

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 14 April 2016

(Extract from book 5)

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By authority of the Victorian Government Printer

HANSARD¹⁵⁰



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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

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

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

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

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

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 ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁴	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
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Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁵	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁶	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
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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

¹Elected 31 October 2015

²Resigned 3 September 2015

³Resigned 3 September 2015

⁴Elected 14 March 2015

⁵Elected 31 October 2015

⁶Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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Thursday, 14 April 2016

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

PETITIONS

Following petitions presented to house:

Mentone activity centre

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the 2015 decision by the Victorian Labor government to apply a discretionary height limit rather than a mandatory height limit of four storeys for the Mentone activity centre.

This decision was made without consultation and made without regard to the historic features of the precinct, existing levels of development and the differentiated approach to Mentone activity centre planning to best protect the area and keep Mentone marvellous.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the Victorian Labor government to reverse its decision by reinstating mandatory height limits for the Mentone Shopping Centre.

By Mr THOMPSON (Sandringham) (282 signatures).

Residential planning zones

To the Legislative Assembly of Victoria:

The petition of the residents of Black Rock, Bayside and Metropolitan Melbourne notes with alarm the massive loss of neighbourhood amenity resulting from the development of large commercial childcare centres being given approval to be established in neighbourhood residential zones.

The impact of three-level structures, industrial air-conditioning noise, breadth of site coverage, visual bulk, loss of amenity and drop-off traffic underneath the building for a 102-place childcare centre is destroying the amenity of residential neighbourhoods.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Labor government to amend the planning scheme to require municipal councils and VCAT to consider whether it is more appropriate for such centres, owing to the size, bulk, and scale use, to be located in a general commercial business zone as opposed to a neighbourhood residential zone.

By Mr THOMPSON (Sandringham) (67 signatures).

Sandringham electorate bus services

To the Legislative Assembly of Victoria:

The petition of the residents of the Sandringham electorate draws the attention of the house the strong community support against proposed changes to bus routes 600, 922 and 923 by Transdev Melbourne.

1. The 600 will be the only bus to service Black Rock and Beaumaris and it will be the only service from Sandringham to Westfield Shopping Centre.
2. Many students currently catch the 922 bus to schools in Bayside and have to catch two different buses if the proposed changes are made.
3. For some senior/disabled constituents the Weatherall Road service is the only means of public transport.

The petitioners therefore call on the Minister for Public Transport to maintain and improve the delivery of reliable public transport services within the Sandringham electorate.

By Mr THOMPSON (Sandringham) (9 signatures).

Tabled.

Ordered that petitions be considered next day on motion of Mr THOMPSON (Sandringham).

UNIVERSITY OF DIVINITY

Report 2015

Mr MERLINO (Minister for Education), by leave, presented report.

Tabled.

MAGISTRATES COURT OF VICTORIA

Report 2014–15

Mr PAKULA (Attorney-General) presented report by command of the Governor.

Tabled.

DOCUMENTS

Tabled by Clerk:

Bendigo Kangan Institute — Report 2015

Box Hill Institute — Report 2015

Centre for Adult Education — Report 2015

Chisholm Institute — Report 2015

Deakin University — Report 2015

Driver Education Centre of Australia Ltd — Report 2015

Federation University Australia — Report 2015

Gordon Institute of TAFE — Report 2015

Goulburn Ovens Institute of TAFE — Report 2015

Hazelwood Mine Fire Inquiry Report 2015–16 Volume 4 — Mine Rehabilitation — Ordered to be published

Holmesglen Institute — Report 2015

La Trobe University — Report 2015

Melbourne Polytechnic — Report 2015

Melbourne University — Report 2015 (two documents)

Monash University — Report 2015

RMIT University — Report 2015

South West Institute of TAFE — Report 2015

Sunraysia Institute of TAFE — Report 2015

Swinburne University of Technology — Report 2015

Victoria University — Report 2015

Wodonga Institute of TAFE — Report 2015.

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Reference

Ms ALLAN (Minister for Public Transport) — By leave, I move:

That, under section 33 of the Parliamentary Committees Act 2003, an inquiry be referred to the Environment, Natural Resources and Regional Development Committee for consideration and report no later than 30 March 2017 into the benefits of Parks Victoria and other agencies such as the Game Management Authority's use of community hunting organisations and individuals in the control of invasive animals on Crown land including but not limited to:

- (1) assessment of the biodiversity outcomes, community safety and limitations of the trial conducted by Parks Victoria on control of deer populations in a national park;
- (2) consideration of the application of these types of programs for other invasive animal species in partnership with Crown land managers;
- (3) assessment of the relative costs and benefits, financial or otherwise, of other forms of pest control in national parks.

Motion agreed to.

BATTLE OF LONG TAN COMMEMORATION

The SPEAKER — Order! I would like to welcome to the gallery Mr Bob Elworthy, Mr Minh Nguyen, Major General David McLachlan, Mr Ken Baker, Ms Viv Nguyen, Mr Bon Nguyen, Mr Vo Tri Dung, Mr Truc Nguyen, Venerable Thich Nguyen Tang, Mr Chau Hoang Vu, Ms Natalie Phan and Mr Phong Nguyen.

As this is the last sitting day before Anzac Day, today as a Parliament we honour the service and sacrifice of our veterans community. This year is the 50th anniversary of the Battle of Long Tan in the Vietnam War. It was the costliest battle for Australia during that conflict.

Joining us in the gallery today are many veterans, including representatives from the Victorian branch of the Vietnam Veterans Association of Australia, the Vietnamese Veterans Association of Victoria, and the Victorian chapter of the Vietnamese Community in Australia. On behalf of the Premier, the Leader of the Opposition and all members, we welcome you to the Parliament of Victoria. Members statements today are dedicated to you and to those who served with you.

At lunchtime today on the front steps of Parliament House there will also be a special tribute. The 5000 Poppies project will be farewelled before it heads to the Chelsea flower and garden show. Poppies have long symbolised remembrance of the sacrifice of servicemen and servicewomen. As was written so many years ago by Canadian officer John McCrae:

To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

Today as a Parliament we honour all who have served our nation during times of war and in search of peace.

MEMBERS STATEMENTS

Battle of Long Tan commemoration

Mr GUY (Leader of the Opposition) — In welcoming the distinguished guests from the RSL, Vietnam Veterans Association of Australia, members of the Vietnamese community and acknowledging all who have served I say xin chào to you this morning.

I rise to formally acknowledge Australia's Vietnam War veterans in the year of the 50th anniversary of the

Battle of Long Tan and to also thank and acknowledge Vietnamese veterans from the South Vietnamese army who fought alongside our diggers and our nation and who this year will be proudly marching in the Anzac Day parade.

A great camaraderie has developed between our diggers who fought alongside the South Vietnamese army, particularly those Vietnamese soldiers who have now found peace and freedom here in Australia and whose community has been such a huge contributor and wonderful success story in our contemporary multicultural Australia. Long Tan was a watershed for this nation. It was a battle that showed the true courage and determination of our diggers. Faced with tremendous odds against them, they won a decisive victory against the North Vietnamese army, who were supported by the Viet Cong. There were 108 diggers standing up against over 2000 soldiers against them.

To see so many former soldiers from the South Vietnamese army alongside Australian Vietnam War veterans here in this Parliament today is a great honour for all MPs. On behalf of the Liberal and National parties, as Leader of the Opposition I want to formally put on record my deep appreciation for the sacrifices of all Vietnam War veterans, as well as the South Vietnamese veterans. I thank them most sincerely for their sacrifices and their bravery.

Battle of Long Tan commemoration

Mr EREN (Minister for Veterans) — As this is the final parliamentary sitting day before Anzac Day, it is appropriate we acknowledge the service of our veterans community. On behalf of the Premier and as Minister for Veterans, I would like to acknowledge our guests in the gallery of Parliament today from the RSL Victorian Branch, the Vietnam Veterans Association of Australia (Victorian Branch), the Vietnamese Veterans Association of Victoria and the Vietnamese Community in Australia Victorian Chapter.

The year 2016 marks the 50th anniversary of the Battle of Long Tan, the costliest battle of Australia's involvement in the Vietnam War. The Victorian government committed \$1 million to commemorate the men and women who served in Vietnam, including those who did not return. These men and women honoured the Anzac tradition with their service, and in 2016 Victorians will honour them. Activities we are supporting include the gravesite vigils, the VetRide and a Vietnam War history study tour. Vietnam War veterans followed by Vietnamese veterans will lead the Anzac Day march for the first time.

We also acknowledge the service of veterans of the armed forces of the former Republic of Viet Nam, who served alongside Australia, and who faced a very different reality following their service. Many Vietnamese veterans made painful decisions to leave their homeland following the war and rebuild their lives. They have since made an outstanding economic and cultural contribution to Victoria. I commend and acknowledge all of our Vietnam War and Vietnamese war veterans for their service, continued camaraderie and contributions. I encourage all Victorians to participate in Anzac Day 2016, the 50th anniversary of the Long Tan program.

Battle of Long Tan commemoration

Ms RYAN (Euroa) — I want to acknowledge our guests in the gallery this morning, the Vietnamese veterans, and also remember the 50th anniversary of the Battle of Long Tan, which of course occurs this year. Veterans from my own electorate, particularly around Seymour, played a great role in the Vietnam War, and I particularly pay my respects to them for the sacrifices they made, which of course came at great personal cost.

Drought assistance

Ms RYAN — Food and fibre producers across the Euroa electorate are facing significant challenges as a result of low rainfall. Rainfall data from right across the electorate shows we are now in a 1-in-20-year rainfall deficit. The government's focus has been on the west of the state, but it now needs to consider extending drought support to parts of central Victoria.

I would like to invite the Minister for Agriculture to join me to visit farmers in my region to see firsthand the pressures people are currently under. Just this morning I was contacted by a farmer from Colbinabbin, who feels seasonal conditions have not been this bad since the drought of 1982. Farmers there are carting water and are looking for funding to build a pipeline to give them a water supply.

At Caniambo a number of farmers are on bore water and are carting water for stock. Goulburn-Murray Water has provided them with information on the costs of building infrastructure to pump from Broken River, but they can simply not afford this cost on their own. At Glenaroua Hugh Thomson has 6500 sheep in containment pens and is feeding them 27 tonnes of barley a week. Again on the Broken, irrigators are struggling to access the system and are facing very low allocations and reduced reliability of supply.

Battle of Long Tan commemoration

Mr SCOTT (Minister for Finance) — I join with other members in acknowledging the wonderful representatives of the Vietnamese community and Vietnam veterans in the Parliament today. Victoria opened its arms to the Vietnamese community as a result of the conflict in their homeland. Victoria's Vietnamese community has since become a vibrant part of our society and has contributed a great deal to the state we love.

It is fitting in the year of the 50th anniversary of the Battle of Long Tan that Vietnam veterans lead the Anzac march alongside their allies, including Vietnamese Victorian veterans, on Anzac Day. This is a symbol of the mutual respect and strong friendship which has flourished since the Vietnam War. On this occasion I want to honour the camaraderie between the veterans of Australia and those of the former Republic of Viet Nam. Many of these people have overcome such pain and adversity following the fall of Saigon in April 1975.

As of last count in the last census, there are around 70 000 Victorians who were born in Vietnam. For more than 40 years Vietnamese Victorians have contributed so much to our state and nation. We recognise the postwar experience of Vietnamese families who migrated here and the challenges they faced to settle into a new home. And we thank — and I am sure all members do — Victoria's Vietnamese community for its hard work, its devotion to family and community as well as its enterprising spirit and willingness to share its traditions and culture with the wider community, just as, in the spirit of Anzac Day, we thank our Vietnam veterans and reflect on all those who have served their country and made the ultimate sacrifice.

Battle of Long Tan commemoration

Mr CLARK (Box Hill) — In this 50th anniversary year of the Battle of Long Tan I pay tribute to the courage and dedication of the Australian servicemen and women and the people of the Republic of Vietnam who fought for freedom against aggression and tyranny. Many made the ultimate sacrifice, many were subjected to disgraceful abuse and denigration upon their return to Australia and many Vietnamese patriots and their families were subjected to cruel oppression by their conquerors or forced to flee in perilous voyages in open boats.

It has been a long journey to seek to make good from those terrible times, but much has been achieved. Today the vast majority recognise that those

Australians who served their country in Vietnam deserve to be honoured and respected for what they did, not only for their bravery and their sacrifice but for their achievements, including the remarkable military victory at Long Tan in the face of enormous odds.

Vietnam veterans associations across Australia have provided support and camaraderie, and help for those struggling to recover from the ordeals they suffered. I particularly acknowledge the marvellous work of the Box Hill sub-branch of the Vietnam Veterans Association of Australia, under the energetic and innovative leadership of John Haward, Rod Burgess, Brian Tateson and Bob Glaubitz. I was privileged recently to be part of the local graveside vigils held by the sub-branch to remember Second Lieutenant Leonard Taylor, Craftsman John O'Neill and Lieutenant Barbara Black, all of whom gave their lives for their country and in defence of a free Vietnam.

It is also welcome that the Australian community, under the leadership of Prime Minister Malcolm Fraser, provided a new home and new hope for thousands who fled tyranny. I congratulate the Victorian chapter of the Vietnamese Community in Australia on all it has achieved both for those who fled and for future generations.

Battle of Long Tan commemoration

Mr DONNELLAN (Minister for Roads and Road Safety) — The Battle of Long Tan was one of the most well known and heaviest conflicts of Australian engagements in the Vietnam War, where 108 brave young men from D Company of the Royal Australian Regiment resisted an attack of more than 2500 Vietcong soldiers. It became one of the most extraordinary chapters in Australia's military history and indeed that of the world.

As we commemorate Anzac Day on 25 April 2016 and, as a nation, honour and remember the heroic struggle of our Australian troops against all odds in the Battle of Long Tan 50 years ago, we will also honour and remember the noble cause that our soldiers were involved in — that is, to assist the people of South Vietnam to protect their freedom and democracy against the communist invasion from the north.

It is therefore fitting on the 50th anniversary of the Battle of Long Tan that we acknowledge and honour the former Republic of Viet Nam veterans who are now Australian citizens when we honour and acknowledge also our Vietnam veterans today. Whilst our troops were able to return to Australia, our comrades in arms — the former Republic of Viet Nam soldiers —

faced a very different reality following the fall of Saigon on 30 April 1975.

Today I would like to pay tribute to the heroism and sacrifices that the soldiers of both armies made for freedom and democracy. I want to pay tribute to those men and women, their comrades, whose lives have become incapacitated and who are suffering in Vietnam. The struggles the Vietnamese-Australian veterans have had to endure following that fateful day, their resilience in rebuilding their lives in Australia and their sacrifices to give their children the best opportunity to contribute to Australia's prosperity deserve the highest respect from us all.

Battle of Long Tan commemoration

Ms VICTORIA (Bayswater) — As we commemorate the 50th anniversary of the Battle of Long Tan, I would like to especially acknowledge men like Amat (Aff) Binnoore and Rob Lowe for their leadership in Vietnam veterans activities. I am so proud that these locals will lead this year's Anzac Day march.

I would also like to acknowledge the other vets who number too many to name. On behalf of the people of Bayswater district, thank you. And to the Vietnamese Community in Australia's Victoria chapter, we are grateful for its formal acknowledgement of both Australians and Vietnamese who were killed, injured or otherwise scarred as a result of the Vietnam War.

Fab Nobs Theatre

Ms VICTORIA — Congratulations to all involved with the latest fantastic production by the Fab Nobs Theatre company. Its cosy Bayswater theatre space has been transformed into somewhere the audience can laugh out loud, tap their feet and go home feeling absolutely satisfied and uplifted. The cast are sensational and worthy of any awards and accolades that may come their way. *The Toxic Avenger* is only playing for a few more shows, but I encourage everyone to let their hair down and forget their troubles. This show is an absolute hit.

CitiOpera

Ms VICTORIA — *Ariadne auf Naxos* is one of my favourite Strauss operas, and seeing CitiOpera's version last week was an absolute treat. Under the expert baton of Dr David Kram, the orchestra and singers took us through the farcical situation with great expertise, and I congratulate them and the board, led by Stella Axarlis, AM, on staging such a charming production.

Mind the Gap

Ms VICTORIA — Mind the Gap is a thought provoking and emotionally charged exhibition on now at Maroondah Federation Estate. Opened last weekend by Kirsty Sword Gusmão, AO, it is a fine example of the important links municipal galleries can facilitate between local communities and the rest of the world.

Battle of Long Tan commemoration

Mr WYNNE (Minister for Planning) — On the final parliamentary sitting day before Anzac Day I rise to lend my voice to the acknowledgement of the service of our veterans community. I would like to acknowledge our guests in the gallery of Parliament today from the Victorian RSL, the Vietnam Veterans Association of Australia Victorian branch, the Vietnamese Veterans Association of Victoria and the Vietnamese Community in Australia's Victoria chapter. There are many people in the gallery today who I have known for many years.

As we know, 2016 marks the 50th anniversary of the Battle of Long Tan, the costliest battle of Australia's Vietnam War. In that respect we acknowledge the massive losses that were suffered on both sides of this terrible conflict. We also acknowledge the service of veterans of the armed forces of the former Republic of Viet Nam, who served alongside Australia and who faced a very difficult reality following their service. As we know, Speaker, many of these people migrated to Australia and indeed to my seat of Richmond, which hosts the largest number of members of the Vietnamese community. I am deeply honoured to be their representative and to acknowledge today the extraordinary contribution they have made to the culture, the diversity and the economy of Richmond. I thank them for being a part of today, and I am delighted, as always, to be their representative in this Parliament.

Battle of Long Tan commemoration

Ms SANDELL (Melbourne) — On behalf of the Greens I too want to acknowledge the anniversary of the Battle of Long Tan and recognise all those who went to war, those who suffered because of war and also those who took the brave stand of working for peace and opposing war. Colleen Hartland will be making a longer statement on behalf of the Greens in the upper house as well.

Public housing

Ms SANDELL — I also want to raise another important matter for the government today and acknowledge members of the Homeless Persons Union Victoria who are in the gallery today. The government acquired over 100 properties as part of the failed east–west toll road project. When that project was cancelled I, along with many others, called on the government to use these houses for public housing. Unfortunately more than a year has now passed, and many of these houses still stand completely empty and unused. Only 20 have been promised for social housing. This is even though there are tens of thousands of Victorians who are suffering homelessness right now and over 30 000 applications on the public housing waiting list.

I acknowledge the homeless persons union, members of which are currently occupying several of these houses. They have had to take a bold stand because housing affordability in Victoria has reached crisis levels. They have three simple requests of the government: that the government give all unoccupied east–west toll road properties to public housing; that the minister meet with them to talk about their experiences of homelessness; and that the government outline a real plan to address the housing crisis in Victoria. I want to lend my support to their requests and urge the minister to take real action on Victoria's housing crisis.

Battle of Long Tan commemoration

Mr LIM (Clarinda) — I rise to acknowledge the sacrifices made by Australian Vietnam veterans and Vietnamese veterans, who share a special bond, having fought side by side half a century ago. The Battle of Long Tan will be forever etched in Australia's military history. The story of this remarkable moment in time needs to be retold, not just on Anzac Day but continually in our school system so that our youngest Victorians properly understand our history. So too should the dedicated efforts of our Vietnamese community in Australia, who every year commemorate and pay tribute to our Vietnam veterans for their sacrifices during this time, particularly when they themselves have so much pain and sorrow for loved family members who died or were maimed during the years of conflict.

I was especially moved when I visited the Vietnam War Memorial of Victoria at the Dandenong RSL last year to lay a wreath and study the faces of veterans of both Australian and Vietnamese communities. It was quite a humbling experience. This was a collaborative project with the Vietnamese Community in Australia and the

RSL in Dandenong. I congratulate them for building the memorial for all of us to remember those who fought together.

I wish to make special mention of the Vietnamese community leaders in the gallery today. They are treasured members of our community. Out of this terrible time, thousands of Vietnamese fled this conflict. Many settled here with nothing, built a new life and have enriched our state. I share their pain, their suffering, their hell.

Battle of Long Tan commemoration

Mr D. O'BRIEN (Gippsland South) — I want to acknowledge ahead of Anzac Day the 50th anniversary of the Battle of Long Tan — a battle where Australians fought to protect South Vietnam and achieved a remarkable victory against communist forces. This battle was crucial in the development of the strong relationship formed with South Vietnam during the war, which has led to a welcoming spirit of friendship being extended to the many Vietnamese who moved to Australia over subsequent years, who have made a valuable contribution to Victoria and Australia. I also acknowledge Sale's John Printz, OAM, for his leadership in Vietnam veterans activities, and all Vietnam veterans in my electorate.

Keith Ferguson and Eleanor Patterson

Mr D. O'BRIEN — I also want to congratulate athletes from Gippsland South recently selected to represent Australia at the forthcoming Rio Olympics: Longford skeet shooter Keith Ferguson and Leongatha high jumper Eleanor Patterson. Keith will be shooting at his second Olympics, having made his debut in London just six years after taking up the sport at the age of 26. Eleanor has been creating waves in the high jump world since winning gold at the Glasgow Commonwealth Games and finishing eighth at the world championships in Beijing last year. Good luck to them and all Australians at the coming Olympics.

William MacAulay

Mr D. O'BRIEN — As part of centenary celebrations for The Nationals, commemorating 100 towns for our 100 years, I was pleased to unveil a plaque at the Staceys Bridge hall last week to commemorate the service of William MacAulay, who was a member for Gippsland Province in the other place for 20 years. A minute book from 1934 provided by one of our members on the day shows Bill was a reluctant starter initially, having refused nomination as chairman of the inaugural Gippsland South district

council of the Country Party. He got the job anyway, and three years later he was elected to Parliament, where he continued the tradition of service of Country Party MPs and became one of the favourite sons of Staceys Bridge.

Battle of Long Tan commemoration

Ms WILLIAMS (Dandenong) — I rise in the house today to speak about Anzac Day and the important honour and respect we have for our veterans and our servicemen and women. I would firstly like to acknowledge all veterans, those who have served and those who have fallen while serving. I also pay my respects to the families of veterans. We are joined today by a number of veterans, Australian and Vietnamese, and community leaders who represent and support Australian and Vietnamese Vietnam veterans. This year marks the 50th anniversary of the Battle of Long Tan. This anniversary is an opportunity to formally acknowledge and honour the camaraderie and support between Australian and Vietnamese servicemen and women. It is also an opportunity to reflect on those who lost their lives and those who will carry the wounds of war with them for the rest of their lives.

We also acknowledge Vietnamese veterans who were imprisoned and forced to leave their country and who worked hard to rebuild their lives and build strong foundations for the next generation. It is fitting that the Melbourne Anzac Day march will this year be led by Vietnam veterans, alongside proud veterans from the former Republic of Viet Nam.

This friendship and camaraderie between the servicemen and women of Australia and their counterparts in Vietnam is long lasting. In Dandenong the Vietnamese veterans collaborated with the Dandenong RSL, the Victorian chapter of the Vietnamese Community in Australia and other organisations to build the Vietnam War Memorial of Victoria. The memorial features a Huey helicopter and granite walls displaying war zones and participating allies, as well as a side-by-side statue of a South Vietnamese and an Australian soldier, which sits proudly in the centre. This has special relevance in a uniquely multicultural community that finds great strength in its diversity.

I would today particularly like to give my thanks to John Wells, president of the Dandenong RSL, and John Meehan, president of the Noble Park RSL, who have made and continue to make significant contributions to our local veteran community.

Battle of Long Tan commemoration

Mr BURGESS (Hastings) — On behalf of my community I would first like to pay my deep respects to our honoured guests in the memory of the Battle of Long Tan.

Leila Shaw

Mr BURGESS — I was saddened to learn of the recent passing of an 88-year-old Somerville resident, historian, author and extraordinary human being, Leila Shaw, after a short illness. Mrs Shaw was a member of the famous Brunning family — a family of pioneers and fruitgrowers on the peninsula who first planted apple trees in Somerville in 1866. Mrs Shaw founded the Somerville, Tyabb and District Heritage Society in 1996 after meeting with local pioneer families to hear their stories, look at their photos and discuss the rich history of the area.

In the same year and with the assistance of the society, Mrs Shaw published her first book, *She's Apples — A History of Fruit Tree Nurseries, Orchards & Cool Stores 1853–1994*, a book dedicated to the memory of those wonderful Mornington Peninsula pioneers. In the introduction to this book, Mrs Shaw stated:

In the early days, the fruitgrowers of Somerville and Tyabb had a finger in the pie in almost every facet of our community projects, taking responsibility on behalf of the people for the smooth running of the district. They were instrumental in bringing electricity and water to Somerville and Tyabb and influenced the train timetables, mail times and telephone connections.

Two years later and with the assistance once again of the society, Mrs Shaw released her second book, *The Way We Were — Adventures, Feats and Experiences of Pioneering Families of the Mornington Peninsula*.

On 31 October 2009 the society proudly opened the Leila Shaw Gallery, and it was full of memorabilia provided by Mrs Shaw. Mrs Shaw had a lovely and generous spirit, and those attributes were for all to see in her enthusiasm for sharing Somerville's glorious past history with others.

Battle of Long Tan commemoration

Ms THOMSON (Footscray) — In 2016 we mark the 50th anniversary of the Battle of Long Tan in the Vietnam War. It is fitting that the Melbourne Anzac Day march will this year be led by Vietnam veterans, including the proud Vietnamese Australians who served alongside them in this conflict.

The Vietnamese-Australian friendship was formed on the battlefields and grew with the postwar arrival of so many Vietnamese refugees to our nation. This war saw the mass exodus of refugees in the years following, and we welcomed many thousands to our shores of our country. The Midway Hostel in my electorate was the first home to many Vietnamese refugees, many of whom are here today — and I wish I could acknowledge you all personally.

Today we honour those Australian men and women who also served during the Vietnam War, those who laid down their lives during this conflict and those who endured the pain and suffering returning home. We also honour those who fought for the former Republic of Viet Nam: you fought bravely for freedom and democracy.

I want to mention the Vietnamese Veterans Association based in my electorate, the work of the Footscray RSL and the many Vietnamese veterans who make Footscray, the state and the nation a better place. I thank you. I know you still feel the pain over the loss of your comrades, the ones you left behind, especially invalid veterans and those who laid down their lives during those years of battle. Today we honour their sacrifice with you. Lest we forget.

Battle of Long Tan commemoration

Mrs FYFFE (Evelyn) — This year marks the 50th anniversary of the Battle of Long Tan. On 18 August D Company entered the Long Tan rubber plantation. Less than an hour later the Vietcong attacked in force, putting Australians under mortar, machine gun and small-arms fire. Only the lightning response of a New Zealand artillery battery to desperate calls for support saved D Company from annihilation. This year, for the first time, Vietnam veterans and their allies will lead the Anzac Day march as we honour all those who served and died in war and in peacekeeping.

Our Vietnam veterans deserve to be recognised for their valour, strength and camaraderie. We pay tribute to those who lost their lives in the Vietnam War and to those who returned home with injuries and without their mates. When I first came as a migrant to this country, I was appalled at how Australians treated Australian servicemen when they returned from the Vietnam War.

Victorians will also honour the brave men and women of the former Republic of Viet Nam who fought, died and became incapacitated fighting alongside Anzacs in defending their country against communism. To those who survived the fall of Saigon to make it to Australia

and who, like me, now call Australia home, we pay our respects for the price they paid. This year, as our Anzacs march side by side with their Vietnamese-born allies, we acknowledge the enormous sacrifice made in the defence of freedom and the contribution that has been made to Australian society.

The Yarra Valley Vietnam veterans association plays an important role in establishing a combined Vietnam veterans day, and I would like to mention Bob Gannaway.

Battle of Long Tan commemoration

Mr PEARSON (Essendon) — On the 50th anniversary of the Battle of Long Tan, Vietnam veterans and their allies for the first time will lead the march on Anzac Day, our national day of remembrance for all those who served and died in war and in peacekeeping. I would also like to acknowledge in the gallery today Viv Nguyen, who is an outstanding community leader.

Victorians honour the Vietnam veterans for their courage, bravery and camaraderie. Victorians honour those who lost their lives in the Vietnam War, and those returning home with injury and without their mates. Victorians today also honour the men and women of the former Republic of Viet Nam, those who fought, those who died, those who were injured alongside our Australians and those whose friendship was reflected not only during this conflict but in the aftermath of the war.

The sacrifices of the armed forces of the former Republic of Viet Nam were never acknowledged when they put down their armour on 30 April 1975. Today, they, as Australians, have their honour restored and their sacrifices acknowledged. We thank you for the contribution you make to this state and nation. We never condone wars, but we acknowledge your heroic actions in serving your nation. I acknowledge residents of my electorate: Vietnam veteran Peter Smith, OAM, of the Victorian RSL; and Natalie Phan, an executive member of the Vietnamese Community in Australia/Victorian chapter, daughter of Brigadier General Phan Dinh Thu; and the men and women who served under him during this conflict.

In 1975 we were a good country but in 2016 we are a great nation — because so many Vietnamese have chosen Australia as their home. I look forward to seeing Vietnam veterans and Vietnamese veterans marching together this year as we reflect on bonds formed during wartime and made stronger by the Vietnamese community that has since made Australia home.

Battle of Long Tan commemoration

Mr THOMPSON (Sandringham) — On behalf of the Sandringham electorate, on the occasion of the 50th anniversary year of the Battle of Long Tan, I pay tribute to the Vietnamese Community in Australia/Victorian chapter and Australian veterans, many of whom are gathered here in the gallery today.

Freedom is not free. It comes at a price. In the case of the Bourke family, Michael Alwyn Bourke served with the 1st Battalion, Royal Australian Regiment as a private soldier in South Vietnam, and he was killed in action on 26 June 1965. On the day after, when two soldiers arrived at his mother's Melbourne home and were invited into the hallway, she needed no words to understand what had happened to her son. A plaintive, unceasing and inconsolable wailing rang out in the hallway. Later, in 1970, Michael Bourke's brother lost both his legs in Vietnam. War maims lives, limbs and hearts.

I honour the members of the Victorian Vietnamese community who have sought to advance fundamental freedoms — freedom from fear, freedom from want, freedom of speech and freedom of worship — and have continued to campaign from Australia today to advance those freedoms in Vietnam. I pay tribute to the great work that has been undertaken by the Vietnamese community in Australia to establish the memorial at the Dandenong RSL, and the great work done through the dual identity leadership program and in support of the Vietnam veterans memorial at Phillip Island.

Battle of Long Tan commemoration

Ms SULEYMAN (St Albans) — To mark the 50th anniversary of the Battle of Long Tan in the Vietnam War, this year the Anzac Day march will be led by Vietnam veterans, with the proud Vietnamese Australians they served alongside in that conflict. Australia's Vietnamese community has contributed so much to the growth of our state and nation, and in particular in my electorate of St Albans. I acknowledge the efforts to build the commemorative park with the support of Brimbank City Council, the Sunshine RSL, the Footscray RSL and many Vietnamese associations.

Recently, as part of the Spirit of Anzac Prize tour, I had the opportunity to travel the battlefield sites with two Australian servicemen, Bob Elworthy and Stuart Dodds. Bob, a Vietnam veteran, shared his wartime experiences. I note that he is in the chamber today. We are so thankful to Bob and men and women like him, who served our country and continue to serve as role models for our community. I encourage all Victorians

to join in the Anzac Day services across the state to thank our Vietnam veterans and our Vietnamese community and to honour all Australians who have served and died in all wars, conflicts and peacekeeping missions. Lest we forget.

Battle of Long Tan commemoration

Mr KATOS (South Barwon) — I too would like to acknowledge the 50th anniversary of the Battle of Long Tan this year. I recognise the members of the Vietnamese community as well as our Vietnam veterans who are here today. I would like to personally thank the veterans for their service to our country and the Vietnamese who stood up to the tyranny of communism. Australia welcomed Vietnamese who were fleeing the Vietnam War. One of those who fled the war was Sun Hung Le, who ended up working for me when I used to have a fish shop in Geelong. Sun is a very hardworking man. My brother taught him, and he learnt to split oysters. He found a home in this country, and he ended up buying houses and making a very good life for himself here in Australia. Sun has never forgotten the passion of the community in Australia who welcomed those from Vietnam who were fleeing oppression.

Highton schools

Mr KATOS — I call on the Minister for Education to fund primary schools in Highton in this year's state budget. Schools in Highton are in urgent need of upgrade. The coalition recognised this and funded the upgrade of Montpellier Primary School after 11 years of neglect. The coalition has also made commitments to Bellaire Primary School and to Highton Primary School, as these schools have experienced huge growth and need capital upgrades. The minister needs to fund these schools as a matter of priority.

Battle of Long Tan commemoration

Mr McGUIRE (Broadmeadows) — Anzac Day commemorates the battle at Gallipoli a century ago, and nowhere is the ebb and flow of history more acutely felt than in Broadmeadows. The army camp where the diggers, light horse men and Victoria Cross winners were trained and despatched later became the migrant hostel where large numbers of Turkish families first called Australia home. Broadmeadows is where the Johnnies and the Mehmetts now live side by side, which we celebrate annually.

This year's Anzac Day march will be appropriately led by Vietnam veterans, acknowledging the 50th anniversary of the Battle of Long Tan, Australia's

costliest battle in the Vietnam War. From 1962 to 1975 almost 60 000 Australian servicemen and women were engaged in the Vietnam conflict, during which 521 Australians died and more than 3000 were wounded. We remember them, their comrades and their families.

The Battle of Long Tan is one of Australia's most significant military victories and has become a symbol of the service and sacrifice made by so many during the Vietnam War. Today we honour the commitment of all who have served in war and fought for peace, and we particularly acknowledge Australian and South Vietnamese veterans. Lest we forget.

BUSINESS OF THE HOUSE

Standing and sessional orders

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

That so much of standing and sessional orders be suspended so as to allow, on Wednesday, 27 April 2016, the sitting to start at 12 noon and the order of business to be:

- (1) question time;
- (2) formal business;
- (3) statements by members under standing order 40;
- (4) government business;
- (5) interruption of business for the adjournment under sessional order 3.

I appreciate the opportunity to move this motion that establishes Wednesday, 27 April, as the day on which the state budget will be handed down by the Treasurer in this chamber. This change to the previously published sitting schedule, which had our original budget day on 3 May, has come about as a result of the federal Turnbull government bringing forward its budget by one week. This meant that the state and federal budgets would have coincided.

I would be tempted, and others may be tempted, to reflect on some of the chaos and dysfunction that is going on in the Liberal government in Canberra — one day one thing is said and another day something else is said — but I might leave that for others to reflect upon. What I want to focus on is that this gives us the opportunity to lay out very clearly the government's economic agenda for Victoria. It will give us the opportunity, obviously, to present the budget very clearly and communicate it very clearly to the Victorian community.

It is no small thing to bring the budget forward by one week, and those who have been around budget processes can appreciate the challenges that that has provided. In understanding those challenges I would hope that the chamber can support this motion, as it is important that we have 27 April as our budget day. I invite the opposition to continue this conversation to settle the day on which the shadow minister — I assume it will be the shadow Treasurer — wishes to provide a traditional budget reply. There are obviously the Tuesday and Wednesday of the following sitting week. Unless the shadow Treasurer indicates he wants to do it forthwith, I assume that he will want to do it on the Tuesday following 27 April. That conversation is ongoing, and we will work to accommodate what the opposition is seeking to do at that chosen time.

With those brief comments, I hope that this is a motion that can be supported by the chamber. It is a simple, commonsense motion, and I commend it to the house.

Mr M. O'BRIEN (Malvern) — This is certainly a motion the opposition does not support. This is a government that has had its jackboots on this week, not only seeking to sack a democratically elected council and keep administrators in for four years, but now we see the government seeking to gag the opposition on the budget reply. This is disrespecting the Parliament, disrespecting the Victorian community and disrespecting democracy. We all understand that the government is one that is obsessed by political spin. It is a government that seeks to bring forward its own budget so that Timmy can get his day in the sun, so that the government can have its day of propaganda.

I am not quite sure why government members are so keen to have the spotlight on them, given that it has already been flagged that this will be a budget which will break more promises in relation to new taxes, break more promises in relation to new debts, break more promises in relation to the abandonment of the jobs target and break more promises in relation to police numbers and police stations. But nonetheless the government wants to have its day in the sun. Why then is the government refusing to allow the opposition to have its response in the same week? That is the order of things in this Parliament, going back to time immemorial. The government delivers its budget and then two days later the opposition gets its response.

What the government says is, 'We will have our budget, a one-day wonder, but then the opposition can wait over a week until it gets the chance to deliver its response' — which just happens to be in federal budget week. So the government is so desperate to keep the opposition's budget reply smothered, to keep it buried

under everything else that happens in federal budget week, that it is gagging the opposition from being able to deliver its response two days after the budget has been delivered, which has always been the tradition and the convention of this place. This is nothing less than an attempt to gag the opposition, to censor the opposition, to try to stop competing voices having their views heard in this place and in the community. This is another example of a government that is obsessed by political spin and is prepared to gag other people in an attempt to pursue its own agenda.

If the government were serious about wanting to shift the budget forward by a week and maintain the usual practices, the usual conventions, it would have come to the opposition before it made its announcements. It could have said to us, 'Look, we are considering moving the budget forward by a week in response to the federal budget timing, and as a consequence of that, we would like to offer you the opportunity to give your reply in two days time'. Yes, we could have come back and sat on the Friday or the government could have brought down its budget on the Tuesday. What is wrong with Tuesday, 26 April, instead of Wednesday, 27 April? The government has given no reason whatsoever why it cannot bring down its budget on the Tuesday. It is a working day. Everyone else is going to be working; why can this Parliament not sit on the Tuesday? We could also sit on the Wednesday and Thursday of the same week. There is absolutely no reason for it, other than an attempt to gag the opposition, the Greens, the Independent and the minor parties from having their say in the Parliament in the same week the budget is brought down.

The government could even have said, 'Look, Michael, we need to do it on the Wednesday' for some reason. It has not given us any reasons why it has to be done on the Wednesday, but let us say there was a good reason. In such a case the government could have approached us and said, 'Look, would you mind giving your budget reply the day after? We know it is a bit of an ask for you to give your budget reply only 24 hours after the budget, rather than 48', but they could have approached us. We could have worked with the government if the government had been serious about seeking to make sure that the traditions and conventions of parliamentary democracy in this place are upheld, but of course no such conversation was ever conducted. No approach has been made, and to hear the frankly weasel words of the Leader of the House saying there are ongoing conversations between the opposition and the government about the scheduling of the opposition's budget reply is just nonsense.

The time to have had those conversations was before the government rolled into the house this motion, the absolute effect of which is to gag the opposition, gag the Greens, gag the minor parties and gag the Independent from having the chance to reply to the budget in the same week. That is what this motion is all about, and it is a disgrace. This is something which will be remembered. This is something which will not be forgotten. In the very same week as this chamber is debating the Orwellian-named Transparency in Government Bill 2015, the government is seeking to gag every other voice in this Parliament from responding to the budget in the same week. The government says, 'You can do it in the next week' — when all the focus is on the federal budget. What an absolute disgrace.

There is still an opportunity for the government to admit that it has got this wrong. If this government, if this Labor Party, has any respect for this Parliament or for the conventions of parliamentary democracy and any sense of fairness that the opposition has a right to be heard in the same week, then this motion should be withdrawn and replaced with a motion to have the Parliament sitting on the Tuesday, Wednesday and Thursday — 26, 27 and 28 April. We can even, as I said, discuss with the government having the Parliament back on the Thursday. There is a prospect that I could agree with, to foreshorten the time that I would normally have to prepare the opposition's budget response and do it the following day. But if this motion goes ahead as currently phrased, it is nothing less than an attack on democracy by a government that is arrogant, that is spin obsessed and that not only has absolutely no regard for the rights of the opposition and other parties but is also disrespecting the people who voted for us and sent us to this place.

This is an appalling motion. As I said, in the same week as we are debating the so-called Transparency in Government Bill, in the same week as this government has sought to sack a democratically elected council and keep democracy out of Geelong for four years, this is absolutely appalling. The opposition does not support this motion. It is a disgraceful motion. It is an anti-democratic motion. It is a motion which will do great discredit to this government. It will not be forgiven and it will not be forgotten. I believe that the community will see this as the jackbooted action of a government which is so scared of being held to account for its broken promises that it will do anything to gag every other voice in this Parliament from responding to the budget in the same sitting week.

Mr PEARSON (Essendon) — I rise to support the motion moved by the Leader of the House. This is a sensible motion that is before us, despite the — —

Mr Katos — Acting Speaker, I direct your attention to the state of the house.

Quorum formed.

Mr PEARSON — I rise to support the motion moved by the Leader of the House. It is a pleasure to follow the member for Malvern, with all of his hysterics. He has had a hysterical week, I think it is fair to say, with his comments to date. The reality is that the opposition has always been afforded the opportunity to provide a response to the budget. That has traditionally been two sitting days after the budget has been handed down.

In the motion here before us, we are proposing that that convention will be maintained — that the opposition will be afforded the opportunity to provide a response to the budget two sitting days after the budget has been handed down.

If that does not suit the member for Malvern, then he most certainly would be able to provide a response to the budget on the day the budget is handed down. So if he wants his day in the sun with the Treasurer, he can have it. He can have it on Wednesday, 27 April. If he does not want it on 27 April, he can alternatively have it on the next sitting day, which will be the following Tuesday, if he wants, or alternatively he can have it on the following Wednesday.

The reality is that this is a sensible motion before us. The reality is that the federal government has brought forward its budget for its own reasons, and frankly I think the people of Victoria are entitled to be able to see this budget as a standalone piece in order for it to be scrutinised and to be examined without the shadow of the federal budget hanging over it. That is why it is being brought forward. That is why the government is moving this motion to bring the budget forward — so that it can be properly examined and scrutinised.

The member for Malvern talks about gagging. I recall a gag. A gag would be, for example, when a Premier of this state demands that no Liberal member of Parliament or no Liberal candidate can speak in an election. That is a gag. If you want a gag, that is a gag. The member for Malvern talked this week about the fact that the government is taking responsible action to remove a dysfunctional and bullying council in Geelong. Well, this is also coming from the party which sacked democratically elected councils in 1994 — all of them, every single one — and administrators were put

in place. All of their Liberal mates were put in place as administrators not for a couple of weeks, not for a couple of months, but for years while council amalgamations were occurring.

The reality is that the opposition will have the opportunity on the day that the budget is released to provide comments. As you would expect, it will be afforded the opportunity to provide a budget response. Those opposite can provide it on that day if they want. If they want to be able to provide a comment and response in relation to the budget, they will be afforded that opportunity on that day, 27 April. If they want it brought on, they can have it. Alternatively, as I said, the opposition can respond in the course of that following week. The reality is that I would have thought the opposition might well want some time to work its way through the budget papers. The member for Malvern might need all the time he can get to try to work his way through it and try to understand and learn how to read budget papers.

This is a sensible motion before the house. It is right, fair and proper that this budget be properly examined and scrutinised in making sure that we avoid the train wreck that is Canberra and federal politics. It is a vitally important step in doing that, and I commend the motion.

Mr CLARK (Box Hill) — It is clear that the arrangements that the government is proposing for bringing forward the budget in the way it is deliberately designed to stymie opportunities for scrutiny, response and assessment in this house as to what the budget consists of, what it is doing and what it is failing to do for the people of Victoria. Of course there is no quarrel with the fact that the government wants to bring the budget forward, given that the commonwealth budget is to be held on the date that was previously scheduled. Everybody accepts the logic of that.

But the logic is missing in why it is being done with a single sitting day proposed for Wednesday, 27 April. Why not simply bring forward by a week the sitting week that had been scheduled for the first week in May and make it the last week in April and, with that change, keep business exactly as usual: the budget being handed down on the Tuesday; the opposition giving its budget response on the Thursday in time-honoured fashion, and the budget being available for scrutiny and the community having a week in which this budget can be scrutinised in the house, not only through the opposition's response but in questions and other contributions.

What the Leader of the Government failed to address in her remarks and what the member for Essendon failed to address in his remarks is why. Why have just the single sitting day on Wednesday, 27 April, and no further scrutiny until the following week? Why should the government do it that way rather than simply bringing the entire week from the first week of May forward to the last week of April?

Instead of that, the government has had to resort to a convoluted process, through this motion that is now before the house, to say that effectively what would normally be the schedule on a sitting Tuesday will be the schedule on a Wednesday. None of that is necessary; we do not need any motion at all. The Leader of the House can simply move that the house next sits on Tuesday, 26 April, and we would move into a normal sitting week in that week.

There has clearly been a lot of thought — a lot of artifice — poured into setting up this motion and this sitting the way the government is doing. Of course it is completely consistent with this government's attitude toward democracy, to manipulation and to concealment that it should seek to do it in this way. It is absolutely nonsensical that it should not bring forward the sitting week in the clear and straightforward way in which it ought to be done.

We are strongly opposed to this motion, and in our view it would be far more straightforward and sensible to simply bring forward the sitting week. It is a reflection of arrogance and contempt for this house. Not only is it an attempt to stymie the opposition — those opposite are obviously frightened of the member for Malvern and what he might have to say in exposing the failures of the budget, alongside the rest of the coalition team — but they do not even want to allow the Greens or the Independent member the opportunity to be in this chamber and have their say on the budget.

This is an artificially structured device to avoid scrutiny. It is discreditable to this government. It is yet another black mark against its name, alongside many other black marks that the government has incurred in terms of its contempt for democracy. I very much look forward to seeing whether any other government members contribute to this debate and attempt to put forward any justification whatsoever for the convoluted, artificial, contrived, manipulative structure in which this government intends to try to sneak out its budget this year and avoid scrutiny by and on behalf of the people of Victoria.

Ms WARD (Eltham) — I have to say, yet again, that I am amazed at the absolute rubbish that those

opposite come out with. Listening to the plaintive cries of the member for Malvern, who is having a little mini breakdown over there, relevance deprivation really came to mind, and in that coming to mind, I remember — and I am sure we are all of that era to remember — the Moving Picture's song *What about Me?*. They seem to be saying, 'It isn't fair, I've had enough. I don't know how to get back on that 24/7 media bandwagon'. Oh dear!

I think this indicates the lack of communication and support that the federal government has for this state and in fact for its own Liberal Party in Victoria. Why is that? It cannot even communicate to coordinate budget announcements. Prime Minister Malcolm Turnbull is so interested in himself that he did not think to talk to his friends in Victoria, and they are outraged about this. We are now seeing today that suddenly it is the Labor government's fault that we are organised enough to bring a budget forward by a week and talk about it, that we have actually got our act together, that we can deliver for the people of Victoria in a day and tell them about the fantastic things that we are doing. We are investing in really important things like schools, like businesses, like our roads, like our hospitals — the list is endless.

Those opposite think that they will miss out on talking about it. Would that indicate that they are not actually very organised themselves, that they cannot get their own act together and that despite having four years of failed government and spending nearly 18 months in opposition, they still cannot manage themselves and still cannot get a coherent narrative together? That is what this is about.

Yesterday they wanted to argue with us about the crazy shenanigans happening down at Geelong. They are in fact more than crazy shenanigans. The disturbing, nasty bullying and culture that is down there needs to be rectified and needs to be sorted out, and it cannot be sorted out in only a couple of months. There are deeply entrenched issues in that council that are affecting the community which a sensible government wants to resolve, and instead we have grandstanding from those opposite who want to bleat and moan because they think that their cocky-feathered mayor is being treated unfairly. This is not right.

This government is showing leadership, and that is exactly what we have done with the silly practices of those up in Canberra, who have decided to bring the budget forward because Malcolm Turnbull, just like the Liberals here, cannot get his own act together. He does not know whether he is coming or going. He does not know what he is doing; he has absolutely no idea. And

these guys are doing exactly the same thing. Why would you be arguing about when you get your place in the sun? They have their place in the sun. They have their opportunity to respond to this budget, and they actually have a pretty good amount of time to organise themselves and respond to it.

This is a ridiculous, infantile argument from those opposite. I really, yet again, as I have done so many times in this house, encourage them to get down and do some real policy work instead of continuing with their ridiculous grandstanding that wastes their time, their mental energy and in fact their own emotional wellbeing, I am sure. They really need to start doing some work and thinking about how they can constructively contribute to the state of Victoria and how they can have their own narrative about what they would like to see happen in this state, but I am yet to see that happen. Every day I come into this place hoping that they will have done some work and can bring something to the table, and I am yet to see that.

All we see are the stamping of feet and little hissy fits, 'You guys are all doing it. You guys are all doing it'. Yes, we are indeed all doing it. We are the government. We are showing leadership and we are doing things for this state, and that is exactly what this budget will deliver. This budget will deliver wonderful things for this state. It will continue to deliver our election commitments, and it will deliver more. What is it not to talk about on this? There is so much to talk about on this. I am surprised that the opposition is not embracing this opportunity for what it is — but you know what, that would encourage them to do something and to actually be positive and have something to say.

Mr Pearson interjected.

Ms WARD — Indeed, as the member for Essendon says, they are in a cultural circle of negativity that they just cannot get out of. One day they might be able to do that, and it will be good for their health and the health of all Victorians if they did manage to get themselves out of that cycle of negativity of harping, of whining and of grabbing any little opportunity they can to do absolutely nothing but carp on about the things that do not really matter. Hospitals matter to Victoria, good education systems matter to Victorians and indeed public education matters to Victorians. Public education and investment in public education may not matter to the Prime Minister, but I can tell members that public education matters to the people on this side of the house. It absolutely does. Instead of creating ridiculous arguments over the timing of the budget, why are they not arguing with the federal government about funding the Gonski reforms in full? Why are they not taking it

up to Canberra and asking for Victoria's fair share, for our public students' fair share, for our hospitals' fair share?

Why are they not talking to their comrades, their friends in Canberra, instead of arguing over a table about when the budget is going to be and how many days we are going to do it for? What a ridiculous waste of time and energy. Talk about the things that matter to Victorians and that Victorians care about.

Mr DIMOPOULOS (Oakleigh) — I support the motion put forward by the manager of government business. The member for Box Hill challenged us to come up with a justification. I thought the manager of government business did that. But just in case it was not clear, my understanding of how the state governments of the past have delivered their budgets is that it is delivered a week before Canberra, as will happen this time, and the opposition follows two sitting days later. This is exactly what is being maintained. Opposition members can deliver their budget reply two days later, which would be on the Tuesday of the following sitting week. There is nothing in that convention that says, 'Allow time in the sun for the opposition'.

This is unfortunately a problem that the Liberal Party has created. The Liberal Party created the problem by moving the federal budget date. Like other members, I am incredulous that the state opposition is picking an argument and fault with the Victorian Labor government when it was its own people in Canberra who created this mess. They created the mess, and we are responding in a way that is entirely appropriate.

Mr Nardella — They created the mess; we are fixing it up.

Mr DIMOPOULOS — That is right; we are fixing it up. We are responding in the only way we can, which is to maintain the key convention of delivering our budget a week before the federal budget and the opposition responds to it two sitting days later. It is not our fault that it falls on the same day or in the same week as the federal budget. That is the opposition's problem unfortunately, and is something that members opposite can sort out at the next Liberal Party state conference. Fundamentally this is a motion about good government in the face of a chaotic government in Canberra. To the member for Malvern, who said that it is gagging the opposition, I say, 'Sorry, but you are not that important'. If opposition members do not have anything to say that is of value, the Victorian people will not listen. If they had something of value to say, whether it be on federal budget day, on a Sunday afternoon or a Friday evening, people would listen. So

they should just make it valuable and make it count, and they will be heard.

Fundamentally gagging does not happen on this side of politics. The Parliamentary Budget Office, which we are establishing through our bill, as I have said previously, is a far superior model for looking after minor parties and the opposition than was the previous government's proposal, which was a last-minute dash three months before an election to open up the resources of the state for costings for minor parties. In contrast, we will keep it open for the entire cycle of the Parliament. Of course there is the heavy emotional language used by the member for Malvern saying, 'This will not be forgiven or forgotten'. Like the members statements we had about Anzac Day, that kind of language should be reserved for more serious issues like Anzac Day. Forgiven and forgotten because the opposition does not get its time in the sun? That is completely over the top.

If members opposite want to know what will not be forgiven or forgotten, it will be their cuts to TAFE, their cuts to schools and their cuts to the health services of this state. They are the things that will not be forgiven or forgotten. I challenge them in two weeks time or a month's time to find five Victorians who even know on what day the opposition gave its budget reply and whether it counted. People do not really care about the timing of these things. They care about the timing of the government budget announcements because they are the critical ones. Unfortunately that is what you have to put up with in opposition. Both sides of politics do at some point.

This is not something that we have created. It is something that the Liberal Party has clearly created through a chaotic federal government. We have had to respond as the appropriate government of the state to responsibly communicate with the electorate about the commitments that we need to keep to them, and of course allow Parliament to do its work in the following sitting week because that is the only time that it is possible. That is the time the opposition and the minor parties will get to do their work.

There is a reputation developing with this opposition. This week is a particularly poignant week for this reflection, but generally in the last 15 or 16 months it has been shown that this is an opposition that is far more interested in nitpicking than talking about substantial elements. For example, the report on the Greater Geelong City Council is probably one of the most damning reports, as the member for Geelong said, of bullying and harassment. The victims of that bullying would hopefully have some sense of closure

from the minister moving to dismiss that council, yet all the other side of politics can do is talk endlessly over the last couple of days about why this is rushed. It is rushed because of the nature of it, for God's sake. It is the nature of the report, the seriousness of it and the whole range of legal ramifications, and all members opposite focus on is not the substance of this but on, 'Oh, I did not get my 5 minutes'. Fundamentally it is about their Liberal Party contacts in Geelong.

Similarly with this matter, the only option this government had in response to the chaotic national government of this country was to move the budget forward a week. Those opposite could say, 'Okay, it's not ideal, but that makes complete sense. You are still maintaining the convention of a week earlier than the federal government. You are still maintaining the convention that we will get our reply two sitting days after', but no, there is none of that. It is about them. It is about process. It is about their version of process.

Ms Ward — Budget envy!

Mr DIMOPOULOS — Budget envy, as the member for Eltham says. Fundamentally this focus on these nitpicking debates in this place does the Victorian public no service. It does them no service at all. In fact, to be really frank with you, no-one out there really cares. What people care about are the things that the opposition neglected in the four years it was in government: the service provision that people expect of an advanced economy like ours, whether it be investment in TAFE, investment in education and health, the announcement we saw by the Minister for Health of \$335 million — the biggest single investment in elective surgery waiting lists in Australia's history — the \$572 million down payment on the recommendations of the Royal Commission into Family Violence. They are the things that people care about, not whether the opposition's budget reply is overshadowed because of the federal government. Who is the federal Treasurer? I cannot even remember his name — Scott Morrison!. Unfortunately that is the lot they have created in the Liberal Party.

Mr Nardella interjected.

Mr DIMOPOULOS — That's right. Fundamentally this government has done the right thing. It has been given something to deal with from the federal government that it cannot change. It has been given a revised federal budget time line. It cannot change that, so it says, 'What can we do to still maintain the appropriate stability, the appropriate communication, with the electorate and the appropriate conventions?', and it has delivered on that. Of course

members on the other side did not like that, but they will have to take that up with their federal colleagues, because it is not our problem. Our job is to respond appropriately to the Victorian people who elected this government — and ‘appropriately’ means responding as soon as possible within a week of the federal budget.

Mr McGUIRE (Broadmeadows) — The argument from the opposition is nothing more than manufactured outrage. It is sophistry. Opposition members know the facts of the matter — that is, what has happened is that this is the cause of the dysfunction and the chaos out of Canberra. Let us just put it on the record: 14 ministers have come and gone since Tony Abbott first put a ministry in place.

Mr Nardella — How many?

Mr McGUIRE — Fourteen ministers have come and gone — Prime Minister, gone; Treasurer, gone; Minister for Industry, gone. What does this echo? It echoes exactly what happened in this place with the former government when the coalition was in power, so we are seeing this repeated. We have had this whole series of arguments that are put up. Increasingly the opposition is becoming shrill and desperate. We have had the member for Hawthorn talk about the Stasi. I mean, that is how far out of line — —

An honourable member interjected.

Mr McGUIRE — Yes, I know. It is a pity the member for Essendon has left the chamber. Remember the time when they were complaining that the member for Essendon’s children ate their homework? We had that argument as well. The member for Essendon’s children were in the back here.

So let us put it in place: this is a spurious argument. This is no more than an attempt desperately to get a headline. This has been caused by the federal government and its changes. Opposition members still have the opportunity for what is known as the 24/7 media cycle if they want to have a debate and get their arguments up. Everything else stays with the convention. I think I just wanted to put on record that this should be called out for what it is.

This is an increasingly shrill and desperate opposition. All its members really do is they have got the fear and denial faction. They run with that faction every time just to aggregate fear and work up anxiety, and that is all they are doing. It is part of the negativity that is coming through, to the point where we had a division called when we were giving due regard and respect to the Vietnam veterans and acknowledging them on the front steps of the Parliament. I mean, please! Can we

have a level of maturity within how we actually debate issues? I just wanted to put that on the record. That is what this is — no more than sophistry and manufactured outrage.

House divided on motion:

Ayes, 47

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Brooks, Mr	Merlino, Mr
Bull, Mr J.	Nardella, Mr
Carbines, Mr	Neville, Ms
Carroll, Mr	Pakula, Mr
Couzens, Ms	Pallas, Mr
D’Ambrosio, Ms	Pearson, Mr
Dimopoulos, Mr	Perera, 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
Kairouz, Ms	Wynne, Mr
Kilkenny, Ms	

Noes, 35

Angus, Mr	O’Brien, Mr M.
Asher, Ms	Paynter, Mr
Battin, Mr	Pesutto, Mr
Blackwood, Mr	Riordan, Mr
Britnell, Ms	Ryall, Ms
Bull, Mr T.	Ryan, Ms
Clark, Mr	Smith, Mr R.
Crisp, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Gidley, Mr	Staley, Ms
Guy, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McLeish, Ms	Walsh, Mr
Morris, Mr	Watt, Mr
Northe, Mr	Wells, Mr
O’Brien, Mr D.	

Motion agreed to.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016

Second reading

Debate resumed from 13 April; motion of Mr SCOTT (Acting Minister for Corrections).

Mr DIMOPOULOS (Oakleigh) — Just to briefly conclude my contribution on this bill, I note that I think it is an appropriately strong advancement on the framework for the protection of the community in this area of policy. While, as I think other members have said, we can never guarantee that something as horrific as those incidents will not happen again, we can definitely narrow the margin of error with the steps we are taking today with this bill. In concluding I also want to commend the work of the Minister for Police and Minister for Corrections, as well as the Acting Minister for Police and Acting Minister for Corrections, and the Attorney-General in this space. I commend the bill to the house.

Ms WARD (Eltham) — I also rise to support the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016. This is a very good bill, and I am glad the opposition is not opposing it. This bill is another step in the direction of changing the culture of violence against women in this state. As we have seen with the Royal Commission into Family Violence, there is still a great deal of work that needs to be done in order to eradicate violence against women and children in this state and indeed in this country. This bill will give authorities the tools to tackle the worst and most dangerous sexual predators in our community. It applies conditions such as supervision orders, curfews, alcohol bans, no-go zones, drug testing and strict reporting requirements for up to 15 years. It really sends a strong message that violent behaviour will not be tolerated in this community, in our city or in our state.

In talking about this we need to also talk about the current community and the current climate we are in. One of the biggest findings of the royal commission is with respect to the equality of women in this state. Equality is still an ongoing issue in this state, and it is something I am very glad the Andrews government is being very proactive in addressing.

In this house I have spoken about organisations such as Wicked Campers and the terrible things they have on their campervans as they drive backpackers around this state. Wicked Campers think it is fine to write all sorts of terrible things about women that basically reduce

women to something as simple as a slice of pizza. The words that are on these vans, talking about women's bodies and women as commodities, as things to be used by men, are absolutely appalling. We need to create a culture in which voices are heard to say, 'This is not acceptable'. I do not want censorship; I want a community that says, 'This is not acceptable'. We as adults do not want to see this stuff, and we certainly do not want our children seeing this. I do not want my daughters, when travelling in my car with me, seeing the terrible, disparaging, sexist things that these vans have written on them.

I note that a council in New Zealand has taken some action. The Queenstown Lakes District Council has said that it will issue a \$300 fine every time a Wicked Campers vehicle, displaying sexually explicit, indecent or offensive slogans, is spotted in Queenstown. This is something I think we could encourage a number of our local councils to look at, because it is not appropriate to talk about using women as sexual objects on campervans as they travel around our city streets and on our country roads. It is just not acceptable. I cannot see how a company can think that it is acceptable to have this kind of language on their vans. I go back to my earlier point around the community rallying together and letting these businesses know that it is not acceptable.

It is not just this organisation. Only last week a new delivery service called Deliveroo set up and caused some concern, and it concerns me. Its sole premise is that it delivers takeaway food using young women who are in underwear or scantily clad, and its ads show suggestive messaging from the models to the people ordering the food — as in, 'Hi, cutie'. This is not the way to deliver food in this state. This is not the way to promote the equality of women and girls.

Business interrupted under sessional orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to welcome to the gallery today members from the Divya Jyoti Jagrati Sansthan, established and run under the mentorship of His Holiness Shri Ashutosh Maharaj Ji. I welcome Ms Shreya Bharti Ji, Ms Minakashi, Mr Karan Khurana and Mr Apratim Mallya. On behalf of all members of this house, welcome to Victoria and welcome to Australia.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Police resources

Ms KEALY (Lowan) — My question is to the Acting Minister for Police. On Easter Saturday a street riot occurred in Warracknabeal in which a 19-year-old woman was glassed in a horrific attack which required a CT scan and surgery. With the town population swelling to over 3500 people over Easter, why was Warracknabeal police station closed, with not a single police officer available to attend this incident on the busiest weekend of the year?

Mr SCOTT (Acting Minister for Police) — I thank the member for her question. Obviously matters in relation to deployment of police resources are operational matters.

Honourable members interjecting.

The SPEAKER — Order! The Acting Minister for Police is entitled to silence. The opposition asked a question. The minister to continue, in silence.

Mr SCOTT — I do note that the member did not make the false claims that have been made previously by members of the opposition that there have been cuts — claims that required that they not include elements of Victoria Police, including crime command, which includes the homicide squad and family violence command.

In terms of the issue, members opposite would be well aware that under section 10(2)(f) of the Victoria Police Act 2013 operational matters, including the deployment of individual resources, are matters for the police commissioner. We will not be crossing that line, unlike others.

Supplementary question

Ms KEALY (Lowan) — I ask the minister: is it a fact that the closest police station to Warracknabeal, at Minyip, was closed under this government and, as a result, police from Murtoa, 53 kilometres away, and from the town of Speed, 114 kilometres away, were forced to attend this riot and arrived an hour after the incident had concluded?

Mr SCOTT (Acting Minister for Police) — In terms of the detail of the question, I am unable to confirm, because a number of claims that have been made by members of the opposition have been false. The deployment of any police resources, including the times of operation, is a matter for the chief

commissioner, as members are well aware. We will provide the police with the appropriate level of resources that they require in order to serve and protect the Victorian community.

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the minister. The opposition asked a question of the minister. The minister is entitled to silence. The minister, to continue in silence.

Mr SCOTT — We will be providing, as a government, to Victoria Police the resources that it requires. We have increased police numbers, unlike the claims that have been made by members opposite. As I said, in terms of the detail of the allegations or references made by the member, I will provide some further information to the member.

Ministers statements: western distributor

Mr ANDREWS (Premier) — I am pleased to announce to the house that the 2016–17 Victorian state budget will provide every dollar needed to build the western distributor. The western distributor tunnel project is long overdue. It will deliver that second river crossing that our city and state so desperately need. It will slash travel times from Geelong and the west of Melbourne. It will create 5600 jobs, and it will be delivered in full by this government.

Mr Watt — On a point of order, Speaker, the Premier has just said that every dollar will be coming from the budget. Previously I had heard that residents in Burwood would have to pay for a road in the western — —

The SPEAKER — Order! The member for Burwood will resume his seat. The Premier, to continue in silence.

Mr ANDREWS — We will provide \$1.46 billion across the forward estimates in the budget to be released in just a couple of weeks, and then a further sum of around \$600 million will be provided beyond the forward estimates. That means that despite the fact that the federal government has refused to provide even one dollar for this project, it will go ahead, slashing travel times for those coming from Geelong and the west, creating 5600 jobs and giving us a genuine second river crossing for the first time in our state's history. We will deliver in full.

Part of this project is an actual upgrade of the Monash Freeway — not an announcement, not a project without even a business case, but an actual announcement,

tenders for which are in the market as we speak, construction of which will begin at the end of this year and completion of which will occur in 2018. We will be commencing work this year and concluding it by 2018. Those opposite can barrack for Malcolm Turnbull, if only shouting, 'Build better infrastructure!'

While those opposite are commentators, while those opposite are apologists, while those opposite reflect a record of achieving nothing, we will deliver the western distributor for jobs and for growth.

Police resources

Mr KATOS (South Barwon) — My question is to the Acting Minister for Police. The population of Torquay explodes to more than 30 000 people with tourists and holiday-makers during the Easter long weekend. I ask the minister: why was the Torquay police station, the biggest on the Surf Coast, closed for the day shift on both Easter Sunday and Easter Monday, leaving the Torquay community unprotected?

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition is warned.

Honourable members interjecting.

The SPEAKER — Order! The Chair would rather not on a Thursday have members from either the government or the opposition withdraw, but if need be that will happen. The member for South Barwon is entitled to silence, and the Acting Minister for Police is entitled to answer the member for South Barwon in silence.

Mr SCOTT (Acting Minister for Police) — I thank the member for South Barwon for his question. As I have said previously, I cannot confirm the statements made because there have been a number of statements made by the members opposite which are false and have been false in relation to these sort of matters. In terms of the allocations, as the member well knows, that is a matter for the chief commissioner. I know opposition members wish to cross that line regularly but they well know that. They choose to ignore it in government, and they choose to ignore it in opposition.

In terms of the allocation of police resources in Torquay, that is obviously again a matter for the chief commissioner. In terms of whether police are deployed, one of the matters which I think should be brought to the attention of the house, which is something that has been raised in the police, is police on the actual street serving the community on the street is often a better

utilisation of police time. I will continue to ensure that police have the right and, as is defined by legislation, the control over the allocation of police resources to ensure that resources are allocated in such a way that it best serves the Victorian community.

Mr Katos — On a point of order on relevance, Speaker, the minister is saying that he has no power to direct the chief commissioner on the deployment of police, yet the minister is happy to direct the deployment of police on the Bellarine.

The SPEAKER — Order! The Chair does not uphold the point of order. The minister, to continue.

Mr SCOTT — In fact under section 10 of the Victoria Police Act 2013 'the allocation or deployment of police officers or protective services officers' is something that is specifically the responsibility of the chief commissioner and not the minister. Ministers for Police, including myself, are specifically precluded from giving such direction. I know members opposite wish to step over that line, but we will not.

Supplementary question

Mr KATOS (South Barwon) — Is it not a fact that just up the road at Geelong station, due to the minister's cuts to frontline police, weekday divisional van rosters have been slashed from three per day to just one?

Ms Couzens interjected.

The SPEAKER — Order! The member for Geelong will come to order and allow the Acting Minister for Police — —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition should allow the Acting Minister for Police to respond to the member for South Barwon. The minister, to respond.

Mr SCOTT (Acting Minister for Police) — I utterly refute the claim there have been cuts to police. The metric that is used to make that determination — you will not want to hear it, but you will hear it — excludes operational support, which includes the family violence command. I will repeat that: the metric used by the opposition to make that claim excludes the family violence command chain.

Honourable members interjecting.

The SPEAKER — Order! the minister, to continue in silence. The opposition asked a question, and the Chair believes that the opposition would be interested

in getting that response from the minister. The minister, to continue in silence.

Mr SCOTT — There have not been cuts to police. This is a false claim, and it is a claim based on a metric that literally — in this week when we had the debate on the take-note motion on family violence — to get to that metric, involves creating a metric which removes the family violence command. I would respectfully suggest through you, Speaker, that members opposite desist for their own good from that line of questioning.

Ministers statements: western distributor

Mr DONNELLAN (Minister for Roads and Road Safety) — I rise to update the house on a new milestone reached on delivering the western distributor project. Today the Premier, the Treasurer and I released detailed concept designs for the western distributor in order to consult with the community, councils and other stakeholders over coming months.

The Andrews Labor government is committed to delivering this vital project and getting it right. Over the coming months we will be consulting on these design options to make sure we get the best design outcome for the community. A new western distributor authority will be established to work with Transurban to deliver this project. Major construction on the western distributor tunnel will begin in 2018, and the procurement process will start this year in parallel with extensive planning and consultation and a full environment effects statement.

This government is committed to an open and transparent process going forward, unlike those opposite, who refused to release their rotten, dirty business case, signed a dodgy side letter and steamrolled a dud project in total desperation on the eve of an election. Today we have released two design options for the western distributor, including a long and a short tunnel along with five options for the Hyde Street connection in order to take placarded loads or dangerous loads off the inner-city streets of the west. We are also investigating a wide range of options for city connections with the intent of better distributing traffic to where it needs to go and in doing so to relieve the pressure on the CBD roads like Spencer and King streets.

As the Premier has outlined, we are getting on with this marvellous project with or without the commonwealth. We welcome the federal government's offer of \$1.5 billion — and we will work with it — but it is not a project. It is simply just an idea at this stage. It is an offer to tweak. We will work with it to work out where we can spend that \$500 million on the western distributor, but it needs a business case. We will not be

delaying our project, full stop, to spend 6 to 12 months doing a business case, because this infrastructure is needed today.

Police resources

Mr SOUTHWICK (Caulfield) — My question is to the Acting Minister for Police. Glen Eira is in desperate need of more police, with crime rising — —

Honourable members interjecting.

Mr SOUTHWICK — This is a serious matter.

Honourable members interjecting.

The SPEAKER — Order! The member for Caulfield is entitled to silence, and the member shall continue in silence.

Mr SOUTHWICK — My question is to the Acting Minister for Police. Glen Eira is in desperate need of more police, with crime rising 21 per cent over the past year, well above the state average. In the past few weeks in Caulfield we have seen shootings, firebombing and a home invasion. With crime rising 21 per cent over the past year in Glen Eira, is it not a fact that the minister's cuts to frontline police have resulted in there now being only one divisional van servicing the city's 140 000 residents?

Mr SCOTT (Acting Minister for Police) — In response to the question by the member for Caulfield, I would just like to again reiterate there have not been cuts to police and the metric used to derive, by the opposition, cuts to police does not include operational support, which I would reiterate to members opposite includes the family violence command, forensic services and the crime command, obviously including such aspects as the homicide squad. I reject the premise of the question. The nature of the questioning — —

Honourable members interjecting.

Mr Pesutto — On a point of order, Speaker, on relevance, the acting minister was asked: is it a fact that there is only one divisional van servicing the 140 000 residents of Glen Eira as a result of cuts to frontline police?

The SPEAKER — Order! The member for Hawthorn was doing a good job; the member for Hawthorn is no longer doing — —

Mr Pesutto — Cuts to — —

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Hawthorn

The SPEAKER — Order! The member for Hawthorn will withdraw from the house for the period of 1 hour.

Honourable member for Hawthorn withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Police resources

Questions and statements resumed.

Mr Pakula — On the point of order, Speaker, the member for Hawthorn, were he still here, would know that the preamble to the question is incorporated in the question, and he in fact repeated it during his point of order. The preamble suggested that there had been cuts to frontline police. The acting minister has made it clear now on three occasions that when you include operational support departments — including crime command, counterterrorism command and family violence command — the number of frontline police has gone up. If the opposition wants to ignore family violence command, that is a matter — —

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will resume his seat. The Chair has heard sufficient.

Mr Walsh — On the point of order, Speaker, in supporting the member for Hawthorn, the question was very specific, about cuts to frontline police — not service police, frontline — —

Honourable members interjecting.

The SPEAKER — Order!

Mr Hodgett interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Croydon

The SPEAKER — Order! The Deputy Leader of the Opposition will withdraw from the house for the period of 1 hour.

Honourable member for Croydon withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Police resources

Questions and statements resumed.

Mr Walsh — Again, Speaker, the question was very specific, about the cuts to frontline services in Glen Eira — frontline police services there, not about things that the Attorney-General was talking about. I ask you to bring the acting minister back to actually, for once, answering a question in this place instead of just quoting a section from the act. We have an acting minister. An acting minister should be responsible for his portfolio, and I ask you to bring him back to answering the question.

Ms Allan — On the point of order, Speaker, for the member for Murray Plains to suggest that homicide police and police working in family violence are not frontline police is I think a reflection on him and his side's view of policing. The Acting Minister for Police, in answering the question, was refuting with facts the incorrect allegation that is made in each and every one of these questions, and he is perfectly entitled to place those facts before the house in answering the question.

Mr R. Smith — On the point of order, Speaker, the Leader of the House is clearly misrepresenting what the Leader of The Nationals said. The Leader of The Nationals did not make any statements about homicide squads at all. In fact what the Leader of The Nationals said was in relation to frontline — —

The SPEAKER — Order! The Chair does not require the member for Warrandyte to clarify the point of order made by the Leader of The Nationals. The member for Warrandyte will make the point of order succinctly or the Chair will ask the member for Warrandyte to resume his seat. The member for Warrandyte will be given a second chance to make a point of order.

Mr R. Smith — I simply say that the point of order raised by the member for Hawthorn was in relation to frontline police in the City of Glen Eira. That is what the acting minister should be addressing and that is what the acting minister should be answering. The acting minister should actually answer these questions that are being raised by members, particularly those members who are raising these matters about the lack of police in their local electorates. The acting minister should come back to answering the question.

The SPEAKER — Order! The Chair does not uphold the point of order. The acting minister was being responsive. The acting minister, to continue, in silence.

Mr SCOTT (Acting Minister for Police) — In relation to the question, the premise of the question is false because there have not been cuts to frontline police, because we on this side of the house, unlike others, accept the family violence command. I do again respectfully suggest through the Chair that the opposition for its own benefit, considering the assertions it is making about what is frontline policing, reassess its question time strategy to give more regard to what is actually the frontline policing in this state. So I reject the premise of the question.

Supplementary question

Mr SOUTHWICK (Caulfield) — Police Association Victoria has said that gaping holes in police station rosters, like Glen Eira's, exist right across Victoria — and it is clearly right. How much worse does it have to get before the minister finally does something and fixes the problem?

Mr SCOTT (Acting Minister for Police) — I will respond to the supplementary question from the member for Caulfield. As we have outlined to the house, in fact as the Premier outlined previously, we will be giving police the powers and resources they require to keep the Victorian community safe. That has already been put on the record, and obviously there are matters which I cannot discuss in relation to the budget, but I assure the house again that we will be giving police the resources and powers they need to keep the community safe.

Ministers statements: infrastructure projects

Mr PALLAS (Treasurer) — I rise to update the house on the projects the Andrews government is aiming to deliver for Victoria. These are both new projects and new achievements. The new achievement, of course, to reaffirm what the Premier has already advised to this house, is that the state will meet all government contribution components of the western distributor. After four long years of stagnation under the previous government, the Andrews government is working to deliver multiple transformative projects such as the western distributor and, might I say, Melbourne Metro.

But while these projects are transformative, they also share a common feature: none of them receives the substantial support for delivery of the federal coalition

government. Today we announced that the western distributor will proceed with or without the assistance of the federal government. We simply cannot wait for Canberra to get its act together and recognise the need for this vital infrastructure.

There are some encouraging signs coming out of the federal coalition. We welcome its acceptance last week that the \$1.5 billion will remain in Victoria. There are real positives in the proposal it has put forward: the Murray Basin rail project; the Monash upgrade, provided it can be delivered in a sensible time frame; and the regional and rural roads networks. But there are still more thought bubbles than backing of good projects. Less talk and more projects are what we need.

Of course we have a federal government that exists in some sort of bizarro world. It still short-changes the fastest growing state in the nation and denies us vital infrastructure, because when it comes to actually building the infrastructure that stacks up there is one government building it, and it sits on this side of this chamber.

Police resources

Mr GUY (Leader of the Opposition) — My question is to the Acting Minister for Police. With the government having an agreement with Victoria Police that there be no more than 100 prisoners held in police cells across the state, in order to allow police to be on the beat and not watching people in police cells, is it not a fact that today there are more than 200 prisoners being held in police cells, a figure that is still rising?

Mr SCOTT (Acting Minister for Police) — I thank the Leader of the Opposition for his question because numbers of prisoners in police cells peaked under the former government at 372, and the government — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition asked a question of the minister. The minister should be allowed to continue in silence.

Mr SCOTT — And that was in November 2013. Then I note the claims — —

An honourable member interjected.

Mr SCOTT — If I am not mistaken, there is legislation currently before the house which will better manage, which I cannot refer to in debate, so I will set that matter aside, but there is a matter in relation to better management. Obviously there are policies that have been undertaken by this government in the first

budget that was announced in terms of police custody officers, and 200 police custody officers will be deployed by the middle of this year.

I would say I find this an extraordinary question because the number in police cells — and I can confirm to assist the member that earlier this week there were 216 prisoners in police cells — is significantly lower than the numbers under the previous government, which peaked at 372.

Supplementary question

Mr GUY (Leader of the Opposition) — I refer to an attempted escape from police custody at the overcrowded Moorabbin police cells by four prisoners earlier this week, which saw eight sworn police officers injured — a station that was meant to have custody officers but still does not. Is the reason this attempted escape was able to occur not due to the chronic overcrowding of police cells and the minister's government's failure to do anything about it?

Mr SCOTT (Acting Minister for Police) — I thank the member for his question. I firstly place on the record that I am sure all members are concerned for any police that are injured on the job.

I have been advised that the cells at the police station where the incident took place were within their operating capacity, so therefore the argument put that the cells were overcrowded is not correct.

Ministers statements: national disability insurance scheme

Mr FOLEY (Minister for Mental Health) — I rise to inform the house of new initiatives and information regarding the Victorian government's rollout of the national disability insurance scheme (NDIS). With less than 80 days to go, the Andrews Labor government has set the foundation for the rollout of the NDIS in Victoria over the next three years. This will be a transformational opportunity for people with disabilities to become a part of Victoria's mainstream society from which they have been locked out for so long.

The Victorian government is proceeding with the work plans developed by its national disability insurance scheme implementation task force, with the active involvement of people with disabilities. We are building a high-quality disability sector workforce, which will see that workforce more than double in size over the next four to five years. We are pushing the commonwealth for growth in innovative housing, and we are making sure that there is a smooth transition as the scheme rolls out.

But sadly we are not seeing the cooperation that we would expect in this national transformative opportunity from our friends in the commonwealth government. We are seeing a whispering campaign being run by Malcolm Turnbull and the commonwealth ministers to undermine the commitments that this Prime Minister, in his first act as Prime Minister, undertook in the signing of the bilateral agreement with the Premier of Victoria in September last year. We are seeing an undermining of the independence of the national disability insurance scheme authority to be that arms-length body in which the decisions that the Victorian government will continue to be a co-funder of for many years to come are made.

I call upon the Prime Minister and I call upon his federal government ministers to stick to their word and support people with disabilities and give them the opportunity that they have fought so long and hard for to be part of Australian and Victorian mainstream society.

Police resources

Mr CLARK (Box Hill) — My question is to the Acting Minister for Police. With police cells bursting at the seams, prisoners are now unable to be transferred to cells for holding in preparation for court appearances, and as a result hundreds of prisoners have not been presented to court and are now in breach of court orders. So I ask: with cells overcrowded, prisoners not being tried and victims being denied justice, when is the minister going to fix this mess his government has created?

Mr SCOTT (Acting Minister for Police) — There has been an investment already of over \$14 million in videoconferencing, which assists in addressing the management of prisoners into police cells, and also there is legislation currently before the house. It is an issue that I cannot therefore address further in this answer, so I will leave it at that.

Supplementary question

Mr CLARK (Box Hill) — With thousands of dollars in costs now having been awarded against Corrections Victoria for these breaches of court orders, I ask: exactly how much taxpayers money has been wasted because of the minister's inability to fix this mess?

Mr SCOTT (Acting Minister for Police) — The issue in relation to the consequences of prisoners not being able to be presented to court, as is required, is exactly why there is currently legislation before the

house and other action in turn to ensure the better management of prisoners in police cells. I would note that in relation to the management of police cells that there was a much larger number of prisoners in police cells under the previous government. In terms of the detail of any figure, I will provide that matter to the member.

Ministers statements: education funding

Mr MERLINO (Minister for Education) — I rise to speak on a new initiative regarding the rollout of the Andrews government's Camps, Sports and Excursions Fund. This week I announced that prep students eligible for the Camps, Sports and Excursions Fund can now also receive a new uniform support pack. From term 2 about 15 000 preps will be eligible for a windcheater and tracksuit pants or a bomber jacket, rugby top, hoodie or zip jacket just in time for winter. These are our most vulnerable kids. Since it was launched last year almost 19 000 students have benefited from the Andrews government's partnership with State Schools Relief, sharing in more than \$3 million in support for clothing and footwear for our most vulnerable kids.

When we came to office there was so much to do. Let us not ever forget that those opposite cut the education maintenance allowance and those opposite failed to fund Gonski. And now we have recently seen the Turnbull government join in on attacking public education —

Mr Clark — On a point of order, Speaker, the minister is now proceeding to debate the issue rather than complying with sessional order 7. You have given him guidance about this on many previous occasions, and I ask you to ask him to come back to compliance with the sessional orders.

The SPEAKER — Order! The minister is to come back to making a ministers statement.

Mr MERLINO — They defend Malcolm Turnbull, but they will not defend their public schools. They will not defend their kids and families. They do not want to do that.

Mr Clark — On a point of order, Speaker, the Deputy Premier has proceeded immediately to defy your ruling. If he will not comply with your ruling, I invite you to instruct him to sit down.

The SPEAKER — Order! I uphold the point of order as put by the manager of opposition business, and I ask the Minister for Education to resume making a statement in conformity with sessional orders.

Mr MERLINO — I will indeed, Speaker. Since coming to government, the Andrews Labor government has increased needs-based funding in our schools by 70 per cent. We have had another 78 schools commence breakfast clubs this term. We will have another 250 through the course of the year delivering on our commitment for 500 breakfast clubs. We will invest in our government schools. We will invest in our kids and our families. We will support them, unlike those opposite.

RULINGS BY THE CHAIR

Constituency questions

The SPEAKER — Order! Yesterday the member for Pascoe Vale took a point of order regarding the constituency questions asked by the member for Ringwood and the member for Euroa on that day. The member asked me to review whether the members asked for information or requested the ministers to take action. I have reviewed all constituency questions asked yesterday, and I uphold the point of order as put by the member for Pascoe Vale. I refer all members to appendix 4 of *Rulings from the Chair*, which sets out, may I say on a Thursday, the dos and the don'ts for asking constituency questions.

CONSTITUENCY QUESTIONS

Ms Victoria — On a point of order, Speaker, I bring to your attention a number of unanswered questions on notice and ask that you direct the Minister for Creative Industries to comply with standing orders in relation to response times. For the record, those question numbers are 6978, 6977, 6976, 6975, 6974, 6973 and 6972.

The SPEAKER — Order! The Chair will follow the matters through for the member for Bayswater.

Ms Ward — On a point of order, Speaker, I ask you to sanction members, including the member for Ringwood, who reflect poorly on the Chair.

The SPEAKER — Order! I appreciate the member for Eltham's point of order. The Chair does not uphold the point of order.

Mr Thompson — On a point of order, Speaker, I draw your attention to constituency question 6804, which was asked on 23 February 2016. It remains unanswered, and I ask you to draw that to the attention of the house and request an answer.

The SPEAKER — Order! The Chair will follow the matters through for the member for Sandringham.

Warrandyte electorate

Mr R. SMITH (Warrandyte) — (Question 7102) My constituency question is to the Minister for Public Transport. My question is: when will Public Transport Victoria (PTV) be introducing an increase to the frequency of bus services from The Pines shopping centre to Blackburn railway station during the peak times of 7.00 a.m. to 8.30 a.m.? With the current number of bus services, passengers are finding the buses are overcrowded and often running late — so late that there have been times when the bus has skipped picking up passengers from Blackburn station in order to make up time.

PTV has previously let commuters know that service changes to deal with this overcrowding would be implemented by the third quarter of last year, but unfortunately these changes did not occur. The minister has previously responded to me on this issue through correspondence and said that PTV will consider commuter feedback. But unfortunately, while commuters have been patient, their patience is wearing thin. Could the minister let commuters in my electorate know when these much-needed extra services will begin?

Footscray electorate

Ms THOMSON (Footscray) — (Question 7103) Our government is working with an understanding of the intrinsic link between family violence and gender inequality. Across all stages of life, women face barriers that men simply do not. For instance, women in full-time work earn around \$15 000 less than men each year and will retire with just over half the superannuation savings of men. It is vital that voices from every community are represented in this process, as this will provide a clear snapshot of the required reforms. I therefore ask the minister: how can members of the Footscray community contribute to the consultation process for Victoria's gender equality strategy?

The SPEAKER — Order! The member for Footscray will clarify to whom the constituency question is addressed.

Ms THOMSON — The Minister for the Prevention of Family Violence.

Morwell electorate

Mr NORTHE (Morwell) — (Question 7104) My constituency question is to the Minister for Roads and Road Safety. My question is: what is the latest information with respect to Latrobe City Council's application under the government's Safer Cyclists and Pedestrians Fund, which seeks support to construct a shared pathway from Traralgon to Morwell?

Many local constituents have long desired to see the construction of a Traralgon–Morwell shared pathway, including local bike-riding group the Traralgon and Morwell Pedallers. Prior to the 2010 state government election I was able to announce \$60 000 in funding that would allow Latrobe City Council to undertake a feasibility study into the pathway and a preferred route. This has culminated in the council applying for funding through VicRoads and the Safer Cyclists and Pedestrians Fund program.

More than five years has elapsed since coalition government funding was provided to the council for this project, and the community waits with much anticipation. It has been a very slow, frustrating and cumbersome process, and therefore my constituents are desperate for information and state government support on this project.

Essendon electorate

Mr PEARSON (Essendon) — (Question 7105) I would like to direct my constituency question to the Minister for Environment, Climate Change and Water. My community is experiencing significant population growth, and this is putting significant pressure on existing infrastructure, including the local sewers in the Moonee Ponds area. My question to the minister is: what is happening to address pressure on water infrastructure in Moonee Ponds, and in particular has there been progress in relation to the plan to re-line the Moonee Ponds reliever sewer?

Caulfield electorate

Mr SOUTHWICK (Caulfield) — (Question 7106) My constituency question is to the Treasurer. Recently the Minister for Small Business, Innovation and Trade with the member for Bentleigh met with traders to discuss a stimulus package for traders affected by the North Road level crossing removal who run small businesses in the area. Traders lost thousands and thousands of dollars during the Christmas trade period due to the sudden shift in the timing of communication in removing the crossing. I ask the Treasurer to provide an update on the amount of funds traders will receive

from the stimulus package and whether this will be funded in the upcoming 2016–17 state budget.

Thomastown electorate

Ms HALFPENNY (Thomastown) — (Question 7107) My constituency question is to the Minister for Education regarding the proposed Edgars Creek Secondary School in the Thomastown electorate. The Andrews Labor government made an election commitment to the people of Thomastown to purchase the land required for the much-needed new school in the growth area comprising Epping and Wollert. This school is vital for the education of students in an area of huge population growth and is necessary to reduce the need to travel long distances on heavily congested roads. This commitment was fulfilled with money allocated for the land purchase in our first budget last year. What is the timetable for the building of this urgently needed school?

South Barwon electorate

Mr KATOS (South Barwon) — (Question 7108) My constituency question is to the Minister for Education. Last year in the house I raised the needs of Bellbrae Primary School, which has experienced tremendous growth in student numbers and is in desperate need of capital works funding. The minister gave an undertaking to join me and visit the school to see its needs firsthand. The minister in this house said:

The best thing I can do prior to making any commitment for any school is to visit that school and see the needs of the school community firsthand. I will be very pleased to visit the school.

Seven months later neither the school nor I has been contacted regarding when the minister will visit. The information that I seek is: when will the minister honour the commitment he made to this house on 16 September 2015 to visit Bellbrae Primary School?

Yan Yean electorate

Ms GREEN (Yan Yean) — (Question 7109) My question is for the Minister for Public Transport. The Mernda rail extension will transform the outer northern region of Melbourne, connecting residents in my electorate to the metropolitan rail network and bringing with it increased economic investment and improved livability. As the minister is well aware, connections to and from the new stations are vitally important to commuters who want to travel by bicycle. Will the new Mernda rail extension be designed to support bicycle access, including bike lockers at stations and, most importantly, integrated bike path connections

throughout Mernda and Doreen to service this transformational project?

Burwood electorate

Mr WATT (Burwood) — (Question 7110) My constituency question is to the Minister for Planning. Last week on ABC 774 the minister revealed for the first time that seven storeys was an acceptable height for the Markham housing estate. It was previously only two storeys. Given that I have already put in an FOI request for plans and have been told that none had been made, I ask: when did the minister decide that seven storeys was appropriate for the Markham housing estate, a site that backs onto a number of single-storey houses on a quiet street in Ashburton?

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) — (Question 7111) My constituency question is to the Minister for Education. Dallas Brooks Community Primary School is a school in my electorate which won the Victorian architectural medal for best new public architecture in 2014. This is a school in one of the poorest and most disadvantaged areas in the world's most livable city. It has delivered a highly acclaimed and innovative model. As an election commitment, Labor announced \$500 000 would be committed to finish the landscaping and outdoor spaces at the school. I ask the minister: what is the latest information on when the school will receive this funding so these important infrastructure works can be delivered?

Ms Halfpenny — On a point of order, Acting Speaker, I would like the Speaker to review the constituency question of the member for Morwell, because it actually sought an action within the question.

The ACTING SPEAKER (Ms Blandthorn) — Order! I will pass that on for the Speaker's consideration.

Ms Ward — On a point of order, Acting Speaker, I ask that the question by the member for Caulfield be reviewed, as he sought an update and did not seek information.

The ACTING SPEAKER (Ms Blandthorn) — Order! I will also pass the member for Eltham's point of order to the Speaker for his consideration.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016

Second reading

Debate resumed.

Ms WARD (Eltham) — Before we went to question time, I was talking about a new delivery service provided by Wicked Campers, Deliveroo, and the appalling advertising campaign which was to have women in bikinis delivering pizzas. The thing that strikes me is that not only is it unbelievable that Wicked Campers had this idea but also that it went through a whole advertising process before this concept was realised, photographed and filmed and that there were people sitting around a table working through an advertising campaign who thought it was a great idea to have women in bikinis delivering pizzas at night time. What were these people thinking as they sat around the table and did their workshopping and their ideas swapping, as they collaborated together on this advertising campaign? What we need to do as a community is stop people thinking that women's bodies are a form of advertisement and that women's bodies are commodities to be bought and traded, regardless of whether it be for pizzas or for silly things painted on Wicked Campers campervans.

I also want to draw to the attention of the house a newspaper article from yesterday that talks about an unbelievable and outrageous Facebook site that was set up by some students from Melbourne University. It is just unbelievable. It is a Facebook site set up to rate and discuss how people look, and of course in the culture that we are in when we talk about how people look, we are talking primarily about how young female students look. It has quotes on it like this:

She's a bitch and has bad breath.

This girl is a 0/10. I would not bang her even if they paid me.

Shoot me with tranquilliser right now before I go out to hunt!

Another wrote:

This bloke doesn't take no for an answer.

These are some of the fundamental issues that we are grappling with. It is great that we have got this legislation that says, 'No, we are going to penalise serious sex offenders. We are going to lock them up, and we are going to make things very, very difficult for them'. But we also have to continue the great work that the Minister for Women and our Premier are undertaking. We have to do the work that the royal

commission has recommended to us, which is to change our culture. We have to change the way we are talking about women, we have to change the way we are talking about girls and we have to stop focusing on women's bodies as commodities, because they are not. Women are not for sale. Their bodies should not be used to help businesses sell their products. It is just terrible.

Let me go back for a minute to this Facebook site. Men have not only detailed the sexual acts they would like to perform on female students, they have also revealed the location of these so-called 'hotties' so that they can be picked up. This is just outrageous. What is even worse is that it is not just happening at Melbourne University; it is also happening at RMIT and Monash University. I am pleased to say that Melbourne University has asked Facebook to take this page down, and I really hope that Facebook listens.

I think Facebook really needs to sort itself out, because it thinks it is okay to demand that photos of women breastfeeding babies be taken down, but it allows Facebook sites like this to continue. Where are Facebook's priorities, and how does Facebook demonstrate its support for women? Facebook just does not. I commend Laura Blandthorn, the Melbourne University student who has stood up and has wanted this page taken down. She has wanted to stop it, and she has started a change.org petition. Good on her for having the courage to stand up and call out this outrageous and rampant sexism when she sees it.

I also want to talk about UltraTune and its terrible rubber catsuit ad. It is absolutely appalling. What I find appalling is that these ads are shown throughout the day and not just of a night-time. My girls sit and watch women in rubber catsuits flogging off tyres, saying things like, 'Get your rubber on'. Come on! This has just got to stop. If we are going to cut back on the sexual violence and violence against women, if we are going to promote the equality of the genders in this state, this kind of advertising just has to stop. I call on the community to call it out. The community needs to walk with us and stop it and tell these companies that this kind of advertising — using a woman's body as a commodity — has to stop. It just has to stop.

We have got to stop this sexual violence. We have got to stop family violence. We have got to stop men — some men, not all men — thinking that women are there for them to do what they want with. That is not what we are here for. These businesses need to listen to the community. They need to listen to our expectations. Our expectations are that they can be better than this. That is what our community deserves. Our women in

our community — our girls — deserve to be treated with respect. They do not deserve to be seen purely as an economic commodity. It really has to stop. When this stops, we will start to see a downturn in violence against women, because women will not be seen as objects and as inanimate things. They will be seen for the beautiful people that they are and for the contribution they make to this state. I commend the bill to the house.

Ms SHEED (Shepparton) — I rise to speak on what I think is an important piece of legislation. Having examined the bill during the time that it has been before the house, it is really heartening to note that there is legislation of this kind. I think a lot of people in our state wonder what happens to serious sex offenders once they have served their time and once they are back out in the community. This particular legislation requires serious sex offenders who are deemed an unacceptable risk to the community to be subject to post-sentence supervision orders. That recognises the seriousness of the crimes that they committed and for which they were jailed in the first place. I think the main aim of this bill is to give the highest priority to the protection of the community from those people once they are released.

The legislation provides a layer of oversight for people who the court has determined pose an unacceptable risk of sexually reoffending. This is not a decision that is made lightly. These are people who have committed very serious offences, and they come back before the court for a determination such as this to be made. There are professionals who will give evidence about the nature of these people, about their likelihood to reoffend and about their risk to the community. The supervision orders can be imposed for up to 15 years while detention orders can be imposed for up to 3 years. Offenders will be subject to a range of court-ordered conditions, which can include curfews, alcohol and drug treatment, no-go zones and strict reporting requirements. I think it was interesting to see in the media just last week reports that people are afraid that these sorts of offenders were hanging around schools. The no-go zone clearly is a way that this can be prevented, and we have had other legislation on issues like this.

Without this scheme, people would just be released into the community at the end of their terms of imprisonment without anyone really knowing where they are or what is going on. It is an important piece of legislation. It provides that if offenders breach the scheme, they will go back to prison.

The legislation includes a number of particular measures I want to refer to. It enshrines in law that community safety is the paramount consideration. It expands supervision orders and extends the time that the police can hold serious sex offenders who are deemed to be at risk of breaching supervision orders from the short time of 10 hours to 72 hours. I think it is understandable that police would require that additional time for investigative purposes.

The act introduces a new specialist response unit which will enhance the monitoring and the management of these offenders in the community and provide even greater cooperation and information sharing between police and corrections. Information sharing is something that is really important and it has been legislated for in other legislation — for instance, between child protection agencies and the courts.

Indeed some of the recommendations of the Royal Commission into Family Violence have highlighted the need for information sharing between agencies so that everyone understands what is going on in relation to particular people. The authorities will have a greater opportunity to intervene early before someone's risk increases. More intelligence-based risk assessment and offender management will occur, and case managers will be able to again have access to that shared information.

The Harper review was put in place after a terrible incident early last year, and it has made a number of recommendations to government, and I understand that a number of these have been taken up in this legislation and that we may well see more into the future. The legislation is a civil non-punitive scheme. It is described that way, yet I think a lot of people would see it as punitive in some way, because the curtailment of people's rights is in many ways punitive, but in situations such as these I believe that there is strong community support for this type of management and regulation of these offenders once they have been released.

A number of the women who have spoken on this bill have expressed concern about the fears they have had for themselves over the course of their lives — the fear of being attacked, the fear of walking out at night, the fear of going out and being able to freely walk home. That is something that I think all women have felt at times. It is unacceptable that in society — in cities, in towns where so many people are — you still feel afraid to walk down the street.

I am the mother of a daughter who came to university in Melbourne and worked in hospitality on weekends.

She would often telephone me as she was walking home at night in Brunswick — near Lygon Street, near Sydney Road, near where Jill Meagher was murdered. I felt fear as a parent knowing that she was walking down the street. It is hard to explain how that makes a mother feel but also how it makes a woman feel. Thank God for mobile phones, because they have provided a sense of security for women. They have provided a sense of security for parents. Certainly in my case I would make sure that my daughter had the phone on as she walked down that dark street, after she got off the tram, down to her house.

These are situations that we all face all the time. The fact that there are 156 serious offenders who are just roaming about here in Victoria in our community is quite frightening. It is heartening to know that there is a system in place to regulate them. I have to say from my own experience I know of a time when this regulation was not there and that the best a serious offender might expect to get would be a phone call during the course of the day from his case manager to see what was happening.

I hope that the scheme of this legislation will provide a much tighter system, that there will be more regulation and that corrections and the police will be able to track these people more. Recently there was news of a woman who was murdered who did not know the status of the man living next door to her. The community has to wear that because we in our wisdom decide that people are not entitled to know where a sex offender or a paedophile is living. That is currently the situation. I do not know who lives next door to me or who lives in my street in terms of people being offenders of that nature. If we are not entitled to know where they are, it is very important that corrections and the police do know where they are, do monitor them and do keep a level of control.

This is a piece of legislation that really highlights for me that situation that women do face. It has been an interesting time in my short time in this Parliament that we have sat through Rosie Batty and others talking about their experiences of family violence, that we have now had the report of the Royal Commission into Family Violence released and tabled in Parliament, and we will now hear many speeches arising out of that. So many of these issues are tied up into one single issue — that is, the lack of respect for women.

I commend the member for Eltham on the words she had to say about the depiction of women in advertising and about the devaluation and the denigration of women in advertising in our community. It is only if we as women stand up to these things, do not buy from

certain places and write letters and demand a higher standard that these things will change. I am pleased to be here in this house while there is a real movement afoot to make change occur in relation to family violence and to hopefully improve the lives of many women in our community, so I commend the bill to the house.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016

Second reading

Debate resumed from 23 March; motion of Mr MERLINO (Minister for Education).

Mr WAKELING (Ferntree Gully) — I gives me pleasure to rise to contribute to the debate on the Education and Training Reform Amendment (Miscellaneous) Bill 2016. The bill before the house seeks to implement a number of changes to the Education and Training Reform Act 2006, colloquially known as ETRA.

This bill seeks to grant the departmental secretary power to summarily dismiss members of the government teaching service; puts in place a statutory debt recovery arrangement for financial assistance provided by the commonwealth to Victorian schools; ensures that there are new sexual offences under the Criminal Code of the commonwealth to take into account when assessing the registration and performance of Victorian schools or teachers; gives the minister the power to determine fees for temporary work approval applications from early childhood educators who do not meet normal qualifications criteria for Victorian Institute of Teaching registration; and also gives the minister the power to make acting appointments to the VIT council.

I will start with the summary dismissal provision within ETRA. Section 2.4.60 of the act indicates:

- (1) The Secretary, after investigation, may take action under this Part against an employee who —
 - (a) conducts himself or herself in a disgraceful, improper or unbecoming manner in an official capacity or otherwise; or
 - (b) commits an act of misconduct; or

- (c) during his or her period of service is convicted or found guilty of a criminal offence punishable by imprisonment or a fine —

and it goes on. So it is clear under the act that if the departmental secretary draws a view that the behaviour of a member of the government teaching service is at a point where it is deemed that the action warrants their dismissal because of their behaviour, the secretary has to undertake an investigation.

One thing that has been identified through the recent IBAC inquiries into the education department is that a myriad of behaviours have been clearly identified as being appalling and would fall within the realm of potential grounds for summary dismissal. Regarding the behaviour of those employees within the education department that were involved in the Back to School program, and a raft of other programs, that were clearly actions that were inappropriate under the relevant legislation that covers departmental staff — that is, staff that are employed within the broader public service under the Public Administration Act 2004, and there are summary dismissal provisions within the confines of that piece of legislation — for the government teaching service it is clearly identified that such arrangements are not at the disposal of the departmental secretary.

It has been clearly identified that this arrangement — the proposed changes — will provide the secretary with a power whereby people who are members of the government teaching service who have engaged in serious misconduct can be suspended. More importantly it will authorise the secretary to dismiss an employee without a formal inquiry when it is clear that the person has engaged in serious misconduct and an inquiry is unnecessary. An example would be an employee who has admitted to the serious misconduct during a corruption inquiry.

Now, let us not forget that the IBAC procedures, which have clearly lifted the lid on highly inappropriate behaviour in the education system, were something that were put in place by the previous government. In fact it was the previous government that led the charge to create the Independent Broad-based Anti-corruption Commission; in fact it was a key election commitment of the then opposition — the Baillieu opposition — in 2010. It was not supported by everyone in this place, I must say. There were some in this place who believed that the IBAC was in fact going to be a toothless tiger and was not going to have the power to uncover corruption, but in fact we have now seen that the investigation into the education department has identified clear breaches of appropriate behaviour

undertaken by members of the public service and, more importantly, the appalling misuse of government funds.

What that has done is two things. Firstly it has sent a very clear message to the education department that the actions of some will be found out and that there is the opportunity for the actions of people who have behaved inappropriately to be uncovered and for appropriate action, civil or criminal, to potentially be meted out to those perpetrators. Secondly and more importantly it sends another message to the broader public service that what has been uncovered in the education department could well be uncovered in other departments throughout the Victorian public service. So it is very important to see that the work of the IBAC, which was put in place by the former government, has helped to uncover the problems.

Clearly what happened at IBAC led the secretary of the department to draw the following conclusion: this is the behaviour of members of my department in the public service who are undertaking these actions, and I have that power as secretary of the department to initiate proceedings to terminate the employment of these persons on the grounds of summary dismissal.

I am advised — and I thank the department for the briefing — that the secretary of the department sought similar advice regarding members of the government teaching service — that is, those people employed in primary and secondary government schools across the state. There had been similar behaviour, but an investigatory process had to be gone through. Clearly this piece of legislation will remedy that to allow the secretary of the department, where appropriate, to summarily dismiss an employee where they believe that the grounds are sufficient to warrant the dismissal of that employee.

The second area of interest in the bill relates to the debt recovery provisions. Under the Australian Education Act 2013 the commonwealth provides financial assistance to the state for distribution to various authorities and bodies that represent or fund schools. These authorities and bodies in turn distribute the funding to individual schools, acting as a conduit for federal funding. Now this situation has in fact impacted on High Court matters involving what is colloquially known as the Williams (No. 1) and Williams (No. 2) cases, which involved the case of a Mr Williams who had challenged the operation of the federally funded chaplaincy program in 2012. When Mr Williams successfully challenged the program in 2012, the High Court concluded that payments made under the chaplaincy program were not supported by the executive power of the commonwealth. This became

known as the Williams (No. 1) case. Specifically the court found that the power to spend appropriated moneys must be found elsewhere in the constitution or in the statutes made under it.

Now, the commonwealth, as a response to the decision in the Williams (No. 1) case, enacted the Financial Framework Legislation Amendment Act (No. 3) 2012, and this was done:

... in an attempt to provide legislative support for the making of agreements and payments of the kind which were in issue in Williams (No. 1), but also for the making of many other arrangements and grants.

Mr Williams brought new proceedings in the High Court challenging the validity of some of the provisions that act had inserted into the Financial Management and Accountability Act 1997 and the Financial Management and Accountability Regulations 1997. The federal government sought to remedy the impact of the Williams (No. 1) case, but given the fact that that action had taken place, new proceedings were undertaken, known as the Williams (No. 2) case. In the new proceedings the High Court unanimously held that aspects of the amendments were invalid as they extended beyond the scope of the federal Parliament's constitutional power to authorise the making, varying or administration of arrangements or grants.

The High Court specifically dealt with the issue by looking at section 51(xxiiiA) of the constitution. Now it was held that the commonwealth can make laws to provide benefits to students under that section of the constitution, but there was required to be more than some advantage to a student. There must be at a bare minimum some material aid, such as money or a service, to an identified or identifiable student to provide for human wants which are a consequence of being a student. So it was meant to be funding that was directly assisting a student. However, the chaplaincy program clearly was not for a direct need of a student; it in fact went beyond that, and it was not providing material support or material aid directly to a student.

As a consequence of that it was deemed that programs such as the chaplaincy programs and other similar programs exceeded the scope of the commonwealth's legislative power. Key areas to be examined included where the commonwealth expressly does not have legislative power, starting with the legislative powers that have been retained by the states, being broadly all matters that occur within state borders, including police; hospitals; education, as in this case; and public transport. Any gaps in commonwealth legislative power could be covered by a referral of state powers to the commonwealth.

What that leads us to today is that in a situation where the federal government has provided funding to a state government school, primary or secondary, and that funding is provided through the state education department, which passes on that money to the relevant school, if the federal government wants to retrieve or recover funds that are owed to the commonwealth by way of debt, there is no power for the federal government to in fact recoup those funds from the said government school. As a consequence of that, to ensure that the federal government has the power to receive those federal funds to be returned, the state is required to make consequential changes to ETRA as a means of facilitating these new provisions. That is the genesis of this expansion of these provisions under this act.

The third area that this act seeks to make changes to relates to the definitions of sexual offences under ETRA in terms of school registration and the employment of teachers and their registration. The bill draws its definitions of sexual offences from the federal Criminal Code Act 1995. Changes were made to that act in March of this year, which saw its expansion into three new areas, and these are of primary concern regard to in this bill.

The first of these new areas in the Criminal Code Act 1995 is outlined in section 270.7B, 'Forced marriage offences'. Clearly this is an area that causes concern to many in our community. The relevant provision in the act is subsection (1) of that section, which says that a person commits an offence if they engage in conduct and that conduct causes another person to enter into a forced marriage as the victim of the marriage. There is a penalty associated with that: for an aggravated offence it is imprisonment for nine years, and in any other case it is imprisonment for seven years.

In the case of someone who is a party to a forced marriage, a person commits an offence if the person is a party to a marriage within the meaning of section 270.7A and the marriage is a forced marriage and the person is not a victim of the forced marriage. There is a penalty associated with that as well: for an aggravated offence it is imprisonment for nine years and for any other case it is imprisonment for seven years.

The situation of forced marriages is clearly of grave concern throughout Australia and clearly also here in Victoria. We have had instances of students who have been identified as being involved in forced marriages, and certainly that has caused concerns. Clearly it would be of grave concern to think that a member of our teaching profession, somebody who is entrusted with the care of Victorian students, was clearly involved

either as a direct participant in or as someone who is a party to a forced marriage. It has been identified that this is a clear problem within the Australian community. The federal government has acted to put those provisions into the Criminal Code, and clearly that is an identified concern that has been taken up and included in this state under the education act.

The second of these new areas in the Criminal Code Act 1995 is section 474.27A, and it relates to the use of a carriage service to transmit indecent communication to a person under the age of 16. That provision of the act stipulates that a person, a sender, commits an offence if they use a carriage service to transmit a communication to another person — the recipient — and the communication includes material that is indecent and the recipient is someone who is, or who the sender believes to be, under 16 years of age, and the sender is at least 18 years of age. There is a penalty associated with that of imprisonment for seven years.

This is certainly a growing problem in the Australian community. The act refers to carriage services that are used to transmit material electronically by way of mobile phones et cetera. It is certainly something that is of grave concern. We have not only this direct issue that is in the bill before the house but also the broader issue of communication between teachers and students, which is always of grave concern. Certainly that is something that has led to the investigation of VIT and the police, and that is appropriate in the circumstances. The act talks about the direct transmission of indecent material. I think everyone in this place understands that this is something that is part of the Criminal Code, and certainly we would have grave concerns if teachers, people who are entrusted with the welfare of our young people, are directly involved with or guilty of such offences.

The third of these new areas in the Criminal Code Act 1995 is section 474.25A, 'Using a carriage service for sexual activity with person under 16 years of age'. This section stipulates that a person commits an offence if they engage in sexual activity with another person — the child — using a carriage service, and the child is under the age of 16 and the person is at least 18 years of age. There is a penalty associated with that of imprisonment for 15 years. There are other provisions relating to that as well.

It is deeply concerning for all Victorians and for all Australians to think that an adult would engage with a known young person by using a carriage service to undertake a sexual activity. To think that that could be undertaken by a teacher who has engaged directly with a student is certainly something that would cause us all

concern. That is why this provision has been incorporated in the confines of the legislation before us.

The bill makes changes to provisions for early childhood teachers. The bill makes amendments to simplify procedures relating to the setting of fees by the minister on applications for temporary work approvals of early childhood teachers. We know that from 30 September last year all qualified early childhood teachers working in Victorian education and care services or children's services must be registered with the Victorian Institute of Teaching. To be eligible for registration, early childhood teachers must hold an approved early childhood teaching qualification.

In response to concerns that were identified in remote parts of Victoria, where services may be unable to find staff with an approved early childhood teaching qualification, section 2.6.60B would allow a teacher who does not hold an approved early childhood qualification to make an application to the secretary for temporary work approval. Whilst that temporary approval can be made and granted by the secretary without the need for the involvement of VIT, the minister was still compelled under the act to call for and consider recommendations from VIT before fixing temporary approval application fees. New section 2.6.77(1A) seeks to empower the minister to fix a fee for temporary approvals applications without prior consultation with VIT. It will not affect the requirement of the minister to call for and consider recommendations from VIT regarding other registration fees.

The other provision within this act stipulates that currently under the act if a member of the VIT council — and we dealt with this body in legislation before the Parliament earlier this year — were to cease serving as a member of the council prior to the conclusion of their term, a replacement would be selected by the members of the VIT council. If a person were to stand aside, their replacement would be appointed by a member of the council. However, the initial appointments under these provisions would be done by the minister.

This bill is seeking to amend the powers of the minister to determine the appointment of the replacement member of the board. Within these changes, clause 2.6.64(2) is seeking to require the minister to consult with members of either the Australian Education Union or the Independent Education Union if the replacement member was a recognised member of either of those unions as selected by changes to the legislation that went through the Parliament just recently.

There is a range of issues regarding the operation of our education services within the state. Our teachers and principals do a fantastic job in the education of young people across this state, and we need to ensure that we have strong, robust legislation to provide for Victorians. I wait with eagerness to see what the government will be doing in the budget, but it is very clear that there are many concerns across our state of Victoria, across my community, across metropolitan Melbourne and across regional Victoria in relation to what in fact this government will be doing. We will be waiting with interest.

I know the member for Euroa, who is sitting behind me, will be waiting with interest to see what happens in her community. I know members of my community will be waiting with bated breath to see what happens with the long-awaited upgrades to the secondary and primary schools in our community. They will be very interested to see what will be happening. I know there are over 100 schools which the former coalition government identified as needing upgrades, and we are waiting to see — —

Honourable members interjecting.

Mr WAKELING — I will be very interested to see the minister's response when those schools are not funded. I will be interested to see what happens at schools like Wonthaggi, where, at the last election, the Labor candidate knew the school needed to be upgraded because he told the community that the school would be upgraded. He said that out of Labor's \$500-odd million education bucket, 'A future Labor government, if I am elected as your local member, will deliver the \$20 million needed to see the Wonthaggi Secondary College replaced'.

We know that was not funded in last year's budget, but I do know the minister has visited and I know the school is waiting with bated breath to see if finally, after 16 months, 17 months or maybe even 18 months — we will see — the minister will actually step up to the plate and deliver on the commitment that his candidate Sanjay Nathan made at the last election. He knew that the Wonthaggi community needed to be funded. The minister was not of the same view. His view was that the school was not in his plans and it was not going to get the money, but I wonder if he has had a change of heart. It looks like he may have had a change of heart — and if he has, it is finally pleasing to see that he has been dragged kicking and screaming to achieve that — but I just hope that we do not have to have the same problem with other schools across the state.

The provisions here, as outlined by the government, are seeking to make necessary changes to the bill. I wait to see the debate in the house with regard to the bill.

Ms GRALEY (Narre Warren South) — I have to say that building the education state is a responsibility this government does take seriously. We have got a concerted and deliberate agenda to make Victoria the education state.

After just listening to the waffle that came out of the shadow Minister for Education's mouth in the last 3 minutes of his contribution on the Education and Training Reform Amendment (Miscellaneous) Bill 2016, I am going to tell you that we will not be distracted by the suggestions made by those opposite. Certainly we will not be taking up the irregular comments coming from Canberra — from the Treasurer one day and from the Prime Minister the next day, who do not have any idea of what is required to build a great education system for every child in Victoria. That is what this government is dedicated to: making sure that every child in every classroom in every school can achieve their education potential and is set up for the capacity to have lifelong learning, to get a job and to be successful in life. But it is more than that.

It is really important that when our children, our parents and our teachers go to school they have a safe and secure environment in which they can learn, teach and share the responsibility of bringing up the child. It is also important that we have a responsible department that supports those schools in our community. It is an important role of government to make sure that the Department of Education and Training works effectively, and we have given it extra resources and the capacity to restructure itself so it is more in tune with students' needs and more responsive to what the community expects from the education system. It is certainly our responsibility as a government and as parents, taxpayers and citizens to expect that every dollar that goes into the department to be spent on education is spent on providing the best education for students. We know, as a wise and responsible government, that we want to have a responsible and wise public service backing us up.

This bill is a very important step in the direction of ensuring that our schools are safe and secure environments and that we have responsible and accountable governance in the department. The bill makes miscellaneous amendments to the Education and Training Reform Act 2006 to confirm that the secretary has a summary dismissal power where a government teaching service employee has engaged in serious

misconduct. It provides for a statutory debt recovery arrangement in relation to commonwealth funding for schools. It expands the definition of 'sexual offence' to be taken into account when addressing school registration or teacher employment and registration. It simplifies the process in relation to acting arrangements for the Victorian Institute of Teaching and the temporary approval of early childhood teachers, and it makes minor technical amendments to correct typographical and grammatical errors.

As I said, this is an important bill. We have all witnessed the IBAC investigation through Operation Ord. This is part of a series of measures relating to the secretary's public commitment to examine potential regulatory reform to ensure that serious misconduct can be more effectively managed.

I thank the shadow minister for agreeing that this is a step in the right direction. As he quite correctly said, we have had some appalling examples of misbehaviour, and we have had some examples of highly inappropriate — I think they were the words he used — misuse of government funds. I do not think there would be a parent out there who does not want to have the best facilities and the best teachers in their school. They go about their days selling lamingtons, having chocolate drives and running marathons — doing all sorts of things to make sure that they can provide extra funds for their school. To hear of the misuse of funds that happened in the department during a period of time really makes it very difficult for parents to say that they feel confident about what is happening in the education system. When they hear of people having extravagant lunches, going on very expensive trips and giving advantages to relatives so that their families are better looked after than the families of most people in the community, we realise that has to stop, and it has to stop quickly.

Under the provisions in the existing act there are two barriers to the efficient management of serious misconduct. There is a lengthy and complex dismissal process and there is an absence of any explicit legal power for the secretary to summarily terminate — that is, without giving notice — the employment of a member of the government teaching service for serious misconduct. We are talking about a lot of different forms of misconduct, but it is very important that when she knows — as in this case — that something is really rotten, appalling and highly inappropriate, as the shadow minister said, the secretary has the power to act swiftly to rectify things and make sure that every teacher and teaching department official is on the job and providing an excellent education for our children.

The proposed amendment confirms an employee's right to appeal to the Disciplinary Appeals Boards and that an employee's right to seek remedy under the Fair Work Act will not be affected. The Australian Principals Federation, the Victorian Principals Association and the Victorian Association of State Secondary Principals support the introduction of the proposed summary dismissal power. I am very pleased to see that the leaders in our community are getting behind the government in taking steps to introduce these corrective measures.

Whilst I have a little bit of time left, the second thing I would like to talk about are the provisions relating to sexual offences. The definition of 'sexual offence' is expanded in the principal act to include the following additional offences under the Criminal Code of the commonwealth: forced marriage involving a person under 18 years of age, as provided for in section 270.7B; using a carriage service for sexual activity with a person under 16 years of age; and using a carriage service to transmit indecent communication to persons under 16 years of age. The commission of the relevant offences under the Criminal Code of the commonwealth, as with any charge relating to these offences, will be taken into account when assessing school registration or teacher employment and registration in Victoria.

I know that in my own electorate there have been examples of some highly inappropriate sexual activity at certain schools. It has been a difficult time for the school, the teaching service and the principal and also for the community. I have to say that sadly probably the department did not have the capacity or did not deem it necessary to take the appropriate action quickly enough. I have had principals talk to me about many cases of inappropriate activity in their schools. They actually need some more direction and some more power to be able to resolve such issues quickly.

As I said, this is an important bill. It is part of an immense and complex jigsaw that the Victorian government has to address in rebuilding the education system, as I would like to remind those opposite. It is well and good for members opposite to lecture members on this side about which schools we should be funding, but I would like to remind them that this year, 2016, when kids were going back to school there was not one new school opened in Victoria, such was the legacy of the previous government. It did nothing but cut and gut the education system. That is the legacy and the truth of the matter. Nobody can deny that and that kids, especially those in the outer suburbs, are sitting in overcrowded classrooms because the new school that

should have been there when they moved into their new house and their community has not been built.

I am pleased to say that this government is certainly getting on with the job of building new schools in the outer suburbs. We are getting on with the job of making sure that every kid in every school gets the best possible education opportunity. Victoria is going to be the education state.

Ms RYAN (Euroa) — I welcome the opportunity to make a contribution this afternoon to debate on the Education and Training Reform Amendment (Miscellaneous) Bill 2016. This is an omnibus bill in many respects. It deals with a number of different issues currently affecting the education system. Several of those are quite important, particularly the measures to tighten governance and accountability in the school system.

I want to start by putting on record my disappointment that we are debating this bill on a Thursday afternoon with two other bills still to debate. I think the government has mismanaged the business program this week. Quite a number of members of the opposition would like to have the opportunity to make a contribution to the debate on this bill but with what little time we have left to debate three bills it will be difficult for everybody to be able to make their contribution.

The main provisions of the bill provide the secretary of the department with the power to summarily dismiss a teacher and other school staff in a government school for serious misconduct; implement debt recovery arrangements to give the commonwealth the power to recover funding; broaden the definition of a sexual offence under the principal act, the Education and Training Reform Act 2006; and give the minister the power to set fees for temporary work approval applications from early childhood teachers. The final provision gives the minister the power to appoint acting members to the Victorian Institute of Teaching.

I want to focus on the power to summarily dismiss teachers. I think this is a good change that we are seeing the government enact in this legislation. Under the Education and Training Reform Act 2006, which governs the accountability of school staff, there is no power for the secretary to dismiss principals, teachers or school staff if they have even admitted to guilt. This bill grants power to the secretary of the department to manage serious staff misconduct without having to go through a full investigation. It brings management of government school staff into line with what applies under the Public Administration Act 2004, which

currently governs the rest of the public service. So it is a sensible change and one that, as the shadow minister mentioned earlier, has arisen from the revelations that we are currently seeing before IBAC.

To use this power, the secretary would have to be satisfied that the conduct of a teacher, a principal or a school employee is grave, serious or a significant departure from the standard of care which should have been exercised. It is a power that will only be used in limited circumstances, and with these changes those who find themselves the subject of this power by the secretary will have a right of appeal. They will have the same right to appeal a decision as a public service employee, again as set out in the Public Administration Act, which means that they will be able to make an application to the Disciplinary Appeals Board if they feel they have been unjustly treated.

The bill actually gives an example of where this power might be used, and it explicitly states that it could be used where an employee has admitted to serious misconduct during a corruption investigation. That obviously is a very real example, and it is in reference to, as I mentioned before, the revelations that we are currently seeing from the ongoing IBAC investigation into allegations of serious corruption in the Department of Education and Training.

The secretary, when appearing before IBAC, actually called for the powers to sack corrupt principals and school staff. Much of the investigation before IBAC focused on the issue of banker schools, which was allegedly architected by the former finance director in the Department of Education and Training, where — and I understand this practice was happening for several decades — large amounts of taxpayer money were being funnelled into school accounts where it was being used without scrutiny.

We have seen many media reports of the evidence coming before IBAC where that money was being used by senior bureaucrats, no less, to fund parties, wine, office furniture, international travel and, in one very notable instance, the purchase of a toupee. But despite some admissions of guilt to the inquiry by principals or school staff, those who have been involved in the scandal outside of the public service, but again governed by ETRA, have not been able to be brought to account. They have been stood down on full pay while a formal investigation is undertaken, even though they may actually have admitted to their guilt.

IBAC now has obviously turned its attention to ultranet, and as the shadow minister mentioned in his contribution, we have seen these revelations as a result

of the steps that the coalition took in the last Parliament to actually introduce the Independent Broad-based Anti-corruption Commission. As IBAC continues its investigations into ultranet, we are seeing evidence of how contracts for that project were awarded and tendered, where departmental employees held shares in the company that ultimately won the tender, and also evidence where it would appear departmental staff received gifts, travel and job opportunities through that contract.

Ultramet, as we know, has had a mired history. It was commissioned by Labor in 2006, and it has been an absolutely breathtaking waste of taxpayers money. When I think about some of the schools in my electorate that are desperate for funding, such as Benalla College and Seymour College — I again take the opportunity with the minister in the house to remind him of those two schools — it is absolutely tragic to think of the amount of money that has been wasted on that project.

There was a report in the *Age* this year — and I have to say that I think the *Age* has done a very good job of covering the commission — which refers to the salesmanship, I guess, of ultramet. The article talks about the Big Day Out launch at the Melbourne Convention and Exhibition Centre back in August 2010, and it states:

The performers in flamboyant costumes did somersaults on stage in front of a large audience of department staff, principals and corporate partners, singing to the tune of Madonna's famous ... *Material Girl*: 'We are living in a virtual world and I am an ultramet girl'.

We really have to wonder what planet these people were living on. The coalition dropped that project in 2013 after the Auditor-General found that the costs blew out by \$180 million, but it was just one in a litany of projects that Labor botched in the IT space. Obviously we also had myki, HealthSMART, the law enforcement assistance program (LEAP) database and of course the Department of Education and Training's other IT project, the student management system for TAFE's, which last year were forced to write off millions of dollars as a result of it, and that severely impacted on their bottom line. That is a fact the government does not like to mention, because Labor did grossly underestimate the scope of that project. It was poorly planned from the beginning, and back in opposition the then shadow minister for tertiary education and training, Peter Hall, pointed that out on a number of occasions, and regrettably his assessments of that proved to be true.

Just very quickly, the second provision gives the power to the commonwealth to recover debt from schools. The bill also expands the definition of 'sexual offence'. I think that is a good thing. Protection of students and children is of the utmost importance, and it would be a very serious concern and out of step with the expectations of society if the law here in Victoria did not actually introduce these provisions. Obviously that has come about from changes to the Criminal Code of the commonwealth. Just to conclude, education is of the utmost importance, and I welcome the majority of the changes in the bill.

Ms THOMAS (Macedon) — It is a great pleasure today to rise to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2016. As we have heard, the bill makes a number of amendments to the Education and Training Reform Act 2006. Chief amongst those is confirming that the secretary has a summary dismissal power where a government teaching service employee has engaged in serious misconduct. I think this is a very important amendment to the act. It is vitally important that our children are kept safe when they are at school and that our parent community can have the utmost confidence in the quality and the integrity of registered teachers here in Victoria. I think as we have seen through some of the damning evidence provided at the Independent Broad-based Anti-corruption Commission hearings, the secretary of the department has been somewhat hamstrung in her capacity to deal with some of the issues arising from that inquiry.

I understand of course that the Australian Education Union (AEU) has expressed some concerns with the legislation, and with this amendment in particular, and I understand those concerns. I have been both a member of the AEU and have also worked as an industrial advocate for the Independent Education Union. I have been a union member as a teaching professional, and I have acted for teachers as a union advocate, so I understand full well that the role and the responsibility of the AEU is to query some of these issues. However, as I said in my opening remarks, it is vitally important that as a state government with an absolute commitment to building the education state in Victoria we do all we can to protect and ensure the strong reputation of government schools in this state. As I said, in order for us to do that — and it is a significant reform — it is important that the secretary has that summary dismissal power when a government teaching service employee has engaged in serious misconduct.

I want also to use this opportunity in talking on the bill to take some time to talk about some of the other initiatives that this government has implemented in

order to boost the quality and reputation of our government school system, and indeed our education system more broadly. It was really very exciting for me to know that when our schools commenced the 2016 school year they did so with the knowledge and confidence that an additional \$566 million had been allocated to school budgets. Under the Andrews Labor government our schools have received a 70 per cent increase in needs-based funding. What we have seen under this government has been the single biggest injection of education funding in Victorian history, providing almost \$4 billion in additional funds.

What a contrast this is to the previous government, which ruthlessly cut \$1 billion out of education and skills. Principals, teachers, families and students across the state have told us that with this government and our commitment to deliver the education state reforms, our schools are feeling more and more confident that they have the resources they need and at hand to help them meet the ambitious targets that we have set in maths, reading, science and the arts.

Let there be no mistake, this government has made a commitment to the people of Victoria that we will build the education state here. We have so many attributes in this state related to our quality education system, and we have an opportunity to really mark ourselves out from the other states as being the state that makes those commitments to human capital and to ensuring that young people in Victoria have the very best opportunity to access education of the absolutely highest quality, and this bill is part of that commitment.

Sitting suspended 1.00 p.m. until 2.01 p.m.

Ms THOMAS — Before we broke for lunch, I was taking the opportunity to inform members of the house of the fantastic announcements of investments that the Andrews Labor government has made in school education as part of its broad-ranging commitment to make Victoria the education state and to build on some of the fantastic work that Labor did when it was last in government. Of course there were four years in between when we saw nothing but cuts to education, but now a Labor government is back in charge, and the people of Victoria can rest assured that this is a government that puts the education of the state's young people at the very top of its list of priorities. So much so that it was fantastic, as I was saying before lunch, to know that children were returning to school this year in my electorate to schools that were receiving a huge funding boost from the needs-based funding injection into the schools that need it most.

I was delighted that Kyneton Secondary College received \$120 724; Toolern Vale and District Primary School, a school that is very well known to the Deputy Speaker, received \$89 000; Kyneton Primary School received \$69 000; and Daylesford Primary School received \$29 000. The list goes on. It was great to see, as I said, this very important needs-based funding injected into our schools so that those people that know best — the teachers, the school principals — can design and then purchase what they need to ensure that the particular needs of their students are met. That might be employing teacher aides, it might be engaging additional teaching staff, it might be providing some specialist support staff or it might involve school resources. That is fantastic.

But I might at this point say what a contrast this is to what we have seen from the Turnbull Liberal government. I have to say that the Turnbull Liberal government, which will be going to the polls this year, deserves to be kicked out of office. We need to see another one-term Liberal government because of what this Turnbull Liberal government is doing to try to destroy education in this state. Despite having signed up to an agreement to provide much-needed needs-based funding to our schools, the Turnbull Liberal government has backed away from its commitment to fund years 5 and 6 of the Gonski agreement. Now this is really shameful behaviour by the Liberal government in Canberra, and I will be joining with my federal local members — hardworking, committed local members Rob Mitchell, Lisa Chesters and Catherine King — in making sure that not a single parent in my electorate is unaware of what the federal Liberal government has planned for our education system. Be assured that what the Turnbull Liberal government is looking to do will directly impact the education of our young people, who are the future of our state.

Here in Victoria we are committed to building the education state because we understand that investment in education is the best investment that any government can make. We understand the importance of building equity in our education system and ensuring that those children who have not had all the advantages that some have at the beginning of their lives have the best chance to succeed in our schools.

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

Mr HIBBINS (Pahran) — I rise to speak on the Education and Training Reform Amendment (Miscellaneous) Bill 2016. This bill makes a number of changes. Firstly it potentially allows the Secretary of

the Department of Education and Training to summarily dismiss teachers for serious misconduct. It sets out debt recovery arrangements for financial assistance provided by the commonwealth. It provides that certain sexual offences can be taken into account when registering and managing Victorian teachers. It ends by expanding the definition of a 'sexual offence' to include:

... (forced marriage), involving a person under 18 years of age ...

...

... using a carriage service for sexual activity with a person under 16 years of age ...

and

... using a carriage service to transmit indecent communication to a person under 16 years of age ...

It also updates a number of procedures relating to the Victorian Institute of Teaching.

The Greens will not be opposing this bill, although we do have some concerns about clause 5, regarding the power to summarily dismiss teachers. Those concerns are also shared by the Australian Education Union, and I will elucidate the reason behind those concerns.

Before I do, I will firstly say that I understand this bill is being brought down in response to an environment where we have had two very serious investigations undertaken by IBAC, one into the misappropriation of funds and the use of banker schools and one regarding the failed ultranet project. There are very serious allegations of serious failings within the education department. Also I do note the recent Auditor-General's report into the education department and its strategic planning, and I will read a few comments from a media release regarding that particular report. It essentially says that the Auditor-General has undertaken a number of audits into the education department and that:

These audits have consistently revealed a depressing pattern of underperformance.

It goes on:

There has been a culture of complacency, defensiveness and 'siloining' within the department and a lack of accountability across its leadership.

Further:

None of these failings are new to the department. In a series of its own internal reviews, the same issues kept recurring, yet until quite recently, little was done to change.

I can see that there is clearly an environment where there needs to be change within the education department. The serious failings and the serious incidents that have been exposed through the IBAC and through the Auditor-General's report really show that these failings are an absolute betrayal of all those people who are absolutely passionate about education who work in the education system and who work in the education department, and to make sure that we are delivering for all of those Victorians we need to ensure that we get the education department back on track and that it is delivering for Victorian students and for all those people who are working within the education sector.

The Greens do have concerns about the power to summarily dismiss teachers. Essentially this power enables the Secretary to the Department of Education and Training to summarily dismiss an employee without a formal inquiry if the secretary reasonably believes that serious misconduct has occurred. I note the secretary currently has the power to suspend a staff member with or without pay. That is already outlined in the Education and Training Reform Act 2006. If the secretary reasonably believes there may be grounds for taking action against an employee, the secretary may suspend the employee from duty with or without pay by giving notice in writing to the employee.

The concern here is that teachers or staff will not necessarily be afforded natural justice or given the chance to actually respond to the claims that are being put to them and given the due process to respond to their being summarily dismissed. The minister in his second-reading speech stated that the summary dismissal power:

... seeks to close a gap in existing legislation to effectively manage serious staff misconduct without unnecessary procedural delays and to increase the integrity and accountability of the government teaching service.

As I have said, the secretary already has the power to suspend a teacher with or without pay and can then take further steps to dismiss a teacher following an investigation. There is already a prescribed process for that to occur within the act, and I note in the act that what is probably most relevant is obviously if an employee commits an act of misconduct, conducts himself or herself in a disgraceful, improper or unbecoming manner in an official capacity or otherwise or, amongst other grounds for action, is unfit on account of character or conduct to discharge his or her duties. There are a number of procedures in terms of having to write to the employee, giving the employee a chance to respond and following due process in that instance.

In this particular bill, whilst it gives the employee the power to appeal the decision to be summarily dismissed by the secretary, the appeal is only applicable if the secretary has formed that reasonable belief. It is not actually for appealing the fact of whether misconduct has actually occurred. Obviously the Greens are very strong supporters of the anti-corruption process of IBAC, and we certainly have been advocating for an increase of its powers, but we also support natural justice and due process. In circumventing the procedures for dismissal as laid out in the act we are concerned, as is the Australian Education Union, that natural justice will not be given to those accused.

The minister has described these processes for dismissing an employee as complex and time consuming, and if that is a broader issue, then there may be a case for reforming those processes. However, in this instance the processes followed to dismiss an employee are due process, and I think that would be a reasonable process to take place. We could have an instance where someone who, as detailed in the second-reading speech for this bill, admitted in evidence or showed they had engaged in misconduct can of course, right now, be suspended immediately without pay by the minister. I note that in the litany of bad news articles that have come out about these IBAC investigations one of them did report that a principal has actually been suspended, so this can and does actually occur. There is allowance for due process to take place, and certainly Sue Pennicuik, the Victorian Greens education spokesperson, will be asking a number of questions regarding the provisions to summarily dismiss when this bill reaches the upper house.

More broadly on education issues, I note that the topic of Gonski is coming up. Whilst the government is criticising the federal government for not funding years 5 and 6 of Gonski, one would think that it is also incumbent on the state government to fund years 5 and 6 of Gonski. Certainly the schools that I have spoken are deeply concerned that neither the federal government nor the state government are committed to years 5 and 6, which is when the real dollars flow to those schools and to those students who need it most. Schools out there are calling for certainty around this funding issue. If the state government were to come to the party and fund years 5 and 6, that would give them some certainty. I think it would give the Victorian government a stronger hand in calling for the federal government to fund years 5 and 6 and uphold its end of the bargain.

I note that in the talk about Gonski, which is needs-based funding, the Victorian government has

taken a step in the wrong direction with its private school funding bill, which allocates 25 per cent of all funding spent on schools — an arbitrary figure of 25 per cent — to private schools. It is in legislation to be spent on non-government schools, which is against the principles of Gonski, which was sector blind and spent the money not on where you went to school or what type of school it was but the actual need of that school and its students. In my view it would seem that if we are following past that bill and we have Steve Bracks doing an education funding review, then they have really put the cart before the horse in that instance.

I think the government would be well served to abolish that legislated mandate of 25 per cent of all funding going to private schools. This is particularly so given the Auditor-General's recent report into grants and funding that have gone to private schools, particularly to Catholic schools, where the money is not going to where it needs to be. The education department has its formula for how it believes money should be spent, and certainly the neediest schools should get it. Some independent school organisations were sending that money to where it should go, but the Auditor-General found that the Catholic education authorities were not sending that money to the neediest schools, and those schools were not getting the funds they needed.

This all goes back to the principle of openness and transparency in recurrent school funding for both capital works and new schools. The Greens are very much calling for openness and transparency in school funding so that for communities where there is need or where there is population growth and a need for new schools they can have confidence that they will get the schools and the upgrades they need without it necessarily turning into a political hot potato. Whether they be rural areas, outer suburban growth areas or inner-city areas that are facing population growth, communities out there really want confidence that they will get the education maintenance and schools that their communities need.

From the perspective of the Prahran electorate, many members of the Prahran community are very excited about the new Prahran high school. It has probably always been the no. 1 issue in Prahran. Certainly for parents in my community who have primary school-aged children and are looking at their secondary education options, the reality for many of them is that if we do not have a public school in Prahran, they will be forced to move elsewhere. Prahran really should be, as the inner city is now becoming, a place where families want to stay. The idea that people will move out to the suburbs to raise a family is no longer the case, and more and more families are wanting to live in the inner city.

There is now a great pressure and a great need for secondary schools in the inner city, and that is certainly true of Prahran.

I think there is great potential for a leading example of an innovative inner-city high school in the Prahran electorate. It could certainly be a legacy of this term of office to have a high-quality school in the Prahran electorate. The residents and families in Prahran are looking for certainty and confidence about when that school is going to open and how that is going to take place and what it is going to look like so they can plan for their children's future.

To summarise, we will not be opposing this bill, although we do have a number of concerns regarding the provision of natural justice for those who may be summarily dismissed. We will be asking further questions when this bill goes into the committee stage in the upper house.

Ms GREEN (Yan Yean) — It is always a great pleasure for me to speak in this house about one of the biggest priorities for people in my community — that is, education. It is certainly a passion that is shared by this government. I am really pleased that the Premier, along with Minister Merlino, the education minister, chose my electorate to unveil Labor's education state policy and its commitment to naming Victoria the education state. That commitment was made in Mernda in my electorate prior to the election. We have also put the needs of Mernda and those growing communities in the fast-growing electorate of Yan Yean front and centre. Currently going ahead at a rate of knots we have the construction of the Mernda Central P-12 school. I am really looking forward to meeting the new principal, Mandy O'Mara, who has been appointed just this term. There are many families who are also meeting Mandy now and enrolling students for when that great school opens next year.

There is also the Mernda South Primary School. Its principal, Mary Ryan, has also been appointed. That school is also being built at a rate of knots. It will open for term 1 year. I would particularly like to commend the YMCA on its partnership as part of a consortia that is delivering these schools under a public-private partnership model along with the Centre for Education and Research in Environmental Strategies as well, so there will be a great commitment to environmental education.

The YMCA will be managing the early learning facility that is co-located with Mernda South Primary School and also the stadium and the other community rooms and ovals that will be there. It is the same at Mernda

Central P-12, which will have all those same facilities as well as a 20-metre learn-to-swim pool. I think that education is really about the whole person and not just about what happens between 9.00 and 3.30.

I would say that when I entered this place I was very uncertain about public-private partnerships, particularly in relation to their role in the delivery of social services and the construction of buildings. But in my first term I was involved — as was the now Minister for Education — in a public-private partnership inquiry of the Public Accounts and Estimates Committee, and he and I both completely changed our views on them. The first tranche of public-private partnership schools was built under the Bracks and Brumby governments. Mernda primary was built during that contract, and I am really pleased to see that two schools included in the current contract are also for the suburb of Mernda.

Lynda Thompson, the inaugural principal at Mernda primary, has said that what she loves about the public-private partnership model is that she is now again an educational leader, which is what a principal should be. She said that with a lot of the devolution of responsibilities to schools, she felt when she had been leading other schools that a principal was more of a facilities manager because so much of their time was taken up in looking after maintenance and the usage of the school facilities rather than their primary focus, leading the educational team and leading the development and learning of the students. I think public-private partnerships are a model that works, and I am really glad that they are assisting people in my community.

Members of this government also committed to, and the project is underway, Wallan Secondary College getting its final wing. I was also pleased to visit Whittlesea Primary School recently because it has begun a breakfast club. The club is not just delivering breakfast food, although that is very important, but is also providing fruit throughout the day using that funding grant. While I was there I was really pleased to be able to donate some breakfast food that I had won at a recent event for the United Nations Year of Pulses — a basket of Kellogg's goods. I felt there was no way I was going to eat that much breakfast cereal, but I knew a lot of kids in Whittlesea that would.

While I was at the school I was able to meet with students and farewell the school principal, Benta Stock, who has just retired. I take this opportunity to commend Benta on the great work she has done. She looks way too young to be retiring. Because she is so young at heart, I do not think any of her staff, the parents or the students could believe that she is at retirement age and

wants to do other things with her life. I commend the leadership that she has shown, under which the school went ahead in leaps and bounds. It has great confidence in the community, its results are great and its enrolments are growing again, although they had stalled despite the growth. Farewell Benta, and thank you so much.

Good things are happening in my electorate with education, but there is always more to be done, which is why the government has brought this bill before the house. In particular the matters that were brought before IBAC under Operation Ord showed that there had been serious misconduct. It is just terrible when I speak to professionals in schools in my area to observe that they are really so sad at the wastage and the malfeasance that went on, and they talk about how much they could have done with the funds that were stolen from students and from the taxpayer. The lion's share of funding in education should be spent on building our schools and delivering to our students. That is why members of this government have committed to Gonski. I am really glad that the government has nailed its colours to the mast, saying that we are the education state and really taking it up to firstly the Abbott government and now the Turnbull government.

Malcolm, the Prime Minister of our country, has mused about the disruption of the new economy, the knowledge economy. Well, you cannot be part of the knowledge economy and the smart new world and actually have the jobs and be ready for the jobs that have not been even created or invented yet, the types of jobs that we cannot even imagine that will come with technology, if you are not prepared. We need to prepare our students for that, and we cannot do that by taking the short-sighted approach that is outlined by the coalition at a national level and by not actually backing it in with funding.

I see a similarity between the coalition and one of the Republican candidates for President in the US, Donald Trump. I was sickened — absolutely sickened — when, in claiming victory in one of the states in which he had won a primary, Donald Trump crowed about being so popular with the poorly educated. It is shameful that anyone who wanted to represent their community or lead the biggest economy in the world would crow about being popular amongst the poorly educated. I really hope that we are not having to deal with someone like that, and it looks like the electors in the US may be seeing some sense and not preselecting Mr Trump to be the Republican nominee. His nomination would certainly be a backward step for that economy and not great for social cohesion.

There is certainly more to be done in my electorate. Beveridge Primary School is experiencing phenomenal growth out towards Wallan, with the developments in the Donnybrook and Beveridge growth area. The principal, Steve Fernando, Mitchell Shire Council and the school council are very concerned, as are the local developers. There really is a need for a new school and improved facilities out there, because the facilities there really are poor and do not match the quality of the education that is being delivered.

I want to thank the Diamond Valley College student leaders who took time out of their school holidays to campaign in Diamond Creek with shoppers and traders, asking them to sign a petition to me and the Minister for Education in support of an upgrade for Diamond Valley College. I am the parent of a former student there. My son had a great education at that school, but the school has suffered from the years of underinvestment under the coalition and needs new facilities. This is a great bill from a great minister. I am really proud to commend it to the house and commend the education state.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Education and Training Reform (Miscellaneous) Bill 2016. This bill makes a number of miscellaneous amendments. There are a couple of important changes and then a number of minor housekeeping ones, but what does strike me is a lack of cohesive government narrative on education. I have heard from a number of sources that the Minister for Education has made all manner of comments about increases to school funding here and there in the Evelyn electorate, but well over a year into government our schools are yet to see the money. This year's budget is crunch time for the Andrews government and for the Minister for Education. If the minister cannot deliver on those conversations he had with schools, it will undermine faith in the government and reveal exactly what its members are like.

I am pleased the minister is in the house at the moment, because I would like to express how disappointed I was last week. In fact I would probably say that I felt hurt in that the minister had issued instructions that I was not to be invited by the Shire of Yarra Ranges to the turning of the sod at the playground in the Lilydale Lake area. I have known the minister from when he was on Yarra Ranges Shire Council, and I have also known him for all of the time he has been a member of Parliament. I do not think he could say there is one occasion when we have both been together at community functions — because our electorates are adjacent — when I have not always been professional, polite and courteous to him and to any other person

who is there who holds a position. Both of us were responsible for the wonderful work that has been done around Lilydale Lake — me during my time as a commissioner, and the minister during his time as a councillor with the Shire of Yarra Ranges — so I was very disappointed that the instruction was given that Christine Fyffe, the member for Evelyn, was not to attend the function. I could not have done so, because I had an important funeral to attend, but it does show the pettiness of what is happening now. I hear from my colleagues that quite a few are being told —

Mr Pakula interjected.

Mrs FYFFE — The Attorney-General seems to treat this very lightly, but it is part of the culture that is developing, a culture I do not like. It is not a pleasant culture when things are happening in a member's electorate and clear instructions are delivered to people who are not members of Parliament not to invite people. I am very happy to discuss this with the minister afterwards, because I really felt, as I said, hurt and offended.

In terms of the purpose of this bill, the bill confirms the secretary has the power to summarily dismiss a member of the government teaching service for serious misconduct. I would like to put on record how much I admire the teachers in the schools in my electorate. We have very diverse communities. We have children from quite rural areas, and we have children from more suburban areas. We do not have as many multicultural students as other areas have; I hear of electorates with students with home backgrounds in which 45 different languages are spoken. But the teachers do have sometimes a very difficult environment, particularly in the smaller schools. Where we have a very small school of 20-odd students, it is very difficult for them to provide the full round of education. But the teachers are excellent, and so are the principals.

So I am not in any way implying that this applies to any of the teachers I know, but it is important that the secretary has the power to dismiss a member of the government teaching service for serious misconduct. This improves the management of serious misconduct without unnecessary procedural delays and increases the integrity and accountability of the government teaching service. It means that where the secretary has formed a belief with a high degree of confidence that an employee has engaged in serious misconduct, he or she can terminate employment without undertaking an inquiry or investigation. Currently the procedure is complex and time consuming; however, the conduct of an employee must be grave in nature and represent a major departure from the standard of care which should

have been exercised. I think the majority of us here do appreciate the standard of care that is exercised by the vast majority of teachers in this state.

After reviewing the Victorian Institute of Teaching case histories, I am shocked by how many teachers who occupy trusted positions working with children have violated the sanctity of that relationship knowingly and repeatedly. When you read some of the case notes across various cases, you find it disturbing that even after receiving explicit cautions and warnings from principals, the allure, the sense of power and their manipulative nature compel these individuals to continue abusing children in their care. Knowing what we now know about the impacts of sexual abuse, bullying and intimidation between persons in power and those in subordinate positions, it is important that we reinforce the importance of not only strict personal codes of ethics but also professional codes of ethics.

There are times when the nature of the misconduct warrants immediate action because of the risk delays pose to the victim's health and psychological wellbeing. While some concern may be expressed about violations of the rights of the accused, I note the bill confirms the right of the employee to seek an appeal before the Disciplinary Appeals Board and does not restrict the right to make a claim of unfair dismissal.

The bill establishes a statutory debt recovery arrangement in respect of commonwealth financial assistance provided to Victorian schools. Currently under the Australian Education Act 2013 the commonwealth provides financial assistance to Victoria for distribution to various stakeholders or bodies that represent or fund schools. These authorities and bodies in turn distribute the funding to individual schools, essentially acting as a mechanism for commonwealth funding. Of course there has been quite a lot in the media about the toing and froing about how that funding would be handled, and Prime Minister Turnbull's suggestion to the states was rejected, so I guess now we will stay with the double handling of the costs involved for the duration of this government.

The bill expands the definition of 'sexual offence' to include reference to additional offences under the Criminal Code of the commonwealth. It will now include forced marriage in the case of people under the age of 18, using a carriage service for sexual activity with a person under 16 years of age and using a carriage service to transmit indecent communication to a person under 16 years of age. The definition of 'sexual offence' under the act is used in the context of school registration and teacher employment and registration. The proposed expansion of the definition

will ensure that any charge relating to these offences is taken into account before school registration or teacher employment. I am pleased to see the definition of a sexual offence expanded to include crimes committed over the internet.

We live in a world where teachers can now reach students outside of the classroom through social media. The majority of those interactions are good and positive and beneficial to the student's education, but of course we have this number who are misusing that capacity. Teachers can monitor a student's Facebook page, gaining important insights into the vulnerability of the student and the extent of the student's protective networks — friends and family — which might otherwise deter predatory behaviour. That really brings to my mind the fact that parents must always be monitoring and be aware of the interactions their young people have on social media and who it is they are talking to and dealing with. Charging prospective teachers who have engaged in these new sexual offences will hopefully prevent these predators from gaining access to children. However, laws can only go so far, and as I said, it is up to parents and guardians to still be very vigilant to make sure that their children are being protected.

The bill simplifies the process for the minister to set fees for temporary approval of early childhood teachers and enables the minister to appoint acting members to the Victorian Institute of Teaching.

On the whole there is a lot in this bill that is really good. You can raise questions of course. In relation to anything that comes through this place you can find fault and pick on it, and I am sure we will be coming back to amend something over the next year or so, but I hope that when this bill has gone through and all these changes are in, the minister will concentrate on the needs of the Evelyn electorate. I look forward to the budget and hope that some of my well-deserving schools receive some of the funding they need.

Mr BROOKS (Bundoora) — Can I start by saying this is a bill that contains some very important measures and very important reforms and continues not just the investment this government has made in education but the important reforms in terms of how the education system operates here in Victoria.

I just want to run through some of these measures, some in more detail than others. Firstly there is the issue of clarifying the power of the secretary of the department to summarily dismiss a member of the teaching workforce. This is an important change, one that has been brought to light by recent investigations

and one that gives the secretary an option — as opposed to the current process, which in some cases is appropriate but in others can be a process that drags on for some time — when there is a clear indication that there has been serious misconduct.

This is a power that the secretary would only be able to use when they have formed the reasonable belief that there has been serious misconduct on the part of an employee. Serious misconduct, as it is defined in common law, includes things like theft, fraud, wilful dishonest conduct, sexual offences, inappropriate relationships with students, acts of violence, sexual harassment, racial or religious vilification, possession and distribution of illicit drugs and possession of child pornography found on official computers.

These are serious matters. These are things that all reasonable Victorians would expect. If there were a clear case that a member of the teaching workforce was involved in, I think Victorians would rightly expect that that person should no longer be part of that workforce. It is strange that the Greens seem to oppose that measure. I would have thought they would support it. You could have an example where, through a commission of inquiry, an employee could admit publicly to that behaviour and yet the secretary would not have the power to do that. I would have thought that this was a pretty straightforward change. In the many cases where things are not as clear cut or there are lesser matters to be considered, the existing arrangements under the act would still stand and would be available to the secretary to be used.

It is also worth noting that the Greens member in his contribution missed the fact that while there is the potential for a person to be dismissed in a summary way, that person maintains the right to seek an appeal at the Disciplinary Appeals Board. I think the comment from the Greens member was that this measure does not look at the conduct, but of course the person would also have the right to approach the Fair Work Commission under the Fair Work Act 2009. In fact I understand that in that forum they do in fact look at the conduct in question. We are talking about serious types of matters. We are talking about people who come into contact with children, and we are talking about a process that does have appeal mechanisms. I would have thought that that was a measure that was easy for all members of this house to support.

The bill deals with the definition of 'sexual offence', and this basically brings the definition and the types of sexual offences under this act into line with the Criminal Code of the commonwealth. This is an

important move. Other speakers have outlined the details of that.

The bill fixes fees for temporary approvals of early childhood workers. This particularly impacts people in, for example, regional areas, where there might be a temporary approval given to an early childhood teacher who might not be currently qualified. There might be a primary school teacher or another sort of teacher who is currently studying to be an early childhood teacher, and under this bill while they are studying they could be granted a temporary approval. It might be someone who has been an early childhood teacher for some time and their qualifications are no longer relevant or no longer accepted. Particularly in remote communities it is important for a person in a situation like that to be able to continue on with their work.

The bill also deals with acting appointments to the Victorian Institute of Teaching (VIT). It allows the minister to appoint acting members of that particular body. This brings it into line with the new way in which members are now appointed to the VIT by the minister instead of the previous method, which was via elections.

I want to come back to a key part of this bill, which is the introduction of debt recovery arrangements that comply with the commonwealth Australian Education Act 2013. This will ensure that the federal government is able to recover either through the Victorian government or directly through an education provider any debts it is owed. This is an important part of the bill. We certainly want to make sure that we comply with the administrative arrangements the commonwealth insists upon.

The bill also gives us the opportunity to again highlight the fact that, through that funding arrangement, Victorian schools and Victorian students will be \$1.1 billion worse off if the federal government does not fund years 5 and 6 of the Gonski deal. Members of the federal government have said publicly that they will not fund it. In fact the Prime Minister has even floated the idea that the federal government would not fund public schools at all. I think all Victorian parents, whether their children attend government schools or non-government schools, understand the importance of a strong, well-funded government education sector — one in which all kids get the opportunity to reach their full potential.

The Greens member in his contribution argued that it should not just be the federal government that funds years 5 and 6 of Gonski but that the Labor government here in Victoria should also commit to years 5 and 6. I

would recommend to the member of the Greens who raised that issue that he read the report of the Bracks review of funding, which found that if the Victorian government were to do that, it would disproportionately impact on students at government schools. This is an issue that is of great concern. We need to carefully consider how as a state we protect students of Victorian government schools and what the funding mix would look like if the federal government did not do the right thing and commit to fund years 5 and 6.

We have a track record of investing in education, investing in equity and ensuring that students who suffer from some form of disadvantage get funded in a way that mitigates that disadvantage. We will continue to do that. We have met our commitments under Gonski right up until this moment, but it is important that all members of this house who value education apply maximum pressure to the federal government to come good and fund years 5 and 6 of Gonski. I would ask the Greens that, instead of focusing their attention on Victorian Labor and the Victorian state government, they focus their attention on getting the federal Liberal Party to do just that.

Of course for the four years those opposite were in charge we had a situation in this state in which there were massive cuts to schools. We saw cuts to programs like the Victorian certificate of applied learning (VCAL). It is too easy to forget the importance of programs like VCAL to thousands of Victorian students. Those opposite were quite happy to take the axe to funding for VCAL and to take the axe to funding for TAFE. Of course we saw capital works funding in Victorian schools halved, and we saw the maintenance backlog blow out. This has had a massive impact on the learning opportunities of Victorian students.

Under Labor we have seen that reverse. We have seen a massive inflow of investment back into capital works. We have seen \$747 million put back into Victorian education. Importantly, we have seen equity funding put back into Victorian education. This is a really important matter. It is about the schools and the students who need the most support getting the most support. In my electorate in the northern suburbs of Melbourne, this year alone has seen an extra \$1.1 million flow to the schools and the students who need the most help. We understand that if you invest in those kids, if you give them a chance, they can perform and they can reach their full potential. We understand that is the best way to move forward rather than just cutting funding like those opposite did for so long.

We also understand the importance of investing in regional support for the education system, and that is so

important for country schools. We never heard a whisper about this from those opposite; I particularly refer to members of the National Party. The Minister for Education in the previous government took the axe to the regional offices of the department of education. We had this bizarre situation where schools in all parts of the state — in remote areas — were left without appropriate regional support. They did not have support around issues such as maintenance or at times when there was an emergency at a local school. We had a situation where there was no regional office between the South Australian border and Footscray. Any school anywhere in between had to head up to the Whitten Oval to find its regional support office. It was a shameful episode in the history of the education system in Victoria.

This goes to the very heart of the way those opposite treat education. We have seen it time and time again. We saw it with the previous Napthine and Baillieu governments cutting funding from education. We have had to fix the damage. We saw the Kennett government hack into education. At least it had the courage of its convictions to let people know what it was doing. We saw the Bracks and Brumby governments put funding back into education. Victorian people know that you cannot trust the Liberals-Nationals coalition with education. If you want kids to get a decent education, you have to support the Labor Party.

Mr T. BULL (Gippsland East) — It is a pleasure to rise to make a contribution on the Education and Training Reform Amendment (Miscellaneous) Bill 2016. I note the member for Bundoora was just talking about schools in country areas. I can certainly say that in the four years leading up to 2014 my electorate was the only one in the state that had two new schools built, and subsequent to that we have been asking quite regularly for the minister to come down and visit the Bairnsdale Secondary College. He has been invited by myself and invited by the school council. His staff member said on radio, just prior to Christmas, ‘I will be there in early 2016’. We are now nearly at the end of May, so I would like to know what the definition of ‘early’ is. We would certainly welcome him down just for a discussion, simply for a discussion, about the future of that school.

Anyway, on to the bill. The teaching profession, as other speakers on both sides of the house have rightly pointed out, is a very important profession. It is very important in the lives of all of our kids. In cases where students do not have the ideal role models in their lives and their home situations, teachers often go a long way to being the most important role model in those kids’ lives. For that reason it is very, very important that we

have appropriate laws and regulations in place to uphold the integrity of our teaching fraternity.

This amendment bill and the original legislation go to the very heart of this. This legislation grants the departmental secretary summary dismissal powers over members of the government teaching service for serious misconduct — and that is the common-law definition of serious misconduct. I would have thought that that had been in place before, but an anomaly has been found, and it is right that it does get corrected. It puts in place also a statutory debt recovery arrangement for financial assistance provided by the commonwealth to Victoria for schools and ensures that new sexual offences under the Criminal Code of the commonwealth can be taken into account when assessing the registration and performance of Victorian schools or Victorian teachers.

The bill gives the minister the power to determine fees for temporary work approval applications from early childhood educators who do not meet normal qualification criteria for Victorian Institute of Teaching (VIT) registration. That has been an issue in my electorate, and it is an issue that I will touch on later in this contribution.

Surprisingly, I guess, under existing provisions there has been no explicit power for the Secretary to the Department of Education and Training to manage serious misconduct of teachers without a whole range of procedural delays that prohibit any action being taken quickly and efficiently. These concerns were highlighted as a consequence of the recent Independent Broad-based Anti-corruption Commission investigations, and it is certainly appropriate that this amendment bill corrects that. Current procedures for terminating employment for misconduct are time consuming and can result in the person in question who is engaged in often serious misconduct — and often serious misconduct that they have conceded that they are guilty of — being suspended on full pay pending a longer and more exhaustive investigation.

This new dismissal power will authorise the secretary to dismiss an employee in such circumstances. I think that that is certainly common sense. There can be an inquiry if necessary, but it will allow for that quicker and more efficient course of action to take place. The amendment will allow for staff of the government teaching service to be terminated on the grounds of serious misconduct, which currently applies to other government employees under the Public Administration Act 2004. It falls in line with those services across the board.

In relation to the expansion of the sexual offences definition, the definition of a 'sexual offence' under the principal act is used in the context of school registration and teacher employment and registration. We are going to see some changes to that definition. These are changes that will include other areas. They have been outlined by other speakers so I will not go over them again.

A point that I do want to touch on relates to early childhood teachers. This bill makes provision for a matter that I have raised previously and a matter that does impact and affect a lot of rural and regional areas in Victoria in particular. From 30 September last year all qualified early childhood teachers working in Victorian education and care services or children's services had to be registered under VIT. To be eligible for registration, early childhood teachers had to hold an approved early childhood teaching qualification.

I have some remote areas and towns with extremely small populations in my East Gippsland electorate that have had issues attracting kindergarten teachers and preschool teachers with these qualifications. A lot of areas of rural and regional Victoria — and I am talking about locations like Omeo, Swifts Creek, Cann River and other outlying communities — need that flexibility to be able to employ early childhood teachers who are more than capable of doing their job even if they do not hold that qualification, so that kids can still attend their early childhood service. That is an area that I am quite pleased to see.

Temporary approval applications are made to and granted by the secretary without VIT involvement. The current act, however, still does compel the minister to call for and consider recommendations from VIT before fixing temporary approval application fees, and that is fine. I would certainly hope that this will provide the flexibility required for some of our more remote locations to be able to fill teaching positions in their early childhood services which are impacted by limited teaching resources.

Currently being a member of two school councils and coming from my previous job that involved me working in over 40 schools around East Gippsland, I have obviously got to know many of my region's principals and teachers. I have found that the clear majority are very, very efficient and they are upstanding citizens. I would not expect the changes that are being made by this bill to be used very often at all — I would see it as quite a rare occurrence — but nevertheless they have to be there.

One of the things that we need to do is to make sure that when integrity issues arise, like those that have been identified in the IBAC inquiry, the government is quick to make the changes that are required to rule out any loopholes when it comes to the integrity of those people who are teaching our children. In that regard I think that this bill has some strong elements. Some issues were flagged by the shadow minister in his opening speech about aspects of the bill around the requirement to consult with either the Australian Education Union or the Independent Education Union. I know that we will be having a bit more of a look at that.

In finishing up I would just like to go on the record once more to invite the minister down to visit Bairnsdale Secondary College in East Gippsland. The school has repeatedly invited him to attend. We did get a commitment late last year that it would be early this year. I would love to see the minister come down and meet the school council and the teachers there.

Ms EDWARDS (Bendigo West) — I am also pleased to make a contribution to the Education and Training Reform Amendment (Miscellaneous) Bill 2016. I would like to preface my comments today by putting on the record how much this government values our teachers and the teaching profession in general, including the principals who run our public schools across the state. They do a remarkable job. They are professional, they have the kids' interests at heart and there is absolutely no doubt that the majority of those teachers do that work out of a great belief in the need to educate our children and educate them well. Unfortunately there are those who choose not to do the right thing, and that is where this bill is important.

The member for Gippsland East mentioned a couple of things about some schools in Gippsland. I just want to say that over the last four years of the previous government education in this state absolutely went backwards. There is no doubt about it. There is no doubt that the funding that was ripped out of education across Victoria had a detrimental impact on schools, on children and on families. On the other side of the coin, when this government came to power it made the biggest investment ever in education in this state. That is why we are working towards making Victoria the education state and ensuring that it is. There is nothing more important to me in my electorate than the education of the children across my electorate, including the children with special needs. That is why I am extremely passionate about the special needs education that this government is investing in, including the recent new announcement about assessment of

children for dyslexia and autism before they start school.

This bill makes some miscellaneous amendments to the Education and Training Reform Act 2006. It gives the secretary of the department summary dismissal powers. That is obviously for employees of the education department who may engage in serious misconduct. It also provides for a statutory debt recovery arrangement in relation to commonwealth funding for schools. While I am on the topic of commonwealth funding for schools, I have to say that it is extremely disappointing to hear that the current federal government has not committed to the last two years of the Gonski funding, which will have a significant impact on schools not just in Victoria but right across Australia. This government is committed to Gonski. We want to make sure that every child has a chance at a good education.

The bill expands the definition of 'sexual offence', which must be taken into account when assessing school registration or teacher employment and registration. It simplifies the processes in relation to acting arrangements for the Victorian Institute of Teaching and the temporary approval of early childhood teachers. Finally, it makes some minor technical amendments to correct typographical and grammatical errors.

The importance of this bill comes from the government's response to IBAC's Operation Ord and of course the secretary of the department's public commitment to examine potential regulatory reform to make sure that serious misconduct could be more effectively managed. Under the existing provisions of the act there are two barriers to the efficient management of serious misconduct. One is the lengthy and complex dismissal process and the other is the absence of an explicit legal power for the secretary to summarily terminate — that is, without giving notice — the employment of a member of the government teaching service for serious misconduct.

The bill confirms that the secretary has the power to dismiss without notice members of the government teaching service where it is clear that a person has engaged in serious misconduct. I want to reiterate that the majority of teachers in the public education system in this state are qualified and extremely passionate and dedicated persons. If the secretary does not hold the requisite belief that the serious misconduct has occurred, the secretary has the option of taking no further action or referring the matter for a formal inquiry under the existing provisions of the act.

The principal act has a definition of 'sexual offence'. During this sitting week and the previous sitting week we have had before the house bills relating to sexual assault and sex offenders in this state. It is no different when it comes to the people we put in charge of looking after our children in our schools. So the definition of 'sexual offence' has been expanded to include the following additional offences from the Criminal Code of the commonwealth: forced marriage involving a child under 18 years of age; using a carriage service for sexual activity with a person under 16 years of age; and using a carriage service to transmit indecent communication to persons under 16 years of age. These come on top of measures that need to be put in place to prevent pornography being spread across the internet and used by people who are in positions where they have direct contact with children.

I do not want to talk too long on this bill because other members also want to have a say. I did want to put on the record that this bill is extremely important in making sure that our children in our schools are protected, that the education system is protected and that measures are put in place to ensure that should people do the wrong thing there is a clear process for them to be dismissed. I commend the bill to the house.

Ms KNIGHT (Wendouree) — I am very pleased to rise to speak on the Education and Training Reform Amendment (Miscellaneous) Bill, and I look forward to my colleagues helping me out with this one. I would like to begin by talking about the importance of education, because of course you cannot discuss this bill without talking about how important education is. This bill supports the Andrews Labor government's commitment to education, with the biggest investment we have seen in education ever. I am very pleased that the Wendouree campus of one of my fantastic schools, Ballarat Secondary College, received some funding in the last budget. It is a great school with a fantastic principal.

We know that most principals are really amazing business operators and great educators and that they really go in to bat for the kids. I know that some of the students in the schools in my area do face challenges. The principals of those schools defend those young people and provide the best opportunities they can for them. This bill, of course, focuses on the very small number of principals and teachers who may not have those best interests at heart. I commend the minister on the work that he has done in education, particularly with this very important bill. I wish it a speedy passage through the house.

Mr CRISP (Mildura) — I rise to talk on the Education and Training Reform Amendment (Miscellaneous) Bill 2016. The main purposes of the bill are to amend the Education and Training Reform Act 2006 to grant the departmental secretary summary dismissal powers over members of the government teaching service for serious misconduct, as per a common-law definition; to put in place a statutory debt recovery management for financial assistance provided by the commonwealth to Victoria for schools; to ensure that new sexual offences under the Criminal Code of the commonwealth can be taken into account when assessing the registration and performance of Victorian schools or teachers; to give the minister power to determine fees for temporary work approval applications for early childhood educators who do not meet the normal qualification for Victorian Institute of Teaching (VIT) registration; and to give the minister power to make acting appointments to the Victorian Institute of Teaching council. It is a fairly comprehensive bill, and I will be reasonably brief in my comments.

The dismissal power is one that is quite serious, and under existing provisions in the principal act there is no explicit power for the Secretary to the Department of Education and Training to manage serious misconduct by staff of the government's teaching service — for example, teachers — without procedural delays. This is awkward but very necessary in the way it has been structured.

Then with debt recovery, under the federal Australian Education Act 2013 the commonwealth provides financial assistance to the state for distribution to various authorities and bodies that represent or fund the schools. These authorities and bodies in turn distribute the funding to individual schools, acting as a conduit for commonwealth funding. The commonwealth cannot take action to recover those funds directly from the school authorities, because it has no legal relationship with them, and that was confirmed by a High Court decision. The commonwealth is only able to recover those funds through the state by way of debt owed to the commonwealth. Under the act a commonwealth grant of financial assistance is subject to the condition that the state complies with debt recovery arrangements prescribed under the Australian Education Regulation 2013 of the commonwealth. This is difficult but it is a way of running accountability through this complex commonwealth we happen to have. The expansion of the 'sexual offence' definition is just updating the principal act to what we have in law.

The issue of early childhood teachers is of quite a bit of interest, particularly in country areas, and the bill makes

amendments to simplify procedures relating to the setting of fees by the minister on applications for temporary work approval for early childhood teachers. Also, from 30 September 2015 all qualified early childhood teachers working in the Victorian education and care services or children's services must be registered with the VIT. To be eligible for registration early childhood teachers must hold an approved early childhood teaching qualification. In response to concerns that some remote early childhood services would be unable to find staff with an approved early childhood teaching qualification, the act will be amended to allow a teacher who does not hold an approved early childhood teaching qualification to make an application to the secretary for a temporary work approval.

This is very much the case in my electorate, where we have a number of centres that can in fact support a kindergarten and they can support a primary school, but of course in a number of my smaller centres the model that is to be pursued, rather than having a P-6 or P-10 or P-12, is in fact to have a K-6 or K-10 or K-12 school. This is because in those smaller populations, although we all value preschool education very highly, sometimes it is very difficult to deliver. For a long time it has been the direction we are moving in, to be able to combine those kindergartens into the smaller schools. Then you would probably have a combined prep or, as it is now called, foundation as well as kinder to juggle those enrolments to have them in that early stage of schools. There is some merit here, and it is yet another step to resolving some of those issues.

I have kindergartens that are struggling right across my electorate. They struggle for a number of reasons, and I have mentioned these before in the house, because it is a one-year gig when you are involved in kindergarten, if you are involved as parents or are on the committee of management or whatever. My recollection of all my lot is that was the toughest gig of my life — the year I spent on the kindergarten committee — because you are there for one year and there is very little overlap or continuity of people who have been there before, and it is at a time of life when you are struggling with a lot of other things in your life as well. To be able to move in that area, to incorporate the kindergartens into our P-6, P-10 or P-12 schools is extremely valuable because it not only gives an opportunity for a preschool education but also gives an opportunity to have a school council and governing body with a lot more skills and a lot more experience.

There are a couple of other things that I will mention before I wrap up, as so many other members have done before when they talked about the schools in their

electorates. Over the time I have been a member there has been work done at the Ouyen school, and that is now consolidated to be the Ouyen P-12 College. Similarly Robinvale now has the Robinvale P-12 College, which still has some outstanding capital works that the Robinvale community have been strongly advocating for to both the coalition government and now the Labor government, and they will continue to do so as they will make the school very much more fit for purpose and fit for a very unique community in Victoria.

Merbein P-10 College has long had a claim in to complete its school, and it had negotiations with the previous Labor government. It had negotiations with the coalition under the previous government, and the coalition made a promise to deal with Merbein. Seemingly it is now negotiating with the current Labor government, as it also had some promises made by the previous Labor government. Mildura West Primary School remains a primary school that does need some work and attention as well. Those are my education priorities, as others have mentioned theirs during this debate. With those words, I wish the bill a speedy passage.

Debate adjourned on motion of Ms ALLAN (Minister for Public Transport).

Debate adjourned until later this day.

CONFISCATION AND OTHER MATTERS AMENDMENT BILL 2016

Second reading

Debate resumed from 9 March; motion of Mr SCOTT (Minister for Finance).

Mr PESUTTO (Hawthorn) — I am pleased to address the house today on the Confiscation and Other Matters Amendment Bill 2016. This bill sits rather like a dinghy on an ocean of ambivalence, indecision and incoherence in justice. It speaks of a government that does not really know where it wants to be on justice or on law and order. It appears to be conflicted. Its true sympathies lie with a softer approach on these issues, one that resists and baulks at the tough challenges of making tough decisions and deploying the resources necessary to equip law enforcement agencies to tackle organised crime.

This government is undecided in that respect, but there is somebody in this state who is prepared to show leadership on these sorts of issues and to introduce measures that will tackle organised crime, take on

sophisticated syndicates and tackle the nefarious activities of those who peddle drugs, traffic firearms and do not scruple to destroy the lives of ordinary Victorians for a buck. That person is the honourable Leader of the Opposition. Under his leadership we have, in the first 15 or 16 months of this term, already seen a number of important initiatives that a coalition government will introduce to tackle organised crime and implement the tough measures needed to deter wrongdoing in our community.

It starts with sentencing. One of the first announcements we made after the last election was that we would amend the Sentencing Act 1991 to make sure that in every sentencing decision a court would be required to consider as factors community safety and deterrence. At the moment under the Sentencing Act those matters are discretionary. We want them to be mandatory. We have seen tragedy after tragedy where community safety was not given the importance and paramountcy that Victorians wanted and needed.

On bail, we announced shortly after the election that we would broaden the scope of offences which would reverse the onus so that those appearing before our courts facing serious charges of wrongdoing would have to show cause or exceptional circumstances as to why they should be released. Of course bail is a matter which has been a part of our common-law and criminal justice system for a long time, and people are entitled to the presumption of innocence. But as with all things in public policy, they need to be balanced. In the balancing of community safety and the presumption of innocence, in cases of serious conduct which is alleged against alleged offenders, community safety needs to be given higher priority.

On parole, we have announced changes that we would introduce in this state under a coalition government. We have introduced the Corrections Amendment (No body, no parole) Bill 2016, a clear message that in cases of murder, if you do not assist authorities to locate the bodies of the deceased — if for no other reason than to give closure to those who continue on without them and who continue to experience the trauma and anguish of losing a loved one — then you will not get parole.

Just this weekend the leadership of the coalition was on display again. In the absence of any leadership from the Premier or his chief ministers in law enforcement, the Acting Minister for Police and the Attorney-General, the Leader of the Opposition announced that his government will in the future introduce a special drive-by shooting offence. We know that in recent weeks on an almost daily basis we have woken up to news of another drive-by shooting, another riot, another

brawl or another firearms offence. Under a coalition government the toughest drive-by shooting laws in the country would be introduced. They would be the toughest, because if you were found guilty of a drive-by shooting offence under a future coalition government, you would face a maximum sentence of 15 years.

This may not be the highest maximum sentence in Australian jurisdictions, but the important points are these: you would face a statutory minimum term of five years for a drive-by shooting offence if you committed that crime in this state. Not only that, what would make it tougher still is that if you are found guilty of a drive-by shooting offence, which the coalition government will introduce, you will have to serve that sentence cumulatively, not concurrently. You will not get away with serving an existing sentence. If you are found guilty, you will do a particular period of time for that offence, and it will be no less than five years.

What the Leader of the Opposition announced on the weekend was a set of drive-by shooting laws that will be the toughest in the country, but he showed even further that the coalition has the willingness and the leadership to tackle organised crime and the gun culture that is emerging in this state under this government. The coalition announced a crackdown on cash sales of stolen cars. We know that the purchase of firearms and drugs is linked to the people who peddle those items by their involvement in car thefts. We know car thefts play a huge role in the ability of those people to source funds to finance the purchase of guns and to undertake trafficking and other activities.

That announcement coupled with the announcement about the drive-by shooting offence, both of which happened on the weekend, shows that the coalition stands ready to demonstrate that leadership in the law enforcement space at a time when Victorians are crying out for leadership on these issues. Victorians are apprehensive about what they are seeing, and they want the government to show leadership.

We are not, however, seeing that leadership from the government. What are we seeing? For several months we have been pointing out as a coalition that the state is vulnerable, Victorians are vulnerable and communities are vulnerable because we are seeing real cuts in police numbers. Let us not buy this nonsense from the Acting Minister for Police that because there has been a nominal increase of 40 police officers since the last election that is enough to match a population growth of over 100 000 a year. You must be kidding if you think that you are protecting Victorians by holding back on the growth in police numbers.

What is worse is that we have a minister who does not want to play a role in law enforcement and community protection. In question time after question time when we have put questions to the Acting Minister for Police, and he gives us the Sergeant Schulz defence. He knows nothing, and it is not for him to know.

Mr McGuire — On a point of order, Acting Speaker, I acknowledge that the lead speaker has a fair amount of leeway, but he cannot relitigate question time. I ask you to bring him back to the bill. He cannot be allowed to denigrate the Acting Minister for Police, who is not in the house, in that way.

Mr T. Bull — On the point of order, Acting Speaker, it has been a long-held tradition in this place that the lead speaker gets some scope. I would have thought that policing numbers and the police force was very pertinent to this bill.

The ACTING SPEAKER (Mr Crisp) — Order! I do not uphold the point of order but I do ask the shadow Attorney-General to perhaps get to the bill soon.

Mr PESUTTO — Acting Speaker, I will, but these are important matters, because we cannot adopt a piecemeal approach to justice reform. If we want to tackle organised crime, it must form part of a coherent suite of measures, and police numbers are an important part of that suite of measures.

What the minister continues to argue in here and out in the public is that under section 10(2)(f) of the Victoria Police Act 2013 he has no power to engage himself in these issues. That is wrong. If the Acting Minister for Police is listening, he needs to understand that the Victoria Police Act confers on him an express power to issue directions to the Chief Commissioner of Police on important policy matters and priorities for Victoria Police. If the acting minister wanted to engage on these issues and show leadership in policing in this state, he would invoke section 10 and consult with Victoria Police, but he does not even want to do that. So on police numbers, our ability to tackle organised crime is hamstrung, and we have seen other measures which this government has introduced which will equally leave us exposed.

The Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015, which passed this house last year, saw the government introduce a so-called new regime for anticonsorting measures to stop suggested criminal activity and assumed offenders and those engaged in organised crime from consorting. But that regime, as we pointed out at the time, was

complex and subject to many qualifications, including the fact that those who are the subject of investigations were to be notified and would be well aware of every step of a police investigation. How does that improve our ability to tackle organised crime?

It is also a matter of some concern that the government at that time, and particularly the Attorney-General, said that the unlawful association measures, which he introduced and carried in this place, were important because gang activity was a concern and posed a threat — his word — to community safety in Victoria. He said that the unlawful association regime was important as a measure to support the Premier's *Ice Action Plan*.

That regime passed the Parliament and was given royal assent in early October last year — and do you know what, Acting Speaker Crisp? It has not been proclaimed. This regime which was so important in our being able to tackle organised crime has not even been proclaimed. What a disgrace. Our ability to tackle organised crime depends on an effective suite of measures which allow law enforcement agencies to break up the associations of those who engage in criminal activity. But that cannot be done because even this regime, which as we have pointed out is flawed, has not been proclaimed.

The no-pursuit policy has proven to be a terrible mistake. We have seen that some criminals have escaped capture and caused harm to others. We know the move-on laws did not help with law and order in the state. As the coalition recently pointed out, the government continues to refuse to respond to Court of Appeal decisions that have affected the use of community correction orders in this state. The court's decision in Walters to effectively strike down the baseline sentencing reforms means that there will be no increases in sentences for serious offences that were part of that regime.

We also saw recently a further attempt to water down bail in this state. The government repealed the offence for those who breach a bail condition. We saw that a number of those engaged in the Moomba riots were reportedly under the age of 18 but of an age of around 16 or 17 years. As I pointed out recently, those people, if they are ever charged and secure bail, will be told by their lawyers that it is no longer, thanks to the Andrews Labor government, an offence to breach your bail. What message does that send?

I give you that context, Acting Speaker Crisp, because this bill, which I am happy to say we are not opposing, sits amongst a range of measures which this

government has introduced and which take us in the opposite direction. That is what concerns us, and that needs to be pointed out. We will continue to raise it here and in the community.

The measures contained in this bill are not, for the most part, controversial. Those which affect the confiscation regime are in our view sensible. The change which clarifies the use of proceeds to discharge a mortgage or a security and ensures that that is not seen as lawfully acquired property — for example, a mortgage on a house discharged with the use of proceeds derived from criminal activity — is a sensible approach. We agree with the government that it may not be necessary, but in light of the Western Australia Supreme Court decision recently, it is better to err on the side of caution and ensure that confiscation can proceed and not be thwarted by those who argue that the proceeds of crime have only been used to discharge a security and not to acquire property. We think that is reasonably sensible.

The other changes, which allow Victoria Police to update its practices to respond to technology, equally are sensible enough, and we think it is appropriate that the law keeps up to date with changes in technology.

On criminal organisations, the changes are not in our view controversial, although I do sound a note of caution. The consolidation of the restrictive and prohibitive declarations under the Criminal Organisations Control Act 2012 regime is sensible, although we wish to ensure that where a prohibitive declaration is granted, that will only occur on the strongest evidence. We note and are happy not to oppose the introduction of a lower threshold for prohibitive declarations, which effectively shut down illegal gang activity.

As we know, the previous coalition government under the stewardship of the member for Box Hill responded to requests from Victoria Police to relax some of the thresholds. In particular we relaxed the threshold relating to restrictive declarations, and we lowered that from the criminal standard to the civil standard. We stopped short of lowering the standard for prohibitive declarations, which effectively shut down an organisation, because we were concerned to ensure that where rights such as freedom of association are involved, it should be subject to the criminal standard. But we are not going to oppose the government's proposal in this bill to lower the standard for prohibitive declarations to the civil standard, because if that has come at the request of police, then we will accept that.

However, I do want to make this general point, and it relates to both the confiscation measures and the

Criminal Organisations Control Act measures. Under the previous government and under this government there have been requests from Victoria Police to change the law. In response to those requests, we acceded and introduced amendments and met the requests of Victoria Police. Victoria Police has, we understand, requested further changes, and the government has brought those which we are debating before the house. We do not oppose those.

I was concerned during the briefing to be told by one of the briefing officers that no applications have been made under this regime. I can only take that at face value. I could not ascertain from the Victorian Police annual report 2014–15 whether that was the case, but I am happy to take it on face value. If it is the case that there have been no applications under this regime, then I have to express some concern. What the Parliament is doing is it is granting the requests from law enforcement agencies for a broader regime at their request. The long and the short of it is that this Parliament is entitled to see some results. We want to see some action under this regime. We want to see further action under the confiscation regime.

I do not know that you can relax the thresholds any further. If you were to relax the thresholds for declarations which shut down gang activity, then you would probably be invoking a test rather like the hunch test — if there is a hunch, you will shut a gang down. We have given Victoria Police and law enforcement agencies the lowest threshold you can possibly give, which is balance of probabilities. We want to see some action under this regime. We know this activity is occurring; we see reports on an almost daily basis that this gang activity is occurring, perhaps even proliferating. Yet if what we were told at the briefing is right — that there have been no applications under this regime — then that would be deeply troubling. There is nowhere else to go. The regime is in place now, and we want to see some outcomes.

I go back to a comment I made a few minutes ago that the Acting Minister for Police can play a role here. The Acting Minister for Police has a power under section 10 of the act to issue, after consulting with the chief commissioner, general directions on policy and priorities. I think it would be a matter of great benefit if the Acting Minister for Police were to consult with the chief commissioner and indicate that Parliament has now on at least two occasions responded to requests for a relaxation of the thresholds in the Criminal Organisations Control Act 2012 and that it expects that these matters will now be given great priority and that we will see a well-prepared and consistent line of applications for orders under this regime.

In the time left I just want to quickly address the amendment to the Family Violence Protection Act 2008. This will in effect defer a change that the previous coalition government introduced, which was to introduce self-executing orders. Where interim family violence intervention orders were issued on an interim basis but were not contested, they could be self-executing. The reason the previous coalition government did that was that it principally relieved women of the need to continually turn up to court or to unnecessarily turn up to court, which we all know can be very stressful. That can be distressing. Whether you are required to attend court in person or you participate in a proceeding by audiovisual means, either way it can be distressing. So our approach was to say that if it is not contested, the order should become self-executing.

Now I understand that the recommendation of the Royal Commission into Family Violence is to repeal that provision on the basis that it is better to keep family violence offenders in the sight of the court. We have made it clear that we want to work with the government to address family violence, and there is a bipartisan approach to that, but I urge the government just to think through how it will respond to that recommendation.

One of the implications of that recommendation will be that, because there will no longer be a self-executing mechanism, women will be required to attend court, whether to physically attend court or to attend court through some audiovisual means. That could be counterproductive for many victims of family violence, so I just encourage the government, in the bipartisan spirit that we have brought to this general and vital issue, to consider how that change will apply. On family violence there is a strong bipartisan approach, and we know the government will be working through those recommendations, but we do hope that it will look at all of the implications that will flow from a repeal of that self-executing mechanism, because it was intended to spare women, in particular, the anguish and distress that can sometimes follow from having to attend court.

We do not oppose the bill, but for the reasons I outlined in the earlier sections of my address, the government has to decide how it wants to approach these matters, and a piecemeal approach — which has a *Herald Sun* drop over here but also changes elsewhere in the justice portfolio that tend to weaken or contradict the strong approach that you need to tackle organised crime — will not get us to where we need to go in this state. We know how sophisticated these organisations are and how determined they are to resist law enforcement efforts, and when we say you need a strong approach, it is for that very reason. You are talking about

organisations that intend to defy the law. They intend to evade, elude, resist and thwart law enforcement agencies by whatever means they can. Nothing short of the strongest possible approach is going to work, and so I encourage the government to make some decisions on where it wants to be on these sorts of matters. Unless it changes, we will continue to prosecute this case in the community more broadly.

Mr CARROLL (Niddrie) — It is my pleasure to rise to speak on the Confiscation and Other Matters Amendment Bill 2016. I will begin where the member for Hawthorn left off when he said that the government needs to make a decision on whether or not it is going to have a ‘piecemeal approach’ on these things. Only in the last sitting we debated reform to fines. The member for Hawthorn came in here, and his proposed reform to fines was that if you have done your jail time, then the fine should still stand.

He could almost change his title from being the member for Hawthorn to the member for 7-Eleven Hold-ups, because if people do their time, they should be given a second chance. On this side of the chamber the Labor Party believes in second chances. If you do the time in jail on paying off your fines, the fines should not have to stand when you leave. We are very happy we defeated the member for Hawthorn. He probably does not have too many defeats, but that was a good defeat, and we are very proud on this side of the house to have a great agenda in the law and order space.

Mr Pesutto interjected.

Mr CARROLL — For weeks we have had to put up with your criticisms on the police portfolio. You are ignorant. You don’t know what you’re talking about.

Mr Pesutto interjected.

Mr CARROLL — We had \$2.5 billion in the first budget and 700 personnel — and the member for Hawthorn wants to talk about enterprise bargaining agreements. It could not have gone more perfectly with Minister Noonan and Police Association Victoria. It was signed, sealed and delivered. It was a credit to him and is his legacy.

Mr Pesutto interjected.

Mr CARROLL — You do not have to take my word for it; you can take the police association’s word and the press release it has put out about the relationship it has with the government and the work we are getting done.

We are making sure we get it right, whether it be through the confiscation laws that we are debating right now, whether it be about family violence or whether it be about the drug ice. I know the member for Bendigo West is in the chamber, and she is very big on sniffer dogs.

Ms Edwards interjected.

Mr CARROLL — We had a whole parliamentary inquiry into the drug ice and the best those opposite could come up with was to introduce more sniffer dogs. We have got a whole agenda, led by the Premier, targeting crystal methamphetamine production, and it goes again to the heart of this legislation as well, in terms of our confiscation laws and what we are doing to make sure we get down and stop — —

Mr Pesutto — What have you done to attack ice?

Mr CARROLL — We have done a lot of things, and my predecessor has also, including the introduction of the Drug Court in Dandenong. If you want to put our agenda up against yours, I will have ours any day.

We are doing everything we can, and the member for Hawthorn can advertise for the Leader of the Opposition’s job all he likes. He has still got to nudge out the member for Malvern, but we will see how he goes. We are very proud of this legislation, and we are very proud of delivering in our society on community safety. The member for Hawthorn has vacated the chamber; that is just the way it goes. He might have a glass jaw like the member for Malvern.

This legislation is very, very important. It is about making sure that we have confiscation laws that ensure crime does not pay. The Attorney-General should be congratulated on bringing this legislation forward. It does correct some anomalies that came to light in an interstate court case, and we are making sure now that there are no anomalies and that our amendments to the Confiscation Act 1997 are right, because this legislation is very broad. It does deal with a lot of important amendments to various pieces of legislation, including the Confiscation Act and the family violence act.

What a week this government has had. We have had a record investment of \$572 million to prevent family violence. Just on the weekend we had the biggest injection of funding into elective surgery ever in Australia’s history. Today we said we will go it alone on the western distributor. We are getting on with doing what we need to do in terms of reform. I am proud to be part of a government that since day one has put family violence at the top of the agenda. We are making sure that we will deliver those important reforms. We were

all in here to hear Rosie Batty and Kristy McKellar speak. They were heartwarming speeches that were almost difficult to listen to. Family violence is part of this legislation, if you read the bill, and it is important that we get on with delivering these reforms and making sure our community is safe.

I am also very proud, because whether it be organised crime or whether it be making sure our confiscation orders are working at their very best in the 21st century, the Andrews government has worked very closely with Victoria Police to ensure that the police have the powers to better combat criminal gangs. Criminal gangs are something that did come up in the Law Reform Committee inquiry into crystal methamphetamine in terms of their proliferation and the way they often prey on some of the most vulnerable members of our community, our Indigenous communities and our young people, often those who are under the age of 16, and cannot get caught in the net as much as some adults do in the criminal justice system. We have a real challenge here.

I was with the member for Broadmeadows and the member for Narre Warren South at the Broadmeadows police station only this week. We had a great session. We saw firsthand some of the challenges in that part of the community and heard firsthand what the police are doing. They should be congratulated for their hard work and efforts. They have the support of the government, and they could not have been more happy with the way we are working with them. We are giving them the resources they need. I was down at Colac only last weekend. The police, whether it be in the suburbs or in the regions, are very happy to be working shoulder to shoulder with the government in making sure our law enforcement and our community safety is at the forefront of our agenda.

I did talk about the amendments to the Family Violence Amendment Act 2014 that this legislation is making to establish a process for interim violence intervention orders to automatically become final orders without a further court hearing. When it comes to intervention orders this government is going to make sure that they are as strong as possible. I had the pleasure only recently to be out at the Neighbourhood Justice Centre — another legacy of my predecessor — where we are making intervention orders electronic and as speedy as possible to try to ensure that women and children are safe. As the Premier said recently when he released his \$572 million package for family violence, we want to make sure that they are well and truly worth the paper they are written on. It is incredibly important that there is the power to protect women and children.

I am also very proud that the Premier has accepted all of the recommendations of the Royal Commission into Family Violence and has already committed to some 65 of them with that \$572 million package — and it is great to have opposition support on this. We are going to see an incredible reform in this area over the coming several months.

In my concluding remarks I think it is important that I highlight what is said in an article by Matt Johnston at page 11 of the *Herald Sun* headed ‘Crooked house blitz — Legal attack on property bought with dirty cash’. The article says:

Big-wig criminals who have been paying off mortgages with dirty money would lose those homes under laws to be introduced to state Parliament.

This is an incredibly important decision. If you have taken out a loan and repaid it over time using the proceeds of crime, it could have been seen as being lawfully acquired. We are reversing that, and we are making sure, as the Attorney-General was quoted as saying, that:

Victoria now has one of Australia’s most comprehensive sets of confiscation laws, further depriving criminals of their ill-gotten gains ...

Strengthening our existing laws will make it easier for Victoria Police and the courts to restrict the activities of criminal organisations and shut down their operations.

In the minutes I have left I need to pull up one of the issues that the member for Hawthorn raised. He has raised this on several occasions. He keeps raising baseline sentencing. That issue is now at Monash University with Professor Arie Freiberg. Why? Because those opposite cannot get their legislation right. They wonder why they are one-term wonders. I remind the member for Box Hill that he botched it. What did the courts say? They said it was unworkable. We want to have workable legislation. When they were in office they changed the sentencing practice — it was called baseline sentencing — and what did the Court of Appeal say? It said it was invalid. That is a mess of their own creation. We will have to fix it. I know the Attorney-General will fix it, because he needs to.

Mr Watt — Well, fix it then!

Mr CARROLL — We are fixing it. We are waiting for Professor Arie Freiberg’s report, and then we will get on with it and do it. We will work with the Office of the Chief Parliamentary Counsel to make sure it knows what it is drafting this time so we do not have a botched piece of legislation that the Court of Appeal declares unworkable. We want to make sure that our legislation is rock solid and does the job that it is intended to do.

The Sentencing Advisory Council has done its work. The bill will make sure that we can promote public confidence. We are very confident with the process we have undertaken to fix up again the previous government's mess in botching law and order. Baseline sentencing is one. I could go on and talk about others, but we are getting on with it — community safety and police resources. I cannot wait for the next budget. We put \$2.5 billion for police in the first budget.

Mr Watt interjected.

Mr CARROLL — We know the member for Burwood's obsession with the previous member for Burwood. He does not belong on the front bench. He should get back to where he belongs in the fourth row. If there were 20 rows, he would be in the 20th row, I can assure members. I commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) — I have said this before on a couple of occasions when I have had to speak, but it is always a bit of a challenge when you have to follow an audition by a member opposite. The member for Niddrie is clearly someone who is looking forward to the reshuffle and his opportunity to be the new police minister. I wish the member all the best in that.

On the bill: this bill is certainly something that the coalition will not be opposing, because whilst the amendments are in some respect minor and precautionary with regard to the asset confiscation scheme, they do attempt to crack down on criminal matters. In particular, with respect to the asset confiscation scheme the bill will make it clear that any assets which are paid for using the proceeds of crime, including those that are loaned, will be included. This is in response to court decisions in other jurisdictions — I believe including in Western Australia. There is a question as to whether this does need to be clarified, but given the precedent has been set it is important that Victoria make this change. Effectively it will make clear that if a person purchases a house or any other asset with a loan and then repays that loan with proceeds from crime, then that house is not considered to be lawfully acquired. That would be the logical choice, but obviously it has been questioned in other jurisdictions so it is important that here in Victoria we clarify that to make sure there are no loopholes that criminals and particularly organised crime gangs can get around.

We very much support the criminal asset confiscation arrangements, and in government the coalition obviously responded to all requests from the police, and from law enforcement authorities generally, for

additional powers. I guess the best way to put it is that this bill will shore up those powers. Proceeds of crime come from a wide variety of crimes but most particularly from the trafficking and production of drugs. The issue of crystal methamphetamine, better known as ice, is certainly an issue in my electorate. Going back to the by-election I contested last year, that issue was front and centre in the minds of voters in my electorate. They want to see governments doing something about this issue. I have said many times that this is not something that we can arrest our way out of or that we can imprison our way out of. It is an issue not just for governments, and it is an issue not just for the police or the courts; it is an issue for the whole community. I know that people in my electorate and indeed right across the state want to see us doing as well as possible to crack down on ice. Sorry, there was no pun intended; I should not have used those words.

Indeed the commonwealth has a role to play in this too. We have seen action on this from Senator Fiona Nash, who has been actively working with the national ice task force. As recently as only a few minutes ago I was talking to my federal colleague the member for Gippsland, Darren Chester, impressing upon him the importance of this issue and the importance of the commonwealth assisting the states to tackle the ice problem. I know Darren understands that very well, but we need to provide the resources to the entire community to tackle the ice scourge. As I said, this is not just to police but also to our community groups, our sporting organisations, our church groups, our community groups, our welfare organisations and down through to our drug and alcohol rehabilitation services.

Again I have raised the issue of the need for additional drug rehab beds in Gippsland with the Minister for Mental Health. I know that the member for Gippsland East, who is the shadow minister, has been very keen to push this issue because we do have a shortage of beds. I think the minister is committed to additional services, but in terms of providing more actual residential beds such beds are what we are light on in country Victoria, including across Gippsland. I am keen to support anything that tackles the ice scourge, and I am hopeful that the commonwealth will also come to the party with funding and programs to assist us in that fight.

There are elements in the bill that relate to criminal organisations. It was of course the coalition that introduced the Criminal Organisations Control Act 2012 to address concerns about criminal organisations. We are talking about organised crime, in particular outlawed motorcycle gangs and various others. The bill effectively merges the declarations that can be applied to criminal organisations — the declarations that restrict

their operations and those that prohibit those organisations altogether.

I guess there will be more discretion available to the Supreme Court to make those declarations, depending on the proof that is put forward, but the bill also retains the lesser standard of proof in relation to civil arrangements so that police will not need to prove beyond reasonable doubt that a particular organisation is engaging in criminal activity for there to be a new declaration made. That again is a good thing that hopefully will lead to us beginning to crack down on some of these organisations and reduce the impact and the reach of criminal gangs and organised crime throughout our community.

There are also a number of miscellaneous amendments included in this bill, including the amendments to the Surveillance Devices Act 1999, which effectively allows the Attorney-General to redact information that might be sensitive in some of the reporting to Parliament under the act to ensure that, particularly in this security heightened environment, we are not giving away anything unnecessarily that could be detrimental to the security and safety of the community. That is a minor change. There are a couple of other minor changes in the bill, but generally speaking they move in the right direction in terms of tackling crime in this state.

Unfortunately the government has not been moving in the right direction; in fact it has not been moving at all. This is the point that the acting minister seems to misunderstand when he is responding to coalition commentary about police numbers and about crime in this state. It is very clear to us on the numbers that the government has not been increasing police numbers to keep pace with population growth. That in effect is a real cut. In economic terms, in criminal terms and in any other terms, that is a cut. The Labor Party should understand that concept, because whenever there is a comment about any particular budgetary provision where a change is made to the out years, the Labor Party will refer to that as a cut. This is not even like that. In fact police numbers are not keeping up with growth in the population. I will go through those numbers again, as I did in recent weeks.

When we left government in 2014 there were 13 151 police officers. That is not just the regional officers; that includes the divisions — the homicide squad, family violence et cetera — that we talked about today. There are now 13 191 police officers, based on the latest figures from December. That is up 40, but with the growth in population, the growth in police numbers should have been up 240, so we are down

considerably on police numbers and it is actually starting to show in the crime statistics. We had an 8 per cent increase in crime in the last reporting period across the state. It was higher in some areas, and higher in my area, with Wellington shire up 12 per cent and South Gippsland shire up 11 per cent. So the minister is being disingenuous when he says there is no cut, because in fact it has happened.

Equally, earlier the member for Niddrie was saying how wonderful the police think the Labor government is. I can tell him from direct experience that that is not a universal view among police officers around the state. To be fair, it is not only on numbers; it is also the impact of the two-up policy, but it certainly has had an impact on the police presence on the streets and on the opening of stations. The government needs to understand that, and it needs to deliver more police. There are no custody officers in places like Leongatha, Yarram and Korumburra. That is an important point.

But anyway, The Nationals do not oppose the bill, but the message to the government is that police need more resources, not more waffle and hiding behind operational matters.

Ms SPENCE (Yuroke) — I move:

That the debate be now adjourned.

Mr CLARK (Box Hill) — The opposition opposes the adjournment of debate on this bill. It is an absolute disgrace that a debate on such an important issue that goes to community safety is being shut down after only two speakers on this side of the house. If there is one issue that is concerning the community right across Victoria at the moment, it is the constant undermining of community safety, be it by bikie gangs, be it by drive-by shootings, be it by riots — whatever it might be. The government wanting to run away from a debate over its performance on law and order and the adequacy or otherwise of the measures that it has taken to better protect the community is completely unacceptable.

The opposition has a substantial number of speakers who want to make contributions on this legislation. There are many aspects of this bill that need appropriate scrutiny and many different perspectives that need to be brought to this debate. This is a bill that relates to asset confiscation; it should be operating to effectively deter those who might be thinking about engaging in organised crime; we need to make sure the legislation operates effectively, and we need to examine whether or not the measures that are in this bill go far enough to achieve that objective.

We have got changes in relation to bikie gangs. The member for Hawthorn touched on the issues in relation to those and raised, quite understandably, the concern to ensure that Victoria Police is going to be able to take up and act upon whatever legislation is passed by this house. We have got issues about family violence, the very difficult and vexed issue of self-executing orders and the government's intention through this bill to indefinitely delay the commencement of this reform. That needs to be assessed in the context of the recent royal commission report on family violence and whether we risk ending up in a position that has all of the downsides but none of the upsides of what the royal commission was seeking to achieve.

There are many serious and important issues that deserve to be examined in this debate. Whether it is due to disorganisation by the government in being unable to schedule its legislation or more, I fear, because this is a bill in particular that its members do not want subjected to scrutiny — whatever the reason might be — it is a complete disgrace that the government is moving to shut down the debate on this very important bill after two opposition speakers. Therefore the opposition is of the view debate should be continued.

We understand that this house is awaiting legislation to arrive later today from the other place in relation to the City of Greater Geelong legislation, and this house is almost certainly going to be sitting beyond 5 o'clock in order to await receipt of that bill. While there is one other bill to be dealt with and while the opposition is willing to accommodate the government to ensure that every bill on the legislative program gets proper consideration, given the government has not been able to achieve it under its own organisation, it is a complete disgrace that the government intends to shut down the debate on this bill after only two opposition speakers and seeks to run away yet again from being accountable to the community for its handling of the issue of law and order and community safety.

Ms ALLAN (Minister for Public Transport) — It seems like the Liberal Party this week has just been determined to delay, delay, delay — delay everything this week. Liberal members have been absolutely determined and I think they are attempting to delay because they do not know whether they are Arthur or Martha over there. They do not know whether they want to support the government to address the very serious and real issues that are going on in Geelong or whether they want to defend some of the terrible bullying practices that the report revealed. They do not know whether they want to support the Confiscation and Other Matters Amendment Bill 2016 and say they are happy to accommodate the easy passage of the

government's business program or get in here and just delay for the sake of delaying.

I think it just exposes that, whether in government or in opposition, there is chaos and dysfunction. It does not matter whether it is in Canberra or Victoria, it appears to be a common trait of the Liberal Party, and I will not let the National Party off the hook either. National Party members cannot get off the hook; they are complicit in this. The charade that they go through that they are a separate entity and that they need some special treatment in this place is absolute bunkum. I challenge the National Party to once — just once — vote differently to the Liberal Party.

Honourable members interjecting.

Ms ALLAN — Just once — I dare you to see if you will do that to demonstrate whether you are fair dinkum about your independence. But anyway, that is a digression.

As the member well knows, the bills that we have identified that we want to pass this sitting week need to be done by 5 o'clock this afternoon. He talks about wanting to accommodate, but really it is just a smokescreen for what those opposite are trying to do, which is to delay and to get a bit of attention on themselves in the Parliament while they continue to languish in opposition. We are determined to get on with good government, we are determined to allow the smooth passage of legislation through this Parliament, and we absolutely support the motion of the member for Yuroke.

Mr PESUTTO (Hawthorn) — This is pathetic. Let us take the Geelong bill just to highlight what a pathetic program we have this week in this house. Two weeks ago one of the ministers who sits over on that front bench leaked the city of Geelong report, and it sat with the *Geelong Advertiser* for two weeks. It had two weeks to read that report. Then we come in here, and we are told we can have only 2½ hours to review and debate and consider a substantial bill that affects the democratic rights and interests of the people of Geelong.

As the member for Box Hill pointed out, we have a bill in this house that is dealing with crucial matters that are intended to tackle organised crime. The matters in the bill before us at the moment touch on confiscation, a crucial regime which is in place to crack down on organised crime. It also involves criminal organisation controls on bikie gangs and other outlaw gangs. This government wants to give us effectively 40 minutes to have our say on a bill in a portfolio in which this

government is out of its depth. We know law and order has this government rattled. It does not know how to tackle those issues, whether it be police numbers or something else — and as the member for Gippsland South pointed out, police numbers have been cut in this state.

We want to be able to talk about the link between police numbers and organised crime, about the ability of Victoria Police to tackle organised criminal gangs. We want to be able to talk about how we help Victoria Police use the Criminal Organisations Control Act 2012 regime to crack down on motorcycle gangs and how we deter that type of conduct. We want to talk about the crucial matters that arise out of the family violence royal commission.

The government has to understand that you cannot come into this place, if you want to be taken seriously, and give us 40 minutes on important matters. You cannot give us 2½ hours on the city of Geelong bill and then give us 40 minutes on an important bill that deals with organised crime. The real thing is that the government needs to get its act together. It cannot keep running its program on this basis and leaving a backlog which has to be acquitted within 45 minutes on a Thursday afternoon without proper consideration and debate. The Victorian people expect more, and we will demand more from the unruly and disorganised mob across the table.

Mr CARROLL (Niddrie) — It is my pleasure to rise and support the motion of the member for Yuroke. I will tell members right now: we have done more in this week than those opposite did in four years — legislation on medicinal cannabis, the biggest investment ever in Australia's history in elective surgery, action on family violence, with 65 of the recommendations through.

Honourable members interjecting.

Mr CARROLL — The member for Hawthorn is the show pony, but at least he is in here and has not been kicked out yet. The member for Ferntree Gully is the one the *Herald Sun* says has to get more KPIs, so what does he do? He gets kicked out. On this legislation The Nationals have spoken — —

Mr Crisp — On a point of order, Speaker, this is a debate on a very narrow motion. I think the member for Niddrie has strayed considerably from what should be debated, and I ask you to bring him back to debating the question before the house.

The ACTING SPEAKER (Mr Carbines) — Order! I uphold the point of order of the member for

Mildura. The member for Niddrie has 3 minutes and 58 seconds.

Mr CARROLL — As I said before, we have done more in one week than those opposite did in four years. In terms of this legislation we have just spoken on, we have heard both sides of the conservatives say they support it. They want to crack down in the confiscation area; they want to do what we need to do. They had four years to do something on the drug, ice; do they know what they did? They got six new sniffer dogs for the drug, ice.

The Labor Party, led by the Premier, has an *Ice Action Plan* and is getting on with it and doing what needs to be done. Those opposite have not done anything. This legislation will pass. What do they need to talk about? We had bipartisan support on the family violence legislation, and we have had bipartisan support on the confiscation bill. Let us now deal with the bullying that has happened down at Geelong and take this matter seriously. It needs to be dealt with, and it needs to be dealt with expeditiously.

Mr Pesutto interjected.

Mr CARROLL — I say to the member for Hawthorn, let us correct the record. We had \$2.5 billion for police in our first budget, something those opposite could only dream about. In fact it was the Brumby government's last budget that delivered 1700 frontline police, which those opposite then campaigned on. There is one thing on the police that should be noted on Minister Noonan's behalf: for the first time in 20 years we had an enterprise bargaining agreement completed successfully without any industrial action by Victoria Police. Where is Peter Ryan — I would love to know where he is right now — or Tristan Weston or Don Coulson? There was a litany of mistakes by those opposite in the police and corrections portfolio. I am going to stop now, Acting Speaker, because I want to make sure that those opposite got the message.

An honourable member — Did you run out of puff?

Mr CARROLL — No, I never run out of puff, don't worry. I have 2 minutes more. It is incredible what we have been able to achieve this week. We have dealt with medicinal cannabis, we have told the Liberal Party to get out of the road on the western distributor because the Minister for Roads and Road Safety at the front here is delivering a great thing and we do not need those opposite, they are irrelevant. In relation to this bill I say to those opposite that they should stop, get out of the way and let us get on with doing the great

government business we are doing this week. We got more done in one week than those opposite got done in four years. I support the motion of the member for Yuroke.

Mr CRISP (Mildura) — I rise to speak on this motion, and, unlike the member for Niddrie, I might actually speak about its merits. This motion is about adjourning debate on a significant bill, probably one of the more significant bills this week. Within the Confiscation and Other Matters Amendment Bill 2016 we are dealing with the ill-gotten gains of drug offenders. I know that the member for Box Hill, the member for South Barwon and the member for Sandringham wish to speak on this bill. They made it known to the whips on this side that they want to make a contribution on this particular bill. This bill is significant.

As we well know, there are people out there paying off assets with drug money with impunity. I know that the members I have mentioned want to get on the record and show their electorate what they believe about these issues and what the issues are within their electorates. Yes, we are supporting this bill, but in supporting it we want to have a full and proper debate about it.

There are a couple of issues. The bill lowers the bar in relation to evidence. That is something that needs to be done, and issues need to be brought forward that need to be monitored. Particularly in some of these areas we want to look at lowering the standard of proof necessary to issue court orders to prohibit organisations to continue to operate, carry on a business or take on new members. We believe that should be monitored, given the significance of that.

A full and proper debate by this Parliament is required to have these issues teased out and to have these issues understood. To cut the debate short would be a miscarriage of justice. There is a proper process for this house to undertake. We are opposing this motion, and we are saying that we could have had some consultation, managed this bill and managed to have this said. Instead we are going down a path that was probably unnecessary, but here we are.

With that, I believe that this motion should be opposed. The Nationals will be opposing it, because this matter has not had full and proper debate in this house.

House divided on Ms Spence's motion:

Ayes, 47

Allan, Ms
Andrews, Mr
Blandthorn, Ms

Knight, Ms
Lim, Mr
McGuire, Mr

Brooks, Mr
Bull, Mr J.
Carbines, Mr
Carroll, Mr
Couzens, Ms
D'Ambrosio, Ms
Dimopoulos, Mr
Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Hennessy, Ms
Hibbins, Mr
Howard, Mr
Hutchins, Ms
Kairouz, Ms
Kilkenny, Ms

Merlino, Mr
Nardella, Mr
Neville, Ms
Pakula, Mr
Pallas, Mr
Pearson, Mr
Perera, Mr
Richardson, Mr
Richardson, Ms
Sandell, Ms
Scott, Mr
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 34

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

O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Staley, Ms
Thompson, Mr
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Wednesday, 27 April 2016, at 12.00 noon.

Motion agreed to.

GENE TECHNOLOGY AMENDMENT BILL 2015

Second reading

Debate resumed from 9 December 2015; motion of Ms HENNESSY (Minister for Health).

Mr WAKELING (Ferntree Gully) — It gives me pleasure to contribute to this debate on the Gene Technology Amendment Bill 2015. The purpose of this bill is to make amendments to the Gene Technology Act 2001, which is required as a result of the enactment of the Gene Technology Amendment Act 2015 at the commonwealth level.

In 2011 the Australian Department of Health engaged Allen Consulting Group to conduct a review of the federal Gene Technology Act 2000. The final report was handed down by Allen Consulting Group in August 2011. Allen Consulting Group investigated emerging trends and international developments in biotechnology and its regulation; the efficiency and effectiveness of the operation of the act consistently across the national scheme for gene technology regulation in Australia; and the interface between the act and other regulations.

The review drew on some 48 submissions received by the department from industry, government agencies, researchers, non-government organisations and individuals. In addition, members of the review team spoke with key individuals from related regulatory agencies and the chairs of the two advisory committees that operate under the act. The report that followed the review indicates that there is room to improve the harmonisation of Australia's arrangements to regulate gene technology. It says that this would have economic benefits and improve the efficiency and effectiveness of this act.

The report is comprehensive. It made a number of recommendations — 16 in total — and these deal with a raft of issues. The report recommends greater harmonisation in terms of the operation of the federal act but more importantly in terms of the way in which it would operate throughout the states and territories. As a consequence of this, the review, as I have said, was adopted by the federal government, and the Victorian government now seeks to make similar changes to bring the Victorian legislation into line with that of the commonwealth.

The purpose of the principal act is to ensure the safety and health of people and the environment by providing a framework for approved gene technologies. During

debate in this house the Minister for Health indicated that Victoria is a signatory with the commonwealth and other states to the intergovernmental agreement on gene technology matters and that this bill effectively places Victoria in a position to adopt consistency with some recent national reforms in that area. I put on the record also that this amendment bill places no additional regulatory burden or cost on the regulated community. Clearly the focus of this bill is to provide for that level of harmonisation.

Gene technology is a kind of biotechnology. It is sometimes called genetic engineering or genetic modification, where the genetic material of living things is deliberately altered to enhance or remove a particular trait and allow the organism to perform new functions. Examples used for gene tech include medical research, agriculture and the pharmaceutical sector. Example applications of genetically modified organisms (GMOs) in Victoria include the CSIRO's cotton, which is genetically modified for enhanced fibre quality, influenza vaccines, cotton genetically modified for insect resistance and carnation flowers with altered flower colour. Some of the risks that have been identified with regard to gene technology include that GMOs might modify when released into the environment and have an adverse effect on people, plants or animals other than those they were designed to interact with.

The Gene Technology Act 2001 was created to ensure that these risks are identified and that gene technology is regulated to protect people and the environment. All dealings with GMOs must be licensed, which is important. The Office of the Gene Technology Regulator (OGTR) must be satisfied that risks have been assessed in a controlled environment and that the risks can be safely managed. Technology, as we know, is advancing quickly, and legislation must be reviewed to keep pace with these advances. Federal, state and territory governments have all responded to the review and will be making the necessary changes, agreeing that it is important to have a nationally consistent gene technology regulatory scheme.

The review has found that the Office of the Gene Technology Regulator remains generally effective and efficient. The regulator works with the following agencies to effectively regulate gene technology in Australia: Food Standards Australia New Zealand, the Therapeutic Goods Administration, the National Industrial Chemicals Notification and Assessment Scheme, the Australian Pesticides and Veterinary Medicines Authority and the Australian Quarantine and Inspection Service. Each state and territory has its own unique considerations relating to GMOs, but each is

committed to a nationally consistent regulatory framework.

Some of the main provisions in this act will be the amendment to section 136 which will require that a report be tabled in Parliament annually on specified GMO matters. Section 136A will be repealed, which requires that reports be tabled quarterly. This is an efficiency gain. The responsible minister has been required to table quarterly reports. The gene tech industry is more experienced now, so this will be an important gain to provide certainty to the sector.

This bill will amend sections 46A(a) and 49(a) to provide a list of authorised activities of licence-holders, but the list is not exhaustive and is not intended to capture inadvertent dealings. The amendment ensures that inadvertent dealings with GMOs are not found to be in breach of the licence. For example, if a transport vehicle crashes and GMOs are accidentally released into the environment, someone may be required to attend and clean up, and this possibly unlicensed person will not be found to be acting in breach of the act, which is important in the circumstances.

Another important change will be amending section 117, which will provide that regulators are no longer required to record genetically modified product approval from other agencies but will continue to maintain a master list of their own approvals. This is another efficiency gain. It will remove an administrative burden. Regulators only need to record approved GMO dealings that are relevant to them.

Another change will see a new section, section 71(2B), which will provide that rather than completing a lengthy application for a licence variation, the applicant can make use of other successful applications, citing approved risk management strategies within them. For example, a farmer applies to use a genetically modified crop and it is found that the crop poses some risk to surrounding crops. The farmer discovers that another farmer in the same situation has managed the risk by clearing a border of land around the GMO to prevent the two crops from coming into contact with each other. Rather than detailing the entire process in an application, the first farmer can simply cite the successful strategy of the other person and manage the risk in the same way. This way applicants benefit from each other's learnings. This will remove an administrative burden. It is important for our farming sector if we can be working towards removing some of those burdens.

New section 74(3) lists which risks the regulator must be satisfied are managed before declaring a dealing

with a GMO. This will be a notifiable low-risk dealing, so superfluous criteria will be removed from the act. An applicant must answer a number of questions for the regulator to be able to determine if the proposed GMO dealing is low risk. One of the questions relates to whether there is a need for bio containment. It has been found that this criterion alone is not useful in determining whether the dealing can be deemed low risk, and this criterion has been removed as it is inefficient.

The sixth area of change sees an amendment to section 52(1)(b). It provides that advertising risk assessment and risk management plans only needs to take place within the relevant geographical area. GMO risk management plans have been required to be advertised nationally. This is expensive and inefficient, as, by way of example, the risk to a crop in northern Queensland is of little consequence to a crop in Tasmania. As can be seen, this change will certainly provide a level of comfort and improvement for the operators not only here in Victoria but across the nation.

On 18 June last year the federal health minister, Ms Ley, introduced in Canberra the Gene Technology Amendment Bill 2015. During her speech she indicated that the bill being introduced:

... improves the Australian government's component of the national gene technology regulatory scheme. This scheme protects the health and safety of people and the environment from risks posed by genetically modified organisms.

The bill will make amendments to the Gene Technology Act 2000 to improve the effectiveness and efficiency of the gene technology regulatory scheme.

And she continued.

The federal government changes which I have alluded to build on the work that was undertaken as part of the review of the Gene Technology Act, which was undertaken by the Allen Consulting Group. This is certainly something that will be beneficial for the operations of gene technology here in Victoria.

In terms of the way in which this is viewed by industry, health practitioners who work in this sector have indicated that this is an important change that will provide nationally consistent legislation and that the changes proposed do not seem to materially increase any form of risk. Also CSIRO in its commentary said:

CSIRO would like to reiterate our support for strong and clear legislation overseeing GMOs and endorse the conclusion that the OGTR has been very effective in its dealings.

It thereby indicated that it had no concerns with the bill that is before the Parliament.

I wish to place on record that the work of our farming community — that is, the work of those who work in our agricultural sector — is significant to the operations and economy of this great state. That is a sector that is constantly changing, constantly modifying and constantly improving. It behoves the government of the state to ensure that it is working actively with the agriculture sector and that it is providing the support that the sector needs. Whether it is in terms of land use, water supply, transport needs, the port operations or export potential, there are myriad roles that this government should be playing to provide the help and support that our agricultural sector needs.

I know that many people who live in our rural communities and rely on the agricultural sector do not believe that they are getting from this current government the support that they need. I am sure that my colleagues from regional and rural Victoria who wish to make a contribution to the debate on this important bill would like to be able to express their concerns about the way their communities are being supported by this government.

The coalition certainly believes that the bill before the house is a sensible measure. We believe that the changes are a positive step. It is important that we are seeing harmonisation. We know that there are examples of harmonisation. We know that there are examples of harmonisation of legislation that do not necessarily see a net benefit for the state of Victoria but clearly the work that has been done here and that was done through the Allen Consulting Group will provide the support that is needed. With that, and given the fact that some of my colleagues would like the opportunity to speak on this bill, I wish the bill a speedy passage.

Ms THOMAS (Macedon) — It is my pleasure to rise today to speak to the Gene Technology Amendment Bill 2015. I might commence by saying that gene technology has many applications, including some that the preceding speaker, the member for Ferntree Gully, talked about. I will talk a little later a bit more about the way that gene technology is used to support our agricultural sector. Importantly, in biomedical research it offers the prospect of very precisely identifying and mapping the genetic origins of disease. The better the genetic characterisation of a disease, the better the interventions that can be used to cure or limit it. In agriculture it has, of course, led to crops with increased productivity and growth.

In 2001 Victoria and other jurisdictions signed an intergovernmental gene technology agreement that established a unified and cohesive framework for regulating research using genetically modified organisms (GMOs) in Australia. We are here today because as a part of that agreement each state and territory is to maintain mirroring gene technology legislation. The national regulatory framework is based on three fundamental principles and those principles are the protection of health, safety and the environment. The framework is administered by the independent statutory commonwealth Office of the Gene Technology Regulator and it is that office that issues licences for dealings involving GMOs for research. As well as the regulator, there are a number of other bodies at state and federal level that govern gene technology regulation. Some of these bodies include the Therapeutic Goods Administration and its relevant legislation and Food Standards Australia New Zealand. There is also the national industrial chemicals notification and assessment scheme.

Back in 2012 an independent review of the national gene technology regulatory framework was undertaken. That review concluded that that gene technology regulatory scheme, while mostly working well, was in need of a few changes to clarify certain functions under the act and improve the efficient operation of the scheme. Following consultation with all of the relevant state ministers, amendments were made to the commonwealth Gene Technology Act on 10 September 2015. Those amendments were consistent with the findings of the independent review and were deemed necessary. Consequential amendments now need to be made to the Victorian Gene Technology Act 2001 to keep it consistent with that of the commonwealth. With these changes we can ensure a unified and cohesive regulatory framework for gene technology across Australia.

I might just take us through a summary of the amendments that are proposed. The amendments are minor, and they are technical in nature. They represent efficiency gains or seek to provide the workings of the Victorian Gene Technology Act 2001 with greater clarity.

Importantly, the amendments do not change the policy settings of the act. The amendments that are proposed will discontinue quarterly reports from the regulator to Parliament and replace these with one annual report. They will clarify what dealings with GMOs may be authorised by inadvertent dealings licences. For example, where a person comes into inadvertent contact with GMOs and needs to undertake dealings for the purposes of identifying and disposing of the GMOs,

these changes create the appropriate cover to do so. The proposed amendments give discretion to the regulator when conducting public consultations on proposed licences for GMO dealings to target consultations specifically to those geographic areas where the dealings will be conducted. This will fix the current system whereby the regulator is required to use a national newspaper for advertising all dealings, even when they are only going to affect a small geographic area.

The proposed amendments remove information about genetically modified products approved by other regulatory agencies, including those mentioned above, so that the register will now just list GMO dealings approved by the gene technology regulator. These changes alter licence variation requirements so that where a licence is varied by an applicant, in assessing any risks posed by the variation the regulator can take into account risks identified in the original application and also where these risks might have been mitigated elsewhere, and a similar fix could be applied. The changes will clarify the criteria for classifying GMO dealings as notifiable low risk, which means dealings that must be reported to the regulator but do not require a licence. The bill will clarify an ambiguity. At present, the act suggests it is an application for a GMO licence that is issued or refused. As clarified, it is clear that it is a licence that is issued or refused in relation to a particular application.

The expected outcomes from these minor amendments are that they will enhance the efficiency and clarity of the operation of the Victorian Gene Technology Act and that Victoria will, by making these amendments, fulfil its obligations under the intergovernmental gene technology agreement. These amendments ensure that the unity of the regulatory framework for gene technology will be maintained.

As I said, I am very pleased to rise and go through in some detail what this bill will achieve, but I did want to pick up a point that was made by the member for Ferntree Gully in his contribution. He made an important point. He talked about the important way in which gene technology is being used to support our agricultural sciences. When we talk about the application of gene technology in agricultural sciences, we must talk about that very august Australian institution, the CSIRO. The CSIRO uses gene technology and crop and animal research to improve the sustainability and productivity of agriculture and to protect plants, animals and humans from disease. For example — and I am quoting from some information from the CSIRO — it uses gene technology research and genetic testing ‘to speed up conventional breeding

of black tiger prawns’ and it has ‘introduced a gene into cotton to help it resist the *Helicoverpa* larvae’, a particular pest.

The CSIRO is engaged in very important research requiring the application of gene technology, but can members believe that the CSIRO, this fantastic national institution, has been subjected to the most outrageous and crippling cuts by the federal Abbott and Turnbull Liberal governments? I know it will not surprise anyone on this side of the house that this fantastic institution at the forefront of agricultural research, medical research and climate research has been stripped of funding by the flat-earthers in the federal Liberal Party, who have an ideological set against science. The Liberal Party is an organisation that has no interest in science. Indeed we need to understand, as the CSIRO Staff Association has told us, that 450 CSIRO jobs are on the line as a result of the massive \$115 million cut to the CSIRO budget that was delivered by the Liberal Party in its 2014 budget.

I make the point that we will not be lectured to by those on the other side of the house about delivering for regional Victoria — from a mob that has deliberately devastated the CSIRO, a national institution at the forefront of agricultural research, at the forefront of medical research and at the forefront of climate science research. If we want to talk about an area that impacts regional Victoria, we need go no further than climate science, but we know that the Neanderthals on the other side of the house do not believe in climate change.

They have pursued the CSIRO. They have devastated it with their cuts. They are not interested in science, they are not interested in evidence and they play to the ultra right-wing on their backbench, and this is to the detriment of Victorian farmers. This is to the detriment of Victorians with debilitating disease who are looking for investment in research. This is to the detriment of our community as a whole. I welcome the support of the opposition, but be under no illusion: it does not support science. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Gene Technology Amendment Bill 2015, but firstly I will debate what the previous speaker, the member for Macedon, has had to say. The CSIRO walked out of Mildura on Labor’s watch. It left because agricultural research was not sexy enough, and that was after a long period of consultation with our local industry. The local horticultural industry had been — through levies out of its own income — co-funding research for the CSIRO, but that was not sexy enough so it left. That left a gap in our area.

So to be lectured to about what happened and to be revising history, particularly when it comes to regional Victoria and horticultural research, is just not sticking to the facts. Also we have to remember that with this marvellous interest in gene technology, in my experience in the citrus industry we went through 20 years of the Frankenstein food debate with gene technology. Where were the people on that side of the house? They were missing throughout that as we went through that with the industry.

The situation was fanned by very short term beliefs. We had to do so many things the hard way to be internationally competitive because of where the Australian people were. They were not ready to accept that then. Now I know things are different, but we have lost a lot of that research effort to our competitors, particularly in the citrus industry, as it went overseas where it was more welcome. I think to just blame this on politics alone is unfair. However, I think we need to be careful of rewriting history when it comes to these things.

Now to the bill. The bill makes amendments to the Gene Technology Act 2001 required as a result of commonwealth legislation. We are actually matching up with the commonwealth legislation, and that alone is enough reason to be supporting the bill, because this is a mechanical exercise. How we got diverted into agricultural research, I do not know.

The main provisions are that clause 12 amends section 136 of the act to require that regulators report annually to the minister on specified matters as opposed to quarterly. I think that tells us that there is a little more comfort out there in the community with the genetic work that has been done. Clauses 6 and 7 amend sections 46A(a) and 49(a) of the act to provide a list of authorised activities of licence-holders. It is not exhaustive, and it is not intended to capture inadvertent dealings. Clause 11 amends section 117 of the act to provide that regulators are no longer required to record genetically modified (GM) product approval of other agencies, but continue to maintain a master list of their own approvals.

Clause 9 amends section 71(2B) of the act to provide that rather than completing a lengthy application for a licence variation an applicant can make use of other successful applications, citing approved risk management strategies within them. I think that is where we are currently in regional Victoria with some issues around GM canola and some of the things that have occurred. I know there have been some very lengthy court cases in Western Australia establishing some precedents, so I was very pleased to hear the

member for Macedon making a very firm commitment about that, particularly for those people wishing to grow GM canola in Victoria, who can take heart from what has been said by the member.

Clause 10 substitutes section 74(3) of the act to list the risks the regulator must be satisfied are managed before declaring a dealing with a genetically modified organism to be a notifiable low-risk dealing. Superfluous criteria have been removed. Clause 8 amends section 52(1)(b) of the act to provide that advertising risk assessment and risk management plans only need to take place within the relevant geographical area.

Those are the changes made by the bill. It has a lot to do with how the commonwealth wants to line up risk management, particularly where there are borders. Things do move across borders, and we need to make sure that we have ourselves lined up so we do not get into complex cross-border problems where you may have something that is legal in one state creating an illegal incident in another. Much as that might sound remote to the people of Melbourne, it can happen.

In 2011 the Australian Department of Health engaged the Allen Consulting Group to conduct a review of the Gene Technology Act, the *Review of the Gene Technology Act 2000 — Final report*. The review was designed to identify the issues relating to the efficacy and efficiency of the act. Commonwealth and state health ministers adopted many of the recommendations of the report, including confirming ongoing support for a national regulatory scheme. The Victorian government now seeks to change the Victorian act to reflect changes made in the commonwealth Gene Technology Act 2015 as a result of the review. There has been some extensive consultation around this technology.

As I said earlier, it has been a very difficult time, particularly in agricultural research, with gene technology. It does offer a lot with productivity. However, it has not been without its issues within our communities. I know from the citrus industry that the seeds in our mandarin varieties have been a long-term issue. There was some interest in doing genetic research to remove the seeds. The most popular mandarin variety is in fact the imperial mandarin, and believe it or not, in the last months of the CSIRO's commitment to Mildura, seedless mandarins were achieved by conventional crossbreeding technology. It was grounded out the good old hard way of try, try and try again.

To add a little humour to this, in that process there were a large number of trees that were crossbred and were orphans because they were not successful. They found homes in a number of citrus growers' orchards because the fruit they produced was delightful in taste, but because it had seeds it was not part of the program. John White in particular, a well-known citrus grower, created a significant orphanage on his property for those varieties, and they were a wonderful taste experience — a couple even found their way to my place.

That has been the history of our gene technology. I am pleased that people are more comfortable with it, but as I said, it has had a long history. This bill, and what the commonwealth has done, puts in place a structure to ensure there is still integrity to deal with some of the tensions around GM technology but also to allow us to look at it and take from it what is best for our future.

To touch on some of the debate so far, I think some of the work done in agricultural research, whether it be by crossbreeding or by genetic research, can offer us a way forward, because on the climate change issue it is adaption that I think will be vital for us. That is where I think the focus of what we need to be doing is. Certainly in Mildura we need to be constantly adapting what we do to the changing environment. The various technologies that are available, whether it is conventional plant breeding or whether it is genetic, need to be at our disposal, but they need to be managed carefully and they need to be managed uniformly, and this bill is a uniform way of managing it. I commend the bill to the house.

Mr McGUIRE (Broadmeadows) — Victoria leads Australia in medical research, and the Andrews government is building a platform for the future with leadership, with excellence and in taking our world-leading research and discovery internationally.

Victorian-based institutes receive 40 per cent of federal funding from the independent experts, the National Health and Medical Research Council (NHMRC), so the lion's share goes to the lion. The Andrews government is working closely with the medical research institutions to take advantage of trade agreements in China, Japan and Korea. The sector is delighted to have a Premier who is a former Minister for Health and who has a deep and sophisticated understanding of the sector and also that the current Minister for Health has exactly the same strategy and approach — to have a big picture view of what we can achieve, how we can lead Australia and how we can actually take our research and discovery and commercialise it in a better way internationally. I am

delighted to serve as the first Parliamentary Secretary for Medical Research and to make a contribution to the strategy and delivery.

Apart from building a new platform for medical research that leads Australia nationally and internationally, we are also working closely to aggregate Victoria's assets and opportunities. We have had a landmark result already with Victoria's leadership and excellence in its institutions with the Melbourne genomics project, which just recently through the Murdoch Children's Research Institute headed a consortium which won the second-highest amount of funding ever from the NHMRC — as I said, the independent experts. That was an outstanding result in its own right, but added to that we had a multiplier effect times five. Institutions from New South Wales and Queensland folded in behind Victoria's bid, and that is the model that we are hoping we can replicate in other areas of medical research. That is what Victoria can deliver in leadership and excellence, because life-saving discoveries — fighting cancer; the bionic ear, allowing the profoundly deaf to hear; and elegant science behind Commonwealth Serum Laboratories blood plasma — have helped to define Victoria as a world leader in medical research.

We have centenary celebrations this year honouring the Walter and Eliza Hall Institute, where Sir Frank Macfarlane Burnet won a Nobel Prize for revolutionising the understanding of our immune system. We have just had the 80th birthday celebration for Professor Graeme Clark, inventor of the cochlear implant, or bionic ear. This underscores the value of science discovery to the commercialisation of results.

Government expenditure on science, research and innovation averages more than \$9 billion annually, but less than 2 per cent is spent on commercialisation. While Australia ranks highly in academic research, it rates poorly in commercial returns, signifying why the Australian government's innovation policy must help Victoria to translate discovery from benchtop to business. That is what we are trying to do with our strategy in Victoria.

Science is critical to new industries and jobs. During World War I, the Australian government established the Commonwealth Serum Laboratories (CSL) to ensure a reliable access to vaccines and other life-saving biological products during times of threat. Tonight CSL celebrates its centenary and evolution into a \$45 billion global company exporting blood products from its manufacturing base in Broadmeadows. As the member for Broadmeadows I actually want to see in the future that Broadmeadows is remembered for the rise of CSL

and our other great medical institutions, and not for the demise of Ford. I want to play a role in trying to help develop what are the future industries and what are the new jobs.

Yet CSL built a \$500 million plant in Switzerland for three new products developed in Broadmeadows and warned a Senate inquiry last year, and I quote:

Australia is a relatively unattractive location ... to commercialise locally developed intellectual property ... into global markets.

So we need to address this at a national level, because we are driving it as hard as we can at the Victorian level. Premier Daniel Andrews wants Victoria to be a world leader in medical technology. The Melbourne Genomics Health Alliance won \$25 million; we got the multiplier effect to \$125 million. This means we can do something on a truly international level. This is the strategy that the Andrews government is hoping to drive, and we are working together to deliver that in a coordinated way.

This bill today helps with that. In biomedical research it offers the prospect of precise identifying and mapping of the genetic origins of disease. The better the genetic characteristics of the disease, the better the intervention used to cure or to limit such a disease. It has greater applications for agriculture, leading to increased productivity and growth. This aligns and harmonises what we need to do at a national level. So again, out of Victoria, we are taking leadership nationally, and we are going to take it internationally. This is what this government is about in the big picture.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

TRANSPARENCY IN GOVERNMENT BILL 2015

Second reading

**Debate resumed from 13 April; motion of
Ms ALLAN (Minister for Public Transport).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016

Second reading

**Debate resumed from earlier this day; motion of
Mr SCOTT (Acting Minister for Corrections).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016

Second reading

**Debate resumed from earlier this day; motion of
Mr MERLINO (Minister for Education).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CONFISCATION AND OTHER MATTERS AMENDMENT BILL 2016

Second reading

**Debate resumed from earlier this day; motion of
Mr SCOTT (Minister for Finance).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Clerk's amendment

The DEPUTY SPEAKER — Order! Under standing order 81, I have received a report from the Clerk that he has made the following correction in the Confiscation and Other Matters Amendment Bill 2016:

In Clause 12, line 29, after '35' I have inserted 'A' so the line now reads 'In section 35A(2) of the **Confiscation Act 1997**'.

Business interrupted under sessional orders.

**Sitting continued on motion of Ms ALLAN
(Minister for Public Transport).**

ROYAL COMMISSION INTO FAMILY VIOLENCE

Report

**Debate resumed from 13 April; motion of
Mr ANDREWS (Premier):**

That this house takes note of the report of the Royal Commission into Family Violence.

Ms KNIGHT (Wendouree) — It is the place to be, Wendouree. I am very proud to stand and make a contribution to the take-note motion on the report of the Royal Commission into Family Violence. I actually want to start at the beginning. I would like to start at when it was first announced that there would be a Royal Commission into Family Violence. I remember being in the room with my colleagues when the now Premier announced that we would have a Royal Commission into Family Violence.

As someone who has worked in the field off and on for about 30 years, I remember feeling an incredible sense of relief, because I was conscious that the numbers were not changing. The number of women being

abused and assaulted and the violence perpetrated against women was not changing, and attitudes towards women were not changing. It felt like that would never end and that this was the way it was going to be forever. It was such a defeating feeling and such a draining feeling to see women who had been victimised by their husbands and their partners — people who were meant to love them. I felt this great sense of defeat and thought, 'Is anyone ever going to get that this is incredibly serious and that it impacts on so many people at every single level? Why are we just doing more of the same? Why is it that we are not talking about the power imbalance we have in society? Why is it that we are not talking as a matter of course about rape not being about sex but about power? Why is it that we in the field are the only ones who seemingly take that position?'.

So when the now Premier stood up on that day and said enough, that this problem and these crimes were worthy of a royal commission and that that royal commission would look into every single aspect of violence against women and really unpick it, that it would talk to the experts, talk to the people who work in the field and, most importantly, talk to the victim survivors, I remember just feeling, as I said before, this incredible sense of relief that finally someone was listening and that finally we were going to have a look at this in the most comprehensive way.

The other thing that struck me at the time was that when I worked at the Ballarat Centre Against Sexual Assault, we always talked about breaking the silence, and we always said, 'It's not your fault. We need to break the silence'. So I thought to myself, 'Well, you can't get any louder than a royal commission — you really can't — with so many voices joining together to make the biggest din that we can hear'. That was what we needed to smash open this silence, this cloistered secrecy, around what was impacting so many women, so many children and so many families.

I just wanted to start there because I think it is important to remember those things. Of course now we have seen the incredibly comprehensive report with its 227 recommendations. It is so important. I absolutely want to thank the Premier and thank the Minister for the Prevention of Family Violence from the bottom of my heart and from the tip of my toes on behalf of the people of my electorate and all of those women and children who have passed through the Ballarat Centre Against Sexual Assault, who have fronted up to WRISC or who have gone to Berry Street. On behalf of all of them, I want to thank the Premier and the minister for their foresight, for taking these recommendations

seriously and for committing to each and every one of them.

As a member from a regional centre — from Wendouree and Ballarat of course — I also want to put on record what I am sure we all know in this chamber, and that is that violence against women has a larger impact in rural and regional Victoria. It is far more prevalent for reasons such as geographic isolation. There are also often challenges around the position of the perpetrator in the community, the lack of confidentiality in the community and the fact that we do not have that many choices for services. The person who we want to go and see to get some advice on how to leave a situation may be our next-door neighbour. There may not be anywhere to go. There is a higher prevalence of firearms and of threatening weapons. All of those reasons make the impacts in regional Victoria far greater, and I am so very pleased that the royal commission has covered that, again, so comprehensively and has acknowledged the higher prevalence of family violence in rural and regional Victoria and the need for greater resources in those areas. As a regional MP, and I am sure along with the other regional MPs from both sides of the chamber, I welcome that.

I would also like to talk about the importance of the focus on respect and equality, the need for culture change and the acknowledgement that this may need to be a generational change. We have seen some fantastic announcements around extending out the respectful relationships program in our schools. That is so incredibly important and again just shows how comprehensive the royal commission has been, and that it recognises that it is about a shift in attitude and about shifting those power imbalances that are entrenched every single day by gendered stereotyping. That is why I actually see our commitment to having 50 per cent of the positions on our paid boards and committees occupied by women as so important. We must start valuing the work that women do and setting in place ways that women can engage in a fully participatory way in all parts of our civic and other lives.

That is about breaking down inequality. That is about saying that 50 per cent of women need to be on our boards and 50 per cent of our members of Parliament need to be women. We need to be there making decisions. That is about equality. I know some people talk about merit. You cannot tell me that half the population is dumber than the other half. That is absolutely not true. We need to have that equality in all areas of life.

Think about those power imbalances and think about the entrenched gender stereotyping. I want to offer another quote about why this is so important. I have used this quote before, and I will use it again. I quote:

There's barely a woman alive who hasn't had some experience of sexual fear, however tiny or transient. It's *embarrassing* how universal that is. There's barely a girl on earth whose sexual awareness started with her own desire, rather than the creepy stare or touch or comment or otherwise intrusion of a third party. Who knows what that does to us?

Well, we know what that does to us. It absolutely impacts how we develop. It absolutely impacts how we think about ourselves and how we see ourselves within our community. When we look at advertising and how women are used to sell products, and when we look at music clips and how women are used to sell music, this is all part of the problem. I commend the bill to the house.

Mr BATTIN (Gembrook) — I rise to make a contribution to the debate on the take-note motion on the report of the Royal Commission into Family Violence. First of all I would like to join many other speakers in the house who have congratulated the minister for the work that was done in relation to the review and the royal commission. More importantly I thank and acknowledge the victims who have had the courage to come forward and speak up about family violence, which is a very difficult topic for our community at the best of times. It is a difficult topic when you are sitting around talking about it in a family atmosphere that has a positive feeling in the home. To understand how difficult it would be as a victim of family violence is something which many of us will hopefully never know but which some of us even in this house may have experienced. To have that firsthand experience relayed through the royal commission is very important. I commend the royal commission on the recommendations it has made.

Going forward I think one of the most important things the royal commission has done is open up an opportunity for a general discussion like those we have had on many other topics. We have had general discussions around mental health, around alcoholism and around drug addiction. The first and most important thing is to get a discussion going not just in Parliament but out in the community, and to make sure that people are aware of it. It is also important to let people know that it is okay. We have the R U OK? day. I think to also have a discussion around family violence to raise the awareness further is something we should continue forward. We should make sure that we have a positive position going forward from there.

I am going to speak about two personal experiences. The first one is as a Victorian police officer. I was very proud to be a police officer for nearly seven years. The saddest part about my role in the Victoria Police was working with victims of family violence when you had to attend the residence. At the time, before there were some law changes, on occasion you would go in and see a victim in their most vulnerable state — they had been physically assaulted and sometimes sexually assaulted. It was physical assault that you could not believe. Until you saw it firsthand you could not comprehend what these victims had gone through.

There were other occasions where they had had that happen to them in the past and they had the courage to call the police before something happened on the day, but when you got there and looked into the victim's eyes they turned on you as a police officer because they had the fear that they were going to get into trouble for dobbing in their partner. They were going to get into trouble for standing up to their partner, and they all of a sudden started to consider what the repercussions were going to be inside that house. If you do not feel safe in your own home, you do not feel safe anywhere. These are victims who after all this time finally had the courage to call the police and would then have the fear of going to court. They would have fear of confronting it in the court system. They would have fear of the system with the intervention orders, and they did not know what the system was or what was going to happen. When you are a victim, the intervention system is just a piece of paper. That is what you look at it as — it is just a piece of paper until some action happens around that.

It was actually the Labor government back in the mid-2000s that amended the intervention order system to allow police to become the main witnesses taking it through court. I think it was a very important change to allow the police to take out an intervention order without the consent of a victim at the time. That allowed Victoria Police to divide and separate a victim from an offender. However, at the time it was still difficult because you were taking someone out of their home, and the person you were taking out, as a rule of thumb at the time, was the victim. It was quite difficult when you were taking the victim away from their place of comfort and you were putting them into a place where hopefully they were going to get the extra support but which was still not home. They were going into a support service, they were going into a refuge, but it still was not home. Until you understand the feeling of what those people go through at the time, you do not realise that it is quite a difficult and confronting moment.

The other aspect I am going to talk about again comes from personal experience and discussions within my family. The community culture has changed, and I think it has changed in a positive way. It still has a long way to go, but it has definitely changed in a positive way. My family suffered from family violence quite dramatically with my grandmother. My grandmother was a victim of family violence for a long, long period of time. Her husband drank regularly — on occasion I even struggle to say he was my grandfather — and he would drink every night. Most people would remember that bars closed at 6 o'clock. He would go in at a quarter to 6 and order 15 ponies, as they were called at the time. Then he would go home.

The violence that was inside that household was quite shocking. On Sundays he did not drink. He had this thing where you could not drink on Sundays. The family still refer to Sunday as the day they had the father or grandfather they wanted to have; that was the husband my grandmother wanted to have. He would wake up on a Sunday morning as if nothing had happened. He would walk around the house, and they would go out and have a family picnic. Everybody in the house said, 'If only he could be like this every day. If he was like he is on Sunday every day of the week, we would not have the same issues' — but they did. He would go back to work on Monday and work his long hours — no excuse. He would then go out and drink again, and he would come home in a violent rage.

I was lucky in a way, because I did not see it. When I was born he was at a stage in life when he had changed. He was not at the same stage. I never saw it. The grandfather I saw was not the one the whole family had seen all their lives. Only on one occasion did my grandmother call the police — one occasion. She and her kids were hiding outside in the Valiant when the police arrived. The message from the police to her and her kids was, 'Go back inside. Don't be silly'. That is where our community has changed, because no-one would ever expect treatment like that today. The training of Victoria Police and the way police deal with our community has changed so much because of that culture.

What I will say about my grandfather is that he passed away 14 years before my grandmother died. I will never forget when he did pass, because the one thing he said to my grandmother before he died was, 'At least I never hit you'. It made me wonder what had happened in his life that he had totally opted to forget what he had done for all those years. That is the silence that happened within the community and the silence that happened even within my own family. My mother would not talk about that for many, many years. She

has never spoken to me openly about it. I have spoken to her about other members of the family who have all been pretty open in the discussions we have had.

I suppose I would still like to remember the grandad who used to brush my hair and make me look like Brian Naylor to read the news at night. I used to sit with my newspaper — which sounds pretty ordinary — part my hair and pretend I was Brian Naylor. I know I could have had some other role models to look up to, but I did have Brian Naylor. That was the grandpa I can remember. When I heard about what had happened, it was pretty emotional.

Now the report of the Royal Commission into Family Violence has come through. I have had a look through the report and heard many people speak in here. I also heard the victims who spoke in here, particularly Rosie Batty, who is in a different circumstance but is also a victim of domestic violence. Nobody in this house or outside it, nobody in our community, should ever stand by and watch or hear and not act on family violence.

I finish off by again congratulating the Minister for the Prevention of Family Violence on the work she has done as well as on her appearance on *Australian Story*. I thank her for her steps towards making this a topic that will be openly and honestly discussed in the community.

I have spoken about mental health. I think Jeff Kennett has done so much for mental health since he left Parliament, particularly with beyondblue. He has opened up the discussion by making depression a topic that we should be talking about, and family violence should also be something we discuss.

I am very lucky in my area. I have the member for Bass, who is an ambassador for White Ribbon Day, as is a candidate who ran against me down in Gembrook, Colin Ross. We have got some great people down in our area. Recently the member for Narre Warren South visited Beaconsfield Football Club, our local football club, with other members of the community. It was a vigil in memory of the victims of family violence.

We have got to say no to domestic violence, but more importantly we have got to talk about it and not argue. We are going to have some debates along the way because there are going to be disagreements on certain things, but at the final stage if we can get the message out there to everybody that domestic violence is not accepted, we will not tolerate it and our community will not tolerate it, then I think this royal commission will have achieved what it aimed to do.

Mr PEARSON (Essendon) — I feel a great weight on my shoulders having to follow the contributions made by the member for Gembrook and the member for Wendouree. They were both heartfelt, sincere and incredibly thoughtful.

It gives me pleasure to rise tonight to speak on the take-note motion. This is an important piece of work that was commissioned by the government. Obviously all of the royal commission's recommendations have been accepted by the government. I think it is also important to take a few steps back and note that we are having this conversation as a community and that we are recognising the fact that family violence has been a blight on our society and our community.

Having listened to the contribution of the member for Gembrook, I wonder whether we may have had the same grandfather, because my mother tells a very similar story. She tells of the split personality of her father in terms of drinking too much and then coming home. He did not hit my grandmother, but he was verbally abusive. There were a number of occasions on which my mother had to flee the house at 10 o'clock at night because he was threatening to burn the house down and kill his wife and his children. The member for Gembrook touched upon something that certainly rang true with me — that is, those actions reverberate down the years, and decades later they are still felt. Family violence has a profound impact upon the victims. Certainly in my mother's case it had a profound impact upon her. I think my grandmother had a really tough life. It did not need to be that way, but it was because of the actions of my grandfather.

I think one of the great things about what has been achieved by this royal commission is the fact that we are having these conversations and we are talking about this issue. We recognise the fact that action must be taken, and that action has started. I was particularly pleased yesterday — and I am delighted that the minister for housing is at the table — with the announcement of over \$500 million for funding of new housing initiatives. Certainly in my very limited time in this place I have been struck by the number of single mothers who have sought assistance from my office who are homeless or who are couch surfing and fleeing from violent situations.

I think it is also important that with the royal commission's findings we look at tackling and addressing the culturally and linguistically diverse (CALD) community, because I think that there are those differences in communities in the way in which their members conduct themselves and behave. I spoke with people at the Moonee Valley Legal Service, the

office of which is on the Wingate Avenue public housing estate in Ascot Vale. They identify family violence as a major cause of concern amongst members of our CALD community.

Having the royal commission do its work and report on its work is important because it will work its way across the community, across all communities, so that people will realise that they do not have to put up with this behaviour. Women can have support if they require it, if they are in need of it, and there will be appropriate responses around that. Men should also understand that they have to behave properly and responsibly and that they cannot behave violently towards their partners. Fundamentally at the end of the day the report really is about respect. It is about treating your partner with the respect that they deserve. It is also about recognising the important role that women play in our society.

In her contribution the member for Wendouree talked about the government's decision to mandate that 50 per cent of all board appointments be women. This is a really important step. It is about making sure that women are given experience so that they can develop their skills and make a contribution. Women can decide whether they want to start to populate the boards of major listed companies in Australia. If women in their 20s and their 30s start to develop their experience, it might set them up to be able to then ultimately, as they get older, seek leadership roles and those positions. By doing that, as a society we will be reaching our potential. We will become a great society when we treat women in the respectful way that they deserve.

One of the great joys I have had being a member of this place and of this government is the fact that I can sit in caucus and look around — and we are not quite there yet, but nearly — and see that nearly 50 per cent of my colleagues are women. It is just fantastic to have strong smart women working with you collectively and collegially to lift the tenor of the debate and improve the quality of the work we do. It is wonderful.

The report of the royal commission is a really landmark study. If you look at a lot of the public policy debates over the last 30 years, I think — 35 years — you see that Victoria has often led the nation. We have tended to do particularly well in terms of shaping the debate — that is, both sides. Both sides of politics have led the state in that way.

I want to pay tribute to the Minister for the Prevention of Family Violence for her outstanding work in this field. She has done a terrific amount of work. I think that what this report does is provide a roadmap to go forward with on how we can tackle this scourge and

how we can work together collectively as a community to put the right structures in place to respond to this so that we end up with a much better framework and much better quality of advice going forward in terms of the response.

Once again I am incredibly grateful for and appreciative of being provided the opportunity to participate in the debate on this take-note motion. Again I think that with these motions we really see the house at its best — when you have thoughtful, heartfelt contributions by members on both sides. We are on a unity ticket on this to address this terrible scourge.

I want to congratulate the Premier for identifying this as an issue prior to the last election and for making the commitment to have a royal commission. I want to congratulate the Minister for the Prevention of Family Violence for her work in this area. Again I was delighted by yesterday's announcement — and I am pleased that the Minister for Housing, Disability and Ageing is at the table. Also I think it is very important to acknowledge the people who had the courage to come forward and make a submission, who made a contribution, who were prepared to tell and share their stories about their experiences. I think that really helped shape the report, and it is a very, very good report. In all of this those people are the great heroes for having the courage to speak out against this terrible crime. I am delighted to have made a contribution on this important issue.

Mr THOMPSON (Sandringham) — In commenting on the matter before the house I would just like to go back to the Victorian parliamentary Law Reform Committee report that looked at access to law and legal services. As we undertook our inquiry in the parliamentary period between 1999 and 2002 the issue of domestic violence was a matter that came to our attention. We took evidence from a range of jurisdictions as we took submissions from across the state. At the time it was interesting that Canberra had a different enforcement model, where prosecution did not depend upon a spouse making a case for the prosecution. If police were called to a domestic violence situation, they would gather and collate the evidence and follow through with the enforcement and prosecution of the case. I noted the benefit of that model. It did not enable a second thought to be taken into account, and culprits were brought to account.

I also note that on the recent visit to the United Nations in New York by a number of members of this house they examined and studied a number of models. One of the models was involved with the process of mediation. If I interpreted the example correctly, it was not

necessarily always a case of an enforcement model being applied but one to bring about a negotiated resolution to the circumstances that were being confronted.

In my work over now a 40-year period in a legal service, in a law practice and as a member of this place, numbers of people, as I took instructions from them, reported incidents pertaining to family violence, and I have had the occasion to address, confront and respond to many, many tragic circumstances. In the case of someone needing to leave a family residence because of violence, issues relating to income, custody, access and the cost of housing — the cost of running ultimately two households from the same income base — presented many and varied challenges.

In my time in this place the greatest aspect of grief relates to aspects of violence that were drawn to my attention after a lady, in broadly unrelated circumstances, had occasion to take her life, and her 13 to 14-year-old daughter came home one night and saw her hanging from the second floor landing of their public housing unit. In my time in this place I have never seen such pure or profound grief being conveyed or expressed than that of the daughter who narrated this story to me.

In relation to the report of the Royal Commission into Family Violence, the Liberal-Nationals coalition welcomes the release of the report. No Victorian should have to live in fear or grow up in an abusive home. The Liberal-Nationals coalition and Labor have a bipartisan approach to dealing with family violence and supporting victims, and we are confident that the proper implementation of key recommendations will see improved outcomes.

On a personal level I would like to see less money being spent in this area on the basis that the funding was not required to be spent. But there is a heavy uplift proposed, and it is important for that uplift proposed to implement all the recommendations and that they be appropriately and fully funded. Therein lies a challenge for the government.

There is a commitment from all levels of government to address family violence. Earlier this month the Council of Australian Governments (COAG) Advisory Panel on Reducing Violence against Women and their Children provided its final report. This advisory panel was chaired by Ken Lay, the former Chief Commissioner of Victoria Police, with two deputy chairs, one of whom was Rosie Batty, founder of the Luke Batty Foundation, who was one of a number of people to address this chamber on a day when some tragic stories were

narrated to the house, and these are available to be perused in *Hansard* for those who would like to follow up on the various accounts. Heather Nancarrow was also involved with the COAG advisory panel. She is the CEO of Australia's National Research Organisation for Women's Safety.

I understand that both the COAG report and the royal commission report will be considered in the development of the federal government's third action plan of the National Plan to Reduce Violence against Women and their Children. The national plan is currently being developed, and the commonwealth and all states and territories are participating as partners.

In relation to the consistency between the royal commission and the COAG advisory panel recommendations, it is noted that the recommendations contained in both reports are broadly consistent and reinforce the need for action across a range of areas in order to reduce violence against women and their children. The royal commission and the advisory panel have both identified that political leaders, businesses, industry and the broader community all need to commit to collective, long-term action to address violence through actions to support victims.

There is the dimension of people being properly engaged within the life of a civil society at each level — in family, in street, in neighbourhood and in the wider community — and there is the need for people to have productive avenues in which to direct their time, energies and attention and to live wisely and well with each other.

Both the report of the royal commission and the report of the COAG advisory panel recommend a stronger focus on holding perpetrators to account for their actions and supporting men to change through enhanced referral pathways and access to better quality perpetrator programs. Family Life, a long-term community-supported organisation that originated within the community, has had a number of programs to address violence against women and the violence perpetrated by men against women. They ran a MATES program a number of years ago, but one of the difficulties with a number of these agencies is that there is a long lead time in order to access their services.

I note also the good work being done through McAuley Community Services for Women. I recently had occasion to attend a briefing conducted by that service on family violence, along with a number of other people in Melbourne working in that field. I note that the member for Bundoora will also be shortly attending one of that service's briefings.

It is important that women are able to make informed choices regarding their safety, including in relation to where they live. This is a key theme in both reports, along with recognising children as victims in their own right of violence against women.

In the *Bayside Leader* in the last five years there have been two court reports where violence was inflicted against women. In the case of one lady, she was hit in the head and lost teeth as a result. In another case violence was inflicted by a man against his wife in a social setting. Both examples are totally unacceptable, and we need to try to work through and evaluate what the causal factors have been in a wider context. In no context, in no circumstances, in no case is violence against women acceptable.

There are a number of complementary recommendations that are set out in both reports that relate to supporting high-risk groups, including women from Aboriginal and Torres Strait Islander communities, women with disabilities and women from culturally and linguistically diverse backgrounds.

In a parliamentary inquiry of a number of years ago relating to access to law and legal services, the Law Reform Committee took evidence from places around the nation. We heard horrific stories of violence being inflicted. We heard evidence in some communities given by legal service workers who provided examples of offences against women that were beyond comprehension. It is important that every step be taken to ensure that women are not subjected to violence in any way whatsoever.

Ron Iddles of the Police Association Victoria has said that while he supported the recommendations of the royal commission's report, if the government has a hope of implementing the wideranging reforms, it would have to pour significant resources into Victoria Police. He called for an additional 1000 police officers over five years as a matter of urgency, according to Benjamin Preiss in an article in the *Age* of 30 March 2016. In its submission to the royal commission the police association made the recommendation that in order to tend to the ever-growing community need with respect to family violence a significant increase in frontline numbers is required as a matter of urgency. In conclusion, no act of violence against women is acceptable at any time, in any place, in any context.

Debate adjourned on motion of Ms ALLAN (Minister for Public Transport).

Debate adjourned until later this day.

LOCAL GOVERNMENT (GREATER GEELONG CITY COUNCIL) BILL 2016

Council's amendments

Returned from Council with message relating to following amendments:

1. Clause 10, line 6, omit "2020" and insert "2017".
2. Insert the following New Clause to follow clause 11—

'A Amendments relating to general election to be held in 2017

In the *City of Greater Geelong Act 1993*—

 - (a) in the heading to section 8, for "2016" substitute "October 2017";
 - (b) in section 8(1), for "2016" substitute "October 2017";
 - (c) in section 9, for "2016" substitute "October 2017";
 - (d) in section 16, for "2016" substitute "October 2017".
3. Clause 12, omit this clause.
4. Clause 13, omit this clause.
5. Clause 14, omit this clause.
6. Clause 15, omit this clause.
7. Clause 16, lines 16 to 24, omit subclauses (1), (2) and (3).
8. Clause 17, omit this clause.
9. Clause 18, omit this clause.
10. Clause 19, omit this clause.
11. Clause 20, omit this clause.
12. Clause 21, omit this clause.
13. Clause 22, omit this clause.

Ordered to be considered immediately.

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

That the amendments be agreed to.

I will make a few short comments. I know everyone has been waiting in anticipation of this bill being returned to the house. I want to make a couple of points to the house on this matter. Firstly, the mayors and the councillors of the City of Greater Geelong certainly had the opportunity before this inquiry was undertaken and

before this bill was brought to this house to actually fix problems they were well aware of and the community was well aware of.

We saw the problems, and we have worked on this for the last 12 months. Now we are doing something about it, and that is moving quickly to protect the people of Geelong. We have taken these 12 recommendations, and we have adopted them. The first one being that the Greater Geelong City Council be dismissed and administrators be appointed to perform the functions and duties of the council. Why did we do this? On the first page of the executive summary the report quite starkly says that good governance has broken down. We have seen incapacity and dysfunction.

This builds upon a situation that was already quite dire, and that was outlined in a report undertaken and released by the council itself into the workplace culture that was happening there. Members should make no mistake about it, these issues were extremely grave. Let me just read an extract from that report, which was tabled and made public last year. Former federal sex discrimination commissioner Susan Halliday found that some councillors were found to be 'aggressive, belligerent, threatening, disempowering, sexist, dogged' — —

Mrs Fyffe — On a point of order, Deputy Speaker, I require clarification. Are we not just debating the amendments and not the report?

The DEPUTY SPEAKER — Order! Yes, we are debating just the Council's amendments.

Mrs Fyffe — Can I ask you to ask the minister to stay with the amendments?

The DEPUTY SPEAKER — Order! The member for Evelyn is correct, so I do uphold the point of order. The minister can introduce the items in terms of setting the scene, but the debate is quite narrow in terms of the amendments that have been agreed to by the Legislative Council, so I ask the minister to return to that particular debate.

Ms HUTCHINS — I refer to the fact that these amendments actually deliver public consultation around what a future model for governance should look like in Geelong. Why is that important? Why is that clause important? It is important because when you go to the grounds of why the council needs to be dismissed you see that there is a serious failure in the council's provision of good governance. This report does not just look at the individual cases, which are absolutely overwhelming. Let me remind you that in a survey that was done at the council the workforce there — —

Mr R. Smith — On a point of order, Deputy Speaker, you just made a ruling that the report was not within the confines of the debate before us. I ask you once again to bring the minister back to the debate as it is put forward.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. The minister was being relevant to the amendments that have been adopted by the Council, which was my ruling on the original point of order that was put to the house by the member for Evelyn. As long as the minister is relevant to the amendments that have been agreed to by the Legislative Council, I will continue to hear her.

Ms HUTCHINS — Specifically in terms of amendment 2, which inserts a new clause that talks about the public consultation that will happen in the future as to when Geelong can return to democracy, one thing to bear in mind is that it will take significant time to clean up the mess that has been left behind. The report from the inquiry that was undertaken by the commissioners really shows that there are significant structural problems that were put in place by the botched model of those opposite last time they were in government, when they pushed a half-baked model onto Geelong. That has clearly failed.

No-one on that side of politics has stood up and taken responsibility for that, and I think they should. I think they should hang their heads in shame. But do you know what they were doing today? They were walking around the Parliament with the mayor as their best friend, putting their arms around him — —

Ms Victoria — On a point of order, Deputy Speaker, I do believe that the minister is defying the earlier ruling that she should keep her comments confined to the amendments before the house.

The DEPUTY SPEAKER — Order! I have been listening to the debate intently. I do not uphold the point of order.

Ms HUTCHINS — Certainly those structural problems will be addressed during the course of the time of administration. I look forward to new administrators starting on the job immediately, because this government takes workplace bullying extremely seriously. We take the future economy of Geelong extremely seriously. We do not sit on our hands; we get on with it. We have seen what the issues are here, and we have acted quickly.

Mr MORRIS (Mornington) — Broken down, dysfunctional — does anything sound familiar? It does sound horribly like the government of the state of

Victoria, I have got to say. I must say I was also pleased to hear that the minister has a renewed faith in consultation, something that was clearly absent on Tuesday. On Tuesday no public consultation was required. Now, all of a sudden, after some changes in the Council, public consultation is required on Thursday. I welcome her conversion. I do welcome her conversion.

I also want to make a point about the model. Clearly she was not listening to the debate on Tuesday after she had read her second-reading speech, because I did talk about the model and how it came to be the way it is. It came to be the way it is because that is what the community of Geelong wanted. The thing I was pleased about on Tuesday — surprised, I must say, but quite pleased about — was that the government, by inserting clauses to provide for a directly elected deputy mayor and making no other changes, implicitly endorsed that model in its legislation. In fact, as I made the point on Tuesday, the model was always one which was due to be revisited in February 2015 — yet the minister did nothing.

We have just heard a whole lot of words about acting quickly. There was a process set up, a process established, to revisit the model because, as I made clear on Tuesday, we knew that there was the potential for friction between a directly elected mayor and a not directly elected deputy mayor. We were aware of that and that was mentioned at the time, but the review was scheduled and the minister did not take up the opportunity that was probably sitting there waiting for her on her desk when she became the minister.

I am also rather surprised — delighted, but rather surprised — to see the bill back in this house in this form. At 10 minutes to 6 on a Thursday night I am happy to be here. I am happy to debate it; I am happy to pass it. But it is rather a shame that the bill that has come back to the house is in precisely the form that I proposed to the government we would accept on Tuesday afternoon when there was 45 minutes to an hour left in the debate — precisely the same form. Yet on Tuesday the government said, 'No, no, no — we're going to push this through. We're going to use our numbers. We're going to force this, and we're going to sack the council until 2020'. We made an offer in good faith, and the government refused to accept it. We now have the bill that we should have had in the first place.

It is unfortunate that government members did not come to their senses on Tuesday. They have now come to their senses. They could have done a deal, but they thought they would bully the opposition. They did not bully the opposition. They were going to force the bill

on the people of Geelong. They did not succeed in forcing the bill on the people of Geelong. Now we have a much better outcome.

Clearly, standing orders prevent me from referring to the debate in the Council, but certainly it did occur to me from some of the commentary that came from government members, in particular the minister who has carriage of the bill, that in this exercise not much has been learnt by this government at all.

There was a claim made in this house, and it may have been repeated in the other house, that the government was seeking to implement every one of the commission's recommendations. When we spoke to Mr Moran on Tuesday morning, he made it clear that if there were to be a deputy mayor, then the deputy mayor should be elected in a similar manner to that of the Melbourne model, yet what was presented to the house was nothing like the Melbourne model. So this has been a crock right from Tuesday afternoon when it was rushed in — rushed in, I might add, using a process that has not been used in this house since well before my time in Parliament — with grandstanding and statements like, 'We've got to fix it now; we've got to fix it now', when a couple of days and perhaps a civil conversation would have made the whole thing run a whole lot better.

The report that accompanied this bill was about bullying, it was about harassment, it was about leaking and it was about maladministration. All those things in any public body are not acceptable. As I said at the outset, they do unfortunately have a very familiar ring for those of us on this side who are perhaps rather more dispassionate observers of the circus that is currently comprising the government of the state of Victoria. Yet, despite the behaviour of those at the City of Greater Geelong having many parallels with the government of the state of Victoria, the government was prepared to take action to deal with the problems in this subordinate jurisdiction.

I certainly made it clear much earlier in the debate that the coalition does not support bullying, does not support harassment, does not support leaking and does not support maladministration. We never had any problem with moving council members on on the grounds contained in that report. We did have problems with putting them out to grass until 2020, and we did have problems with imposing on the people of Geelong a structure which was not market tested. It might have been market tested with the Labor backbenchers with seats in Geelong, but that was as far as it went. My understanding is that it was not even discussed with the councillors of the City of Greater Geelong, let alone the

Geelong community. So that is what was in that bill: a four-and-a-half year term without democratic representation and the return of councillors based on a model which no-one had talked about, except perhaps the cabinet. That was the extent of it.

The other point I think we need to make is that supporting the removal of the council of the City of Greater Geelong deals with a portion of the problem. That deals with the bullying that is alleged to have occurred at an elected council level. But that report makes clear that that bullying, that misbehaviour, was endemic throughout the organisation. I know that the quote on cutting holes in walls with an axe got a run in the news on Tuesday night. That is appalling. We know you need leadership from the top, but the place is now toxic, to all intents and purposes. I will not say the place is toxic — that is overstating it and unfair to what I am sure are many, many fine officers in the City of Greater Geelong doing a good job — but part of that culture is toxic. It is the culture that has to be fixed, and that culture will not be fixed simply by lopping the head off. You need to go a lot further than that. The minister, once this bill is passed, needs to ensure that that issue is dealt with promptly, not just by appointing three commissioners but by actually following up and making sure that they are getting on with and doing their job. That has to be a very, very high priority.

The changes proposed in the amended form of the bill essentially move the reinstatement date for the council back from 2020 to 2017 and remove the clauses around the issue of the deputy mayor. With regard to the timing, it is worth noting that the term proposed was excessive by any standard. Nillumbik Shire Council was sacked in October 1998 and reinstated in March the next year. Darebin City Council was sacked in May 1998 and reinstated in September of the following year. Melbourne City Council had its election brought forward, from memory — I do not have the date — by about nine months. Glen Eira City Council was sacked in August 2005 and reinstated in November of the same year.

The two most recent ones sacked were, of course, Brimbank and Wangaratta councils. Of course Brimbank City Council would never have been exposed had it not been for the opposition in the 56th Parliament taking up the issue with the Ombudsman and asking the Ombudsman to go in and do a root and branch examination of the affairs of the Brimbank council. We know what came back from the Ombudsman. That was not initiated by the Brumby government. It was not initiated by the Minister for Local Government. It was initiated by the then

opposition. It would never have come to light had the opposition not asked the Ombudsman to go in there.

What we saw in the case of the Brimbank council was, of course, a systematic perversion of the democratic process. We all know the details there. Some in this chamber sitting on the other side have a much closer relationship with that issue than do I on this side. If the Wangaratta Rural City Council is reinstated in October of this year, its councillors will have been out for a shade over three years. In the last two councils sacked — Brimbank for nearly seven years — there were deep issues of maladministration, matters that could not be dealt with in the process that needs to be undertaken in the City of Greater Geelong. The systematic defrauding of the community that we saw in Brimbank council was not present in Wangaratta, but there were deep divisions and a council administration that was effectively flattened. Those two councils were the exceptions. When you look at the history of recent post-municipal restructure dismissals, you see they are for relatively moderate terms.

Clearly a period of six months until the election in October would not have been sufficient time to resolve what are deep-seated cultural issues, but 18 months is plenty of time. As I have said, not only do we need to have the commissioners appointed but we need to have the minister and her department keeping a very close eye on their activities and making sure that the necessary steps are being taken to get the city back on a democratic basis in 2017.

One more point that I think is very important in that context is long-term planning. Mr Moran made that point very clearly in the report, and he also made it very clearly in the rather truncated briefing that was available to the opposition and the crossbench on Tuesday morning. He obviously considers this to be a serious issue. I certainly share his view on this. He made the point that long-term planning needs to be undertaken by the city, because apparently it was not being done. I make the point that you cannot undertake that long-term planning effectively and have it owned by the people of the City of Greater Geelong unless you have democratic buy-in. You need elected members sitting at the council table to guide that process and provide that democratic buy-in. If you keep the council out until 2020 and you develop all these wonderful long-term plans, I can tell members the first thing the newly elected council in 2020 is going to do: it is going to have a look at it and say, 'No, we do not want that, we do not want that, we do not want that — this is our long-term plan', so that all that effort will have been wasted. In a city of any size, but particularly a city of the size of Greater Geelong with its strategic

importance to the state, you need to get that democratic buy-in.

The other significant change that has been made is that all the clauses that relate to the direct election of a deputy mayor have now been — —

Ms Allan interjected.

Mr MORRIS — I am getting interjections about wanting to read to the kids. I have sympathy for that, but if the government had thought about this on Tuesday afternoon, accepted the offer that was made in good faith on Tuesday afternoon, we would have had a bill that looks exactly like the one that is being debated, and it would have been done by 6.30 p.m. or 7.00 p.m. on Tuesday night. So while I think it is important that our family commitments take priority, you need to think about that when you are doing your day job as well.

As I was saying, the other major change is the elimination of all clauses relating to the office of deputy mayor, and it is a very important change. When the Parliament last debated the sacking of a council — and we revisited this again and again on Tuesday but it is worth making the point — the then Napthine government made it clear that it was happy to work with the opposition, it was happy to try to resolve any outstanding issues. As it turned out, we got the legislation right, the opposition did not propose any amendments and the bill passed the same day. We made it clear that if further time was required or other changes were required, we were more than happy to have that discussion. Sadly, in this case the government has just simply refused to work with the opposition. It thought it could just shove it through, force the debate to be truncated and use the processes I have mentioned earlier that had not been used probably in decades to force the issue through. Yet here we are again on Thursday afternoon debating precisely the changes that would have come out of a simple and civil conversation.

The bill is now, as it stands, heavily amended by the Legislative Council. It now deals with the matters that it should have been dealing with originally and which the opposition would have supported from day one. It no longer proposes an electoral structure that has not been discussed at any point with the people of Geelong. They would have had no say in that and, importantly, it no longer proposes to set aside the democratic process for a period of more than four years. One other point which is not contained in the bill but which I think it is important for members of the house to be aware of is that agreement has been obtained from the government

that when the commissioners are appointed, consultation will occur with the opposition, and I understand others as well, so that the commissioners that take on that charge are in fact people who are appropriate for the task and not simply three Labor hacks.

As I said at the outset, this bill is now in the form it should have been in, had the government wanted to talk to the opposition. We would have been happy to do that; instead the government tried to bludgeon us to force the bill through Parliament without having a discussion. I welcome the form that the bill is in now. I am certainly pleased that we have got there. I welcome the amendments made in the other place, and I am certainly pleased that after three days of chest beating, the government has finally come to its senses. I commend the amendments to the house.

Mr WYNNE (Minister for Planning) — I thank the member for Mornington for his fulsome dissertation tonight. This bill is now back in our house, amended, and it is amended on the basis of the government's understanding of the extraordinarily toxic culture that exists at Geelong, both in terms of the elected representatives and more importantly the administration of the City of Greater Geelong as well. These are serious issues that go to the heart of good governance for the people of Geelong and, frankly, we say on this side of the house that the people of Geelong deserve better.

To have dragged this out for now over three days I think has been a shameful episode by the current opposition, which has sought to position itself in some way as the so-called defender of democracy, when manifestly democracy has broken down, good governance has broken down in the City of Greater Geelong, and that is to the great detriment of the good people of Geelong.

Fundamentally the two amendments that have been agreed to by the government relate to the mayor and deputy mayor. If anyone is interested in this matter, I simply point them back to the contribution that I made when this bill was debated on Tuesday. The member for Mornington, who was the parliamentary secretary then — where is he; he is not here — got it wrong then, and he has got it wrong now, because the structure that was put in place at Greater Geelong fundamentally failed. The member for Mornington knows this. It is an acute embarrassment to him, but so be it. Ultimately the mayor of Greater Geelong did not have the support on the floor of the chamber because those opposite got the structure wrong. The member for Mornington got it wrong. That is the truth of it, and that is how it is.

Finally, to amend the date of suspension to October 2017 is by any measure going to be a challenging time line for us, but this bill is in the good hands of the Minister for Local Government, who has done a superb job. A reforming minister, she will make sure that she puts in place with her administrators all of the best expertise to actually fix these fundamental problems.

Ms Allan — She is the best local government minister this government has ever had.

Mr WYNNE — There is no doubt about that; she has absolutely put me in the shade. We will fix the problems in Greater Geelong because we want to ensure that we have got the best governance structure in place to serve the great people of the City of Greater Geelong.

Mr KATOS (South Barwon) — I am very pleased to rise to speak to the amendments to the Local Government (Greater Geelong City Council) Bill 2016. What a sorry process this bill has been from the start. The bill hit the table on Tuesday even before the commission's report was tabled. What an awful process that was. The opposition was not briefed properly. None of the opposition parties were given the opportunity to read the report. It was truly an awful process.

Looking at some of the aspects of the original bill, as the member for Mornington first mentioned, we can see the deputy mayor vote. The government was proposing to have an election for the mayor and an election for the deputy mayor at the same time, but separately. Rather than having the Melbourne model, where both would be elected at once and a mayor would be on a ticket with a deputy mayor, those opposite wanted to have separate elections. Can members imagine the chaos that would have caused?

Mr Wynne interjected.

Mr KATOS — No, this was in the Minister for Planning's bill. Can members imagine what would have happened? We could have had a mayor with a deputy mayor that opposed him. It could have been an absolute disaster. One thing that is good is that the community will continue to be consulted with regard to the right model. One thing I pointed out in local media last year was that there was a Victorian Electoral Commission review into the City of Greater Geelong ward structures, which was fine. What should have been done at the same time was a review of the model. That consultation should have occurred simultaneously. Those opposite were going to review the ward structures but not the way the mayor and deputy mayor

are elected, which to me was absolutely nonsensical. That will continue.

Regarding the date, October 2017, I do not know about other members in Geelong, but all the feedback I have had is that people want to return to local democracy as soon as possible. That is the feedback I have had. The residents who have contacted me want to return to local democracy.

We have supported the dismissal of the council. That is one thing we have supported, and we have said that in the debate, but we want to bring the local democracy back as soon as possible. The administrators have 18 months to clean out the organisation. That has been the problem — there has not just been a toxic culture among the councillors; there has been a toxic culture within the organisation. Eighteen months is plenty of time for the administrators to get in there and weed out the bad apples — those people who participated in the toxic culture of that organisation.

When I put forward the reasoned amendment on Tuesday, it was voted down by the government. Now we are back here largely with changes that were proposed in the reasoned amendment. What was proposed by the government was absolutely absurd. The process undertaken by this government has been terrible. The report should have been tabled. Consultation should have taken place on Tuesday. That bill could quite easily have been introduced on Wednesday and dealt with according to a proper process, where opposition parties could read the commission's report and formulate a position regarding it. The debate could have occurred on Wednesday, and the bill could then have been sent to the Council. That is what should have happened, but as I said earlier, the bill hit the table before the report.

As I have said, the constituents who have contacted me have all been very strong in saying they want to return to local democracy as soon as possible and that they do not want administrators for four and half years. That has been the overwhelming view of constituents and ratepayers who have contacted me. People want local democracy. They do not want Labor Party-appointed administrators for four and half years. They want local democracy. Opposition parties, the coalition, have fought very hard to ensure that local democracy is returned to Geelong as soon as possible.

Mr T. BULL (Gippsland East) — It gives me great pleasure to rise to make some relatively brief comments on the amendments, given the extremely comprehensive summary we had from the member for Mornington, who covered off on all of the aspects very

well. The amendments to the bill relate to two specific issues. One is the direct election of the deputy mayor and the other relates to the time frame around the appointment of the administrators — the very points we raised here on Tuesday. We raised these points at great length; a number of speakers did. The member for Mornington did as the lead speaker, I did and I know that other speakers did.

The people of Geelong should be consulted on matters pertaining to the future of their local government area. A direct election for the position of deputy mayor is not something the community has called for, and therefore they should be consulted on it. The original bill contained two general aspects. One was about the issues involving the council, and the other was about its future structure and time frames. They should have been separated. They should not have been included in the one bill. It is as simple as that. We pointed that out on Tuesday. If the bill had been presented in the correct form in the first place, we would not be sitting here going over all of it again.

On Tuesday we heard that the government was not prepared to move on 2020 and was not prepared to move on the direct election of a deputy mayor — under no circumstances. There were to be no changes at all, and now here we are sitting on Thursday night at 6.23 p.m. and that very thing has occurred. I said I would keep my comments relatively brief. I will finish by saying that the amendments before us now make this legislation far more palatable than what was presented to us on Tuesday.

Mr HIBBINS (Pahran) — The question before us is in relation to the amendments that have been put by the upper house, and certainly they are amendments that we support. As previous speakers have said, in my initial speech I did raise concerns regarding the time frame in the original bill — the four and a half years when there would essentially be no democracy in the City of Greater Geelong. We certainly welcome the fact that democracy will return to Geelong — —

Honourable members interjecting.

Mr HIBBINS — I can keep talking. I can pad it out if you want, mate. We certainly very much welcome the fact that democracy will return to the City of Greater Geelong by 2017. The report on the Geelong council outlined that if electoral reforms were put in place, in fact democracy returning to Geelong could actually help the situation and help reform the Geelong council. So we certainly welcome the fact that there will be elections by 2017.

In reference to a directly elected deputy mayor, again this was I think a mistake in the original bill. Certainly the Greens welcome the removal of the provision for a directly elected deputy mayor. While it is not in the scope of this bill, I would say that looking at the whole issue of having a directly elected mayor for Geelong might be something worth doing as well.

It is an extraordinary step to dismiss a council. There are significant issues in terms of bullying and poor performance by the Geelong council, but it does mean that some good councillors will be sacked and they will have that black mark against their names. It would have been I think preferable for the minister to have acted earlier, because she does have powers to suspend or to act against councillors who are not performing or who are behaving poorly. She also has the power to suspend the council as a whole. The Greens will be supporting the amendments before the house.

Motion agreed to.

Remaining business postponed on motion of Ms ALLAN (Minister for Public Transport).

RULINGS BY THE CHAIR

Adjournment debate

The DEPUTY SPEAKER — Order! I wish to make a ruling on three matters raised in the adjournment debate last night. Rather than rule at the time, I decided it would be more useful to review the transcript and consider some previous rulings. I am now in a position to rule.

The member for Evelyn raised a matter for the attention of the Attorney-General. The member sought that the minister amend legislation to prohibit synthetic cannabis in her community. I remind members of rulings made by Speakers Wheeler, Delzoppo, Plowman and Fyffe that members cannot directly ask for legislation during the adjournment debate. As per the ruling by Speaker Fyffe, action taken by the minister may lead to legislation but this is incidental to the action requested. On that basis, I rule the member's matter out of order.

The action the member for Bass requested of the Minister for Planning was that he review the laws relating to unmade roads on historical subdivisions and instruct parliamentary counsel to draft legislation to remedy the issues. I note Speaker Fyffe's ruling that many problems raised in the adjournment debate may ultimately require legislative remedy and therefore that members are not prohibited from raising issues caused

by problematic or outdated laws. Consequently, the first element of the member for Bass's matter seeking a review of laws is admissible. However, the second element, which seeks new legislation, is not. I will allow the member for Bass's matter to the extent that it relates to a review of a policy issue. I caution members not to specifically request changes to legislation while drawing a minister's attention to a problem needing urgent action.

Lastly, the member for Lowan raised a matter for the Premier regarding the Road Safety Remuneration Tribunal being addressed as a federal issue. It is not in order to ask a state minister to lobby federal ministers or to raise issues which are exclusively the responsibility of other jurisdictions. At the start of the member's contribution, she made it clear that the tribunal's operation is a federal matter. Near the end of her contribution, the member for Lowan requested the Premier to take steps to influence support for the federal legislation. While it is within the responsibility of the Premier to examine the implications of federal policy on the state, the member's request to the Premier specifically related to the federal legislation. The member indicated that she had sought advice from the Clerk on this issue, and the Clerk informs me that he has provided advice on the relevant rulings about disallowing matters that are the responsibility of the federal government. Therefore I rule the member's matter out of order.

I ask all members to observe Speaker Andrianopoulos's protocol and procedure for raising matters in the adjournment debate, that is, the member names the minister the action is referred to and gives details of the issue and the action sought at the beginning of their speech, rather than leaving the request to the end.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Officer precinct structure plan

Mr BATTIN (Gembrook) — I raise an adjournment matter for the Minister for Planning. I ask the minister to urgently meet with Tony and Christina Knox, who live in my electorate, in relation to their land and a planning issue they have in the local area. Officer has a precinct structure plan (PSP). Part of this PSP indicates where schools are going to be placed, along with health facilities, community facilities and obviously the council buildings, which have been constructed and are currently used. As part of the process, the PSP went out

through the community, which is about a seven-year process, and it was done by the council. However, it was signed off by government in 2011.

One of the issues that has come up with this particular property at 99 McMullen Road in Officer is that the property has been divided into two, with part of it being a school and part of it being for residential use. Christina and Tony are in a position where they would like to sell their property. However, it is becoming an ongoing concern, because in trying to sell that property, there are developers that do not want it because it halves the school and they cannot sell off just half of the property without dividing it.

However, they cannot divide the property into two under current legislation, and that is not their preferred option because they do not want to hold onto that second half, which will be for a school in the future. School sites are a big issue through the whole community of Officer, and obviously we need to make sure that in the planning process there are school sites available for the future. This has put a lot of pressure on the Knoxes. The pressure has mounted to a point where the Knoxes have separated over financial issues, and that is actually attributed to this. All they are asking for is a meeting with the minister so that they can try to find a solution that would be best for them and that does not take away the benefits of a school for the community.

At one stage they had a meeting with the Melbourne Planning Authority in relation to this. The meeting was to include the Knoxes, the Department of Education and Training, representatives from the minister's office and the local council. On the day, the education department failed to turn up to the meeting, and in calls made after that meeting the education department has come out and said that it could not attend on the day due to ill health, but no-one was informed on the day as to why the department could not turn up. Yet everybody else was there. The Melbourne Planning Authority, understandably, at the time was not willing to make a decision of a review based on the fact that it needed input from the education department about the needs for the future.

The Cardinia Shire Council is more than happy to work through this with the Melbourne Planning Authority. It just needs the minister to come through and have a look at the actual site and see how it affects the particular block owned by the Knoxes, as well the block behind it, to make sure that they can get the best outcome. This is their retirement investment. They have lived in Officer all their lives. It is a beautiful community. They want to make sure that they can have that community for the

future, and they do not want to take away from the school site that is there. I ask the minister to come out and meet with the Knoxes as soon as possible.

Thompsons Road duplication

Ms GRALEY (Narre Warren South) — My adjournment matter is for the Minister for Roads and Road Safety and concerns Thompsons Road. The action I seek is that the minister ensure that funding is provided in the upcoming state budget to complete the long-awaited duplication of Thompsons Road — a much-needed project that the previous Liberal government failed on and refused to even consider until its last desperate days.

Instead it is the Andrews Labor government which is getting on with duplicating Thompsons Road between EastLink and Clyde Road in Cranbourne. This is yet another election commitment this hardworking government is delivering for the local community. We have already provided \$21 million to undertake vital planning and preconstruction work, which includes design development, environmental studies, traffic modelling, utility service investigations and stakeholder engagement.

It is a project that I and the local community campaigned tirelessly to see become a reality after years of inaction and excuses by the previous government. Not one new roads project was completed in Casey during its wasted years in office. Yet the City of Casey was curiously silent during this time, despite the very real need for investment in our local roads. Instead, during the 2014 election campaign we got a number of very large signs supporting the east–west link — nothing about Thompsons Road, Hallam Road or even the intersection of Pound and Shrives roads.

I must say that it was not only me who was shocked by this extraordinary waste of ratepayers money. Numerous local residents contacted my office to express their disbelief, shock and disgust at such waste. Now in a large wraparound in one of our local papers I have seen that the City of Casey is campaigning for funding for the duplication of Thompsons Road. In this wraparound the Casey mayor, Cr Sam Aziz, states that the council is:

... seeking a funding commitment to fully duplicate Thompsons Rd (beyond the \$20 millions earmarked for planning by the state government) ...

I can assure the City of Casey that, unlike the previous government, this government does things the right way. We do the planning first, we get it right and then we deliver on the project that we have promised to do. If

the City of Casey cannot work that out, I suggest it just does not want to. We will not be wasting money on large signs for projects on the other side of the city — that is for sure — or expensive wraparounds using ratepayers money for our own political aggrandisement. Our Minister for Roads and Road Safety is on the job and will ensure that this project delivers for the local community.

Murray Plains electorate camp site rubbish removal

Mr WALSH (Murray Plains) — The matter I raise is for the Minister for Environment, Climate Change and Water. The action that I seek from the minister is that she provide funding to Parks Victoria to place large dumpster bins at the exits to the Parks Victoria parks along the Murray River in my electorate and also to cover the cost of actually having those dumpsters emptied.

Parks Victoria has a carry-in, carry-out policy in those parks along the river, whereby the campers bag up their own rubbish and bring it out. That is a policy that is supported by the overwhelming majority of campers, and the overwhelming majority of campers do the right thing. The challenge is that once they leave the park, at the first wayside stop that they come to — or the first rubbish bin that they come to — they offload their rubbish. In most cases those wayside stops or rubbish bins are managed by council.

The mayor of the Gannawarra Shire Council, Lorraine Learmonth, recently wrote to me about this particular issue, saying that she did not believe that it was fair that councils should cover the cost of having to clean up the rubbish that is brought out of the Parks Victoria camping sites by those particular campers. The estimation of the Gannawarra council is that it costs it something like \$70 000 per year to clean up the rubbish that is left at the wayside stops or the rubbish bins in the towns in those particular areas.

The point that the Gannawarra council has raised with me in the letter from the mayor is that with rate capping being imposed by this government, the council is now examining all of the relevant costs that it has in its budget and looking at what costs it can actually trim out of its budget in cases where the associated services should be paid for by a relevant authority in another area.

I support the Gannawarra council, and quite rightly the council's view is that this rubbish is coming from camping sites in Parks Victoria areas and that Parks Victoria should actually be responsible for the cost of

the clean-up and the taking away of that rubbish. The council believes that if it is going to have to abide by the rate cap that is being put in place by the current Andrews government, it will have to make sure it can trim its budget to meet that particular circumstance and should not have to be responsible for the \$70 000 needed to clean up that rubbish.

As I have said, the action I seek from the minister is that she provide Parks Victoria with enough financial resources to put dumpster bins in place at the exits to those parks and, equally importantly, provide the remuneration to Parks Victoria to have those bins emptied regularly, because we do not want huge dumpster bins full of rubbish left there to rot and blow around the countryside.

Carrum electorate ministerial visit

Ms KILKENNY (Carrum) — My adjournment matter is for the Minister for Industry, who is also the Minister for Energy and Resources. The action I seek is for the minister to visit my electorate to meet with local businesses and discuss how the government's \$200 million Future Industries Fund would help them to boost economic growth and create local jobs. The Future Industries Fund supports high-growth, high-value industries that are critical to securing Victoria's future as a competitive, innovative and outward-looking economy. There are some fantastic manufacturing and innovative businesses in my electorate. These small to medium enterprises and larger organisations provide hundreds of local jobs and contribute to the local economy and the local community, and I know they join with me and the member for Narre Warren South in looking forward to the budget and the future duplication of Thompsons Road through that area.

I have met with many of these local businesses which are looking to expand during this time of great business confidence in Victoria's economy, and many of them are also looking to expand into international markets. I know these businesses would warmly welcome the opportunity to meet with the minister to discuss how this fantastic Victorian government initiative would benefit them and help them grow local jobs, and I look forward to welcoming the minister in the near future.

Brighton Beach renourishment project

Ms ASHER (Brighton) — The issue I have is for the Minister for Environment, Climate Change and Water. The action I am seeking of her is that she direct the Department of Environment, Land, Water and Planning to restore an area of the Brighton foreshore

around New Street, given that a beach renourishment project has been completed.

The background to this, and I have provided the minister with some documentation, is that two groynes were constructed at Brighton Beach in 2015, with the works being conducted by the minister's department. The beach is near the corner of New Street and South Road, and it had become a lot smaller and had degraded over time. The groynes were constructed for storm protection, and the beach has been renourished with locally dredged sand. The project itself is extremely good and has been completed for many months. However, to construct the groynes, large stones which comprise these groynes had been stored for quite a while on the foreshore, and indeed a pamphlet entitled 'Brighton Beach Renourishment Project Update', dated 15 May, states specifically:

Residents will see rocks stockpiled on the grassy area adjacent to New Street ...

The problem is that now that the works have been completed, the area where the stones were stored has not been restored, and whilst it was originally a grassy area, it is no longer a grassy area. I have had a number of complaints from constituents, and I can give a representative one to the chamber. One constituent wrote to me as follows:

... the lovely grass from before is now a rough and ugly wasteland of bare earth.

They must be made —

'They' meaning the department —

to refurbish this open space and bring it back to its original glory by the laying of turf and ongoing maintenance.

As I said, this is quite representative of the complaints I have received. There was an attempt made to replant the grass there, but it has not worked. I would ask the minister to direct her department — and we are grateful for the work being done on the beach — to just complete the job by restoring that area.

Kismet Park Primary School

Mr J. BULL (Sunbury) — The matter I raise is for the Minister for Education. The action I seek is for the minister to commit much-needed funding for Kismet Park Primary School. Better schools, stronger schools, safer schools, schools that we are proud of and schools that, most importantly, allow students to be the best they can be — that is the education state. Education is the enabler of opportunity, and I doubt many members would be in this house if not for their education.

The 2015–16 budget invested almost \$4 billion in Victoria's education and skills system, representing the single biggest boost to education funding in Victoria's history. This included over \$730 million to build new schools, upgrade existing schools and buy land to meet future demand. It also included \$180 million for programs that will help families cover the extra costs of education, like camps, excursions and uniforms, as we have heard today.

In Sunbury \$3 million was allocated for a new science wing at Sunbury College — and I know the member for Ringwood will be very pleased about that; \$2 million of additional equity funding for schools was allocated in the Sunbury electorate to make sure that every student has the best chance to succeed; and \$1.1 million went into local schools throughout Sunbury to ensure that each student can thrive in a safe, modern and comfortable learning environment.

Tonight I ask for funding for Kismet Park Primary school, following on from a meeting I had with principal Glenn McConnell. Glenn expressed serious concern about the condition of the school. On a tour of the school we looked at a number of school buildings that are certainly in great need of repair, and in this meeting and follow-up meetings there were certainly a number of issues highlighted that I believe need to be addressed. It is clear that this great school could benefit significantly from increased funding. It is a terrific school but obviously through additional funding could be made even better. I ask the minister, once again, to commit to much-needed funding for Kismet Park Primary School in future funding considerations.

The DEPUTY SPEAKER — Order! Before calling on the honourable member for South Barwon, I inform the honourable member for Sunbury that one of the first schools I visited as a member of Parliament was Kismet Park Primary School, before it was actually opened.

Target job losses

Mr KATOS (South Barwon) — My adjournment debate matter is for the Premier. The action I seek is for the Premier to do everything within his government's power to keep Target's head office in Geelong and to prevent job losses.

Today the *Geelong Advertiser* reported that over 900 jobs at Target's North Geelong head office were in limbo as Target's boss, Guy Russo, is searching for a new base in Melbourne. Target has confirmed this afternoon that it will be moving to Melbourne and is offering redundancies. Up to 25 per cent of staff could go, and there will likely be forced redundancies by

Friday week. Target has a 90-year association with Geelong, and I and the Geelong community want that association and the resulting jobs to continue locally.

The Premier before the last state election said he had a jobs plan for Geelong. Where is that plan now? In the last two months unemployment in Geelong has grown to 7 per cent, and we have the impending closure of Ford later this year. The Premier lied to the Geelong community on Bay West, where he promised jobs, jobs and more jobs. Bay West ended up being nothing but a cruel hoax which he used to con the people of Geelong into voting for him. The Premier has said that every job is worth fighting for. I want the Premier to do his job and fight for the more than 900 jobs at Target's North Geelong head office.

The DEPUTY SPEAKER — Order! Before I call the honourable member for Macedon, for the assistance of the house I did not want to interrupt the honourable member for South Barwon, but there was an accusation within his adjournment matter in terms of accusing the Premier of lying. I ask for his cooperation in not referring to honourable members lying in the future.

Macedon electorate railway station car parking

Ms THOMAS (Macedon) — My adjournment matter is for the attention of the Minister for Public Transport, and the action I seek is that the minister investigate options to improve railway station car parking in my electorate. The minister knows very well how cold it can get in my electorate. Ice and sometimes snow mean that existing unsealed car parks get very slippery. They get churned up, and they are costly to maintain. The minister also knows, wheel wear issues notwithstanding, how patronage on the Bendigo line continues to grow, and she knows that there are busy stations where parking demand outstrips supply.

I also take this opportunity to thank the minister for the leadership she has shown in tackling the challenges thrown her way from the V/Line wheel wear issue. I thank the minister for being up-front about the work that needs to be done and the time this work will take. Both I and my constituents appreciate this. I also thank her for the empathy she has shown to V/Line commuters. Building additional car parking spaces will improve the commuter experience for people in my electorate, and I urge the minister to look favourably on my request.

Norwood Secondary College

Ms RYALL (Ringwood) — My adjournment matter is for the Minister for Education, and the action I

seek is for the minister to ensure that in this budget on 27 April funding is applied, committed and comes to fruition for Norwood Secondary College in relation to its gym. I request within the context of that that the minister provides an additional \$1.6 million for Norwood Secondary College within the budget so that it can have a two-court stadium, not a one-court stadium. Norwood Secondary College has a very large school community of 1100 students. Those numbers have been consistently high and are expected to stay high into the future. The needs of the school, obviously with 1100 students, mean that a two-court stadium is absolutely vital for it simply because of the size. I note that the day before yesterday the minister was referring to a primary school about half that size having a one-court stadium. If we double that and increase the size of students, because they are bigger as well in themselves being in secondary college, it is absolutely vital that their needs are met.

The government offered \$4.5 million between two adjacent schools — Norwood and the school next door, Mullum Primary School. That is clearly insufficient for the needs of Norwood Secondary College. Labor has been in government for 12 out of the last 16 years, and the school council — I hear those opposite deriding this issue — and the school community are crying out for Labor to treat them with respect and for Labor to look after what is a very large school. It does need an additional \$1.6 million to provide the two-court stadium. Labor wasted \$1.1 billion in not building the east–west link, so \$1.6 million is a drop compared to that. It also has the funding coming in from the port lease, from the increase in GST money that will be coming in and from the increase in stamp duty that is coming in.

It is only fair, and I ask the minister to treat members of my community with respect and be fair to them. Make sure he takes the mantle on this, provides respect to the students, provides respect to the school council, acts with decency towards them and provides them with this necessary funding for their two-court stadium.

Education funding

Mr RICHARDSON (Mordialloc) — My adjournment matter tonight is for the Minister for Education, and the action I seek is for the education minister to update my community on the impacts of not proceeding with the Gonski education funding reforms. David Gonski's report of 2011 was a vital document for our community and for all of Australia. It has significant relevance to the more than 2100 government schools and independent schools across the sector. It gives a snapshot of some of the challenges that we are

facing in a globalised world, where education standards across the nation are slipping. Those standards and that report give us a key indication of the need to act now. If we all subscribe to the notion that every child has the right to a quality education, then the Gonski education funding reforms should be second nature.

Unfortunately I heard the comments of the member for Ringwood which categorised the education minister as not being engaged with the community. The equity funding that was put forward is the absolute equation that we need to be looking at. It is not about putting the Liberal Party first; it is about putting Victorians first, and that is exactly in line with the Gonski education funding reforms' principles.

This impact is significant on our community. It is estimated that the 20 government schools in my electorate could lose up to \$6 million. This would have a significant impact on our community. The Bracks review makes it quite clear that there is a desperate need to invest in our schools because we are cheapening our economy for the future. I have heard members in this place talking about science, technology, engineering and mathematics learning and the focus on education that sets up our children for employment. That could not be any more vital or important.

But we have seen the values of the Liberal Party showcased time and time again, and recently at the Council of Australian Governments (COAG) meetings, where we saw three days before the COAG process Prime Minister Malcolm Turnbull show his hand and say he would be looking to walk away from funding public schools. That is an absolute travesty, but it is a window into the values of the modern-day Liberal Party. It was an absolute window into the values of the modern Liberal Party when we saw the Baillieu and Napthine governments cut funding to and savage education.

We will not be there; we will not be doing that as a government. I would be keen to know from the education minister what Victoria will be doing, and if we do not proceed with the Gonski education funding reforms, how that could affect my community.

Responses

Ms GARRETT (Minister for Emergency Services) — I thank members for their contributions.

The member for Gembrook raised an issue for the Minister for Planning regarding a family in his electorate experiencing difficulties around subdivision

and school sites. I will refer that to the Minister for Planning.

The member for Narre Warren South raised an issue for the Minister for Roads and Road Safety regarding funding for Thompsons Road in her electorate. I will refer that to the minister.

The members for Murray Plains and Brighton raised issues for the Minister for Environment, Climate Change and Water. I will refer those matters, particularly the matter raised by the member for Brighton regarding issues around the beach, to the minister for the environment. It was one of the more colourful contributions to the adjournment debate.

The member for Carrum raised an issue for the Minister for Industry regarding a visit to her electorate for the Future Industries Fund. I will refer that to the minister.

The members for Sunbury and Ringwood raised issues for the Minister for Education regarding Kismet Park Primary School in Sunbury and Norwood Secondary College in Ringwood. Also the member for Mordialloc raised an issue for the Minister for Education regarding a visit for an update on the Gonski funding.

The member for South Barwon raised a matter for the Premier regarding the Target head office in Geelong and relocation announcements.

The member for Macedon raised an issue for the Minister for Public Transport regarding car parking spaces near her train station.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 6.55 p.m., until Wednesday, 27 April.

