, but I fail to appreciate any depth of meaning in his contribution at all. It was a bunch of questions which seemed to be saying, 'Poor local government! If it is kept to CPI, it cannot afford to provide the services that it needs to provide at the moment', and that is not what we are saying on this side of the house. As somebody who had nine years of local government experience before entering this place — as a councillor and mayor in the former City of Ballarat — I certainly appreciate the activity that happens within local government.

In my time in this place I have worked closely with five different local governments across my electorates and always enjoy working with them to try to progress activities in their various municipalities. In general I think the local governments across my electorate do a reasonably good job, but there are clearly times when the ratepayers have not been happy with some of the actions that have been taken by their local governments. In fact I find that I am regularly, as a local MP, having

constituents come to me with local government concerns and local government problems, and I find a large part of my role ends up being to advocate back to local government to try to seek answers to their problems or help to address some of their local government issues.

We know that a range of constituents continue to be anxious because councils across my area, as well as in other parts of the state, continue year after year to seek and impose rate rises above CPI, and this is a great hardship to many constituents, especially when they have a limited capacity to understand why those rate increases were sought or to oppose those rate increases. This legislation the Andrews Labor government is pleased to bring before the people of Victoria basically says that we want councils to stick to CPI rate increases only, or less, but if they believe there is a genuine need to increase their rates above the CPI level, then they can apply to the Essential Services Commission, putting in writing their explanation and their figures as to why they need that to maintain the sustainability of their services and the infrastructure provisions that they need to apply in their local government.

What this bill is doing is not saying to councils, 'You can't increase your rates'; it is saying, 'Try to keep to CPI. If you can't, you need to present to the Essential Services Commission so that there can be some transparency applied to any applications to increase rates above CPI, and then a decision will be made beyond that'.

A number of local government councillors and administrators have been telling me they are concerned about the sustainability of their councils, especially some of the smaller rural councils, and that perhaps this bill will help to bring that to a head so that a different funding model may be found, perhaps working with the state and federal governments in the future to find a more direct stream of funding to ensure sustainability. Clearly we need our local governments to be sustainable into the future, but simply increasing rates substantially above CPI each year is not the way to do it.

I think the bill before the house is very sensible. The position of members of the opposition is such a flip-flop position that it is unclear what they really believe and what they are prepared to stand up before the constituents and say, but this is a sound piece of legislation. I think as we work through it we will see that it does set local government in good stead for the future, and I am pleased to support it.

**Mr PAYNTER (Bass)** — It has been an interesting experience sitting here listening to the contributions this afternoon on the Local Government Amendment (Fair Go Rates) Bill 2015. It is interesting to note that most of the members on the other side who feel that this is a good piece of legislation come from areas with councils which clearly need this type of guidance. On our side of the chamber, we generally come from responsible local government areas. That is why they are coalition areas. That is why we would not have implemented or sought to implement this type of legislation — because on this side of the chamber we generally have respect for our councillors and those working in local government. This seems to be at odds with those on the other side, who have no respect not only for councillors, council management and CEOs but for the local community and the ratepayers who have elected their local council and their local councillors to act on their behalf.

Clearly the ratepayers do not see the need for this type of legislation. It is an absolute nonsense to say that the government has a mandate for this legislation because it went to the last election.

**Mr Pearson** interjected.

**Mr PAYNTER** — I think it is the member for Essendon. I am not quite sure who he looks like today, but I think it is the member for Essendon. He is certainly in his seat.

**Ms Edwards** interjected.

**The ACTING SPEAKER (Mr Thompson)** — Order! Can we stick to the debate at hand, please?

**Mr PAYNTER** — He has distracted me there. Might I say it is important that the ratepayers who have elected their local councillors ultimately have the say on this.

The other thing I have heard time and time again from members of the government is that they are delivering on an election promise. That is clearly not the case. This legislation does not deliver on an election commitment, because the election commitment was quite clear. It was memorable because it was another catchy election campaign phrase that the government used as a cheap stunt to get votes, which unfortunately some ratepayers fell for. But it was another stunt. The government clearly said that the rates would be capped at CPI. As far as the information I have gained goes, the CPI is 1.1 per cent, whereas this approves increases of well over 2 per cent and 3 per cent. It has not delivered on an election commitment, and to stand up and say that it is doing so is completely false.

In fact what the bill does say is that it will approve an increase as forecast by the Department of Treasury and Finance plus or minus an adjustment specified by the minister. That is clearly not transparent. It is unclear exactly what the increase will be, and the member for Essendon did previously talk about transparency. Let me tell members that there is transparency already in local government. Under the Local Government Act 1989, they have got the Victorian Auditor-General's Office, they have got benchmarks, they have got key performance indicators and they have got performance standards; they do not need rate capping to deliver on transparency. As for the member for Bundoora saying that at this stage his local council cannot fix a hot water tap, let me tell members that rate capping is not going to fix the problems that may or may not be in each individual local council area. It is an ill-defined promise, and it is clearly not delivered at all.

What the bill also does is allow the local council to take into account other factors such as wage increases. What we see is that the labour costs of local councils is a huge component of their overall expenditure. We do know that a number of these local councils are in the middle of enterprise bargaining agreements, so that will put additional pressures on their expenditure. Put simply, rate capping will not do them any favours.

Then you have to question whether this notion of capping rates at CPI is a good idea altogether and whether CPI is an accurate reflection of the types of costs and the types of increases in expenditure local government would have. Clearly CPI is not a good measure of the sort of expenditure increases that local government has. I put it to members: what types of households have expenditure on bitumen for roads, for example, concrete for footpaths or waste disposal and landfill levies? That is not part of the normal CPI. Therefore I would question that CPI is even a relevant factor to consider when capping rates. Of course, the government did not use CPI, so it has not delivered on its promise; there is some type of other index which is going to be used by the Minister for Local Government, which is, as I said, ill defined.

I speak to councillors and council staff on a daily basis, and they have told me that they will be severely disadvantaged by this legislation. In fact most councillors are completely opposed to this legislation. Already there have been cuts in excess of \$38 million from the current state government to local government levels, yet on the other hand it is expecting them to cut their rates at CPI. You cannot have both. It simply does not work. You cannot cap rates and cut local government funding. In addition it has abolished the country roads and bridges program, which was a huge

plus to our local councils and regional areas and delivered many quality roads and bridges. That funding — that pool of funds — has been scrapped. Again, what we are seeing here is a government that wants to cap rates and cap funding to local government. It clearly cannot understand basic accounting.

The bill also ignores quite clearly the issues facing local councils in growth areas and peri-urban centres. I have met with representative bodies and individual councils — both Cardinia Shire Council, which is an interface council, and Bass Coast Shire Council, which is a peri-urban council — and I have discussed with them the pressures of delivering on the infrastructure that ratepayers expect. They already are feeling the pinch. They will certainly be far more disadvantaged as a result of not having a fair and equitable rate system if we impose this rate capping at this supposed CPI, which is simply not the case.

It is not simply an issue of roads, rates and rubbish. That notion is long gone. It is a number of things other than roads, rates and rubbish, and concerns about the impact of rate capping on these councils not only in being able to deliver basic infrastructure and additional facilities such as recreational facilities and arts facilities but also in being able to run other services and programs like youth engagement programs and challenging family violence. I have heard it said by many ratepayers that there are other issues that should be addressed with local council, such as council waste and poor council decision-making. Unfortunately this legislation does not address any of those issues. What ratepayers really want is simply value for money — not rate capping but a fair rate base.

Unfortunately this government has not addressed any of these real issues in the bill. Although it does go some way to addressing rates increases, which is welcomed by ratepayers, it simply does not address the real issues with local government, nor does it address the rate capping and nor does it deliver on the promise of capping rates at CPI. I hope this government gets serious about addressing the real issues of local council and allocating infrastructure funding to our interface and peri-urban councils.

**Mr LIM (Clarinda)** — I am more than happy to rise today to speak on the Local Government Amendment (Fair Go Rates) Bill 2015. With a bill like this I can say on behalf of members on this side of the house that we feel pride. We are proud to be part of a progressive, visionary government because we care profoundly about the welfare of the ratepayer. Of course we canvassed this very widely and the media has also canvassed it very widely since May 2014, just before

the election, so to suggest otherwise — that we are imposing a view on the community, as the other side of the house is implying — is just nonsense.

The bill aims to protect Victorian ratepayers from unsustainable increases in council rates via amending the Local Government Act 1989 and the Essential Services Commission Act 2001. Changes will take effect from the 2016–17 financial year and ensure that future rate rises stay in line with the consumer price index, unless approval has been granted by the Essential Services Commission (ESC) to a council to raise rates beyond the indexed rate. Capping these rates will ensure that greater accountability is imposed on councils in their budgeting and service delivery.

The bill will enable the Minister for Local Government to set an average cap for rate rises within a financial year. This will generally be the consumer price index, plus or minus any adjustment specified by the minister. This discretion will enable the minister to be flexible enough to react to economic pressures or efficiency dividends where it is deemed necessary. The minister will be required to heed the advice of the Essential Services Commission in the setting of the rate but is not required to follow that advice, so there is a mechanism built in that will be enough to cater for every interest.

The bill states that the rate increase is applicable only to general rates and municipal charges. These rates account for approximately 88 per cent of council rates and charges revenue. Therefore the first rate cap will not be applicable to garbage collection, special rates or the fire services levy. However, to ensure that councils do not disproportionately increase some rates to compensate for a cap, the minister may prescribe that a cap also applies to other rates and charges where necessary. Different rate caps may be applied to a different group of councils or individual councils as required. This will ensure that flexibility to adapt to circumstances is there when needed — for example, a different discretion may be applied to rural councils that have been affected by natural disasters.

The bill also gives the ESC the power to approve a higher cap for a council where required. This cap may apply for a single year or up to a four-year period. However, in the first year of the bill coming into effect the higher cap may be approved for one year only, in order to allow councils and the ESC time to adjust to the new system. The bill requires the ESC to report on councils' compliance with the average rate cap annually and the overall outcomes of the Fair Go rates system for ratepayers biennially.

Council rates are one of the largest bills that Victorians pay each year, and the Fair Go rates system aims to protect Victorians from unwarranted increases in rates above the CPI. Over the last 10 years council rates have increased by about 6 per cent per year on average. This is more than twice the rate of inflation, and we all know how this affects families. These increases are unsustainable and put undue pressure on ratepayers whose incomes do not increase at the same rate.

The Fair Go system was announced in May 2014, as I mentioned earlier, and was well canvassed by the media. Victorians elected the Andrews government and provided the mandate to implement these Fair Go rates. I commend the bill to the house.

**Mr WATT** (Burwood) — I rise to speak on the Local Government Amendment (Fair Go Rates) Bill 2015. As the member for Clarinda just stated, the initial promise by the Andrews opposition at the time was made in May 2014. It was canvassed quite widely during the campaign. I do not think there are too many people in my electorate who did not understand the commitment that was made by the government. This is part of the reason why we are not opposing this bill, because it was a very clear commitment from the government to what it was going to do. Up until we saw this bill it was very clear what the government had committed to. When the bill was introduced I had a bit of a read through it, as I do every time I get a bill, and I actually looked for what I thought would be some indication of the 1.1 per cent cap.

My electorate knew, and I think most Victorians knew, that the government had made a very clear commitment. That commitment was that Victorian Labor will force councils to cap their rates at the consumer price index. The consumer price index is a figure that quite a lot of Victorians understand and quite a lot of councillors understand, which is why they were so vehemently opposed to the idea in the first place. Many Victorians, including people in my electorate, knew exactly what the consumer price index was and that is why they were so supportive of it. The member for Clarinda said, 'Yes, it was supported at the election'. Yes, it was, and we on this side respect the fact that the Victorian people voted for a party that said it would have rates capped at the CPI. The CPI was then 1.1 per cent, and most Victorians know what the CPI figure is because they hear about it regularly. When the number comes out we hear about it all the time, and 1.1 per cent was the figure that people would then be thinking about.

I do not believe people thought that when their next rates notices came out that council rates would be so

much more than the 1.1 per cent increase. In the City of Monash, which covers part of my electorate, we saw a 6.46 per cent increase in rates in the notices that have come out this year. Clearly the government has the power; in fact it already had the power. The whole bill is useless and a waste of time. It is a waste of our time debating it here. This whole thing is a waste of time, because quite simply under section 185 of the current act — not the bill but the Local Government Act 1989 — the minister actually has the power to set a rates cap. As soon as she was sworn in the minister could have said, ‘We are capping rates at the CPI’. Now with CPI being 1.1 per cent that means that Monash could not have brought out a 6.46 per cent rate rise this year. It would have been very simple, it would have been very clear and it could have been done and gazetted before rates went out this year. We would then not have to waste our time coming in here to debate a half-baked proposal which is not CPI.

Any member on the other side who deludes themselves into thinking that this is, firstly, the simplest way of going about what Labor promised at the election, or secondly, that Labor is doing anything like it said it would do at the election needs to take a good look at themselves because this bill is not doing that. The problem with this bill is that it is not doing what the government promised at the election, which was to cap rates at the CPI. I also note that when people get their rates notices now, they also get through reforms the coalition government made, over the four years it was in office, the fire services property levy. That goes on their rates.

At the same time the government is saying to councils, ‘We want you to reduce your increase in rates and have your rates increase only by CPI’, the fire services property levy in Monash — as I said, Monash has already blown the 1.1 per cent and is at 6.46 per cent — which is money that goes straight into the pockets of the government, has increased by 9.7 per cent. So at the same time that we are saying to councils, ‘We want you to be frugal’, we have this 9.7 per cent increase in the fire services property levy. You cannot on one hand tell councils that they need to reduce their increase and on the other hand have no regard for the residents and their ability to pay these rates and service charges.

I note that on 28 November 2014 the current Premier did an interview with Peter Mitchell on Channel 7. Peter Mitchell said to him:

...do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

Daniel — I do not know whether it was Daniel or Dan at that time; I cannot remember whether he decided to

change his name at that time, but regardless of that — said:

I make that promise, Peter, to every single Victorian.

How do you say, ‘I will not increase taxes’ and then have a 9.7 per cent increase? At the first opportunity you get, you increase it by nearly 10 per cent. That is just for Monash; I know it is different for different municipalities. I apologise to those on the other side; I do not have every other municipality’s rates. I do understand that the average rate increase is about four times the CPI, so in the vast majority of council areas you go to it is a broken promise regardless.

I find it interesting that I stand here in this house and hear those on the other side constantly saying, ‘We will fulfil our commitments. We will fulfil every commitment’. This ain’t one of them. This ain’t one they are fulfilling, because 1.1 per cent is CPI. They put a dog’s-breakfast formula in this bill — which quite frankly was not necessary, because the minister could have capped rates without the bill. Quite clearly section 185 of the current act allows her to do this, so they do not need the bill in the first place, and if they actually did what they said they would do, it would be 1.1 per cent, not the dog’s breakfast, which is going to be a lot more. We know it is going to be a lot more, and we know why we have this formula.

The reason we have this formula is because it is the Labor government pandering to the Community and Public Sector Union around wage increases, and we know that council costs are largely consumed by wages. We know that the government does not have the ability to control the union movement and does not have the ability to control blowouts in costs of wages. We know that because we see in the current budget this year a 7.7 per cent increase in wages for the government sector. How can the government tell councils and their workers that they cannot have wage increases when we have massive wage increases projected for government through the Andrews budget?

There are a couple of things. If you cap rates — keeping in mind that the government has not done what it said it would do and it would be much easier if it just did it through section 185 of the current act as it stands — what you are going to find is that there is this waterbed approach. The council needs to be able to raise funds. When you push down here with council rates, what goes up there is council fees, and if fees do not go up, then you actually have debt that is going to go up, and if debt does not go up, then you simply have services going down. Many of my residents rely on a lot of the services that local councils provide, and many

of those services will not actually be able to be provided if the government is going to cap rates. Keep in mind that that is not the election promise Labor made.

It is interesting that the minister must request advice from the Essential Services Commission when determining the average rate cap but does not actually have to listen to that advice, and then councils can actually apply to the commission to go over and above what the cap was in the first place. So even with a rate cap, that cap can be exceeded.

In the brief time I have left I want to pay tribute to my councils. I particularly want to pay tribute to Cr Philip Daw, who was elected mayor of the City of Whitehorse, a very good councillor; and also Cr Jim Parke. I know that many in this chamber know Cr Jim Parke as a very good councillor, and I note that the member for Hawthorn joined me and the member for Box Hill last night for the council reception after the vote there. He will do a great job, along with Cr Philip Daw as the mayor of Whitehorse.

**Ms KAIROUZ** (Kororoit) — I rise to make a brief contribution to the debate on the Local Government Amendment (Fair Go Rates) Bill 2015. This is another election commitment delivered by this government. Home owners in particular will welcome the relief from exorbitant rate rises that this legislation will bring by giving the minister the power to set an average rate cap to limit the percentage amount by which councils can increase their rates for a specified financial year.

This bill defines the average rate cap as a percentage amount equal to the change in the Melbourne CPI for the financial year as forecast by the Department of Treasury and Finance, plus or minus any adjustment specified by the Minister for Finance. In providing for the cap to be adjusted above or below the forecast change in the CPI the bill will enable flexibility for matters such as wage pressures or efficiency dividends to be taken into account where appropriate. It is important to note that in setting the average rate cap the minister must request advice from the Essential Services Commission and then determine whether or not to follow this advice.

As a former councillor my view of local government in Victoria is that as a sector it generally delivers value-for-money services that are in tune with community needs. There are those councils which by necessity can only deliver the most basic of services for their communities. Some smaller rural shires in particular have a low rate base, and frugality is second nature. On the other hand, a number of bigger suburban councils

have been able to spend with impunity due to the large number of rateable properties within their municipalities, combined with a general willingness to raise rates way beyond inflation.

The argument for rate capping is quite strong. At the beginning of 2015 the average mortgage in Victoria was almost \$440 000, and many families also have minimal capacity to absorb rises in their fixed costs, one of them being municipal rates. Those people simply have to grin and bear it.

Under this government's reform, rates will be capped relative to CPI, which will provide certainty and relief to ratepayers. This reform will ensure that councils decide what is most important for their residents and for their ratepayers. Rather than councils having the capacity to levy huge rises on their ratepayers without justification, councils will now have to be a lot more focused on determining community needs. This cap provides some exemptions for those councils which have genuine need, and they certainly have nothing to fear from this bill.

When this bill becomes law it will not simply be enacted and then collect dust on the shelf. A monitoring regime will require the Essential Services Commission to report on councils' compliance with the average rate cap annually and the overall outcomes of the Fair Go rate system for ratepayers and communities biannually. This bill also provides for a review of the system by the Minister for Local Government and the Minister for Finance by 31 December 2021. This review is aimed at determining whether the mechanism for setting a cap on rates is still appropriate and whether the legislative framework is effective or needs to be amended. This bill also requires further reviews every four years following the completion of the first review.

In summary, the Fair Go rate system, for which this bill provides the legislative framework, will play a central role in giving Victorian communities the strong, the accountable and the efficient local councils they deserve. I am pleased to hear that the opposition will not be opposing this bill, and I wish it a speedy passage.

**Ms EDWARDS** (Bendigo West) — I was not quite ready for the call; I anticipated that there might be someone from the opposition wanting to speak on the Local Government Amendment (Fair Go Rates) Bill 2015, but obviously there is not.

It is important to make a contribution to the debate on the Local Government Amendment (Fair Go Rates) Bill 2015 in the context of poverty. Last October the Australian Council of Social Service released the report

entitled *Poverty in Australia 2014*. It is quite dire reading in the sense that poverty across this country is increasing and growing with an estimated 2.5 million people, or around 13.9 per cent of all people, living below the internationally accepted poverty line every year, which is quite horrifying. Why I am putting that in the context of this bill is because we know that many people struggle to pay their rates every year. When we have increasing rates across Victoria in all local government sectors of an average of around 6 per cent every year for the last couple of years, it is concerning.

Last year the *Bendigo Weekly* did an article leading up to Anti-Poverty Week, which revealed that Bendigo ratepayers were being slugged almost twice as much for their council rates as they were a decade ago. In fact in 2005–06 the council budget saw ratepayers hit with a 5.8 per cent rate increase, and according to the official state government figures at the time, the median house price for 2005 was \$207 000, and the amount of rates paid on that \$207 000 in 2005–06 was \$789.06. Some 10 budgets later, the 2014–15 budget saw a rate increase of 6 per cent up against a March 2014 median house price of \$365 000, and the amount of rates paid on a \$365 000 property in the current budget was \$1433.55.

At the time, the mayor, Cr Peter Cox — who for the record has handed over his mayoral robes tonight to Cr Rod Fyffe to take on the role as mayor for the next 12 months — was, and I believe still is, an avid campaigner for lower rates. He said that the comparisons over the last 10 years were very concerning. What he said, and what we know, is that there are many households who find it difficult to put food on the table. The article quotes Cr Cox and states:

‘There are 30 per cent who are cash poor and own their own houses. They need money to pay their rates.

‘It is a compounding issue for me.’

Cr Cox said part of the problem is decisions on rates and costs are made by people who can easily pay them.

‘Compare how many people are trying to survive to the increased cost of our wages’, he said.

‘These are institutions run by people who are in well-paid, secure jobs.

‘They don’t know what it is like to live week-to-week.

‘If they had an understanding of that, we wouldn’t have the expenditure or rise in wages we have today.

‘Every which way you look at it council is trying to get the maximum dollars out of residents.’

That is from the former mayor, Peter Cox.

In opposition Labor members said we would limit council rate rises to the level of the consumer price index, and I am absolutely astounded that those opposite do not understand how the consumer price index works. Having said that, it is clear that the minister has put on record that any council that chooses to link future job or service cuts to this proposed rate cap will be drawing a very long bow.

What has not been mentioned by those opposite is that last year the Abbott government froze financial assistance grants to councils, and councils need to be honest with their ratepayers that they have lost their funding. Those opposite need to be honest with their constituents that their federal mates have cut that funding. If those opposite want to point the finger, they should be pointing at former Prime Minister Tony Abbott and his cuts to financial assistance grants.

Last year the City of Greater Bendigo announced its biggest rate rise for several years, with a 6 per cent increase, which was a real shock. In fact the mayor at that time, Lisa Ruffell, conceded it would be tough for some people to accept the rise, given that several councillors had campaigned for lower rates. She said:

It’ll be challenging for the community to accept the 6 per cent, especially when I was out there trying to say I didn’t want a rate rise on the election trail.

That is a little hypocritical, and of course we all know that that mayor was a member of the Liberal Party.

When I come to think about that, I realise that the Liberal Party continually has changed its position on this policy. When we first announced it, those opposite were opposed to it, then in opposition they said it was not happening quickly enough and then said it was a bad idea. They would like to pretend that only non-Liberal councils raise rates above CPI, but the City of Whitehorse, which covers the Liberal seats of Box Hill, Burwood, Forest Hill, Ringwood, Kew — the members for which are all in the house tonight I see — and Warrandyte, raised their rates 7.6 per cent. Is it not strange that the Liberal Party would struggle to have a view on an important cost of living measure such as this that directly affects its constituents.

To end my contribution, today the Victoria Grants Commission tabled its annual report, which reveals the damage inflicted by the federal coalition government’s cuts to funding for local councils. The report shows that Victoria’s 79 councils have been denied an estimated \$17 million in financial assistance grants in 2014–15, with a projected reduction of \$39 million in 2015–16 and \$62 million in 2016–17, totalling \$118 million in cuts. If there is any degree of concern from those

opposite about the rates cap here in Victoria, it is absolutely unjustified. I am pleased they are not opposing the bill, and I commend it to the house?

**Debate adjourned on motion of Ms RICHARDSON (Minister for Women).**

**Debate adjourned until later this day.**

## **TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2015**

*Second reading*

**Debate resumed from 21 October; motion of Mr PAKULA (Attorney-General).**

**Mr PESUTTO** (Hawthorn) — It gives me great pleasure to rise to speak on the Terrorism (Community Protection) Amendment Bill 2015, a very important bill touching on a complex, difficult and momentous subject about how we deal with the threat of terrorism, which is coupled with a whole range of issues, from community engagement and multiculturalism to our relationships, not only as a city and a state but also as a nation, with each other and with the rest of the world. In a way it is timely that this bill has come forward, because it gives effect to 6 of the 13 recommendations of the Jones review. That review was commissioned by the previous government, but it was commissioned because the Terrorism (Community Protection) Act 2003 requires that a review of that legislation be undertaken prior to 1 December 2014. The review by David Jones is a very thorough and comprehensive review, and I encourage all members who may not have read it in full to do so if they can. As I said, it made 13 recommendations, and this bill implements 6 of those recommendations.

I say this bill is timely because in the last couple of years in particular we have seen the emergence of organisations like Islamic State of Iraq and Syria operating in parts of the Middle East, particularly in places like Syria and Iraq, with links to other parts of the world, advancing a despicable cause of violence, intolerance and mayhem on innocent peoples across the world. The Jones review occurred at a time when we as a society were realising the gravity of this challenge. We of course have faced our own challenges here at home. In Melbourne we have not been untouched by the threat of terrorism.

We all remember the events of the Lindt cafe siege — the tragic events in Sydney late last year — and various other incidents in the last year or year and a half that have reminded us just how close to home this threat is

and how determined we must be to confront it with the firmness that is required to deal with those determined to visit violence on innocent people and innocent communities. We must also confront it with the discipline to remember that at all times we must remain an inclusive and embracing culture and that our determination to confront those who mean us harm will not compromise our willingness and capacity to engage particularly those who are at risk of alienation or radicalisation. We may not be able to redeem everyone, but if we manage to remain tough when we need to be tough and engaging and inclusive when we need to remain engaging and inclusive, then we give ourselves the best prospect of ensuring that we never face those threats which we will do everything we can to prevent materialising.

This bill comes at a time when there is also a discussion going on around the adequacy of police resources. In the spirit of this subject I do not want to delve into that too much other than to say that we need to give serious consideration to whether we are equipping Victoria Police and our law enforcement agencies with all the resources they need to tackle these difficult issues on the ground. Our bail laws are a matter I have touched on in recent months. I think there are arguments in favour of following the lead of New South Wales in potentially looking at toughening up the provisions of the Bail Act 1977, particularly where terrorism and terrorism-related matters are involved when suspects are brought before our courts. I certainly think there is a sound and compelling case for ensuring that show-cause provisions in the Bail Act apply in all cases where terrorism-related aspects of charges are involved when accused persons confront the courts.

I have already mentioned that New South Wales is taking a proactive stance on reviewing its bail laws in this respect, and I would urge the government to give strong consideration to that. We would certainly be prepared to cooperate in a bipartisan manner with any efforts to look at how the Bail Act can be toughened up in that respect. I think there is a case for doing that.

Going back to the Jones review, the review was completed in September of last year, and it made 13 recommendations, as I said. The previous coalition government committed to adopting 12 of those 13 recommendations. I am not going to go through those recommendations in detail, suffice it to say that the only recommendation which the previous government was not willing to support was recommendation 4:

That provision be made for the giving of a delayed notice to an occupier of premise(s) and any adjoining premise(s) which are the subject of an executed covert search warrant.

If that recommendation were to be adopted, it would require authorities to notify those affected by the execution of a warrant that that warrant had in fact been executed, but sometime after that warrant had been executed.

Having adopted 12 of those recommendations, the election came and went. The rest is history. The government has now brought forward this bill, and it adopts recommendations 2, 3, 7, 9, 10 and 11 of the Jones review. I will spend some time shortly identifying the differences there.

The bill before the house has picked up six recommendations. Turning to the bill, let us look at what those matters deal with. The first thing the bill does is provide for remote access to premises so that police officers can covertly access information stored on computers and hard drives without having to execute the warrant physically. That is safer, it is more effective and it is likely to elicit the information that investigatory authorities will need to obtain if they are to act to prevent terrorism-related activities. One of the stated purposes of the bill is to extend the operation of preventative detention orders (PDOs) and prohibited contact orders (PCOs). I am not convinced of that, looking at the bill; I do not think there is anything in the bill which actually does extend preventative detention orders and prohibited contact orders.

The briefings that the opposition received indicated that PDOs and PCOs, if I may call them that, were being extended because the definition of 'vehicle' is being shifted to an earlier part of the act. I am not convinced of that. I was hoping to see something in this bill which might actually extend the operation of PDOs — for example, like in the manner they are considering in New South Wales — where there is just cause for extending the operation of preventative detention orders for longer periods. We think there may be merit in that, and I will come to why that may be the case.

I turn to the two key parts of this bill, and first the remote entry aspect. I also want to make some comments on covert search warrants under the Terrorism (Community Protection) Act 2003 because it is often said that these powers are very significant and very extensive. To some extent that is very true, but they equally are necessary. I would say that in the case of Victoria's regime there are a number of very effective safeguards in my view which operate to ensure that where courts order the issuing of covert search warrants they will have done so only after a

thorough process has been conducted by the court and other aspects of the process have been fully satisfied. So, for example, where a covert search warrant is being sought, the issuing officer has to first seek the authority of the Chief Commissioner of Police, a deputy commissioner or an assistant commissioner. That is an internal hurdle, but it is still a very important hurdle. It will ensure that covert search warrants are not brought before the courts without a serious commitment by the most senior officers in Victoria Police.

The second thing, and perhaps the most important part of the process surrounding covert search warrants, is that the Supreme Court of Victoria must be fully satisfied that there is just cause for issuing a covert search warrant. A third factor is the mandatory involvement of the public interest monitor (PIM). The public interest monitor is an independent officer, and the job of the PIM is, amongst other things, to oversee ex parte applications under a number of statutes, including the Terrorism (Community Protection) Act 2003. Again, this is an independent officer who can make submissions and participate fully in the hearing to determine whether a covert search warrant should be issued. If a covert search warrant is issued, there is a requirement on the officer to whom the warrant is granted to return to the court no later than seven days after the warrant expires to explain to the court which powers were exercised, which conditions on the warrant were complied with and how, and various other matters. Failing to comply with that requirement can have serious penal consequences for the officer involved.

There are further aspects which operate as safeguards in this respect. The Chief Commissioner of Police must provide a report to the Attorney-General of the day on the exercise of warrants and the number of applications brought before the courts. The Attorney-General must then table that report before both houses of Parliament. So there is judicial, there is ministerial, there is parliamentary and there is public oversight of this whole process. The argument I make in terms of covert search warrants in answer to the criticisms that these are very extensive powers is that in Victoria — and not all other jurisdictions can claim this — there are very robust and rigorous processes to ensure that a covert search warrant is only issued after the most serious and exceedingly difficult thresholds are fully satisfied. So we think that change is appropriate to enable police to access computer equipment remotely.

The other key change involves preventative detention orders. The change proposed in the bill, which was one of the recommendations that we too in government had adopted, is to allow police to bring applications for

PDOs in circumstances where they do not know the correct name of the suspect who was a potential detainee but know an alias. We think that, again, that is appropriate given the hazards and the gravity of the risks that are involved if police were not able to act in those circumstances to seek preventative detention orders, which are, I should say, rarely sought by authorities. Again, in answering criticisms of PDOs I think it is important to again point out that in Victoria our regime contains a number of very rigorous thresholds which must be satisfied, as with covert search warrants. I just want to run quickly through those. First of all, a preventative detention order cannot be obtained unless and until you make an application to the Supreme Court of Victoria.

**Business interrupted under sessional orders.**

### ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

#### **Murray Valley Highway–Warren Street, Echuca**

**Mr WALSH** (Murray Plains) — The matter I raise in the adjournment debate is for the Minister for Roads and Road Safety. It refers to the intersection of the Murray Valley Highway and Warren Street in Echuca. This is a very important intersection leading into the town of Echuca and on through Moama into New South Wales, but it is also important for the local area there. There is a substantial aged-care development — Cunningham Downs Village and Wharparilla Lodge — and also some major subdivisions happening at that particular intersection. It is effectively a combination of three dangerous Y-intersections on a large sweeping bend of the Murray Valley Highway. This particular intersection has had a number of accidents over the last five years, four of which have involved 11 people. We have been very fortunate that there has not actually been a fatality at that intersection.

On 11 June this year I brought a deputation from the Shire of Campaspe, including the mayor, down to meet with the minister. The minister made a commitment at that time to respond back to the shire about where the works for a new roundabout were up to. So the action I seek is: I want a response from the minister for the delegation that came here on 11 June.

Last year in August the then Deputy Premier and Leader of The Nationals, Peter Ryan, was in Echuca and announced the funding for that roundabout as early works for the Echuca Bridge. When that announcement

was made, VicRoads regional director Mel Kersting said that plans were basically complete, work for that roundabout should have started in early 2015 and it would take 12 to 14 months to complete. Obviously those works have not started.

As I said, the action I seek from the minister now, following the delegation of 11 June, is information from him back to the council as to when that particular work will start in the future. It is, as I said, a very dangerous intersection. A number of accidents have happened. The community is very keen that that work be done to stop the risk of a fatality in the future, and I seek a response from the minister to the Shire of Campaspe.

#### **The Grass Ceiling**

**Mr STAIKOS** (Bentleigh) — My adjournment matter is for the attention of the Minister for Sport and concerns the issue of female participation in sport. I request that the minister support the Grass Ceiling campaign, which has been launched by the *Bayside Leader* newspaper and Bayside mayor Felicity Frederico in response to the lack of female-friendly sporting facilities.

In the City of Bayside 96 per cent of the sports pavilions do not have female-friendly change rooms. In the City of Glen Eira a third of the pavilions do not have female change rooms and toilets. This is obviously an unacceptable situation. Of course a lot of this infrastructure was built in the 1950s, 1960s and 1970s.

Recently I visited King George VI Reserve, which is the home of Bentleigh ANA Cricket Club and Bentleigh Junior Football Club. Bentleigh ANA Cricket Club has three female teams — three girls teams — but has an inadequate pavilion. They have four toilet blocks — all of them have urinals in them, so obviously it is not a good environment for female sport, but they do the best with what they have.

We know that female participation in sport is growing. The Southern Football Netball League — and we are very proud of this — began a netball competition in 2012 with just seven teams. This year it had 51 teams and next year expects more than 60 teams. So it is growing, but we do not have the facilities to keep pace with that growth.

This is why I support the Grass Ceiling campaign. This government has made a significant investment — a \$100 million investment — in community sport; \$10 million of that is exclusively for female sporting facilities. It is time that all levels of government got

serious about providing adequate facilities to support female participation in sport. I acknowledge Andrew Robb, the federal member for Goldstein, who raised this issue and supported this campaign in the federal Parliament. I am doing the same in the state Parliament, and I request that the minister also support the Grass Ceiling campaign.

### **Pakenham police resources**

**Mr BATTIN** (Gembrook) — I call on the Minister for Police to provide extra police resources in the Pakenham area. Pakenham has had a high incidence of hoons down through Ahern Road. We have had regular complaints from our neighbours and people down through that area in relation to wanting speed humps put in. They have got the council on board, they have put petitions forward and they have regularly asked for issues to be resolved down there.

The police minister has recently written to the community out there. The letter that was put forward from the police minister basically said to them, ‘If you have an issue, call 000’. That is a response that the community did not really need, considering Pakenham police station just recently, as we have seen, was closed. A 24-hour police station was shut due to police resources, and that is a concern through the Cardinia area. As we know, Cardinia is one of the fastest growing areas in our community. At the moment there are around about seven families moving in per day.

**An honourable member** interjected.

**Mr BATTIN** — It is actually quite interesting. I would not take up the interjection there, but talking about operational decisions, it is quite disappointing that the police minister is allocating 15 staff down to the Bellarine Peninsula. I do not believe that is a decision of the chief commissioner; that is a decision made directly by the minister. I am asking the minister for the same preferential treatment for the Cardinia area, because the Cardinia area is a rapidly growing corridor. Unlike the Bellarine Peninsula, it is obviously a —

**Ms Neville** — It can’t help it if it’s got a good local member.

**Mr BATTIN** — I would not go that far. Unlike the Bellarine Peninsula, we do not have crowds just during the summer; we actually have residents moving in continuously. They have had issues with education and they have had issues with other things down through the area, and it is vital that they have access to their

police and their emergency services through the community.

**Mr Paynter** — Five families a day.

**Mr BATTIN** — As the member for Bass reiterates — he is saying five families a day, but it is actually seven families a day at the moment. That has come out from the Cardinia Shire Council. That is seven families who deserve access to police resources. They deserve access and protection. Whilst they have the issue of hooning down Ahern Road and through areas of the local community, they need to make sure they have police resources for proactive policing, let alone to catch up with police resourcing just to open the station that is supposed to be open 24 hours a day.

### **Grants of Australia**

**Mr DIMOPOULOS** (Oakleigh) — I wish to raise a matter for the Minister for Small Business, Innovation and Trade. The action that I seek is for the minister to assist local businesses like Grants of Australia with opportunities like reverse trade missions or other government initiatives to support Victorian companies seeking to export their goods or services.

I had the great pleasure to visit the distribution centre of Grants of Australia last week in Huntingdale, right in the heart of the Oakleigh electorate. What a story. This is a family business that was established back in 1983 by Mike and Michelle to develop a clean, chemical-free and fluoride-free toothpaste for their children. They are still at the helm and have now been joined by their daughter Tammy. Their energy is inspiring, and it is no surprise that Grants has become a terrific success. The toothpaste is now widely available through health stores and at Coles supermarkets.

As we know, there is a big market locally and around the world for clean Australian products. Australia has long had an enviable reputation as a clean food source, but there are opportunities emerging in the health sector too. The family was telling me about the opportunities, particularly in China. I am sure that Grants would warmly welcome and appreciate any assistance the minister can provide to support exports in Victoria.

### **Baw Baw bus services**

**Mr BLACKWOOD** (Narracan) — I raise a matter for the Minister for Public Transport, and the action I seek is an expansion of bus services in the Baw Baw shire, in particular in the towns of Warragul and Drouin. Baw Baw shire is growing at a rapid rate, and Drouin, with more than 14 000 residents, is the largest regional town in Victoria to not have its own bus

service. By comparison, Newborough in the Latrobe municipality, with around 7000 residents, has its own service.

There are an incredible number of new homes being built in Drouin, and the lack of a town bus service means that residents are forced to rely on their own private vehicles, with no option to take public transport. The aged-care facilities of Lyrebird and Amberlea are both located some distance from the town centre. Investment in a bus service will help serve residents already living in Drouin and those who are choosing to move to the area.

The extension of an existing Warragul town bus service is also needed. One particular area that would benefit is the Warragul Lifestyle Village located at the corner of King and Landsborough streets in Warragul. Many of the residents are unable to drive and rely on an infrequent private minibus service provided by the village operator. Representatives of the Lifestyle Village have been requesting access to the town bus service for some years. A current bus service travels to the West Gippsland Hospital, less than 300 metres from the Lifestyle Village in Landsborough Street, and a small extension to this service could assist village residents and people living in King and Burke streets.

I understand that earlier this year the Andrews government undertook a community consultation process regarding public transport needs for the Gippsland region as a whole. However, nothing has been heard of since by the local community, and many who attended those sessions were disappointed by the focus on regional rail rather than bus services and are concerned bus services will be forgotten.

The Warragul railway station precinct project funded by the coalition government has now been completed and has a bus interchange ready to go. Representatives of the Warragul Lifestyle Village and the Drouin community have been requesting access to the town bus service for some years. Public Transport Victoria has indicated that the extension to these services has been approved, subject to funding. I call on the Minister for Public Transport to address the public transport needs of Drouin and Warragul in the Baw Baw shire.

### **Macedon electorate small business**

**Ms THOMAS** (Macedon) — The adjournment matter I wish to raise is for the attention of the Minister for Small Business, Innovation and Trade, and the action I seek is that the minister join with me to meet small business owners in my electorate.

Small business is a major source of employment in Macedon and in businesses that support our fantastic tourism industry in particular — from guesthouses and hotels to spa baths and beauty treatments and more food and wine options than you can imagine. Of course we have great shopping in traditional retail strips, including Aitken Street in Gisborne, Vincent Street in Daylesford and High and Mollison streets in Kyneton, as well as the high streets of the smaller towns.

We also have many innovative businesses, including Daylesford and Hepburn Mineral Springs mineral waters, now exporting our mineral water to the world; the RedBeard bakery in Trentham, making bread the old-fashioned way in one of Victoria's few surviving Scotch ovens; 3Fish in Woodend, a Sustainability Victoria award-winning business producing fair trade clothing; Natural Grace in Woodend, which offers green burials and personalised funeral services; and of course Istra Smallgoods in Musk, making the best bacon, salami, ham, pancetta and prosciutto you will ever eat.

It has been my pleasure to meet with the owners of each of these businesses, and I would welcome the opportunity to introduce the minister to these and other businesses that are demonstrating the diversity of small business in regional Victoria.

### **PenBus service**

**Mr DIXON** (Nepean) — I wish to raise a matter for the Minister for Public Transport regarding the PenBus service. The action I seek from the minister is that she intervene in what are stalled negotiations to have the PenBus service operating for the 2016 academic year. The PenBus has been a joint demonstration project which was funded over three years by the federal government and also the Mornington Peninsula Shire Council. It transports students from many areas of the Mornington Peninsula to a whole range of training, educational and employment opportunities throughout the south and south-east of Melbourne. It has been transporting about 1000 students a week, who have been making use of that bus service.

The Mornington Peninsula has a high youth unemployment rate. Because of the lack of public transport services and further education and training services on the southern Mornington Peninsula, many students have to travel out of the area to access those services. With a lack of services it is very hard for students to get to those various institutes. It also means that many do not even bother. However, since the PenBus service has been operating, as I said, about 1000 students a week have been accessing it. Many of

those students — in fact probably hundreds of those students — would normally not be able to access those further education, training and employment opportunities.

The Mornington Peninsula shire, Public Transport Victoria (PTV) and the minister's department met on 9 July to discuss options because the funding was running out at the end of the year — in fact it ran out in June. The Mornington Peninsula Shire Council then paid for the service to run for the remainder of the academic year, which was very good of it. Those three groups are looking at options as to how that service might continue and how Public Transport Victoria might assist in that matter, but unfortunately there has been absolutely no word. Despite PTV saying it will follow it up and get back to all of the stakeholders, there has been no follow-up since that July meeting. In fact senior officers of the Mornington Peninsula Shire Council have been ringing PTV, but there has been no contact. There have been no more meetings since July, and there have been no proposals put forward.

I ask that the minister intervene to find out what is going on and to ensure that the undertakings that were made at the July meeting are fulfilled so that those 1000 students a week can access those educational opportunities.

### **Thomastown electorate women's delegation**

**Ms HALFPENNY** (Thomastown) — I wish to raise a matter with the Minister for Multicultural Affairs. The action I seek is that he coordinate a reception of ministers to receive a delegation of women from the Thomastown electorate. This is a group of very talented and articulate women who are of Middle East background and who have been meeting in my office to discuss a number of issues of concern to many women living in the area. There is concern about the way the media has been portraying people of various faiths, providing commentary that is both misinformed and hateful. There is concern about the lack of leadership at the federal government level and the comments made by conservative politicians that foster division and are offensive and alienating to many Australians. There is concern that many women no longer feel welcome in their homeland as they are abused or ostracised for wearing headscarfs or clothing that is different to others.

We know that the Andrews Labor government is a government that stands strong on fairness and equality and condemns discrimination in all its forms. This delegation would like to meet with ministers to explain their concerns and experiences and discuss their

suggestions, to build on the work the Andrews Labor government has started to support social cohesion and human rights.

### **Country roads and bridges program**

**Ms STALEY** (Ripon) — My adjournment matter is to the Premier. The specific action I seek is compensation for the seven rural local councils across Ripon to reverse the savage cutting of \$1 million per year to every rural council in Ripon. The abolition by the Andrews Labor government of the country roads and bridges program ripped \$1 million per year from all rural councils. In Ripon there are seven of these: Pyrenees, Ararat Rural City, Northern Grampians, Buloke, Loddon, Central Goldfields and Hepburn. All of these councils have substantial road and bridge networks. These roads must be maintained for safety. The removal of the country roads and bridges program means these councils have to find an additional \$1 million per year for their roads. After all, if we are to achieve the goals of the current joint Transport Accident Commission, VicRoads and Victoria Police Towards Zero campaign, then country roads must be adequately maintained.

The seven councils are taking different approaches to managing their unplanned cut of \$1 million per year in revenue. Buloke, for example, has ripped up kilometres of roads and returned the bitumen to dirt, which it will run a grader over occasionally. Northern Grampians has cut its funding to school pedestrian crossing supervisors — lollipop people. Two schools have already contacted me about this: St Arnaud Primary School and Stawell Secondary College. Stephen Walker, president of the Stawell Secondary College school council, notes that the school crossing is particularly dangerous as it is a T-intersection on an arterial road.

Central Goldfields has cut council funding to its local State Emergency Service (SES) brigades. Council funding is very important to the local SES units across Ripon, all of which play such a vital part in helping our communities. John Parker, regional manager of SES north west region, had this to say:

It's a good resource and it's crucial.

He said that the funding is 'used for power, gas and personal protective equipment'.

I expect further cuts from the other local government areas in Ripon as they struggle to maintain their roads and bridges. The only just way, short of restoring the country roads and bridges program, is to fairly

compensate my councils for their unavoidable costs in maintaining their roads.

In closing, I have directed this request to the Premier because the impacts are across many portfolios: roads, local government, emergency services, education — the list goes on. I say to the Premier: please stop forcing country councils in Ripon to put lives at risk either at school crossings or from the SES or inferior roads.

### **Hurstbridge railway station**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is for her to support improvements to the Hurstbridge train station car park. The station draws a growing number of commuters from the Hurstbridge township; rural areas of Nillumbik, such as Cottles Bridge, Nutfield, Panton Hill, St Andrews and Arthurs Creek; the Kinglake Ranges; and the rapidly growing suburb of Doreen. This growth has put pressure on Hurstbridge train station's car park to the point that many commuters are parking on adjacent VicTrack land in Grays Harps Road. In winter this area became a quagmire, as it has no treatment of bitumen or even gravel. A number of locals raised this issue with me at the wattle festival, and a number of emails followed. A local, Terry Clement, said:

The land is used by rail commuters for car parking as the car parking area on the Main Road side of the station is filled early in the morning on weekdays.

I personally do not need to use car parking at the station, as I live in the town and walk to the station.

However, I think it is terrible that people who do need to park have no choice but to park their cars in a muddy, waterlogged section of land and walk through mud to get to the station to commute by train to work.

Would be great to see this situation addressed prior to next winter.

I agree with Terry and other locals using the station, and I urge the minister to act to have improvements made at the Hurstbridge train station.

### **Responses**

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — A number of members have raised a range of matters for various ministers, and I will pass those matters on to those ministers.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 7.21 p.m.**

