

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT
FIRST SESSION**

Wednesday, 19 August 2015

(Extract from book 11)

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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

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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
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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

Member	District	Party	Member	District	Party
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	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Brooks, Mr Colin William	Bundoora	ALP	Noonan, Mr Wade Matthew	Williamstown	ALP
Bull, Mr Joshua Michael	Sunbury	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David ²	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Clark, Mr Robert William	Box Hill	LP	Paynter, Mr Brian Francis	Bass	LP
Couzens, Ms Christine Anne	Geelong	ALP	Pearson, Mr Daniel James	Essendon	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pesutto, Mr John	Hawthorn	LP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dixon, Mr Martin Francis	Nepean	LP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ¹	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
McGuire, Mr Frank	Broadmeadows	ALP			

¹ Resigned 2 February 2015

² Elected 14 March 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, Mr Mulder, 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 Elasmr, Mr Melhem and Mr Purcell.

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.

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Wednesday, 19 August 2015

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

MINISTERIAL STATEMENT**Notice of intention**

Ms HUTCHINS (Minister for Local Government) — I give notice that I will give a ministerial statement under standing order 43 in relation to local government at the completion of constituency questions today.

Mr Clark — On a point of order, Speaker, the notice of ministerial statement given by the minister is out of order. The minister has failed to comply with the requirements of standing order 43(2) in relation to ministerial statements, which provides:

The minister must, prior to or at the time of giving notice, provide a copy of the statement to the Speaker, the leaders of the opposition and the third party or their nominees, and any Independent members.

To the best of my knowledge, that has not occurred.

The SPEAKER — Order! Has the minister provided copies to the opposition?

Ms HUTCHINS — Yes, I do have copies available right now.

The SPEAKER — Order! The question is: has the minister provided copies to the opposition?

Ms HUTCHINS — I have those available right now, Speaker.

Ms Allan — On a point of order, Speaker, standing order 43(2) says:

The minister must, prior to or at the time of giving notice, provide a copy of the statement to the Speaker, the leaders of the opposition and the third party or their nominees, and any Independent members.

As you can clearly see, the minister has the required number of copies ready to be provided to the house. Given that this is the first opportunity for this sort of statement to be provided — —

Mr Walsh interjected.

The SPEAKER — Order! I warn the Leader of The Nationals.

Ms Allan — In accordance with standing order 43, the minister is able to provide those statements right

now. She has them in her hand. The standing order requires that those copies be provided at the time of giving notice. I request that you invite the minister to comply with standing order 43(2) and provide these documents immediately to the house.

Mr Clark — On the point of order, Speaker, it is clear that the minister must comply by providing a statement prior to or at the time of giving notice. The minister made no attempt to provide a copy of the statement to the opposition at the time of giving notice. The matter had clearly not even occurred to her until I raised a point of order. Unfortunately this is yet another instance where the government has not been able to comply with the standing orders to which it has committed. I renew my submission that the notice is out of order.

The SPEAKER — Order! I asked the minister has she provided copies to the opposition. I want a straight answer on that. I will then deal with the question of whether the minister is invited to provide copies to the opposition and other parties subsequent to receiving an answer from the minister.

Ms HUTCHINS — No.

The SPEAKER — Order! I refer members to standing order 43(2):

The minister must, prior to or at the time of giving notice, provide a copy of the statement to the Speaker, the leaders of the opposition and the third party or their nominees, and any Independent members.

I now invite the minister to provide copies to the opposition, the Speaker and other parties.

Honourable members interjecting.

The SPEAKER — Order! I have ruled on the matter, and I ask the member for Hawthorn to respect that.

Mr Walsh — On a point of order, Speaker, I draw your attention to the fact that I have not been given a copy.

Ms Allan — On the point of order, Speaker, in responding to the junior partner within the coalition, I know it breaks the heart of the member for Murray Plains that The Nationals are not recognised as a party in this Parliament because they did not win the required number of seats at the election last November. The party is now going through an identity crisis and is looking to rename itself to try to cover up that fact. The minister has complied with your request; she has provided copies of the ministerial statement to all the

various bodies that are represented in this Parliament: the opposition coalition, the Greens political party and the Independent.

The SPEAKER — Order! I will rule on the point of order and, after my ruling, should the Leader of The Nationals wish to make an additional point of order, I will call him. Does the minister have an additional copy of the ministerial statement and will the minister provide a copy to the Leader of The Nationals?

Ms HUTCHINS — There is a copy coming to the house immediately.

The SPEAKER — Order! I appreciate that the minister will provide a copy to the Leader of The Nationals within the next 5 minutes.

PETITIONS

Following petition presented to house:

Calder Highway–Edwards Road, Maiden Gully

To the Legislative Assembly of Victoria:

The hazardous and potentially lethal intersection at Calder Highway and Edwards Road, Maiden Gully, Vic 3551. The danger has been exacerbated by the considerable increase in residential development on the surrounding land.

The petitioners therefore request of the Legislative Assembly of Victoria a reduction in the speed limit to 80 kilometres 100 metres in both directions from the intersection and a marked, left-hand turning lane for traffic heading away from Bendigo.

By Ms EDWARDS (Bendigo West) (464 signatures)

Tabled.

Ordered that petition be considered next day on motion of Ms EDWARDS (Bendigo West).

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Applying the High Value High Risk Process to Unsolicited Proposals — Ordered to be published

Biosecurity: Livestock — Ordered to be published

Unconventional Gas: Managing Risks and Impacts — Ordered to be published

Commission for Children and Young People Act 2012 — Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have

been subject to sexual abuse or sexual exploitation whilst residing in residential care — Ordered to be published

Statutory Rule under the *Powers of Attorney Act 2014* — SR 93.

MEMBERS STATEMENTS

Victoria Awards for Creative Writing

Ms VICTORIA (Bayswater) — It was wonderful to see so many fantastic submissions this year for the Victoria Awards for Creative Writing. There were nearly 900 entries from over 14 schools in my electorate. The topic this year was ‘Who would you like to invite to dinner and why?’. There were creative answers, featuring dinner guests such as Leonardo da Vinci, an owl, Johnny Depp, Taylor Swift, me, family members, a future husband and even the Queen! Well done to all involved.

Melbourne Festival

Ms VICTORIA — I was delighted to attend the Melbourne Festival program launch. Significantly, the festival is celebrating its 30-year anniversary. I encourage all Victorians to view the program and get along to something that might delight and challenge their minds. The festival runs from 8 to 25 October.

Ringwood Movie Makers

Ms VICTORIA — The Ringwood Movie Makers annual awards night was held last month, and I went along to see all the local entries. Congratulations to Gary Hegedus, who won the competition this year with several fantastic films.

Bayswater Football Club

Ms VICTORIA — Congratulations to the Bayswater Football Club on its 120-year anniversary. It commemorated this milestone at a function attended by over 300 guests. The club is a strong part of our local area, and it demonstrates great community spirit. Congratulations to all the players, staff and volunteers on a wonderful achievement.

Great Ryrie Primary School

Ms VICTORIA — Teachers and students at Great Ryrie Primary School should be so proud of themselves today, following last night’s performance of the school’s fabulous production, *Aladdin Trouble*. The students performed with so much enthusiasm and had fun; they even added a Bollywood dance scene! They now have the added bonus of all the life skills they learnt through the process. Well done, kids.

Melbourne Fashion Festival

Ms VICTORIA — I congratulate the Melbourne Fashion Festival for adding the Melbourne Museum as a venue for its list of events next year.

Helene Hiotis and Karen Wade

Mr STAIKOS (Bentleigh) — I welcome Ms Helene Hiotis to the Bentleigh community. Helene was recently appointed principal of Bentleigh Secondary College. I had the pleasure of meeting Helene earlier this week. She has a very diverse professional background in education, and her most recent appointment was at Canterbury Girls Secondary College. Helene is no stranger to our local area, having taught at a variety of local schools over her long career. I wish Helene well, and I congratulate her on her appointment.

Helene takes over that position from Karen Wade, who was principal of Bentleigh Secondary College for six years. Bentleigh Secondary College has a long history; it is nearly 60 years old. Over that time it has had a number of name changes. It has been known as Moorabbin Technical School, Bentleigh High School and Moorabbin High School. Over the six years Karen was principal the school had something of a resurgence. The school population grew year on year, and it is now approaching the 1000-student mark. It is no coincidence and it is not by accident that Karen won the Secondary Principal of the Year Award just a couple of years ago. Thank you, Karen, and welcome, Helene.

Girls, Girls, Girls program

Ms RYAN (Euroa) — I have recently become an ambassador for the Girls, Girls, Girls program, which is run by FamilyCare in Mitchell shire. I was honoured to be asked to be part of this wonderful initiative, which aims to create positive messages around self-esteem and body image for young girls between the ages of 9 and 13. Girls, Girls, Girls facilitates discussions about the role of the media, focusing on inner qualities and forming new friendships through commonalities and trust.

Johnathon Lejins and Michael Hardwicke

Ms RYAN — I wish to acknowledge the efforts of Johnathon Lejins from Seymour and Michael Hardwicke from Benalla, who have both attained the highest award for scouts, the Queen's Scout Award. I congratulate Johnathon and Michael on this remarkable achievement, which can only be attained after completing a series of activities, skills and challenges.

Kilmore-Wallan bypass

Ms RYAN — I am deeply concerned by this government's failure to keep the community informed of progress around the Kilmore-Wallan bypass. I again ask the Minister for Roads and Road Safety to meet with residents from Wandong and Willowmavin to help resolve outstanding concerns around the government's preferred route.

The Willowmavin Primary School is concerned for the safety of its students because parents will be required to cross the bypass on their way to school. Kilmore is often surrounded by heavy fog in the morning, making visibility poor. The school is also rapidly growing and has no morning bus services, which means all students travel to school by car.

I urge the government to ask VicRoads to assess the traffic volumes expected to cross the bypass at Willowmavin Road and re-examine whether an overpass or underpass needs to be incorporated into the final project.

Family violence

Ms HUTCHINS (Minister for Local Government) — I rise today to speak about the national emergency that our country faces — that is, family violence. I do so as part of a government that is committed to tackling this crisis not just with rhetoric, but with \$81.3 million over five years to support the Royal Commission into Family Violence. The commission is investigating the entire system and has encouraged submissions from every sector — local government, health organisations, police, schools, private industry and countless others. Most importantly, it has taken submissions from victims and survivors — those individuals directly affected and suffering from family violence.

Submissions have been able to be made anonymously and have come from all walks of life. Too often there is a misconception about where victims come from and who suffers from family violence. This affects people from every strata of society and every walk of life. This was acknowledged earlier this week, when the Minister for the Prevention of Family Violence and I announced that Victorian public sector employees will be entitled to family violence leave. As the state's biggest employer, the Victorian government has a responsibility to do its part and support affected employees, because employment and financial independence often go hand in hand as key drivers of the decision with regard to whether a victim stays or goes. It is something that is not well understood. All too

often there is an undercurrent of blaming the victim in conversations around family violence. Anyone with experience of family violence knows that there are many complex reasons why women choose not to leave or to return.

Andrew and Jason Moloney

Mr HODGETT (Croydon) — Best wishes for Team Moloney, as Andrew and Jason take on their opponents boxing at Hisense Arena tonight. Andy competed in the men's flyweight division at the 2014 Commonwealth Games in Glasgow, where he won the gold medal. Andy and his twin brother, Jason, are both local boys who train out of East End Boxing in Croydon. Andy is a terrific young man who trains hard, prepares well and is disciplined, super fit and pumped for tonight's fight. Supported by their parents, Julie and Daryl, I wish the boys all the very best for victory tonight.

Regional rail link

Mr HODGETT — On a further matter, the delays and overcrowding on Ballarat's V/Line trains continue to annoy and frustrate Ballarat commuters. The Victorian Premier's regional rail link rollout has been a complete failure. The new timetable is an absolute debacle. Hardworking local MP Joshua Morris, a member for Western Victoria Region, and I spoke with Ballarat commuters last Monday and listened to their concerns and experiences. I can tell members that there was a long line of people willing to express their anger and dissatisfaction at the Premier's failed regional rail link rollout.

The Premier has his head in the sand on this, ignoring the people of Ballarat. He says it is okay and things are improving, but that is not what the commuters are telling us. People are fed up with the overcrowding and with being packed into aisles and exits, with late and cancelled trains making people late for work or late getting home to their families. Enough is enough, Premier: fix this mess!

Broadmeadows electorate development summit

Mr McGUIRE (Broadmeadows) — The opportunity from adversity summit in Broadmeadows last week called for the Council of Australian Governments to make a bipartisan and long-term commitment to postcodes of disadvantage to build smarter, healthier, better connected and sustainable communities by coordinating the three tiers of government, business and civil society. The summit and the example of the poorest community in Victoria

with the highest rate of unemployment has proved this result can be achieved. More than 150 leaders, including the Deputy Premier and Minister for Education, the Victorian Treasurer and leaders from business, civil society and the community joined forces to develop a blueprint for the future.

As we celebrate Melbourne being acknowledged as the world's most livable city for the fifth year in a row, our challenge is to have the bipartisan will and commitment to combine our resources to give a hand up to the postcodes that have suffered historic extreme disadvantage. This challenge is becoming increasingly complex. The recent report by Jesuit Social Services entitled *Dropping Off the Edge 2015* echoes this proposition, and they too have called for a 20-year bipartisan commitment to make systemic change.

Broadmeadows always has been home to the heavy lifters who have underwritten Victoria's prosperity for generations, but the demise of local manufacturing meant that unemployment figures under the coalition government rose to be equal to those of Greece, with youth unemployment figures of more than 40 per cent. This is a perilous situation in a community with twice as many Muslim families as any other state district living side by side with refugees from war-torn Iraq and Syria. We call for a bipartisan approach for the long term, for the public interest and for the good of the state and the country.

Forest Hill police station

Mr ANGUS (Forest Hill) — I was delighted to see last week that the new \$12 million 24-hour Forest Hill police station has opened for business. This new police station was an important coalition commitment made to the electorate of Forest Hill at the 2010 election. The station will house the uniform branch, which was formerly based at Nunawading, as well as other policing resources from across the division, including a new proactive police unit. One of the long-serving local police members, Victoria Police 38-year veteran Senior Sergeant Mick Jones was quoted as saying about the new building:

It's the most spectacular building I've ever worked in throughout my career ... it's been a really positive move for our members.

I congratulate all those involved in constructing this great new local facility, and I wish all police members well as they carry out their duties in the Forest Hill district.

Reverend Philip Murphy

Mr ANGUS — I congratulate the new priest in charge of the Anglican parish of the Ascension in Burwood East, Reverend Philip Murphy, on his recent commissioning at the church. It was great to meet Reverend Murphy after the service and welcome him to the area. I wish Reverend Murphy well for the future, together with the church congregation, and I look forward to working with him in the years to come.

Aida

Mr ANGUS — I recently had the pleasure of attending the Vermont Secondary College annual production, which this year was *Aida*. It was a spectacular production, incorporating acting, singing and dancing. I congratulate the students, teachers and volunteers who were involved in putting on this production.

Whitehorse Showtime

Mr ANGUS — I recently had the pleasure of attending the Whitehorse Showtime 2015 production *and the Winner is* This is an annual performance by the scouts and guides of Mount Dandenong region. I congratulate Doug Wright, the executive director; Robyn Allen, the production director; and all the scouts, guides and volunteers who were involved in the spectacular production.

Rail passenger safety

Mr ANGUS — Labor's inability to manage money has again been starkly revealed with a 67 per cent blowout in the cost of the new 24-hour weekend public transport scheme. Originally costed at \$50 million, the actual cost is now \$84 million, which highlights the fact that Labor cannot manage money even in a simple policy area such as this. The new policy is another broken promise from Labor, with protective services officers no longer patrolling all stations all night.

Research Junior Football Club

Ms WARD (Eltham) — I rise with great pride today — pride in my local girls and the football clubs that support them. Earlier this year I saw Research Junior Football Club field its first girl team in a game against Eltham Junior Football Club. This was a great experience for me. I wanted to play for Research when my brother played, but I was denied that opportunity because I was a girl. I became a boundary umpire instead. More than 30 years later I am very happy to say that this environment has changed. Girls are encouraged to play footy and more and more clubs are

fielding girls teams, including Research, Eltham and Montmorency. On Sunday I saw that Research team not only play in its first grand final but also win — and win well. The girls did not let up. They applied pressure, played hard and brought to the game every new skill they had learnt throughout the season thanks to their coach, Nick.

I am glad that these clubs have recognised the growth that girls can bring to their teams, their club and their culture. It is through the inclusive actions of great clubs like mine that we improve as a community and as a society. In the early 1980s I was broken hearted not be able to play footy, and I was thrilled and proud to see these Research girls own the footy field, play hard and skilfully, raise their premier's cup in the air and sing out the Research club song at the top of their lungs:

But it's all done in vain, mighty Research won again. We are the girls from Research land.

Go, Searchers!

Boorhaman Golf Club

Mr McCURDY (Ovens Valley) — Congratulations to the Boorhaman Golf Club committee, which last week launched FootGolf at the course. The club has become just the seventh course in Australia and the first in regional Australia to introduce the game of FootGolf. Played with a regulation soccer ball, FootGolf involves kicking a soccer ball down a golf course and into a 53-centimetre hole at the end. At Boorhaman there is a 1200-metre, 9-hole, 36-par course. Well done to the president, Barry Byrne, and other members of the golf club committee, who have introduced this new activity to get more people back to the course and using the facility. I urge all members to come to play FootGolf at Boorhaman. Boorhaman has about 200 residents, a brewery, pub, a chocolate factory and now a FootGolf course. What else could anyone ask for in a rural community?

Vietnam Veterans Day

Mr McCURDY — Services were held throughout the Ovens Valley electorate yesterday to mark the 49th anniversary of the Battle of Long Tan in Vietnam. At the service at Wangaratta RSL, senior vice-president Arthur Bretherton, OAM, was the MC; and Vietnam veteran Major Warren Barnard, RM, was the guest speaker. We salute those who served in Vietnam and pray that we avoid these atrocities again. The Ovens Valley has many residents who served in Vietnam, and we must continue to support them. The years may pass on, but the memories remain. We must support all of our war veterans.

James' Place

Mr McCURDY — It was a pleasure to attend the opening of James' Place restaurant in Wangaratta last week. Thirteen students from the Wangaratta District Specialist School did a great job, with almost 50 people for dinner. Students were involved in all aspects of the restaurant operation, from front of house to preparing food and waiting on tables. James' Place will now run out of Cafe The PreVue one night a month as part of the Wangaratta District Specialist School restaurant pilot program, in conjunction with the centre. Congratulations and thanks to Ali at the Cafe The PreVue for giving the students the opportunity to develop new skills.

Avocare

Ms WILLIAMS (Dandenong) — I recently had the opportunity to visit a local not-for-profit, Avocare, for the first time. Director Trish Keilty gave me a tour of the Avocare Community Connect Distribution Centre, and it was a hive of activity. Since its beginnings in 2006, the distribution centre has become an award-winning facility that provides food relief to local welfare agencies and charity organisations.

Food is not the only focus of this outstanding organisation, with Avocare also running a range of other programs, from the Dandenong book rescue barn to the Meals on Wheels kitchen in Menzies Avenue that serves food to the needy. Avocare combines dual functions as a registered training organisation and as a community-based social enterprise. It achieves so much through all of its programs, supporting Dandenong's most vulnerable, and it helps people to develop new skills along the way.

Sadly the demand on the food relief provided through Avocare has gone through the roof in recent months, as need in the community grows. Keith, the Avocare warehouse manager, told me that the output recently grew from 24 tonnes to 45 tonnes in just a few months. This surge is due to the Abbott government's savage cuts to social services grants, which have killed many local emergency relief providers and left struggling families with very few avenues of support. Avocare has shown great resilience in this environment and continues to serve the Dandenong area. It has had to be dynamic in order to meet growing demand. I am proud to have an organisation like Avocare in Dandenong, and I thank Trish and the team for their work.

Public holidays

Ms RYALL (Ringwood) — The grand final eve extra public holiday is a Labor folly, a commitment no-one asked for and which no-one was consulted about, not even the AFL. The Premier talks the talk but he has never walked the walk. He talks jobs but has never had to create one off the back of his own efforts and risk. He has no idea what it takes to create jobs, to build a business and to employ and care for staff and shoulder the responsibility of their financial wellbeing day in, day out.

The economic growth and development of Victoria depends on these people — the ones who risk their very livelihood and their incomes and who risk dependence on others to have a go; the ones whose margins are slim, who rise early, who work late and who have sleepless nights, knowing that the financial wellbeing of others is dependent on them. They work tirelessly to get the orders to come, to do their best to ensure that their products and services will be purchased and that the future will be bright. They are the new forgotten people — or is it the discarded people?

Not just burdened with the usual compliance load in an underperforming state economy, these people now have a choice to make, one that Labor MPs have not had to make. They must ask, 'Can I afford the extra cost to stay open — I am having to pay more than I bring in — or do I shut the doors, pay the cost of a normal day's operation and not deliver any outcomes?'. It is not a case of saying, 'Blow the customers. They can wait'; there are deadlines and contracts to deliver. There is no such thing as a free lunch.

The people in the Ringwood electorate, so many of whom are small business owners, including tradies, are saying they just cannot absorb these additional costs. Despite the Labor Party members thinking wealth distribution is the way to go, the Premier and his Socialist Left faction —

Women's and girls' sport

Ms KILKENNY (Carrum) — I would like to speak about women and sport and why I am very proud that the Andrews Labor government is investing in women's and girls' sports facilities. In the last 10 years, broadcasting of women's sports fell from 11 per cent to 7 per cent of total sports coverage, yet on Sunday we witnessed the first free-to-air televised match of women's football, between the Melbourne and Western Bulldogs women's teams. More than 175 000 Melburnians tuned in, meaning the match easily won the timeslot. At the same time 112 000 viewers tuned

into another free-to-air TV station to watch the Diamonds, the Australian women's netball team, win the Netball World Cup and become world champions.

The Australian women's rugby sevens were the first to qualify for the 2016 Rio Olympics, and on Monday night the Opals, the Australian women's basketball team, also qualified for Rio. Our Australian women cricketers thrashed England a couple of days ago in the 2015 Ashes series, and the Matildas, Australia's women's soccer team, became the first Australian team of men or women to win a knockout stage in the world cup, and they did it against Brazil. In my own electorate of Carrum, we have two women's teams from Seaford in the Victorian Women's Football League. Last year they were the premiers. This year they are in the finals.

We should be very proud of the huge achievements of Australian women in professional and elite sports. They are role models for women and girls in grassroots sports everywhere. I put the call out for schools, community sporting associations, local councils, businesses and broadcasters to join with the Andrews Labor government and get behind women's and girls' sports, from the elite to the grassroots level.

Public holidays

Ms STALEY (Ripon) — I rise to advise the house of an email I recently received from Denise and Ian Pappin:

As small business owners, operating a business in Stawell in rural Victoria, we would like to lodge a formal objection to the Victorian Parliament, via yourself as our member, to the public holiday which has been gazetted for the day prior to the AFL grand final in 2015.

This is one of the more obnoxious, ludicrous things the Daniel Andrews government has done while in power this term.

How they think this will benefit anyone is beyond us. We operate a newsagency and have to pay penalty rates for casual staff from 3 a.m. while still paying our normal staff to sit at home or go away for a long weekend. You can bet they won't be going to the grand final!

At the same time, our operating hours will be cut and customers will be limited, as occurs every time there is a public holiday.

We endured the same high penalties for Easter Sunday and didn't even open the shop that day! So, of course extra high outgoings with very little incomings!

And Mr Andrews and the Labor Party think they are helping small business! How??

One can only hope that this holiday will be dumped in 2016, or at least as soon as the Liberal Party is returned to power ... may that be sooner rather than later!

Thank you for taking the time to read this email.

I advise the house that I do not know the Pappins, and this is an unsolicited email, one of many I have received. These are not my branch members; I have never met them.

Honourable members interjecting.

Ms STALEY — They do not like it.

Family violence

Ms RICHARDSON (Minister for the Prevention of Family Violence) — On 7 August women's ministers from across Australia came together to discuss the work each state is doing to tackle family violence as well as the work being undertaken by the commonwealth to address this national crisis.

At Victoria's request, the agenda for the meeting was amended to include a discussion on the need to include a respectful relationships program in all schools across all levels. This request is timely as a review of the national curriculum by the federal government is currently underway. Despite the overwhelming number of submissions calling for a respectful relationships program to be included in the national curriculum, the interim report does not even refer to the value of respectful relationships training for all school students across Australia. This is despite the evidence of its effectiveness in tackling family violence.

In Victoria a respectful relationships program run by Our Watch is currently being evaluated following its successful trial in 20 schools across the state. The program includes not only in-class education but also staff training to promote gender equity among the staff and teaching cohorts.

Australian of the Year, Rosie Batty, has called on the federal government to introduce a respectful relationships program across all schools in Australia as part of her work on the national advisory panel to tackle family violence, a panel which was established by the Prime Minister. The federal government clearly has an opportunity to do more than just talk about the need to tackle family violence when it comes to the national curriculum. The federal Minister for Education and Training, Christopher Pyne, and Prime Minister Tony Abbott need to show leadership and a new determination to tackle family violence. They need to amend the national curriculum to ensure that all students learn the value of healthy and respectful relationships.

Telstra Business Awards

Mr THOMPSON (Sandringham) — I congratulate Kathy Nunn and her Cheltenham-based company, Elite Executive Services, on winning the microbusiness award in the 2015 Victorian Telstra Business Awards.

Alzheimer's Australia

Mr THOMPSON — I commend Alzheimer's Australia for raising awareness of the impact of dementia. In March 2015 the Australian Bureau of Statistics revealed that dementia had become the single leading cause of death in the nation after heart disease.

Victory in the Pacific Day

Mr THOMPSON — I pay tribute to the RSL of Victoria and the Shrine of Remembrance trustees on their recent service to commemorate Victory in the Pacific Day.

Mark Worthing

Mr THOMPSON — I congratulate Mr Mark Worthing on the launch of his recent publication entitled *Graeme Clark — The Man Who Invented the Bionic Ear*, being the story of the life of Professor Graeme Clark.

Lemnos Gallipoli Memorial

Mr THOMPSON — I congratulate the Lemnos Gallipoli Memorial committee on the recent unveiling of an outstanding statue honouring the role of Lemnos in Australia's Anzac story and the diggers and nurses who came to Lemnos in 1915.

Sandringham village car parking

Mr THOMPSON — I congratulate the Sandringham Neighbourhood Watch group and the Sandringham Traders Association on their constructive collaboration to better define future strategic parking opportunities in and around the Sandringham village precinct.

Glenroy Specialist School

Ms BLANDTHORN (Pascoe Vale) — I rise today to acknowledge the work, care and leadership of the Glenroy Specialist School community. I recently had the opportunity to visit the Glenroy Specialist School, where I enjoyed a comprehensive tour of the school's facilities with principal Raelene Kenny and had the opportunity to view the work of the school.

Every child has a fundamental right to education. The Glenroy Specialist School is a remarkable school that is dedicated to maximising the potential of every student regardless of their background, their ability or the physical challenges they face. The school's willingness to accept and accommodate the various needs of all its students is testament to the value exemplified by the school that every child has a right to a high-quality education. This value is fundamental to the school's ongoing success.

The school boasts state-of-the-art facilities and a team of highly devoted staff who, alongside the school's leadership team, are committed to delivering the best educational outcomes for their students. The school also encourages parents to be actively involved in their child's educational development, which is so important in this educational setting. The school is well integrated into the broader community, having developed strong links with a host of community organisations that provide additional resources, expertise and opportunities for the students.

As I noted in my inaugural speech in this house, the decency of any society should be measured by how we treat our most vulnerable. Upon concluding my tour of Glenroy Specialist School, a school that not only educates many of our most vulnerable but helps them to achieve their full potential, I was comforted to know that the students are indeed the recipients of the utmost care and respect.

Vietnam Veterans Day

Ms McLEISH (Eildon) — Yesterday was Vietnam Veterans Day. Commemorated on the anniversary of the Battle of Long Tan, in which 18 Australians died, the day prompts us to remember those who served, those who fell, those who returned and those who continue to suffer from the experience. Hardships suffered during the war were escalated when the troops returned home to a hostile environment.

Last Sunday I was honoured to attend the Yarra Valley Vietnam Veterans Day service in Yarra Junction with my parliamentary colleagues the members for Evelyn and Croydon along with the federal Speaker of the House of Representatives, Tony Smith, MP. The Yarra Valley service brings together members from the Healesville, Upper Yarra, Warburton, Yarra Glen, Lilydale and Mount Evelyn RSL sub-branches. The service is rotated between the sub-branches and this year was hosted by the Upper Yarra RSL. Congratulations to the president, Rob Worlley, and the master of ceremonies, Dennis Reeves.

It was a moving service as we paused and reflected on Australia's involvement and sacrifice in this war. Senior vice-president of the Victorian state branch of the RSL, Vietnam veteran Robert Webster, gave a very moving and personal address as he spoke of his experience from conscription, through the war and returning home. It was great to see children from Hoddles Creek and Gladysdale primary schools in attendance. They were great ambassadors for their schools, showing exemplary behaviour and due respect.

My friend Tony Smith, the Speaker of the House of Representatives, summed it up when he said to the veterans, 'You did not fail Australia; Australia failed you'. This is a lesson that we must not forget. We must give our troops the recognition they deserve for their sacrifice.

A Beacon of Hope — The Next Generation

Ms HALFPENNY (Thomastown) — On 23 July I had the great pleasure of attending a dinner organised by A Beacon of Hope — The Next Generation. This is an organisation that has been established by young people from the Iraqi-Australian community in Melbourne. It is an exciting organisation that is full of energy, aspiration and drive. The committee and its members work to give voice to young Australians from an Iraqi background and to foster social connections. They organise events of an educational and recreational nature as well as activities and trips, such as a recent trip to the snow. Many of the young people who went on this trip had never experienced snow before, and via the Facebook page they attracted others from outside the Iraqi-Australian community who were welcomed with open arms.

During the dinner we watched a video entitled *Then I Found Hope*, produced by the art and culture committee of A Beacon of Hope. Whilst it had a very serious message, it was also very comical and all the actors were very good — although I think the audience thought that Ali Khamas, playing the character of Jaffar, stole the show. The cameramen, actors and producer are all members of A Beacon of Hope — The Next Generation. I congratulate director Mohammed Yassin and all those involved on a great work. I encourage everyone to watch the YouTube video, which depicts a young Muslim man without hope, unemployed and aimless, who then finds hope and meaning in his life after seeking support from others, who offered that support without judgement or qualification.

The dinner was also to raise funds for a great initiative, which is to build a youth centre in the northern suburbs.

These young people have high expectations for themselves and high aspirations. I share their aspirations, and I will do everything I can to help them build a youth centre in the north.

Pipitea Declaration

Mr CARBINES (Ivanhoe) — I was pleased to represent the Victorian Parliament, along with a member for Eastern Metropolitan Region in the other place, the Honourable Richard Dalla-Riva, at a seminar last month in Wellington, New Zealand, where commonwealth parliamentarians from the Pacific region adopted the Pipitea Declaration to protect and promote human rights and agreed to support the establishment of the Commonwealth Pacific Parliamentary Human Rights Group.

The Commonwealth Secretariat in partnership with the Commonwealth Parliamentary Association and the New Zealand Parliament organised the regional seminar, which sought to raise awareness of international and national human rights norms and mechanisms along with the role and responsibilities of parliamentarians in engaging with them. The seminar provided an opportunity for parliamentarians from across the commonwealth member states in the Pacific region to share experiences and good practices about promoting and protecting human rights by passing laws and holding the executive to account. Speakers included Lord Fusitu'a of the Legislative Assembly of Tonga and the Honourable Ioteba Redfern Betio of the Parliament of Kiribati, who both shared case study examples of the practice of their own Parliaments in addressing contemporary rights challenges.

The Commonwealth Pacific Parliamentary Human Rights Group will be key to promoting the Pipitea Declaration among parliaments and parliamentarians across the Pacific. The seminar reinforced our understanding of international human rights mechanisms. Other speakers included Kagwiria Mbogori, chair of the Kenya National Commission on Human Rights; Professor Rashida Manjoo, UN special rapporteur on violence against women, its causes and consequences; and Dame Carol Kidu, former member of Parliament in Papua New Guinea.

Other topics covered included violence against women, and climate change — both salient regional rights issues. I commend the seminar and the declaration to members of the Parliament.

State Emergency Service Gisborne unit

Ms THOMAS (Macedon) — On Saturday, 8 August, I had the great pleasure of attending the Gisborne State Emergency Service unit annual dinner. With around 40 members, including a number of new members, and their families in attendance, service awards were presented to: Ross Sapwell for an incredible 35 years of service; Ralph Walling for 25 years; Steven Middlemast for 15 years; Di Dale for 10 years; Priscilla Walling for 10 years; and Murray Hannah-Jones for 10 years of service. What an amazing contribution to the people of Gisborne and surrounding communities!

In addition, Ralph, Marg Willis and other volunteers shared their stories of what led them to join the SES. Not surprisingly, the desire to give back to the community was a key theme, but everyone agreed that what makes our volunteers stay is more important. It is the camaraderie, the sense of shared purpose, the friendships, the training and the value of their work to our community. It was great to see a montage of photos of activities over the past 12 months prepared by the indefatigable Di Dale.

Our SES volunteers across the Macedon electorate deserve accolades. Members are frequently called on to assist in serious road accidents. Unfortunately we have seen a number of serious crashes on the Calder Highway in recent times, as well as wind and storm damage, floods, lost and injured bushwalkers and the occasional cat rescue. Thanks again to Gisborne SES. Keep up the fantastic work.

STATEMENTS ON REPORTS

Family and Community Development Committee: abuse in disability services

Ms McLEISH (Eildon) — I rise to make a contribution to the debate on the Family and Community Development Committee report on the inquiry into abuse in disability services. I was one of the seven committee members on this inquiry, and our interim report was tabled during the last Parliament.

There is a lot to be said about abuse in disability services. It is a particularly pertinent and important issue for those who have a range of disabilities, as well as a range of abilities, as we look at the safeguards that are in place for their protection now and going forward, as the country transitions to the national disability insurance scheme. I am going to focus my comments today on the process rather than the report itself. I will

take the opportunity on another occasion to talk about the report in more detail.

Our committee was convened on 16 April, four and a half months after the Andrews government came to power. It then spent so much time dithering, procrastinating and demonstrating its incompetence at getting this committee up and running that we lost valuable time and then only had a few months to put together an interim report and table it in Parliament.

We convened, as I said, on 16 April and our first meeting was a month later, so the four and a half months we lost ticked over to five and a half months before the committee kicked off and started to do the very good and necessary work that was required. Our first meeting was on 18 May, with the report to be tabled on 31 July — it was actually tabled in early August — some 10 weeks later. It was an extraordinarily short time for due consideration and process to take place, for submissions to be scrutinised in detail and for us to make sure that we picked up every element that was pertinent to our report.

That time frame put us behind the eight ball. It was extremely difficult for and unfair on the staff involved. We had a wonderful executive officer in Dr Janine Bush, backed up by researchers Vicky Finn and Patrick O'Brien, and I thank them for their extremely hard and dedicated work, together with administrator Helen Ross-Soden. Not having enough work for the first four and a half months of the year before they were able to get their teeth into this project was quite a waste of their time. The short time frame meant they were under the pump and had to work very long hours, under stressful circumstances I would imagine, to try to churn out the report they produced, and I thank them very much for their extraordinary efforts.

It is also disappointing, having had this great team that has done so much work towards tabling the interim report, that our staff is changing. The knowledge gained by the researchers who understood the issues and by Janine, who is particularly experienced, will be lost, and members of the new team will have to get their heads around the sorts of things we have covered and what there is still to cover. At our very first meeting we were also given two terms of reference, one for the inquiry into abuse in disability services and the other for the inquiry into services for people with autism spectrum disorder. That second reference has been put on the backburner while we push forward on the inquiry into abuse in disability services.

I thank all those people who made submissions and who came to the public hearings, both to present at and

attend the hearings. There have been a couple of very high profile cases that have been well documented in the media. That certainly was a prompt for both major parties to agree that this inquiry should be conducted. I thank the members of the team, because I think we were all in the same challenging circumstances, where we were given reports on a Friday evening and then were expected to have them read and analysed and be ready to provide feedback in the middle of the day on the Monday. I think that was quite challenging for everybody, and I do not think it was fair on the process going forward. As I said, I will talk again about the details of the report.

Family and Community Development Committee: abuse in disability services

Ms EDWARDS (Bendigo West) — It is my great pleasure to rise to speak on the Family and Community Development Committee interim report, which concludes stage 1 of the committee's inquiry into abuse in disability services. I place on the record my sincere thanks to the members of the public and representatives of service providers and statutory authorities who presented at the public hearings and put in submissions, despite the very tight time frame allocated to this stage of our inquiry. I put on the record that the tight time frame was in response to the federal government's proposed Council of Australian Governments Disability Reform Council meeting, which was to be held in August and which we now know has been rescheduled to September.

It is from the committee's public hearings and written submissions that the report recommendations have come about. It is unimaginable that abuse of people with disabilities occurs, but what is even more horrific and shameful is that it is a reflection on our society that it does. With the rollout of the national disability insurance scheme (NDIS), the committee's task was to inform the national disability reform council of Victoria's position in regard to safeguards in disability services for the prevention, detection, reporting and investigation of abuse of people with disabilities.

The committee has made it very clear that with the transition to the NDIS in 2016 there should be no diminishing of the safeguards that currently exist in Victoria. While the committee's inquiry has revealed weaknesses in the Victorian system that have allowed abuse to occur without it being investigated and it often not being reported, it is also very clear that Victoria has some of the best safeguarding measures in the country. There is enormous opportunity for the national disability reform council to implement safeguards that will strengthen the system nationally and protect people

who access disability services from abuse, and to ensure their safety and protection. The abuse of people who access disability services is a disturbing violation of the trust placed in organisations whose primary role is to support people with disabilities to engage and participate in the community.

As the NDIS is rolled out, more and more service providers will enter the sector, and this has been evident in the Barwon trial. In light of this, it is imperative that the current safeguarding mechanisms in Victoria are built on and improved, particularly in relation to quality assurance in the service delivery sector. That is why the committee has recommended the implementation of a national quality assurance agency with responsibility for screening and clearance checks and administering a working-with-vulnerable-persons check, and registration of service providers and disability workers. In the context of quality assurance, screening and registration a national agency should have this responsibility to ensure the effectiveness of cross-jurisdictional screening and national standards for registration of providers and workers. The committee also made it clear that having oversight, advocacy and guardianship powers administered by the states and territories is preferable to having a centralised nationally administered scheme.

The committee considered the recommendations of the Ombudsman's stage 1 report, which was part of our terms of reference, and further evidence provided to the inquiry indicated strong support for the establishment of a single independent oversight body. The current safeguarding system in Victoria has complex and confusing pathways for making complaints and reporting abuse or neglect in disability services. There is often confusion about when abuse should be reported and to whom it should be reported, and there is also considerable crossover and a lack of clarity around which statutory body is responsible for investigating reported abuse. Stage 2 of the committee's inquiry will be important in identifying how the system can be improved.

The committee has also recommended that the national disability reform council ensure that there are consequences for those who are responsible for abuse or neglect of people accessing disability services. It has also made a recommendation for a mandatory reporting scheme for specified individuals and organisations to report incidents of abuse, neglect or exploitation. This would mean that it would not be just the disability sector that was accountable for the reporting of incidents but that it would be a societal responsibility.

As I said, while the system is not perfect and certainly needs strengthening, it is by far the best in the nation. For me personally, chairing this inquiry has been an eye-opener into the disability sector. It has been a shock to realise that we are not protecting people with disabilities in the best possible way, that there is currently no zero-tolerance approach and that those who report abuse are often not heard, not listened to and in many cases not believed. It would be very remiss of the disability reform council not to use this opportunity to guarantee the safety and protection of people with disabilities on a national level in a manner that will not just protect people with disabilities but prevent abuse, and if it happens, have the mechanisms, processes and measures in place to investigate thoroughly. People with disabilities deserve no less.

Family and Community Development Committee: abuse in disability services

Ms SHEED (Shepparton) — I rise to speak on the interim report prepared by the Family and Community Development Committee of this Parliament on the inquiry into abuse in disability services. I am a member of that committee, and I rise to speak in support of its recommendations.

By way of background, the national disability insurance scheme (NDIS) quality and safeguarding framework will replace existing state-based arrangements and is designed to give participants choice and control over their support and to allow people to take reasonable risks to achieve their goals. Regulatory approaches will need to be in place to ensure the protection of people with disability from a wide range of abuse when the transition occurs.

The terms of reference for stage 1 of the inquiry asked the Family and Community Development Committee to consider the strengths and weaknesses of Victoria's regulation of the disability services system with a view to informing Victoria's position on appropriate quality and safeguards for the national disability insurance scheme. The committee was asked to have regard to a number of factors, including workforce recruitment, screening, induction, training and supervision; provider registration requirements; systems for handling complaints; and the impact of current systemic safeguards on the rights and protections of people accessing disability services.

The committee had a short time in which to complete this part of the inquiry so as to ensure its availability for consideration by the Council of Australian Governments Disability Reform Council, which is to meet shortly. To be clear, the purpose of this interim

report was primarily to make submissions in relation to the NDIS, which will ultimately replace state-based systems for disability services across the country. The transition to the NDIS is to commence in 2016 with a three-year rollout period. A trial is currently being conducted in the Barwon region of Victoria.

As well as informing Victoria's position on appropriate quality and safeguards for the NDIS, the opportunity was there to review the current situation in Victoria in relation to the abuse of people who access disability services. This was particularly important in light of cases of abuse brought to the public's attention late last year. I was shocked to view the *Four Corners* program on 24 November 2014 that highlighted failures in our state's system for dealing with allegations of abuse in disability services, particularly in relation to Yooralla. The program looked at how a well-respected disability service provider failed in its duty to protect those in its care. It detailed dreadful abuse of vulnerable people and the failure to take proper note of whistleblowers and other warnings. It has been suggested that incidents such as this are just the tip of the iceberg.

The report of the committee, tabled last week, recommends that Victoria advise the disability reform council of eight recommendations based on the work undertaken by the committee in stage 1 of its inquiry. I do not have time to go through all the recommendations, but I would like to refer to two of them. Firstly, Victoria recommends that a single, independent oversight body with powers and responsibility for handling complaints and managing and investigating reportable serious incidents, as well as oversight of restricted practices and other regulatory matters, be established. Secondly, it is recommended that a national quality assurance agency with responsibility for screening and clearance checks, administering a working with vulnerable persons check, provider registration and individual registration of disability workers be created.

The chair's foreword to the report states:

... stage 2 of our inquiry is an important opportunity to consider what safeguarding measures need to be in place in Victoria. We heard a firm view that while improvements can be made in the Victorian system, in the transition to the NDIS there should be no weakening of the safeguards that currently exist.

In the course of hearing evidence, it became apparent that there are serious deficiencies within the disability sector in Victoria in relation to dealing with allegations of abuse. Stage 2 will look at these systemic problems, with a view to ascertaining what steps can be taken to improve the system during the transitional period ahead

of us. It would be fair to say that, on the evidence received by the committee to date, there is a general view that the Victorian system is one of the best. I urge the minister in dealings with the disability reform council to insist that Victoria's standards are in no way diminished in the new system set up by the commonwealth.

In the meantime our committee will go on to hear further evidence across the state. We will consider what further measures can be undertaken to strengthen disability services in Victoria and support people with a disability during the transition to the national disability insurance scheme, and we will investigate the capacity of providers to report and act upon abuse. It has been a privilege to be on this committee. I have not personally had a lot of experience with disability, and it has been an honour to hear from people who have.

**Public Accounts and Estimates Committee:
budget estimates 2015–16 (hearings alert)**

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Public Accounts and Estimates Committee 2015–16 budget estimates hearings alert report. I am drawn to the contribution that was made by the Minister for Families and Children in evidence she provided to the committee on 20 May. She made mention of the fact that the government is making a significant investment across the forward estimates in the families and children portfolio — \$615 million over five years. One of the commitments outlined in this budget was additional funding for the Ballarat Centre Against Sexual Assault. I note that the member for Wendouree is in the chamber; she has been a passionate campaigner, both in this place and in a past life, for the rights of victims of sexual assault. I am delighted to be a member of a government that is making a firm commitment to tackle this insidious crime with practical, concrete action. We are well served by having members like the member for Wendouree in our midst. She is a tireless advocate, both in this chamber and outside it.

This commitment over the forward estimates is important because the government is seeking to make a significant investment in the early years framework. Academic studies the world over point to the fact that if you make an early investment in vulnerable and disadvantaged children, then you make a significant impact in terms of ensuring that they can become functioning and productive adults. Too often we see a set of circumstances where, to quote Warren Buffett, a child loses the 'ovarian lottery' — they are born into a dysfunctional or disadvantaged household where their parents do not read with them or provide a stable and

nurturing environment. By the time that child starts school, they are well and truly behind the eight ball. By the time they get to secondary school, they might be reading at a prep or grade 1 level, and they drop out.

It is estimated that something like 40 000 children nationwide are lost from the secondary school system each year. On a per capita basis you could roughly estimate that about 10 000 Victorian children drop out and are gone. The year 12 completion rate amongst the prison population is around 6 per cent, as compared with 80 per cent of the general population. If children drop out in those high school years, they have a far greater propensity to end up incarcerated and to suffer from drug and alcohol problems or significant mental illness. This investment in the early years is vital. As I said, it is \$615 million. That represents a 17 per cent increase from the 2014–15 budget for child protection and family services. It is also useful that the government is looking at investing \$50 million to build and upgrade kindergartens.

Members might ask how that is relevant. As a former president of the Early Learning Association Australia, one of the great challenges is the transition to having 15 hours per week for four-year-old kindergarten because there are capacity constraints in relation to the physical infrastructure. If we try to run programs for four-year-olds in conjunction with programs for three-year-olds, there are those sorts of constraints. This sort of funding is available to make sure that we can retrofit some of the older buildings so that we can continue to meet the 15-hour requirement but not at the expense of the program for three-year-olds. That is particularly the case in terms of established areas, inner urban areas and areas where we also have large public housing populations.

These sorts of issues are really important. If we can try to make an early investment for children who through no fault of their own miss out, then this is the way the state can address that market failure, making sure that children can grow up and be productive members of our society and the community.

**Public Accounts and Estimates Committee:
budget estimates 2015–16 (hearings alert)**

Mr NORTHE (Morwell) — It gives me great pleasure to speak on the report of the Public Accounts and Estimates Committee inquiry into the budget estimates for 2015–16. I refer to the hearing on 19 May and comments made by the Minister for Mental Health. Pages 6 and 7 of the transcript refer to funding for programs relating to tackling the drug ice. Questions were raised about the government's *Ice Action Plan* and

how it would be implemented, including what it would be used for and how it would be applied, particularly in relation to community ice action groups.

As you well know, Acting Speaker, ice is an insidious drug, and its impact on regional communities is absolutely devastating. Unfortunately I know way too much about its impact. This drug turns normal young people into skeletons of their former selves. Those people unfortunately live in a world of denial, fantasy and deceit. Without them even knowing it they lose a lot of things in their lives, whether it be a partner, family or friends; whether it be a car, a home or other assets; whether it be self-esteem or dignity — everything seems to get lost when people use this insidious drug, and we need to do something about it.

I note that at the Public Accounts and Estimates Committee hearing the minister spoke about the state government's \$45 million *Ice Action Plan*. There are a number of well-intentioned themes to the plan in relation to prevention, reduction of supply, how to reduce the impact on individuals and families, and workforce capacity in dealing with this issue. It should also be noted that the federal government is also playing in this space with its nationalised task force. It is taking action on a number of different themes, including programs targeting suppliers. As you know, Acting Speaker, those programs are run locally and include *Dob in a Dealer*. Action is also taken through *Crime Stoppers* and so on.

The previous state government held a parliamentary inquiry to look into this issue. The result is a very substantial report containing 54 recommendations. The present government's response was to announce its *Ice Action Plan*. Might I say, Acting Speaker, that despite the best intentions, we need to do better, particularly in regional Victoria. As you have raised in this house, there are programs such as the *Ice Meltdown Project*, which runs out of Drouin. We can only applaud the efforts of those who are part of that program — Janice, Sue and Megan and their volunteers — in what they are trying to do in that community. That particular program talks about detox, counselling and family support, and it has supported around 150 clients. It has had some very encouraging success, and there is no doubt about that, but those people simply require funding to continue delivering their programs to our community in Gippsland. That is something I would ask the state government to seriously consider as part of its response, because the program is working and having successful results. That information comes from people on the ground who have to deal with the effects of this insidious drug.

Unfortunately I have to say that the reality is that the current government-funded programs are not working. If we talk to any family member or any individual who has been affected by this drug, generally they would say the same. That is not to be critical of current service providers. I want to make it clear that best intentions are in place here, and I surely understand that, but the fact is that they are not working. We need better educational programs to ensure that people, particularly young people, are not tempted to take this insidious drug. We need funding for organisations such as the *Ice Meltdown Project*. We need local solutions to local issues. We need more resources to tackle the dealers and manufacturers.

I note that the Minister for Police is at the table. This is not a criticism of the police, who do a wonderful job in tackling what is a difficult issue, but we need medium and long-term rehabilitation places in Gippsland to accommodate those people and assist those families who are dealing with such tragic circumstances across regional Victoria.

Family and Community Development Committee: abuse in disability services

Ms KNIGHT (Wendouree) — I rise to speak on the interim report of the committee on its inquiry into abuse in disability services. I note that this inquiry includes but is not limited to looking at why abuse is not reported or acted upon and, most importantly, how it can be prevented. There are a few lines in this report that particularly stood out to me. One is that incident reporting is vital because people with a disability usually do not or cannot complain. The other one was from a victim impact statement which explained that by reason of their disability the victim was unable to escape, to vocalise their lack of consent or to call for help. They articulated their sense of violation and powerlessness and their ongoing suffering as a consequence of the abuse they were subjected to.

To me, this is a really important report. I note that it is an interim report and that a full report will be tabled in the Parliament in, I believe, March next year. I want to get back to the reason why this report and inquiry are important. I found this report incredibly difficult and challenging to read. In fact I could not get to the end of it. What I find most difficult and heartbreaking about having an almost 26-year-old son with autism and an intellectual disability who is non-verbal is, firstly, what is going to happen to him when I am dead? That is a really difficult proposition to face. I welcome the national disability insurance scheme for that reason and a whole lot of other reasons. Secondly, my son has been in care since he was about 15, because I was unable to

care for him once he got that big. Because he self-harms, he often has bruises, so one of the real dilemmas for me is how I identify abuse. He cannot tell me, he cannot show me and I am not there. So for me this inquiry is important for all of those reasons.

The chair of the committee, the member for Bendigo West — and I thank her sincerely for her work — mentioned in her foreword the word ‘trust’. To me, that is key. If as parents we do not trust agencies, then we live our lives wondering what is happening to our children, despite how old they are. The other factor in this is around choice — often there are limited choices for who can care as to our kids, and we fear that if we make a fuss, the few choices we have may be taken away, and then what would we do?

I want to finish up by thanking the government for conducting this inquiry, and I want to thank all the members of the committee, including the member for Bendigo West, the member for Frankston, who is in the chamber, the member for Geelong, the member for Lowan and the member for Shepparton. I want to thank the member for Shepparton for her words earlier. I know that this issue is important to her, and I want to thank her personally for her time. I would like to thank the member for Eildon for her time. However, she did not mention once in her contribution the very people this report is for and about. To me, that once again silences and makes invisible the people who we are serving to protect through this inquiry. I ask the member for Eildon to focus on the people this inquiry is about and remember that parents and carers are out there listening and looking for that and hoping and desperately wishing for that.

FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015

Statement of compatibility

Mr NOONAN (Minister for Police) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the ‘charter’), I make this statement of compatibility with respect to the Firearms Amendment (Trafficking and Other Measures) Bill 2015.

In my opinion, the Firearms Amendment (Trafficking and Other Measures) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the bill is to amend the Firearms Act 1996 (the Firearms Act) to:

- a. redefine evidence of possession in section 145, clarifying that a person who occupies, or is in care of, control or management of premises, or is in charge of vehicle where the firearm is located is deemed to be in possession of that firearm;
- b. lower the threshold number of trafficable quantities of unregistered firearms from 10 to 3;
- c. create a new offence for the unlawful manufacture of firearms; and
- d. create a new offence for theft of a firearm in the Crimes Act 1958.

Human rights issues

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

Section 25(1) — A person charged with a criminal offence has the right to be presumed innocent until proven guilty.

Deeming provision

Clause 8 of the bill will amend the Firearms Act to provide that a person is deemed to be in possession of a firearm if that firearm is found on premises which is occupied, in the care of or under the control or management of the person, or in a vehicle of which the person is in charge.

Currently, section 145 provides that a person is taken to be in possession of a firearm if that person occupies any land or premises on or in which any firearm is found, in the absence of any evidence to the contrary.

To the extent that it may limit the right to be presumed innocent under section 25(1) of the charter, in my view clause 8 is reasonable and justified. The clause places an evidential burden on the accused to provide that they did not know, or could not reasonably be expected to know that the firearm was on the premises or in the vehicle. The prosecution will still retain the legal burden of establishing, beyond all reasonable doubt, the elements of the offence that has been committed. Additionally, the evidential burden will revert back to the prosecution, once the accused adduces information or evidence as to their knowledge of the location of the firearm.

The evidential onus (which currently exists in section 145) is associated with the statutory regime which regulates firearms and the individuals who lawfully possess and use firearms. The individuals who choose to be subjected to such regulation, through their ownership and use of firearms, do so with an awareness of complying with specific requirements.

The general approach that has been taken by courts in other jurisdictions is that the placement of an evidential onus on the defendant does not limit the presumption of innocence. However, even if such provisions were to be interpreted as limiting the right to be presumed innocent under section 25(1) of the charter, the limitation is reasonable and justified under section 7(2), as the exceptions provided relate to matters that can only exist within the knowledge of the defendant.

For the reasons given in this statement, I consider that the bill is compatible with the charter and, while it raises a human rights issue, it does not unreasonably limit human rights.

The Hon. Wade Noonan, MP
Minister for Police

Second reading

Mr NOONAN (Minister for Police) — I move:

That this bill be now read a second time.

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

The focus of serious and organised crime groups in Victoria has expanded from illicit drugs to also include illicit firearms activity. The presence of illicit firearms in the community presents a threat to community safety, given the fear in the broader community about violent situations occurring in public places and the risk of potential victims. The Victorian government is committed to ensuring that Victoria Police are appropriately equipped with the necessary powers in order to stem the flow of illegitimate firearms and prosecute those individuals responsible for engaging in unlawful activities involving firearms.

The bill will make amendments to the Firearms Act 1996 (the Firearms Act) which are aimed at strengthening Victoria Police's ability to be able to effectively combat serious and organised firearm-related crime and the illegal firearm market. The bill will also make an amendment to the Crimes Act 1958 (the Crimes Act) to assist police in their efforts to tackle illicit firearm activity.

The bill makes an amendment to the definition of 'evidence of possession' under section 145 of the Firearms Act. The purpose of this amendment is primarily to target serious and organised crime groups who increasingly engage in the trafficking of black and grey market firearms, which are usually stolen and subsequently used to assist crime gangs in the commission of serious crimes.

The amendment to section 145 will remove the current definition of 'evidence of possession' and introduce a new 'deemed possession' provision by providing that evidence of possession will include a person 'occupying, or being in the care of, control or management of premises, or is in charge of a vehicle where the firearm is found'. As a result, the amendment will shift the focus away from a person's relationship with a firearm to that of a relationship between the person and the premises or vehicle where the firearm is located.

This is a necessary amendment to the Firearms Act, as Victoria Police hold serious ongoing concerns about the illegal use of firearms in the community. The deeming provision will assist Victoria Police in dealing with unregistered firearms, found largely in the possession of, or on premises of, serious organised crime groups, such as bikie groups. The provision will also help to alleviate frustration faced by Victoria Police when dealing with firearms they are locating on premises or in vehicles and where gang members deny any knowledge of the firearm if, in fact, a person does not have a firearm physically located on them. Typical scenarios for Victoria Police include firearms being transported in vehicles or where there are multiple persons in

the same room. Persons involved in these scenarios commonly deny knowledge of the firearm being present and/or claim that it is not their firearm. Additionally, the reluctance of witnesses and associates to provide evidence is also hampering Victoria Police's efforts in facilitating a successful prosecution against a person involved in these situations.

The proposed amendment will place an evidential onus on the accused to provide that they did not know, and could not be reasonably expected to know, that the firearm was on the premises or in the vehicle, or that they believed on reasonable grounds that the firearm was in the possession of another person who was lawfully authorised under the Firearms Act to possess the firearm. The prosecution will still retain the legal onus of proving all of the elements of the offence to the criminal standard of beyond reasonable doubt. The exceptions provided for in the new provision relate to matters that are solely within the knowledge of the defendant.

The government is keen to reassure the community that the intention of the new deeming provision is not to inadvertently capture innocent parties, such as victims of family violence. Likewise, the provision is not intended to capture a driver of a public transport vehicle on which a firearm may be found, as the driver will not know or be reasonably expected to know that a firearm has been left within the vehicle. The overarching rationale for this amendment is to remove illegal firearms from the community as well as overcoming problems that are encountered by police dealing with, and investigating, serious and organised criminal activity, rather than targeting innocent persons, such as terrified victims in a family violence situation.

The bill will make amendments to the Firearms Act in order to strengthen firearms trafficking provisions, by amending section 7C of the act to lower the trafficable quantity of unregistered firearms that a person must possess for that possession to amount to trafficking, from the current amount of 10 unregistered firearms to 3 unregistered firearms. The bill will also amend section 101A of the act, in relation to the prohibition on the acquisition or disposal of trafficable quantities of firearms, to provide that a person, who is not the holder of a dealers licence, must not acquire or dispose of more than three unregistered firearms within a period of 12 months. The current limit of 10 unregistered firearms within a period of seven days can be too readily exploited by persons seeking to avoid the higher penalty attached to the trafficking offence by consistently acquiring and disposing of limited quantities of, say, 10 unregistered firearms on a weekly basis.

The amendments to trafficking provisions will bring Victoria into line with other jurisdictions that currently provide for similar thresholds and specified time periods. The amendments are necessary and appropriate, given that Victoria Police hold concerns about instances where unregistered firearms have been purchased and that the current trafficking offences are not considered to be adequate in order to deter traffickers and effect prosecutions.

The bill will also make amendments to the Firearms Act in respect of the unlawful manufacturing of firearms. Given that unlawful manufacturing of firearms is a serious crime which can lead to unregistered and unlawful firearms circulating in the community, particularly amongst serious and organised crime groups, the bill will increase the current penalties relating to such an offence and, more importantly, separate

the offence of unlawful manufacture from the existing offence of carrying on a business of dealing in firearms without a licence. The increased penalties will range from 600 penalty units or five years imprisonment for the unauthorised manufacture of category A or B long arms and paintball markers, to 1200 penalty units or 10 years imprisonment for the unauthorised manufacture of category C, D or E long arms or handguns. The amendments will bring Victoria in line with other jurisdictions, providing for similar penalties and a specific offence for unlawful manufacture.

Finally, the bill will introduce a new theft of a firearm offence into the Crimes Act 1958. The new offence will carry a higher penalty than the offence of theft under section 74 of the Crimes Act, in recognition that the theft of firearms can increase the illegitimate flow of firearms in the community and lead to very serious criminal activity.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 2 September.

HEAVY VEHICLES LEGISLATION AMENDMENT BILL 2015

Statement of compatibility

Mr DONNELLAN (Minister for Roads and Road Safety) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

In my opinion, the Heavy Vehicles Legislation Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

This bill makes amendments to the Heavy Vehicle National Law Application Act 2013 in respect of evidence of mass. The bill also amends the Road Safety Act 1986 to further provide for the application of the Heavy Vehicle National Law (Victoria) to the fatigue management of drivers of light buses.

Human rights issues

Fatigue management of light buses

Clause 6 of the bill inserts new section 191BA into the Road Safety Act 1986 and ensures that drivers of light buses (that is, motor vehicles which seat more than 12 adults with a gross vehicle mass of 4.5 tonnes or less) are exempt (as drivers of heavy buses are) from fatigue management provisions of the Heavy Vehicle National Law (Victoria) when they are responding to an emergency or being used as rail replacement

buses. This raises no human rights issues, but rather enables the state to better respond to an emergency or rail service interruption.

Rail replacement light buses and light buses responding to an emergency

Clause 5 of the bill applies enforcement powers under the Heavy Vehicle National Law (Victoria) to the enforcement of fatigue management provisions in relation to light buses. Since 2003 in Victoria all buses, regardless of weight, have been subject to fatigue management laws. The proposed amendments contained in this bill do not expand the range of vehicles subject to fatigue management laws but simply ensure that the Heavy Vehicle National Law (Victoria) applies to light buses for the purposes of the enforcement of fatigue management laws. No human rights issues are raised by these amendments.

Evidentiary provisions relating to the mass of a vehicle

(a) Evidence from portable weighing devices

Clause 4 of the bill amends the Heavy Vehicle National Law Application Act 2013 to provide that in a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or the regulations made under that law, the mass carried on any axle of a heavy vehicle as determined by a prescribed device when tested, sealed and used in the prescribed manner is, after due allowance of the prescribed limits of error, proof, in the absence of evidence to the contrary, of the mass. These portable weighing devices, and the manner in which they are to be tested, sealed and used, are prescribed in Part 5 of the Road Safety (General) Regulations 2009. The mass of a vehicle is relevant in determining whether it is overloaded in contravention of applicable legal limits.

This provision is modelled on section 82 of the Road Safety Act 1986 which is used to establish the mass of a motor vehicle under 4.5 tonnes.

Section 25(1) of the charter act provides that a person has the right to the presumption of innocence unless the prosecution proves that the person is guilty. The right protected under section 25 ensures that the burden of proof rests with the prosecution not an accused.

Clause 4 of the bill that inserts new section 36A into the Heavy Vehicle National Law Application Act 2013 is an evidentiary provision which sets out how evidence from a portable weighing device may be used to prove the mass of a vehicle. This type of provision greatly assists the efficiency of the criminal justice system by allowing what are usually non-controversial evidentiary matters to be presented in court without the need to personally call the expert who carried out the relevant test to be present in court to give the evidence.

This type of evidence is accepted in court in the absence of evidence to the contrary. This means that to challenge the information produced by the weighing device a defendant would be obliged to call evidence. Requiring a defendant to provide evidence runs contrary to the defendant's right to silence. This provision therefore places an evidential burden on the defendant. In a hearing, section 72 of the Criminal Procedure Act 2009 will apply. The defendant has the right to the presumption of innocence and is not required, in the usual course of the criminal justice process, to give evidence. The onus rests entirely upon the prosecution to prove the matter.

As such, this kind of evidence engages the right to the presumption of innocence.

Evidence produced in this way, in accordance with the relevant clause, is presumed proof of a matter unless evidence to the contrary is raised. Providing evidence in this way is important for the criminal justice system and can be justified because:

the evidence relates to a matter that is generally non-contentious;

if the matter is contentious in the context of a particular proceeding, the evidence is not conclusive and the defence can lead evidence that is to the contrary;

the evidence is extracted from records maintained by the National Heavy Vehicle Regulator or road authority;

use of this kind of evidence streamlines the administration of justice and provides cost savings through not having to call a witness for issues that are not in dispute.

The availability of this kind of evidence through new section 36A(1) therefore engages but does not limit the right to the presumption of innocence.

(b) Proof of the mass of a vehicle when it contains passengers

Clause 4 of the bill also amends the Heavy Vehicle National Law Application Act 2013 to provide under new section 36A(2) that without prejudice to any other method of determining the mass of a heavy vehicle or of its load or of both, the mass of the load of any heavy vehicle carrying passengers may, for the purposes of the Heavy Vehicle National Law (Victoria) or the national regulations made under it, be calculated on the basis that the mass of 16 adult passengers is 1 tonne. This raises no human rights issues.

Reference to police officers

Clause 3 of the bill amends the Heavy Vehicle National Law Application Act 2013 to replace reference to 'member of the force' with 'police officer' to be consistent with the description used in the Victoria Police Act 2013. This raises no human rights issues.

Luke Donnellan, MP
Minister for Roads and Road Safety

Second reading

Mr DONNELLAN (Minister for Roads and Road Safety) — I move:

That this bill be now read a second time.

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

The Heavy Vehicles Legislation Amendment Bill 2015 makes a number of amendments to the Road Safety Act 1986 and the Heavy Vehicle National Law Application Act 2013 to ensure the continued effective operation of the Heavy Vehicle National Law in Victoria.

The need for effective laws to manage the use of heavy vehicles in Victoria is clear from the fact that in 2014–15 VicRoads Transport Safety Services intercepted and checked the compliance of 37 888 heavy vehicles. From these interceptions, 4142 vehicle defect notices were issued including 987 major defect notices and 70 of the vehicles were 'grounded' immediately. In 2014–15 VicRoads Transport Safety Services issued 547 infringement notices for offences against mass restrictions, 422 infringement notices for fatigue offences and 196 infringement notices for speed-related offences.

VicRoads regulatory services and the National Heavy Vehicle Regulator have established an open and collaborative working relationship that can be further assisted by ensuring that Victoria has effective laws to manage the use of heavy vehicles.

Fatigue management of light buses

The bill applies the fatigue management provisions of the Heavy Vehicle National Law (Victoria) to the fatigue management of light buses, in the same way that they apply to heavy buses.

A light bus is a motor vehicle which (together with any trailer attached to it) seats more than 12 adults (including the driver) with a gross vehicle mass of 4.5 tonnes or less.

The Road Safety Act 1986 currently applies various provisions of the Heavy Vehicle National Law (Victoria) to light buses. However, it does not include any reference to the fatigue-related provisions in the Heavy Vehicle National Law (Victoria) which deal with enforcement, sanctions and liability for offences. These provisions therefore do not currently apply to light buses.

The powers in the Heavy Vehicle National Law (Victoria) which will be able to be exercised by police members or authorised officers in relation to light buses are:

The power to give directions to a driver to take rest and to stop working if there has been a specified breach of fatigue laws.

The power to issue improvement notices in relation to fatigue breaches. Such a notice may be issued where the police member or authorised officer reasonably believes that a person has contravened or is contravening the Heavy Vehicle National Law (Victoria) in circumstances that make it likely that the contravention will continue or be repeated. The maximum penalty for failing to comply with such an infringement notice is \$10 490. The Heavy Vehicle National Law (Victoria) also provides for the amendment, revocation and clearance of the infringement notice.

The power to give a formal warning instead of issuing an infringement or taking court proceedings.

The power to issue infringement notices in relation to offences against the Heavy Vehicle National Law (Victoria) which are prescribed in regulations made under that law.

Rail replacement light buses and light buses responding to an emergency

Under the Heavy Vehicle National Law Application Act 2013, rail replacement buses and buses responding to an emergency are exempt from the fatigue management work and rest hours and record-keeping requirements in the Heavy Vehicle National Law.

There is ambiguity in the current legislation about whether this exemption applies to light buses. It is therefore proposed to extend to light buses the exemption from the fatigue management work and rest hours and record-keeping requirements in the Heavy Vehicle National Law (Victoria) that is currently enjoyed by rail replacement buses and buses responding to an emergency.

While light buses and heavy buses will be exempt from fatigue management requirements when responding to an emergency or when used in rail replacement circumstances, they will nevertheless remain subject to the general requirements of the Occupational Health and Safety Act 2004 and the Bus Safety Act 2009.

Evidentiary provisions relating to the mass of a vehicle

The bill amends the Heavy Vehicle National Law Application Act 2013 to facilitate the use of devices which weigh vehicles to determine whether they are overloaded in contravention of applicable legal limits.

The bill also amends the Heavy Vehicle National Law Application Act 2013 to provide that the mass of the load of any heavy vehicle carrying passengers may, for the purposes of the Heavy Vehicle National Law (Victoria) or the regulations made under it, be calculated on the basis that the mass of 16 adult passengers is 1 tonne.

These provisions are both necessary to establish the mass of a heavy vehicle, and are therefore essential to the successful carrying out of investigations and enforcement of breaches of mass limits.

The amendments contained in this bill will directly contribute to the safe management of heavy vehicles on Victorian roads.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).**Debate adjourned until Wednesday, 2 September.****RACING AMENDMENT BILL 2015***Statement of compatibility***Mr DONNELLAN (Minister for Roads and Road Safety) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

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

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

Overview

The main objectives of the Racing Amendment Bill 2015 are to amend the Racing Act 1958 (act) to:

- i. modernise governance arrangements for Harness Racing Victoria (HRV)
- ii. provide for the establishment of a Harness Racing Advisory Council (HRAC)
- iii. provide the minister with the power to appoint an administrator to HRV
- iv. add Racing Analytical Services Limited (RASL) as a body to which the racing integrity commissioner (RIC) may disclose integrity-related information, and formalise within the act all other such disclosure bodies.

Finally, the bill provides for other minor and technical amendments to the act.

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

'Section 13 Privacy and reputation

A person has the right —

- (1) *not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and*
- (2) *not to have his or her reputation unlawfully attacked'*

Are the relevant charter rights actually limited by the bill?

The bill amends section 37E of the act to give the RIC the power to disclose integrity-related information to RASL. This power involves the disclosure of information that may include personal information.

The bill also specifies additional bodies, previously specified in ministerial orders published in the government Gazette, to which the RIC may disclose integrity-related information, consolidating all disclosure bodies within the act.

This provision engages but does not limit section 13 of the charter.

The bill does not change the definition of integrity-related information or the type of information that can be shared, but consolidates and expands the bodies with which the information can be shared.

Racing Analytical Services Limited

RASL is a not-for-profit organisation that provides drug testing services to the Victorian racing industry and is listed

as an official racing laboratory within Racing Victoria's Rules of Racing.

Official racing laboratories play an integral role in the administration of racing. The rules empower the stewards to collect and test samples from any racing animals and provide that all such samples must be analysed by an official racing laboratory. In the absence of a test from an official racing laboratory, breaches involving prohibited substances cannot be established.

The RIC has legislated functions to undertake integrity audits of racing controlling bodies and wishes to disclose integrity-related information to RASL as part of these audits. Where integrity-related information shared with RASL contains personal information, this information will be subject to RASL's privacy policy which sets out its privacy safeguards for the protection of personal information in accordance with the Privacy Act 1988 (cth) and the Australian Privacy Principles.

Is any limit on relevant rights by the bill reasonable and justified under section 7(2)?

While this provision engages the right to privacy, it does so in a manner that is neither arbitrary nor unlawful. The interference is not arbitrary because in performing his functions to disclose information, the RIC is subject to the Privacy and Data Protection Act 2014. Furthermore, the RIC decides in each particular case what information should be disclosed and to whom.

Section 37E of the act provides that, as appropriate, the RIC may disclose information to specified bodies or persons. This function is necessary in instances where information is forthcoming that relates to alleged breaches of the Rules of Racing, the potential commission of criminal offences, or other general matters concerning possible breaches of integrity in the racing industry. It is essential to any subsequent investigation that 'integrity-related information' is disclosed to enable a full and proper investigation by the appropriate agency.

The exercise of this function will serve to strengthen the public perception that the utmost is being done to ensure the integrity of the industry is upheld and to protect all its participants.

The RIC is accountable for the manner in which he exercises the functions of office, including the disclosure of information. Pursuant to section 37F, the RIC delivers to the minister an annual report on the performance of his functions or the exercise of his powers, and integrity-related issues where he determines that to do so is in the public interest, which is tabled in Parliament.

Guidance re use of jurisprudence and previous SOC practice

Previous statements of compatibility with relevance to the disclosure provisions of the act include the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009 (which established the position of racing integrity commissioner) and the Racing Legislation Amendment Bill 2012 (which expanded the number of bodies to which the RIC may disclose integrity-related information). These statements noted that the provisions engage but do not limit section 13 of the charter, as set out above.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, to the extent that the provisions of the bill engage human rights, those provisions do not limit any human rights.

The Hon. Martin Pakula, MP
Minister for Racing

Second reading

Mr DONNELLAN (Minister for Roads and Road Safety) — I move:

That this bill be now read a second time.

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

The Racing Amendment Bill 2015 makes several necessary reforms to the Racing Act 1958 (the 'act'), including implementation of key government recommendations from the report into the audit of Harness Racing Victoria.

Firstly, the bill modernises governance arrangements for Harness Racing Victoria by amending the board appointment provisions to allow for the appointment of board members with skills beyond the current requirements of business, marketing or industry experience.

Secondly, the bill provides for the establishment of a Harness Racing Advisory Council, a formal consultative forum through which the board can receive advice from industry representatives with expertise on a broad range of harness racing matters.

Thirdly, the bill amends the act to allow for the appointment of an administrator to manage the harness racing industry in circumstances where the board has failed to competently manage the industry or where it is otherwise in the public interest.

The bill also strengthens integrity assurance in the Victorian racing industry by adding Racing Analytical Services Limited as a body to which the racing integrity commissioner can disclose integrity-related information, and formalises within legislation the disclosure arrangements for a number of other bodies.

Finally, the bill provides for other minor and technical amendments to the act.

Modernising governance arrangements for Harness Racing Victoria

Harness racing contributes more than \$421 million annually to the Victorian economy and is responsible for generating \$226 million per annum of household income. The industry also supports nearly 4000 jobs and has more than 25 000 active participants.

Apart from its economic benefits, the industry also makes a significant contribution to the social fabric of Victoria, particularly in rural areas. It delivers community and social benefits including leisure and entertainment options, community building through its support of local charities and

contributes to the health and wellbeing of individuals employed or participating in the industry and their families.

Harness Racing Victoria engages in the competitive wagering and entertainment markets, contending not just with the other two racing codes, but against other sports and entertainment products. Given its responsibility for an organisation operating in these tough sectors, the board of Harness Racing Victoria requires more than just the business, marketing or industry experience skills dictated by the current legislation. It also needs individuals with capabilities and expertise in areas such as law, media (including new media) and technology to ensure that the board has the appropriate skill mix to succeed in this environment.

The government made a commitment to commission a full audit of Harness Racing Victoria to identify improvements that could be implemented by Harness Racing Victoria or government to ensure a strong harness racing industry in Victoria.

The audit of Harness Racing Victoria was conducted by Mr Dale Monteith, former chief executive officer of the Victoria Racing Club and a respected racing administrator. The audit report notes that as a statutory body, Harness Racing Victoria faces a number of challenges on the governance front, most notably legislated requirements for membership to the board that do not reflect modern governance practices at best and could, at worst, hamper the ability of the board to effectively compete in its markets.

This bill modernises the appointment process for the board, replacing the requirement for members to have specific experience in business or marketing or the harness racing industry. Instead, a new provision will provide the minister with the flexibility to recommend a board appointment to the Governor in Council if the individual has the skills, experience and knowledge necessary at the time to assist the board in carrying out its functions.

The bill will also implement the recommendation that the size of the board should be flexible with at least five but not more than seven members. This means that the minister will have the ability to complement the core skills of the board with expertise in specific disciplines that may be required at the time.

As and when it is necessary to appoint new board members, these amendments will allow the minister to appropriately take into account the size of the board and the skills and experience of its members, both individually and collectively, when determining these appointments.

Providing for the establishment of a Harness Racing Advisory Council

The bill also amends the act to replace the requirement for the board to establish consultation procedures with a requirement that it establish a Harness Racing Advisory Council.

A recurring theme of the audit was the view, within the industry, that the current board and executive of Harness Racing Victoria have failed to effectively communicate and engage with its industry stakeholders and partners. The audit report noted that this failure has led to a fractured and polarised industry.

To address the concerns of the industry, the audit report recommended the establishment of a Harness Racing

Advisory Council to provide the board with direct access to industry representatives with the expertise to provide advice to the board on a broad range of racing-related matters. The Harness Racing Advisory Council will play an important role given that the requirement for board members to have industry experience will be removed.

In accordance with the audit recommendation, membership of the Harness Racing Advisory Council is to be approved by the minister and will include at least two members of the Harness Racing Victoria board, one of whom will be appointed Harness Racing Advisory Council chairperson. Its membership will also include a minimum of three nominees of organisations or persons who are representatives of the Victorian harness racing industry or have experience or interest in that industry.

Harness Racing Advisory Council members will be appointed by the board, with the appointments for the period and subject to the terms and conditions specified in the instrument of appointment. It will be the responsibility of the board to determine the payment of any travelling and other allowances to which a member of the Harness Racing Advisory Council may be entitled.

The board will be required to report on the details of all its consultations and any decisions made as a result of these consultations, including its consultations through the Harness Racing Advisory Council, through its annual reporting process.

Providing the minister with the power to appoint an administrator of Harness Racing Victoria

The bill also addresses a deficiency in that the act does not provide for the appointment of an administrator to manage the industry in place of the board. The necessity of such a provision is clear, allowing the minister to deal with a situation in which a new board is required to be appointed urgently, such as the board resigns en masse or it is clear that the board has failed to effectively manage the industry, and where there may not be new board members identified and ready for appointment.

The bill provides a process for the minister to recommend the appointment of an administrator to manage the harness racing industry in place of the Harness Racing Victoria board where, in the minister's opinion, the board has failed to efficiently or competently manage the industry or the appointment is otherwise in the public interest.

Strengthening integrity assurance

In order for the racing integrity commissioner to effectively carry out his duties, access to reliable information is paramount, as is his capacity to share that information with appropriate agencies. The act specifies a number of agencies to which the racing integrity commissioner may disclose integrity-related information, as well as defining integrity-related information.

Whilst a number of agencies were included as part of the establishment of the office of the racing integrity commissioner, it was always intended that the racing integrity commissioner should advise government if he believed that additional bodies should be specified in order to assist him in his work.

Since 2012, on the advice of the racing integrity commissioner a number of additional bodies have been specified, via ministerial orders published in the *Government Gazette*, to which the racing integrity commissioner may disclose integrity-related information.

The racing integrity commissioner has requested that the government include Racing Analytical Services Limited as a body to which integrity-related information may be disclosed.

Racing Analytical Services Limited is a not-for-profit organisation that provides drug testing services to the Victorian racing industry and is listed as an official racing laboratory within Racing Victoria's rules of racing.

Official racing laboratories play an integral role in the administration of racing. The rules empower the stewards to collect and test samples from any racing animals and provide that all such samples must be analysed by an official racing laboratory. In the absence of a test from an official racing laboratory, breaches involving prohibited substances cannot be established.

The RIC has legislated functions to undertake integrity audits of racing controlling bodies and wishes to disclose integrity-related information to Racing Analytical Services Limited as part of these audits.

This bill further supports the important work of the racing integrity commissioner by allowing him to share information with Racing Analytical Services Limited and improves transparency by consolidating in a single place all the bodies to which the racing integrity commissioner may disclose integrity-related information.

Minor and technical amendments

Finally, the bill provides for a number of minor and technical amendments to the act.

The definition of 'General Post Office Melbourne' has been repealed and references to this location have been replaced with 'north-east corner of Bourke and Elizabeth Streets, Melbourne'.

Section 84 contains definitions in relation to part IV of the act. The definition for racecourse in this section is missing a word and the bill inserts the word 'in' after the word 'has' to correct a grammatical error in the definition.

The bill also inserts a new part VIII into the act to provide transitional provisions for the board of Harness Racing Victoria on and from the commencement of the bill.

Speaker, the initiatives in this bill will help to ensure that there continues to be a strong and vibrant harness racing industry in this state.

I commend the bill to the house.

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

Mr DONNELLAN (Minister for Roads and Road Safety) — I move:

That the debate be adjourned until Tuesday, 1 September.

Mr CLARK (Box Hill) — The opposition does not agree with the proposal that the bill not be adjourned for the longstanding accepted period of two weeks. The Leader of the House spoke to me just a few seconds ago about the potential to adjourn some of the government's bills for less than the standard two-week period. There has been no particular reason given for that, other than the fact that the government's business program is not well organised and is in the disarray in which it has been for some weeks, and that unless a bill is adjourned for less than two weeks, the government will not have any legislation to debate when the house resumes on the next sitting Tuesday.

Any well-organised government will arrange for its legislation to be scheduled and brought into the house. Its government cabinet processes will impose discipline on its ministers so that they get their act together so that legislation can be brought before the Parliament in a timely manner. I make the point that two weeks has for many years, regardless of which party has been in government, been regarded as a minimum. It is a minimum in the sense that many bills in a well-organised government are on the notice paper for a period that is considerably longer than just the bare two weeks. This is not only to give opposition members along with third party and Independent members an opportunity to consider and consult but also to allow community members to consider any issues, engage in debate on any issues and raise any concerns they may have about the legislation with the government of the day and with their local MPs.

If there is a particularly pressing reason why a bill needs to be adjourned for a lesser period, then of course as an opposition we would be willing to listen to that. When there is a good case for dealing with legislation on a more pressing basis, we are happy to agree with that on a case-by-case basis. The opposition has shown during the term of this Parliament that, when there is good reason for matters to be expedited, we have been more than willing to accommodate the government in that way. I have to say that is in stark contrast to the way the now government behaved when it was in opposition in the previous Parliament.

We have shown that as recently as yesterday in relation to the important motion and terms of reference for the Public Accounts and Estimates Committee, and we have shown it on previous occasions in relation to bills. To have the Leader of the House come to the opposition at the last minute and say, 'We need a couple of bills adjourned for shorter than two weeks because otherwise we will not have anything to debate when we come back on Tuesday' — to raise that with the opposition just a few minutes before the

adjournment of debate on the bill is moved and with no particular good reason in that instance — is just not good enough.

It is not good enough for the way the house operates, not good enough for how the government operates, not good enough for standards of accountability and not good enough for the opportunity for community engagement that the community is entitled to expect, so the opposition does not support the adjournment of this bill for short of two weeks. We believe we should stick with the longstanding and established practice of a minimum two-week adjournment. If in any particular case there is a reason why a bill needs to be brought forward, even if the resumption of debate has been set down for a future day and something arises unexpectedly, of course as an opposition we will be willing to listen to the government and agree to give leave to bring on a bill earlier when there is a genuine reason for urgency. No such case has been made in relation to this bill, and for this reason the opposition believes there should be at least a two-week adjournment of debate.

Ms ALLAN (Minister for Public Transport) — In response to the manager of opposition business's concerns, it was pretty clear from the outset that no amount of good argument or persuasion was going to convince the manager of opposition business to do anything other than what he has just done. He has demonstrated that the opposition is prepared for the chaotic approach that it took in government to continue to be its chaotic approach in opposition. We remember well the weeks in which there was no government business program. We remember well when the now opposition, when in government, was not even prepared to put forward a government business program, so scared was it of not being able to control this place.

I acknowledge that two weeks is the standard period and has been for some time, but of course from time to time through discussion and cooperation that has been changed. All the government was seeking at this juncture was for the bills to be brought forward — not by much, but by 24 hours. That is what the opposition is opposing: bringing forward the second reading of two bills by 24 hours. The government would ensure that all the appropriate briefings and materials were expedited. If the opposition wants us to do its job for it, we understand that and will make sure it has what it needs, but that is all we were asking for.

In terms of the claim that there was no good reason given in this case, the only reason the opposition has given for opposing this is that it wants to continue its oppositionist approach and not see the house run in a

way that sees important legislation passed properly. With those few comments, I urge members to support the adjournment of debate on this legislation to 1 September.

House divided on motion:

Ayes, 48

Allan, Ms	Kilkenny, Ms
Andrews, Mr	Knight, Ms
Blandthorn, Ms	Lim, Mr
Brooks, Mr	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Richardson, Mr
Edwards, Ms	Richardson, Ms
Eren, Mr	Sandell, Ms
Foley, Mr	Scott, Mr
Garrett, Ms	Sheed, Ms
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hibbins, Mr	Thomson, Ms
Howard, Mr	Ward, Ms
Hutchins, Ms	Williams, Ms
Kairouz, Ms	Wynne, Mr

Noes, 36

Angus, Mr	Northe, Mr
Asher, Ms	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Bull, Mr T.	Pesutto, Mr
Clark, Mr	Ryall, Ms
Crisp, Mr	Ryan, Ms
Dixon, Mr	Smith, Mr R.
Gidley, Mr	Smith, Mr T.
Guy, Mr	Southwick, Mr
Hodgett, Mr	Staley, Ms
Katos, Mr	Thompson, Mr
Kealy, Ms	Tilley, Mr
McCurdy, Mr	Victoria, Ms
McLeish, Ms	Wakeling, Mr
Morris, Mr	Walsh, Mr
Mulder, Mr	Watt, Mr
Napthine, Dr	Wells, Mr

Motion agreed to.

Debate adjourned until Tuesday, 1 September.

Business interrupted under sessional orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I wish to acknowledge the presence in the gallery of the former member for Kew, former Minister for Corrections, former Minister

for Crime Prevention and former Minister responsible for the establishment of an anti-corruption commission, Andrew McIntosh. You are welcome.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Fire services review

Mr BATTIN (Gembrook) — My question is to the Deputy Premier. Can the Deputy Premier confirm that at a meeting on 13 August with the Volunteer Fire Brigades Victoria president and other Country Fire Authority (CFA) representatives he stated clearly that he supported an extension to the submission period for volunteers to the fire services review so their voices could be properly heard?

Mr MERLINO (Minister for Education) — I thank the member for Gembrook for his question. I can confirm that a meeting took place with a number of my local brigades right across the Dandenong Ranges and beyond the borders of the electorate. We had a wideranging discussion on a number of issues, including the fire services review and presumptive rights legislation. A number of issues were raised at that meeting.

I can confirm for the member for Gembrook that the issue of the fire services review was discussed. I agreed that I would take the concerns of my brigades to the minister. They handed me a letter, which I have now forwarded to the minister. That is my role as a local member.

It is also my role to speak to the Belgrave Country Fire Authority brigade and inform its members of the new vehicle that the government will provide to them. It is also my role as a local member to speak to the —

Mr R. Smith — On a point of order, Speaker, on the issue of relevance, the question clearly related to whether the Deputy Premier had voiced his support and whether the Deputy Premier could confirm that. The Deputy Premier has not addressed that aspect of the question.

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

Mr MERLINO — It was also my role to contact the Emerald State Emergency Service unit, which actually is located in the member for Gembrook's electorate, and inform it about the provision of a new vehicle for its services. We also had a discussion at the meeting in my electorate office with all of those CFA brigades about presumptive rights legislation, which the

former government refused to introduce in the Parliament.

Mr Battin interjected.

The SPEAKER — Order! The member for Gembrook had his opportunity.

Mr Clark — On a point of order, Speaker, the minister is not being relevant to the question. He is also debating it. A very specific question was asked about confirming whether or not he supported a particular extension. I ask you to bring him back to that question.

Mr Pakula — On the point of order, Speaker, the member for Gembrook asked the minister a question about a meeting he held in his electorate office. The minister has already addressed the specific matter about the terms of the fire services review, but the minister is entitled, for context, to talk about all of the matters that were discussed at that meeting.

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

Mr MERLINO — As I indicated at the beginning, I did have a meeting with my local brigades. Under the Andrews Labor government, through the Minister for Emergency Services, we will be supporting our firefighters, whether it is in relation to their care and safety in time of illness or in relation to providing the vehicles and infrastructure that they need to keep our communities safe. We will support our firefighters, whether they are career firefighters or volunteers right across Victoria.

Supplementary question

Mr BATTIN (Gembrook) — I refer to the fact that Bill Watson, president of Volunteer Fire Brigades Victoria, and brigade leaders Rod Stebbing, Peter Edyvane, Phil Keep, Frank Whelan and Craig Dennis all signed a letter in good faith in front of the Deputy Premier at the meeting on 13 August, requesting an extension. He told them he supported their request — and I am happy to table the email in relation to the request where the minister supported the request — and he said he would put their letter in front of the Minister for Emergency Services, supporting their position. Given that the minister now refuses to say he gave this support, how can Country Fire Authority volunteers or anyone else believe a word the minister says?

Honourable members interjecting.

The SPEAKER — Order! The member for Eltham! Government and opposition members will allow the

Deputy Premier to respond to the supplementary question.

Mr MERLINO (Minister for Education) — I am not sure there was a question in that supplementary members statement. As I indicated — —

Honourable members interjecting.

Mr Battin — On a point of order, Speaker, in relation to relevance, the question was specifically around support and an email that went through. I am more than happy, as a birthday gift for the Deputy Premier, to table that email in relation to the support he offered — —

The SPEAKER — Order! What is the member's point of order? There is no point of order.

Mr MERLINO — In relation to my local brigades, I said to them that I would advocate for them, and that is exactly what I will do. I will advocate for my local brigade, unlike those opposite — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier will be heard in silence. The supplementary question was put, and the Deputy Premier will respond.

Mr Wells interjected.

Mr MERLINO — Unlike those opposite, who go to the tennis when the state burns, I will advocate for my brigades.

The SPEAKER — Order! I ask the member for Rowville to withdraw an unparliamentary remark and to apologise.

Mr Wells — I withdraw.

Ministers statements: Visit Victoria

Mr ANDREWS (Premier) — I am very pleased to rise to update the house on the exciting news that our great city of Melbourne has again been voted the world's most livable city. That is good news, something that all members of this house will join me in celebrating. We secured perfect scores in healthcare, education, infrastructure, culture and environment and, of course, sport, as ranked by the Economist Intelligence Unit's global livability index. It is great news for a great city, with very strong prospects for the future.

Mr Wynne interjected.

Mr ANDREWS — Five years in a row, as the Minister for Planning indicates.

But it is not just in the centre of Melbourne where there are great things to celebrate. We can look much further afield into our thriving regions, our great regional centres and smaller communities right across our state. For instance, just last Friday I was with the Minister for Agriculture up at Beechworth in the north-east, one of the many beautiful parts of our state, with great news for recreational fishers.

We opened Australia's first — indeed the world's first — trout cod fishery at Beechworth. This is the longtime work of all those involved and a great example. Lakes Sambell and Kerferd are open with Australia's only fishery for trout cod. We will see so many visitors, so many tourists, flocking to that fishery for a great family time. It is also great for economic development.

That brings me to the launch of Visit Victoria last week, bringing together our tourism, major events and convention organisation — the architecture for our visitor economy — under one roof, with one single message and one single platform, if you like, to make sure that it is not just 206 000 Victorians whose livelihoods are staked on the visitor economy but a growing number. We will stay no. 1 because we are determined to make the change and reform and investments needed to keep us no. 1.

Prison smoking ban

Mr GUY (Leader of the Opposition) — My question is to the Minister for Corrections. Noting comments by corrections commissioner Jan Shuard that the Metropolitan Remand Centre riot was one of the worst riots in the state's history, despite smoking bans being successfully implemented in New South Wales, New Zealand, the Northern Territory and Queensland, I ask: on the day before the introduction of the smoking ban was the minister satisfied that the implementation arrangements for this reform were in order?

Mr NOONAN (Minister for Corrections) — I thank the Leader of the Opposition for his question. What I would say is that our incoming government inherited this as a policy — —

Mr R. Smith interjected.

The SPEAKER — Order! I warn the member for Warrandyte.

Mr NOONAN — That is a fact. We also inherited an implementation plan from the previous government. We made no changes whatsoever — —

Honourable members interjecting.

Mr NOONAN — I hear the fossils over there, but that is a fact. We inherited an implementation plan from the previous government, and we implemented that plan. That plan included Quit classes, that plan included access to the Quit line and that plan went to nicotine patches. Every single prisoner had an implementation plan, which was modelled on other jurisdictions. When we inherited this, we made no changes to the implementation plan whatsoever.

I hear the complaints from those opposite, but let us just say this: the prison system under the last government expanded at an unprecedented rate. We inherited a corrections system under enormous pressure with more than 1500 prisoners added anywhere and everywhere in the corrections system — in shipping containers, on stretcher beds on the floor, anywhere you could put them. We also inherited this policy, and we did not deviate one bit on that implementation policy.

Supplementary question

Mr GUY (Leader of the Opposition) — I ask the Minister for Corrections: given the central role of his office in the botched seven-month implementation of this reform, will the review of the riot by former deputy police commissioner Kieran Walshe include an investigation of the capability of the minister and his office?

Honourable members interjecting.

The SPEAKER — Order! The minister is to be heard in silence on a supplementary question asked by the Leader of the Opposition.

Mr NOONAN (Minister for Corrections) — We know you had your capability review in November last year. That is where your capability was; right there.

Honourable members interjecting.

The SPEAKER — Order! The minister will be heard in silence. The minister will speak through the Chair and will come back to answering the question.

Mr NOONAN — On the issue of the riot, we moved very quickly as a government to put in place an independent review by respected former deputy police commissioner Kieran Walshe. We are currently working through that process.

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

Ministers statements: family violence leave

Ms RICHARDSON (Minister for the Prevention of Family Violence) — Every person and every organisation, large or small, has a role to play in ending the harm of family violence. The damage it brings reaches every corner of our state and affects thousands of victims every day. A national domestic violence and workplace survey found that a quarter of all employees experience family violence at some stage in their working lives, but the sad truth is that these same victims more often than not suffer in silence.

Fear of being stigmatised or even of losing their job keeps many victims from taking the necessary steps to deal with an abusive partner. Yet there is a price for this, and none of us is immune from paying it. Workplaces suffer by any measure of performance, but the biggest price, of course, is paid by the victims at the hands of their abuser. We are all diminished when we choose to look the other way.

That is why the Andrews Labor government has announced that it will embed in every enterprise bargaining agreement (EBA) for state public sector workers a new family violence leave provision. Both the Premier and the Minister for Industrial Relations have been equally determined to deliver on this important initiative. The family violence leave provisions will enable victims to attend court hearings, report incidents to the police and seek counselling and other services to get the help they need to get them back on their feet as soon as possible.

There are over 150 public sector EBAs covering over 262 000 public servants. A best practice model will be delivered for each and every negotiation, starting with the Victorian Public Service agreement due in September. Implementation of this initiative will also include confidentiality clauses and flexibility for employees dealing with family violence. As workplaces have an important role to play in early intervention, we will also train managers to look for signs of family violence.

As the largest employer in the state, our state government and in particular our Premier has shown important leadership on this issue. I encourage all businesses and other jurisdictions around Australia to follow Victoria's lead and, in particular, for our Prime Minister to support new initiatives like this for commonwealth public sector workers.

Prison smoking ban

Mr CLARK (Box Hill) — My question is to the Minister for Corrections. I refer the minister to the fact that before the Metropolitan Remand Centre riot, remand centre staff logged serious concerns with corrections management and on the Corrections Victoria IT system about possible disturbances both prior to and following the implementation of the smoking ban, and I ask: given this advice, what steps did the minister take to prevent this riot?

Mr NOONAN (Minister for Corrections) — I reiterate the point that the implementation plan that we inherited we delivered without deviating from that plan. There is no doubt that delivering a smoking ban across the prison system was always going to produce some anxiety amongst prisoners, but for the benefit of the house — —

Honourable members interjecting.

Mr NOONAN — Let me inform the house that 2800 prisoners attended information sessions and/or Quit programs in the six months prior to 1 July 2015. That is a substantial number of prisoners going through a program, and many of those prisoners had ceased smoking before 1 July. Yes, there was a level of anxiety amongst some prisoners, and of course the corrections commissioner did indicate subsequently and before the events of 30 June that there was going to be some difficulty in relation to prisoners quitting smoking.

I will tell the house what we did. We inherited an implementation plan delivered to us by default, and we delivered on that implementation plan.

Supplementary question

Mr CLARK (Box Hill) — I refer the minister to the fact that as a result of the riot at the remand centre, private and personal details of some staff and their families have been accessed by prisoners, and I ask: what steps have been taken by the minister to protect corrections staff and their families from having their personal details compromised by any prisoner disturbance?

Mr NOONAN (Minister for Corrections) — I am not sure that that is not a new question, but I will say that we have worked in a very sensitive way with our staff. Our staff are very resilient, and they have had a difficult period post the riot. Let me say this to the member: we have been very sensitive in terms of those staff members who have had their personal details compromised, and we will continue to work with them

in a very sensitive way to assist them through this difficult time.

Ministers statements: Murray Basin rail project

Ms ALLAN (Minister for Public Transport) — I am very pleased to provide to the house new information on the wide range of views that have been put forward to the community following the fantastic announcement on Monday by the Premier that only a Labor government will deliver the biggest upgrade to regional freight rail in decades.

Speaker, you may be surprised that there is a wide spectrum of views on this announcement, and I am pleased to announce that some people are very happy with it. The member for Ripon is just about singing and dancing in the streets of Ararat, making the public statement that local farmers were big winners from the announcement and that this was ‘a great result for central and western Victoria’. She is absolutely right.

Even the federal member for Mallee, Andrew Broad, was on radio this morning supporting this, and he went further to say that he believes there is a strong case for the commonwealth to fund freight rail upgrades in northern Victoria. He is absolutely right, but there are some who sadly sit there on their own when it comes to this project — all alone, more interested in going through an identity crisis and changing their name than getting on and supporting a project like this.

We have already had the revelation from the member for the Mildura that they were prepared to sell out — —

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 7, which makes it clear that ministers statements are to relate to new government initiatives, projects and achievements and to inform the house about them. The minister has had plenty of time to set a context for her statement. I ask you to bring her back to actually providing some information to the house about a new government initiative, project or achievement.

Ms ALLAN — On the point of order, Speaker, I was doing exactly what the manager of opposition business was asking for: providing to the house with new information on the range of views that have been put forward to the community since the fantastic announcement that was made on Monday of the record-breaking commitment to Murray Basin freight rail. I appreciate that some do not want to hear this, but I am absolutely complying with sessional orders.

The SPEAKER — Order! I ask the minister to come back to continuing, as she was doing, to provide to the house with information on new government initiatives, projects and achievements.

Ms ALLAN — It has been pleasing to see support come from the member for Ripon. It has been great to see support come from the federal member for Mallee. I am hoping that those members will join with us in encouraging the commonwealth to put some money into Victoria, to lift its 8 per cent infrastructure funding for this state — and I know The Nationals members are just embarrassed that only a Labor government is going to deliver this project.

Prison security

Ms STALEY (Ripon) — My question is to the Minister for Corrections. With the closure of hundreds of beds at the Metropolitan Remand Centre, can the minister confirm that a number of maximum-security prisoners have been reclassified as medium-security prisoners in order to transfer them to the Hopkins Correctional Centre in Ararat for the duration of the remand centre riot clean-up?

Mr NOONAN (Minister for Corrections) — I thank the member for her question. Clearly the issue of the classification of particular prisoners is very much an issue for Corrections Victoria. Let us be clear about this: the security classification of prisoners is a matter for Corrections Victoria. That is where it sits.

Mr Pesutto — On a point of order, Speaker, on relevance, the minister misunderstands the question. The question is not asking him who makes the reclassification; the member for Ripon asked the minister: have they been reclassified.

Mr Pakula — On the point of order, Speaker, the member for Hawthorn has raised a point of order on relevance as a guise to re-ask the question. The fact of the matter is that the minister was asked a question about the classification of prisoners. He is providing context about the manner in which those reclassifications occur, and he has been going for 43 seconds. He is absolutely being relevant to the question that was asked.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition will come to order, and so will other members. There is no point of order.

Mr NOONAN — I can merely reiterate that Corrections Victoria classifies prisoners in terms of its

security arrangements. That then determines whether they are placed in a maximum, a medium or a low-security prison. That is all it is. There are the facts on the table.

Supplementary question

Ms STALEY (Ripon) — Can the minister inform the house what additional security will now be applied to these formerly maximum security prisoners to guarantee the safety of both the Ararat community and the prison officers at Hopkins?

Mr NOONAN (Minister for Corrections) — I thank the member again for the question. The member seems to imply that we have no interest in the safety and security of either staff or prisoners, which is just nonsense. That is simply wrong. I remind opposition members that in 2012, when there was a riot at Fulham, seven prison officers ended up in hospital. That is what happened under your watch, so any suggestion — —

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat and continue to speak through the Chair, once called on.

Mr Guy — On a point of order, Speaker, by way of relevance, it is a very simple question to the minister asking for details on the increased security that will be applied to these clearly reclassified maximum security prisoners. That is a very simple question that the minister is not answering.

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

Mr NOONAN — Staff and prisoners across the prison system can be assured, unlike when those opposite were in government, that we will place the safety and security of staff and prisoners as our highest priority. I can assure the house of that.

Mr Clark — On the point of order, Speaker, I draw your attention to sessional order 11.2 in relation to your capacity to determine that answers to questions are not responsive. I submit that the minister's answers to both the substantive and supplementary questions were not responsive. One sought confirmation as to whether or not reclassifications had occurred. Another sought information about what additional security was being applied. If the minister wants to take that on notice, he is perfectly entitled to do so. Given that he has not done so and has not responded without notice to the question, I ask you to rule that he has not been responsive and get him to provide the sort of written answer and

information to the house that the house is entitled to expect.

The SPEAKER — Order! The house will pause and the Chair will consult with the Clerk.

I ask the Clerk to reset the clock and provide the minister with 26 seconds to respond. The minister will come back and answer the question.

Honourable members interjecting.

The SPEAKER — Order! It is the prerogative of the Chair. The Chair had mistakenly not called for the clock to be stopped. I have that prerogative. I ask the Clerk to do that and provide the minister with the opportunity to respond. I uphold the point of order.

Mr NOONAN — As much as I recall the supplementary question that was asked, what I can do is provide an assurance to the member in relation to the prison in her electorate that the safety and security of both prisoners and staff is the highest priority for this government.

Mr Clark — On a point of order, Speaker, in relation to my point of order regarding the substantive question, that remains extant. You have upheld my previous point that the minister has not been responsive to the substantive question, so I would ask you to confirm that he should still provide a written response to that question.

In relation to his further response to the supplementary question, I submit that he has still failed to address the question which sought information about what additional security measures had been applied. A broad assurance that everything is under control is not an adequate response to that question.

Ms Allan — On the point of order, Speaker, in response to the point of order made by the manager of opposition business, I ask that you rule it out of order. In the time that the Minister for Corrections had at the end he very clearly answered the question that was asked. It was a question that went to issues of getting assurances for the community of Ararat, and the minister very clearly dealt with that in the time he had available to him to answer that question.

The SPEAKER — Order! I uphold the point of order. The minister will provide a response to the house in writing.

Ministers statements: livestock biosecurity

Ms NEVILLE (Minister for Environment, Climate Change and Water) — Today I rise to give an outline of some of the findings contained in the Auditor-General's report on biosecurity measures in Victoria. This report should be of major concern to all Victorians. The Auditor-General has highlighted that if you cut funding and you cut staff, it will have an impact on our economy, on our environment, on communities and on an important export industry. The Auditor-General in his report indicates that as a result of the policies of those opposite we are going to face severe economic and health impacts.

Let me run through the key findings of that report. It says that funding for core livestock biosecurity activities was cut by 49 per cent — almost half of the funding had gone. The number of key animal health officers and veterinary officers was cut by 42 per cent. I can remember those opposite saying there would be no frontline staff cuts. I can tell the house that not only were there frontline staff cuts, but they impacted by 39 per cent on surveillance activities. Of course if you cut frontline staff to that level there is going to be an enormous impact, and that is what the Auditor-General said. Those opposite, and especially the former minister, should be ashamed. They have gutted our biosecurity measures. They have put at risk an \$11 billion agriculture sector.

Mr Clark — On a point of order, Speaker, the minister is now debating the question. I ask you to bring her back to providing information in order to advise the house about new government initiatives or achievements.

Honourable members interjecting.

The SPEAKER — Order! The minister, to be heard in silence.

Ms NEVILLE — On the point of order, Speaker, I am providing a factual account of a report tabled in this Parliament today that was all about those opposite. I am not debating the question.

Mr Watt — On the point of order, Speaker, if the minister wanted to make comments on committee reports, she is about half an hour late. She is not being relevant in accordance with sessional order 7, and I ask you to sit her down.

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

Ms NEVILLE — This once again proves that regional and rural Victoria cannot trust The Nationals — or the National Country Party, the Vic Nationals or whatever they are called — in relation to protecting their interests. This is evidence that the Liberal Party continues to see regional and rural Victoria as the toenails of the state.

This government takes the issue of biosecurity seriously. We have already started reinvesting in this critical area. We will not let our regional and rural communities down, unlike the former minister.

Prison emergency management days

Mr GUY (Leader of the Opposition) — My question is to the Minister for Corrections. I refer to the fact that under emergency management days regulations, up to four days may be taken off a prisoner's sentence for each day they are under lockdown, and I ask: can the minister confirm that as a result of the remand centre riot some of Victoria's worst criminals will be given combined sentence reductions of more than 250 years unless the minister intervenes?

Mr NOONAN (Minister for Corrections) — I am pleased to respond to this question because emergency management days in Victoria have existed for the past 20 years, and they were used by the previous government. They are granted — —

Honourable members interjecting.

Mr NOONAN — I am very pleased to provide an answer to this question. They were used by the previous government.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition asked a question, and he will allow the minister to respond, as will the member for Warrandyte. The minister is to be heard in silence.

Mr NOONAN — In April and May 2012 there was an industrial dispute at the Fulham prison. Emergency management days become available, potentially, at the corrections commissioner's discretion for prisoners in certain circumstances. Let me tell the house what happened in 2012: 987 prisoners received at least one emergency management day for that industrial dispute in 2012 — 987 prisoners received emergency management days under the previous government — of which 526 of those prisoners received the maximum number of 35 days.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition will make his point of order, and he will be heard in silence. He will make his point of order, or I will ask him to sit down.

Mr Guy — On a point of order, Speaker, on the point of relevance, the minister is not addressing the question. It was not about 2012; it was about maximum security prisoners potentially getting 250 years off because of him.

Honourable members interjecting.

The SPEAKER — Order! The use of standing order 124 looks amazingly likely in the next few seconds. The Chair will not hesitate to withdraw members from this house. When the Chair is on his feet the house will remain silent, as per the standing orders that all members have provided the Chair. The minister will continue. There is no point of order.

Mr NOONAN — Let me be clear: emergency management days are not new. They have been around for 20 years. They were used by the previous government. Almost 1000 prisoners got them in one single case under the previous government in 2012. Let me make this point: I am not surprised that the opposition is learning on the run about corrections.

Honourable members interjecting.

Mr NOONAN — They are learning on the run here. What I would say to the opposition leader is no prisoners involved in the riot will be eligible for an emergency management day — none of them. Those outside the sphere of the riot will be dealt with on a case-by-case basis, and the decision will be made by the corrections commissioner, not by me as minister.

Supplementary question

Mr GUY (Leader of the Opposition) — My supplementary question to the minister is: noting that some parts of the prison system remain in lockdown following the remand centre riot, will the minister now suspend the emergency management days policy so that dangerous criminals are not let out into the community early because of his botched implementation of the smoking ban?

Mr NOONAN (Minister for Corrections) — Again I have to educate the opposition leader on this. He would know that the issue of emergency management days is dealt with by regulation. I welcome the opposition leader's sudden interest. I understand that he

might be a little inconvenienced by the fact that under his government more than 900 prisoners got emergency management days. These matters will be dealt with by the corrections commissioner on a case-by-case basis.

Ministers statements: unsolicited proposals

Mr PALLAS (Treasurer) — I rise to inform the house that the government has accepted all the recommendations of the Auditor-General’s performance audit on applying high-value, high-risk processes to unsolicited proposals, which was released today. In his comments, the Auditor-General observed that:

Well-planned, timely and high-quality infrastructure is essential in shaping a society that is prosperous, livable and sustainable ...

There opposition members go, floating out of here on a bloviating wave of arrogance because they do not care about accountability or transparency.

Upon reading today’s report, we are led to the inescapable conclusion that the previous government’s unsolicited proposals framework was fundamentally deficient. It was developed in haste and out of desperation. It was a quick fix — a workaround — not a robust and workable process. Instead of a rigorous framework for allowing the public to gain the benefit of the ingenuity of the private sector, it was a fig leaf for a lazy government to be able to make flashy announcements after three years of inaction.

We acted immediately. On 20 February the Andrews Labor government released its market-led proposals framework. We put a stop to the backroom deals done under the Liberals. We made probity our highest priority.

We introduced a bill to establish Infrastructure Victoria. We welcome the Auditor-General’s statements in today’s report that he is pleased that the government has introduced that legislation to change how it plans and delivers infrastructure. He also acknowledges that the government has a clear intention around transparency and that evidence must underpin infrastructure decision-making. But there is always more that can be done. That is why I welcome this performance audit, and I am proud to say that the government has already begun implementing all its recommendations.

CONSTITUENCY QUESTIONS

Caulfield electorate

Mr SOUTHWICK (Caulfield) — (Question 425) My question is to the Minister for Planning. The previous government reformed residential planning zones by working with local councils to provide clarity of residential growth and protection from overdevelopment. As a result, the municipality of Glen Eira, which covers the majority of my electorate of Caulfield, is 78 per cent neighbourhood residential ‘no-go’ zone, where only two-storey developments are allowed. I understand it is the government’s intention to review these planning rules and residential zones, and I ask if the minister will guarantee that the ‘no-go’ zone in Glen Eira, which protects 80 per cent of the municipality from overdevelopment, will remain.

Mordialloc electorate

Mr RICHARDSON (Mordialloc) — (Question 426) My constituency question is to the Minister for the Small Business, Innovation and Trade. It relates to the need for businesses in Braeside and other south-eastern industrial areas to access the national broadband network (NBN) in the face of the automotive industry shutting down. More individuals are coming forward to highlight the substantial impact that the lack of access to the NBN is having on their businesses. The executive officer of the South East Melbourne Manufacturers Alliance, Adrian Boden, is on the record as stating that slow internet speeds are stifling productivity in the region.

A recent report of Regional Development Australia for the southern Melbourne area concluded that delaying the connection to the NBN would constrain innovation and stifle growth and diversification, particularly in advanced manufacturing in the region, and see an exodus of businesses. It is estimated that the inability to access the NBN will cost businesses millions of dollars annually and prevent the creation of 1000 jobs for the region. I ask the minister to advise how the Victorian government is advocating to prioritise the rollout of the NBN based on employment and investment opportunities.

Morwell electorate

Mr NORTHE (Morwell) — (Question 427) My constituency question is to the Minister for Planning. By way of background, and in response to Latrobe City Council’s Traralgon Growth Areas Review, it recently came to light that Planning Panels Victoria has made recommendations to expand buffer zones on land

adjoining both Australian Paper and AGL's Loy Yang mine, east of Traralgon. The land immediately outside the existing buffer zones has in some instances been earmarked for future residential development and also includes the gazetted Traralgon bypass route.

My office has been approached by many landowners who could be impacted by the extension of these buffers, many being extremely upset by the lack of information and communication. Unfortunately it appears many were alerted to these matters only following the publication of an article in the *Latrobe Valley Express* on 27 July. Can the minister explain why landowners have not received any information whatsoever from state government departments or agencies on what the Planning Panels Victoria recommendations mean for their land?

Carrum electorate

Ms KILKENNY (Carrum) — (Question 428) My question is to the Minister for Industrial Relations. In my electorate of Carrum many of my constituents, particularly young, casual and part-time workers, rely on penalty rates to support themselves and their families. In early August, Tony Abbott's Productivity Commission report on industrial relations recommended removing Sunday penalty rates for workers in the retail and hospitality industries. In the south-eastern suburbs there are 37 000 retail workers and 21 000 hospitality workers who would be directly affected by this policy.

I have had a number of conversations with residents in Carrum who work on weekends and rely on Sunday rates to make ends meet. They are really worried about this. These people have families. They sacrifice time with loved ones to ensure that the bills are paid. They often miss milestones and special events. Can the minister explain to my constituents and the house what impact the recommendations of Tony Abbott's Productivity Commission report would have and what the Andrews Labor government is doing to protect workers rights?

Bayswater electorate

Ms VICTORIA (Bayswater) — (Question 429) I rise to ask the Minister for Roads and Roads Safety to give permission for VicRoads to meet me and concerned residents at the intersection of Bedford and Canterbury roads in Heathmont to discuss safety concerns. In particular we would like to find solutions regarding the pedestrian crossing on Canterbury Road, on the western side of Bedford Road. The situation is incredibly complex because of the position and camber

of Bedford Road in relation to Canterbury Road, and the only way to really understand it is to actually inspect it.

The site has very real potential for fatalities. Whilst I was there inspecting the crossing with concerned constituents I witnessed at least six cars going through lights that had already turned red. On top of that, I was nearly run over while using the pedestrian crossing. Locals have told me of many near misses, one involving a woman who was eight months pregnant being missed by mere centimetres. It is only a matter of luck that no lives have been lost. I do not want that luck to run out before action is taken. I therefore ask the minister to have VicRoads meet with me to inspect and ultimately correct the situation as soon as possible.

Geelong electorate

Ms COUZENS (Geelong) — (Question 430) My constituency question is to the Minister for Local Government. The previous government left a lot of uncertainty around the management of weeds and pests. Many of my constituents were pleased to see funding secured for the roadside weeds and pests management program in Labor's first budget. All rural and interface councils have responsibility for rural roads, and tackling roadside weeds and pests is a significant issue for our environment. Gorse is one of the weeds Geelong council uses this funding for. Gorse increases the risk of bushfires, provides shelter for pests and competes with native vegetation. That is why it was so disappointing that the former government did not provide funding for this program beyond the 2014–15 budget. Can the minister detail what the Andrews Labor government funding means for local councils in my electorate?

South-West Coast electorate

Dr NAPHTHINE (South-West Coast) — (Question 431) My constituency question is to the Minister for Environment, Climate Change and Water. It raises the need for toilets that are accessible for people with disabilities at Tower Hill Wildlife Reserve. Tower Hill is a very popular national park on the busy Princes Highway between Warrnambool and Port Fairy. It attracts more than 200 000 visitors per year seeking the unique volcanic geomorphology and beautiful native flora and fauna.

The park and facilities — managed by the Worn Gundidj Aboriginal Cooperative — provide wonderful Indigenous history, culture and foods. There are popular barbecue and picnic facilities, walking tracks and car parking, but the current toilet facilities are not

appropriate for people with disabilities. I ask the minister to fund at Tower Hill the installation of toilets that are suitable for people with disabilities so that people of all abilities can access this beautiful national park.

Macedon electorate

Ms THOMAS (Macedon) — (Question 432) My constituency question is to the Minister for Local Government. As the minister and many of my constituents would be aware, the previous government left a lot of uncertainty around the management of weeds and pests. Many of my constituents, as well as the councils in my area, were pleased to see funding secured for the roadside weeds and pests management program in Labor's first budget. I know that Macedon Ranges Shire Council spends a lot of time treating serrated tussock in the Riddles Creek and Clarkefield areas. Serrated tussock colonises pastures and is particularly aggressive in native pastures. It is not palatable for livestock, making infested pastures unsuitable for feeding livestock. Hepburn Shire Council has to battle against weeds such as blackberry which can degrade grazing land and prevent the regrowth of forests. Can the minister detail what the funding means for local councils in my electorate?

Polwarth electorate

Mr MULDER (Polwarth) — (Question 433) My question is to the Minister for Regional Development. I ask that the minister consider the development of a small contingency fund within a regional infrastructure fund to assist community groups that encounter cost variations as a result of unforeseen problems arising during the construction phase of projects. These projects have been costed with the assistance of councils and approved for funding through the minister's department. I have encountered two such projects where every endeavour was made to accurately cost the project before going to the community for assistance and applying to the department for funding.

These communities are small farming communities that have endured tough financial conditions and have already made significant commitments to these projects. With the Simpson and District Community Centre hub, ground conditions required extensive alterations to foundations and footings instead of the concrete slab that formed part of the original costings. I am not talking about an opportunistic change to scope or a mechanism by which proponents could ratchet up requests for more money but rather a situation whereby the department could identify a genuine case and provide assistance to these small communities.

Essendon electorate

Mr PEARSON (Essendon) — (Question 434) I direct my constituency question to the Minister for Environment, Climate Change and Water. The electorate of Essendon is home to the wonderful environment of Moonee Ponds Creek. The upper reaches of the Moonee Ponds Creek to the north of the electorate are in a very natural environment with lots of wildlife and its habitat. That is a consequence of the wonderful work done by a number of local community groups. To the south of Moonee Ponds Creek in my electorate, mainly as a consequence of the construction of the Tullamarine Freeway and CityLink in the 1990s, there is concrete lining in the creek which makes it difficult for native wildlife habitat in that part of the reaches of the Moonee Ponds Creek. I invite the minister to visit the southern reaches of the Moonee Ponds Creek to find out what initiatives might be available to address the issues for wildlife habitat in that area.

Business interrupted under standing orders.

MINISTERIAL STATEMENT

Local government

Ms HUTCHINS (Minister for Local Government) — I wish to make a ministerial statement.

Introduction

I acknowledge the traditional custodians of the country on which we stand, the Kulin nation and I pay my respects to their elders past and present and elders from other nations who may be here today.

The Andrews Labor government has nailed its colours to the mast when it comes to local government. Our vision is clear.

Fairness, transparency, responsiveness, and investing in the things that matter to local communities.

We demonstrated this through our \$50 million Interface Growth Fund to invest in the spaces that communities in our growing outer suburbs need.

A record investment in libraries and their resources.

Our commitment to make council rates fairer for Victorian families and to undertake a comprehensive review of the Local Government Act — the first since its inception 25 years ago.

It has been a hallmark of the Andrews government that we have hit the ground running — and the local government portfolio is no different.

The challenge — why local government matters

I want to begin by talking a bit about why councils matter to Victorians.

Melbourne is often referred to as the ‘cultural capital of Australia’, and proudly so, and continues to be ranked as one of the world’s most livable cities.

But more essentially our capital is a city of suburbs.

Beyond the central city, Victoria is made up of hundreds of towns, each with its own sense of community and local character that have developed and grown over time.

Councils are central to the character and liveability of those places, and I have seen that firsthand in my visits around the state.

While our key population centres remain desirable places to live, pressures in some parts of the state are increasing.

The health of our towns and suburbs and their capacity to sustain connected and inclusive communities is essential.

The ability to adapt to future needs is critical.

And high functioning councils are integral to this.

These are just a handful of the reasons why local government plays an indispensable role within our federated system of government.

We are unique in Victoria in recognising local government in our constitution as a distinct and independent tier of government.

Council responsibilities are complex and dynamic and we need to make sure the systems and structures which support them keep pace.

From the state government’s perspective, councils are critical partners in improving the wellbeing, prosperity and lives of all Victorians.

That is why we have recommitted to the Victorian state-local government agreement, the principles of which will continue to strengthen our partnership as we implement our reform agenda.

The agreement ensures a genuine partnership between the state and local governments, an important tool to ensure good public policy.

But more than this, councils are governments — they provide a vehicle for local democracy.

This dynamic role as an economic force, service provider and the level of government closest to the people creates challenges for local councils.

While local government functions have evolved to reflect some of these challenges, there is real scope to achieve further efficiencies, modernise the legislative framework and bring councils and their activities in line with the expectations of communities now and into the future.

The ministerial statement on local government

The local government reform directions in this statement establish a clear agenda for the Andrews government to deliver the government’s key commitments in this area to:

comprehensively review and modernise the Local Government Act 1989;

implement a Fair Go rates system; and

establish an infrastructure fund to fill the gaps faced by interface councils.

Beyond this the reforms will drive ongoing improvements in the performance, capability, integrity and value for money delivered by local councils for Victorian communities.

The local government reform agenda proposed here would be delivered within a framework provided by three strategic areas for action:

1. strengthen integrity and good governance;
2. improve capacity and performance; and, most importantly,
3. deliver for communities.

Integrity and good governance

The overarching review of the Local Government Act 1989 sits within the first of these strategic areas for action — integrity and good governance.

Given the diverse and evolving role and function of local government, it is not surprising that the Local

Government Act has been extensively revised and altered over the 25 years it has been in place.

Since its inception in 1989, the act has been the subject of over 94 amending acts.

Many amendments have simply addressed specific issues as they have arisen in the sector.

This has led to parts of the act becoming unclear, ambiguous and inconsistent.

Some sections are now poorly structured and unbalanced, with some parts unnecessarily prescriptive while others obscure meaning and lack critical legislative detail.

For example, the act prescribes in detail how to conduct a meeting, but provides little guidance on executive decision-making.

The act also contains historic and redundant provisions that impede efficient administration by councils.

In response, councils have been seeking a comprehensive review of the act for some time, and I am proud to say we will deliver it.

Given the history of amendments, the intention of this review is not to embark on a series of further renovations to the existing legislative edifice.

Instead we will create an entirely new legislative structure, fit to accommodate a modern, mature relationship between councils and the state.

Work has already commenced on a discussion paper, and it will shortly be released for public comment.

This will be followed by a directions paper next year.

Extensive input from councils, peak bodies and the community will be sought at each stage before we present a reform bill to the Parliament in 2017.

Because this review will take some time, it is clear that there is a need for more immediate improvements.

This will ensure that we have better procedures for dealing with councillor misconduct.

First, by giving councils more power to deal with governance matters internally.

Secondly, by improving the powers of councillor conduct panels to make findings about misconduct.

Finally, by giving the minister more tools to intervene early so that the actions of a single councillor do not result in suspension or dismissal of an entire council.

These reforms will be coupled with some changes that will improve integrity, participation rates and the efficient conduct of the 2016 elections.

These include: mandating the Victorian Electoral Commission as the statutory election services provider; codifying uniform caretaker requirements; and making the enforcement of penalties for failure to vote consistent across councils.

I intend to move quickly on these legislative reforms, which will then be integrated into the revised act.

Capacity and performance

Under the second strategic area for action of improving capacity and performance, the government will implement Australia's first mandatory performance reporting framework for local government.

By November 2015 Victorians will have the most comprehensive overview of the performance of the state's councils ever assembled.

Victoria's local government performance reporting framework and its Know Your Council website will provide a comparison of council performance and capacity.

This new, transparent information will allow Victorians to clearly see how their council is performing and provide the basis for targeted improvements to all aspects of council business.

As a government, we will seek opportunities to match less efficient councils with leaders in the sector to achieve administrative efficiencies.

We will extend the Victorian Common Funding Agreement to the sector and then rationalise unnecessary reporting and compliance requirements, which are sometimes placed upon councils.

The work in this area will create new incentives for more sustainable business practices, improved productivity measures and stronger cost controls.

The bundle of measures will also reduce council costs and assist councils to contain future rate increases.

In addition, the government will embed a council impact statement in our cabinet submission templates, ensuring future policy proposals in all portfolios are harmonised with the government's reform program.

Local government plays a critical role in emergency management, not only through support of response agencies but also by providing information to local communities, coordinating emergency relief and working to rebuild affected communities. I have seen that myself firsthand.

The government will institute a major review of the municipal emergency resourcing program in partnership with the Municipal Association of Victoria.

Delivering for communities

Central to our third goal, delivering for communities, is the government's strong and unequivocal focus on transparency and rating discipline.

The Fair Go rates system will be in place by the end of the year, well in time for next year's council budgets.

The Essential Services Commission has released its draft directions, and its rigorous policy process will ensure we get this system right.

Victorian ratepayers want a better understanding of their councils' budgets.

They want a more transparent budget so they can have a stronger voice in budget priorities.

And they want a rigorous discipline applied to justifying rate rises that councils consider.

Rates are the second biggest bill households receive each year after their mortgage payments.

With many households on fixed incomes and with wages and CPI rising slowly, it is simply unsustainable for rates to be growing year on year at over 6 per cent, as they have on average in Victoria for the past 15 years.

Routine rate rises of this magnitude are both unsustainable and unacceptable to most Victorians.

Our commitment to fiscal discipline in this sector is complemented by the government's determination to tackle the infrastructure deficit, particularly in interface council areas. We have established the Interface Growth Fund through a \$50 million investment in the 2015–16 budget.

This funding will deliver critical, urgently needed and shovel-ready infrastructure projects, which will make an immediate difference to residents in our fastest growing suburbs.

We will also provide greater support for rural councils doing it tough.

The greater dependency of rural councils on commonwealth and state grants makes them highly vulnerable to shifts in policy at higher levels of government.

The government will continue to work with rural councils to explore a range of strategies to address the challenges they face as their populations age and their rate bases decline.

As a start we have extended funding for Rural Councils Victoria to innovate and implement sustainable business practices.

The government will also be ramping up our efforts to make sure the infrastructure investments made by councils and the state government are complementary across the state.

Councils invest around \$2 billion in infrastructure annually.

Until now little effort has been made to harmonise state government investments with those made by councils.

Better aligning our investments will bring a greater return for Victorian communities.

In addition to this, public libraries are an important example of where better integrated work can deliver a better result.

In this information age, libraries are at the heart of our community.

That is why I am pleased the government has committed to undertake a critical review of Victorian libraries.

This review will determine the best way forward for future funding arrangements that can deliver greater local access to books, DVDs and knowledge resources in all their forms now and into the future.

The Andrews government will also undertake a series of actions linked to our equality agenda — both in terms of councils and communities.

We want to lift employment outcomes and engage communities across the state to help make sure that every Victorian receives a quality service from their council, regardless of their background or where they live.

Metro, suburban, regional and rural residents all deserve responsive and accessible local government services, but equality does not just mean equity in service delivery.

And just as with our federal and state parliaments, local governments should reflect the make-up of the communities they serve.

Aboriginal Victorians, women, younger people and people from culturally diverse backgrounds continue to be under-represented as councillors.

Diversity in representation ensures a greater mix of insights and experience.

As a flagship for this approach, this year I will be establishing an Aboriginal local government action plan.

Jointly convened by the Office of Aboriginal Affairs Victoria and Local Government Victoria and chaired by the Municipal Association of Victoria, the steering group will include councils already undertaking outstanding work and build upon partnerships with Aboriginal communities.

This work demonstrates what goes to the heart of the Andrews Labor government's agenda — achieving councils that truly represent their local communities.

Conclusion

In this context, the ministerial statement on local government is not just about one set of budget announcements.

Nor is it simply a list of election policy commitments.

The strategy I have articulated today provides a basis for improvements in the performance, sustainability and integrity of Victorian local councils over the long term. There are many people in local governments across Victoria who do a fantastic job: from councillors to administrative staff; from CEOs to garbage collectors; from the staff at the local libraries to the staff at councils who run the most important health and education services.

But Victorians, and ratepayers in particular, have said they expect better from their councils, and many of them voted for an Andrews Labor government last November because we promised to help deliver better local government.

This is an ambitious yet achievable program which places Victoria at the forefront of reform.

Our strategy is rigorous, strategic and fair.

It provides the basis for an effective platform to deliver for Victorians and their communities.

Mr CLARK (Box Hill) — For anyone who has just listened to the minister's statement or in future might slog their way through *Hansard* to read it, the question they are going to be left asking themselves is: what does this all mean? Where is this all going? What does this statement tell the community about what is really there to benefit the ordinary citizen?

The ordinary member of the community very rightly wants to know and will ask, 'What is going to be done to ensure that my council delivers better services? What is going to be done to ensure that my council does so with the lowest possible rates?'. One struggled to get any indication of that from the minister's statement. What have we got in that statement? We have some general statements of commitment to local government; commitment to democracy; commitment to openness, transparency, accountability and proper electoral processes. That is fine. I have no quarrel with that. It is something that hopefully every member of this Parliament would agree to, but it is not adding value. It is not making change. It is not achieving better outcomes for citizens just by making those broad statements and putting them on the record.

If there is going to be a ministerial statement, you would expect the minister and government would come to the house with some substance and some specifics, and with a few limited exceptions it is very hard to find those. There is certainly a lot of bureaucratic jargon, a lot of management speak, a lot of catchphrases about integrity and good governance, capacity and performance delivering for communities. If you are into that sort of language, you can say, 'Sure, they are worthy aspirations'; but I get back to the point that if you are the ordinary citizen trying to understand what this statement means for you, you are really struggling to find out.

When you move on to the specifics, you find there are some statements where the current government says it is going to continue on with things that the previous government was doing — for example, some of the hard work of former minister Jeanette Powell and others on things such as an improved performance and reporting framework. That framework is very important, and it took a lot of work to put it in place. It is welcome that the current government is continuing with what the previous government did on that. It is also welcome that the current government recognises the importance of some of the changes that were made

by the previous government to improve the integrity of council elections and a number of other measures, where the current government is continuing with what the former government was doing.

I must say that, regrettably, in some areas, while continuing with what the former government was doing, the government is failing to acknowledge that work. For example, it is failing to acknowledge the Georgiou review and failing to acknowledge the libraries review that was undertaken under the former government, and indeed with the involvement of the former Labor member for Macedon. It is also a bit puzzling that the government is announcing a further review of libraries without explaining why it is doing so, given that there was such a thorough review of libraries and good outcomes arrived at under the previous government.

What this statement does not do is concentrate on the real problems that the current government has created for local government. There is no acknowledgement of the cut to funding for local government coming from the current state government. There is no acknowledgement of the pressure on the capacity of councils to deliver service improvements through increasing state government demands for bureaucracy and through those cuts to funding. There is no acknowledgement of the impact on rates, charges and household bills that is flowing from the government's massive increases in the fire services property levy. There is no acknowledgement of the fact that the government has comprehensively broken its promise on rate capping. These are the things that are going to make a real difference to ordinary Victorians struggling to cope with rising costs of living and looking to obtain services for themselves and their families from local government.

One statement that the minister made does deserve to be reiterated — that is, that many Victorians 'voted for an Andrews Labor government last November because we promised to help deliver better local government.'. Many of those people would have been particularly influenced by the Labor Party's promise about rate capping. That is a promise that has now been comprehensively broken, and Victorian ratepayers are paying the price. Victorians were promised that their rates would be capped at the consumer price index (CPI), as a Labor Party media release states:

Victorian Labor will force councils to cap their rates at consumer price index ...

No ifs, no buts, no maybes. The then opposition did not say, 'We will get around to doing it eventually. We will do it in 2016–17. We might have a different index, and

in the meantime councils will be able to continue to put up their rates by whatever amount they like'. None of that was in the election promise, but that is the reality Victorian ratepayers are now facing. Inflation, as measured by CPI, is running at 1.1 per cent. Council rates are going up across Victoria on average by 3.8 per cent, or more than three times the CPI, and for citizens in a number of councils there have been increases vastly above that 3.8 per cent average rise.

In opposition the Labor Party made some clear commitments about not raising taxes and charges. The then opposition leader did a series of interviews in which he made such promises over and over again. On 4 September 2014 on ABC 774, Jon Faine asked:

Are you going to put taxes up?

The then opposition leader replied:

Of course we're not. We're not going to tax our way into, we reduce taxes ...

On 5 November 2014 a caller asked:

Mr Andrews, if you don't get the federal funds, will you either cut your infrastructure program for public transport? Or will you raise taxes?

The then opposition leader replied:

Well, David, we're not ... thank you for your call, firstly, David. I'm not interested in raising taxes.

On 5 November he was also asked:

You've said there won't be any new fines or fees. What about changes to new fines, fees? What about increases?

The then opposition leader replied:

There is an indexation arrangement for that.

The questioner clarified:

Besides indexation?

The then opposition leader replied:

No, we're not interested in making it harder for Victorian families ...

On 19 November 2014 the then opposition leader was interviewed by David Speers, who asked:

So, any higher taxes, levies?

The then opposition leader replied:

Absolutely not ...

There are many more quotes to similar effect. Before the election Victorians were told time and again that

their taxes were not going to be increased by an Andrews government and that an Andrews government would cap council rates at CPI, and both of those promises have been comprehensively broken. It is typical of the Labor Party that it went into the election making sweeping promises when its members had no idea how they were going to implement them. They did not even know whether they would be able to implement them. They had not thought through the consequences, but they went out and made those promises to Victorians. In good faith a number of Victorians relied on those promises and voted for Labor, and now they have been let down by the Labor government.

We have had no indication from Labor about whether it ever thought through what the consequences of its policy were going to be for local government. What would it mean for the local government capital program? What would it mean for service delivery? As with so many Labor promises, they sounded good, so the promise was made — with the details to be sorted out later. Now the community is paying the price. Ratepayers are not getting the rate caps they were promised, and scores of diligent councillors and council officers are struggling to work out how they are going to deliver services and capital works under the Labor Party's policy. The opposition has warned the government time and again about these challenges. You would have thought that if the government wanted to advance the issue and show how it has taken these concerns on board and how it is going to respond, some of these issues would have been addressed in the ministerial statement today, rather than so much of it being taken up with platitudes.

The opposition put in a submission to the Essential Services Commission (ESC) on the local government rates capping and variation framework review. My colleague David Davis, a member for Southern Metropolitan Region in the Council and also the shadow Minister for Local Government, made the point that state government grants are critical to local government. He said the terms of reference required that the impact of various factors on local government be taken into account, yet the Essential Services Commission is not required under the terms of reference to give any consideration at all to state government cuts to local government grants. He observed:

It is hard not to conclude that the local government rates capping framework terms of reference has been written specifically to exclude cuts to state government grants to local government.

Well might the Labor Party want to avoid having any attention paid to that issue. The shadow Minister for Local Government comprehensively demonstrated the cuts to local government funding that were made in the Andrews government's first budget. His media release of 7 May headed 'Andrews first budget — a body blow to local government' says:

\$38.47 million has been cut from local government funding in the Andrews Labor government's first budget ...

Without the once-off \$50 million funding for the 10 interface councils in 2015–16, the cut to local government funding would have been \$88.47 million.

In the media release Mr Davis made the point that this will have a particularly damaging impact on rural councils with smaller populations and significant road networks because they generally rely more on grants than on rates and charges. So not only has the Labor Party said that it will cap rates, at the same time it has cut funding to local government — and now local government is struggling to cope with those pressures from both directions.

In the submission to the ESC review the shadow minister said it is important for the ESC to provide advice in relation to decreases in government grants, notwithstanding the absence of a specific term of reference, because of the potential impact on smaller and larger rural councils and also because of some of the cuts to other specific funds made by the Andrews government. Mr Davis also pointed out the pressure that the Andrews government policy is placing on growth councils:

... it will be important that aggregate grants and transfers from state government to local government are calculated and that overall flow of financial support to growth councils and interface councils in particular are taken into account.

In the final paragraph of his submission he says it is important to address the capping of fees and charges as well as rates. He cites a further commitment made by the then opposition leader during the Sky News debate, where the compere asked the then leader of the opposition:

So, any higher taxes, levies, fees charges?

At the time the then leader of the opposition replied:

Absolutely not ... The answer is a very simple one — no increases and the question also related to new charges. I have no intention of introducing new charges.

To reiterate the point: Victorians are suffering because the Labor Party has comprehensively breached this key election promise. The ministerial statement before the house today makes absolutely no attempt to address this

concern or provide any confidence to Victorians that the Labor Party intends to properly deliver on its promise.

Finally, I draw the attention of members to the red-covered booklet that the minister has issued, which is entitled *Ministerial Statement on Local Government*. Looking at the implementation timetable on page 12, it is noteworthy that the statement does not give any firm commitments at all as to time lines for the introduction of the various reforms that the minister waxed lyrical about in her statement. It talks about short-term, medium-term and longer term aims.

Among all of the sweeping reforms that were described in generalities in the minister's statement, a heck of a lot of the key ones are in the longer term, which one may well suspect is going to turn out to be a very long time indeed. The flavour can be gathered from the fact that if you look at what the commitments are that are to be delivered in the short term, no. 1 is the ministerial statement on local government. If you have to pad out your reform list by including your own ministerial statement as one of your achievements, you are struggling.

There is an initial \$50 million investment through the Interface Growth Fund. That was announced some time ago, and as I said earlier, if you would net that off from the other cuts that have been made to local government funding, you see that across the board local government is in fact \$38.47 million down on funding coming from the Andrews government. The next commitment is the first comprehensive reporting framework for local government to be implemented in Australia. That is one of the things the previous government did an enormous amount of good work on. They say that imitation is the sincerest form of flattery, so we should take it as a compliment that the new government is picking that up and implementing it. As long as the new government implements it properly, we expect that it will be of benefit to the community, because it will be hopefully a very significant step forward in enabling ordinary citizens to get a better understanding of what their local governments do, of their revenue sources, of their priorities, of their decision-making and of their performance. It should provide opportunities not only to understand in absolute terms what their own local government is doing but to have information with which they can compare how their council is performing to how other councils are performing.

That sort of comparison has, of course, been very successful at the state government level, with the Productivity Commission's reports on government services, and if the current government can successfully

implement the work it has inherited that was done under the previous government, that should indeed be a significant benefit for the community. Other short-term measures include the Aboriginal local government action plan commencing, and we certainly look forward to that being done and hope that it works well.

The final short-term initiative was improved governance reforms. Again, there was a huge amount of work done on that under the previous government, including a bill brought to the Parliament. We need to see what the new government does, but hopefully it will get around to bringing that bill to the Parliament rather than just telling the community it is going to bring that bill to the Parliament. Indeed if we had not had the ministerial statement today, perhaps we could have had the improved local governance reforms bill introduced instead.

Those are the short-term commitments. We then start to see the time horizon move out. The next item is implementation of the Fair Go rates system. That is not a short-term commitment, despite the election promise; it is a medium-term commitment. Those opposite did not have that in the fine print when they were running for office last year, when they were asking Victorians to vote for them. Now they tell us this is going to happen sometime in the medium term. The list goes on from there.

I conclude where I started. If you were an ordinary Victorian citizen wondering what this statement was actually going to translate into in terms of better services or lower rates, you would be left really struggling to find out. I think Victorians are entitled to expect a lot more from the Andrews government and a lot more from the Minister for Local Government than we have seen to date.

Mr WYNNE (Minister for Planning) — I am pleased to make a contribution to the debate on the ministerial statement on local government. What an ambitious program! What an ambitious statement by my colleague the Minister for Local Government. I have to say I am envious of the broad sweep of this ministerial statement, which speaks to the deep commitment of the Andrews government and that of my ministerial colleague, the Minister for Local Government, who is at the table, not only to engage with local government but to bring local government along with us on this ambitious reform agenda. In that respect, as the previous Minister for Local Government and indeed the previous shadow Minister for Local Government, I know that under the Minister for Local Government, this portfolio — along with the other wonderful portfolio of Aboriginal affairs — is in

excellent hands. That could be exhibited in no more manifest way than this very important and visionary document that we are debating today. I commend the minister on this initiative.

I have debated in opposition to the member for Box Hill for the last four years, while he was in government and I was in opposition, and generally speaking the member for Box Hill is very well prepared in his contributions to debate. I have to say, however, that his contribution today in relation to this local government bill, with all respect — —

An honourable member interjected.

Mr WYNNE — In relation to the ministerial statement, I have to say that the contribution of the member for Box Hill was not his finest effort, and it had a level of sourness that was simply unnecessary. Frankly I expect better of the member for Box Hill, and in his reflections perhaps later today, he may consider that this was perhaps not his finest contribution in the Parliament.

Mr T. Bull interjected.

Mr WYNNE — From you — cut it out!

This ministerial statement is essentially anchored on three key principles. The first is integrity and good governance. The second, which the minister has talked about, is capacity and performance of local government. The third is delivering for communities. I will make only one other passing reference, because I want to go to the Local Government Act 1989 itself and the review of it.

The member for Box Hill indicated in his contribution to the debate that there had been cuts to the local government sector.

Ms Hutchins interjected.

Mr WYNNE — As the honourable minister rightly says, it is simply not true. We point of course to the \$50 million that was provided to the Interface Growth Fund and the record amount provided for libraries, one of our most crucial areas of social infrastructure. The member for Box Hill neglected to mention — and the former Minister for Local Government knows about this as well — the ugly and brutal cut by the federal government in freezing financial assistance grants to local government. The former Minister for Local Government is a good man and he knows what impact that vicious cut has had to the bottom line of local governments, but sadly the member for Box Hill seems to forget that his federal colleagues undertook that

vicious cut. It is deplorable that the member for Box Hill failed to acknowledge this issue in his contribution.

One of the most important reforms the minister is going to undertake is the review of the current Local Government Act which, as members will know, was enacted in 1989.

Mr Watt interjected.

Mr WYNNE — A fantastic year.

Mr T. Smith — You were the Right Honourable Lord Mayor then, weren't you?

Mr WYNNE — I did have some hope for this fellow. It was 1990–91, brother. Get it straight!

Mr T. Smith interjected.

Mr WYNNE — Yes, they were the halcyon days of local government. It has all been downhill since then.

The Local Government Act was, as I said, enacted in 1989 and there have since been more than 90 amending bills with hundreds of amendments. The act was a relatively thin document when it was first enacted, and now it is a massive document. Many of these amendments addressed specific issues that had arisen and contributed to the act becoming, in my view and indeed in the view of the minister, overly prescriptive. As the then shadow Minister for Local Government I announced that we would review the act. That decision was widely supported by the local government sector and indeed by the peak bodies, and it has been welcomed.

We want a modern act that provides an effective framework for the next 25 years. In 1989 it was a very simple act and one that was appropriate for its time, but it is important that we refresh the act to provide guidance for local governments for the next 25 years. It is a significant task, but under the leadership of my colleague, the member for Yuroke, we are in good hands. The member for Yuroke has, of course, had a very distinguished career in local government.

Mr Pearson interjected.

Mr WYNNE — A great mayor, as my colleague said. She comes to this task with a particularly unique set of skills to guide this very important process.

The other members of the panel would of course be known to anybody who has knocked around in local government; even our friend over there might know a couple of them. The panel members include Dr Kathy Alexander, former CEO of the City of Melbourne and a

very good CEO; Ms Kay Rundle, who is well known to many people and, again, a former CEO; Nicholas Reece, who is a principal fellow at Melbourne University; and two councillors, Cr Mary Delahunty, who is known to both sides of the chamber, and Cr David Clark.

This panel brings together an exceptional and broad range of experiences from many of these people who are completely anchored in their experiences of local government. Under the leadership of my colleague, the member for Yuroke, this will be a fantastic opportunity for the government to ensure that we have a refresher of the Local Government Act and bring it into contemporary language to address the contemporary issues that local government has to confront.

Under the terms of reference, the purpose of the review is to revise the current legislation governing local government to create a more contemporary, plain English and simple to understand version that will guide local government in the future. I say in conclusion that it is very important to review the act because for many people local government is their one source of interaction with government. We want to ensure that there is confidence in the community that we have in place a strong, contemporary legislative structure that is understood by local government practitioners and councillors and is supported by the community as well.

I commend the work of the minister not only in reviewing the Local Government Act but for her far-reaching and ambitious ministerial statement on local government. Well done, Minister!

Mr T. BULL (Gippsland East) — It is a pleasure to rise to make some comments on the ministerial statement on local government. Having received this document a relatively short time ago and having opened the front cover, it did not take me long to see the hypocrisy and the misinformation that is contained in its pages.

As you turn to page 3 you see there are three dot points relating to the so-called reforms. The first of these refers to what is called the Fair Go rates system, which is in actual fact the rate-capping policy. The third dot point refers to a relationship between state government and council to better achieve outcomes, and I want to elaborate on this. The government says it is going to cap rates — and I will get onto that later — while cutting funding to councils. It is capping rates while cutting funding and then saying better outcomes can be achieved. It makes no sense at all. I simply ask: how can you cap rates and at the same time cut funding yet

put in this document these fluffy words about better outcomes for our communities?

As a former Minister for Local Government, I can clearly state that there is enormous angst and enormous disagreement from councils right across our state in relation to this platform. The Municipal Association of Victoria is very, very strongly opposed to this policy. If you considered the councils — Ballarat, Corangamite, Hepburn, Baw Baw, South Gippsland, Northern Grampians, Indigo — you could go on and on about the number of councils that strongly oppose this proposal. These councils are saying that this policy of capping rates while cutting funding is going to hurt the most vulnerable people in our community. They are asking questions about the home and community care services in our communities. They are saying that they are going to have to cut library budgets and services operating out of our libraries. They are saying there are other areas of important services to our communities where they are going to have to cut back.

In her opening comments the minister made a number of overarching fluffy statements about fostering relationships and working with councils on fairer systems, but let us have a look at this document a little more closely. In doing that I move on to page 4, under the banner of 'context'. The document here does acknowledge — there is one part of this document that is very factual — that some councils are going to face real challenges and will need additional support. Rural councils are mentioned specifically in this area, and yes, we agree with that. There are a number of rural councils that are facing some real challenges.

The document goes on to say that this will be addressed 'through stronger support'. I ask the minister, rather than give these fluffy, overarching comments about councils needing more support and claiming the government is going to offer stronger support, will she provide some detail in relation to the stronger financial support that is being provided?

The reason I ask this is because councils across the state are screaming about the cuts to the country roads and bridges program, the loss of the specific Local Government Infrastructure Fund and other funding sources, such as the Putting Locals First Fund that councils could apply for. Where is this extra financial support coming from for rural and regional councils? The minister talked about increasing support, but we are in fact cutting it. In his contribution, the member for Richmond mentioned the \$50 million interface councils fund but conveniently forgot to talk about the \$160 million cut to rural funds through country roads and bridges.

Ms Hutchins — But you never put it in the budget.

Mr T. BULL — But we did commit to it before the election. The last budget was yours. Page 7 lists the actions that are outlined by the government. For starters, the first nine of these so-called new actions — or at least they are painted as new actions — were all underway under the previous government. They are not new initiatives; they were happening. To present these as new initiatives is not right.

You only have to look at action 4, which talks about the knowing your council website. The former parliamentary secretary, the member for Mornington, who sits here in the chamber next to me, has done an enormous amount of work in that space to get that up and running. It has been going on for close to two years, and much work has been done on that proposal, so to present that as a new initiative is just not right.

Rather than wade through all of these issues and pull them apart, as I have limited time, I want to talk about a line that is buried away in action 10. This relates to rate capping, which is a prospect that councils are furious about. In the summary of this action it says that there will be a process for councils to seek authority to raise rates above the annual cap. Excuse me, but this was not part of the government's pre-election commitment.

Ms Hutchins — It is a variation.

Mr T. BULL — The variation was not mentioned before the election. Labor said it would cap rates at CPI and no more; that was it. The policy was to cap rates at CPI, no ifs, no buts. Now the minister is providing escape clauses. She is not doing what she said in the pre-election period. It is not what she promised; it is another broken promise. The government says these applications will be supported by what it calls 'exceptional circumstances', but there is no detail around what these exceptional circumstances might entail. These are absolutely open-ended, overarching fluffy comments with no specifics. This document is lacking in specifics, and it just speaks very, very generally.

Perhaps the biggest doozy of all time, and I have already touched on this, is under action 12. It is titled 'A better deal for rural councils'. It is funny how none of the rural councils across the length and breadth of the state believe that they are getting a better deal; they believe they are getting well and truly shafted. When you look at the budget papers in black and white, it is very easy to see why. The councils are almost unanimous in their opposition to this government's policies. Councils are lining up to oppose the prospect

of funding cuts while having a rate cap enforced upon them.

How can the government reduce funding to rural councils, cap their income and yet say it is providing a better deal? The very comment itself simply makes no sense. We are seeing \$160 million being taken out of our country roads and bridges program. How is that providing a better deal for councils? It is clearly not. Rural and regional councils will suffer.

The minister only has to use Google — get on the old Google, which the former Minister for Innovation, Services and Small Business seemed to enjoy in the upper house. It might be good for all Labor members to have a look online. If they look up 'rate cap opposition' they will come up with four pages of articles in which councils right across the length and breadth of the state are voicing their very strong opposition to this proposal.

Before I finish, I wish to go on to the final page of this document, which relates to what is listed as an 'Implementation timetable'. This page has got to be the biggest con job of all time. The member for Box Hill touched on the delay in the implementation of the rate capping, but at least it is in there. There are other important areas that should have been part of the ministerial statement that have been excluded from this implementation timetable.

The first area that is missing from the early intervention is the abolition of the country roads and bridges program. That is not there, nor is the abolition of the Local Government Infrastructure Fund. It is not in the timetable, nor is the abolition of the Putting Locals First Fund that councils could specifically apply to. They are not there. The cuts are not in the timetable. Missing also is an apology for the policy change on rate capping. Pre-election we were told there would be absolutely no exemptions but now we are hearing that some councils, for reasons that are not outlined, will be able to get around this policy.

There is nothing in the time line that mentions a review that will show what services to their local communities councils had to cut as a result of the government implementing the policy of rate capping while cutting funding. This is going to affect our home and community care services, our library services and the services that deliver positive outcomes for the most vulnerable in our community. That timetable should at least mention some sort of review that will take place to show what the impacts of these decisions have been. It is not there.

People will see this document for what it is: a whole lot of feel-good statements, in stark contrast to the reality that this government is cutting funding to councils.

Mr RICHARDSON (Mordialloc) — This is a great opportunity to contribute to the debate on the statement made by the minister today about local government and how we can reform and improve this vital level in our system of democracy — that is, local government. I commend the minister on her broad focus on seeking to improve our local government sector, the bold ambitions put forward to achieve these outcomes and the clear signal to the sector that we are strongly focused on working with local councils to make the system even better.

It is useful to reflect on the significance of local government in Victoria and why this sector is so important. Across Victoria we have 79 municipalities post the amalgamations of the 1990s. Amazingly the annual revenue of councils is just shy of \$8 billion and they are responsible for \$73 billion in community infrastructure and assets such as roads, bridges, town halls, recreational leisure centres, drains, libraries and parks. The population of our municipalities ranges from 3000 residents through to 280 000 residents in the larger growth municipalities.

Councils are governed by 631 democratically elected councillors and they employ over 47 000 people. The focus of the sector is also on improving the participation of women in local government, particularly in leadership roles. Currently 30 per cent of all mayors and 35 per cent of councillors are women. Only 18 per cent are chief executive officers, and it is a key focus of our government to work with councils to improve that statistic.

The key elements of the reform are quite significant and important. This is a bold and visionary reform agenda for local government which focuses on three key areas that broadly fall into the categories of improving integrity in governance, strengthening capacity and performance and providing the platform for local government to deliver for our communities.

Sitting suspended 1.01 p.m. until 2.02 p.m.

GRIEVANCES

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

That grievances be noted.

Fire services review

Mr BATTIN (Gembrook) — As I promised you, Acting Speaker, I will start off by saying how good it is that Geelong Football Club has the opportunity to make the finals.

I am proud to stand up in this debate and speak on behalf of the volunteer firefighters in Victoria about some of the issues they are facing, particularly the fire services review and some of the recommendations that have been made in relation to that review and their ability to be heard. It is so important that volunteers have their voices heard during the review. But they only have a four-week period in which to make submissions on a review of management of fire services going forward, more than 90 per cent of which are volunteer services. It is essential that these firefighters have their say.

I was pleased to note that the Deputy Premier arranged a meeting in his office to discuss the issue with volunteers from areas within his electorate. I congratulate him on meeting with them, but it is a shame that although he made a commitment during that meeting to support those volunteers, he has come into the house and totally denied it.

I will read from an email about that undertaking by the current Deputy Premier. It states:

After putting our concerns in detail as to why we could not meet the four-week turnaround, James agreed and said he would support our proposition to the Premier and minister, on behalf of some 2000 D13 firefighters, to defer the review time line until ... the 2015–16 fire season. James could not guarantee the outcome but will directly represent our concerns to Premier Andrews and Minister Garrett.

However, when we discussed this matter yesterday the minister was not aware of it, so I would have to conclude that if the minister is not aware of it, James has not kept his word to represent them and he definitely has not stood up to his word —

The ACTING SPEAKER (Mr Carbines) — Order! I call on the member for Gembrook to refer to members in this place by their official titles.

Mr BATTIN — The Deputy Premier also failed to support them when asked in this place. There was a signed letter to the Deputy Premier which says:

Dear James

We the undersigned seek to direct your support to represent the hills firefighters within your electorate to request the Premier, Daniel Andrews, and the Minister for Emergency Services, Jane Garrett, to extend the time lines for the current fire services review until ... the 2015–16 fire season.

The one thing the signatories to the letter have also stated there is that they are willing to talk about amendments and changes that need to be made for this fire season. They are happy to put those on the table now. But in regard to the full review of fire services, they cannot do that in a four-week period. These people are volunteers. The people speaking on their behalf were the district 13 Volunteer Fire Brigades Victoria president, who was also representing the Knox firefighters group, and representatives of the Monbulk fire brigade, the Maroondah firefighters, the 15 hills brigades — ranges group, the Belgrave fire brigade, and the Belgrave Heights and south fire brigade. All these people are important and they need to be given an opportunity to have their say and to make a submission.

In four weeks they will barely have enough time to discuss the terms of reference, let alone put in a formal submission — unlike the union, which has had this information for a long period of time. It had an opportunity to put its views forward, drafted and ready to go, before the four-week period had even started.

Another email was sent that says:

I am taking this somewhat unprecedented step of calling a meeting at short notice to discuss the recent announcement by our state government to conduct a review of the state's fire services. Whilst there is significant comment around re what the intent of this review may or may not be about, I believe with some four weeks only to submit the required information to the appointed ministerial representative, it is important that we are informed of any wider implications of the review to our community-based volunteer fire service here in Victoria.

That was an email from Rod Stebbing from district 13. These are volunteer firefighters who are calling for an extension. All they want is an opportunity to have their say. They are happy to go through the whole process and to see the review take place. The minister said a proper review of Country Fire Authority (CFA) management had not been done for over 20 years, since 1994. I would say there was a full review during the bushfires royal commission that also put programs in place which are still being implemented; and this government is continuing those implementations, with Emergency Management Victoria, going forward.

I notice the member for Yan Yean shaking her head, saying no. If there has not been a review since 1994 and she thinks four weeks is enough time for volunteers to be able to put in a submission, she is kidding herself. Maybe the member for Yan Yean, who is a volunteer firefighter, should stand up for volunteers rather than sitting in here and standing by her party and the unions.

The *Bairnsdale Advertiser* recently published a letter headed 'Volunteers need your protection'. This is a

letter from John Nieman of Paynesville and Monbulk. It states:

The CFA, a world's best practice volunteer fire service, has been developed over 70 years. Volunteers donate \$1 billion worth of time annually.

So, to review this very complex organisation and get comment from the 55 000 volunteers, how much consultation time is needed to ensure everybody has a say in that fixture?

In the letter he asks whether it should be six months? No. A year? No. Maybe three months? No. It is four weeks. Some of these stations will not even meet in that four-week period. The letter also states:

This city-centric government has given the CFA volunteers four weeks to examine the service. And then four weeks for the review to be delivered.

Again, only four weeks are given to review the submissions that are coming forward. That is actually a bit disappointing. These people will not have an opportunity to have a say.

Another concern raised in this letter is that David O'Byrne, who has been appointed to conduct the review, was until May this year national secretary of a large trade union. Prior to this, having been voted from office, he was a Labor politician from Tasmania — another man ahead of his time, I suppose, coming in here to conduct a review. He will be making recommendations around volunteers. Mind you, he is a former head of a union and a former Labor politician in Tasmania. I am sure he is on the same bandwagon and does not want to listen to volunteers — he already has his agenda set out for him.

A letter published in the *Alexandra Eildon Marysville Standard* states under the headline 'CFA inquiry a rare chance':

... The inquiry has not been well publicised. I was only given the information below a week after the four-week submission period had started.

In that letter Rod Andrew in the Macedon Ranges has come out and said he was only given the details about the submissions a week after the submission period had started, so his area only has three weeks in which to put in a submission. The letter continues:

... There is no email address available as yet to send submissions to, but it is meant to come later this week.

So not only were they told that they have a limited time in which to make submissions, but they are not even given information on where to send those submissions.

I find it interesting that on the day the review was announced a letter went out to all United Firefighters

Union (UFU) members containing information about the fire services review. It states:

The UFU intends to include information of UFU members' personal accounts and experiences working for the fire services.

It then asks a series of questions. What questions do members think would be important for the UFU to ask in relation to the future management of the Victorian fire services? The important questions should be about — —

Mr Pesutto interjected.

Mr BATTIN — Interoperability is in there, and it is important. UFU members should perhaps also have a say about equipment going forward, different management they could have, resilience or training. It is a wonderful opportunity to comment on all sorts of things. But no; one question asks:

Do you feel that morale at work has decreased during the Napthine government (2010–14)?

If that is not a political question and a sham, I do not know what is. I will give those on the other side one guarantee, and hopefully the member in question will not have a go at me afterwards: I assure you that the member for South-West Coast is not coming back as the Premier of Victoria. That question is not going to be amended going forward. Another question is:

Do you feel that the standards of equipment and operational response (including staffing) have decreased during Napthine government ...

How important is Napthine's time as Premier to the fire services review and the interoperability of the fire services?

An honourable member — Written and authorised by Peter Marshall!

Mr BATTIN — Exactly — written and authorised by Peter Marshall. This is what the union finds important.

Those on the other side have also mentioned training. They are not giving the volunteers a genuine say. The minister has said she met with Andrew Ford from Volunteer Fire Brigades Victoria (VFBV) and that as the CEO he could put a submission on behalf of the volunteers. But just yesterday in this place the member for Frankston declared that the VFBV has no say, does not speak on behalf of the volunteers of Victoria and is not representative of them. Those down in district 8, in his words, will not wear a VFBV T-shirt because it does not support the volunteers of Victoria.

We have got Peter Marshall's mouthpiece sitting in Parliament and accusing Volunteer Fire Brigades Victoria of not standing up for volunteers. I note that Andrew Ford has met with me, and I know he has met with the minister, and he is asking for exactly the same thing we are asking for at the moment: an extension. He is simply asking for an extension in relation to the review.

Approaching the 2014 election those opposite committed a lot to the volunteers, as they kept telling us, and one of the things they committed to was presumptive legislation. The volunteers have been writing to the minister and asking, 'Can you tell us what's going to be happening with the presumptive legislation?', and rightly so. However, the minister has failed to meet with any of the volunteer groups that have written. According to a letter to the VFBV from the office of the Minister for Emergency Services dated 14 August:

Unfortunately, due to diary constraints, the minister is unable to attend your district council meetings on 30 August and 15 November ...

The VFBV had given its full calendar of meeting dates, but still that meeting has not taken place. There is also a letter from the Minister for Emergency Services in relation to compensation for firefighters dated 18 June. Of previous correspondence, it states:

In that letter, I noted that presumptive legislation ensures that, if a firefighter contracts certain types of cancer after defined service periods (or turnouts), their firefighter work will have been taken to have contributed to the contraction of the disease, unless proven otherwise.

In the other jurisdictions where laws providing presumptive rights for firefighters are already in place there are a range of approaches to determining service thresholds for firefighters to qualify for the presumption. These include a firefighter's length of service, the type and number of events attended by a firefighter, and setting a post-employment period where the presumption continues to apply.

If you go out and fight a fire, leave the fire service and get cancer later on, you no longer have presumptive rights. At the election, when those opposite were talking about presumptive legislation, I never once saw in any of their material an asterisk and a note that said 'Subject to conditions in relation to presumptive legislation'. They said it would benefit all volunteers and all firefighters. Now they are listening to the head of the UFU, who recently went to Queensland to say that volunteers should not be on the same level of presumptive legislation as career firefighters. The Victorian union head went up to Queensland to say that volunteers should not be treated the same. It is disappointing.

The letter from the minister dated 14 August also states:

The government is currently in the preliminary stages of developing a bill for the new Victorian scheme, which will reflect the scheme that is currently in place in Tasmania.

I am not sure if any members opposite have read the Tasmanian legislation. I am more than happy to email it to them if they would like. It would exclude nearly every regional CFA station in Victoria. If you are not turning out enough, you do not have the opportunity to put your name down for presumptive rights. If you leave the CFA for a period of more than five years, you are no longer eligible. Whilst those on the other side get on their high horse and talk about the changes they have made in Fiskville, under such legislation no-one who had worked at Fiskville would have presumptive rights in 2019. Believe it or not, that letter is signed by the minister.

The member for Frankston stated in the house yesterday as recorded in *Daily Hansard*:

We heard a statement from Volunteer Fire Brigades Victoria ... and let me tell members of the house: they certainly do not represent the number of volunteer firefighters they think they do. Where I come from in Frankston, we have over 50 firefighters at the Frankston fire station. Edithvale and Carrum probably have about the same, as do Mornington and Rosebud, and I think you would be at a loss to find anyone wearing a VFBV T-shirt. Why? Because in 14 years as a firefighter I never saw one of these blokes step onto a fire station ...

He is saying that people who volunteer and are VFBV members have never set foot in a fire station. Tell that to Bill Watson, who gets up every time his pager goes off in the Dandenong Ranges to go out and fight fires or is to be found talking about fire prevention in schools and gives up his time to do so. Tell him he is not respected by volunteers around Victoria. I will tell members who is not respected by volunteers around Victoria: Peter Marshall, who has gone to Queensland to fight against volunteers having equal rights to career firefighters and to keep them out of the presumptive legislation.

Acting Speaker, I know you have a smirk on your face, which is pretty ordinary. If you want to stand up for the volunteers, maybe you should — —

The ACTING SPEAKER (Mr Carbines) — Order! The member for Gembrook will resume his seat! The member casts reflections on the Chair, and I ask him to withdraw.

Mr BATTIN — I will not withdraw. To sit there and smile from the chair in relation to the volunteers in Victoria is nothing short of disgraceful.

The ACTING SPEAKER (Mr Carbines) — Order! The member for Gembrook should resume his seat when the Chair is on his feet. If the member is refusing to withdraw, then the house will pause and I will ask the Speaker to resume the chair.

The SPEAKER — Order! I shall seek advice in relation to this matter.

I have received advice from the Clerk. I ask the member for Gembrook to withdraw.

Mr Clark — On a point of order, Speaker, I submit that you need to be satisfied as to the correctness of the ruling made by the Acting Speaker before you proceed to ask the member for Gembrook to withdraw. The essence of the matter was that the member for Gembrook made a comment about the attitude of the Acting Speaker, while he was in the chair, towards the debate. I do not believe that the member used words that were offensive. The Acting Speaker may well have disagreed with the comments that were being made, but so far there has been no standing order or sessional order drawn to the attention of the house or indeed to the attention of the honourable member as to the basis on which he was asked to withdraw by the Acting Speaker.

I submit that the words were not offensive. There was no procedure followed under standing order 120 in relation to objection to words. Speaker, you need to form a view as to whether the Acting Speaker was in order to require the member to withdraw in those circumstances.

Mr Wynne — On the point of order, Speaker, by way of background to this matter, the Acting Speaker at the time was in fact reviewing some correspondence — —

An honourable member — How do you know?

Mr Wynne — Because I gave him the correspondence — that is how I know — and in fact he has just returned the correspondence to me. The Acting Speaker was reviewing some correspondence, and I would submit to the member who has taken offence that his demeanour in relation to this matter was no reflection whatsoever on the contribution being made by the member to the grievance debate today nor on the gravity of the matters that were being debated. I submit that in this particular circumstance my colleague was not responding in any derogatory way to the contribution being made by the member at all but that in fact he was reflecting on some correspondence that I had provided to him.

Mr Hodgett — On the point of order, Speaker, if that is the explanation as to why the Acting Speaker acted in the way he did, then I think the member for Gembrook should be given the opportunity to reconsider his position, given that the Acting Speaker was not smiling at what the member for Gembrook originally thought he was — if that is the case.

Ms Green — On the point of order, Speaker, I am glad you have resumed the chair. It is absolutely fundamental to the conduct of this place that the person in the chair is treated with respect. With the greatest respect to the minister at the table, the Minister for Planning, who has provided an explanation for the smile of the Acting Speaker, the member for Ivanhoe, I put it to you that the explanation is irrelevant. I thank the minister for that explanation as it sets the context, but there should never be a reflection on whoever occupies the chair. It was quite clear to anyone who was in here, and *Hansard* will record the words that were uttered by the member for Gembrook. I put it to you, Speaker, that the member should be required to withdraw.

Mr R. Smith — On the point of order, Speaker, in reference to the comments made by the minister at the table, the Minister for Planning, the member for Gembrook should certainly be able to expect that the person who takes the chair in your absence should be paying attention to the debate, not to correspondence and not to anything else — otherwise how can he make rulings in reference to the debate? If the member for Gembrook feels that the Acting Speaker was indeed taking a side, if that is the way to put it, or laughing at what the member said during the course of the debate — —

Mr Wynne interjected.

Mr R. Smith — The minister interjects.

The SPEAKER — Order! The member for Warrandyte will not engage with the minister, and the minister will not interject.

Mr R. Smith — The fact of the matter is that members of this house should be able to expect those who take the chair to be concentrating on the debate, not on correspondence and not on their phones, which, may I say, I have seen many members of the government who take the chair looking at — —

The SPEAKER — Order! On the point of order.

Mr R. Smith — Members who take the chair in your absence, Speaker, should be paying attention to the debate, and members of Parliament who are on their

feet, who have been given the call, should expect no less than the total attention of the person who is in the chair.

Mr Carbines — On the point of order, Speaker, in listening to the commentary with regard to points of order in relation to this matter, I would like to add for your consideration on this matter that clearly I reject any indication that I was not paying attention to matters before the house. That is exactly the reason I drew the attention of the member to the fact that he had made a reflection on the Chair and why I gave him the opportunity to withdraw that reflection. Not only is a withdrawal without equivocation required of all members who reflect on other members, it is also particularly important in relation to reflections on the Chair.

It is very clear, given that no points of order were taken during the member's contribution, that he was clearly in order throughout it. I asked him to withdraw his comments because he reflected on the Chair, which clearly shows that I pay attention to those matters, that I take them very seriously and that I responded accordingly. If a member is given an opportunity to withdraw without equivocation, as every member should be required to do, when a refusal is given, it is the responsibility of the Acting Speaker to seek the intervention of the Speaker.

Mrs Fyffe — On the point of order, Speaker, this is a difficult situation for you because the points of order are about an expression on the face of the Acting Speaker, and the words used by the member for Gembrook were not in themselves offensive. The Acting Speaker took offence to the fact that the member for Gembrook was concerned that the expression on the Acting Speaker's face seemed to indicate that he was laughing or disagreeing with what the member for Gembrook was saying. This might be better treated as a situation where the two gentlemen involved talk to each other outside the chamber. This is a very difficult matter for you, Speaker, because *Hansard* will not record anything that is against standing orders, and it cannot record facial expressions. It is probably just a matter of there being two people with an opinion, and that is not against standing orders. I suggest a way forward is that the two gentlemen meet in your chamber.

The SPEAKER — Order! I call the member for Ringwood.

Honourable members interjecting.

Ms Ryall — Pardon? That is inappropriate.

The SPEAKER — Order! The member for Ringwood will be heard in silence. The Chair will not tolerate remarks made about any member and certainly not during the course of this discussion.

Ms Ryall — On the point of order, Speaker, it is important to look at the context of this debate. The shadow minister was clearly very passionate about the subject he was talking about. It is a very serious matter, and therefore it is quite understandable that if an Acting Speaker were to smile during a member's contribution, or perhaps smirk, the member on their feet is not to know what the Chair is smiling about. In this case, the member for Gembrook was not to know whether the Acting Speaker was smiling about a particular piece of correspondence given to him by the minister at the table.

The context for the shadow minister is that he was speaking on an important and very serious issue, and the smile from the Acting Speaker at that point in time obviously created an issue. I absolutely understand that. I would feel the same way about the circumstances had it been me contributing to the debating on this issue. Therefore I support the shadow Minister for Emergency Services in this context.

Mr BATTIN — On the point of order, Speaker, given the wide debate in relation to the current point of order, at the time I looked up, as I said, it was my assumption that the Acting Speaker was involved in the debate and understood exactly what was being said in the chamber, as is the role of the Acting Speaker. When I looked up and saw a smirk on the face of the Acting Speaker, I had the reaction I did. If, as the minister of the table has stated, the Acting Speaker's smirk was to do with a document that had been given to him, and if the Acting Speaker was reading another document or a joke whilst he was sitting in the Chair rather than paying attention, then if it would assist the house, I will withdraw in relation to the comments I made.

The SPEAKER — Order! I welcome the good gesture of the member for Gembrook in withdrawing. It is a difficult situation. The Speaker was not in the chair. I am advised that it was a difficult situation, but ultimately I remind all members that reflections on the Chair should not be made. However, I accept the good gesture of the member for Gembrook, and I appreciate that. The Chair extends sincere appreciation to the member for withdrawing.

Ms Green — On a new point of order, Speaker, I acknowledge your previous ruling, and I also advise you that when the Acting Speaker, the member for Ivanhoe, was on his feet, another member made a

reflection on the Chair, and that was the member for Warrandyte. I ask that the member for Warrandyte be required to withdraw the remarks he made reflecting on the Acting Speaker, the member for Ivanhoe. Speaker, the acting speakers have been empowered by you to perform the role of Speaker in your absence. If members are going to continually reflect — —

Honourable members interjecting.

The SPEAKER — Order! The member will make her point of order. Has the member concluded her point of order?

Ms Green — I am making the point of order that if members on any side of the house continue to reflect on acting speakers, it will simply make the house unworkable, and it would mean that you or the Deputy Speaker would have to be in the chair all the time. This needs to be dealt with. I seek a withdrawal of the remarks of the member for Warrandyte, when he reflected on the Acting Speaker.

Mrs Fyffe — On the point of order, Speaker, once again a matter has been raised that makes it very difficult for you to make a ruling, as you were not in the chair and the Acting Speaker was on his feet. I was actually talking to the member for Gembrook. The member for Warrandyte did not make an offensive remark against the Acting Speaker. There is no point of order.

The SPEAKER — Order! Are there any further points of order? If not, I do not uphold the point of order raised by the member for Yan Yean, because it is for the Chair to determine at the time whether there was an issue or otherwise. As I understand it, advice from the Clerk was received by the Chair suggesting that was not the case at the time. I do not uphold the point of order. I thank honourable members for their contributions, and we will continue. The member for Bundoora to continue the grievance debate.

Ms Green — On a further point of order, Speaker, the member for Warrandyte made an extremely offensive remark and accused me of lying after you made your ruling. He is standing in the doorway now, and he is about to go out. He accused me of lying. I did not lie. I seek his withdrawal.

The SPEAKER — Order! I will review the *Hansard*. The member is not in the chamber. I am unable to make a judgement on — —

Honourable members interjecting.

Ms Green — Because he is a coward.

The SPEAKER — Order! The member for Yan Yean will withdraw that remark.

Ms Green — I withdraw.

The SPEAKER — Order! I call the member for Bundoora to contribute on the grievance debate.

Former government performance

Mr BROOKS (Bundoora) — I come to this debate today knowing that usually in a grievance debate we on this side of the house take the opportunity not just to talk about important policy issues and the great achievements of our government in the short time we have been in office — fantastic achievements in health, education and growing the economy — but sometimes we come in and point out the failures of those on the other side of the house. We come into this place and expose in a political sense the failures of those opposite, and sometimes it is done in a robust way that I am sure hurts their feelings.

Today I have come in to the house — and I am sure this will disappoint those on my side of the house — to assist those opposite. I have come in in a spirit of bipartisanship to offer my assistance and advice to those on the other side of the house. Given the debate we just had around points of order and the way in which those opposite conduct themselves in this house, it is probably more important than ever that we have this discussion in this chamber now.

I want to broach a really difficult and sensitive topic with those opposite. There is no other way to do this than to say it out loud and get it out in the open: they are not in government anymore. Those on the other side of the house need to deal with the fact that they are no longer in government and let go.

Mr Watt interjected.

Mr BROOKS — As that great wit on the backbench on the other side of the house, the member for Burwood, interjects, I am happy to inform him that I am in fact grieving for members of the Liberal-Nationals coalition, because I do not think they can accept that they lost government. We saw an example of that just a few moments ago. We see it in the positions they take on a range of policies. We see it every day.

One of the key examples of that would have to be the member for Malvern, the former Treasurer. I do not like singling out individuals, but in terms of the therapy those opposite need to undergo — that is, the therapeutic process of letting go of government — the

member for Malvern takes the cake. He is the one who is still hanging on. He is still in the Treasury and still has the east–west link project; they are about to start digging the tunnel and so forth. I think he is finding it hard to let go, so I thought I would run through that process. If those opposite wish to take the advice on board, I am going to offer it over the next 11 minutes and 50 seconds or so.

I am really proud of having served for a short time in a Labor government that was in power for 11 years. The Bracks and Brumby governments achieved so much for this state and I could run through their achievements, but it would take me so long to list them, just in education alone. Some of the fantastic achievements include the Victorian certificate of applied learning, the huge capital improvements, a whole range of reforms and the building of hospitals. Every time I drive past the Austin Hospital in your electorate, Acting Speaker, at the risk of making you smile, I think what a fantastic tribute it is to the previous Labor governments in this state. The Royal Children's Hospital is also a fantastic facility and a great Labor project.

There is so much to talk about, but, importantly on the theme of this grievance, when Labor lost government and the now Premier was elected as the then Leader of the Opposition, he made a very clear point that we should not only celebrate the achievements of our time in government but also acknowledge some of the very few areas where we could have done better. That was an important point, because people in Victoria recognised that we were prepared to acknowledge that we could have done better in some areas. That was an important factor in us moving forward, resetting our policies and moving into the 2014 election.

On the flipside, those opposite need to come to grips with the fact that they were a completely hopeless government, and that is not a matter of opinion.

An honourable member — That is hurtful.

Mr BROOKS — That is not a matter of opinion. Tell you what, it was a one-term government. After four years the Victorian people decided to give the coalition the boot and put Labor back in power. One of the key areas the former Treasurer, who is now the shadow Treasurer, needs to own up to — and this is a serious issue — is that in the four years that the coalition was in government unemployment in Victoria grew from 4.9 per cent to 6.8 per cent. Around 70 000 more people joined the employment queue because of the policies of that government. That is a shocking record of failure.

On that measure alone, and in terms of how you move forward, unless those who were in government acknowledge their failure to generate jobs and their complete disregard for those who did not have work, they are not going to be able to move forward. They are not going to be able to let go. I know it hurts. I know those opposite do not like hearing it, but it is what they need to hear. They need to hear from the Victorian people how the now opposition, which was the government of the day when Ford, Toyota and Holden said they were leaving Victoria, were asleep at the wheel.

I remember when Ford announced that it was leaving. The former Premier, the member for South-West Coast, headed up the Hume Highway to Wodonga to get away from the glare. He did not go and talk to the workers, he did not go and talk to the CEO of Ford in Australia, he did not get on a plane and fly to Ford's headquarters, he did nothing, and I think that is a great shame. It is symbolic of the disregard that government had for Victoria's unemployed.

We all remember that when Ted Baillieu was Premier he shut down the infrastructure pipeline. The pipeline of great infrastructure projects put in place by the former Labor government was simply shut down. We had the last minute run-in with one big infrastructure project, the east-west tunnel, and I will come back to that one. We had promises that were broken around Rowville rail, Avalon rail and Doncaster rail. The Treasurer of the day, the member for Malvern, should be the first person to head out to the communities that were to be serviced by the train lines mooted by those opposite. He should invite people to a public meeting and apologise to them.

We are not talking about unemployment. The worst thing the then Treasurer could have done was to continue the massive and damaging cuts to TAFE. It is almost unbelievable that the then government targeted institutions that were training our young people. I invite the shadow Treasurer to come out to Greensborough. With my colleague, the member for Eltham, who shares responsibility for the Greensborough community with me, I could organise a meeting out there with people who can tell the shadow Treasurer just how damaging the cuts were when he closed Greensborough TAFE. I am so proud to be part of a government that is now in the process of reopening that institution. But it is not just the Labor side of politics saying this; it is not just a political argument. The facts are in: TAFEs were left reeling from the cuts that the member for Malvern continued through his time as Treasurer.

The Department of Education and Training's own figures show, through its 2014 *Victorian Training Market Report*, a 22 per cent drop in students in government-funded training, and a 27 per cent drop in government-funded training enrolments by students not at school who had not finished year 12. These kids need access to TAFE, but there was a 27 per cent drop in the number of kids accessing that training. There was a 25 per cent drop in enrolments in apprenticeships, which is scandalous. When we were in a situation where many companies were forced to bring in workers from overseas to fill skills gaps, the previous government was cutting from the institutions that train young Victorians to give them those skills that they need to get those jobs. It was ridiculous. There was a 59 per cent drop in enrolments in traineeships. It is no wonder members opposite hang their heads in shame when these sorts of figures are bandied about.

On top of that, the Treasurer at the time, the member for Malvern, continued to make savage cuts to funding for schools. Coordination of the fantastic Victorian certificate of applied learning program, which was introduced by a Labor government, was slashed by members opposite. The education and maintenance allowance, which supports low-income families, was cut. Thankfully it is now being reinstated in a different way by the Andrews Labor government. The former government also cut investment in school capital in half, and that was a great shame.

Mr Watt interjected.

Mr BROOKS — Obviously some members opposite do not understand what I am trying to say to them, but some of the smarter and more genuine members on the other side of the house should understand. They should make sure the shadow Treasurer apologises for his actions.

I come to the east-west tunnel. This was definitely the member for Malvern's baby, and he is still hanging on to it. He still wants this thing to happen. Let us remember that this was a project in relation to which the original business case showed a benefit-cost ratio of 0.45. Effectively it would have lost 55 cents in the dollar. What sort of financially responsible government would sink Victorian taxpayers money into something that was going to be a big fat loss-making project? What we did not know about at the time were the penalty clauses in a side letter signed by the then Treasurer. The dirty side letter effectively tried to lock Victorian taxpayers into this project past the election, with compensation to the consortium of up to \$1.2 billion. I have a copy of the side letter with me. The shadow minister at the table indicated that I might

have been confused about this issue. With the permission of the house, I am happy to table this letter to make it available to all members of the house. I seek permission to have this letter tabled.

The ACTING SPEAKER (Mr Carbines) — Order! The letter may not be tabled, but the member can circulate the letter to members.

Mr BROOKS — I am happy to make this letter available to the house, because it is a permanent stain on the credibility of the member for Malvern that he would secretly sign this document off in the shadow of an election. The letter shows the signature of the Treasurer of Victoria at the time, the member for Malvern, and it says, ‘Executed as a deed poll in favour of the east–west link connect partnership’. The letter was signed in favour of the east–west link connect partnership. It certainly was not signed in favour of Victorian taxpayers because the dud project exposed us to massive financial risk.

On top of that, we had the lie about the project cost, which we were told was \$6.8 billion. The Victorian taxpayer now knows it was some \$3.9 billion more than that — a blowout of \$3.9 billion. This would have meant we would have seen tolls on the Eastern Freeway and on other roads around the east–west link, and we would have seen traffic congestion on those roads.

Honourable members interjecting.

Mr BROOKS — I refer members opposite to documents that are now online, because the truth is out there for all Victorians to see.

In the short time I have left I can tell that I have a lot of work to do to get members opposite to understand that they need to apologise to the Victorian people. They need to fess up to their problems. I have gone to the trouble of drafting a letter for the member for Malvern to sign off on, which apologises for all of his cuts to important government services, for failing to invest in infrastructure and for signing Victorians up to that dodgy east–west link contract in secret documents in the shadow of the election. I cannot believe that you would have a government that would deliberately do these things. I hope members opposite know that they have to apologise to the Victorian people before they can move on, and the very first job they need to do is to get the member for Malvern to apologise. Once they get him over the line, other members will follow.

Murray Basin rail project

Mr CRISP (Mildura) — I grieve for rail users in the Mildura electorate because Labor governments have

form in saying one thing and doing something different. When Labor lays out a project, particularly for regional Victoria, it never turns out to be what it seems. Whenever that happens regional Victoria is always the loser. When I look back over Labor’s form in delivering projects, particularly rail projects to north-western Victoria, I particularly go back to the Bracks government. In 2003 then Premier Steve Bracks indicated that the Vinelanders would return. That was a long time ago and it did not occur. Only this week Brett Hosking wrote in a piece in the *Weekly Times* that states:

Too often we’ve seen big promises made, and then wondered when the investment will be delivered.

The article goes on to say:

The then Labor government committed \$96 million to the standardisation of the Victorian rail network in 2001–02, but much of that funding was delayed or not delivered.

Again, the Labor Party has form with a project like the Murray Basin rail project, and we on this side are extremely sceptical about it for a number of reasons. This makes people in my electorate grieve. Again we hear one thing, but we are concerned that Labor’s form will deliver something different.

In 2010 Russell Savage, who was an Independent member for Mildura, reflected on rail issues, and he was quoted in a story in the *Age* as follows:

Former Premier Steve Bracks repeatedly promised Independent MP Russell Savage that he would get the line reopened. ‘I should have got him to write the promise down’, Mr Savage said from his home in Queensland, where he has moved.

After many years he still holds great concerns about the performance of this government. Everybody in my electorate remembers those promises and is viewing this with a great deal of scepticism.

Nothing this government promises is what it seems. On Monday the Premier claimed to have committed to the full Murray Basin rail project, but days out from this announcement there are serious concerns. On the *Country Hour* on Monday the member for Bendigo East continually evaded the hard questions about when the money would be delivered and how it would be delivered.

Mr Nardella — Ask Truss. Get on the phone!

Mr CRISP — I take up the interjection from the member for Melton — although I know it is disorderly to do so — to inform him that so far Labor’s contribution to this project has been zero. There was

\$220 million left behind by the coalition government for this project. To say it is going to do the project and then to say, 'But we want \$196 million from the federal government' is confusing and fuels that scepticism. Once again what those opposite say is not what it seems.

This is where we get to the issue of where the money is. The government claims to be fully funding the rail project, but it has not provided the funds. That is a real concern, given that the Rural Finance Corporation of Victoria was sold by the previous government to fund rural and regional infrastructure. That netted \$460 million, and \$220 million of that was committed and set aside by the coalition government — money the Labor government is now miraculously claiming as its own. We have a \$416 million project out there, and there is \$460 million in the bank to do it. I can therefore say that those opposite can fund that project. To go about it by saying to the federal government, 'We want to do this project and are fully committed to it; you kick the can for \$196 million' is sloppy at best. Those opposite have assured Victorians that they are going to do this project. The money is in the bank. Victoria should do this project.

What we are getting from the government around this project is weasel words from the Treasurer and from the Minister for Public Transport, and this is doing nothing to reassure Victorians that they are not going to be the losers out of this. Labor has form in making marvellous announcements about projects it does not deliver. We have all had too much experience with that. In question time yesterday in relation to the Murray Basin rail project the Treasurer was given the opportunity to nail it once and for all — to indicate where the money will come from and to say that Victoria will fund this project — but no, we had weasel words from the Treasurer on this issue. Then in a ministers statement there was another opportunity, this time for the Minister for Public Transport, to sort out this dilemma. It was a missed opportunity to be clear about the finances for this project.

If those opposite will not answer the question, what do they have to hide? What they have to hide is that their hand is in their pocket. It is on \$460 million, and they know they cannot get out of their \$220 million commitment. Therefore they will not let go of the remaining \$240 million-odd that is available for this project. Hiding will not protect those opposite from the people of my electorate, who will need convincing that what those opposite say is what they mean.

We come to another part of the detail of this which is extremely important to some people in my electorate.

Where is the Ouyen–Murrayville upgrade money? The Premier says the government is going to do the project, but if you look at the business case — page 76, for those who need to do so — you see that the rail line is dependent on a second business case being developed. The Premier says one thing, but on the other hand he says in relation to the Murrayville line, 'Yes, we're going to do it, but we don't have the business case for that and I don't know where the money is coming from'.

In terms of those people who live out that way, I would like to pay tribute to a group led by Dave Allan, who has done a lot of hard work and overtime to keep the importance of that rail line in everybody's minds. There were issues with volumes of grain which he sorted out with a local Victorian Farmers Federation grant. Page 76 of the business case says:

GrainCorp, who operate receival sites along this line, have indicated a preparedness to co-invest in upgrading this line, along the same terms as they contributed to the reopening of the Yaapeet branch line.

The Ouyen–Murrayville line, though, is still dependent on a business case, so is that in or out of the \$416 million? It is out of the \$416 million. As I said, there is \$260 million in the Treasurer's pocket; he just has to pull it out and apply it. The government has committed to a full Murray Basin project but left out a key upgrade on a branch line, and that is just not good enough.

Now we come to the issue of axle loadings. I just wish I had the time and a whiteboard with which to explain this to everybody, but whiteboards are props and props are not allowed in here. Twenty-three-tonne axle loadings are vital for the Mildura line, yet the business case makes only a fleeting reference to the option of upgrading to 23-tonne axle limits from the 21-tonne axle limits. The intention of upgrading the Mildura line to 23-tonne axle loadings is to provide an alternate transcontinental railway link between Adelaide and Melbourne when the line reaches its capacity in 2025 — and 2025 is not that far away.

Why does the business case not mention the 23-tonne axle loadings that are essential for freight businesses being able to have a 24-hour turnaround between Mildura, Melbourne and Geelong? So much of what makes businesses work is a 24-hour turnaround, and without the main line being upgraded that will not be possible.

Then we get to that other great chestnut, Labor's track record of promising the passenger rail that I detailed earlier. Unless you upgrade to 23-tonne axle loadings, it

can never happen. By ignoring the advice that came back after the GHD report, the government is in effect blocking a passenger train on the Mildura line, so 23-tonne axle loadings are vital on the main line. We will be building a rail line to nowhere as part of a national link unless we make it 23 tonnes. It can be done.

Perhaps a case could be built with the federal government, and I am reflecting on what the federal member for Mallee, Andrew Broad, said this morning and not what the minister attempted to quote in question time today. Mr Broad said the commonwealth government may be interested in a 23-tonne axle loading upgrade, but it is not going near the \$196 million. The Premier already conceded that when he said that if the commonwealth does not kick in the \$196 million, he will. There is the answer straightaway.

However, what the Premier has not said is how long the project will take. The 2018 completion date reads to me as if it is only possible if the commonwealth puts in the money. I interpret this as Labor saying one thing and putting the project into the never-never — and we have been there before. Earlier attempts at standardisation and upgrading petered out into the never-never. We need an assurance from the government that the project will not peter out and the money will not disappear while the government marks time. It is too important for that, and we have come too far.

The previous coalition government did the hard yards and sold the Rural Finance Corporation, a rural asset built up by rural people to fund this once-in-a-generation project. In fact it is more than that; it is a once-in-a-century project. We took the tough decision, and we got a good price for the asset. Now we want to put it to work for rural and regional Victoria, but the Treasurer seems to have his hand in his pocket and is holding onto the remaining \$260 million. He needs to take the money out, because this project needs to get started now and not be messed around by his using weasel words. We will not put up with the government saying one thing and doing something different. I will stand here and defend this project and defend the promise we made that it will be done by 2018 right up until the last day in December 2018. We know that if we do not, regional Victoria will be the loser, and we are sick of being the loser to a Labor government when we have done the hard yards of finding the money for this project. The money is there, and the project should be done.

The government should not even think about saying one thing and doing something different, because we will be vigilant. The people of the Mildura electorate

know how important this project is. They paid for it with the sale of the Rural Finance Corporation, and they expect it to be delivered properly. The government needs to focus on doing the job properly and then talking to the federal government from a constructive point of view, rather than using weasel words and saying, 'We'll beat you up if you don't put your hand in your pocket instead of us releasing money that is already there'.

We expect this project to be done and to be done properly. We expect the government to focus on doing it properly and not to score cheap political points out of it. Everybody remembers your promises. Let us make sure the government delivers this project to Victoria, and in particular to the people of northern Victoria.

Health and ambulance services

Ms THOMAS (Macedon) — I rise today to grieve for the failure of the previous coalition government to provide the effective leadership that our health and ambulance services needed in the best interests of all Victorians. Let me take this opportunity to remind members of this house of the chaos we saw under the previous government and its failure to lead in relation to the very important health and ambulance systems in our state.

On 15 October 2014, under the headline 'Premier Denis Napthine heard tearing strips off health minister David Davis in Spring St boilover', the *Herald Sun* reported — and I quote this to remind members of the place we found ourselves in — that:

Premier Denis Napthine tore strips off health minister David Davis outside the upper house yesterday, Liberal MPs told the *Herald Sun*.

That was the state of the party back in October 2014. The article continues:

In a heated exchange in front of surprised onlookers, the Premier was seen making 'wild gesticulations' during what one Liberal said looked like a 'master-servant conversation'.

It goes on:

A rattled Mr Davis's treatment of his deputy, Wendy Lovell, ordering her to keep quiet during the drama, also shocked colleagues.

These were the people entrusted with the leadership of not only our state as a whole but our health system in particular. Is it any wonder that we saw under the previous government a series of failures in this very important part of our public service? The previous government promised to deliver 800 new beds to Victoria to slash waiting lists, to reduce emergency

department wait times and to improve patient care. This was a commitment of the previous government. Did we see 800 beds? Absolutely not. Only 41 beds were delivered to our health system.

Under the previous government we saw the health minister at war with our hardworking and dedicated paramedics, who are the best trained but the lowest paid paramedics in all of Australia. Under the coalition government and the failed leadership of the then health minister, statewide code 1 ambulance response times worsened every year. In 2009–10, 81 per cent of all code 1 cases were responded to within 15 minutes. In 2010–11, this had reduced to 77.1 per cent within 15 minutes. In 2011–12 there was a further reduction to 74.8 per cent within 15 minutes, and in 2012–13 it was down to 73 per cent within 15 minutes. The leadership of the health system under the previous minister was nothing short of an absolute disgrace.

I quoted from the media before, and I will continue to quote from the media. I told members about the incident between the then Premier and the then health minister, which was really quite shocking behaviour — so shocking in fact that Liberal members felt the need to report it to the media.

Acting Speaker, if you want to know the reason that both the Premier and the minister were so agitated at this point, you need look no further than to my electorate and the reporting of the *Midland Express*, which is a very fine local paper that tells it how it is. In June last year the *Midland Express* reported on the then Premier's visit to Kyneton. It would be no surprise to members on this side of the house that on this visit the Premier snubbed our hardworking paramedics who wanted to meet with him and express their concerns. Our hardworking paramedics are motivated by their desire to give the best service possible to the Victorian community, and they wanted to voice their concerns to the Premier.

The Premier came to Kyneton for a photo opportunity and snubbed the local ambos. As was reported in the *Midland Express*, local paramedic Al Briggs expressed to the local paper what he wanted to say to the Premier. This is what Al Briggs said and he did it so much more succinctly than I ever could:

Deer Park to Kyneton when a bloke's having a heart attack Denis, that's pretty bloody poor ...

If you're having a heart attack, you don't want to be waiting for an ambulance coming all the way from Deer Park to take you down to the Royal Melbourne.

It's not good enough Den, 23 minutes is the average ambulance response time.

That is what our paramedics wanted to say to our Premier but he would not have any of it. He was there for a photo opportunity at the Kyneton District Health Service for an ambulatory care centre that was primarily funded by the previous Labor federal government. As members know, Labor state and federal governments are committed to building things, not tearing them down and ripping out services.

Mr Watt interjected.

The ACTING SPEAKER (Ms Ryall) — Order! The member for Burwood!

Ms THOMAS — If I may continue, we can look at some of the other failures of the previous government and the cuts that were made, and I have to say that unfortunately there were many. Under the leadership of the failed former health minister, David Davis, \$1 billion was cut from our health sector and 200 jobs were cut from the Department of Health. We also saw a cut of \$1 million in funding to the award-winning National Centre for Farmer Health in Hamilton. I take this opportunity, while I grieve for the failure of leadership under the previous government, to congratulate the Minister for Agriculture and Minister for Regional Development for her persistent championing of the National Centre for Farmer Health, and I congratulate the Andrews Labor government for delivering funding to that very important centre.

We also saw funding cuts to the rural midwifery program. We saw the shutting down of the only 24-hour dedicated mental health advice hotline, aged-care beds were at risk of closure throughout regional Victoria, and we saw 25 community mental health providers defunded, including St Mary's House of Welcome in Fitzroy.

On coming to power the Andrews Labor government inherited a fine mess. There is no other way to describe it. I am delighted, and I feel privileged as the member for Macedon and the Parliamentary Secretary for Health, to be working with an extremely fine minister who is getting on with the work that needs to be done. We have not wasted a day. What we have done is in complete contrast to the previous government. We are releasing information and data. We are working collaboratively with the health sector workforce. We are working collaboratively with our paramedics, our nurses and our community health workers to deliver those system improvements in the interests of the Victorian people.

In conclusion, the people of Victoria are extremely fortunate. They made a very wise decision on

29 November when they chose to elect an Andrews Labor government, a government that is about putting people first at every step of the way. We are getting on with it and we will not waste a day.

I will conclude my contribution on that note.

Regional and rural Victoria

Mr TILLEY (Benambra) — I rise to make a contribution to this grievance debate and I take the opportunity to grieve for those who choose to live, to work and to go to school. I grieve for all our school kids and our educators and also for our innovators, our entrepreneurs, our local construction companies, our tradespeople and our community volunteers, particularly because now that we are nine months into the 58th Parliament — the first nine months of the term of the Daniel Andrews Labor government — we are seeing a stark contrast to the previous government. In four short years the coalition government provided opportunity to country Victoria and almost overnight we have seen that pipeline to country and rural Victoria stopped.

One example I have spoken about and placed on the record before is the great work undertaken in four short years for the Wodonga Senior Secondary College. Within the first two years of our term of government we were able to build a multistorey secondary education centre after 11 years of neglect, while the previous government fought over issues like the proliferation of mould and termites in the old building. We saw 11 years of fighting. It took the coalition government to build something great, and we did it within the first two years of our term.

Other examples are the special development schools. In our first two years we were able to not only complete stage 1 but also stage 2 of the Belvoir Special Development School. There was plenty of other work in the education space to ensure that Benambra students were given the best opportunities to learn in great places and be provided with a great education, in stark contrast to the current government.

Each and every one of us who comes to this great institution, the Parliament of Victoria, regardless of our political affiliations and our views, believes that this is a place where we should have great debates. I get a little bit tired sitting in this chamber, whether on the government benches or the opposition benches, listening to the, 'He said', 'She said' that goes on all the time in this place. When we get elected to come here we are meant to be grown-up, mature adults. Just in the last short time I have seen some things happening in

here which certainly do not give me pleasure and which distract us from the important work that each and every one of us who puts up our hand to be a representative in this great institution — this great Parliament of Victoria — seeks to do for our communities.

On that note, when we come in here we should debate strongly and continue to push for the best outcomes for our communities. I suppose to put it in comical terms, we have won a popularity contest. We can seek to create great public policy for our communities, make a strong contribution and leave a legacy in those communities. Certainly in relation to Benambra, the work I do there will continue regardless of which side of the chamber I am sitting on.

In the last budget of the coalition government significant funds were allocated to the commitment made to another education program at the Wodonga West Primary School.

Following the election in November 2014 things have stopped. The money is sitting there yet not one tradesperson has set foot on that school property and commenced the work. All the plans, the architectural work and the departmental work have been completed. There is absolutely no excuse for the work not having commenced. My view is that this government is putting politics over people. This school was built in the 1960s. The roof is falling in and the floors are caving in, as is the case with many other schools around the state. It is a big responsibility for the government of the day, whoever that may be, to get through the necessary replacement program.

Benambra has something in the order of 23 primary schools, 9 secondary schools and a special development school. There are some people who represent electorates in this place that are lucky to have one or maybe two schools in their areas, but there are many schools in Benambra because of the tyranny of distance and the fact that we have communities spread over 10 000 square kilometres. Our kids and our educators deserve to have appropriate capital infrastructure and systems in place to ensure that when the students leave school they are going to be able to get a job, follow a vocation, undertake a career and be part of the next generation of leaders and contributors to this great state of ours.

I have hopes for and will continue to advocate for the Wodonga West Primary School community — and I will continue to address its issues with the Minister for Education. The correspondence that I am getting back does not necessarily encourage me, but I do hold out hope that the Minister for Education, his staff and his

department will get a wriggle on and get the work done. I see absolutely no reason why the work could not be completed now that we have already waited nine months and are coming to the end of the third term. During the school holidays we should see the tradies come in. We should see the place being pulled apart, and the stage 2 work of that school being undertaken. There is absolutely no excuse whatsoever; the money is there.

In addition to the primary school, the coalition government contributed money to early childhood years programs in the region. The money on the table has a time line for all those children in early years programs who are transitioning to primary school. It is fantastic public policy to allow our four-year-olds to transition to those kindergarten, preparatory and grade 1 learning spaces. I plead with the government, for the sake of the community of the Wodonga West Primary School, to show an active interest and to ask the questions that need to be asked of the community in relation to the school.

I wish to take up what the member for Mildura said when he was talking about axle weights for rail. When it comes to matters of productivity, I certainly share an interest in the innovators. I think it is important at this stage to place on the record a narrative about a local innovator in the Benambra electorate. I shared experiences with him before I came to this place. His name is Bill Haire. I may or may not have mentioned him previously in his place. He is a very rough diamond. He is a fellow who grew up and went to school around Tallangatta. He went to school with a fellow by the name of Bernard Smith.

Not many people would know about Bernard Smith because he is a quiet achiever, as are many Victorians and people who live in the Benambra electorate. Bernard Smith worked for the CSIRO. He is largely responsible for making a strong contribution to the development of the black box flight recorder and of the glue that stuck the tiles to the space shuttle. He also contributed by designing and making speedy devices for the calculations on a space shuttle. This is a little country watchmaker in rural Victoria who is also a great innovator. He has not stood up and turned around and said, 'Look at me, I want lots of money'. He made a contribution to this nation and to the world by being part of a bigger organisation. We should always support the work of the CSIRO.

These young blokes have gone to school and spoken about many ideas. They have tinkered with things and have probably hurt themselves along the way, but Bill Haire has come up with a patent, which now has only

five years left to run. Successive governments in Victoria have largely been unable to advance or assist this patent, which would allow us overnight to see productivity changes on our roads by increasing axle weights. Injuries on our roads would be minimised, because we would minimise crashes. I am sure my Greens colleague, who is now in the chamber, the member for Prahran, would like to hear this. By applying this patent we would see vehicles achieve fuel reductions, we would see exhaust emissions minimised, we would see less road damage, all of which would save the taxpayer millions of dollars. That will happen if, and only if, in this place those charged with the responsibility for the relevant portfolios have the political will to go out and support our innovators in this great state of Victoria.

Bill Haire is not an original equipment manufacturer. Unfortunately he does not have the resources — he does not have the money, the funding — or the backing to get out there and make this innovation a worldwide success. We need the public sector, we need politicians, we need governments and we need to invite the media to start turning up a few rocks and exploring this great Australian who can make a great contribution to the future. He has a product that works in other parts of Australia. His first HaireBag suspension was used at the Exeter Sawmill in Tasmania. He fitted it to two trucks. It was running in a forestry role and there was not one incident for almost 10 years. Towards the end of the 10 years there was one small incident, a driver-fault incident unfortunately, but there was not one crash, not one injury, and it did not cause road damage. His product actually minimises road damage.

As well as Exeter he has sold it to Knight's Transport, a mining application at Lady Annie mine. It has produced enormous savings, as well as limiting road damage and fuel emissions, saving our environment. The resource sector is very important; it provides many jobs and puts money into our economy. Paddy Knight has made a significant saving on fuel in his business and he outperforms every other heavy vehicle, side tipper, three-trailer road train anywhere in Australia.

But the greatest story of all concerns Norm Tuxworth of Tuxworth and Woods Carriers in Cairns. Members should remember that I am telling a story about a Victorian innovator who has had to go out of the state and sell his wares interstate. The company runs road trains up to Weipa and other remote locations. Members who have taken the opportunity to travel to those parts of this great nation of ours would be well aware of the condition of the roads up there. They might be surprised to learn that Norm Tuxworth has reduced the travel time from Cairns to Weipa by

6 hours. He can now deliver freight — for example, beer — to the top of Australia without any freight damage. He is not losing a few slabs of beer on every trip. More importantly, necessary food supplies can be delivered to the outback and Aboriginal communities to maintain those communities. Tuxworth transport does a fantastic job because it has taken on board a Victorian innovation that does so many things with enormous safety.

We also hear about other innovators out there, and this is where I want to go in relation to the safety of our community. We need a whistleblower in one of the departments somewhere in Victoria. An Independent Broad-based Anti-corruption Commission has been established in this state. We now need a whistleblower or somebody to tell the government what is going on, including the nepotism, the cronyism and the relation-building within the departments. I call on every person who has been charged with the responsibility of being a minister of the Crown not to just sit there but to take on the commentary from the various departments. They live a lovely life; they are remunerated very well by the generosity of the taxpayer. I say to them that their relationships need to be tested. We need to ensure that innovations from companies like Haire Truck and Bus Repairs come to fruition.

If anybody wants to talk to me at any time they can come to Wodonga and explore the Haire factory. I absolutely support that. It is good to see the member for Caulfield at the table. I have not had the opportunity to talk to him yet, but I will certainly be talking to him in the near future to see how we can increase productivity, how we can lobby not only the government but also the private sector to see this great innovation get up. Haire only has five years left on his patent. His invention minimises fatigue by ensuring that truck drivers who leave on a Sunday night to travel long distances on a long haul trip are going to come home to their families the following Friday night or Saturday. They will not have to worry about the fatigue and other issues associated with being away from home while trying hard to earn a dollar driving trucks. We have a massive problem in that area. This innovation also addresses fatigue.

I call on public policymakers in government departments, whether that be in roads or other areas — in fact the whole of government — who say that we cannot provide an unfair advantage to our Victorian innovators to reconsider their stance. By and large most of the products they buy are imports from overseas, so I say, ‘Why not challenge these international imports?’ We have the best in Australia. They are in Victoria. We hear the Premier of Victoria time after time use the new

catchphrase on the \$20 million logo, ‘The best of everything’. We have it here in Victoria, so get off your bums, get in there and pressure the public servants, ask the hard questions and support our innovators in this great state of ours’.

Liberal Party performance

Ms WARD (Eltham) — I rise today to grieve for the Victorian people and the damage done by the Liberal Party. I grieve for the division in the Liberal Party, its lack of vision, its poor work ethic and its inability to embrace its own history. I grieve for the four long lost years under the Liberal Party, four years lost for Victorian children, women, men and families.

Mr J. Bull interjected.

Ms WARD — The member for Sunbury is right. They were dark years — dark and dismal!

We see a party that is not only unable to embrace the personal liberalism celebrated by former Prime Minister Robert Menzies but also one that is unable to build on the leadership he demonstrated with his support of women in the Liberal Party. The Liberal Party’s own website quotes Robert Menzies as saying:

Women are unquestionably destined to exercise more and more influence upon practical politics in Australia ... In the educating of the electorate in liberal ideas they have for many years been an effective force. Now we have an organisation in which all distinctions have gone, and with men and women working equally for the one body.

Menzies said ‘working equally’. I am glad to hear ‘Hear, hear’ from the other side. It would be great if instead of saying, ‘Hear, hear’, they were saying, ‘Her, her’, and getting more women active in their party. The organisation to which Menzies refers is the Liberal Party, a party which nationally only has two female ministers in our federal Parliament.

Honourable members interjecting.

Ms WARD — There are only two, and that only happened because of a reshuffle. Originally federal Parliament had only one female minister. There was only one female federal minister under a Liberal government. Do you know what really cuts to the bone? I suspect what would really upset someone like Robert Menzies is that the current Prime Minister has the audacity to take on the role of Minister for Women. That is unbelievable. What do we have on the opposition side in this great progressive state of Victoria? We have four Liberal Party women appointed to the shadow ministry. I am glad to see the Victorian

Liberal Party is so progressive that it has doubled the number of women that the federal Liberal Party has.

When Robert Menzies — the creator of the Liberal Party along with notable Liberal women such as Dame Beryl Beaurepaire — spoke about an organisation in which all distinctions had gone and where men and women were working equally for the one body, of course he was speaking of merit. He was speaking of appointments based on merit, not on gender, and based on all distinctions going. Does the Liberal Party really want us to believe there are so few Liberal women in this and the other place because women in its party lack merit, that there are so few women that have the talent, energy and enthusiasm to be Liberal members of Parliament?

There is a wise, ancient Chinese saying that women hold up one half of the sky. This is a beautiful saying, and it is absolutely true, for without them holding up their half the sky would collapse. That is exactly what we see with the modern Liberal Party. We see it collapsing because one half of our community, one half of our society, is not able to hold up the Liberal Party. Sadly, women are missing in action. Why are they missing in action? Because we have a Liberal Party that is not actually that interested in getting more women into Parliament, in cabinet positions, or into roles where they can make decisions.

But we do have Christopher Pyne, that last bastion of progressive liberalism. He is one of only two Abbott cabinet ministers who was present when the marriage equality bill was presented in the national Parliament earlier this week. He, this progressive visionary man from South Australia, the education minister who is so passionate about education that he wants to decimate a university sector, has also expressed concern about the lack of women Liberal Party members of Parliament. He has noted that the number has decreased in some areas. He said the number of women representing the Liberal Party in the Senate, for example, has not increased; in fact it has declined. Under the modern Liberal Party's watch the number of women in the Liberal Party is declining. Mr Pyne has supported the idea of merit in determining who should be Liberal Party candidates for preselection.

Mr Angus — Acting Speaker, I direct your attention to the state of the house.

Quorum formed.

Ms WARD — As I was saying before a quorum was called, Mr Pyne, the last progressive liberal that appears to be left, supported the idea of merit in

determining who should be preselected as a Liberal candidate. However, he has also opened the door for other mechanisms to help get more Liberal women into Parliament. He said:

... if merit isn't achieving the outcome that you want, then other measures need to be looked at to ensure that we are attracting women to Parliament ...

I welcome that because, as is seen in our own party, merit is not always what gets you up. You can have merit, you can be an intelligent, progressive and clever woman, and you can be a great, hardworking woman, but that is not always enough to get you up. So the Labor Party put mechanisms in place to help those women succeed. What do we get over the other side? We get lip-service. We do not have those female bums on seats in this place that we should have. There should be more Liberal Party women in Parliament; there should be more Liberal Party members of merit sitting on that side of the house. The Liberal Party should be doing far more work to get women into this Parliament.

The federal member for Sturt seems to be the lone voice — the lone Pyne — in saying that perhaps merit is not the only answer to helping more women obtain preselection for the Liberal Party. I wonder whether that is why the Victorian Liberals were not able to find the former Minister for Mental Health and Minister for Consumer Affairs, Mary Wooldridge, a spot in Kew, Hawthorn or Bulleen. Did they feel she lacked merit — is that really the case — or was she lacking something else, like the 50 per of women needed to hold up the sky? Was the Liberal Party as disappointed in the former minister as the state of Victoria was, or was it just another example of the Liberal Party's innate gender bias? It is possible that it could be both. It may well be the case that her Liberal Party friends, unlike members on this side of the house, do not know how to create a culture in which women present themselves for preselection; they do not know how to encourage women; they do not know how to draw out the talents and strengths from women in the same way that the Labor Party has managed to do.

It may well be the case that the Liberal Party was reluctant to have the former minister in this place because it believed she did not have the capacity. Maybe they did not want her to extend her power reach and they wanted to limit her. It is possible that they thought, just as many people in our state appeared to think, that she was an inadequate performer, minister and member of the Liberal Party. There are a great many issues with this former minister's performance, or lack thereof.

The former coalition government and the former minister do not have a proud record to stand on. I grieve over that record. It is an absolutely appalling record when you look at how little they spent on children and family services. The former minister, Ms Wooldridge, and the shadow minister, Ms Crozier, have been bleating about the coalition's \$1 billion of spending, but if the truth be told the numbers just do not stack up. Does it surprise anyone on this side of the house that their numbers do not stack up? No, it does not. They have included early childhood spending to inflate their figures, and much of that spending was announced at the 11th hour in an election year, at the last minute, in the former government's last dying roll, its last gasp. It saw its own inaction over four years of government, realised that was going to cost it dearly, and suddenly decided to find a pool of money.

The report of the Commission for Children and Young People into the sexual abuse and exploitation of children in residential care in Victoria was tabled today, and it is a damning indictment of the former government and the former minister, who failed to do all that they could to keep our most vulnerable children safe. Surely this is the role of government: to look after the vulnerable, to keep the vulnerable safe, to invest in our community, to invest in infrastructure and to invest in support services to make sure that this kind of thing does not happen to our children. This is where the previous government and the previous minister failed dismally. This is why I grieve.

I grieve for these children. I grieve for what happened, because it was a travesty. It was a disaster. It was a government in disarray. It did not care. It did not put this community, children or the people of this state first. What did it do?

Mr Pearson interjected.

Ms WARD — As the member for Essendon says, those opposite put themselves first. We see this in the cheap stunts opposition members perform here day after day — cheap, lazy stunts focused on the twee, pithy tweets they can put out about their achievements in this house. They are only interested in the small issues. They are not able to look at the big picture. They are not able to address the real issues of concern to this Parliament. They are not able to talk about the things that really matter to people. When have we heard opposition members talk about jobs, education or health? They do not. They talk about micro issues. They do not want to make things that help people. They do not want to help our communities or our families get ahead. The previous government failed to help our vulnerable children get ahead. It neglected them.

The terrible truth about the former minister is that she failed to spend the millions allocated to vulnerable children and families in the 2013–14 state budget. Instead that money was stashed away for a bad news day, and now we learn that every day the coalition was in power was a bad news day. Every single day it let down the people of this state. This is what we grieve for. We grieve for the four years of bad news days during which the government neglected to do the work this state needed and give our children the investment they needed. Now we have four years of inactivity, lack of investment and absolute laziness to catch up on.

Honourable members interjecting.

Ms WARD — The member for Essendon and the member for Sunbury are right: we are indeed getting on with it. We are investing. We are putting things in place to help vulnerable children, appointing 110 extra workers to make sure they do not fall through the gaps, as the coalition allowed to happen. The previous government could not get its house in order and did not do its housekeeping, unlike — —

The ACTING SPEAKER (Ms Ryall) — Order! The member will use parliamentary language consistent with requirements.

Mr Nardella — She said 'house', not the other one.

The ACTING SPEAKER (Ms Ryall) — Order! I thank the member for Melton for that clarification. That is not the way I heard it.

Small and medium enterprises

Mr SOUTHWICK (Caulfield) — I rise to grieve for Victoria's small and medium enterprises and the hundreds of thousands of people they employ, who are suffering tough times due to the recklessness of the Andrews Labor government, which has demonstrated a sheer lack of vision and leadership. Small business contributes greatly to the health and wellbeing of the Victorian economy and provides a significant number of jobs, goods and services. The number of new businesses has grown every year since 2001, and more than 47 per cent of people employed in Victoria's private sector work in small business. Small businesses account for 96 per cent of all Victorian businesses, according to the Australian Bureau of Statistics, and more than 28 per cent of small businesses in Victoria are regionally based. Small business is the backbone of our economy.

Labor went to the election with a plan to create 100 000 jobs. I will say up front that the one thing this government did well in opposition was that it was

unified. It had the now Premier, a member of the Socialist Left, in this house, and it had Gavin Jennings, a member for South Eastern Metropolitan Region, also a member of the Socialist Left, in the upper house, both keeping the team in order. It was a tight team, it worked hard and, all credit to the government, it won the election.

In the last eight months, however, we have had a shambolic government. The only thing it has done in terms of small business and innovation has been to sack the former Minister for Small Business, Innovation and Trade, Adem Somyurek. We have seen the government, true to Labor form, revert to factionalism. It was great in opposition — it was unified — but the factions have taken over and Labor is destroying itself in government.

I have had the opportunity to use Google — as the former Minister for Small Business, Innovation and Trade suggested we do — to have a look at factions and what they might mean. According to *Dictionary.com*, a faction is:

a group or clique within a larger group, party, government, organisation ...

'Faction' is also defined as:

party strife and intrigue; dissension ...

The example provided for the use of the word faction is: 'an era of faction and treason'. I note the word 'treason'. As the *Wikipedia* entry for 'political faction' puts it, paraphrasing James Madison, the fourth President of the United States:

In plain English this is a group that pursues self-interest at the expense of the greater good.

If there were ever a good way to describe the Victorian Labor Party, it is as a group that 'pursues self-interest at the expense of the greater good'. Under the heading 'Effects of factions', the *Wikipedia* entry states:

The existence of a factional system can have serious negative consequences for a political organisation. If factional strife becomes intensive and public, the organisation may suffer from perceptions of disunity. Taken one step further, if the conflict is particularly severe, it may cause ruptures within the organisation that seriously impede its effectiveness, leading to break up or collapse of the organisation.

Does this describe anyone — anyone at all, I ask? I would suggest that it describes the current Labor government. The Andrews government has seen a whole lot of factional plays. Six members have moved on from the Shop, Distributive and Allied Employees Association (SDA) to Centre Unity, leaving behind, quite ironically, three members — a smaller number

than the representation of Greens in this Parliament — including the Deputy Premier.

I suggest that it would be quite interesting to look at the state of affairs in terms of the small business portfolio, which has led to the sacking of a minister. One of the members who left the SDA to go to Centre Unity was the former Minister for Small Business, Innovation and Trade, a member for South Eastern Metropolitan Region in the Council, Adem Somyurek. So there were six members deserting SDA and moving across to Centre Unity, which has led to factional splits, and we have only to look at the way the current government is acting to see that this factional division is really taking over in the Labor Party. We even had the member for Yuroke, the Government Whip, send out a tweet to say, 'Ensure you keep smiles on your dials. Please be enthusiastic in support of our ministers' and a second tweet which followed, 'More enthusiasm please', because what we have been seeing is a government that is not interested. It has lost the plot and it is split into factions.

I hear the government saying, 'Let us get to small business' — —

Mr Nardella interjected.

Mr SOUTHWICK — I will get to small business because while the government has been dividing —

Mr Nardella interjected.

The ACTING SPEAKER (Ms Ryall) — Order! The member for Melton!

Mr SOUTHWICK — it has not had a minister — there was a minister missing in action — but it launched the Small Business Festival Victoria, which was the key festival for the year. A small business festival was launched without a minister — the minister was missing in action — and now we have a whole range of activities. There is Start-up Victoria — —

Honourable members interjecting.

Mr SOUTHWICK — I will be getting onto business right now — and innovation. Start-up Victoria was part of the government's \$500 million innovation policy, including \$60 million for Start-up Victoria. During the Public Accounts and Estimates Committee hearings, the former minister suggested that start-up 'is a pretty nebulous concept so at the moment we are trying to scope exactly what would be the final sort of objectives ... and when we land on those we will have more to say'. So there was no idea about what it was.

Just pursuing this, the government has launched a future industry grant program with \$200 million, and again it was part of an election commitment. It is a great program in terms of the idea, but there is absolutely nothing when it comes to its implementation. If members go to the website — and we are eight months into this government — it basically says that the government is still looking into it. It is doing an inquiry, but if you would like to post your ideas on what this fund might do, if you have any ideas at all, then post them on the website. But here is the kicker: the website is asking visitors to the site to rate the idea and from that the government will come up with some form of policy on future industries. This is a government that has no idea about future industries and it is absolutely lost when it comes to future ideas.

We heard the member for Benambra speak earlier about innovation and patents. He said he has constituents in his electorate who are crying out to talk to somebody, but no-one will talk to them, because this government is lost in action. The Circa Group was given a \$150 000 technology voucher, and when I visited the group it said that the key thing that got its business going was the \$150 000 voucher. It enabled them to get machinery and get their business going. Do members know where it is heading off to now? Tasmania. The Circa Group is going to Tasmania to take it to the second stage because it has knocked on the doors of government but no-one was listening. It has knocked on the doors of government but the government is asleep at the wheel. That is another example of how it is asleep at the wheel.

Mr Watt interjected.

The SPEAKER — Order! The member for Burwood!

Mr SOUTHWICK — As if that is not enough, there is a key organisation that has found ways of reducing emissions. It is working with RMIT as a partner. The principal knocked on the door of government in the last eight months and he said, ‘I have got a great idea, come and talk to me’ and again, guess what? Missing in action. There was no-one there; there was no minister there and the department did not know what to do because no-one was directing the department. Guess what? That person has now gone to the United States and he has \$400 million-plus to commercialise his idea.

When we talk about commercialisation, this government is absolutely missing in action. Do members know what? The only thing we have heard from the government, apart from sacking a Minister for

Small Business, Innovation and Trade, is, ‘We will create a grand final parade holiday, which will cost billions of dollars, but do not worry about that’ and the current minister, who has been there for 5 minutes, said, ‘Do not worry that it might cost dough, it does not matter because people can decide for themselves whether they should open or not’. The fact remains that the government is saying it is not in the habit of imposing trader restrictions on business, it is not in the habit of telling business what it should do, this is a matter for business, and businesses can determine it for themselves.

Let us see what that means. It means that 80 per cent of businesses have said they will not bother opening the doors and 158 000 businesses and companies will be closed for the day, and the 31 000 that will stay open will cut staff and opening hours. That is said to cost billions of dollars because this government is too busy with factional warfare, it is too busy with factional fighting and it has no interest in supporting industry and no interest in supporting jobs. The only jobs the government cares about are its own — the white cars its members are driving around in, the food straight on their plates. They are digging in well, and they have even brought back the lunch break for Parliament. The government could not last 5 minutes without a meal break, and it brought it back. That is the government’s big idea.

Let us continue, shall we, because we have another big idea from this government. When everything is going wrong and you have no business policy happening, when there is factional fighting within government members, what is the best thing the government can do? It can rebrand. Yes, that is the best idea. So it says, ‘We are going to create a logo that is going to cost us \$20 million, which will say: Victoria, the best of everything’. Do not worry if the government has not created a job. Do not worry if, as of July, 14 400 jobs have been lost in regional Victoria. Do not worry that the latest unemployment figures are up from 6.0 per cent to 6.4 per cent.

This Labor government is on a mission. It is on a mission to increase the unemployment figures. That is what its mission is — to destroy jobs. I ask members to recall the beginning of my contribution. The government has a jobs plan for 100 000 jobs, yet here we are burning up jobs as quickly as possible. Where are these 100 000 jobs going to come from? I will give government members a big tip: they are not going to come as a result of the government creating a new logo. An advertising company might get a bit of dough, but those jobs will not come from the government creating a big logo — ‘Victoria — best of everything’.

Victoria, under this government, is unfortunately — it pains me to say it — closed for business. The only sign businesses will hang on their door is one saying, ‘We are shutting up shop, thanks to Daniel Andrews’. He is destroying business, and he is destroying jobs. The Premier is on a mission to destroy jobs, and that is what he is doing. The opposition talks about branch meetings. Government members have been playing factional games. They should be focusing on their seats rather than on those factional meetings.

This government is running things like a dog’s breakfast. There is no funding for its big idea about level crossing removals. There is the 24-hour public transport idea that was undercosted by \$34 million. The government is trying to do a dodgy deal on the port of Melbourne. Let us talk about small business in relation to that, because when you sign up a monopoly for 70 years on a particular port and you have businesses that are relying on transport, who is going to benefit? Who will wear the cost for that? It is the small businesses that are going to be wearing it — small businesses and ultimately the people who buy the goods, the consumers.

This government is an absolute mess. Government backbenchers can smile and have a big laugh, but those backbenchers had better enjoy these next few years because they will not be there much longer. They can take it all for granted, but I say to the members for Frankston, Mordialloc and Bentleigh, as their leader has said, ‘If there were a fourth row, you would be in it’. That is probably the only thing the Premier has said that is right.

Liberal Party performance

Mr CARROLL (Niddrie) — I have to say that it is a pleasure to follow the visiting professor. What a lecture that was! That was up there with the golden ones.

In the 6 minutes I have, I want to provide members with a short history. If we go back to 2012, what happened? A former Deputy Premier, Rob Hulls, resigned. He had a margin of 6.9 per cent. What did then Premier Baillieu do? He squibbed it. I have all the articles here that talk about the Niddrie by-election. The *Age* editorial of 2 February 2012 was headed ‘Don’t bypass democracy, Premier’. Members of his own backbench said it was an ‘act of ... cowardice’. An *Age* headline of 8 February 2012 read, in part ‘Baillieu scuttles plan to contest Niddrie by-election’. Even *Crikey*, a national political website, got in on the act, saying, ‘Liberals wimp out on another by-election’.

I have been going through all my copies of the *Law Institute Journal*. One has the current Attorney-General on the cover. He is a very good looking fellow. I went through one issue; the state election was coming up at the time, and one quote in it really frightened me in relation to the prospects for where we would be right now if the coalition had been re-elected. It is a quote from the member for Box Hill, the previous Attorney-General, who said:

If re-elected for a second term, the coalition government will continue with reforms to improve the law and better support Victoria’s legal system, building on all we have been able to achieve in our first term.

It is scary to think about where we would be if the people of Victoria had returned that government.

I turn to an *Age* editorial of 9 May 2015 headed ‘Why our crowded jails have revolving doors’. This is very important, because we had a former minister watching question time today.

An honourable member — The culprit?

Mr CARROLL — Yes. He was the focus of this *Age* editorial, which states:

When politicians are banished from the government benches to opposition, they tend to spend some time sulking and bemoaning their fate.

...

At the state level, it appears there is still a long way to go before the deep thinking begins inside the coalition. That much is apparent —

and I underline this —

from the half-witted comment uttered this week by the coalition’s spokesman on corrections matters, Edward O’Donohue, in relation to prisoner recidivism rates.

...

What did Mr O’Donohue have to say about the recidivism rates? He suggested the real issue was ‘whether [Premier] Daniel Andrews wants to go soft on crime and wants to back the welfare of criminals instead of safety in our community’. Welfare? So that’s what Mr O’Donohue thinks of rehabilitation strategies ...

He calls it welfare. That is an incredible act of stupidity.

The member for Box Hill talked about a minister being sacked. This is from a party that sacked a Premier and a Treasurer in its first term. Then what happened? The public sacked them all. It was the first time in 60 years.

I regularly look at the website of the member for Box Hill. It is fascinating. I encourage every member to get on the website of the member for Box Hill, including

the member for Burwood. It is rich in content. There is not one photo of the opposition leader on the website, mind you. If members can find such a photo, they should let me know. What I like about the member for Box Hill is that he is a man who likes his research. On his website the member for Box Hill reviews Joel Deane's book, *Catch and Kill — The Politics of Power*, which is about the Bracks and Brumby governments. In this review the member for Box Hill aims to teach those on his side a few lessons about how to run an effective government. On 30 July the member said the following in a post on his website:

You have to be thankful when your opponents publish a 'how clever we were' book that spills their insider secrets.

We do need to know some insider secrets. The post goes on:

Last Saturday's *Age* carried a fascinating review of just such a recent book, by former Premier Steve Bracks's speechwriter, Joel Deane.

Deane tells the world how he helped the so-called 'Golden Team' of Bracks, Brumby, Hulls and Thwaites defeat the Kennett government ... and bring Labor to power.

The member for Box Hill says it might be 'painful reading for Liberals, but insightful'. All members should get a copy of Joel Deane's book on how to run an effective government. It is very important.

The member for Caulfield talked about the government's jobs plan. If members recall, we did have a jobs plan, and in fact we got a copy of the coalition's job plan before the public did because it was leaked. The member for Malvern is in the chamber, and he unnecessarily bore the brunt of that leak. An article in the *Herald Sun* of 8 October 2014 by James Campbell states:

Senior ministers fear the state opposition may be aware of large parts of their planned election policies.

The scale of a potentially disastrous security leak has dawned after the successful launch of Labor's jobs blueprint 24 hours before a government jobs announcement.

...

That decision has been blamed on Treasurer Michael O'Brien.

Why would they blame the former Treasurer? It was very unfair of the coalition to have a go at a man who was the head of the former government's expenditure review committee and then blame him for the release of its jobs plan. That is just appalling.

The article goes on to state:

But a senior Liberal said the potential exposure had left the government flabbergasted. 'It's a complete disaster', the Liberal said.

'Giving your policies to the bureaucracy? What kind of madness is that?'

Several government sources confirmed that policies had been submitted through the —

expenditure review committee.

However, they still did not know who the mole was.

One of the great benefits for me of the previous Parliament was being on the Law Reform, Drugs and Crime Prevention Committee and being involved in its inquiry into the drug ice. The Premier led that from opposition to government, and he has released an *Ice Action Plan*. The committee handed down a groundbreaking report, but what did the former Premier do when he received it?

Mr Nardella — Which one? Which Premier was it at the time?

Mr CARROLL — It was Premier Napthine. His big announcement on the release of this groundbreaking report was that we would have 11 new sniffer dogs. I think the member for Caulfield sank in his chair when the Premier got up to respond to a Dorothy Dixier to say that, because the member for Caulfield was on the Law Reform, Drugs and Crime Prevention Committee. He could not believe that sniffer dogs was the way to go.

Members opposite should get onto Joel Deane's book and see what it has to say about tackling some of these issues.

According to *Hansard* of 4 September 2014, Dr Napthine said:

The coalition is genuinely committed to reducing the supply of ice and to smashing drug manufacturers ... That is why we have funded an extra 11 sniffer dogs ...

There were also to be 8 extra dogs in rural and regional Victoria. Good luck!

Members opposite should get Joel Deane's book and get a copy of the Premier's *Ice Action Plan*. This government is getting on with the job. It is delivering, delivering, delivering.

Mr Watt — On a point of order, Acting Speaker, I ask that the Chair reflect on the debate from 1 hour and 45 minutes ago and what has just happened in the chamber with regard to his own actions.

The ACTING SPEAKER (Mr McGuire) — Order! There is no point of order.

Question agreed to.

MINISTERIAL STATEMENT

Local government

Debate resumed.

Mr RICHARDSON (Mordialloc) — Prior to the break and the lively grievance debate, we were reflecting on some of the key elements of reforms that have been put forward under the local government reform agenda. I was reflecting on the resourcing challenges that councils face. In a resource-starved environment where costs of governing are continuing to rise and revenue streams are diminishing across all levels of government, we need to be more efficient and effective in the way we fund our infrastructure priorities. Local government as a level of democracy is not immune from this heightened level of scrutiny, and we should welcome the opportunity to review.

The Victorian government has recently undertaken this work and legislation has been passed to establish Infrastructure Victoria, which provides greater scrutiny for leading infrastructure priorities. It is noteworthy that in this 58th Parliament the concept has bipartisan support in this house. This is a strong step towards removing short-term politicking over major infrastructure projects. In this post-amalgamation stage — after the 1990s — the key element of those reforms is that we now have 79 municipalities. We have 31 metropolitan councils and 48 regional councils, including 10 regional cities. Population fluctuates between these municipalities, with a great range of constituent numbers going from 3000 all the way through to 280 000. That is particularly so in the growth corridor interface council of the City of Casey, which faces a number of challenges. There are population challenges on the horizon.

By the middle of the century we will be a state of 10 million people and there will be 2.2 million people in our regional cities. We need to look at how we can better service their needs as we head towards that situation. The local government reform agenda has three key elements. The first is the review and implementation of rate capping, or a Fair Go rates system, which provides greater scrutiny and a greater level of accountability. It also provides integrity strengthening measures, particularly under the review of the Local Government Act 1989, which is a comprehensive root-and-branch review that we need to undertake across resourcing, governance and the actions of councillors to greater strengthen the integrity of the system. It further provides a modern and more productive relationship between the funding of the state government and councils, and deals with how we can

better collaborate to achieve these outcomes in a resource-starved setting.

Rate capping is a key element that I want to touch on, and we need to acknowledge the challenges councils face in that regard, particularly those in the growth areas and the interface councils, such as the cities of Casey, Wyndham and Whittlesea. They will grow significantly. Together our interface councils will accommodate 46 per cent of the state's population growth by 2031. In particular Casey City Council, in the outer south-east, grows at an average of 7300 people a year and 90 extra families are moving into this region each week. The establishment in this budget year of the Interface Growth Fund is the beginning of our trying to address those resourcing challenges to better support funding outcomes for those communities. We also need to consider the needs of infill growth councils. Kingston City Council is also growing and will grow by 20 per cent over the coming 10 to 15 years. It is trying to manage those challenges along with its infrastructure challenges. This is a very significant challenge.

When it comes to rural councils there is a contrast between their budgets and the budgets of metropolitan councils. Rural council budgets average around \$55 million and metropolitan council budgets average around \$170 million. The metropolitan councils have a greater ability to draw on economies of scale and pitch for funding, and we need to do what we can to support our regional and rural councils to allow them to apply for funding and projects to better support their communities.

If we consider a snapshot of rates in the city of Kingston, we realise that at their peak in 2010–11 rates went up by 8 per cent. That is a significant increase, and the average over the past few years has been around 5.5 per cent. The Labor government announced a policy of capping rates to address this very challenge and create greater accountability. It brings in auditing: the need for a higher level of scrutiny similar to that which has existed in New South Wales for well over a decade. This provides greater accountability, because once we get a rate decision it is very difficult for the members of the community to engage and to understand where rates are going.

A key element of this and a key reason for considering rate capping is the fact that the minimum wage increase for the last year was 2.5 per cent. We have a contrast between rate increases at their height going up by 8 per cent and the minimum wage going up by 2.5 per cent. This disproportionately affects people in our areas who are doing it tough and trying to make ends meet. We

need to address that and say, 'Is this the most efficient use of funding?'. Examples have been put forward across the board about the prevalence of council waste, so how do we get a better system in place while also responding to those growth challenges? If we have incomes going up by 2.5 per cent and rates rising by 8 per cent, there clearly needs to be a consideration of that balance. I am very sympathetic to the notion put forward by local municipalities about the incompatibility of the use of the consumer price index for councils in the rate assessment. That is something that has been raised by my local councils in discussions about this policy, but the disparity between the minimum rate rise and rate increases cannot be ignored.

Because of the importance and significance of this reform the Essential Services Commission (ESC) has been charged with running an open and engaging consultation process on this framework to get it right. It has the necessary skills and expertise. It has led regulation reviews of the water and electricity markets and is the best agency to provide this support and assistance. I note that the commission has provided a draft report on rate-capping policy that is currently out for community consultation. That engagement work and ongoing conversation continues.

Another thing I want to touch on briefly in my concluding remarks is an issue that crosses municipalities — that is, constitutional recognition of local government. In March 2013 the commonwealth Parliament undertook investigation work through its Joint Select Committee on Constitutional Recognition of Local Government. I note that local government is acknowledged in the Victorian constitution.

Funding concerns have been raised in the ESC review about whether the federal government can directly fund councils, but there is also broad acknowledgement of the important role local government plays in that sector. We must remember that councils manage \$73 billion in assets across our state, and they take in and manage \$8 billion in revenue. While it is not the highest priority of constitutional issues — I think the recognition of Indigenous Australians should be at the forefront — this ESC consultation framework is an important recognition of the fundamental role of local councils, which are the front line of democratic engagement with our community. I welcome this review. The relationship between local government authorities, councils and state government is strong and it needs to continue. This an important review, and I am sure members in this place will agree on the outcome.

Mr HIBBINS (Prahran) — It gives me great pleasure to rise and speak on the ministerial statement

on local government. It is an opportunity to reflect on the critical role that local government plays in our local communities, using my experience as a Stonnington city councillor for two years before my election to Parliament. Along with Cr Erin Davie, I was one of the first Greens councillors elected to represent the City of Stonnington. The Greens are very strong supporters of grassroots democracy and of local government. Our local councillors are a great source of pride for our party and electing them to local councils is very much a priority.

The Prahran electorate is predominantly focused on the Stonnington City Council, but it also covers parts of the city of Port Phillip in the St Kilda and St Kilda East areas, and even a small section of the city of Melbourne in South Yarra and along St Kilda Road. Local councils really have a connection between the local community and government. This level of government gets the least publicity, but quite often it has the greatest impact on people's lives: in our local streets and parks, in vital services like aged care and youth services, and in a whole range of other areas. Councils do much of that heavy lifting when it comes to making our suburbs and communities great places to live in. It is disappointing that councils have come under attack as a result of federal government cuts, as well as this state government's policy of rate capping.

By way of example, in relation to funding cuts from the federal government, over \$100 000 was cut from Stonnington council's adventure playground services, which provided critical services to residents of Prahran's public housing estates, such as the walking school bus and the local breakfast club. These attempts at cost-shifting, as it is called, hurt our communities and our most vulnerable constituents. When I was on council I was proud to be able to secure some temporary funding from the local council to fill the gap created by the federal government. It is certainly now time for both the federal and state governments to step up to the plate. They should stop passing the buck and cost-shifting and fund these vital services not just in the city of Stonnington but also across other areas in the inner city.

Often when we hear about local government, we hear the well-used phrase of roads, rates and rubbish, but, as I am sure everyone in this place knows, local government is so much more than that. There is more to roads than filling in pot holes, and a lot more to waste services than just picking up the bins, so I want to spend some of my time in the house talking about initiatives that I am familiar with from my time at Stonnington. I will give an example of the broad scope of work done by local councils — initiatives and

projects that are under threat because of rate capping. I will use examples from the city of Stonnington because I am very familiar with them.

Mr T. Smith interjected.

Mr HIBBINS — Some of these initiatives came up when I was on council, so the member may not be familiar with them, but there are examples of these initiatives across a range of local councils. The first cab off the rank would be the fantastic Chapel Street master plan. Chapel Street is one of the Prahran electorate's greatest assets, and also one of Melbourne's great assets. Unfortunately it was allowed to become tired looking and unattractive. We are now seeing revitalisation of the entire length of Chapel Street, not just in bluestone paving, but in brand new public open spaces. A key project is the new public plaza at Windsor Square, where underutilised car parking space and underutilised roads are in the process of becoming a magnificent open space with lovely green spaces, new trees and bike parking. It is a fantastic addition to our community.

Down the track these new open spaces are going to be rolled out the length of Chapel Street. It is no longer just going to be a road to drive down or a place to go and shop; it will be a great place to spend time in. We know that when people spend more time in an area, they are going to spend more money, so it is great for local traders.

The next cab off the rank will be the revitalisation of Greville Street, which again will turn underutilised roads into public space. That is fantastic, and I urge all residents and traders to check out those plans.

Just off Chapel Street is the Cato Street car park. If the plans go ahead, there is a multimillion-dollar project to underground that major car park and turn it into open space. It will be a great new civic centre for Prahran. Council is going to have to borrow to fund that major project, but it will transform the face of our local community. It is an example of one of these broad projects that councils undertake, a project that is under threat because of rate capping.

One of Stonnington council's wider plans is to increase open spaces in the area. It has the second least amount of open space of all the municipalities. The plan is not without controversy, but Stonnington council is pursuing an open space strategy to increase open space by buying up land for big parks, small parks and pocket parks. It all forms part of that fantastic network, and it will be great for the livability of all residents, whether

they live in the high-rise towers at the Horace Petty estate or in the Forrest Hill area of South Yarra.

Councils undertake many initiatives. They advocate to the state government, standing up for what local communities need, particularly around public transport. I could not go on without mentioning the Port Phillip City Council's advocacy in the area of marriage equality. Councils also work in strategic planning and get local planning laws right which, unfortunately, too often get overridden by state governments, and we have seen that happen in the Forrest Hill area of South Yarra.

I list these projects because capping rates will put them all at risk. Council budgets are far more transparent than those of state and federal governments. Councils cannot plan long term for major projects and initiatives when they have to submit their budget for annual review if they are seeking a rate rise above the consumer price index. Council budgets go out for community consultation before they are adopted, but residents can make comments on spending initiatives or even rate rises — something that does not happen at a state or federal level.

The Greens have stood firm in opposing rate capping. It is unfortunate that the coalition has not done the same thing. I was pleased to read a quote from the shadow Minister for Local Government, David Davis, a member for Southern Metropolitan Region in the Council. He was quoted as saying:

Labor cannot simultaneously cap councils' rates and cut councils' revenue without adversely impacting on local jobs, services, infrastructure and communities.

I could not have said it better. Unfortunately, not much later the same person was quoted as saying:

Labor's dithering and the minister's incompetence in delaying the introduction of the policy have allowed increases —

by councils —

way above the CPI.

Unfortunately the coalition is on one day crying crocodile tears for local councils about the effects of rate capping and the very next day is encouraging them to cut further and sooner. This is unfortunate, and I urge the coalition to stand firm against rate capping. I was hoping the contributions here today would elucidate a firmer position, but they have not. I also urge the government to abandon this policy, which will affect our local communities and affect councils' ability to do their jobs and the long-term planning for delivery of not only the vital services people need but those big

projects that keep our communities livable in the present and will keep them livable into the future.

Mr PEARSON (Essendon) — I am delighted to join this discussion about local government. The Andrews Labor government is seeking to bring forward a raft of reforms and changes in this really important sector. It is important that we have a degree of transparency in the way in which local government operates. That is what we are trying to ensure happens in the sector with rate capping.

As previous speakers in the debate have said, rates constitute the second largest bill a household receives. I am not quite sure what the member for Prahran was doing during the election campaign last year, but in the 8000-odd phone calls I made in the seat of Essendon, rates were a consistent issue that people raised and were concerned about. When I became the endorsed candidate for the Labor Party for the seat of Essendon I tried to get a sense as to what the rate of mortgage repayments was like in my electorate. In the southern part of the electorate around, say, Ascot Vale, where there is a very large public housing estate, a lot of people rent, and the houses are cheaper. Ascot Vale and Flemington tended to have very low levels of mortgage repayments. Once you cross into Moonee Ponds and work your way into Essendon, however, you see incredibly high mortgage rates.

In June of last year Fitch Ratings produced a report about delinquent mortgages. What it found was that the postcode 3040, which includes Aberfeldie, Essendon and Essendon West, had one of the highest mortgage delinquency rates in the country. This is an example of where you find that people might be working very good jobs, they may send their children to very good schools and they may live in a large house in a nice part of Melbourne, but there is significant mortgage stress. They have taken on far too much debt, and they are under enormous amounts of stress.

If I look at the Moody's Investors report from November of last year, I see that the 30-plus day mortgage delinquency rate in Flemington was 0.24 per cent, in Ascot Vale it was 0.97 per cent and in Aberfeldie, Essendon and Essendon West it was 1.8 per cent. Nothing has improved in that time; that was November 2014. The National Australia Bank has produced a report on the highest risk postcodes for defaults in Victoria which names seven postcodes, and 3040 — Aberfeldie, Essendon and Essendon West — was one of the seven.

Rate capping, then, is important, because it provides a degree of transparency in terms of what local

government is doing. We are also trying to make sure that local governments behave responsibly and that they are transparent in what they are proposing in terms of their expenditure. We are demonstrating to people in less wealthy suburbs than Essendon, such as Broadmeadows, that we are taking this matter very seriously, and we are trying to make sure that councils such as Hume City Council do not gouge the rate base. Equally rate capping is important in an area such as Moonee Valley, where you have a high level of mortgage stress. We are making sure that people do not have stress upon stress piled upon them.

Interestingly and as a side issue, I met recently with Foodbank Victoria. Foodbank Victoria last year produced 14 million meals in Victoria. One in 10 Victorians cannot feed themselves. It used to be the homeless, single parents and the unemployed, but Dave McNamara, who is a very good CEO, indicated to me recently that the organisation is seeing a fourth group now, which is working families. What happens is that the parents will let the kids go without one meal, and the parents will usually go without two meals, but when it looks like a child is going to have to skip breakfast and lunch or the parents have to go without eating for a day, that is when these families put their hand up and seek assistance. That is why they turn to Foodbank Victoria.

The reality is that despite economic growth, despite the expansion in the economy, despite our place in the Asian century and despite the wealth we have accrued as a society through consistent economic growth since 1992–93, we live in a gilded society. It is hollowed out, and there are levels of disadvantage. Compelling service providers to be more transparent in the way they price their goods and services, their offerings to a community, I therefore think is important. This is an important initiative of this government and one I am very proud to be associated with.

It is also important to consider, when you look at some of the changes the government is bringing to bear, looking at investing in diversity in local government. In my case I am extremely blessed to have a large and diverse Horn of Africa community in my electorate. The Somalis would be the largest community, but the Oromo community, which hails originally from Ethiopia, is quite significant, as are the communities from Yemen and Eritrea. There are also a few people from South Sudan who call the seat of Essendon their home. It is wonderful to have that beautiful mosaic in my community, to have that beautiful richness of diversity combining to give Essendon the feeling of an old country town. There is a sense that it is a place where families can live for generations, with these

wonderful waves of migration that have progressively occurred over decades and with so many people from the Horn of Africa now living in the community.

Let us look at what the government is trying to do in terms of diversity in local government. I want to see people from these communities put up their hands and say, 'I want to run. I want to have a seat at the table. I want to have control over the way in which local government is administered in my municipality, and I want to find ways in which local government can tangibly improve the quality of life for the people of my community, particularly on the public housing estates'.

That is a very good thing, but you cannot just say, 'We'll let the market dictate it. People will get there on their own merit. If a Somali cabdriver is good enough and has the wherewithal, I am sure that if he or she throws their hat in the ring, they will get elected in their own right'. The reality is that we are not all equal. We are not all on the starting blocks at the same point in our lives. It is vitally important to have proactive and constructive policies to make sure that disadvantaged community groups, the newly arrived, have the opportunity to participate in democracy.

I have not served as a councillor but I know that many members have, including the member for Yuroke, the Minister for Planning and the Deputy Premier. They have served in local government. It is often a very good stepping stone to getting into state or federal Parliament. It is important we try to find ways to encourage that diversity to come through.

In relation to diversity, the government is to be congratulated for committing \$50 000 to the Go Women LG 2016 project, which will increase female candidates across the state. Yesterday I was fortunate enough to speak to a group of about 20 grade 6 girls from Lowther Hall, which is a school in my electorate. It is a quite privileged and wealthy school. The girls were initially pretty reserved when I started speaking to them, but I said, 'I'm really proud to be a member of a government where 46 per cent of our caucus is female, and I'm really proud to belong to a party that's made a commitment that 50 per cent of our members of Parliament will be female'. The girls' faces lit up straightaway and they started to get quite animated and excited. The questions started coming, and they asked, 'When do you think you'll get 50 per cent of women in Parliament?'. I said, 'On our side, we are probably a couple of terms away, but we are on our way'.

Ms Ward — We are indeed!

Mr PEARSON — We are indeed. I said to them, 'It's really important that you're here and you're experiencing this for yourself. You should think about coming here and making a contribution'. The Parliament should replicate and represent the broader community. We are deficient as an institution if we say, 'Women comprise 50 or 51 per cent of the population but they should constitute a significant minority in this place'.

These sorts of initiatives are important to try to encourage and promote gender equality and ethnic diversity in local government. We are a very good government, and we are trying to ensure that we will have that level of diversity coming through in the council elections next year.

We have a lot to be proud of and we are getting on with it. The minister is to be congratulated for pursuing a raft of reforms in this area. I am delighted to be a member of this government with its commitment to local government.

Mr MORRIS (Mornington) — I am pleased to respond to this ministerial statement, although I must say the content of the statement is little better than the manner in which the motion was proposed in the first place. It is inept and it is incompetent. It is extremely consistent with the manner in which notice of it was given.

Perhaps what is worse than the manner of its introduction is the absence of content and new substance in the statement itself. Yes, there is plenty of substance, but in each and every case that substance arises from initiatives of the former coalition government. None of the issues of substance come from the present government.

What is in the statement? The first page and a half is largely comprised of introductory remarks and lightweight commentary, including the startling revelation that councils provide a vehicle for local democracy. That may be a revelation to the Australian Labor Party but it is certainly no revelation to the members of the coalition. It is not news to us at all because we are strong supporters of genuine local democracy — not guided democracy but genuine local democracy.

We are supporters of one vote, one value, not a designer system or one that gives special rights to representatives of particular interest groups. We support one vote, one value and a universal franchise. That is what we on this side of the house believe to be genuine local democracy, and if the government seeks to move

away from that framework and turn what is a genuine local democracy into a vehicle to promote their own narrow political interests, they will certainly feel the wrath of the electorate at the next election.

It is a five and a half page statement and two pages in we get to the first issue of substance, which relates to integrity and good governance. Again there is not much of substance. There is an entire page devoted to the subject, but what is the content? You would think a page would be sufficient space to outline the government's thinking when it comes to legislative reform that has been talked about for a while. Of course I appreciate it is not space enough to outlay the whole plan, but at least it could set out the bare bones and give some guidance on the issues to be discussed or what might be in a discussion paper. Instead the sum total of information we get is that at some point there will be a discussion paper — that is what the entire page tells us — and a year later, if we are lucky, we will get a directions paper.

You would think that a ministerial statement would be the appropriate and obvious vehicle to inform the house of the government's thinking, but unfortunately in this regard the statement tells us nothing. Everything we know today, we knew yesterday. It adds absolutely no additional information on this subject in any way at all, and it took a full page to say nothing.

Turning to the section on capacity and performance, the report talks about the mandatory performance reporting framework — and yes, we will be the first jurisdiction in Australia to have that. The statement talks about the introduction of a website to make sure that the information reported will be freely available, and that is certainly true too. The statement talks about allowing Victorians to see how their council performs compared with other similar councils — not necessarily their neighbours but other similar councils — and certainly that is true as well.

What is also true is that this government had absolutely nothing to do with developing the performance reporting framework at all. This government had nothing to do with developing the concept of mandatory reporting, nothing to do with developing the regulations that implement the performance reporting framework, nothing to do with developing the website, which this statement trumpets as a government initiative. In fact this government had nothing to do with any of those initiatives. And how do I know? I know because I had carriage of the whole process in government; developing this whole process with two successive ministers for local government. To all

intentions and purposes this process was completed by October last year.

Indeed it seems to me that the minister must have a short memory, because she was a member of the house when the enabling legislation for this process was considered. In fact if we refer to the *Hansard* of the time, we find that the then opposition spokesman on local government, the member for Richmond and current Minister for Planning, referred to the bill and to the substantial body of work that had been done to develop the frameworks and the criteria for performance reporting, providing for accountability by local government. He also referred to my own experience. Clearly this has nothing to do with the current government in that sense. Every scrap of work in the development of that framework was done by the coalition, and it has now been rebadged and claimed by this government. It is not a new initiative. It is Labor, in the absence of any genuine initiatives of its own, simply claiming the work of the coalition.

I turn now to public libraries, another initiative which apparently this government is going to seek to claim as its own. I was interested to see that the ministerial statement refers to DVDs and books. Apparently the Minister for Local Government does not realise that there has been a revolution in public libraries across the face of the globe over the past decade. That revolution is called ebooks. There is not a mention of ebooks in the statement. The business of public libraries is changing, and it is changing on a daily basis, but we do not need a new review of Victorian public libraries. Again how do I know that? I know because I conducted one, which was completed 18 months ago. In fact it involved not only the member for Mildura and I but also the then member for Macedon, Joanne Duncan, who was the deputy chair of the inquiry and who, I must say, did a fantastic job in the process. The membership also included a number of local government councillors, professional librarians, local government administrators and representatives from Local Government Victoria as well.

The review was conducted over two stages. The intention was simply to see libraries continue to grow and prosper into the future. The report that came out provided a pathway to the future. It had terrific input. As I mentioned, we had two tranches of consultation. We met with 51 councils and held 12 public consultation sessions in the first stage, involving more than 400 people. In the second stage I met with every library service in the state, and Ms Duncan met with most of them with me. We received 3300 public submissions and created a report that was universally supported by the reference group. To say that the

government is now going to start reviewing public libraries again certainly would be a gross waste of public money to say the least.

I turn to the issue of funding, on which the government is silent. I think the member for Prahran alluded to the fact that over the term of the coalition government we increased funding to local government by 54 per cent, and the range of programs there is well known. Unfortunately in this budget local government funding was cut by the Andrews government by \$88.47 million. Yes, there was some \$50 million thrown at the 10 interface councils, but the other 69 had their funding cut by \$88.47 million. They simply cannot continue to provide the services they do without that very necessary support, particularly the smaller rural councils.

Finally, given the limited time available to me, I will refer to the Labor promise of 5 May 2014:

Victorian Labor will force councils to cap their rates at the consumer price index ...

The CPI this year is 1.1 per cent. What do we see? We see 24 councils raising their rates by more than 5 per cent and an average rate increase of 3.8 per cent — three and a half times the CPI. Yet the promise was very clear: Labor would cap rates. They did not need to have an inquiry. They did not need to do an investigation. They could simply have used part 8A of the Local Government Act 1989 — existing legislation — which states ‘Minister may limit income from rates and charges’. The definitions are there; the capacity to give directions is there and is quite clear; as is the requirement for councils to comply. The claim that Labor would cap rates is simply a hoax. It appears to me that the ministerial statement is unfortunately a similarly contrived document. The only substance in it outlines coalition programs — coalition work. There are no new initiatives from this government.

Ms GRALEY (Narre Warren South) — It is always a pleasure to follow the member for Mornington.

Mr Morris — Good local member!

Ms GRALEY — Good local member! Very good. We do share a passion for a certain part of Victoria. Indeed, we have both represented that area at a local government level. I would like to put on the record as a former councillor and a mayor that I have great pleasure in speaking on this bill. Unlike the member for Prahran, I was actually on the council for a decent period of time, so I do know quite a bit about this and continue to take an interest in council affairs. I would like to put on the record that it was truly one of the great experiences of my life being the mayor of the

Shire of Mornington Peninsula, because representing your local area and getting things done in a quick and responsive way is a great thing to be involved in.

It seems to me that local government has a really critical role to play because — as other members have said — it is the level of government closest to the people and it can often be, because of that, the most responsive and accountable level of government. That is the case if it is working as it should, if it is working well, if it has the interests of the ratepayers at the forefront of its thinking and if it has a strong vision for where it wants to go that is the result of extensive community consultation.

I know that the member for Mornington was involved in some of the consultations I was involved in when creating the community document for the future of the Mornington Peninsula. Some of that is still in place more than 10 years later. If you work with your community and get it right, you can construct a vision, a strategy, for taking that council forward in a very positive way over a period of time. I also know that if a council has its priorities right and focuses on delivering the services and facilities that ratepayers want, not only do ratepayers feel very satisfied with the people they have elected but as elected officials you get a kick out of making sure your local area is looking fantastic and is a thriving, healthy and prosperous community.

Therefore it disappoints me to have seen in recent years that, whilst some local councils are operating quite effectively and responsibly and in an accountable manner, there are a number of local councils that are not meeting community expectations. Frankly, this ministerial statement could not have come soon enough. There are many features in the ministerial statement, but I am going to concentrate on just a few.

It is very important that every level of government deliver good governance, so I am pleased to see — and this was an election commitment of the Andrews Labor government — that we have focused on making sure we have integrity and good governance in delivering for our local communities. Part of this involves a review of the Local Government Act 1989. We have committed to making sure the Local Government Act is modernised, and I note that in her ministerial statement the minister said:

The new act will improve the authority of councils to engage, challenge, innovate and deliver.

That says it all. That is exactly what local councils should be doing.

As I said, I have been disappointed in the actions of some local councils. It is certainly evident when you read the local papers that a lot of ratepayers are not happy and that some councils' activities would not pass what is being talked about lately as the 'pub test'. I draw attention to a council in my area, the City of Casey. Some of the ways in which ratepayers money has been used has been truly despicable. I am talking about the fact that council funds have been used for political campaigning. Council funds have also been used for riding lessons for councillors so they could participate in a community event. I must say that I agree with my parliamentary colleague and the person who shares with me the boundary of the City of Casey, the member for Narre Warren North, who was reported in the *Berwick News* as commenting that:

... residents were under a lot of pressure from a high rate rise and said they would be shocked by the councillors' antics.

He is further quoted as saying:

They need to pull their belts in and [practice] discretion of expenditure like that ... Wacky, wacky, wacky.

I find it hard to believe that any councillor would use council's funds to have riding lessons in this time and age. We are waiting for our gutters to be cleaned, we are waiting for our drains to be fixed up, we are waiting for our roads to be fixed — and they are off having a joyride on a pony.

It is not just about using council funds. There is the ward funds issue. I noticed that the member for Mornington made the point that the coalition did a lot when it was in government. Ha, ha! We were talking about having some legislation around ward funds when the coalition was in government, but it never appeared. I have been waiting for this day because I really wanted to get up and talk about a particular incident that I was made aware of. I heard on a number of occasions about how ward funds were being used. The member for Geelong is in the house, and I know she has some outrageous stories to tell about what happened down her way.

A resident who was going to have a sausage sizzle to raise funds for her community group rang me. She had been told that she could have \$1000 for her sausage sizzle out of the ward funds. I think she felt like she had won Tattsлото getting \$1000 for a sausage sizzle. However, this was on the condition — because this person was running for state office — that a photo was taken that she could put in the paper and in the little leaflets she was putting out in preparation for running for state Parliament. That photo meant it was a very expensive sausage sizzle that was paid for out of ward

funds. It is evident that some guidance and some regulation around that area is definitely needed.

Finally I would like to talk about two other aspects of the ministerial statement. One is the rate-capping proposal that we announced during the election campaign. I have to say that people have been ringing my office and saying, 'Go for it'. They are really wrapped in the idea that we could stop councils from spending money on things they do not agree it should be spent on and that there could be some restrictions on that spending. They are also concerned about the fact that rates had continued to grow.

I will point out for the benefit of the house that in 2011–12 rates in the City of Casey went up over 10 per cent; in 2012–13 they went up 9.2 per cent; and in 2013–14 they went up 9.2 per cent. This is an area where there is a lot of mortgage stress. There are a lot of families wanting to do the best for their kids — making sure they get off to school in their uniforms, go to their camps and do their extracurricular activities — and they are being stung with these outrageous rate increases.

I know that the City of Casey has many things it wants to build and a lot of people for whom they want to provide services, so I am glad that whilst the government is putting in place some restrictions on rate increases it is also saying to the councils in the interface areas that are experiencing enormous growth — 90 families per week are moving into the City of Casey — that we are establishing the Interface Growth Fund.

I know from experience that when the Minister for Local Government and I were on the Outer Suburban/Interface Services Committee in the last Parliament we submitted a minority report saying that the government should establish this fund. At that time the opposition did not support that. That was done in the context of a minority report that the now minister and I put together, saying local councils were crying out for some assistance to make sure that families in the outer suburbs were getting the facilities they needed in a timely and responsive manner.

I am very pleased to see that the Interface Growth Fund has been established by the Andrews Labor government, just as it promised it would do before the election, and that there will be some funding announcements in the not-too-distant future. I know for a fact that when the Minister for Local Government visited my electorate only a couple of months ago the local council was very pleased to have her there and was very supportive of the establishment of the Interface Growth Fund.

I am pleased the minister has made this statement today. There is much more that I could say, but time is running out. I congratulate the minister on her statement. I look forward to local government becoming a much more responsive, accountable and transparent level of government in future.

Mr T. SMITH (Kew) — It is my pleasure to speak on this ministerial statement about local government. There has not been a ministerial statement in this place since February 2011 under the previous government. We have ministers statements interrupting question time regularly, but we have never had the sort of rigmarole we went through this morning when the poor Minister for Local Government had no idea what she was doing. It was actually rather embarrassing for her as she fumbled around trying to find copies of the said statement. She did not have enough copies. She had not presented us with a copy. I mean, this was a minister of the Crown and she made a total fool of herself.

Mr Katos interjected.

Mr T. SMITH — It is too. Well said, Mr Katos.

It was a very underwhelming performance by the member for the Australian Workers Union (AWU), the Minister for Local Government, in the chamber this morning. It was underwhelming. It was sloppy. There was no passion. It was boring, boring and so boring. One would hope these ministerial statements — —

Ms Spence interjected.

Mr T. SMITH — Are you awake over there? Thank you very much for chiming in. I simply make the observation that the Minister for Local Government is not very good and I do not have a huge amount of confidence in her ability to do whatever she is intending to do in local government. Apparently she is going to review the act or some such thing.

Why are rates high across the board? I suppose this is the nub of what the government is trying to achieve here, which is to cap rates. The rates are high because the no. 1 cost in local government is staff costs. Across the sector staff costs account for about 40 per cent of all council costs.

The union that is responsible for representing the vast majority of workers in the local government sector is the Australian Services Union (ASU). The ASU has constantly advocated for wage increases well above CPI over the best part of a decade. I remember that when I was mayor of Stonnington we went through an enterprise bargaining agreement process where the ASU started at almost 5 per cent; it finally got down to

3.5 per cent, which was nearer the rate of inflation. But, frankly, when the CPI is at 1.5 per cent at the moment and yet the ASU is advocating for wage rises well above — double — the rate of CPI, is it any wonder councils have no choice but to increase rates in the extraordinary fashion that some of them have been doing?

But the ASU, which is the health minister's union, if I am correct, is not very happy about this rate-capping policy. It put out a press release on 28 April, saying:

The Australian Services Union and its delegates will gather for a mass meeting as the proposed Andrews government CPI rate cap looms as the biggest threat to local government in decades.

ASU branch secretary Richard Duffy said that rate capping, which will come into effect in the 2016–17 financial year, will cause a crippling affect throughout local government across the state, leading to job losses, weakened economies and a hit to the quality services currently utilised by millions of Victorians.

'We call on Premier Dan Andrews to abandon any policy that seeks to cap rates or limit the revenue available to local government.'

'Councils will not be able to maintain current service levels with a CPI rate cap, so we will be campaigning heavily and lobbying the Andrews government to put an end to a proposal that failed under the Kennett government in the 1990s.'

'The problem is already on our doorstep. Despite rate capping not coming into effect until the 2016–17 financial year, some councils have already commenced restructuring and making jobs redundant.'

'It is disgraceful that some councils have already decided to use the proposal as a platform to make hardworking employees redundant. Other councils are considering contracting out services such as home and community care, which always leads to a drop in the quality currently provided.'

'There is no doubt that rate capping at CPI will be a disaster for local government, the community and ASU members —

Jill, are you listening? —

but kneejerk reactions — at the expense of the livelihoods of workers — is not acceptable.'

'Tomorrow's mass meeting will bring together hundreds of delegates and ASU officials to kickstart a huge campaign to save jobs, services and their communities.'

We have a union that is ably represented here by the Minister for Health and the Minister for Environment, Climate Change and Water, and it is not very happy about this because it can foresee a drop in services and indeed potential redundancies. The ASU has constantly been driving up the cost of local government for years, because frankly that is what it is there to do — get the

best result it possibly can for its workers — but the consequence of that is that someone has to pay for it. The people who have been paying for it are the ratepayers of Melbourne.

If we want to talk about where rates are high and where they are not, let us go through the 2003–04 to 2013–14 figures for the rate percentage increases across local government areas in Melbourne. I would say that Greater Dandenong is pretty much a Labor council, and it has had a 71 per cent increase over a decade; Hobsons Bay, 91 per cent; Hume, 86 per cent; Maribyrnong, 86 per cent; Melton, 72 per cent; Moreland, 75 per cent; Port Phillip — no, that is not a good example, that is only 12 per cent; and Yarra, 51 per cent. What was Stonnington, the council of which I was mayor? It was 56 per cent. I have just read out rate increases that have taken place in half a dozen or a score of Labor-controlled councils. If you compare them to a council like, for example, the one that I was on, a Liberal-held council, it is substantial — —

Mr Hibbins interjected.

Mr T. SMITH — Yes. It is because the crazies and the commies like you have taken over.

I simply make the observation that it is all good and well for Labor MPs to get up and wax lyrical about fiscal rectitude and how we need to rein in these councils. But it is their councils that have the most outrageous rate rises in Victoria. The battler princes and princesses over there wax lyrical about how we need to rein in cost-of-living issues and how we need to look after the battlers, yet it is their councils that are putting up the rates more than any other. This feigned sort of concern for folk in suburbs who are seemingly doing it tough from the minister and members on the other side of the house is simply outrageous. The facts speak for themselves. Labor councils are profligate.

I note the member for Prahran is still here. Greens councils also spend money on crazy things. On my way to Parliament I drive past Collingwood Town Hall, where there is an enormous banner saying ‘The City of Yarra welcomes refugees’. That is terrific. I am very pleased to learn that the City of Yarra welcomes refugees. But I am sure the City of Yarra ratepayers do not want to pay for what is political advertising. I make this observation: if you enter the federal political debate with ratepayers money, funnily enough they are not going to be very happy about it. I cannot very well comment on using councils to run a political campaign — I did the same thing in the city of Stonnington with the clearways. However, the City of Stonnington had a completely legitimate role under the

Road Management Act 2004. Therefore we acted on behalf of our constituents and so it is very different.

When you have Greens and Labor councillors together at the City of Yarra, you know you have real trouble — Steph is here. Sorry, Steph. As we have seen constantly throughout Melbourne, Labor and Greens councils spend beyond their means.

I said earlier that the Kennett government did bring in rate capping briefly. It initially allowed for a 1.5 per cent rate rise per annum. This was extended to 3 per cent in 1998. But in 1999 the Bracks government abolished rate capping. I do not know what has changed in the thinking of the Labor Party in 15 years, but one would imagine not much. I make the observation that this election promise was not particularly well thought through. We know from what has happened in New South Wales, which has had rate capping for some time, that quite often preference is given to councils with a Labor majority. Inevitably these profligate Labor councils will seek to have their rate rises increased above CPI. That will come to central government and it will be approved, because these people have got so much debt, having lived beyond their means for such a long time. They will simply apply for an exemption, and I would imagine they will be given it.

Ms Hutchins — You don’t know what you’re talking about.

Mr T. SMITH — The member for the AWU! You are just an AWU hack. You were appalling this morning. You were dreadful. It was a boring speech. It was a shocking performance — —

The ACTING SPEAKER (Ms Edwards) — Order! The member for Kew will direct his remarks through the Chair.

Ms SPENCE (Yuroke) — I rise to speak on the ministerial statement on local government delivered by the Minister for Local Government earlier today. I note that the work the minister has done in this area demonstrates her significant commitment to the important role local government plays in our community. Unsurprisingly my contribution to this debate will focus primarily on the important review of the Local Government Act 1989.

The minister’s commitment to local government is one that I share. As members of this place may know, I was privileged to serve as a councillor on Hume City Council from 2008 and as mayor of Hume between 2011 and 2012. In this role I saw the positive work local government does every day — work that often goes unnoticed. It is not in just basic service delivery

but also in the provision of critical services that assist the most disadvantaged in our community. The positive social impact of local government should not be underestimated.

As has been said before, as it is the level of government closest to the community, there is a heightened expectation within the community that local government will listen to the needs of the people and be responsive to them. That is why I was honoured to be asked to chair the minister's advisory committee tasked with reviewing the Local Government Act. This government has not wasted a minute in getting on with the job of delivering for the people of Victoria, and as chair of the committee I look forward to revising the legislative framework to ensure the act is accessible and appropriate to the needs of contemporary Victoria.

I very much look forward to working with the other members of the advisory committee: Kathy Alexander, the former CEO of Melbourne City Council; Kay Rundle, the former CEO of Port Phillip, Greater Geelong and Maribyrnong city councils; Nicholas Reece, principal fellow at the University of Melbourne's school of social and political sciences; Mary Delahunty, councillor on Glen Eira City Council; and David Clark, councillor on Pyrenees Shire Council. Each of these advisory committee members brings with them a wealth of experience, with an important emphasis on local government administration. I am pleased to have the opportunity to work with such an experienced and knowledgeable group of people. The terms of reference require us:

... to revise the current legislation —

all aspects —

governing local government in Victoria to create a more contemporary, accessible, plain English act, that meets current and future needs of the community and local government sector.

The current Local Government Act was enacted in 1989 and has seen over 90 amending bills with hundreds of amendments since that time. Many of those amendments have addressed specific issues that have arisen. As a result, the act has in many ways become overly prescriptive, confusing and difficult to navigate. Along with the minister, I am determined to strengthen integrity and good governance and through the committee I will be pleased to work with a wide range of stakeholders to achieve that. The review will engage communities right across Victoria to determine what they want from their local government. I very much look forward to that process. The first round of consultation will run until December, and I encourage

all members to have this conversation with their own communities and be part of that process.

I have spoken about the positive social impact that local government has on our communities, but it is also important to note the economic impact of local councils. They employ more than 50 000 people and they deliver \$7 billion in services and over \$2 billion in infrastructure. To maintain our recognised status as a leader in local governance and service excellence, it is our obligation in this place to ensure that we give councils the framework they need to deliver those services in a consistently excellent way.

The review of the local government legislation will be underpinned by four principles:

The recognition in the Victorian constitution of local government as a distinct and democratic tier of government in Victoria charged with responsibility for delivering peace, order and good government for local communities.

The necessity for the legislation to strike an appropriate balance between autonomy for councils in their operations and decision-making processes and the interests of the Victorian community and government.

The need to encourage greater community engagement.

The need to reduce, wherever practicable, the imposition of unnecessary administrative requirements on the sector.

Given this, I take my role on the advisory committee very seriously, and I will work to give local councils the tools they need to maintain a high level of service excellence in a transparent and accountable way.

Given the complexity of the current act, it is not our intention to simply renovate the existing legislation. Rather, it is our intent to create an entirely new framework, one that is written in and appropriate for this century. Importantly, the advisory committee will help to ensure that communities, councils and government work together to improve governance, cut red tape and help local government reduce costs for local ratepayers.

I would also like to commend the minister and the Andrews Labor government for establishing the Interface Growth Fund. This is a terrific initiative whereby \$50 million will be shared across councils in key growth areas, including the city of Hume in my electorate, to deliver shovel-ready infrastructure projects. This initiative is crucial to ensuring that we manage growth in a sustainable way and deliver key services to the communities that need them most. I am incredibly proud to be part of a government that understands the importance of this approach.

Things like investing in our local communities may seem obvious to many of us — and indeed it is obvious to members on this side of the house — but as the record of the previous government indicates, it is not quite as obvious as it should be to everyone. The former government cut funding to public libraries, which hurt local councils and the people who rely on the services their local library provides. This government by contrast restored funding and provided a record \$40.5 million under the public libraries funding program. I am proud to say that our priorities are right and they prove that the Andrews Labor government is governing for all Victorians.

The act needs to be modernised to suit the needs of a modern and fair Victoria, and I am pleased to be playing a leading role in that process. I thank the minister for the opportunity, and I look forward to working with communities across Victoria over the coming months, and ultimately advising the minister of ways in which the act can be strengthened and improved. As we have heard during this ministerial statement debate, the government has a strong agenda for local government reform with a 17-point action plan to assist in delivering reform in three strategic areas: integrity and good governance; capacity and performance; and delivering for communities. The reform program will be implemented within the framework of the Victorian State-Local Government Agreement, the principles of which will shape our relationship as we work collaboratively to deliver better outcomes for Victorian communities. The role of local government in Victoria is a special one. Our system has consistently proven to be a national leader when it comes to service excellence. I am determined to keep it that way.

The Andrews Labor government will continue to govern for all Victorians. Our first budget demonstrated the strong commitment we have to local government, and I commend the minister for her work in that area. If budgets are about priorities, then our commitment to local government cannot be questioned. I look forward to working towards strengthening the integrity and good governance of our important local government sector over the course of the coming weeks and months.

Ms RYALL (Ringwood) — I rise to contribute to the ministerial statement debate and find we have a government bereft of legislation and bereft of organisation. The reason I say that — —

Honourable members interjecting.

Ms RYALL — I am glad that members opposite say, ‘Here we go’, because this is purely an opportunity for self-congratulation and pats on the back.

Mr Richardson interjected.

Ms RYALL — The point and the facts, for the member for Mordialloc, are that during this sitting week and the previous sitting week there have been two situations when legislation has been requested to be brought on for debate early as opposed to the normal two weeks. The reason we are here today debating a ministerial statement when there are ministers statements — which those opposite introduced as part of the sessional orders — is so that these sorts of statements can be made and a glossy brochure produced to show around, but the fact is there is no legislation to bring forward in debate. That is why we find ourselves in a situation where those opposite have nothing to debate, nothing to bring forward as part of the government business program. Therefore we have a self-congratulatory pat-on-the-back debate, with those opposite trying to filibuster and use up time, because we have a government that is asleep at the wheel, disorganised and unable to line up its legislative agenda and unable to perform.

As I said, twice last sitting week the government requested a reduction in the time to adjourn debate on bills to less than two weeks, and this sitting week again we have had a division because of the government’s inability to organise itself. It has had to request the adjournment of debate for less than the two-week period that was granted in the last term of government. The disorganisation now is absolutely clear.

As the member for Kew identified, the largest cost for service organisations is the wages bill. I note that we have a Minister for Environment, Climate Change and Water and a Minister for Health who are both members of the Australian Services Union (ASU), which I find to be a conflict, because the ASU is not in favour of rate capping. Obviously the ASU wants its members to retain their jobs, and it has fought for wage rises above the CPI, which also pushes up the cost of local government. There are two ministers in our house who are members of the ASU, and so my question to the Minister for Local Government is: is there a unified team in the government when there are unions who put those two ministers in their seats in Parliament and those two ministers disagree with the government’s stance on this issue? We will leave that to hang there because time and again we have had conflicts when there are ministers dependent on unions for their positions and their roles are conflicting with government policy.

What we have heard in this ministerial statement are essentially motherhood statements. There have been generalities such as the assessment of the implementation of short, medium and long-term goals, but nobody knows what short, medium or long term mean. What is the short term? What is the medium term? What is the long term? What are the measures the government will have in place to show that it will deliver and has delivered on what it said it would do? What is the measurement? That is the question.

I am pleased that the Minister for Local Government has picked up on the work done by the coalition.

Honourable members interjecting.

The ACTING SPEAKER (Ms Edwards) — Order! There is too much audible conversation and members should be quieter.

Ms RYALL — One of the ways of determining issues and being able to compare local governments is to have the performance reporting that was instituted by the former government, because only then can people look at the facts and ask, ‘Am I getting value for my money from my council when I make that comparison with another council for the same service that is being provided?’. It is very important to be able to do that, because at the end of the day we live in a democracy and our councils and councillors are democratically elected.

If there is a comparison which is unfavourable when viewed against the purchasing or the service cost of particular services from a council, the residents in those wards will have the opportunity to dismiss those councillors, and that is our democracy at work. That performance reporting is absolutely vital. It allows that comparison to take place so that people can look at it and say, ‘Am I getting value for money out of my council on rubbish collection, on hard rubbish?’ — on the range of services offered by local government.

Labor’s history is a history of glossy brochures. That is the hallmark of Labor governments and Labor in opposition. If Labor spent just a fraction of the time it spends on developing glossy brochures on actually putting into action what needs to be done, we might see some outcomes from this government. I would not hold my breath on that.

I note that the member for Mount Martha in her contribution earlier criticised councils in relation to a range of issues, including their spending. I draw her attention to Labor spending. It is one thing for Labor MPs — —

Mr Pearson — Who is the member for Mount Martha?

Ms RYALL — The member for Mount Martha. Some may criticise others for waste, but in Labor’s case it is the pot calling the kettle black because we have a Labor government that is addicted to waste. It was addicted to waste in the 11 years it was previously in government and it is addicted again now. We have government members criticising others on issues of waste, yet I remind the house that Labor wasted \$640 million on compensation for the east–west link. Labor wasted \$20 million on branding for the state — as if that is going to create jobs. The Auditor-General found in excess of \$3 billion was lost to the state in the pokies debacle. There was the previous Labor government’s ICT blowout, which represented a loss of \$1.44 billion. There was the north–south pipeline. Labor may lecture others on waste, but wasting money is absolutely in its DNA.

In terms of making sure that waste is minimised, I challenge Labor members to look at themselves and look at the waste they have contributed to — the billions of dollars of lost funds that could have paid for schools, hospitals — —

Ms Hutchins — On a point of order, Acting Speaker, I am not sure how the comments being made by the member opposite relate to local government.

Ms RYALL — On the point of order, Acting Speaker, the member for Narre Warren South raised the issue of waste in relation to local government. My response is that it is one thing to point to waste in relation to one area of government, but we should also consider another area of waste in the context of this government. Therefore it is absolutely relevant to the ministerial statement.

The ACTING SPEAKER (Ms Edwards) — Order! I ask the member for Ringwood to stick to discussing the ministerial statement.

Ms RYALL — As this is a debate, obviously we talk across the chamber and we make comments in response to those opposite and what they have said.

I come back to the ministerial statement. As I say, it is just filibustering. The government is just trying to fill up a hole in its legislative agenda because it is lazy, is unable to coordinate, is unable to get the job done on time and is unable to make sure that the relevant legislation is in place to be debated. It is unfortunate that we have a government asleep at the wheel. It is unfortunate for Victorians that they have a government that cannot bring forth a legislative agenda and make

sure that the outcomes in this place are in line with community expectations.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution on the ministerial statement on local government. As a former councillor in the City of Banyule, I certainly understand and recognise the great contribution that local government makes as the third tier of government. Councils provide services and accountability to people in the Ivanhoe electorate. Can I also say, taking into consideration the contributions of previous speakers on this matter, that it is important to reflect on some of the commitments and work that has been done to get us to this point and the reflections we have of people in local government and the work that they do.

The coalition made commitments in relation to local government at the last election, particularly commitments in relation to the greener street lighting program, which was about reducing carbon emissions. That is an important aspect of my portfolio as Parliamentary Secretary for the Environment. The former Minister for Local Government and former member for Shepparton axed that program, even though it was an election commitment of the previous government to support and fund that better street lighting program in local government. That program was about trying to reduce costs for local government, and it was very disappointing that the previous government broke that commitment.

There have been some comments by the shadow Minister for Local Government around cuts to local government services. The point that he missed was in relation to the cuts around the Commonwealth Grants Commission — that is, the federal government's cuts to funding for local government. That has been a cut in local government grants to Banyule in my electorate. Through its cuts to grants commission funding, the federal government cut between \$180 000 and \$250 000 per annum from the City of Banyule's funding. A 1 per cent rate increase in Banyule amounts to about \$400 000, so what we are talking about across a four-year council term is a compounding cut of something in the order of a 2 per cent rate increase. Banyule City Council now has to find that money or has to somehow find a way to cover that cost or cut services accordingly because of the substantial cuts from the federal government for services through those grants commission processes. These cuts have been far more substantial for other councils, particularly rural and regional councils, but I know that this does affect councils in my electorate of Ivanhoe.

Yesterday I was pleased to meet with my good friends at the Australian Services Union (ASU) and have a discussion with them as representatives of those who work in the local government sector. That union's desire is to ensure that its members are rewarded and also protected and valued in the work they do in providing services to the community. Banyule City Council employs some 1000 staff, including casual, part-time and full-time people across the municipality. A significant number of people provide a number of services, including maternal and child health services and services in relation to parks and gardens, and of course waste.

The minister is doing important work delivering on the government's very successful election commitment in relation to rate capping, which resonated in the community of Ivanhoe. Rate capping is about providing accountability to councils. Banyule has had record high rate increases. The council likes to say that its rates overall are lower than those of other councils, but the fact remains, as has been reported in the *Age* and other media, that up until this year Banyule City Council had continually recorded in recent years the highest year-on-year increase in rates across metropolitan Melbourne.

It is funny that just as the Andrews government's plans for rate capping are coming in for next July, Banyule has had a substantially lower increase in rates. That it is not to say that Banyule did not have an increase in rates, but the increase was significantly less — and it did not make headlines as having one of the highest increases in rates in its budget for this year. That is about the council starting to do a lot more self-reflection on the services it provides to the community, the accountability it provides and the rate increases that it foists upon people in my electorate.

There have been very significant rate increases across Eaglemont and Ivanhoe, and I have never had a response to an election commitment policy like I had in East Ivanhoe, Ivanhoe and Eaglemont. The people in those suburbs are not always known for their great enthusiasm for some of the policies of Labor governments, but they were very quick to add their voices to support accountability and rate capping and get better value and better transparency on the rates they pay. Already we have seen a less than average increase from Banyule council in the lead-up to that rate-capping policy.

In talking with my friends at the ASU, it was pleasing to hear that the matters they will raise in their submissions to the Essential Services Commission (ESC) pick up on issues they think are important. These

include issues around executive salaries, consultancies and councils that choose to have a human resources manager or director but then contract out all their work to Freehills or other legal services rather than doing the work in-house. We need to understand how many top-heavy executives there are who are not actually delivering the work when it is being outsourced to others. Why are they not doing that work themselves? Why do we have so many of these fat cats if they do not have the capacity to do the work?

As the minister has pointed out, it is important that there is a focus in the ESC's work and the rate capping policy around how councils are kept accountable for the services they provide and making sure that they are able to detail that very regularly. In my community it is important that there is a good working relationship between local government and the state government. Part of that is the relationship we have with the Municipal Association of Victoria (MAV), and I think the MAV needs to reflect very carefully on the way it engages communities and provides value to local councils. This is the case particularly in recent times, given its engagement with the Auditor-General and the way in which it governs itself.

I know many of the board members at the MAV, including Cr Melican from Banyule City Council, and mayor Helen Coleman at Nillumbik Shire Council. These are good, fresh and new people who are coming onto the MAV board, and they will provide great input and direction. I know that they also welcome the work mentioned in the ministerial statement and the actions that the minister has been taking in putting forward a clear vision to work with local government and work with communities to make sure that we get the best value at that level of government that many of us in this chamber have experienced ourselves, but she is also making sure that we have a clear policy direction about where the government wants to take local government services. It is not just about delivering on a very successful rate-capping policy; it is also about the performance of local government, integrity and good governance. I know the minister has further announcements to make in that space that relate to election commitments that we have made.

It is important in local government that we work together around holding the Abbott federal government accountable for the cuts it has made to federal grants that affect local government. That has had a flow-on and cost-shifting effect that in many cases councils have had to pass on to ratepayers. There has effectively been a cut of a couple of per cent. It is hundreds of thousands of dollars and is ultimately equivalent to, say, a 2 per cent rate increase in the council in my

electorate. That has serious consequences for local government in Banyule.

I am also looking forward to the work and responses we get to the ministerial statement from key stakeholders, and I will engage Banyule City Council on those matters. I commend the minister's forward thinking in relation to local government. Labor governments have a strong history of working closely with local government, of valuing their work and encouraging them to represent their communities and achieve great results in partnership with the state government. We know what work to do, and there are improvements that need to be made. We look forward to supporting the government in that work.

Mr WAKELING (Ferntree Gully) — It is amazing. We are standing here debating this weak, insipid document that has been brought in by this government under the guise of a ministerial statement, which is something we have not seen for years. It is something that is meant to be a prominent position of this government, yet the Minister for Local Government has brought this weak, insipid document into this house. If this is the best that this government can produce, given the fact that it cannot get its own business program in order, it demonstrates where this government is at after just six months.

We are having a debate about the operations of local government. It was interesting to hear the comments of the member for Ivanhoe when he talked about the fat cats in local government. When I next visit my council, which is Knox City Council, I look forward to telling the staff that the Labor Party, the government, believes that the staff are what we colloquially call fat cats on their big salaries. I look forward to telling the hardworking staff at Knox City Council that that is the way they are viewed and treated by members of the Labor Party.

This government went to an election claiming that it would introduce rate caps and that rate increases would be linked to CPI. We know that the CPI is currently at 1.1 per cent.

Ms Hutchins — Projected CPI.

Mr WAKELING — Projected CPI. With the greatest respect to the Minister for Local Government, in relation to this year's rate increases for councils across the state the community was told not six months ago that there would be projected rate increases of 1.1 per cent; 72 of 79 councils have delivered rate increases well in excess of the CPI. How can the minister stand in this house declaring that she is

delivering on the government's commitment to introduce rate capping when 72 of the 79 councils in this state have introduced rate increases well in excess of the projected CPI?

Ms Hutchins interjected.

Mr WAKELING — The minister says, 'What are we doing about it?'. I remind the minister that she is the Minister for Local Government. I remind the minister that she is in fact responsible for implementing her policy. My community expects that this government will have a rate cap of 1.1 per cent on its rates this year, and that is not what my residents will see.

When one looks around the state, one can see that the endorsed Labor candidate for the federal seat of Aston is also the mayor of Monash City Council. I am sure the Labor mayor is proud of his municipality and proud to represent his community, but he thumbed his nose at his own state government minister because he has just supported a 6.6 per cent rate increase. He did not stick to the 1.1 per cent increase as reported by the government. No, he supported a 6.6 per cent increase in rates for the Monash community. I find it galling that here is a government telling one tier of government that it has to limit its expenditure to the CPI when the government in imposing the same set of rules will not do it to itself. I do not see this government limiting its own increases to CPI. I do not see this government imposing increases on this community at the rate of CPI. There is a range of examples where this government says one thing to local government but then does something very different.

Like many members in this house, I served and worked in local government, and I was proud to do that. What are councils across the state meant to do when they get a defined benefits call-in? What are they meant to do when they get a bill sent from Vision Super to pay an outstanding superannuation payment? Councils do not get the choice to pay that bill at CPI. A bill is sent to them which they are required to pay, and they pass on that cost to their local community. They do not have a choice. I wonder if the minister is going to explain to councils that because of this rate cap the government will bail out local councils when they get a defined benefit call-in. This is a live issue local governments will be facing into the future.

On the subject of enterprise bargaining agreement (EBA) provisions, I negotiated EBAs in the local government sector. I can tell the house that there are no EBAs where employees are getting pay increases at 1.1 per cent. Their pay increases are well north of 1.1 per cent. As one person said to me, 'We're not

going to see a wage reduction. We're just going to see staff sacked', because councils will not be able to pass on the cost of the wage increases which have been negotiated under the current terms of the enterprise agreement. No wonder the Australian Services Union (ASU) has raised concerns about the rate cap, because it knows it will directly impact on its own staff.

Will the government guarantee there will be no impact in the Knox community with respect to our kindergarten services, our waste collection, our sporting facilities, our aged-care facilities and our asset management? When I talk to my council and other councils around the state, asset management is the area that is going to be hit first and foremost.

Ms Hutchins interjected.

Mr WAKELING — I will be very interested to hear the comments of the Minister for Local Government, who is at the table, on this issue. I remind the minister that this is her government's policy. Her government made a commitment that Victorians would not have to pay more than a 1.1 per cent increase in their rates. It is her policy, not my policy. Equally the minister has an obligation and a responsibility to tell the Knox City Council and other councils whether the services they currently provide and the facilities they currently own and which they will need to replace — the footpaths, roads and other assets in my community and around the state — will receive adequate funding from this government to make up for the shortfall that they will not receive in rate payments. This government is silent on this issue.

This government can lecture our side of politics as much as it likes, but it has to deliver on what it said it would do. Labor members promised Victorians that they would not pay a rate increase more than the CPI — they were their words. That is what my community was told at the last election and what my community expects to see when they get their rates notice this year. They will not see a rate increase on their rates notice of 1.1 per cent. They will not see the government delivering on what it said it would deliver to Victorians before the election last year. Like so many things Labor does, it says one thing in opposition but in government it does something very different.

Ms Hutchins interjected.

Mr WAKELING — I understand the minister is grappling with this issue; it is a big issue to manage. She promised to deliver a rate increase of only 1.1 per cent for ratepayers across the state and she knows she has failed on her first test. The second thing she is

going to have to grapple with is how she is going to ensure that Victorian councils continue to operate and provide services for the Victorian community that they currently provide. How are councils going to be guaranteed that they will be able to continue to employ their current staff with the rate increases negotiated under the enterprise agreements with the ASU, knowing full well that they cannot deliver on that given the policy of this government? That is why the ASU has raised concerns.

The Labor backbench knows what the impact of this rate-capping policy will be: staff in councils in their electorate will be sacked as a consequence of this government's actions. That is the problem for this government with respect to this policy. I finish where I started: this issue is of the government's own making. The government does not have a solution, and it will be hung out to dry on this important issue.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on this excellent, well thought out, comprehensive framework for how the government will work with local government. I want to first address some remarks made by the member for Ringwood. She said this statement was a waste of time from 'a government that is asleep at the wheel'. When you are 10 steps behind, you should not pretend you are 10 steps in front. If any government in the last 10 years could be described as being asleep at the wheel, any objective assessment would be that it was the previous government and not this one.

In 100 days this government has done more than two lots of what the Baillieu and Napthine governments would have done. In terms of the four level crossings to be removed in my community, people can see that we are not asleep at the wheel. For the first time in Victorian history we have a long-term rolling stock procurement program, with a 50 per cent local manufacturing content, which demonstrates that we are not asleep at the wheel. Setting up Australia's first Royal Commission into Family Violence also demonstrates that we are not asleep at the wheel. Delivering the biggest education budget in Victoria's history, with almost \$4 billion allocated, also demonstrates that we are not asleep at the wheel. If you have good things to say, say them. If you do not have good things to say, do not say anything at all. We are in politics, so the member for Ringwood should pick something that will stick even a little bit, because her comment about the government being asleep at the wheel does not stick at all.

The member for Ringwood also said the ministerial statement on local government was not important.

What is not important about local government? What is not important about \$7 billion of service provision and billions of dollars of assets and local democracy? The member for Ringwood is using a bit of a cover and that is a poor excuse. As someone who has spent time in local government, I think the statement is very important. I commend the minister at the table, the Minister for Local Government, very sincerely for this respectful document, and I can be a harsh critic because I spent 11 years in local government. The document seeks to engage the community in a strategic and well thought out way on an important topic. Local government is a very important part of the community and it is an important level of government.

I echo the words of the member for Yuroke who said one of the elements of this project is its intent not just to renovate the archaic Local Government Act 1989 but to instigate genuine reform. It is not unusual that it is a Labor government that is instigating genuine reform. To be fair to the Liberal Party, it engaged in a bit of reform of local government, but that really goes back to Jeff Kennett. The only reform the Liberal Party engaged in was a bull-in-a-china-shop reform, which was just to ditch 150 councils to reduce the number to 79. I do not object to that — although probably the way it was done was not excellent — but you have to look back that far to see any reform of local government by the Liberal Party.

On the other side of the coin, what we have seen from the Liberal Party and from the previous government is its Minister for Planning riding roughshod over local councils on a whole range of decisions they had been entitled to make as local representatives. I was sitting around the Monash council table when we were told by our executive, 'You have the statutory equivalent of 5 minutes to make a judgement about your entire diverse community, and they have to fit into these three residential zones. That's it, and you've got 5 minutes to deliver it, councillors'. 'Could we not go to the community to consult?', we asked. 'No — this government is not interested in consultation', was the response. We had the statutory equivalent of 5 minutes, even though it takes at least a year to implement such measures, not the 5 minutes or six weeks or whatever the former minister gave us. This was the Liberal equivalent of our reform.

Mr Katos interjected.

The ACTING SPEAKER (Ms Edwards) — Order! The member for South Barwon will get his turn.

Mr DIMOPOULOS — Again I note that it is not unusual for a Labor government to undertake reform.

Who reformed the upper house of this Parliament after 150 years? It was a Labor government. That is enough, however, about Labor reform. I just wanted to put this into context; this is not an unusual document when it comes to progressive government.

I want to draw out some of the highlights of this statement, and I want to quote the message from the minister on the first page, which I think says a lot:

This statement outlines the Andrews government's plan to reform local government and help councils to deliver for households and businesses right across our state.

The message refers also to:

A modern, co-productive relationship between the state government and councils to achieve better outcomes which benefit all Victorians.

Any administrator at a local council — any CEO or executive team — and any councillor or mayor would be genuinely interested in a document that starts with that kind of respectful relationship with local government. I commend the minister for that. I also commend the minister for what I said at the beginning was the well-thought-out structure of this ministerial statement. A whole range of areas are covered. There is a 17-point plan structured around three very important themes. This is in stark contrast to the glib remarks made by the member for Ringwood.

On that note I might quickly address some of the glib remarks also made by the member for Ferntree Gully — there he is! I understand he had a lot to do with Nillumbik council and he genuinely has an understanding of local government. I think it is very cheeky, however, to pretend that this government has been in power for as long as the Baillieu and Napthine governments were. Hopefully we will be in power for a lot longer, but this policy is being implemented right now. The member cannot expect an immediate reduction in rates on 1 July. That is completely unrealistic.

Honourable members interjecting.

Mr DIMOPOULOS — That is not our policy. The policy of this government, the policy those opposite did not think of, reflects the fact that there was a sense in the community that rates were out of control and that local government in some quarters — not all — was wasting money on dressing up as Elvis and a whole range of other things —

An honourable member interjected.

Mr DIMOPOULOS — Arnold Schwarzenegger, sorry. I am sure they did Elvis too.

Only one party went to the election with a policy on this, but — typically — the party that had not come up with the policy is coming up with the criticism. Our policy was very clear. Our policy was about how to stop this and about how to put downward pressure on rates. You do that by providing a statutory level of scrutiny, and that is why we brought in the Essential Services Commission. Those opposite might want instantaneous gratification, but that does not happen. Public policy is not about instantaneous gratification. Public policy is about well-thought-out programs that achieve a result over time. This measure will achieve enormous results over time. There will be a downward pressure on rates because councils will be required to go through extra scrutiny, public scrutiny, if they want to go above CPI.

Honourable members interjecting.

Mr DIMOPOULOS — Absolute rubbish! On the other side, the member for Ferntree Gully then says, 'Not only do we think you're not doing it enough, but we think you're doing it too much because people will lose their jobs'. Which one is it? Do those opposite want this, or do they not want this?

Mr Wakeling interjected.

Mr DIMOPOULOS — It is our policy, and we are proud of it. Where is yours? The policy of those opposite is about runaway rates and including the Liberal councils —

The ACTING SPEAKER (Ms Edwards) — Order! If the member for Ferntree Gully wishes to make comments, he should be in his seat.

Mr DIMOPOULOS — I have probably given too much airtime to people who do not deserve it. I think the 17-point plan is excellent. I was particularly drawn to the following line:

The government will operationalise a major commitment of the Victorian State-Local Government Agreement by embedding a local government impact statement in all cabinet submissions.

That is reform, and that is innovative — yet it draws criticism for some strange reason. Another point the statement makes is that:

Women continue to be under-represented as councillors.

I am proud to come from a council where traditionally — at least for the last 10 years, when I was

on the council — women have made up not quite but close to 50 per cent of the council. The statement goes on to say:

Diversity in local government ensures a greater mix of insights and experiences shape more relevant policy and effective programs. The government will back efforts by peak organisations to increase the diversity of candidates standing for council elections ...

This is a very decent, good policy. I think this is an excellent document. There is a lot in it, and I look forward to a respectful, genuine engagement with Victorian local councils and with the community and the businesses that rely on those councils over the next few years.

Mr KATOS (South Barwon) — I rise this evening — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Edwards) — Order! Before the member begins I say to the member for Hawthorn that he should stay in his seat if he wishes to make comments across the chamber.

Mr KATOS — We have been debating this ministerial statement for around 3½ hours. There probably could have been a much better use of the Parliament's time. The minister could have gone out onto the steps outside Parliament, done a press release and waved this beautiful communist-red or Labor-red document around. We are filling in time here because this government has lazy, part-time ministers who do not want to work on weekends. We do not have bills. We should be debating legislation here.

As one of the longest serving members of the house, the member for Box Hill, might be able to assist me, but I think this is the first time in about 20 years that we have seen one of these statements.

Ms Thomson interjected.

Mr KATOS — Maybe the member for Footscray can assist me.

I have had a quick look through the document. Obviously we have not had a lot of time to look at it. It contains lots of motherhood statements, and it is very warm and fuzzy. Page 12 is headed 'Implementation timetable'. It shows that in the short term we will see the ministerial statement on local government. I can tick that; that is done. There is a \$50 million investment made through the Interface Growth Fund. I can tick that; that was done in this year's budget. But where has the country roads and bridges program that used to go

to the 40 rural shires around the state gone? The Shire of Surf Coast in my electorate used to receive \$1 million a year to put into road projects and bridges of its choosing within the municipality. That \$1 million a year has gone into thin air; it will be missing from the Surf Coast shire's budget.

That result is very disconcerting for the council and for the other 39 rural shires. The roads and bridges program was a good policy of the previous government, and it was very well received in local government circles. That has been cruelly taken away by this government. We have shires that have to maintain large road networks, a lot of bridges and unsealed roads, and that money has been taken away from them. It would have done a lot of work. The statement also refers to the commencement of the local government Aboriginal local government action plan, which is a good thing, and improved governance reforms.

The centrepiece of the statement, which is rate capping, is shown in the medium-term section of the statement. I do not know if my eyes are deceiving me but the document shows it in the medium-term. I ask if someone from the government, perhaps the Minister for Local Government, who is at the table, can explain what 'medium-term' means. Is it three to five years? I think most people would say that medium-term was probably in that sort of range.

Ms Hutchins interjected.

Mr KATOS — It is the minister's document; it is not my document. I did not introduce it into the Parliament at 9.30 a.m. today and bungle it — and it says 'medium term'. Given rate capping is its centrepiece, this government wants councils to show restraint with their rates. People in the community want to see rate rises minimised as much as possible, but this government is not showing restraint in what it is doing. The public sector wages bill in this year's budget has increased by 7 per cent and is a bit above CPI at 1 per cent.

On average around the state this year the government has put up the fire services property levy by 7.2 per cent. That is a bit more than CPI. In fact in the city of Greater Geelong there has been a 9.6 per cent rise and in the Surf Coast shire the rise is 12.1 per cent. These are outrageous rises. On the one hand the government is saying, 'We want you to show restraint', but on the other hand the government is acting like a drunken sailor and doing as it pleases. Why does the government not lead by example and say, 'We expect local government to show restraint in what it is doing,

so we will do the same'. I do not see that in this document.

There has been a lot of talk about cuts. Table B.1 on page 406 of budget paper 3 shows grant cuts to local government of \$38.47 million. The government has not only cut the \$30 million country roads and bridges program, it is cutting what is going to local government and then asking them to show restraint. It is unbelievable. The two councils in the South Barwon electorate, the City of Greater Geelong and the Shire of Surf Coast, are growth areas. Armstrong Creek, where I live, is, one of the biggest growth areas in the state, with an estimated 22 000 house lots and a population of 55 000 by about 2025 or 2030.

Mr Thompson — Are there any fish shops?

Mr KATOS — I say to the member for Sandringham that there are no fish shops, but we might work on that in the future. The councils have to spend money on infrastructure because new communities need infrastructure and service delivery; growth areas have to have that. The government is putting limits on what rate rises councils can introduce, so now all the councils in growth areas will approach their prudential limits and they will have to run up local government debt. Local governments will be up to their eyeballs in debt because they cannot cut fundamental community services. They have to provide infrastructure to the community. They will have to borrow money, and this is the main issue. What will they cut? Will they cut sport and recreation? Will they cut maternal and child health or kindergartens or their planning and building departments. These are fundamental services.

Mr Wakeling interjected.

Mr KATOS — As the member for Ferntree Gully says: how many staff will they need to sack? Growth areas need to grow.

I will give an example of a dilemma that will be faced by the City of Greater Geelong, and it involves Simonds Stadium. The government has made a commitment of \$70 million to the stadium and the council is being asked to put \$6 million into the project. That is a decision for council to make, and I am not telling council to either do it or not do it. When I was a councillor at the City of Greater Geelong and held the finance portfolio a 1 per cent rate rise equated to about \$1 million in revenue. It may have changed a little bit since 2010 because obviously there is a higher rate base. We are looking at a rate rise of approximately 5 per cent to fund Simonds Stadium. That is going to be a really tough call.

Some of the conditions around the funding are that the project needs to be in the council plan and that there needs to be community consultation in order to put rates up. It is not in the council plan and the community is going to be asked if it is prepared to pay a 5 per cent rate rise to put money into Simonds Stadium. The other complication is that at the moment the City of Greater Geelong owns Simonds Stadium, but the government is setting up a trust, which means that the stadium will no longer be the council's asset. It is going to be asked to go to the ratepayers and say, 'We want a 5 per cent rate rise to put your money into an asset that we do not own'. This is going to be a very interesting call for council.

Even some of the unions are not pleased. In its submission to the rate-capping inquiry the Australian Education Union said:

Our concern is that rates capping without increased state and/or federal government funding support for crucial social and community council services, such as early childhood education, has the potential to undermine these services.

I have a few more quotes but I have run out of time.

NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015

Statement of compatibility

Ms D'AMBROSIO (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

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

Overview

The bill confers a right on the Minister for Energy and Resources and consumer or user groups to intervene in any appeal against a decision or determination under the AMI order (which would include a determination of metering charges, also known as advanced metering infrastructure or AMI charges) without seeking leave from the Australian Competition Tribunal.

Human rights issues

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent,

independent and impartial court or tribunal after a fair and public hearing.

Clause 4 of the bill provides that the minister or a person who represents a consumer or user group has a right to intervene in an appeal against decisions or determinations under the AMI order. These amendments are consistent with the right to a fair hearing.

The Hon. Lily D'Ambrosio, MP
Minister for Energy and Resources

Second reading

Ms D'AMBROSIO (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

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

The National Electricity (Victoria) Amendment Bill 2015 will amend the National Electricity (Victoria) Act 2005 to strengthen oversight of the process for determining advanced metering infrastructure charges. The bill will grant the Minister for Energy and Resources, and consumer or user groups, an ability to intervene in any appeal against the Australian Energy Regulator's determination of advanced metering infrastructure charges, without having to seek leave from the Australian Competition Tribunal.

Advanced metering infrastructure, or AMI, charges allow electricity distributors to recover electricity metering services costs, including costs incurred in rolling out advanced metering infrastructure to small customers. The charges are subject to oversight by the Australian Energy Regulator (AER), the economic regulator for the electricity sector.

The AER has set a budget, to be met by electricity distributors in installing advanced metering infrastructure. Electricity distributors cannot recover through AMI charges costs which are in excess of that budget, unless the AER determines that these excess costs are prudent and efficient.

Although the rollout of advanced metering infrastructure is substantially complete, and the budget period has ended, in 2016 electricity distributors may apply to the AER for a final assessment of costs incurred in the rollout of advanced metering infrastructure. At this time, the AER will make a final determination of the prudence and efficiency of costs incurred by distributors in the advanced metering infrastructure rollout and of related AMI charges. This determination will be subject to appeal to the Australian Competition Tribunal in accordance with the National Electricity (Victoria) Act 2005.

If an electricity distributor chooses not to accept the AER's assessment of the prudence and efficiency of the costs the distributor incurred in installing advanced metering infrastructure, and appeals the AER's determination, the interests of electricity consumers should be represented in that appeal proceeding.

The bill seeks to achieve this by providing the Minister for Energy and Resources, or a person representing a consumer or user group, with the right to intervene in such proceedings,

so that matters relevant to the appeal and consumer interests may be heard by the tribunal.

I commend the bill to the house.

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

Ms D'AMBROSIO (Minister for Energy and Resources) — I move:

That the debate be adjourned until Tuesday, 1 September.

Mr CLARK (Box Hill) — The opposition opposes this proposed adjournment period. This is the second bill today where for no good reason the government is departing from longstanding convention and seeking to adjourn this bill for less than two weeks. As I said earlier today, if a bill is truly urgent, if there are other genuine exceptional reasons, then the opposition is always willing to consider an arrangement for a shorter period of adjournment. But it is an absolute disgrace that the government is now making it a standard feature of its conduct in this house to be adjourning bills for less than the minimum two-week period that has been a long-accepted convention under successive governments for many years.

It has not taken long for the arrogance of this government towards democracy to come to the fore. It is not just a question of the convenient management of business in this house to suit the preferences of the government and treat this house like a sausage machine where it can just churn its legislation through. The Labor Party needs to have regard to the fact that the introduction and adjournment of bills in the Parliament is to provide an opportunity for the community to consider and have their say about legislation, as well as an opportunity of course for the opposition, the minor parties and Independent members to do so.

This government came to office trumpeting its commitment to democracy and how it was going to change and improve standards in the house and make this house, as it referred to it, a truly democratic institution, but what have we seen time and again? Now the government is refusing even to give the Parliament and the community the longstanding minimum of two weeks to consider bills prior to their being brought on for debate.

I have to say this is typical of the way this government conducts itself. The government is proving not only disrespectful of the community and contemptuous of democracy but completely incapable of getting its own act together, because a well-organised government ensures that its ministers are bringing bills to cabinet, having them agreed to by cabinet and approved for

introduction, having them taken to the party room or caucus meeting and bringing them into the house in time to have a number of bills before the house that can lie over for several weeks and then be available to be brought on for debate.

This government is obviously conducting itself hand to mouth. It may have been preoccupied for goodness knows what reason over recent months — something to do with factions or other internal matters or spending a lot of time designing logos, for example, rather than concentrating on doing its legislation.

It is not as though there is not a long list of commitments to legislation that the government made prior to coming to office. We are entitled to say, ‘Where are these bills?’. We just spent a long time debating a ministerial statement telling the house that government was going to introduce a bill on local government integrity instead of actually having a bill on local government integrity brought to the house. We have had commitments, for example, on reforms to laws relating to the trafficking of ice, which the now Premier made a great deal of prior to the election. That is nowhere to be seen.

Clearly the government is failing not only in its respect for the community but in its capacity to get its own legislative program together. The government needs to lift its game rather than treat the community with contempt, and for that reason the opposition opposes this abridgement of the longstanding conventions of the house.

Ms THOMSON (Footscray) — I cannot believe the contribution from the member for Box Hill. It was emotional. There was a certain amount of anger. It had all those sorts of things that make you think, ‘Are we asking to debate this forthwith or are we asking to debate it tomorrow?’. No, we are not. This is to be debated on 1 September. Yes, it might not be 14 days but it certainly is 13 days, and if the opposition cannot get its act together in 13 days, there is something very wrong with the opposition. Maybe it should try working on how many hours opposition members put into the job and the way they prepare for Parliament.

The member for Box Hill is crying poor, and it is an outrageous cry that has no seriousness whatsoever in this house, coming as it does from the party that caused such havoc in the last four years. We had a Premier in Ted Baillieu who had to resign before there was a leadership challenge that ousted him. We had bills that came before the Parliament with less than 14 days’ notice, where shadow ministers were not briefed about bills and had to struggle to get briefings on bills from

ministers’ officers and from public servants so that they could come — —

Mr Wakeling — On a point of order, Acting Speaker, this is a narrow debate on the issue of the period of adjournment of the bill that has been presented to the house and is not an opportunity for the member to talk about the operations of the last Parliament. I ask you to bring her back to the debate.

Mr Donnellan — On the point of order, Acting Speaker, the previous speaker, the member for Box Hill, adopted a very wide ambit and extended very far and wide in his contribution. I would have thought the member for Footscray should have the same opportunity.

The ACTING SPEAKER (Ms Thomas) — Order! I will ask the member for Footscray to focus on the matter under debate at the moment.

Ms THOMSON — I think the hypocrisy of the member for Box Hill on this issue is the reason I talked about the patterns of behaviour of the previous government and the shambolic way the Parliament was conducted during those four years. I wish to stress too the importance of our Parliament. Yes, this is one day short, but respecting the importance of our Parliament means being prepared, and you can be prepared in that length of time.

I can tell members that this government will do a better job of briefing shadow ministers on the bills before the Parliament than the previous government did because we take seriously ensuring that the Parliament is ready to debate those issues, and that it is properly prepared and properly briefed in order to be able to do so. That is what is important; it is not whether it is 14 days or 13 days but whether or not the opposition and others in this chamber have the ability to be properly briefed on the legislation coming before the house and to prepare for the debate that is to come. I cannot see that there is so much difference that it should get the opposition so riled up and concerned about whether or not we can debate the bill on 1 September. We will be ready.

I am sure that members of the opposition will ensure that they are ready to debate the bill on 1 September when it comes before the house. In my experience under the previous government there were bills brought into the house on a regular basis where the 14 days notice was not given. We can all be really good in hindsight on these matters, and I would suggest in this instance that the member for Box Hill is being a little bit precious over one day. I am sure if it were a bill that he held shadow responsibility for, he would be well and

truly ready to debate it in the house on 1 September, and he would not be any the worse off for having an adjournment period one day short. I am sure that the shadow minister and members opposite who will speak on this bill will be able to get up, put their point of view forward and adequately debate the issue on 1 September.

Mr PESUTTO (Hawthorn) — Maybe we would understand if the government had a legislative program, if matters were urgent and there was a lot of work — a heavy workload and evidence that this new government actually had a plan for what it wanted to do in office. But this week we have seen only four bills come through the house, and none in the Attorney-General's portfolio. Fourteen days do matter, and one day does matter. Because it is not about our readiness; we could debate the government at the drop of a hat. What matters is the community. The community wants an opportunity to respond to the bills that are brought before this house, and you treat it with contempt, just like you treat volunteers with contempt — —

The ACTING SPEAKER (Ms Thomas) — Order! The member for Hawthorn will address his remarks through the Chair.

Mr PESUTTO — If this action were on its own maybe we could understand partly, but it follows a string of instances where the government has shown contempt for the practices of this house. Hope for an answer from a minister at question time is long gone on our side. We cannot expect any decent answers from the government, and ministers statements are a joke. How many guests have we seen come through this Parliament and walk away thinking, 'These ministers statements are a joke'? This is showing contempt for the Parliament. Are sessional orders being observed? No. How often do members of the opposition have to ask the Speaker to draw ministers back to the question? It is yet another example of contempt for the Parliament.

For community groups to be able to consider bills that require a detailed understanding and study of the provisions and their implications takes time. You have to give the community enough time, and 13 days is not enough time. We should observe the longstanding practices of this house and give community groups an opportunity to consider the legislation, consult with us and consult with the government on the operation of the bills before they come back for full debate in this house. I think the government should be made to observe the longstanding practices that the member for Box Hill outlined in his remarks. If we start the process of curtailing debate in this house, who knows where it will

end. There are good reasons for these practices, and I support the member for Box Hill's comments that we need to observe that longstanding practice and put the Victorian people first.

Ms RYALL (Ringwood) — Isn't this hypocrisy on steroids?! What we are seeing from the government is total contempt for our Parliament. It is total contempt not just for our communities but for government members' communities as well. For the third time in two sitting weeks we are now seeing a request for a shortened period for consultation and review. What this shows is that we have a lazy government, an uncoordinated government — a government that could not manage to run a chook raffle if it tried. The inability of the government to retain control over the legislative agenda is staggering, as is its inability to plan, to organise and to make sure that the very people who put it here in the Parliament have the opportunity to be consulted.

The community should have the opportunity to put in their two bob's worth to make sure that we represent its members in this Parliament and that we have the ability to respond to legislation that is introduced. It is not just us saying that, it is other members of the Parliament as well.

I recall an occasion when we were in government and we requested a shortened period for a piece of legislation. Did we hear the leader of opposition business go to town? Did we ever! Absolutely. So it is about time that those opposite were held to their own standards and started to perform, to manage their legislative agenda and to do something for a change. They need to get their act together, become a government and start governing for the whole of Victoria.

Mr DONNELLAN (Minister for Roads and Road Safety) — We have heard some very amusing words. What have we got? We have 'lazy', 'uncoordinated', 'contemptuous' and 'a lack of consultation'. What a load of absolute drivel. Thirteen days is not much different from 14 days. I do not know how many members of the opposition went to school and did maths, but it is one day less. It is not a substantial period of time. If they need that one extra day to get their work done, they are obviously spending 13 days doing absolutely nothing — and guess what? All of this rubbish about being lazy, uncoordinated and contemptuous is the assessment people made of that lot the last time round. That is why you are on that side of the house. It is because you were lazy — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Thomas) — Order! I ask the minister to direct his comments through the Chair.

Mr DONNELLAN — It is very concerning that we have had such drivel put forward in this house. Who has undertaken the only reform of question time in the last two Parliaments? We have undertaken it. As for this drivel about shortened periods, I remember various bills on which the previous government requested a shortened period because there was something important or otherwise to take into consideration, and it was given appropriately. To suggest that we are being somehow contemptuous of the community because it is one day shorter — what a load of absolute rubbish. Obviously for 13 days you sit on your bums and do nothing and then on the 14th day you suddenly come alive. I suggest you do the work in the two weeks prior and, guess what, that is why you are on that side. It is because you did not do the work.

Mr Battin — On a point of order, Acting Speaker, in relation to your order to direct comments through the Chair, to call the Chair lazy and say that she does not do anything is quite offensive.

Honourable members interjecting.

Mr DONNELLAN — On the point of order, Acting Speaker, I would request that the member for Gembrook withdraw that comment in relation to the Chair. There is no suggestion that I called the Chair lazy, incompetent or anything else. The only incompetent ones are on that side of the house. The public made their assessment in November and, guess what, they made — —

The ACTING SPEAKER (Ms Thomas) — Order! The minister will resume his seat while I take advice from the Clerk. There is no point of order, but I ask the minister to direct his comments through the Chair and to address the Chair.

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Chair. I was very concerned that we have had various contributions from the members for Ringwood, Hawthorn and Box Hill which simply do not make sense. There is one day's difference between 13 days and 14 days. What on earth are members of the opposition doing for those 13 days in between? If they need the 14th day to get their work done, then obviously they are not doing their work properly and they are not proving themselves competent. Obviously the Victorian public made the assessment that they were not competent or organised and that they were contemptuous and lazy. All those

things have been suggested about this side of the house but I think the Victorian public made a very fair and comprehensive assessment. To suggest that they are going to do all of this work in one day we know is simply not true, and that is why they are on that side of the house.

House divided on motion:

Ayes, 47

Allan, Ms	Kilkenny, Ms
Andrews, Mr	Knight, Ms
Blandthorn, Ms	Lim, Mr
Brooks, Mr	Merlino, Mr
Bull, Mr J.	Nardella, Mr
Carbines, Mr	Neville, Ms
Carroll, Mr	Noonan, Mr
Couzens, Ms	Pakula, Mr
D'Ambrosio, Ms	Pallas, Mr
Dimopoulos, Mr	Pearson, Mr
Donnellan, Mr	Richardson, Mr
Edbrooke, Mr	Richardson, Ms
Edwards, Ms	Sandell, Ms
Eren, Mr	Scott, Mr
Foley, Mr	Sheed, Ms
Garrett, Ms	Spence, Ms
Graley, Ms	Staikos, Mr
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thomson, Ms
Hibbins, Mr	Ward, Ms
Howard, Mr	Williams, Ms
Hutchins, Ms	Wynne, Mr
Kairouz, Ms	

Noes, 37

Angus, Mr	Northe, Mr
Asher, Ms	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Bull, Mr T.	Pesutto, Mr
Clark, Mr	Ryall, Ms
Crisp, Mr	Ryan, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Hodgett, Mr	Thompson, Mr
Katos, Mr	Tilley, Mr
Kealy, Ms	Victoria, Ms
McCurdy, Mr	Wakeling, Mr
McLeish, Ms	Walsh, Mr
Morris, Mr	Watt, Mr
Mulder, Mr	Wells, Mr
Napthine, Dr	

Motion agreed to.

Debate adjourned until Tuesday, 1 September.

**CRIMES AMENDMENT (CHILD
PORNOGRAPHY AND OTHER MATTERS)
BILL 2015**

Second reading

**Debate resumed from 18 August; motion of
Mr PAKULA (Attorney-General).**

Ms WILLIAMS (Dandenong) — I will take up where I left off yesterday. This bill increases the maximum penalty for the offence of possessing child pornography. The maximum penalty for this offence is currently five years imprisonment, which I believe is the lowest penalty for this offence in Australia. Under this bill the penalty will be increased to a maximum of 10 years imprisonment, which better matches the seriousness of the offence and is to a greater extent in line with community expectations. I think this amendment will be welcomed by the broader community.

The bill also allows random sample evidence. This basically means that the prosecution will no longer have to view all child pornography material, which in many cases may comprise thousands of images or videos. We know prolonged exposure to disturbing material like this can have negative psychological effects and can be highly traumatic, so it would be preferable to avoid such exposure. Instead of requiring that all images — potentially thousands of images or videos — be viewed, this bill will allow a random sample to be taken from the material seized. This will reduce the occupational health and safety risks associated with viewing large volumes of disturbing images and also limit further violation of child victims. It is important to keep in mind that with every viewing of this material the violation of the victims continues and the damage continues.

Requiring the viewing of only a random sample of images also means the time taken to review evidence is reduced and therefore the length of investigation and trials is also reduced. The bill also provides for restrictions on an accused's personal inspection of seized material to minimise the risk of further exploitation through sexual gratification. An accused will only be able to view material where it is clearly necessary. However, the accused's lawyer will still be able to inspect the material, and a court may grant the accused personal inspection, as I said, subject to certain conditions.

Finally, the bill will enable police to direct a person to assist them in accessing data on a computer which might be suspected of being child pornography. This is

foreseeable where material may be password protected or encrypted in some way. It will be a summary offence to refuse such a request, and it will attract a maximum penalty of two years imprisonment. I think we can all agree that this bill goes some way to making our laws better able to deal with the alarming proliferation of child pornography and in doing so will hopefully limit the damage caused by such evil. As such, I commend the bill to the house.

Mr ANGUS (Forest Hill) — I am pleased to make a contribution to the debate on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. However, having said that, like many of us in this place, I am certainly not pleased that we as a Parliament and as a community have to deal with such heinous activity that is going on in our community. It is indeed a very sad reflection on elements in our community that we have a problem of this nature and that we as legislators are now called upon to deal with it and bring the legislation up to date so as to reflect the community standards.

Clause 1 of the bill deals with the purposes. The main purposes of the bill are to amend the Crimes Act 1958: firstly, to create three additional offences related to child pornography; secondly, to increase the penalty for the offence of possession of child pornography; thirdly, to provide for use of random sample evidence in proceedings for child pornography offences; and fourthly, to provide for the giving of a direction under a warrant requiring assistance from the person with knowledge of a computer or computer network. It goes on to amend the Criminal Procedure Act 2009 to restrict inspection by an accused of evidence that is child pornography and to make minor amendments to certain other acts.

As I said, it is a sad reflection on a community that this piece of legislation has to come before us. As we have seen in the media in recent times, a number of cases in particular have reflected the abhorrent behaviour of members of our community. In my contribution to this debate I want to refer to some horrifying statistics that were published in the *Herald Sun* on Tuesday, 4 August, this year. One table is headed 'Online child abuse by the numbers'. It is quite sobering and stomach churning to read the statistics. They show that 2 million child abuse images are in circulation on Victorian computers. There are 7000 IP addresses in Victoria accessing child abuse images at its highest point. We have had 130 people charged with possession of child pornography in the Supreme and County courts between 2009 and 2014.

The statistics also show there were 212 offenders on charges of possession of child pornography between 2010 and 2012 in the Magistrates Court. There are 14 914 people on the national child offender system nationally, and there are 4043 Victorian offenders on the national child offender system. The data shows that 1.5 million images were seized in raids in Victoria last year — that is just a staggering number. Eighty-five per cent of child abuse offenders are family members or friends of the victims. Eighty per cent of child abuse victims are under 10 years old.

Those are not all the statistics that were incorporated in that particular article, but the fact that we have statistics of that nature showing that level of activity in this area serves as a significant wake-up call to all of us in the community. It is a dreadful reflection on certain elements in our community. It is also interesting to note that, as the article says, four out of five people appearing in the Magistrates Court have either been fined or given a suspended jail term or a community correction order, and 99 per cent of those facing the higher courts have spent less than three years in jail.

This is a significant issue. As I said, the coalition is supporting the government on this bill because it is an area where the legislation needs to be updated in order to deal head-on with this particularly insidious issue in the community.

The bill amends section 70 of the Crimes Act 1958 to increase the maximum penalty for possession of child pornography from 5 to 10 years imprisonment. This is the same maximum penalty that applies to the offences of production of child pornography and procurement of a minor for child pornography, reflecting the fact that examples of possession of child pornography may be as serious as cases of production and procurement. Hopefully the doubling of that penalty will see terms of imprisonment, statistics around which I referred to a few moments ago, significantly increase, and hopefully that will act as a more significant deterrent to this abhorrent behaviour in our community.

The bill introduces three new offences relating to the use of child pornography websites and assisting others to avoid apprehension for a child pornography offence. Such conduct is clearly instrumental in facilitating the commission of child pornography offences by others. New section 70AAAB(1) creates the new offence of administering a child pornography website. Under this section a person will commit an offence if they administer or assist in the administration of a website used by another person to deal with child pornography and they either intend that it be or are aware that it is being so used.

New section 70AAAC(1) creates the new offence of encouraging the use of a website to deal with child pornography. Under this section a person will commit this offence if they are 18 years of age or more and encourage another person to use a website intending that the other person use that website to deal with child pornography. An example of that would be where a person posts advertisements for a child pornography website online.

New section 70AAAD(1) provides for the new offence of assisting a person to avoid apprehension for a child pornography offence. It provides that a person will commit this offence if they intentionally provide information to another person and intend that the other person use that information to avoid or reduce the likelihood of apprehension for a child pornography offence.

New section 70AAAE will allow for the use of random sample evidence in proceedings for a child pornography offence, and that is based on similar legislation in other jurisdictions, particularly New South Wales. That is another good initiative. It will enable a court to make findings about the nature and content of child pornography material based on a random sample of the seized material rather than each item of child pornography needing to be viewed and assessed. This reform will facilitate the prosecution of matters involving large quantities of child pornography and consequently limit the exposure of participants in the prosecution process to such material.

On that note, I commend the work being done in this state by law enforcement officers of both the Australian Federal Police and Victoria Police, particularly those involved in the squads that are dealing with this very unsavoury, very difficult issue in our community. I commend them for the outstanding work they are doing. They have to wallow in the mire of this obscenity to gather, on behalf of us all, the evidence that will put the perpetrators of this dreadful behaviour behind bars.

The bill inserts new section 465AAA into the Crimes Act 1958 to enable police to direct a person with knowledge of a computer or a computer network to assist them in executing a search warrant. New section 465AAA(3) provides that a magistrate may authorise police to give such a direction if they are satisfied that there are reasonable grounds for doing so. Where police are not aware of a password, they will be able to compel a person to assist them in executing a search warrant.

The bill amends section 45(1) of the Criminal Procedure Act 2009. It also inserts new section 43A into that act, which will limit the ability of an accused to personally inspect exhibits that include child pornography. This will not affect the ability of an accused's legal representative to inspect those exhibits. This reform acknowledges that there is a community interest in limiting access to child pornography, and it means that the accused's personal inspection of such material will only occur when necessary. It therefore does not reward them for their previous dreadful behaviour or risk giving them further sexual gratification from viewing the child pornography evidence.

There is a range of other matters in the bill that I will not have time to deal with in my contribution. This is a good bill and one that the coalition supports. It is a sad indictment of our community that we have to deal with this matter, but thankfully this bill will go some way towards doing so. I commend the bill to the house.

Ms KILKENNY (Carrum) — I rise to contribute to this debate on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. As the member for Forest Hill and others before him have said, none of us in this house is happy to speak on the subject of child pornography.

At the outset I would like to refer to an article by Marg Liddell that appeared recently in *The Conversation* headed, 'What's in a name? Online child abuse material is not "pornography"'. It makes the point that perhaps this needs to be called out for what it actually is — that is, online child abuse material or child exploitation material. This is such a tragic and shameful part of life, and the statistics are terrifying. Sadly at the moment there are millions of child pornography images circulating in Victoria alone. Unfortunately it is technology that has opened this up and extended the reach of this depravity. This is of global concern and needs to be tackled at all levels.

The bill addresses community expectations around how we as a society respond to child pornography, but it does more than that. Our laws need to keep pace with changes in technology, and this bill is the first stage in that process. It is about modernising our laws to keep up with technological advances. It is ironic that the proliferation of child pornography has been fuelled by the same tool that is enriching the lives of children around the world: the internet and related advances in technology. In this way, child pornography is a very ugly by-product of digital technology developments. To this extent, the technology industry also cannot ignore the problem and increasingly in many overseas

jurisdictions computer companies and software developers are now working quite closely with law enforcement agencies and governments, something I would like to see more of.

Currently in Victoria the offence of possessing child pornography carries a maximum sentence of five years. It does not sound like much for that crime, and it is not much. What we have today in the bill is an increase in the penalty from 5 years to 10 years — that is, a doubling of the penalty. I add that when we are dealing with crime we need to be very careful to avoid the often simple and easy solution of imposing harsher and harsher penalties. We need to remember that there are many causes of crime and a good deal of our focus should be on crime prevention measures — that is, looking at the causes of crime and trying to identify what we need to do to prevent it. However, when it comes to child pornography, deterrence is of paramount consideration. Experts are saying that, our judges are saying that and police and community services counsellors are all saying that.

In the case of *DPP (Cth) v. D'Allesandro* [2010] VSCA 60 some sentencing principles applicable to offences of this kind were set out. A summary of the judgement states:

... general deterrence is regarded as the paramount sentencing consideration — because of the public interest in stifling the provision and use of child pornography; and less or limited weight is given to an offender's prior good character because it has been the experience of the courts that such offences are committed frequently by persons otherwise of good character.

Part of the reason for this is the ready availability of child pornography and the ease and relative anonymity with which people can access it via the internet. Moreover, if it were not for those people who seek to access child pornography, there would be no market for child pornography — there would be absolutely no market for the exploitation and abuse of children in this way. To that extent, I would go further and say that users who access or encourage others to access child pornography are complicit in the child sexual abuse which took place to create the images in the first place.

The Victorian Court of Appeal in a 2014 judgement said to an accused who had been sentenced to a term of imprisonment for possessing child pornography:

You are not someone who has engaged in hands on abuse of children, although let me assure you that what you engaged in does amount to abuse of children ...

DPP (Cth) v Guest [2014] VSCA 29 (3 March 2014)

That is a stark and strong message from our judiciary to the perpetrators, those who possess child pornography,

that we will condemn them as much as those who produce and try to encourage children to engage in child pornography. To this end, it is absolutely appropriate and legitimate that the maximum penalties should be the same. The penalties should reflect the fact that possessing child pornography attracts the same level of community condemnation we have for those who produce child pornography. The bill addresses that aspect. The bill doubles the maximum penalty for the offence of possession of child pornography from 5 years to 10 years imprisonment, putting it on equal footing with the maximum penalty that applies to the offences of production of child pornography and the procurement of a minor for child pornography.

That is also important because probably for a number of years the people who possess child pornography have regarded it as a victimless crime — that is, that they are not contributing to the abuse of those children. As I have said, and others have said as well, on the contrary those people are contributing to that abuse. The vulnerable children in those images, wherever they are, are victims. We need to smash that market. We need to send a clear and unequivocal message to anyone thinking about accessing child pornography that we will not condone it, we will not accept it and they will face a maximum jail term of 10 years. As a community we view those people accessing child pornography with the same condemnation as we view those people who are producing it.

If we are going to look at this issue and if we are serious about dealing with it, we also need to address the role of technology in these crimes. There is no doubt that the internet has revolutionised the way we live and revolutionised it for the better. But as we have seen, the internet can be used for the wrong reasons, and child pornography is a by-product of that aspect. To that end this bill has created three new offences in trying to tackle the advances in technology. We have heard from previous speakers at some length about the new offences being introduced in the bill.

The first is contained in new section 70AAAB(1), which creates a new offence of administering a child pornography website. The offence also carries a 10-year maximum prison sentence. A person will be guilty of an offence under this section if they administer a website — that is, if they build, develop or maintain a website which is used by someone else to access child pornography. What is interesting about this provision is that it has extraterritorial application, and that is significant in the realm of the internet. It means that even if the person administering the website is not in Victoria, it is still an offence so long as the person using

the website to access child pornography is based in Victoria.

The second offence is encouraging the use of a website to access child pornography. That offence also carries a 10-year maximum prison sentence. Under this provision an offence is committed if, for example, a person posts online advertisements for a child pornography website or if they use a child as an innocent agent to encourage others to use the website. Again, that offence also has extraterritorial application.

The third new offence of assisting a person to avoid apprehension for a child pornography offence means it will be an offence for someone to provide information to others on how to use a website to access child pornography anonymously or how to encrypt electronic files or delete files on their computer. That also carries a 10-year maximum sentence.

The bill also introduces a number of other amendments of an evidentiary nature, and other speakers before me have dealt with that issue. One amendment in particular will give magistrates the power to issue search warrants which compel people to assist in accessing data. For example, that could compel people to hand over passwords or give information to police on how to decrypt files.

In conclusion, we have seen that via the internet many people have opened up access to child pornography, and unfortunately we have a long way to go. However, this bill is the first stage in addressing that. I want to remind those who access child pornography that behind every image there is an innocent child, a vulnerable child and a child who has been taken advantage of, abused, exploited and harmed. I absolutely commend this bill to the house.

Ms KEALY (Lowan) — I rise today to speak on the Crimes Amendment (Child Pornography and Other Matters) Bill 2015. I am very proud to be part of The Nationals and the coalition, and we will be supporting the passage of this bill through the house. This is an area in which we need to do a lot more work, and the fact that we have to address this matter in this place is a blight on society. As other members who have contributed to the debate on this bill before me have said, we need to do a lot more rather than less in relation to this issue. It is somewhat disappointing and sad that we have to have laws like this in this great state of ours.

Child pornography is absolutely abhorrent. It is a vile crime that takes child abuse to another level. We are looking at children who have to not only go through the

physical exploits of abuse, but also have their image shared because there are people out there who are looking to either share that experience or even make money through the sharing of images and videos, which is absolutely disgusting. We need to ensure that we have a judicial system that can appropriately manage and apply penalties to people found guilty of these crimes, and we also need to provide appropriate support to officers of the law to apprehend and prosecute these perpetrators.

We have seen a shift in the distribution of pornography to the online forum. This changing technology has had an enormous impact on how we operate as a society. It is very interesting to see how the transition of pornography to the online medium has made a difference in how younger people engage with pornography. There is no longer a challenge for younger people in trying to find Dad's magazines, their brothers' magazines or something like that. Through the internet, our young people have access to pornography in a completely different way.

The Covenant Eyes website lists some appalling statistics. There is one statistic that many members will know, which is that one in eight internet searches are for pornography. If we look at how that impacts on our young people, we see that 15 per cent of boys and 9 per cent of girls have seen child pornography. That is an absolutely devastating statistic, and we really need to do a lot more about protecting our children from exposure to pornography at such a young age. Another statistic is that 51 per cent of male students and 32 per cent of female students first viewed porn before their teenage years — that is 12 years or younger. That is absolutely appalling. On average, the first exposure to pornography among men occurs at only 12 years of age. That is another absolutely devastating statistic, and unfortunately it is a bit of a silent issue in our community. It has been reported to me that we are seeing increasing numbers of people addicted to pornography in our community. That is a problem that we are not doing anything to address, and I would like to see some action on that in this place in the future.

If we are exposing children to online pornography, we also need to look at how our children are involved in the images that are captured online. Like many others in our community, I was appalled to hear of the recent case in Western Australia where eight men were convicted, including the father of a 13-year-old girl, and over 200 000 videos and 4 million images were found. I do not just think about how enormous that issue is, I think about that poor young girl. She is 13 years of age, and her father, along with seven of his mates, have been sexually involved with her for a period of time. Now

that these images are out there, she can never take them back. Even with intensive counselling and intensive support, her ability to rehabilitate herself and to be a successful, happy woman in later life is going to be a challenge because some vile creatures have not only exploited her physically but also taken away her opportunity to create and carve out her own position in the world. We need to ensure that we have appropriate penalties in place to not only deter people from taking these vile actions, but also ensure that the people who make these decisions are appropriately penalised.

There is no doubt that there is appetite in the community for harsher penalties for not just the perpetrators of child pornography but also the perpetrators of any sexual crimes. There is absolutely no tolerance in our community for the abuse of children, and unfortunately, in our part of the state, we have seen some very high-profile cases of child abuse over previous years, perhaps before there was this transition to online media. I fear for children in the future. We need to do all we can to protect them not only from child abuse but also from exploitation on online media.

If we look through the provisions in this bill, part 1 relates to the increased penalty for the offence of possessing child pornography from 5 years to 10 years imprisonment. Part 2 relates to the creation of three new child pornography offences, each with a maximum penalty of level 5 imprisonment, which is a 10-year maximum penalty; that includes administering a child pornography website, encouraging the use of a website to deal with child pornography and assisting a person to avoid apprehension for child pornography. Obviously these measures will help our laws to deal with online pornography and the websites that are being used share these images and videos.

Administering a child pornography website is something that is completely inappropriate, and I suggest that there are many people out there who are not just exploiting these young children for their own sexual gratification. It is likely they are making a business out of it and generating a pretty substantial income off the back of abusing children and exploiting them in unspeakable ways.

The new offence in relation to encouraging the use of a website to deal with child pornography will help to cut back on any advertising a website attracts, and this would cover off any means of eliciting an increase in traffic to a website. Again, this is a really important area in this modern era. You see pop-up ads come up from time to time. In some of these, images of people in sexually explicit poses pop up, and you have to

question whether the subjects are over 18 or not. They are really inappropriate.

A third very important aspect of the bill is the offence of helping people to avoid apprehension for child pornography. We know that the internet is a fantastic forum for many things, but as we move forward there are opportunities to use passwords to protect yourself and that goes on to encrypting information. If anybody is providing advice to others on how they can avoid detection if they are accessing child pornography, they really need to be penalised in an appropriate way. If there are people out there distributing, accessing or possessing child pornography in the virtual sphere, we need to ensure that we do not have people who are actively teaching these people how to avoid crimes —

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Sandringham electorate residential planning

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Planning, and the action I seek is that he or a member of his staff visit the Sandringham electorate to meet with residents from the wider electorate, including Highett, Cheltenham, Hampton, Beaumaris, Sandringham, Mentone and Blackrock, to review the application of the current planning zones, which include neighbourhood zones, general residential zones and residential growth zones and to come to an understanding of the issues that confront the Sandringham electorate.

Concerns over time have been raised at street corner meetings regarding the impact of increased residential density and the consequent impact in overburdened infrastructure, increased traffic, and loss of neighbourhood amenity and character. What is happening in the Sandringham electorate would be no different to what is happening in many other localities across Melbourne.

Interestingly, last year Sandringham electorate had one of the largest classifications of neighbourhood residential zones, which has been broadly well received by many people who take an interest in planning issues. At the same time some areas were at the time classified for residential growth and a number of people who had bought their forever home — that is, who had bought

there to live there forever — have raised concerns that their neighbourhood will be changing. Some have said that some areas in the electorate have capacity for growth, and there is also a view that there are areas of commercial land — brownfield sites and greenfield sites — that could accommodate growth for the future.

It is a sensitive issue in the Sandringham electorate, and there needs to be a detailed understanding so that there is not a one-size-fits-all policy across Melbourne but rather an accommodation for local interests. I note that historically there was concern about the Elwoodisation of Beaumaris. There have been some keenly community-minded citizens who have been concerned to prevent the level of development that can take place.

Another concern that has arisen in recent times is the mismatch between the objective of the planning schemes to have somewhat denser housing closer to transport and activity centres and associated reduced car requirements. There is a disparity between the theory and practice in relation to the actual car ownership levels of the people who move into those areas. That is evident in a sector of Cheltenham, and it would be appreciated if the minister or his representative could meet with local residents.

Yan Yean electorate school bus services

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is that she provide detailed information regarding the rollout, and especially the start date, of new bus services for the Yan Yean electorate. I know the minister is aware of the importance of bus services in the outer suburban parts of Melbourne and especially in my electorate. She made some important local interventions after I raised these matters in Parliament earlier this year to assist kids to get to school. I know families in my electorate are grateful for that, but they still face a big struggle.

In areas such as Doreen, Mernda, Yarrambat, Wattle Glen, Hurstbridge and Whittlesea kids struggle to get to high school and just to get around, such as to get to part-time work, to sport or to socialise. The reason we have this mess is because of the members opposite. The previous government cut more than \$60 million from bus services in my electorate — that is, more than 1000 services per week — at a time when the population of Mernda, and Doreen in particular, doubled. The census shows that occurred from 2011 to 2014, so it beggars belief that you would do something like that. It also undertook a secretive review of school bus services and the conveyance allowance. Overall there was a lack of investment by the previous

government in building new schools and huge cuts to school capital projects.

At the last election I was proud that an Andrews Labor government committed to implement new bus services connecting Whittlesea back to Greensborough via Doreen, and from Mernda and Doreen to Diamond Creek, as well as to South Morang. I was pleased that in our first budget these services were funded. These services are desperately needed and are very much supported by local families. The new bus services will help kids get to school and get around Melbourne's north, and they will complement Labor's new Mernda rail extension. I have been pleased to chair the community consultations in relation to the Mernda rail extension, and in excess of 2000 people have returned surveys and attended community consultations so I know that there will be a similar desire to make sure that these bus services are right.

Numerous families have written to me about their distress, families like Linda Rogers in Doreen, who said she is at her wits end trying to get her kids safely on the bus to school in Diamond Creek. The *Herald Sun* website had a story in March titled 'Doreen families forced to drive as overcrowded school buses sail past'. I ask the minister to fast track consultation with the community and ensure these bus services start in time for the 2016 school year.

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

Lake Wallace, Edenhope

Ms KEALY (Lowan) — I raise a matter for the attention of the Premier, and the action I seek is for the Premier to deliver on the commitment he made to Andrew Farran and the people of Edenhope regarding Lake Wallace. I am deeply concerned this could be another Labor hollow promise, as this Labor government tends to say one thing and do another.

On 30 April this year Premier Andrews addressed a Rural Press Club of Victoria lunch. At this lunch Andrew Farran of Yiddinga near Edenhope highlighted the dry conditions impacting on Lake Wallace and the flow-on effects to the local community. I refer to an article in the *West Wimmera Advocate* from 6 May 2015, in which it was reported that Mr Farran put to the Premier:

With these regional development proposals projects you are talking about, I would hope some consideration might be given to filling Lake Wallace at Edenhope.

In the same article, the Premier is reported as having responded:

I am more than happy to give you a commitment that we are happy to look at that issue and if cost is a factor, it always is with these things, we are more than happy to try to work through that.

Lake Wallace is the centrepiece of the Edenhope community and an important feature of the spectacular West Wimmera wetlands region. From an environmental perspective, Lake Wallace is a natural bird sanctuary, attracting rare species of birdlife. Lake Wallace has a significant impact on the health and wellbeing of the local community, being a hive of activity for many water sports including fishing, skiing, yachting and windsurfing, or simply being enjoyed from the shoreline by walkers, runners and cyclists. It is also a popular backdrop for catching up with family and friends and is the setting for the great annual event Henley on Lake Wallace. The lake is of course a fantastic drawcard for local tourism, and bringing more tourists to the district provides a great help to local businesses in the small rural community. If the Premier has any doubts regarding the value of Lake Wallace to the Edenhope community, then he should make the journey west and listen to the locals and our business owners to hear their memories of a full Lake Wallace.

The Premier has said many times that the Labor government will keep all of its promises, so I call on the Premier to deliver on his commitment to Andrew Farran and the people of Edenhope, and to prioritise working through any cost issues related to filling Lake Wallace, as per his word.

Ivanhoe electorate education provision plan

Mr CARBINES (Ivanhoe) — My adjournment matter is for the attention of the Minister for Education, and the action I seek is that the minister and his department commence the 3079 and 3081 education provision plan review in the Ivanhoe electorate. This important election commitment, which was made by the minister when he was in opposition, is about schools in the Ivanhoe electorate with the postcodes of 3079 and 3081. I am talking about Ivanhoe Primary School, where my mother taught for a decade; Ivanhoe East Primary School; the Olympic Village campus of Charles La Trobe College; and many other schools in these postcodes that provide great services to the local community.

The review does not just apply to government schools. I am also talking about Ivanhoe Girls Grammar School — it is a great school, and some students from there visited Parliament today — and many of the

Catholic schools, which are popular and serve the Ivanhoe electorate in these postcodes well, including St Pius X Primary School, St Bernadette's Primary School and others.

What is important as part of the education provision plan review is to do the work and to consult with the school communities, the local residents, the council and other stakeholders in those suburbs. Let us put anecdotes aside. Let us get the data. Let us talk to parents, school councils and those who are on the ground and make some decisions about the investments we need to make in the Ivanhoe electorate around education to best meet the needs of the future.

The education minister, on behalf of the Andrews government, has given Viewbank College in the electorate of Ivanhoe an \$11.5 million upgrade commitment. It is one of only two government secondary schools in the Ivanhoe electorate. This is part of a larger issue of the closure of schools in the Ivanhoe electorate, with the sale of land by the previous Liberal government to Banyule City Council for the purpose of housing developments.

We need to make sure we meet the education needs of our local communities. It is important that the Department of Education and Training makes sure it can demonstrate to the community that the government has a plan for the future and that it makes informed investment decisions. Is it about new schools and new investment, or is it about investing in the current great schools in the Ivanhoe electorate to make sure they meet the needs of our local community into the future?

The education provision plan review was an election commitment, and it is the kind of detailed work that this government is serious about doing. I know the education minister will move on this plan so that we get this work underway in this part of the year. If the review can be completed by the end of this year or early next year, that will be great. We can then get on with informing further investment in the Ivanhoe electorate so that schools such as Rosanna Golf Links Primary School, St Martin of Tours Primary School and Viewbank College, where I went to school, all receive money under the Andrews Labor government.

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

Maroondah Highway–Sheppards Lane, Chirnside Park

Mrs FYFFE (Evelyn) — My request for action is directed to the Minister for Roads and Road Safety. The

action I seek is that the minister have VicRoads construct a dedicated left-turning lane from Maroondah Highway into Sheppards Lane in Chirnside Park coming up the hill approaching Lilydale.

This request originates from an approach to my office by Mr Tony Ludovico of Chirnside Park. Tony has been a long-time champion of the need for a slip lane for vehicles turning into Sheppards Lane from the Maroondah Highway. As a local resident, Tony has witnessed a number of accidents in which one car has rear-ended another because of the lack of a turning lane. The accidents occur because the traffic is travelling at 80 kilometres per hour along the highway, and, without a slip lane for drivers to be able to move into safely and come to a complete stop, drivers travelling within the legal limit behind them are caught off guard and have to rely on quick reflexes if they are to avoid an accident.

Tony is not the only person to have raised this issue with me. I have been contacted by many other residents over the years who are equally concerned about their safety when making a left-hand turn. They all agree that a left-turning lane would sufficiently alleviate the problem without needing to reduce the speed limit, which provides for the efficient movement of traffic through the area, particularly during peak hour.

As traffic has increased on this road and the complaints have come to my office more frequently, I have taken the opportunity to observe this intersection on several occasions over the last few months. I agree with Tony and the other people who have raised the issue with me that the intersection is exceedingly dangerous. The traffic takes off from the lights at Manchester Road, the drivers build up speed and then they are caught off guard by cars suddenly slowing down in front of them to turn left. Accordingly, I urge the minister to instruct VicRoads to have the intersection assessed at its earliest convenience to improve the safety of the Sheppards Lane and Maroondah Highway intersection.

Vietnam Veterans Association Diamond Valley

Ms WARD (Eltham) — My adjournment matter is for the Minister for Veterans. The action I seek is that the minister visit the members of the Diamond Valley sub-branch of the Vietnam Veterans Association — the DViets, as they call themselves — to learn about the important work they do and about their plans to commemorate the 50th anniversary of the Battle of Long Tan next year.

Vietnam Veterans Day was on Tuesday, and it was commemorated in my electorate on two beautiful

mornings last week. On Friday we stood in the remembrance garden at the Heidelberg Repatriation Hospital, and on Saturday we sat under the gum trees at the Greensborough War Memorial Park with a footy game in the background.

I acknowledge the DViets for the really important and valued support they offer to national servicemen and other soldiers who have served our country and for the way they look out for one another. They are dedicated to remembering those who served this country in a time of war and who found themselves doing so due largely to the unfortunate lottery of conscription. They are a good-humoured, friendly and supportive bunch who do much to look after their mates.

I congratulate everyone who put together the services to commemorate those men and women who fought in Vietnam, in particular at the Battle of Long Tan. I congratulate Robert Winther, a veterans liaison officer at the repatriation hospital, on arranging Friday's service, and I congratulate the DViets, in particular Peter Blackman, Bob Elworthy and other helpers from the DViets, who put together Saturday's ceremony. I also acknowledge Bill McKenna, sub-branch president of the Montmorency-Eltham RSL, for his support for those services.

I acknowledge the contribution of our local schools, in particular Eltham High School, Montmorency Secondary College and Montmorency South Primary School, the students of which came out on a Saturday morning to lay wreaths and show their respect for those who served. I know it means a great deal to our veterans, especially those who served in Vietnam, to know that their service to our country is respected and honoured by our young people. I urge the minister to prioritise a meeting with this group of local veterans. He should come and meet with them, have a beer and see their interesting display.

Markham Avenue, Ashburton, redevelopment

Mr WATT (Burwood) — My adjournment matter is for the Minister for Housing, Disability and Ageing. It has been revealed that when the current Minister for Planning was the Minister for Housing in the previous Labor government he had a plan to build 194 public housing units at 4–18 Markham Avenue in Ashburton, where there are currently only 56 units. I have been contacted by numerous residents who are concerned about this overdevelopment and the fact that the current housing minister appears to have embraced it. Despite repeated requests, I am yet to receive a definitive response about the future of this site. I call on the housing minister to reject any redevelopment of the

Markham estate in line with the Minister for Planning's 194-unit development as it would be a gross overdevelopment that would not be in line with community expectations.

I recently asked the housing minister during question time what the current government's plan is for the site, only to receive an inadequate answer with inaccurate aspersions. Having grown up in public housing, I found the answer to be personally offensive. Given my background, I understand the need for good-quality public housing for those in need. I know that a number of members on this side of the house lived in public housing during their childhood; there are probably more coalition members who experienced this than members on the government side, which is full of union hacks born into privilege. The housing minister's response also seemed ill informed with regard to the estate in question. In his response the minister gave the impression that the redevelopment plan is for public housing, but the information I have received confirms that the Minister for Planning intended to sell all of the units and therefore none would be for public housing.

The Labor Party has form with regard to ignoring and overriding local concerns in my electorate, and I would have hoped that the election in 2010 would have taught its members something. Many of the locals who are concerned with the government's position currently live in public housing, and it is disappointing that the minister is trying to turn this into a case of class warfare. While the government and the minister are secretive neither my electorate nor I can have any faith in the integrity of the government or its intentions. I again call on the housing minister to reject any redevelopment of the Markham estate in line with the Minister for Planning's plan for a 194-unit redevelopment.

Huntingdale railway station car park

Mr DIMOPOULOS (Oakleigh) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is a commitment to investigate options and provide the necessary information to improve the large gravel car park opposite the Huntingdale train station, including looking at the potential to repave and mark out the area for commuters. I should note that this is in addition to the Huntingdale bus interchange proposed nearby, which was a Labor election commitment.

In the May budget the Andrews government delivered on an election commitment to build the Huntingdale bus interchange and improve an associated car park at a cost of some \$7.6 million, working together with

Monash University to make the area safer and more accessible for commuters. Currently 6000 commuters per day cross Huntingdale Road from the Huntingdale station to the bus stop to go to Monash University.

This long overdue bus interchange was a commitment that Labor took to the 2010 election but was ignored during the last term of government. In fact when the commitment to this project was again made in 2014 the local Liberal Party candidate called it reckless. Quite why nobody knows, because as I said, thousands of people catch buses from the Huntingdale station every day and all relevant local groups have been calling for this interchange for many years.

Following this year's budget, I stated to the *Oakleigh Monash Leader* that I would continue to pursue an upgrade for the large gravel car park at Huntingdale that has become a serious cause for concern over many years. This car park has no line markings, and cars are often parked in a haphazard manner, on many occasions causing other cars to be blocked in for many hours. This site has also been subject to significant rubbish dumping, and I was very happy to assist on Clean Up Australia Day at this very site last year.

As the minister is aware through my numerous personal representations to her, particularly since the election last year, I have for a long time — including when I was on the Monash City Council — supported the taking of action on this gravel car park. I thank the minister for her time and open door regarding this and other issues related to public transport in the electorate of Oakleigh. Huntingdale is a fantastic area, but at times it has been neglected, particularly during the last Parliament. I was very happy to lead the push last year to secure council funds to improve the local shopping area, which is just up the road from where we are building the bus interchange, and I will continue to advocate for the undertaking of improvements in the area by the state government in the future.

Huntingdale locals as well as commuters would very much welcome an upgrade to the gravel car park, both for the general cleanliness and safety of the locality and for the improved amenity for cars. It has been on the front page of the paper at least a dozen times over the last five to seven years. I ask the minister if options to improve the gravel car park at Huntingdale could be considered at the earliest possible opportunity.

Grovedale College

Mr KATOS (South Barwon) — My adjournment matter this evening is for the Minister for Education, who is also the Deputy Premier. The action I seek is for

the minister to properly fund capital works at Grovedale College. Grovedale College is a fine school in the South Barwon electorate. Janet Matthews is the principal and does a great job. There were 841 students enrolled last time I spoke to her — that number might have gone up a little bit since then — and that is the largest enrolment the school has had since 1990. The school is right on the edge of the Armstrong Creek growth area, so not only are the children from Grovedale going there but Grovedale College is the zoned government secondary school for anyone moving into Armstrong Creek. There is a projected enrolment of 920 next year and the school's capacity, given its present buildings, is 1023. It is estimated that the school will be at capacity in 2017, and there will be more students there than the 1023 that represent capacity.

This week the college received \$128 000 in maintenance funding, which is welcomed by the school. The problem is that at the last election the coalition committed \$6.4 million to upgrade the school because we realised the need existed to improve the facilities at the school to cater for the growth in the Armstrong Creek area. There are several portable buildings which are not up to scratch; they are not modern classrooms and cannot cater for a modern learning environment. I have to get the order right here, because if you say it the wrong way it sounds offensive. I am talking about H and F blocks, and if you say those the other way round, it is not that good. These are portable buildings which are really just terrible. The coalition committed, as I said, \$6.4 million not only to replace those buildings but also to provide additional funding to be spent by the school as it chose on capital works.

I do not think the minister has been to Grovedale. He certainly has not been to Armstrong Creek west, where the Labor Party made an election commitment for a new school. I know the shadow minister has been there and visited the school. He has been there and had a look; he knows the value of improving that school. We have to do this now. The growth is coming. As a coalition we saw that and saw that we needed to fix this school and improve the buildings to cater for this growth. Obviously the members of the Labor Party and the present minister have their heads in the sand. The minister needs to do something about it for the Grovedale and Armstrong Creek community.

Seniors social isolation report

Mr STAIKOS (Bentleigh) — My adjournment matter is for the attention of the Minister for Families and Children. The action I seek is that the minister

consider the findings and recommendations of the report entitled *Combating Social Isolation among Older People in Victoria* prepared by my parliamentary intern Andrew Belyea-Tate.

The parliamentary internship program celebrates 25 years of existence this year, and I am proud that I am one of three members of Parliament who have gone through that program, the other two being the Minister for Small Business, Innovation and Trade, and the Premier. I am so proud that I was keen this year to ensure that I had my own parliamentary intern to assist me in researching a topic that I am very interested in — that is, social isolation where it impacts elderly people. The report Mr Belyea-Tate produced for me and for the parliamentary library has come up with a number of recommendations and has made a number of findings.

What has been found is that when people are past the age of 75 they are more vulnerable to social isolation, often due to the effects of losing a partner and declining health. It has been found that social isolation ‘interferes with a person’s ability to regulate emotions and distorts perception of social interactions. As a consequence, severe loneliness can lead to a rapid decline in physical and mental health’. The report states:

Older people are likely occasionally to require assistance from others due to age-related decline in physical health. This is particularly true during a health crisis, such as a stroke or heart attack. The need for assistance is likely to grow more frequent as a person ages. A lack of assistance at these times means socially isolated individuals either put more pressure on the health system, or fail to receive adequate care.

Not all of the recommendations that this report makes fall within the jurisdiction of the minister. However, a number of them do, particularly where they relate to the role that neighbourhood houses play in combating social isolation, which is a significant mental health challenge and is often a trigger and a cause of mental health issues. When it comes to the role that neighbourhood houses can play, I request that the minister take those recommendations into consideration.

Mr Watt — On a point of order, Deputy Speaker, I seek your advice with regard to the adjournment matter raised by the member for Yan Yean. Page 5 of *Rulings from the Chair 1920–2015* shows a ruling by the very august Acting Speaker Nardella as you were at the time:

Does not constitute an action — seeking an explanation.

I listened intently to the member for Yan Yean, and she certainly asked for the minister to give an explanation as to when something would be done. I ask you,

Deputy Speaker, to take that into consideration when you consider whether her adjournment matter is in order. I would have thought that as someone who has been in this house since 2002 she would have understood that and would have asked for an action rather than an explanation.

Ms Green interjected.

Mr Watt — I ask the member for Yan Yean to withdraw her comment.

The DEPUTY SPEAKER — Order! The member for Burwood has asked for a withdrawal.

Ms Green — I withdraw.

The DEPUTY SPEAKER — Order! I will immediately rule on the point of order. There is no point of order, and I will explain why to the member for Burwood. The action the member for Yan Yean asked for was that the minister provide information about a starting date for bus services. What I heard as the action was appropriate, and what the member for Burwood heard as a request or a question was part of the body of the adjournment matter that was raised by the member for Yan Yean. There is no point of order.

Responses

Mr PAKULA (Attorney-General) — I will refer briefly to two matters only. As you indicated, Deputy Speaker, the member for Yan Yean asked for a start date for new bus services for Yan Yean. I will certainly refer that to the Minister for Public Transport. I think that was a very appropriate adjournment matter.

The only other adjournment matter I want to make reference to is the one from the member for Burwood, in which there was not so much an action sought but a 2-minute rant containing assertions and no obvious action whatsoever. Nevertheless I have no doubt that the Minister for Housing, Disability and Ageing will read *Hansard* and take from it what he will. Certainly if he does not, I will refer the matter to him, but it was not at all clear to me what action the member for Burwood was seeking from the minister, as he did nothing other than make a series of assertions, which are rejected.

The other eight adjournment matters, which were all respectful and appropriate, will be referred to the relevant ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.31 p.m.

