

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 18 August 2016

(Extract from book 10)

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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

(from 20 June 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016]	The Hon. J. A. Merlino, MP
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Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
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Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
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Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	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 G. A. Tierney, MLC

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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McGuire, Mr Frank	Broadmeadows	ALP			

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ Elected 14 March 2015

⁵ Elected 31 October 2015

⁶ Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

Privileges Committee — Ms Allan, 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 Elasmarr and Mr Melhem.

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

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

Family and Community Development Committee — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy and Ms McLeish. (*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*): 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, 18 August 2016

The SPEAKER (Hon. Telmo Languiller) took the chair at 2.03 p.m. and read the prayer.

BATTLE OF LONG TAN COMMEMORATION

The SPEAKER — Order! Today we remember and pay tribute to the service and sacrifice of Australians during the Vietnam War as we commemorate the 50th anniversary of the Battle of Long Tan. The passage of time has not dimmed our memories of those who fought and fell in the service of our nation. Today we honour them and all our Vietnam veterans and their families who have endured much in the decades since that conflict.

DISTINGUISHED VISITORS

The SPEAKER — Order! I wish to acknowledge in the gallery the federal member for Riverina, the Honourable Michael McCormack, MP, Minister for Small Business. You are welcome.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — I wish to advise the house that the Minister for Health and Minister for Ambulance Services will be absent from question time today and that the Minister for Mental Health will answer in her place.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Family violence

Mr GUY (Leader of the Opposition) — My question is to the Premier. On 26 March 2016 on *Australian Story* you said of the Minister for the Prevention of Family Violence and her responsibilities that she:

... would be the leader in this field and deliver on all the commitments that we had made ...

Yet she is now responsible for leading the implementation of just 7 of 227 recommendations of the Royal Commission into Family Violence, with Gavin Jennings now primarily in charge. Premier, you are bullying Minister Richardson out of her responsibilities. This is a disgraceful outcome.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition will resume his seat. The Chair is on his feet, and all members will remain silent.

Ms Allan — On a point of order, Speaker, I was just pointing out that questions need to not offer an opinion, and I would ask you to give the Leader of the Opposition the opportunity to reword his question and have it based on fact, not his opinion.

The SPEAKER — Order! The Leader of the Opposition will continue with a substantive question to the Premier.

Mr GUY — Premier, you are bullying Minister Richardson out of her responsibilities. This is a disgraceful outcome. Will you now admit you were wrong and put her back in charge?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. The Leader of the Opposition gets very loud about these things, but great volume in opposition and not much action in government.

I am very pleased to say that the Minister for the Prevention of Family Violence and Minister for Women is Australia's first minister for the prevention of family violence, and what an outstanding job she is doing in leading reform, in leading change and in leading the effort, as so many of her colleagues are doing, because we are a whole government committed not just to forming the Royal Commission into Family Violence — Australia's first — but as a team, each and every one of us, delivering on each and every one of its recommendations. That is a good government, a government that actually does things, a government that is true to its commitments and a government which is prepared to face up to what is, as I am sure all my colleagues and I hope those opposite would agree, the biggest law and order challenge in our nation. It will not be dealt with by one premier or one MP; it will be dealt with by an entire government, I had hoped an entire Parliament, and indeed an entire state.

We all have a role to play in this, in changing attitudes to women, in changing behaviour towards women and in providing protection for those women and their children who so desperately need it. This is the approach of our government, this is the leadership that we are offering and this is the reform that we will deliver. We are called to do this not simply because we made a promise but because it is

the decent, it is the necessary and it is the critical thing to do.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, why are you not putting such an important issue as tackling family violence above the petty factional bullying that you are waging on the female ministers in your own government?

Mr ANDREWS (Premier) — In response to the Leader of the Opposition's question, I can simply remind him that there is no greater law and order challenge in our community than family violence. In case the Leader of the Opposition had not noticed, all of us can share in blame and take responsibility for the fact that across our nation, on average, a woman a week dies at the hands of a current or former partner. This is not a political plaything, this is not a game. This is very serious, and that is why we called the commission — —

Honourable members interjecting.

The SPEAKER — Order!

Mr ANDREWS — While those opposite did not do much when they had the chance, we will deliver on each and every one of these recommendations, because nothing less than that would be the right thing to do and because anything less than that would be to fail the women and children of this great state.

Ministers statements: Battle of Long Tan commemoration

Mr ANDREWS (Premier) — I am very pleased to update the house, although I know a number of members from both the government and the opposition and indeed yourself, Speaker, had the great privilege and opportunity to be at that most sacred of places, the Shrine of Remembrance, this morning to honour and pay tribute to those who served our country and its interests in the Vietnam War.

Fifty years after the most deadly conflict within that war, the Battle of Long Tan, we were able to come together to remember not only the 18 Australians who lost their lives in that battle but the 521 Australians who died as part of the Vietnam War, to remember and reflect upon the service and the sacrifice of the 24 who were wounded at Long Tan and the more than 3500 who were wounded during the entire Vietnam War, which before

Afghanistan was in fact our nation's longest engagement.

The Battle of Long Tan sits with a special place — a resonance — in Australian military history. It is in every respect, quite literally, a textbook example of courage, battlefield discipline and the spirit of Anzac. It was one battle among many in that long war, but today it gave us an opportunity 50 long years later, years that for many have been very difficult, to pause and reflect, to give thanks to those who served, to say very clearly to each and every one of them and their partners, their kids and their grandkids that we thank them for their service and their sacrifice, that we are proud of their service and their sacrifice, that we are proud of them, and that frankly we are, all of us, deeply ashamed of the way that they were treated upon return.

It is never too late to put things right. It is never too late to offer words that I hope provide a sense of healing, a sense of closure perhaps, all these years later. We honour, we respect, we pay tribute to, we thank and we apologise to our dedicated and brave veterans of the Vietnam War.

Family violence

Mr GUY (Leader of the Opposition) — My question is to the Premier.

Honourable members interjecting.

The SPEAKER — Order! The member for Essendon will come to order and government members will come to order and allow the Leader of the Opposition to ask a substantive question.

Mr GUY — Premier, did the Minister for the Prevention of Family Violence ask for the majority of responsibilities in her portfolio to be taken from her, or was it your decision to remove them from her and give their control to Gavin Jennings?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. Whilst the history of our state puts beyond any doubt that this is indeed the first whole-of-government response to family violence the state has ever seen, if there were any doubt about that, the question has very clearly made the point, because in a whole-of-government response — a concept that clearly the questioner knows nothing about — the Minister for Mental Health is a partner, the Minister for Police is a partner — —

Mr Guy — On a point of order, Speaker, on relevance, the minister has lost a number of responsibilities in her portfolio, and I am asking the Premier very clearly whose decision that was. I did not ask in the question for a chronology; I asked a clear question about whose decision that was.

Ms Allan — On the point of order, Speaker, in asking you to rule out of order the point of order that has been made by the Leader of the Opposition, I would point as evidence to the fact that the question was about the delivery of the whole-of-government responsibilities for the Royal Commission into Family Violence. The Premier was very clearly explaining to the Leader of the Opposition and the house how this government is exactly doing that in delivering all of the recommendations across government in this royal commission report. It is not the government's fault that those opposite do not understand how this sort of delivery works, because clearly they failed to do so in government. I would ask you to rule that point of order out of order.

Mr Clark — On the point of order, Speaker, the Leader of the House has misrepresented the question asked by the Leader of the Opposition. It was not a question about whole-of-government responsibilities; it was a question about responsibilities of the Minister for the Prevention of Family Violence being taken off her and how that particular decision came to be made. I ask you to bring the Premier back to answering that question.

The SPEAKER — Order! The Premier was being responsive; there is no point of order.

Mr ANDREWS — As I was saying — and those opposite are a little sensitive that they know so little about delivering anything in government — it is each and every minister, whether it is the police minister, the Attorney-General, the Treasurer, the Minister for Finance, the Minister for Mental Health or the Minister for Housing, Disability and Ageing. What a great opportunity to reflect on the fact that we are, in an Australian first, opening more units of social housing, providing emergency accommodation. We are in the process of providing more sanctuary, more safety and more housing to more women and children than any state government in the history of this state, and that of course is a matter for the minister for housing, and I would single him out among so many of my colleagues.

The Leader of the Opposition has talked about the Minister for the Prevention of Family Violence,

who, again I say, is such an important part and a critical part of this government, and I would refer the Leader of the Opposition to the statement that the minister put out last night. Be very clear: this is a whole-of-government effort to deal with a whole-of-community challenge. Only those who always seek an excuse not to act would pursue a line of questioning like this.

Supplementary question

Mr GUY (Leader of the Opposition) — Given the complexities and sensitivities of the prevention of family violence portfolio and, Premier, you now giving Gavin Jennings overarching authority despite his history of political conflict that has seen him at war with the privacy commissioner, in dispute with the Ombudsman and perpetually involved in internal factional feuding, most recently over the Labor whip's position, why is Gavin Jennings a better person to implement the recommendations of the royal commission than Minister Richardson?

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Frankston. I will not warn the member again.

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. The cabinet, a good number of local members, members of our caucus, in fact every member of the government, has a role to play and is getting on with doing just that in the delivery of not a few, not half, not most but all of the 227 recommendations of the Royal Commission into Family Violence.

It is a fundamental misunderstanding by the questioner about the breadth of issues involved in dealing with family violence. Bad outcomes for women start with bad attitudes towards women. That is why the minister has been leading with such success the government's commitment to appoint 50 per cent of all board appointments to be women. The Minister for Women has been driving that agenda and doing an outstanding job, and maybe in the course of question time I will get to update the house about that outstanding work — that is, if he is interested.

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

Mr Hodgett interjected.

The SPEAKER — Order! I warn the Deputy Leader of the Opposition. I will not warn the Deputy

Leader of the Opposition again. The Chair is on his feet; all members shall remain silent.

Ministers statements: police resources

Ms NEVILLE (Minister for Police) — I am very pleased today to update the house about some of the significant investment this government is making in ensuring that Victoria Police have the modern technology that they need. In fact this is technology that the Royal Commission into Family Violence actually recommended for Victoria Police, and as the Minister for Police I am getting on with delivering the recommendations of that royal commission, including this modern technology.

A couple of weeks ago the Premier and I joined the Chief Commissioner of Police in Werribee, where we announced the tender for the smart phones and the smart technology — technology that is all about mobility and about getting the information and the data that the police need out on the street when they are patrolling. This will equate to what we know from the experiences overseas with this technology. Not only will police be able to give up their fax machines — fax machines that actually no-one any longer fixes, so we have to have a whole lot of police trained in fixing fax machines — but this technology will make sure that our police are agile and able to respond and will save the time of the equivalent of over 500 frontline police as a result of that.

Just recently I saw some comments made by someone who suggested we were not giving the police the technology they needed. They said, ‘Oh, they’re relying on fax machines’. That was the shadow minister. I think what he actually meant was that the previous government was not delivering that technology — —

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 5, which provides that ministers statements are about advising the house about matters related to their portfolio. The minister is now proceeding to debate the issue, and I ask you to bring her back to compliance with the sessional order.

Ms NEVILLE — On the point of order, Speaker, I have been very relevant to my portfolio. This is about delivering the technology and the resources to our police service, unlike those opposite, so very, very relevant to the issue at hand.

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

Ms NEVILLE — As I have said in this house before, it is only Labor governments that have funded new police since the 1970s, it is only Labor that has invested in new technology. I know that the Leader of the Opposition does not believe women can do these jobs, but I can tell you now I am getting on with delivering the police the resources and the technology they need to make — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South Barwon. The Chair will not warn the member for South Barwon again. The minister is entitled to silence. The minister will continue in silence.

Ms NEVILLE — The member for South Barwon might want to attack me and bully me, but I can tell you, Speaker, I am getting on with delivering the police and the resources — —

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

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is again to the Premier. The member for Wendouree has spoken out and said she saw vile, bullying text messages from Peter Marshall that crossed the line. Premier, do you believe her?

Honourable members interjecting.

The SPEAKER — Order! Opposition members will come to order. The Chair gives the Leader of the Opposition an opportunity to rephrase that question. The Leader of the Opposition knows — —

Honourable members interjecting.

The SPEAKER — Order! Members will come to order. The Leader of the Opposition will rephrase his question.

Mr GUY — Premier, do you intend to investigate a single claim that has been made in relation to bullying of your own female MPs, staff or departmental officials against Mr Peter Marshall?

Mr ANDREWS (Premier) — I am not entirely sure that that was a rephrasing of the original question, but in any event, anyone who at any time

has done the wrong thing in any part of our state should feel the full force of the law, and I would have confidence in those who are in positions of authority —

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings will come to order.

Mr ANDREWS — Oh, okay. Apparently I am a judge now. I am the Chief Commissioner of Police. What else? What else from this mob over here? Anyone who has done the wrong thing should be absolutely fully investigated, and I would always support only the best of processes to deliver the best of outcomes.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, is it your policy that the conduct of Peter Marshall toward women in your own government is acceptable?

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition will come to order.

Honourable members interjecting.

The SPEAKER — Order! The Premier has not been given the opportunity to begin to respond to the question as put by the opposition. The Premier, in silence.

Mr ANDREWS (Premier) — Thank you, Speaker, and I thank the Leader of the Opposition for his question. I listened closely, but I am not entirely certain of what he was asking. He asked me about the government's policy, and the government's policy is, for instance, that 50 per cent of all positions on government boards should go to women. That is our policy, and under the great leadership and the outstanding stewardship of the Minister for Women I can proudly report that over the last 12 months 51.7 per cent of new appointments have been women. That has lifted from 38 per cent to 45.5 per cent of overall appointments. That is our policy.

Ministers statements: suburban development

Ms D'AMBROSIO (Minister for Suburban Development) — I am delighted to inform the house that Melbourne has retained its status as the world's most livable city for a record sixth year in a row. We

were rated on the things that Labor governments do best — education, health care, infrastructure, environment and culture. Let us be clear, though: this can never be taken for granted, and that is why our government has created the new suburban development portfolio, building on the fantastic difference that we are already making for every Victorian and every Melburnian.

Working across government we will deliver five-year plans for jobs, services and infrastructure. This will ensure that our fastest growing suburbs remain great places to live and work. We have redoubled our efforts in infrastructure services after investment stalled under the previous government. There is no better example of this than the fact that not one new school was opened this year. In contrast to this, we have a great list of achievements, with record investment in schools, hospitals, level crossings and public transport, plus a dedicated fund for the growing suburbs, thanks to our terrific Minister for Local Government.

Our Minister for Planning has approved \$8 billion of inner-city development and has a strong land pipeline for new housing to accommodate our growing population and to create jobs. He has also delivered of course higher standards of development after four years of rubberstamping by the previous planning minister, which led to dogbox apartments in the CBD. And we are creating jobs — 150 000 good jobs since we came to government.

I want to recognise the tireless work of all of our government MPs. Whether they are in Frankston, whether they are in Dandenong, whether they are in Bundoora, they are all doing a fantastic job for our community. No matter where people live, our government will always be there for them.

Country Fire Authority enterprise bargaining agreement

Mr WALSH (Murray Plains) — My question is to the Premier: your government has falsely claimed for months that it has done all that is necessary in consultation with the Country Fire Authority (CFA) volunteers around the enterprise bargaining agreement (EBA). You said it, and your Deputy Premier has said it. Yesterday the Supreme Court found you had not properly consulted with volunteers and accepted undertakings equivalent to an injunction. Premier, in light of the Supreme Court decision, why is your government persisting with fighting 60 000 volunteers just weeks before the fire season?

Mr ANDREWS (Premier) — Firstly, can I thank the Leader of the National Party for his question and indicate to him that the assertions he has made are false. I will let the court record speak for itself. No such — —

Honourable members interjecting.

The SPEAKER — Order!

Mr ANDREWS — Those opposite can try and verbal the Supreme Court all they like, but no determination about adequacy of consultation was made. That is simply wrong. If the Leader of the Opposition were to read — —

Mr Guy interjected.

Mr ANDREWS — One wonders whether the Leader of the Opposition actually wants an answer or whether we are all just here invited to his fit of anger. That is what we are invited to every day. If he wants an answer, I am happy to provide one.

Honourable members interjecting.

The SPEAKER — Order! Opposition members will come to order and allow — —

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings will not be warned again. The Premier, to continue in silence.

Mr ANDREWS — I will let the record of proceedings in the court speak for itself, but the facts of these matters — —

Honourable members interjecting.

Mr ANDREWS — Well, those opposite would find fault with the number of weeks being taken to deal with these matters in the court. The fact is this would have gone on for a number of years if it had not been dealt with, if we had been content — —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte and the member for Hawthorn will come to order.

Mr ANDREWS — None of them was speaking up this loudly when this matter was put in the too-hard basket and handballed to an incoming Labor government.

Honourable members interjecting.

The SPEAKER — Order! The member for Ripon is warned.

Mr ANDREWS — When it comes to these matters we have confidence in Commissioner Lapsley, we have confidence in the chief fire officer, we have confidence in our magnificent volunteers and our career firefighters, and they can have confidence in this government that we will provide the resources necessary and the determined focus on what is bound to be yet another dangerous fire season that may well come early, just as last year's did. The policies of those opposite to cut the budget do not make anyone safer. To kick the EBA down the road — that does not make anyone safer.

Mr Wells interjected.

The SPEAKER — Order! The member for Rowville is warned.

Mr ANDREWS — And the arrogant way they pretend to speak for every single Victorian when clearly they do not sits in stark contrast to our determined focus to give the CFA the resources and the support necessary to keep Victoria safe.

Supplementary question

Mr WALSH (Murray Plains) — Premier, when you told Victorians on 15 June that you had intervened in the enterprise bargaining agreement and that you had ended it, were you incompetent, in denial, covering up, hoping for the best or just lying to Victorians?

Mr ANDREWS (Premier) — We are onto multiple-choice questions now.

Honourable members interjecting.

Mr ANDREWS — Well, there are some multiple choices.

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. The Chair is unable to hear the Premier. The opposition asked a question of the Premier. The Premier is entitled to silence.

Mr ANDREWS — When those opposite were in power and had the choices to make, they chose to cut the budget of the CFA, and the Metropolitan Fire Brigade while they were at it. Common sense

tells you — they might not have much of it — that if you cut the budget of the fire services, no-one is safer — —

Honourable members interjecting.

The SPEAKER — Order!

Mr ANDREWS — As Chief Fire Officer Warrington — —

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Rowville

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

Honourable member for Rowville withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Country Fire Authority enterprise bargaining agreement

Supplementary question

Questions and statements resumed.

Mr ANDREWS (Premier) — As Chief Fire Officer Warrington has said, enough is enough; it is time to move on. And that is exactly what needs to occur here — to be focused absolutely on supporting the CFA and communities to stay safe this coming fire season.

Ministers statements: liquor licensing

The SPEAKER — Order! The Chair calls on the Minister for Consumer Affairs, Gaming and Liquor Regulation for her first ministers statement.

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I rise to update the house on the significant economic impact and jobs boost from the night economy to Victoria. I am proud today, as the new Minister for Consumer Affairs, Gaming and Liquor Regulation, to reiterate the Andrews government's commitment to never introduce mandated lockout laws in this state. The viability of our night economy would be threatened by lockout laws. Thousands of jobs created through

the hard work of Victorian small business owners would be put immediately at risk if we were to go down this path.

For example, in the City of Melbourne and the City of Port Phillip the night economy is worth \$4 billion and employs over 38 000 people. The night economy is a key element of what makes Melbourne the envy of the nation, and we have just heard today that Victoria has again been crowned the world's most livable city. We have backed it with the extension of the Night Network, thanks to the Minister for Public Transport. However, you cannot have jobs if you do not have patrons. If you shut the doors and turn off the lights, you will destroy what makes Melbourne iconic.

Unlike the mates of those opposite up north, we will not allow this industry to be shattered by locking people out at 1.30 in the morning. What we have seen in New South Wales has devastated the hospitality industry and put thousands of jobs at risk. Bars, clubs and restaurants are closing across the city.

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern will come to order.

Ms KAIROUZ — The industry is bleeding, and Sydney's nightlife has been smashed. Our government is striking the balance between promoting our night-time economy and also ensuring those who do the wrong thing are caught out.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte is warned.

Ms KAIROUZ — I am proud to announce that a record 14 347 inspections were carried out by the Victorian Commission for Gambling and Liquor Regulation in 2015–16.

Ms Allan — On a point of order, Speaker, due to the very loud voices that are coming from those behind the Leader of the Opposition, I ask you to bring the house back to order to allow the new Minister for Consumer Affairs, Gaming and Liquor Regulation to continue her contribution. We are having incredible difficulty hearing her over those very loud voices.

The SPEAKER — Order! I uphold the point of order. The minister will continue in silence. The Chair has warned enough members.

Ms KAIROUZ — This was almost double that of the coalition's last year in office. We have more inspectors out on the beat targeting trouble spots and ensuring compliance with liquor laws. With better and more frequent public transport at night, a visible police presence in and around the city and a proper compliance regime in place, Melbourne will remain the entertainment capital of the nation while Sydney dies a slow cultural death under Mike Baird.

Country Fire Authority enterprise bargaining agreement

Mr BATTIN (Gembrook) — My question is to the Premier. Justice Michael McDonald said in his ruling granting the volunteers' injunction that there 'was a serious question to be tried as to the legality of the EBA'. Premier, are you under such influence from Peter Marshall that you would ram through an enterprise bargaining agreement (EBA) even though the Supreme Court says there are serious questions as to its legality?

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook asked a question of the Premier. The member for Gembrook will allow the Premier to respond.

Mr ANDREWS (Premier) — I thank the member for Gembrook for his question. The member for Gembrook seeks to thoroughly and utterly misrepresent what I am told is a pro forma seven words used in that court and others. For the benefit of the member for Gembrook, I will tell you what we will do: we will sort this out once and for all, and I will ask the Attorney-General to write to the member for Gembrook advising him as to the error of his ways. Who would ever have thought that a question ought to have gone to the member for Hawthorn? Who would have ever thought that that would be a better outcome, and it clearly would have been. The member for Hawthorn should have got this question, and it would not have been littered with errors. I will humbly undertake to ensure that the Attorney-General writes to the honourable member to clear up his complete misunderstanding, wilful or otherwise.

Supplementary question

Mr BATTIN (Gembrook) — Lucinda Nolan, Joe Buffone, the member for Brunswick, John Peberdy; the Country Fire Authority board, Melinda Richards, SC, the Victorian Equal Opportunity and Human Rights Commission, Frank Parry, QC, Jack Rush, QC, Peter Rau and now even the Supreme Court of Victoria have all warned against this EBA deal. Premier, are you seriously telling Victorians that only you and Peter Marshall are right?

Mr ANDREWS (Premier) — Chief Fire Officer Warrington has made his position very, very clear about how important it is that we — —

Honourable members interjecting.

Mr ANDREWS — Those opposite again, it would seem, are not so interested in the answer.

Mr Battin interjected.

The SPEAKER — Order! The member for Gembrook is warned.

Mr ANDREWS — I will tell you what: it is a good thing this government is more interested in keeping Victorians safe than those opposite are in listening to the answers to their ridiculous questions. These silly games that the ill-informed — —

Mr R. Smith interjected.

Mr ANDREWS — Well, the shouty member for Warrandyte is back, old Captain Respect over there. Well, keep shouting. He did not have much to say in government when this dragged on for how many days? He was silent then. It is the fire season we are focused on, not the silly political games of those opposite.

Ministers statements: economy

Mr PALLAS (Treasurer) — I rise to inform the house of the ongoing success that is the improvement in the Victorian economy. The latest CommSec *State of the States* report makes it clear that with economic growth of 3.6 per cent Victoria is of course leading the nation. Today's Australian Bureau of Statistics (ABS) labour force figures show that unemployment — employment, rather — has risen for six consecutive months, with full-time job creation running at a growth rate of 4.5 per cent annually.

Honourable members interjecting.

The SPEAKER — Order!

Mr PALLAS — Listen to them. These were the people who tried to turn this state into zombieland, and the chief spokesperson of the living dead is the member for Malvern. Business can tell the difference.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Minister for Roads and Road Safety

The SPEAKER — Order! The Minister for Roads and Road Safety will withdraw himself from the house for the period of half an hour. The Chair is on his feet, and all members shall remain silent.

Minister for Roads and Road Safety withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: economy

Questions and statements resumed.

Mr PALLAS (Treasurer) — Business can tell the difference. They have seen the massive improvement in our economic circumstances, and we have seen the business confidence index, performed by NAB, sitting at around 12 index points. Under those opposite, it was negative 12.8 in June 2013.

Today's figures show that we have the highest annual employment growth and the highest participation rate in the nation in more than three years. Like narcissistic parrots, those opposite bleat about their mythic feats of economic prowess while this government actually goes about the business of delivering. Take the determined advocacy of the members for Mordialloc and Carrum: they have demonstrated that ABS figures have shown a clear 3.5 per cent decline in the unemployment rate in their broader region since being elected. That tells us what leadership is about.

RULINGS BY THE CHAIR

Constituency questions

The SPEAKER — Order! The Deputy Speaker asked me to consider two constituency questions asked yesterday. I rule that the question asked by the member for Frankston is admissible as it asks whether a minister has given thought to a particular policy. Further, I rule that the question asked by the member for Hastings is not admissible as it asks the government to match a funding commitment, which is not asking for information. It seeks action of the government, which is not the correct form for a question.

I further note that the Deputy Speaker asked all members to state their questions at the start of their allocated time, and I reiterate that advice.

CONSTITUENCY QUESTIONS

Caulfield electorate

Mr SOUTHWICK (Caulfield) — (8139) My question is to the Premier. Recently it was revealed that the Labor government has secret plans to build an up-to-13-storey tower to value capture land at the fully funded North Road, Ormond, level crossing removal and the Ormond station redevelopment, just weeks before the completion of the project. There has been no mention of this in any of the plans or the consultation with the public. We are almost two years into the project with no word in the government's consultation about the sky tower deck that was recently built during the 37-day shutdown of the Frankston line between Caulfield and Moorabbin. Will the Premier outline when this government decided to value capture Ormond railway station, and why has there been no consultation?

Essendon electorate

Mr PEARSON (Essendon) — (8140) I direct my constituency question to the Minister for Industry and Employment, and my question relates to the latest information on when the grants under the Jobs Victoria Employment Network will be determined. Recently the Andrews Labor government called for expressions of interest for the Jobs Victoria Employment Network, with \$53 million of funding available in the first tranche. This program is designed to help disadvantaged jobseekers back to work. The Wingate Avenue Community Centre has applied for funding to assist some of the most

disadvantaged members of my community into employment, including those from the Horn of Africa. Minister, what is the latest information on when these grants will be determined?

Mildura electorate

Mr CRISP (Mildura) — (8141) I am seeking information on the future of the Mildura State Emergency Service (SES) road crash unit. There is concern that the Mildura SES will lose its response capability, a capability that is at the core of the Mildura SES, to the Country Fire Authority (CFA) under the terms of the enterprise bargaining agreement (EBA), as Mildura is a paid-staff United Firefighters Union (UFU) station. The SES is concerned that a clause in the UFU EBA states that CFA stations with permanent career staff will be equipped with a permanent road crash rescue appliance.

My request is for the Minister for Emergency Services to inform the community of Mildura as to whether it is still the intention of the Andrews government-supported EBA to close down the Mildura SES road crash rescue unit. If it is the intention of the government, then the following issues need to be addressed: what is the plan for those volunteers when they leave and for the other core functions that need to be maintained? Will the depleted volunteer base be able to cope with the next big emergency, and in the event that the entire unit leaves, who will protect the Mildura community?

Yuroke electorate

Ms SPENCE (Yuroke) — (8142) My constituency question is to the Minister for Public Transport. When can residents of Greenvale in the Yuroke electorate expect additional bus services? I recently held a forum in Greenvale to discuss with local residents the current status of bus services in the area and ideas that residents had for either improving existing services or implementing new services to meet growing demand. This was a terrific opportunity to hear directly from residents who use these services every day and from those who would like to access additional services. I heard feedback from residents about the location of bus stops, the frequency of services, the current routes and the need for services to meet the demands of a growing population in newer estates. I look forward to hearing from the minister so I can convey this information to residents who are very keen to see increased services in this area.

South Barwon electorate

Mr KATOS (South Barwon) — (8143) My constituency question is to the Minister for Police. The question is: why has the minister cut the opening hours of Waurn Ponds police station from 16 hours per day to just 8 hours per day? The Andrews Labor government’s cuts to frontline police numbers are continuing to impact the police’s ability to serve and protect our community. These callous cuts are now significantly impacting the Waurn Ponds police station, built by the previous Liberal government, which services the southern suburbs of Geelong and the huge growth area of Armstrong Creek. The station used to be open to the public from 6.00 a.m. to 10.00 p.m. seven days a week but is now only open from 10.00 a.m. to 6.00 p.m., a 50 percent cut in hours.

The minister’s hypocrisy on this subject is breathtaking. She has made election commitments regarding police stations in her own electorate — to man those — and is now effectively stealing police from other electorates to do so. She is robbing Peter to pay Paul. The local community is at times living in fear, and they are sick and tired of the lack of police resources and Labor’s soft-on-crime approach.

Niddrie electorate

Mr CARROLL (Niddrie) — (8144) My question is to the Minister for Roads and Road Safety, and I ask: how will the government’s investment in the Western Ring Road from Sunshine Avenue to the Calder Freeway benefit locals living in the Niddrie electorate and, more broadly, Melbourne’s north-west? Recently the minister announced works will soon commence on widening 3.2 kilometres of the Western Ring Road from two to four lanes in each direction from Sunshine Avenue to the E. J. Whitten Bridge and from three to five lanes through to the Calder. Most importantly, two major bottlenecks will be removed at Sunshine Avenue and Keilor Park Drive, where traffic needs to merge from four lanes to two at Sunshine Avenue and again at Keilor Park Drive. I ask: how will this major road infrastructure benefit the Niddrie electorate, in particular my locals living in Melbourne’s north-west?

Prahran electorate

Mr HIBBINS (Prahran) — (8145) My constituency question is to the Minister for Public Transport. I ask when public consultation regarding

an upgrade to South Yarra station will begin. I ask in response to a media report in the *Age* of 6 July, where the minister stated that improvements would be considered in consultation with locals. I also note the minister's previous correspondence with me, agreeing the station requires an upgrade and stating a willingness to work with both me and Stonnington council on progressing an upgrade to the station.

I welcome the minister's encouraging remarks in regard to an upgrade to South Yarra station, which is something the South Yarra community is keen to see happen. I have previously raised in Parliament the need to establish a South Yarra station task force to kick off the process of engaging with the community and identifying the various elements of the station that need improving. This would be a welcome first step and would give our community some confidence that the station will receive a much-needed upgrade.

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (8146) My constituency question is for the Deputy Premier, who is also Minister for Education, and I ask: what is the status of the application made by Glenroy College for funding from the Victorian government's Doctors in Secondary Schools program. This important initiative is designed to provide medical advice and healthcare services to those students most in need in an environment that they know and trust. This important initiative will certainly assist the diverse community of Glenroy and the student community in particular that the Deputy Premier will get to meet on his visit to Glenroy College next week. At Glenroy College students come from every corner of the globe and are from every walk of life. Their needs are varied, and this program has the capacity to assist the school in developing a holistic education for those students. I wholly support the school's application for funding under this program, as it will ensure that students have access to basic health services, which will ultimately optimise their performance both at school and in the broader community. I ask: what is the status of the Glenroy College application?

Nepean electorate

Mr DIXON (Nepean) — (8147) My constituency question is to the Minister for Public Transport. When will the PenBus return to its original timetable that included earlier and later trips to and from the southern peninsula, as well as services throughout the semester breaks? Minister,

FOI documents show that PenBus funding was not cut by the federal coalition government and it was always meant to be a pilot program. Despite your written assurances that you have asked Public Transport Victoria (PTV) to work with Mornington Peninsula Shire Council on this matter, PTV has ignored your instructions and has not engaged with the council. Therefore I repeat my question — that is, when will the PenBus return to its original timetable?

Frankston electorate

Mr EDBROOKE (Frankston) — (8148) My constituency question is for the Minister for Public Transport, and I humbly ask if the minister can come and help us open the work hub at the Young Street works in Frankston. As most people in the house would know, I am very enthusiastic to get work going in Frankston, as we already have done, but also to keep Young Street properly ticking along. We are in an era of great change in Frankston, and things are looking very, very bright. With the help of the minister, who assisted us in the sod turning of the roundabout on Young Street earlier this year, it has been fantastic. We would love to have the minister along to help us open the hub, which is going to be a presentation of everything that is going to happen in Frankston and on Young Street.

An honourable member interjected.

Mr EDBROOKE — The police also do love it — that is a fact — but we would love to have the minister present. I know the community backed this project to the hilt, and it would be great to see the minister there.

Mr Katos — On a point of order, Speaker, the constituency question from the member for Frankston was clearly asking for an action. He was asking the minister to come and open a facility. It is not a question of the minister, it is not a constituency question, and I ask you to rule it out of order.

The SPEAKER — Order! The Chair will take the point of order as put by the member for South Barwon on notice and will come back to the house and report.

**BIRTHS, DEATHS AND
MARRIAGES REGISTRATION
AMENDMENT BILL 2016**

Introduction and first reading

Mr PAKULA (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Births, Deaths and Marriages Registration Act 1996 to provide for a person to alter the record of a person's sex in the person's birth registration and to further provide for the issue of a document acknowledging a person's name and sex, to make consequential amendments to the Children, Youth and Families Act 2005, the Corrections Act 1986, the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Sex Offenders Registration Act 2004 and for other purposes.

Mr CLARK (Box Hill) — I ask the Attorney-General to provide a brief explanation additional to the long title.

Mr PAKULA (Attorney-General) — In a nutshell I would say to the member for Box Hill that the purpose of this bill is that a person should no longer be required to undergo invasive surgery or to divorce their partner to have a birth certificate which reflects who they truly are. That is what the bill is fundamentally designed to do.

Motion agreed to.

Read first time.

**ESTATE AGENTS AMENDMENT
(UNDERQUOTING) BILL 2016**

Introduction and first reading

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I move:

That I have leave to bring in a bill for an act to amend the Estate Agents Act 1980 to introduce measures to address underquoting in the sale of residential property and for other purposes.

Mr NORTHE (Morwell) — I ask the minister for a brief explanation of the bill.

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) — As I said in introducing the bill, it is basically about underquoting in the sale of residential property and also amending the principal act to introduce some penalties.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Acland Street, St Kilda

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw to the attention of the house that the existing Acland Village tram upgrade plan does not meet the community's needs or expectations to ensure that Acland Village continues to thrive.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Victorian government to either stop or defer the Acland Village tram upgrade until thorough consultation and planning with the entire community is completed.

By Mr BURGESS (Hastings) (4213 signatures).

Western distributor

To the Legislative Assembly of Victoria:

The petition of the residents of the electoral district of Williamstown draws to the attention of the house a reference design has recently been released for the western distributor project. This reference design has an on-ramp for trucks onto the West Gate Freeway that will bring trucks along Douglas Parade and Simcock Avenue in Spotswood, then through industrial land where it will become an elevated road, running past Emma McLean kindergarten and the Donald McLean Reserve. The residents of Spotswood and surrounding suburbs feel this option poses health risks from diesel exhaust fumes for our community and particularly the children that frequent these facilities. This option greatly impacts local traffic which uses Simcock Avenue on a daily basis to enter and exit the suburb of Spotswood.

'Option 2', as proposed by Transurban in the consultation phase of the project, does not pose these health risks and does not use local roads. It would have both ramps running north of the West Gate Freeway, where there is a buffer zone between residential houses and community facilities. We believe that any noise impacts from a flyover associated with option 2 can be largely mitigated and will have less impact than an elevated road running alongside Donald McLean Reserve and the kindergarten.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that 'option 2' also be included in the 'reference design' as an alternative option, which is subject to the full environmental effects statement process, so the impacts of both options are then properly assessed. We also call on the government to ensure that consultation is actually used to inform the project design and that project requirements as outlined by various groups are not ignored.

**By Mr NOONAN (Williamstown)
(877 signatures).**

Tabled.

Ordered that petition presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Appointment of Auditor-General

Mr PEARSON (Essendon) presented report.

Tabled.

Ordered to be published.

COUNTY COURT OF VICTORIA

Report 2014–15

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

Tabled.

DOCUMENTS

Tabled by Clerk:

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rule 97

Documents under s 16B in relation to the *Summary Offences Act 1966* — Notice of Declared Area.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 30 August 2016.

Mr CLARK (Box Hill) — The opposition opposes this motion. The house has business to attend to do. The house should be making provision for a joint sitting to fill that vacancy in the Legislative Council. It may have escaped the attention of honourable members opposite, but there is a clear constitutional obligation on this Parliament to fill a casual vacancy when a casual vacancy occurs. The constitution very clearly provides that if a casual vacancy occurs in the seat of a member of the Council, a person must be chosen to occupy the vacancy by a joint sitting of the Council and the Assembly.

This house should not be ceasing to sit for close to a fortnight when it has this unfinished business that needs to be attended to. The members opposite may hold democracy in contempt and may hold in contempt the commitments to this Parliament and to the community made by the then Leader of the Government in the Legislative Council, Mr Lenders, but it is clear that this Parliament is under an obligation to fill the casual vacancy that has occurred in Northern Victoria Region. This house should not be adjourning until that has been completed. It is not simply a matter of what the constitution requires; it is a matter of fundamental fairness and democracy and in particular an opportunity for residents of Northern Victoria Region to have the full representation in this Parliament to which they are entitled.

Members opposite should not be treating the law with contempt and should not be treating the democratic process with contempt. Unfortunately that is exactly what they are doing. The Premier gets up here and in sanctimonious terms calls on everybody to comply with the law and makes broad statements about the obligation of people to observe certain standards, yet he is failing his own standards and failing in his own responsibility to uphold the law and uphold the democratic process. How could he expect anybody else to respect the law and how could he expect to provide leadership to address the rising levels of lawlessness in our community when he is not prepared to set an example himself and ensure that he fulfils his legal obligations and that the obligations of his government and the Parliament are fulfilled to uphold the basic democratic tenet that vacancies in this Parliament should be filled in accordance with the provisions of the constitution?

It is absolutely unacceptable that those opposite should behave in the thuggish manner in which they have by, first of all, breaking their obligations to make documents available to the Parliament, then being in open defiance of that obligation and then, when called to account for their defiance, not honouring their obligations but compounding things by breaching further their obligations and demanding that they cease to be held to account or else they will continue to deny the residents of northern Victoria their representation.

As I have said, this house has business to be done. We should be scheduling a joint sitting to uphold that basic democratic tenet, and until that is done this house should be continuing to sit. For that reason the opposition opposes this motion.

Mr McGUIRE (Broadmeadows) — This week the Parliament has dealt with five bills already, and it has got another on the way. This is efficient and effective government. We are getting on with things. We have actually heard what the Treasurer said about the economy and about it being the best in the country. We have also been able to have time to honour the 50th anniversary of the Battle of Long Tan, an important bipartisan proposition. I acknowledge those on the other side of the house and that we actually came together. This is important healing, symbolically and in reality, for the people who have fought and given their lives, and for their families as well.

Now we come in, and we have the manager of opposition business wanting to talk about the documents and relitigate the argument that he lost yesterday, so let us actually just go to this for a minute. The position the opposition has taken against the Leader of the Government in the upper house is politically motivated, the punishment is excessive and the result is unprecedented and undemocratic. That is the point. The coalition is arguing for the release of cabinet-in-confidence documents concerning Melbourne's formula one grand prix, which it refused to release when it was in power, for good reason: such documents would provide competitors with vital commercial insights, jeopardising Victoria's deal. This is at a time of real and present danger.

The Minister for Tourism and Major Events is in the house. He knows, and we all know, that the stated aim of the New South Wales Premier, Mike Baird, is to try to win more major events for New South Wales. That is his policy. We know that New South Wales has craved Victoria's formula one grand prix for years. Therefore releasing the grand prix documents is not in the best interests of Victorian taxpayers. The opposition knows and understands this but is choosing to ignore this crucial point. The opposition's wilful blindness and intransigence in the upper house may cost Victorians more money just to hold on to the grand prix, or it could mean that Victoria could lose the event. This is the bottom line. This represents the triumph of politics over rational decision-making. It exposes the opposition's hypocrisy on this issue, and it shreds the opposition's credibility.

The High Court case *Egan v. Willis* defines the excessiveness of the penalty meted out by the Victorian Legislative Council — put simply, the six-month penalty is unprecedented. This is where convention was usurped. That is the point. The

opposition's display of indignation over democratic representation rings hollow. It is transparently obvious that the opposition's expulsion of the Leader of the Government in the Legislative Council was done for perceived political advantage to the exclusion of democratic representation. The opposition cared nought for the representation of constituents of Victoria's South Eastern Metropolitan Region.

The Liberal President of the Legislative Council warned his coalition colleagues they were overplaying their hand, echoing the High Court precedent exposing the excessive nature of the penalty. The game is up. Time is up. My call to the opposition is to lift the excessive penalty against the Leader of the Government in the upper house and allow him to move the motion welcoming the new Nationals MP to the Victorian Parliament. This is a fair, reasonable and timely remedy, restoring representative democracy not for some but for all.

Ms RYAN (Euroa) — I rise to speak against the motion moved by the Leader of the House. We should not be adjourning this house when this house has unfinished business. The government should continue to sit until a joint sitting is called to swear in the new upper house member for Northern Victoria Region. The government has an opportunity to rectify the petulant and childish dummy spit that we saw from them yesterday. They are denying the constitutional rights of one-fifth of Victorians — all of the people within Northern Victoria Region — and I am absolutely staggered that the member for Bendigo East, the member for Bendigo West, the member for Macedon and the member for Yan Yean all voted to deny their constituents representation in the upper house.

This has never been seen in the 160 years of this Parliament. The decision goes to the very character of the Premier, it goes to the character of the member for Bendigo East and it goes to the character of the Deputy Premier and the leadership of this government. When this government cannot get its own way, it bullies people until it does. We will not be bullied. We are happy to sit here, we are happy to sit tomorrow and we are happy to keep sitting until this government calls a joint sitting to do the right thing by the constituents of northern Victoria. When they cannot get their own way, they will bully 60 000 Country Fire Authority (CFA) volunteers, they will bully the CEO of the CFA, they will bully an entire board into quitting — —

Ms Allan — On a point of order, Acting Speaker, I appreciate the member for Euroa's enthusiasm for representing the self-interests of the National Party — I get that clearly — and she is putting that case really strongly because she missed the boat on the debate yesterday, but really can we have some relevance? This is a debate about the adjournment of the house, not matters that are in the fantasy land of those opposite, particularly in the mind of the member for Euroa. Can you bring her back to addressing the substance of what is a narrow procedural motion on when the house should or should not adjourn?

Mr Clark — On the point of order, Acting Speaker, the member for Broadmeadows was given wide latitude to make lengthy points about *Egan v. Willis* and other matters. The honourable member is completely in order.

The ACTING SPEAKER (Ms Kilkenny) — Order! I uphold the point of order. Members have an opportunity to raise points of order if they choose, and I ask the member for Euroa to come back to debating the narrow motion before the house.

Ms RYAN — As I said, this is the first time in 160 years that members of Parliament have acted to block an incoming member from coming in and representing their constituents. The Leader of the Government in the upper house had an opportunity to comply with the orders put forward by the Council. He did not, and he wore the consequences for that. The new member for Northern Victoria Region has not broken any rules and should be afforded his right to represent his constituents. As I said, this does go to the character of this government. The Premier is happy to tolerate death threats against his own female minister — —

Ms Allan — On a point of order, Acting Speaker, seriously we have already had this procedural issue with the member for Euroa. If she cannot be factual and she cannot be relevant to the debate, she needs to sit down and stop this carry-on. This is a narrow procedural motion about the sitting of the lower house. I think we have had enough of the false allegations and lies that are peddled by those opposite about the Premier and this government. If they want to say some of these things, they should go outside and say them. They completely lack courage, they completely lack conviction and they are only motivated by self-interest. They are only interested when the interests of the National Party are affected. They have not given two hoots about the voters of

south-eastern metropolitan Melbourne, who obviously they place further down the rung — —

The ACTING SPEAKER (Ms Kilkenny) — Order! I have already ruled on the point of order and asked the member to remain within the confines of the motion before the house.

Ms RYAN — I just conclude by saying it is extraordinary to hear the Leader of the House talking about self-interest when yesterday she voted to deny her own constituents their right under the Victorian constitution to be represented in the upper house. If there is any demonstration of self-interest and putting party politics before the rights of her constituents, then that would have to be it. This government needs to continue to sit. This house should continue to sit until a joint sitting is called to swear in the new member for Northern Victoria Region.

Mr PEARSON (Essendon) — I am delighted to join the debate. This matter was covered at length yesterday afternoon. We have got important business before the house in relation to dealing with this last outstanding bill in relation to the councillor conduct code. This bill must be passed. It needs to be passed to ensure the councils obey the law. Despite all the faux outrage from those opposite about the constitution, I think it is probably the first time in their lives they have actually reached for the constitution of Victoria before yesterday. It is just an outrageous display of arrogance from those opposite to derail the business of this house. We have got an important motion. We have got an important piece of legislation. There was agreement that we would start later today in order to pay our respects to our Vietnam veterans. That was the agreement that we reached with the opposition, and now the opposition is trying to welch on that deal for self-interest. It is an absolute disgrace. I commend the Leader of the House's motion.

Ms RYALL (Ringwood) — I rise to reject the motion of the government, and rightly so.

Honourable members interjecting.

Ms RYALL — I do appreciate the support from those opposite in their interjections on this, but this is nothing more than a dummy spit by those opposite. In terms of the rightful nominee taking his place in this Parliament, it is a constitutional matter, one that is being denied by those opposite despite one of their former leaders, Mr Lenders, in the other place having actually stated very clearly that they

therefore would be in contempt. Now they find themselves in contempt — the words of their own leader in the other place at a previous date. In terms of representation, obviously that is important. We live in a democratic state, not a dictatorial state run by the government. We live in a democratic state and the right of the incoming member for Northern Victoria Region to take his place in the Legislative Council is absolutely paramount.

I was actually in the gallery in the other place during the debate on this on Tuesday, and I recall the President saying there is absolutely no link at all between the rightful taking up of his position in the Parliament by the incoming member for Northern Victoria Region to replace Mr Damian Drum and the suspension of Mr Jennings from the Legislative Council. There is absolutely no link. That was made clear to those in the other chamber, and obviously the government members in this chamber have not even sought to look at that situation.

In terms of what we have heard from those opposite about Mr Jennings having been somehow robbed by a choice he made, it was not an overnight decision for his suspension. This was a process over many months, and under standing orders, to ensure that proper process took place. It was not an overnight decision, it was over many months, and Mr Jennings made a choice to not submit the documents and wear the consequences.

It is not a choice to bring in the incoming member for Northern Victoria Region, it is a right of his to take his rightful place in this Parliament and represent his constituency. I bring the attention of the house to a point of order from the Leader of the Opposition in the Legislative Council. Those opposite have suggested that there has been no attempt to discuss issues with Mr Jennings in the other house, but I quote from *Hansard*:

The facts of the matter are that after a very constructive meeting at which the Leader of the Government indicated a lot of concern from his own party about reaching some resolution on this matter, the subsequent meeting was cancelled at short notice by the Leader of the Government.

He cancelled, at short notice, the last meeting. If this is not political, why on earth would that meeting be cancelled if he was so intent on coming back into that chamber? I do note also that the President also said that this should not be a political football. Not only are the issues not linked but they should not be a political football.

The Leader of the Government in the Legislative Council made a choice that resulted in his suspension. He made a choice to use this in a political way and to cancel the meeting at very short notice. There does not seem to be any intent to resolve this on behalf of the government. It would rather use this as a political stunt to try to prevent a member of the Legislative Council from taking his rightful place. This is an absolute disgrace. The choice was Mr Jennings's in terms of turning up to meetings, being constructive and actually coming forth with the documents that were requested. This is in no way linked, and I expect, as do all Victorians, that under our democratic system the incoming member for Northern Victoria Region should be able to take his rightful place in the Parliament.

Mr HIBBINS (Prahran) (*By leave*) — I rise to speak briefly on this motion, and we will be joining with the opposition in opposing it. This is truly politics and Parliament at its worst. I think the situation of filling this vacancy was described in the media as a farce, and it is a farce in every sense of the word.

The Victorian Greens have deep concerns about the government's decision to use its majority in this place to prevent the filling of a vacancy in the upper house. The government is wrong to link the decision to fill the vacancy by holding a joint sitting with the documents motion and suspension of the Leader of the Government in the upper house. That is a matter for the upper house and how it deals with one of its own members. Each house enjoys its own privileges and its own rights equally, and this is essentially the lower house trying to impinge on the right of the upper house to fill its vacancy.

To fill this vacancy is a matter of adhering to section 27A of the Constitution Act 1975, and essentially it is a matter of whether to uphold the constitution or not to uphold the constitution. The Greens would be more than happy to come back next week to hold a joint sitting and fill that vacancy.

House divided on motion:

Ayes, 43

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	Noonan, Mr
Couzens, Ms	Pakula, Mr
D'Ambrosio, Ms	Pallas, Mr
Dimopoulos, Mr	Pearson, Mr

Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Foley, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Howard, Mr
Kairouz, Ms
Kilkenny, Ms

Richardson, Ms
Scott, Mr
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 35

Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Gidley, Mr
Guy, Mr
Hibbins, 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
Ryan, Ms
Sandell, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Staley, Ms
Thompson, Mr
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Paul Cassar

Mr NOONAN (Minister for Industry and Employment) — I rise to pay tribute to the late Paul Cassar, who passed away earlier this month after a long illness, aged 79. Paul was one of the fathers of the local Maltese community in Melbourne's west. He served for many years on the Westgate migrant resource centre committee and helped resettle waves of new migrants to our state following the Second World War. Paul believed in the principles of equality, dignity and respect for all. He was also a long-serving president of the Maltese Bocce, Social and Recreational Club in Altona North.

Earlier this week my local council moved a motion acknowledging the loss of the former Hobsons Bay Citizen of the Year Paul Cassar and offered its condolences to his family. I was proud to have known Paul. He was a long-time member and staunch supporter of the Labor Party. He was never afraid of hard work and will be missed by many. I too wish to extend my condolences to Paul's wife, Mary, and family and thank him for his outstanding contribution to our local community.

Hobsons Bay City Council

Mr NOONAN — On other matters, I know it has been a difficult week for some local councils across the state, including Hobsons Bay. I want to place on the record my strong support for the work of the Hobsons Bay City Council, including both its councillors and its staff. There should never be any doubting of their professionalism or commitment to serve our local community. I thank them for and acknowledge their hard work over many years.

Country Fire Authority Montrose brigade

Mr HODGETT (Croydon) — On Saturday, 6 August, I had the great pleasure of attending the Montrose fire brigade 2016 annual dinner dance. The Montrose fire brigade has a long history of serving our community and is something we are all extremely proud of. It never ceases to amaze me at these brigade and Country Fire Authority (CFA) service awards the time, commitment, dedication, allegiance and loyalty CFA members give to their local brigade and local community.

On this night we not only celebrated service awards for 5, 10 and 15 years service, but for 20, 30, 35 and 40 years service. In fact three members — Geoff Blackwell, Gary Ress and Craig Williamson — all received CFA service awards for 40 years service, incredible, steadfast, devoted, reliable, local service. I congratulate them, together with all the members who received CFA and brigade service awards that night. I also take the opportunity to congratulate the life members, Harrison Steed — the Jack Earney Firefighter of the Year — all award recipients on the night and to welcome the 14 new members joining the Montrose team.

Members of the CFA family are a terrific group of people, willing to work in our community and assist elsewhere when required. I take the opportunity to thank the Montrose fire brigade and all the partners and families who support our local CFA members to serve and protect our community. We can never thank you enough. To Captain Rob Waters, I congratulate you on a terrific year of providing ongoing leadership to the Montrose fire brigade. You serve in and lead a magnificent team of dedicated people that are well respected in our local area. I thank you, your lieutenants, firefighters and members for protecting the community for over 78 years.

Ron Cargill

Ms NEVILLE (Minister for Police) — On the day we commemorate the 50th anniversary of the Battle of Long Tan it is fitting that I acknowledge Mr Ron Cargill, a proud Vietnam veteran, who passed away on 27 June. Ron was born on 11 July 1949 in Scotland and came to Australia in 1956. At the age of 20 Ron was called up for national service and in 1971 served in Vietnam. Ron, and his much-loved wife, Iris, spent many years assisting other returned veterans. Ron served as state president of the Vietnam Veterans Federation for 21 years, and I had the privilege of having a close association with both Ron and Iris. In 2013 both he and Iris received the meritorious award from the Department of Veterans Affairs in recognition of their work, including the establishment of Bowder Veterans Housing. Ron was a tireless worker for Vietnam veterans. My condolences go to Iris and their four children and six grandchildren.

Ron Dedman

Ms NEVILLE — Today I also pay my respects to Mr Ron Dedman, who died on 18 July this year. Ron, through his career as a teacher and proud unionist, spent most of his adult life educating and helping others. He was born in Geelong on 16 November 1929. After leaving school he became a plumber and then commenced a lifelong career in education as a tech teacher. He dedicated much of his energy working towards a quality state education system, one that was available to all. This led to Ron's active involvement in the Victorian Teachers Union, the Technical Teachers Association and the Australian Labor Party. I thank Ron and his wife, Marg, for their commitment to the party. My condolences go to Marg, their four children and seven grandchildren. Ron will be sadly missed.

Ted Mason

Mr GIDLEY (Mount Waverley) — Today in the Parliament I recognise Waverley resident Ted Mason. Ted was a foundation member of the Friends of Scotchmans Creek (FSC), which was formed by local residents in March 1998 to save willow trees beside the creek at Regent Street. Ted was instrumental in getting the group together and in organising the behind-the-scenes work that is part of any group. Ted played a leading role in the Friends of Scotchmans Creek and Valley Reserve (FSCVR), which grew out of the FSC. With his guidance, and through the use of Ted's comprehensive report library, the FSCVR has obtained many grants, which

has enabled the planting of almost 150 000 plants in Monash alongside Scotchmans Creek.

Many members of the community, including positive ageing lifestyle program participants and school groups, will remember Ted's cheerful face as he assisted in activities run by the FSCVR, such as leading walks around Valley Reserve, explaining the benefits of a healthy environment, manning registration tables for tree planting days and building a photo library. Ted provided over 20 years of dedicated service to the Monash environment and the FSCVR, serving as president and in numerous committee positions, whilst also serving on the Monash Environmental Advisory Committee. I thank Ted and all those who supported him for his service. May he rest in peace.

Indian Senior Citizens Association of Victoria

Mr GIDLEY — It was my pleasure to attend the Indian Senior Citizens Association of Victoria (ISCA) multicultural day and India's Independence Day functions. I want to recognise and thank Dr Dinesh Sood — president of ISCA — the committee and all those who assisted in organising such a wonderful event. I greatly enjoyed the day and look forward to continuing to support ISCA's important community activities wherever possible as their state member of Parliament.

Spirit of Moonee Valley Community Awards

Mr CARROLL (Niddrie) — Congratulations to Airport West local Jonathon Tarascio, who was last Saturday awarded Moonee Valley Citizen of the Year for his work in supporting both patients and families undergoing treatment for blood cancers. I first met Jonathon in September 2015, when he sought my assistance in accessing the latest available treatment for lymphoma, and I am happy to advise that he has since then turned this into a great achievement. Since then Jonathon has gone on to bigger and better things, establishing the Green Button Foundation to further help those suffering from lymphoma and other blood cancers. On the night of his celebration Jonathon thanked his wife, Liza, for all of her support and also the dedicated young committee members driving the success of his foundation.

I must also congratulate my former primary school teacher Helen van den Berg, who was recognised for her 20-plus years contribution to the environment, particularly with the Friends of Steele Creek. Helen

van den Berg was instrumental in saving Niddrie Quarry from becoming a toxic waste site, and she continues to be a strong leader in keeping our community greener and more sustainable.

In the Contribution to Older Persons category Elizabeth Vescio was recognised for her leadership with the Avondale Heights grandparents playgroup, followed by Russell Mogg for his decades-long service with St Monica's Tennis Club and Moonee Ponds Bowls Club. Adrian Salvatore was awarded for his contribution to youth, most especially for his work as an ambassador for the Ascot Vale Special School.

Mary Cahill was recognised for her contribution to arts and culture through her fantastic work with the Essendon Historical Society. Farah Warsame took out the award for Contribution to Neighbourhood for his commitment to civic responsibility and leadership in the Somali community of Victoria. For her leadership at the Canterbury Street Stables playgroup in Flemington, Ruth Cook was also selected for her contribution to family.

Finally, thank you to all the awardees and nominees; you have done a great job. Every year I look forward to the Spirit of Moonee Valley Community Awards, which recognise the people that make our community what it is, and I congratulate them all.

Wantirna College

Mr WAKELING (Ferntree Gully) — Firstly can I congratulate the staff and students at Wantirna College for this year's production of *Alice in Wonderland*. Once again they outdid themselves. It was a wonderful event, and I congratulate all the staff and students. My wife and I had a fantastic time. Congratulations to Sue Bell and her team.

Marian Pawlik

Mr WAKELING — I would like to acknowledge Marian Pawlik, who recently received his OAM in the Queen's Birthday honours for his service to the Polish community, and I congratulate him for all the work that he has done.

Ferntree Gully electorate Rotary clubs

Mr WAKELING — I had the pleasure of attending the changeover dinner at the Rotary clubs of Knox and Ferntree Gully, and I congratulate both clubs for the outstanding work they do within their communities. At the club at Knox, the new president, Jason Wilcox, is going to make an

outstanding contribution, as is Christine Anderson, the recently appointed president of the Ferntree Gully club who has also only been a member for a couple of years. I look forward to working with both of those great people and their clubs because of the work they do in our local community.

Ferntree Gully and Rowville electorates Victoria Day Awards

Mr WAKELING — I had the pleasure of joining the member for Rowville to host the Ferntree Gully and Rowville electorates Victoria Day awards, where we recognised 33 community volunteers who had made such an outstanding contribution to the Knox community. This awards event has been held for eight years. It is a great opportunity for the recognition of many servants in our local community. I was also pleased to host yesterday with the member for Rowville the leaders awards for the many student leaders of ours at our local schools. They do a fantastic job, and I look forward to working with these schools in the future.

Game Changers conversation series

Ms THOMSON (Footscray) — On Wednesday, 10 August, I had the pleasure of participating in the Game Changers conversation series that is being run jointly with Victoria University and Maribyrnong City Council. The guest speaker for the night was Dr Alan Finkel, Australia's chief scientist, together with Professor Alan Kohler. It was an interesting discussion around incubators, connections and collaboration that talked about the future direction we have in a very positive way and the opportunities we have.

Alan Finkel spoke at great length about how well Victoria was going in this space, what a great number of innovators we have and what we are doing in the biomedical space and the research space. He had a lot of good things to say about Victoria and how it is travelling and our prospects for the longer term. And of course our government is very committed to making sure that we make the most of all our opportunities and all our talent.

Battle of Long Tan commemoration

Ms THOMSON — I would also like to take the time today to commemorate the 50th anniversary of the Battle of Long Tan. To all the Vietnamese veterans in my electorate and to the Australian Vietnam veterans, I want to say that you have not been forgotten. This was a battle that took a lot of

lives and a lot of courage, and we think of you on this day.

Carol Porter

Mr BATTIN (Gembrook) — Congratulations to Carol Porter on being honoured with a Medal of the Order of Australia for her ongoing commitment to Officer and the wider community. Carol's hard work and dedication to the many positions she has held, including with the Rythdale-Officer-Cardinia Football Club, St John of God hospital, Casey-Cardinia Make-A-Wish Foundation and many others, is truly invaluable. Without doubt her contribution has had a positive influence throughout the community, and I wish her all the best in her future endeavours.

Berwick College

Mr BATTIN — I will again request that the Premier commit funding to deliver the community health and wellbeing centre that is required at Berwick College, a project the coalition committed \$1 million to at the last state election and that is yet to be committed to by the Andrews government. While I welcome any funding towards mental health, particularly youth mental health, it is extremely disappointing that the government has again failed to identify the ongoing issue of youth mental health in the growth corridor of the south-east, leaving Casey and Cardinia out of its \$2 million announcement on youth mental health earlier this month.

Youth suicide in the Casey-Cardinia area is not new, and it deserves attention. The community needs assistance and has continually requested intervention from the government. This vital project is of the highest importance, and it will save local young people's lives and offer assistance with youth mental health. Youth mental health is something that Berwick College in particular has emphasised, and the current principal there, Ms Kerri Bolch, is very, very keen to make sure that a facility is put in place that will help not only people with youth mental health issues whilst at school but also those in the year after school who can come back and get that extra support they need. I think it is vital that we get support for this facility in the form of government funding. I am proud to say St John of God has come on board. It is going to help out this project. I am looking forward to the money coming from government, but if not, I will raise it myself.

Battle of Long Tan commemoration

Mr DONNELLAN (Minister for Roads and Road Safety) — I was very pleased today to be able to attend Vietnam Veterans Day and the 50th anniversary of the Battle of Long Tan. I was especially pleased with the apology provided by the Premier on behalf of all Victorians to those servicemen and women who were abused and disrespected when they came back to Australia. As the Premier intimated, the focus and the anger that people had at the time should have actually been focused on the politicians and those who made the decisions, not the people who served. It was a wonderful day.

But putting that aside, my concern at this appointment was especially raised in relation to the Vietnamese government's behaviour to vary the conditions for a respectful ceremony that thousands of Australians were going to undertake today at Long Tan. To say the Vietnamese government disrespected our Prime Minister would be understating it. It has insulted our country, a country that has given aid for so many years to Vietnam to assist in the development economy. It was incredibly upsetting to see that people had paid substantial sums of money to get a visa to go to Vietnam — 1000 people — and then to get there and in the final minutes have the Vietnamese government decide to insult them in that way and further to insult the relationship they have with Australia was just mind blowing, to put it mildly.

I would certainly urge the Vietnamese government not to undertake such ridiculous activities again and ask them to respect the rights of all those people who were there to also respect those from the Viet Cong and the North Vietnamese army who died. It was going to be a very respectful ceremony.

Battle of Long Tan commemoration

Ms SHEED (Shepparton) — Last Sunday I attended a remembrance service in Shepparton to honour our Vietnam veterans on the 50th anniversary of the Battle of Long Tan. It was a warm and sunny morning as the veterans marched from Shepparton RSL to memorial park, where Mr John Methven, who served in the Vietnam War with the 7th Battalion, Royal Australian Regiment, in 1967–68, spoke with emotion about commemorating those who lost their lives but also those who survived the war. He said that it is only after 50 years that veterans are being recognised and rewarded for the sacrifice they made in going to war.

He spoke of the fact that veterans were not well treated when they returned to Australia after the war and also of how Vietnam veterans had to start by helping themselves. Three Goulburn Valley veterans who had died during the Vietnam War were acknowledged at the service, and three crosses were placed on the cenotaph.

Today I attended the Vietnam Veterans Day commemorations held at the Shrine of Remembrance, again to mark the 50th anniversary of the Battle of Long Tan. It was a very worthy remembrance ceremony, and I hope that it will contribute to healing the pain of the past 50 years or so for many of the veterans who returned but did not have their sacrifice recognised. As I left the shrine to travel back to Parliament on the tram I spoke with a fellow traveller. I am not sure what led her to do so, but she shared with me the fact that she had been the girlfriend of a 21-year-old soldier from Tamworth who was conscripted and died in Vietnam. Fifty years later it was still so important to her to attend such a ceremony to commemorate the life of this young man that she knew, because the sadness remains.

Macedonian Republic Day

Ms HALFPENNY (Thomastown) — I had the great pleasure of attending and sharing festivities in celebration of Ilinden, the Macedonian national day, over the last week, and I did so in the Thomastown electorate. There were a number of events that I attended that were organised by the Bitola Macedonian Senior Citizens Group, the Macedonian Orthodox Community of Melbourne and Victoria and the Macedonian Orthodox community senior citizens group. Ilinden is celebrated by people of Macedonian background as the national holiday of Macedonia, and it commemorates the Ilinden uprising against the Ottoman Empire, which occurred in 1903. A government formed for just one day, which was one of the very first multicultural government at that time.

Also on this day the state of Macedonia within the republic of Yugoslavia was formed in 1944, and this event of course was crucial in establishing Macedonia as we know it today. This day marks a time of change and courage as a whole people rose up for justice and equality and independence. I believe that these qualities are the ones that the current people of Macedonian background who live in the Thomastown electorate are still shaped by and have continued to have, and they share these values and attributes. I commend Mr Stojan Janakievski,

president of the Bitola senior citizens club; Mr Mirco Angelovski, president of the Macedonian Orthodox community; and Mr George Nolis.

Gippsland rail services

Mr NORTHE (Morwell) — Well, the V/Line saga continues in Gippsland with further disruptions to services, the overcrowding of carriages and the proposal of terminating services at Pakenham again raising its head. Despite the rhetoric of this government, nothing appears to have changed. Gippsland commuters well remember the massive disruption to services earlier in the year, and just recently, on 9 August, approximately 200 Gippsland commuters were stuck on an early morning train for a number of hours, causing great frustration. On Sunday, 7 August, local commuters reported significant overcrowding on the 9.16 a.m. Traralgon to Melbourne service. Many of these commuters were elderly and with ailments, and they were forced to stand in crowded carriages for a significant period of time.

And then we have the Premier's regional citizen jury, without a Gippsland representative, recommending that some Gippsland V/Line services be terminated at Pakenham. No wonder Gippsland commuters have had a gutful of being neglected by this government, which has absolutely no vision in addressing ongoing service and capacity issues on the Gippsland line.

Emmanuel 'Manny' Manthos

Mr NORTHE — I also want to acknowledge the passing of a local legend in Emmanuel 'Manny' Manthos, who came to Australia from Greece in 1953 and worked in various jobs before finally settling in the Latrobe Valley in the mid-1960s. Manny had a number of business ventures, with Manny's Market being synonymous across many communities to this day. Manny was the absolute epitome of having a go, and his contribution to our community and business community cannot be underestimated. We offer our condolences to Manny's wife of 57 years, Caterina, along with his daughters, Sandra, Georgina, Rosa and Toula, and their families at this difficult time.

Peta Murphy

Ms KILKENNY (Carrum) — Obviously during the winter break our federal election was held, and over the campaign period leading up to the election I was very fortunate to spend some time with Labor's

candidate in Dunkley, Peta Murphy. Unfortunately Peta narrowly missed out on winning the seat, but she achieved a significant swing in Dunkley, and I want to acknowledge the extraordinary campaign she ran and the extraordinary woman she is.

Peta embodies the progressive values of the Australian Labor Party. She campaigned for local students and their right to have access to the best possible education and training. She fought on issues such as protecting penalty rates for workers and families who absolutely rely on them, and she fought for that most Australian of values: making sure that people and families who need to see a doctor can do so.

Peta is a progressive. She campaigned strongly for the electrification and duplication of the Baxter train line. She called for high-speed broadband for thousands of local homes. She advocated for a new mental health unit at Frankston Hospital, and she campaigned on that most fundamental and critical of needs: to grow jobs, because she knows, like we do on this side of politics, that giving people the opportunity to work is one of the best ways for achieving social justice.

The electorate of Dunkley is named after another extraordinary woman, Louisa Margaret Dunkley, an Australian telegraphist and labour organiser who successfully campaigned in the 1890s for the right for women to obtain equal pay for equal work in the commonwealth public service. Dunkley has never been represented by a woman. And while Dunkley missed out this time on an incredible and progressive Labor woman in Peta Murphy, I am very sure that we have not heard the last of Peta.

Seville small business

Mr BURGESS (Hastings) — After more than 70 years in small business Barry Entwistle was forced to close the doors of his Seville IGA. In May 2000 Barry and his wife, Jennifer Entwistle, purchased a supermarket of 1000 square metres in the small town of Seville, which has a population of 2400 people. Four years later Coles applied to Yarra Ranges Shire Council to build a supermarket, but that was rejected, with council citing the deleterious effect it would have on the small businesses in the Warburton Valley. At that time Mr Entwistle was informed by a local councillor and the mayor that as long as he provided what the community needed they saw no reason the town should have a major competitor.

In 2007 the Entwistle family borrowed \$5 million to increase the size of their store, a decision based on a feasibility study that suggested that there was a \$450 000 per week sales catchment within a 5-kilometre radius of the store from the 4000 people. In late 2010 an application was made to Yarra Ranges council by a developer to build a 3000-square-metre supermarket plus 18 specialty shops on a site opposite the Entwistles. While alarm bells had begun ringing, Mr Entwistle told people that he was able to compete with the Woolworths supermarket directly across the road and that he was confident he could continue.

However, that all changed in June 2014 when the council approved the inclusion of a beer, wine and spirits store at the site. Sales dropped significantly — by 18 per cent in 2014 and another 18 per cent in 2015. Employment numbers dropped to 50 over that period of time. Eventually in 2015 they were forced to close the store.

Montmorency Secondary College and St Helena Secondary College

Ms WARD (Eltham) — Last week both Montmorency Secondary College and St Helena Secondary College put on fantastic musical productions. Every year at these terrific local schools the bar is raised higher and higher, and this year was no exception. St Helena's outstanding production of *Xanadu* featured a glamorous and fun Meg Archibald as Kira, Tenzin Fox as Sonny, Tim Draper as Danny and Stephanie McMillan, Jessica Weepers, James Clark, Stephanie Binion, Tatum Sterling and Benoit Vari as the Muses. The singing and dancing were terrific, and I loved seeing how much these talented students were enjoying their own performance; they were having so much fun. Not only were the rollerskating skills worthy of note but the humour, confidence and fantastic singing voices were just wonderful. I had no idea that *Xanadu* could be funny, and the comedic timing of these students was perfect; they never missed a beat.

The warm, nurturing world of the 1950s was put on brilliant show at Montmorency Secondary College, with mainly year 7 and 8 students heading a very talented cast in *Happy Days*. It starred Jason Le as Howard Cunningham, Ben Mifsud as Richie Cunningham, Solveig Pictor as Marion Cunningham, Kate Smith as Joanie Cunningham, Patrick Reichenbach as Potsie, Steffan Marr as Ralph Malph, Patrick Mifsud as the Fonz and the terrific Rebecca Catania as Chachi. This was a very cool production. The confidence, talent and ability of

these students was exceptional, and I enjoyed their show immensely.

These schools showed off their fantastic kids and wonderful arts programs, and both musicals blew me away. Having lived with a teacher for the best part of 18 years, I well understand the huge amount of work teachers commit to school productions. I thank all the teachers, staff and volunteers who helped make these two wonderful productions a reality. Our kids could not reach the heights they achieve without your help and support.

Daryl Moss

Mr KATOS (South Barwon) — I congratulate Daryl Moss of the Jan Juc Surf Lifesaving Club on being awarded Victorian Volunteer of the Year at Life Saving Victoria's 2016 Awards of Excellence. This award recognises Daryl's dedication to and support of the wider community through his support of the Jan Juc Surf Lifesaving Club. Daryl is also a coach and trainer at the club. Jan Juc Surf Lifesaving Club is a wonderful club, providing important life-saving services as well as offering opportunities for men and women, boys and girls, and to develop their life skills in a welcoming and safe environment. Daryl is now Victoria's representative in Surf Life Saving Australia's Volunteer of the Year award, and I certainly wish him well.

Torquay Surf Life Saving Club

Mr KATOS — The Torquay Surf Life Saving Club was also recognised at Life Saving Victoria's 2016 Awards of Excellence, being named Team of the Year for the under-19 surf boat crew. The Torquay Pirates are coached and swept by Scott Tannahill, and the pirates include Manning Gratwick, Jacob Morgan, John Fannon and Davis Kontelj. The crew was named as state champions and are now training for the world championships to be held in the Netherlands in September. The crew had widespread success during last summer, and the award is another feather in their cap. I wish the team every success with its participation in the world titles next month.

Coalition Torquay visit

Mr KATOS — I was pleased last week to host the shadow cabinet and entire coalition team at Torquay in the South Barwon electorate, where on Monday, 8 August, I hosted a community luncheon with various community groups in attendance from right across the electorate. These groups got a great

opportunity to speak to the relevant shadow ministers about their issues and their concerns.

Michael Hill

Ms GARRETT (Brunswick) — I rise today to pay the warmest of tributes to an inspirational, energetic and visionary friend. Michael Hill, medallist of the Order of Australia and the first mayor of Moreland, was a fighter and an advocate for social justice, the environment and sustainable housing. There was an overflowing outpouring at Coburg town hall, where the service to celebrate his life was held on 2 August.

Mike was more than an inspiration, a role model and a friend to me; he was one to many far and wide. His devotion to progressive politics has left behind a legacy that we can all be proud of. To describe Mike as a champion of social and environmental justice would be true of him and all that he dedicated his life to. He started Australia's first kerbside recycling scheme at CERES in 1984, one all too familiar to us now as the benchmark for waste recycling across Brunswick, the state and the nation. His strong will, determination and approachability were witnessed by many and united us as a community. He fought hard against the decision of the Kennett government to dismiss councillors and forcefully amalgamate local councils. He ran for election in the newly formed City of Moreland, becoming its first mayor, the first mayor of what he dubbed the People's Republic of Moreland.

We mourn the passing of Mike. His passion and drive are a great loss for us all. His final text message he signed off to me, 'Love and best wishes. Well done and hang in there in Brunswick'.

Country Fire Authority enterprise bargaining agreement

Mr CRISP (Mildura) — The state government's latest attempt to ram through the Country Fire Authority (CFA) enterprise bargaining agreement has further angered CFA volunteers. The community I represent rely on each other, support each other and offer a hand when most in need. Our CFA members put their lives on the line to defend homes, farms and families when fire hits our community. Victoria needs these volunteers to keep our regions safe. The community of my electorate are continuing to support the fight to keep CFA volunteers protecting them.

Mildura electorate community events

Mr CRISP — It is spring in Mildura and it is festival time once again. With Zest Fest held last week in Mildura, the annual marmalade competition was hotly contested, with both professional judging and popular choices. This Saturday is Merbein vanilla slice day — something everyone in Mildura enjoys — and on Sunday it is off to Robinvale, where the almond orchards are in blossom and looking spectacular. I congratulate the Merbein and Robinvale communities for their effort to put these community celebrations on the map.

Battle of Long Tan commemoration

Mr CRISP — I attended the Battle of Long Tan service at the Shrine of Remembrance today. It was a touching service and a reminder of the sacrifices that have been made to protect our country. To those who served, thank you. For those who have attended the service today, including two schools from my electorate — Henderson College and Robinvale P-12 College — the lessons of freedom and the price of freedom have been reinforced in their lives.

Red Cliffs Little Red Duck Race

Mr CRISP — The Red Cliffs Little Red Duck Race was a celebration of the closing of a significant channel, which has now been replaced by a pipeline, increasing community safety and saving water. Well done to Lower Murray Water and the Red Cliffs & District Historical Society for staging the event — my duck was well back in the field — and congratulations to Robert Stevenson for his informative commentary.

Maciek Nek

Mr PEARSON (Essendon) — I would like to acknowledge the great role that Maciek Nek, a South Sudanese refugee, played in my office when he worked with me for work experience for a couple of weeks during the break. Maciek is a fine and outstanding individual. He teaches English to young African children down at the Flemington Community Centre, and it was an absolute joy to have him working with Team Essendon for that fortnight.

Hawa Del

Mr PEARSON — I would like to acknowledge the great work that Hawa Del plays in the Somali community. Hawa is almost like a force of nature in the way in which she works with women from the

Somali community, many of whom have large families and many of whom are homeless. It is often the case that if a Somali woman is homeless, she will find her way to Hawa's flat in North Melbourne, where she will live. Hawa is very active in my electorate, and she is an outstanding member of her community.

Chris Lane

Mr PEARSON — I would like to acknowledge the life of Chris Lane. I recently met with Chris's mother and her daughter. The family is obviously very keen to have the Chris Lane memorial Little League baseball field established at Strathmore Heights. That is something that I am very passionate about and will work with the family to try and achieve.

Keilor East RSL

Mr PEARSON — I would like to also acknowledge the great service that was put on by the Keilor East RSL on Sunday. I attended that service with the member for Niddrie. They did a great job; it was an outstanding service.

Doctors in Secondary Schools

Ms KNIGHT (Wendouree) — The Andrews Labor government is setting the benchmark — the highest benchmark possible in terms of education. We believe that when it comes to quality education we must also have full stomachs and young people must also have healthy bodies. That is why I am really, really proud that we have our school breakfast programs, and now we are going to have our Doctors in Secondary Schools program, which is so very important for optimal learning.

I would like to mention Doctors in Secondary Schools and talk about one of my great schools, Ballarat Secondary College, Mount Rowan campus, which has applied for that program. They are a terrific school. They do a great job. The students are wonderful. You cannot fault the staff. We have committed \$6 million to rebuild the school, and I would really like to encourage the Minister for Education to consider Mount Rowan when making a decision about the Doctors in Secondary Schools program.

LOCAL GOVERNMENT AMENDMENT BILL 2016

Second reading

Debate resumed from 17 August; motion of Mr WYNNE (Minister for Planning).

Mr MORRIS (Mornington) — What an absolute shambles! This should have been a relatively straightforward process, but what we have had is a comprehensive and absolute failure in what should have been a simple administrative process, and now we have to get a bill through and get it through reasonably quickly in order to sort out the problem and clean up after this government. What was of course intended was a straightforward introduction of a code of conduct. It is not that hard; it is a relatively straightforward administrative action. We only have 79 councils. It is not as if we have 7900 councils. Yet if this legislation is not passed, 13 councils, 107 councillors — 1 in 6 councils in the state — will be out of office. Now, that is not a minor unintended consequence; that is a major stuff-up — absolutely it is a major stuff-up.

Really, this is a demonstration of the incompetence of the government. It is a major blunder, but it is also a demonstration of why the government is unfit to run the state. This is a government that pretends it is competent. It pretends it is competent to build Melbourne Metro but cannot quite find the funding to actually get it started. It is a government that pretends it has the skills to undertake a major program of level crossing removals, yet the only level crossings it has managed to remove are the ones that were funded, planned and started by the coalition. This was a very simple administrative exercise and they blew it, and they blew it big-time.

When it became apparent earlier in the week, late on Monday afternoon, what was going to happen — presumably the government knew before that, but when it became public — did the government accept responsibility for the debacle? Did they admit that this was entirely their fault? No. They went out and they kicked a few heads. They kicked a few councils, they kicked a few councillors and they pretended that this had absolutely nothing to do with the government at all — ‘Absolutely nothing to see here. It’s all them. It’s all their fault’. Now it is up to the Parliament to clean up the mess. This process is a classic example of the incompetence of the Andrews government.

I must say there is also one very big difference, and that is because in this case we are actually legislating to avoid sacking people rather than simply knocking off the heads that might have offended our opinions. Perhaps John Peberdy and the Country Fire Authority board would have liked this sort of protection; perhaps Lucinda Nolan would have liked this sort of protection; perhaps Joe Buffone would have liked this sort of protection; or even every member of the catchment management authorities, all of whom were sacked; and I am sure the member for Brunswick would have appreciated this sort of legislative protection. But of course they did not get it. They got sacked for doing their job. Fortunately in this case we are actually legislating to save these people’s jobs because they have been doing them and they have been doing them almost overwhelmingly properly, despite the Minister for Planning’s media release.

But what we are seeing today of course too is also a triumph of politics over policy. It is okay to have the ideas — it is fine to have the ideas — but if you cannot implement them, you are not competent to govern, and that is what we are seeing in this case. We have a government that has failed the first test of competent government. The politics in this case, of course, are the politics of the backflip, as the *Geelong Advertiser* put it so clearly yesterday.

It might well be politics, but at this point I would think probably the 107 councillors and the 13 councils are pretty damn glad that Minister Wynne is the acting Minister for Local Government and the regular minister is, for entirely legitimate reasons, unavailable, because she does not really have a great track record when it comes to compromise and when it comes to admitting she is wrong and actually trying to do something to right that wrong. Fortunately in this case Minister Wynne is in charge, and he has been prepared to admit that the government stuffed up, albeit at the same time trying to blame everyone else except the government. In that regard I will come back to the absolutely disgraceful media release he put out on Tuesday morning.

I want to start with the media release from the Local Government Investigations and Compliance Inspectorate, which I gather from the media reports actually came out on Monday afternoon. Unfortunately there is no date on the release, although if you look at the website, it actually says, ‘Last updated on Wednesday, 30 November -0001’. I assume it came out on Monday afternoon. We did not actually get to see the report for another two

days, though. So what we had was a fairly uncompromising media release. I quote:

The inspectorate found that 13 councils have not complied with the requirements and those councillors and councils, under the current legislation, will be disqualified as of 1 September 2016. Those councils will require administrators to be appointed for a seven-week period until the 2016 general council elections are decided.

In addition, nine individual councillors from across Victoria have not met the requirements and will be disqualified as of 1 September 2016.

The attribution of quotes was to the chief municipal inspector, David Wolf.

The release then went on to name the councils concerned and name the councillors concerned. I could read their names into the record, but the information is freely available, so I will not take the house's time to do that. But effectively, in putting this out this release, putting out these claims, the inspectorate has said that these councils are incompetent, these councillors are incompetent, these councillors do not take the law of the land seriously.

The bill we have before the house will remove the offence. Unfortunately it cannot remove the slur that has effectively been made on the good names of these councillors. Yes, there are probably one, two or three individuals who perhaps were actually not acting in the spirit of the act, but if you look at the rest, most of them have tried and tried hard, and they have failed. But they have been named as being either incompetent or otherwise not inclined to comply with the law of the land, and I think that is unfortunate. That was Monday afternoon, then we had a brief period of silence, and then of course on Tuesday morning we had a rash of articles: 'Sackings crisis at councils', "'Clerical errors" see 13 councils facing sack', 'Chaos as councils face sack' and so on.

I must admit I did wonder what the government had been doing about this, because we know they had seen the report earlier, as they needed to, but they did not do anything. They did not come out and defend the councils or the councillors. They did not indicate in any way that they did not support entirely the local government inspectorate. Mr Wolf was put out there, putting out the media release, and then the following day the government came out and cut the ground out completely from under him. Remember, this is not the local government inspectorate of old; this is the new model, under Minister Jennings, moved to the Department of Premier and Cabinet.

As far as I am aware, this is the first major report they have produced. The very next day the government goes out and says, 'No, we're not having any of that'. I must admit if I was the chief local government inspector — if I was Mr Wolf — I would probably be feeling a little less than excited about the support I got from the government on this issue, but in terms of the councillors and the councils fortunately political sanity prevailed.

I want to contrast the attitude of the Municipal Association of Victoria (MAV) with the attitude of Minister Wynne. There was what I thought was a very reasonable and actually quite constructive media release from the MAV first thing on 16 August headed 'Bring back common sense in council code enforcement' and it was eminently sensible. It talks about the processes, it talks about the wording and it makes it clear that the councils that are now in the gun were very much seeking to do the right thing; they were very much seeking to comply with both the spirit and the word of the law. As I said, there may have been one or two individuals — not councils, in my view — who had a legitimate beef or illegitimate beef with the concept of the code of conduct, but largely we are talking about administrative oversights or a different interpretation of the rules. The inspectorate appears to have had some specific interpretations that no-one could have reasonably been expected to guess, and that is basically what they would have had to do.

The MAV likens — very aptly, I think — the use of a minor technicality to provide justification for a sacking as using a sledgehammer to crack a walnut. We all know what happens when you try to crack a walnut with a sledgehammer: you have got nothing to eat at all. You have got a mixture of the fruit of the nut and the shell, and it is all mixed up and effectively destroyed. That is exactly what would have happened in this case had the bill not proceeded.

That MAV release apparently prompted the acting Minister for Local Government to spring into action and issue one of the most disgraceful media releases I have ever seen — and, I must say, to be fair to Minister Wynne, it was extremely uncharacteristic. I can only assume it was written in the actual Minister for Local Government's office and not in his office, because it is not the approach he would normally take. Nevertheless, it is out there, it is in his name and the quotes are attributed to him, the first quote being:

Our ultimate consideration here is ensuring residents don't have to pay for the administrative mistakes made by their local councils.

If he had said 'made by an incompetent government', it might have been a reasonable quote. The responsibility is entirely with the government; it has got nothing to do with these councils. He then goes on to allege:

The councils have admitted themselves to gross incompetence —

I cannot say I have seen that anywhere —

in not meeting this simple requirement —

a simple requirement that one in every six councils in the state did not actually manage to achieve, so it cannot have been that simple —

and they have asked the government for a solution to ensure ratepayers don't suffer as a result of these mistakes.

That is absolute hogwash. What they have actually asked the government to do is fix this flawed legislation. They have not asked it to bail them out; they have asked the government to fix its stuff-up and make it work. Finally, he says:

Communities should be able to rely on their elected councillors to behave with the utmost integrity and professionalism at all times, so it's important they abide by codes of conduct ...

So he effectively concludes by questioning the integrity of councillors and councils across the state when, again, this is entirely a matter for the government of which he is a member — a government at whose cabinet table he sits.

It is not just me saying that, because of course this prompted the MAV to respond again. This time, and quite rightly, they were not as reasonable. They were not as constructive. They actually responded very solidly, and they make a number of points. They make it clear that to suggest that '107 councillors did not agree to abide by their own code of conduct is factually wrong', and it is certainly not an error you expect from a minister of the Crown. They make the point that every council in the state has adopted a councillor code of conduct that meets the legislative requirements — every one of those 79 councils in the state has adopted a code of conduct that meets the legislative requirements — and the point that I have already made, that only a small number of councillors have not complied and could be subject to the disqualification.

They also make the point, again accurately, that guidance material failed to articulate a clear and unambiguous process and time line. The opposition has been provided with that advice, and I believe this reading of it is correct.

They also talked about mixed messages in the government's 2015 guide and then in the March 2016 circular — two specific things. The guide refers to incoming councillors — not sitting councillors, but incoming councillors — and it says:

The provisions are coming into force at a later date to ensure that they do not unduly impact current councillors and their councils.

The guide also states that 'this declaration must be signed and witnessed by the CEO', which is not the same requirement as identified in the act, which requires the declaration be witnessed, so some consistency would be helpful.

There is also the matter of the interpretation of the language. None of the material that the state government provided included a set of words that required all councils to use the word 'abide' in the declaration, and there was no advice to councils that any use of similar wording would be considered to be non-compliant — no advice whatsoever. Even though there was no advice that you actually had to use it, a consequence of not using that word is disqualification, so there are a number of issues there.

Finally they make the point, and I think it is right, that where you have allegations of non-compliance, under this process there is no opportunity for the councils to respond — there is no natural justice. If a department is criticised by the Auditor-General, they have the opportunity to write a rebuttal and put it in the report, and their view of the world is clear for everyone to see. In this case we have the inspectorate's report and a series of assertions within that report, without the opportunity for councillors or councils particularly to argue the case.

The final point I want to make on this media release is, as Mr Spence said:

We had hoped to be issuing a statement congratulating the government for quickly resolving this matter. Unfortunately the state has chosen to attack councils, release factually misleading information and failed to acknowledge there were multiple failures on both sides which contributed to this issue.

So not only could they not get the fix right; the government could not even get the politics right. The MAV is sitting there waiting to congratulate them,

so what does the minister do? Gives them a whack. It is politics 101. You would think someone somewhere would understand how the whole thing works.

If you look at the report — and I do not propose to quote extensively from it, because it is a total length of only seven pages — it is clear that many of the things identified in here are minor in the extreme. Poor old Buloke shire did it all too soon. They adopted their policy on 17 February before the legislation commenced. They were just a bit eager. A number of councils missed by a few days, and if the legislation had been properly drafted and the implementation had been properly planned, there would have been a proper process and there would have been the opportunity for councils to actually do what they were seeking to do. There was another council here, Central Goldfields, who was pinged because it did not have a special meeting.

Mr Wynne — That's a requirement of the act.

Mr MORRIS — When you design legislation — which is how things get into the act, Minister — then you should design it so it is practical and implementable. The problem with this whole process is it is impractical, it is very poorly implemented and it has led directly to the failure of the process. It has absolutely led to the failure of the process.

Mr Wynne — So it's the government's fault?

Mr MORRIS — Absolutely it's the government's fault. The bill before the house simply puts in place — or rather, puts off — this process until after the municipal elections. It solves one very isolated but significant point — that is, the sacking of councils and councillors — but it does not address the other shortcomings of the legislation, some of which we have just been discussing over the table. But we have no commitment in this process for the government to provide clear, fit-for-purpose guidance, because clearly the guidance that has been provided is inadequate. You do not have one in six councils not complying if the guidance is adequate, and it is simply not at this stage. Surely that is the first thing to fix, but there has been no mention of that.

The second thing is this issue of using a sledgehammer to crack a walnut. The government has treated in this legislation minor administrative oversights in exactly the same way as wilful disregard for the act. Minor infringements, like

having an ordinary meeting instead of a special meeting, are treated in exactly the same way and punished in exactly the same way as people thumbing their nose at the law and saying, 'No, we're not going to comply'. It actually sounds a bit like the government's disregard for the constitution, does it not? Unfortunately I do not see anyone trying to introduce legislation to sack people there. There has been no admission that this is a problem and no suggestion about how it might be fixed.

The third point that is yet to be addressed is the matter of interpretation. There is clearly a style of interpretation that has been adopted by the inspectorate. Unfortunately they did not apparently tell anyone what their interpretation of the legislation was, but anyone who did not agree with their interpretation of the legislation was to be sacked. That probably comes back in part to the guidance, but it also comes back to understanding exactly what was intended. Clearly there has been, in many instances — and the word 'abide' is simply one of them — specific interpretation of legislation by the inspectorate, and councils have either received legal advice or the governance officers have interpreted it in a particular way that has not matched up with the inspectorate. Again, the bill fixes nothing of that, unfortunately.

The next point is that we still do not know what the impact of disqualification will be. There are two diametrically opposed views, and they are, I understand, informed views: whether disqualification is simply for the term or whether it is for life. As a non-lawyer I would have thought perhaps the charter would rule out the opportunity to disqualify someone for life, because that would be extreme, but the doubt remains. I understand the doubt still remains, and unless it is actually proven one way or another in court, that doubt will persist. It would be very, very simple to resolve that doubt by simply adding a line in — it could have been in this bill — to remove it, but it has not been done. I think that is unfortunate.

The final point is that we still do not know — again, it is simply a matter of putting that certainty in — the impact of a council sacking. Will it call into question decisions made by that council? Will it put at risk development projects? Will it put at risk the sometimes millions of dollars that are involved in these things? Will it put at risk the jobs that flow from that? We just do not know. Unfortunately the bill does not do anything to deal with that uncertainty either.

The coalition is certainly prepared to support the repeal of section 76C(1). That is the paragraph that will, on 1 September, sack these 13 councils and 107 councillors. We certainly are prepared to support that repeal, so we do not oppose the bill. We do, however, flag that this fixes only a very small part of the problem. It puts off the issue until the next round after the council elections. Hopefully this experience will improve the situation, but given the deficiencies in the legislation and given the deficiencies in the process — matters which are entirely within the government's province to fix; the issues are entirely of the government's making — we have no particular confidence that we will not be back here next year trying to fix it, or we will be looking at 13, 15 or 20 councils that have been sacked.

I also must say that I think it is deeply regrettable that the government, and in particular the acting minister, decided that the only way to deflect attention from the government's responsibility for this debacle was to seek to blacken the reputation of councils and councillors with the quotes that I referred to earlier. As I said, it is uncharacteristic, but it was done, and I think that is deeply regrettable.

We do not have those outstanding issues resolved, and that is certainly up to the government to fix. We have a small fix in this bill, which will resolve the immediate problem, but we certainly look forward to the Minister for Local Government, when she returns, or the government in general, looking at the legislation, seeking to clarify it, removing those anomalies and removing those opportunities for variations in interpretation that have led to a situation where 107 people who have put themselves forward to serve the public, and have done it well, have attempted almost entirely to comply with the spirit of this legislation but have been let down.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on the Local Government Amendment Bill 2016. Following on from the member for Mornington's contribution, it really reminds me that two people can look at the same situation and come to vastly different conclusions. The member for Mornington's conclusions were not just vastly different; they were on a different planet. Let me give you my perspective and some of the background.

The Local Government Amendment (Improved Governance) Act 2015 required councils to review their councillor codes of conduct earlier this year and make any amendments necessary to ensure that

they contained key components of the new councillor conduct framework, including an internal resolution procedure for alleged contraventions of the councillor code of conduct. These internal resolution procedures are intended to strengthen councils, empowering them to resolve conduct issues internally, and are an integral part of ensuring that standards in the sector are lifted. Anyone who has got local government experience would understand how important that is.

This is the important part: all councillors were required to make a declaration that they will abide by their council's councillor code of conduct within a month of their code being amended and adopted by council. That declaration had to be witnessed in writing by their CEOs. That is pretty simple. The council had four months from the time of the legislation to amend the code of conduct and to adopt the code of conduct.

Mr Wynne — To have their special meeting and then within a month.

Mr DIMOPOULOS — They had to have a special meeting, as the acting minister has reminded me. So effectively individual councillors had five months notice. This is not such a part-time job that you do not notice five months going by. It is a part-time gig, I get that, but you are engaged with the council weekly.

We are now facing a situation where we have to clean up a mess created by those councils and councillors, but it is not all bad news. The chief municipal inspector of the local government inspectorate division did pretty thorough work and concluded, as I think the member for Mornington glossed over, that 83 per cent of councils complied.

Mr Wynne — Fifty-four of them.

Mr DIMOPOULOS — Absolutely, and 107 councillors did not, including in the councils that did not comply. However, let us remind ourselves that there are over 700 councillors in Victoria, so while 107 is a sizeable number, it is still the minority.

The reality with this bill is that this legislation was introduced last year and took effect in terms of the councillor code of conduct this year, and the government did everything it possibly could through the department to inform councillors. It reminds me of a toddler being spoonfed by his or her parents. At some point you have to say, 'Enough is enough'.

This is an example of what the department did: all council CEOs were notified in an official circular from the department. Alongside this notification councillors received a comprehensive guide on the changes, which were also posted online. Two hard copies of this guide were sent to each council. On 1 March every council CEO in Victoria was again notified of the changes, including the disqualification provisions, and the date they would take effect. That was notification 4. Notification 5 was a media release issued on 26 August 2015, and notification 6 was a media release issued on 1 March 2016.

The only stone that was perhaps left unturned was the chief municipal inspector going to every one of the 79 councils and meeting every single councillor and spoonfeeding them. I think there has got to be some realistic appreciation of the responsibilities and obligations of individual councillors in relation to this.

In reference to the member for Mornington's contribution in this place, he himself said that the process was pretty straightforward, and I agree with him: it is pretty straightforward. In that case, if it is pretty straightforward, where is the comeback on the government for this? This is not a failure of government; this is a failure of those councils and those councillors. In his contribution the member for Mornington failed to actually demonstrate how it is in fact a failure of government.

His argument rested on a technicality. Well, this is a technicality. I was sworn in, from memory, in this place on 23 December. I could have chosen to arrive here on 22 December, expected the place to be established and set up with the right personnel around me and asked to be sworn in, or I could have gone further. I could have grabbed the oath and I could have made it to myself. That is what we are talking about when we talk about a 'technicality'. Technicality is not trivial; technicality is what makes effective government and administration work. It is what makes us eligible to hold office in all sorts of different forums. That is not a technicality.

The intellectual heavyweight, the Leader of the Greens in the Legislative Council, Mr Barber, was quoted in the newspaper saying that there is no way to fix this breach and undo it other than going back in a time machine. Yes, that is right. If I go into a 7-Eleven and steal a Mars bar, I cannot unsteal it. I mean, that is what the law is: if you commit an offence, you pay the penalty. There is only so much

a government can do. Five months notice is sufficient.

The other thing I want to pick up on is the false claim by the member for Mornington that the Municipal Association of Victoria said every council had adopted the code of conduct. Yes, probably at the time of the press release they had, but as the member for Mornington demonstrated, some adopted it earlier and some later. You cannot just pick and choose elements of a legislative and regulatory framework that you agree with. The whole place would fall apart. It is just ridiculous.

I do want to distinguish a couple of levels of incompetence here. There is incompetence in relation to administration and there is also incompetence in relation to individual councillors. It takes a special level of incompetence for an individual councillor in an entire council where the rest of the councillors did it properly to not do it properly. In conclusion I want to just mention a particular councillor, Cr Theo Zographos from one of the two councils in my community, the City of Monash. He was the only councillor in the City of Monash who failed to do the right thing after all the repeated warnings. They had to call a special council meeting just to bring him to account. At that special council meeting was the cream of the crop of the Liberal Party — that is, the member for Burwood and Mrs Peulich from the other place. That is the standing of Cr Zographos — birds of a feather, as they say.

I want to conclude on the point that this is not a failure of government; this is absolutely a failure of those councillors, some more wilful than others. Nonetheless, we have stepped in to clean this up and ensure good governance for those communities. I support this bill, and I commend the Minister for Local Government and the acting Minister for Local Government, the Minister for Planning, for their stewardship of the bill.

Mr T. BULL (Gippsland East) — It is a pleasure to rise and make a contribution on the Local Government Amendment Bill 2016. This is a mess of the greatest proportions. As was pointed out by the member for Mornington, this should have been a very simple process that could have been very easily handled with good communication with councils and this could have been achieved with a great degree of smoothness. What was even more concerning, I guess, afterwards was the statement that came out from my good friend the acting Minister for Local Government, the Minister for

Planning, completely laying the blame at the feet of the councils, which was not the case at all.

I note that the Municipal Association of Victoria (MAV) gave a very detailed response to the acting minister's media release. We have just heard from the member for Oakleigh, who has a historic record of the amount of reminders, information sheets and bits of data that went out to councils. What he did not talk about, though, was the clear ambiguity in some of the information that was sent to councils. The guidance failed to articulate an unambiguous position. Mixed messages were provided, and therefore we had great confusion amongst councils across the state, with one in six not abiding by the rules and regulations that were expected of them by the minister of the day simply due to confusion. I will give you an example. The 2015 guide that we now refer incoming councillors to and the circular that went to councils specifically stated:

The provisions are coming into force at a later date to ensure that they do not impact current councillors and their councils.

If you were reading that and you were a current councillor, you would be thinking, 'Well, this doesn't apply to me'. At the very best you would have to agree that it is very, very ambiguous. It is a very confusing message at best.

The 2015 guide that went out to councils also stated, and I quote:

... again this declaration must be signed and witnessed by the CEO.

'Signed and witnessed by the CEO' is at odds with the legislative requirement which only specifies that the declaration must be witnessed by the chief executive officer. Does the CEO have to sign it or does he just have to witness it? Because that is not what was in the original information that went to councils. It is different to what is in the act.

Then we have the issue over the word 'abide'. The Local Government Investigations and Compliance Inspectorate said it is required in the code of conduct. However, none of the material that was provided by the state to councils included any wording that suggested that this was a requirement, nor did the state advise councils that any use of similar wording with the same meaning would be assessed as being non-compliant and therefore result in their disqualification. Yet we have got the acting minister in a media release saying this was all the councils fault. Now anybody who is looking at this with, I guess, a clear head, would openly admit that

this is very ambiguous and confusing language that has been used.

I note the comments from the CEO of the MAV, Rob Spence. He said it was important that the state government learn a lesson from this very much bungled process. He said it is critical and incumbent upon government to provide clear and unambiguous guidance in relation to new laws that they introduce. Laws that fail to provide a right of review do not offer appropriate checks and balances. We are talking about information that is going out to councils on a regular basis, but where the information that is going out to councils is giving a directive that is not in the act, that is extremely confusing, and we wonder why we have had all these councillors and all these councils caught out on this.

Before I conclude I just want to touch on the fact that of these codes of conduct that the councillors will be signing some of the codes are 10 pages and some are 50 pages, and I just want to put on the record that my belief is that these codes of conduct should make councillors aware of their standards and obligations. I do not believe that the codes that the councils are putting in place need to be overly cumbersome or overbearing, and a lot of the councils have abided by that, but it is, I guess, arguable and it has been raised that some councils have gone perhaps a little bit too far with some of the detail. But that does not take away from the fact that this was a completely bungled process caused by very ambiguous commentary in the lead-up to this requirement having to be delivered.

We have an opportunity here for all of these bugs to be ironed out in an amendment bill. My great concern is that not all of the bugs have been ironed out and we may have the very embarrassing situation of needing another amendment bill to clarify these areas of concern that still exist.

Mr EDBROOKE (Frankston) — It is a pleasure to rise and speak in support of the Local Government Amendment Bill 2016, but the truth is that the bill has been brought before the house because of council incompetence and that is never a pleasure to talk about. Nevertheless, I thank the Minister for Planning for meeting with me and ensuring that Frankston City Council has been given a reprieve and that ratepayers will not be bearing the burden and footing the bill for the council's mistake. The new legislation introduced to Parliament will allow councillors to review and amend their codes of conduct up until 22 February. While the minister

acknowledged that most councils admitted their mistakes, he stated that there was no excuse and blamed administrative blunders and incompetence in council administration and said they had failed in their duties. I wholeheartedly agree.

I would like to provide a bit of local background to the house. Our Frankston newspapers and airwaves are littered with reasons Frankston council should have been the very first council in Victoria to sign a code of conduct. This is not about targeting council, this is about calling out bad behaviour and not hiding it. It is about highlighting the well-documented reasons Frankston councillors desperately needed a code of conduct. Ironically, at the same time as Frankston councillors failed to sign the new code of conduct correctly the council was actually embroiled in a well-documented investigation into a councillor's conduct which cost Frankston ratepayers \$15 000.

This is about the fact that Frankston is striving successfully to be known as a beautiful, positive place full of potential, which is growing through massive state government investment, and not known for its previous state member or its council behaviour. In the last few months we have barely gone a week without Frankston council's conduct hitting the headlines of local papers, and it really hits home when you have a look at them. I have some in front of me here.

From 24 April, *Frankston Times*, 'Silence surrounds conduct hearing'; 9 May, *Frankston Times*, 'Second councillor in spotlight'; 16 May, *Frankston Standard Leader*, 'Council meetings abruptly closed as meeting descends into chaos'; 16 May, *Frankston Times*, 'Councillor defends \$50 000 expense bill'; 6 June, *Frankston Standard Leader*, 'Frankston Cr Suzette Taylor booted out of meeting by mayor following contentious remarks'; 19 June, *Frankston Times*, 'Councillor breached code'; 4 July, *Frankston Standard Leader*, 'Councillor stoush'; 10 July, *Frankston Times*, 'Conduct report "leak" probe'; 17 July, *Frankston Times*, 'Conduct panel hearing "worth it"'; and 8 August, *Frankston Times*, 'Letter questioned, press slammed'. I will stop at just 10 headlines for Frankston, and that is in the space of four months from April to August this year. I think you get the picture.

The new requirement to sign a code of conduct in front of the CEO within one month, which 66 of the 79 other councils were able to fulfil, was simple and very clear. Councils were advised on multiple occasions about this requirement. The vast majority

of Victorian councillors were able to understand it. Councils were first notified of the new requirement at the end of 2015 — ample time I would have thought. Councils received links to comprehensive guides to the changes available online, and they also had a further two hard copies mailed out to them. Councils were again notified in March this year.

What my constituents are asking is, 'How can we trust these people to make extremely important decisions in our interests if they cannot even sign a form properly within a month?', 'If I don't pay my rates, I get fined. If I am 2 minutes late getting back to my car in a council carpark, I get fined. Is it laziness, is it just pure incompetence or are they scared of being held to account for their conduct?', and, 'If having the ability to sign a form within a month was a random test of council competence, 13 councils failed it dismally, but why does Frankston council always have to be in the news?'. These are fair questions, I think, and they could be rebutted by council, but unfortunately they are not.

Now I enjoy a pretty good working relationship with Frankston council as they partner with me on \$250 million worth of state government investments about absolutely once-in-a-generation kind of change for Frankston, but I need to be pretty clear about my thoughts on this matter. We have heard the cop-outs, but really there are no excuses. It is not mental gymnastics to sign a piece of paper in front of a CEO after being asked to do it plenty of times, but there are a lot of questions from our community that deserve answers because we are coming up to council elections of course and councillors need to prove to us that they are competent enough to do the job. Our community wants to know that people who have the great honour of serving the Frankston community are people who would actually want to sign a code of conduct, especially after what they have seen in our local newspapers for the past two years. I have had a tonne of emails about this issue. Many residents seem to think that it is indicative of the way our council approaches things. I have a stack of emails, unfortunately, calling for councillors to be sacked as well.

I would not be so dramatic as to insist on removing councillors, but with council elections only six weeks away I would humbly remind councillors of the huge banner slogan that they paraded on the steps of Parliament House during the campaign for the 2014 Victorian state election, which said, 'Frankston deserves more from this election'. Frankly, I could not have said it better myself. I commend the bill to the house.

Mr HIBBINS (Pahran) — Just briefly on this bill, it has obviously been brought forward to avoid the absolute fiasco of having 13 councils dismissed or councillors being excluded from being able to hold that position. Following the commencement of the Local Government Amendment (Improved Governance) Act 2015 individual councils were required to update and review their codes of conduct within four months of its commencement in March 2016 with councillors having to sign that code of conduct within one month of any amendment.

A number of councils have not met the letter of the law in terms of fulfilling that requirement. When you read the Local Government Investigations and Compliance Inspectorate's report, some councils have not met it in totality. A number of councils attempted to do so. There are some pretty technical instances where some have not met their requirement. We have one council that adopted its code at an ordinary council meeting rather than at a special council meeting, we had a number of councils not including the word 'abide' when their councillors signed the code of conduct, and we had another individual councillor signing the code of conduct in front of a council staff member rather than the CEO. So it is fair to say that a number of these councils that are on the chopping block attempted to meet the letter of the law in the spirit of this legislation.

I think there has been a bit of a blame game over who to blame for this instance. No doubt the councils that have not met the requirements of course need to share in their part of the blame, given that most other councils fully met their requirements under the law. I think Parliament could wear its fair share of the blame for passing a law that clearly did not work. As pointed out by the leader of the Victorian Greens in statements to the media, the law was drafted in a way that there was no way of really coming back. If the letter of the law was not met, there was no way to rectify it without going to the extreme.

The government implemented a new law. We had a vast number of councils and councillors who attempted to meet the letter of the law, but did not. You would have to say that the government has to wear its fair share of the blame for its failure to properly implement this new legislation.

I note the media release that came out. We probably could have saved some words and said, 'Not our fault; don't blame us'. That probably would have sufficed rather than suggesting gross incompetence

on behalf of those councillors who attempted to but did not meet the letter of the law. The Greens will be supporting this legislation.

Mr WATT (Burwood) — I know the government says that it is not its fault, but I note that the member for Oakleigh pointed out that 17 per cent of councillors did not comply with the act. Seventeen per cent is not insignificant. Consider the fact, as the member for Prahran stated — and I generally do not agree with the member for Prahran — that this act did not allow for people to rectify an honest mistake. What happens if a person is overseas for the month? What happens if a person is in a coma for a month? What happens if a person is unable to sign in front of the CEO? There is a serious concern.

The member for Oakleigh pointed out that Cr Zographos did not fulfil the requirements. Funnily enough Cr Zographos was overseas when the month expired. He took advice from the council's CEO and was told he could sign it when he got back.

Let me make this point: there was a problem with the act; there was a clear problem, and I am glad it is getting fixed, but the government should have made sure that it put some provisions in the act for councillors to rectify things when they make an honest mistake. I am glad it is being fixed, and I am glad the government is dealing with this now.

Mr WYNNE (Minister for Planning) — I thank honourable members for their contributions. When it comes to local government we always have, I think, a very good, reasonable and measured debate. I thank the member for Mornington in particular for his contribution and indeed the previous Minister for Local Government as well.

I have to reflect briefly, if I can, on the fact that it really was a bit of a sorry day for local government when we discovered through the work of the Local Government Investigations and Compliance Inspectorate that deficiencies had occurred at 13 councils and indeed 9 individuals had failed to abide by their obligations under the act.

I have heard all of the debate today, but the simple facts of this are that 54 councils got it right and then we had 13 councils and 9 individuals who failed a fairly fundamental test. I invite the house to consider this: the amendments to the act require that a council must review and make any necessary amendments to its current code of conduct within four months of

1 March 2016 and it must be done at a special council meeting. There is nothing ambiguous about that. It is well known — as my colleague the member for Mornington knows very well — that you have a special council meeting with one matter to deal with, and that is the council's code of conduct. It is proper that the council debates these issues and ensures that it has a full and robust code of conduct that can stand scrutiny and that that is then made available on the council's website for the community more generally to scrutinise it. That is why you have a special council meeting for those matters.

So you set the council code of conduct, and then within one month all councillors are required to sign it before the council's CEO, so in effect it is witnessed by the chief executive officer of the council. I would say that that is about as clear as you could possibly expect a piece of legislation to be to indicate to councillors what their responsibilities are. In that context, taking up some of the commentary from the current opposition, there were any number of guidance documents and follow-ups provided by Local Government Victoria to ensure that councillors and council administrations were fully aware of the time lines and obligations placed upon them.

What we have done here is create a sensible amendment in which we have moved the operative date; the operative date is now 22 February 2017. Why is that the case? Because that will trigger four months until the council election. At that time councillors will have to have abided by the new regulations that are detailed in this amendment.

I simply say two things: to answer the question from the member for Mornington, if a councillor fails in their obligation on 22 February 2017, they will be disqualified. My call to the four councillors who for various reasons did not comply — one who simply refused to sign and three others who signed in ways that were ultra vires — is that they need to think very carefully about two things: one, are you prepared to stand for local government again; and, two, understand that you have an obligation to sign the code of conduct by 22 February 2017, otherwise you will be automatically disqualified. This is a very important message to those four councillors. There were another five who had timing issues, and I think it is readily accepted that that was a genuine mistake as opposed to a wilful act on behalf of at least one of the four and possibly the other three as well.

The period of suspension — and I want to make this absolutely clear in my final comments — is that if you are disqualified at that time, you are disqualified for that term of council.

I am not interested in a blame game out of this situation; I am not interested in who said or did what. The simple facts are that we think the legislation is sound legislation, we think that the guidance was sound and, frankly, we find ourselves here due to deficiencies in council administrations, and we are going to get it right for local government more generally.

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

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016

Second reading

Debate resumed from 16 August; motion of Ms GARRETT (then Minister for Consumer Affairs, Gaming and Liquor Regulation); and Ms SANDELL's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until community consultation and further research and investigation have been conducted into all the issues presented by the short-stay accommodation industry operating in Victoria'.

House divided on omission (members in favour vote no):

Ayes, 76

Allan, Ms	McGuire, Mr
Andrews, Mr	McLeish, Ms
Angus, Mr	Merlino, Mr
Asher, Ms	Morris, Mr
Battin, Mr	Nardella, Mr
Blackwood, Mr	Neville, Ms
Blandthorn, Ms	Noonan, Mr
Brooks, Mr	Northe, Mr
Bull, Mr J.	O'Brien, Mr D.

Bull, Mr T.
Burgess, Mr
Carbines, Mr
Carroll, Mr
Clark, Mr
Couzens, Ms
Crisp, Mr
D'Ambrosio, Ms
Dimopoulos, Mr
Dixon, Mr
Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Foley, Mr
Garrett, Ms
Gidley, Mr
Graley, Ms
Green, Ms
Guy, Mr
Halfpenny, Ms
Hodgett, Mr
Howard, Mr
Kairouz, Ms
Katos, Mr
Kealy, Ms
Kilkenny, Ms
Knight, Ms
Lim, Mr

O'Brien, Mr M.
Pakula, Mr
Pallas, Mr
Paynter, Mr
Pearson, Mr
Pesutto, Mr
Richardson, Ms
Riordan, Mr
Ryall, Ms
Ryan, Ms
Scott, Mr
Sheed, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Spence, Ms
Staikos, Mr
Staley, Ms
Suleyman, Ms
Thomas, Ms
Thompson, Mr
Thomson, Ms
Wakeling, Mr
Walsh, Mr
Ward, Ms
Watt, Mr
Wells, Mr
Williams, Ms
Wynne, Mr

Noes, 2

Hibbins, Mr

Sandell, Ms

Amendment defeated.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**POWERS OF ATTORNEY AMENDMENT
BILL 2016**

Second reading

**Debate resumed from 17 August; motion of
Mr PAKULA (Attorney-General).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**LEGAL PROFESSION UNIFORM LAW
APPLICATION AMENDMENT BILL 2016**

Second reading

**Debate resumed from 17 August; motion of
Mr PAKULA (Attorney-General).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**CROWN LAND LEGISLATION
AMENDMENT BILL 2016**

Second reading

**Debate resumed from 16 August; motion of
Ms D'AMBROSIO (Minister for Energy,
Environment and Climate Change).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**MELBOURNE COLLEGE OF DIVINITY
AMENDMENT BILL 2016**

Second reading

**Debate resumed from 16 August; motion of
Mr MERLINO (Minister for Education).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016

Clerk's amendment

The SPEAKER — Order! Under standing order 81, I have received a report from the Clerk that he has made the following correction in the Legal Profession Uniform Law Application Amendment Bill 2016:

In the long title, I have deleted 'Professional' and inserted 'Profession'.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Ormond railway station

Mr SOUTHWICK (Caulfield) — (8149) My adjournment matter is addressed to the Premier. The Andrews government has again failed to consult and communicate with local residents and traders about its plans. In another example of decisions made without local consultation and input, the government has made a decision to build an up-to-13-storey sky tower at Ormond railway station to value capture the land. The action I seek is that the Andrews government, should it ignore the concerns of local residents and traders and build the sky tower at Ormond station, commit the funds received from the value capture and put it directly into funding the Glen Huntly Road, Glen Huntly, level crossing removal.

The North Road level crossing removal was announced and fully funded by the coalition government. The Andrews government, only weeks before the completion of the project, has been caught out building a sky tower deck without a word to locals. The government says the sky tower will value capture the land to fund the level crossing removals, despite the North Road level crossing removal being fully funded. Here we have a situation where the North Road project has been fully funded; it has almost been completed. And now that it has been completed the government is looking at value capturing this particular land with no benefit to locals — with no benefit to those who live around North Road and no benefit to those who live in Ormond and in my electorate of Caulfield. This adjournment matter tonight is seeking action that

will provide benefit to these groups — the removal of one of the dangerous level crossings that we have in Victoria.

In 2014 VicRoads reported that the removal of this level crossing in Glen Huntly Road, Glen Huntly, was a priority, but this was ignored by the Andrews Labor government. The Andrews Labor government, since taking office, has ignored these findings, and 15 of the level crossings that have been on the list of 50 to be removed during this term of government were identified by VicRoads in the same report as having no priority. Fourteen of these are, conveniently, in Labor-held seats. Here we are with level crossing removals that have been funded to do sweetheart deals for marginal Labor seats. In contrast, the coalition government fully funded a number of level crossing removals, many of which were in Labor-held seats, including St Albans; Clayton; Koornang Road, Carnegie; Sunshine; and Murrumbeena.

I will continue to support Glen Huntly village traders and residents who want to see the level crossings go. I launched a petition last year calling on the government to stop playing politics and include the dangerous Glen Huntly Road, Glen Huntly, level crossing as one of the 50. This independent report has said so, the community has said so, and we need it gone. Labor has been caught out on its homework on the Ormond level crossing by value capturing it. If the government has decided it is going to take the money and build the sky tower, then at the very least it should make sure that the money is retained in Ormond by removing the Glen Huntly level crossing — —

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

Moonee Ponds courthouse

Mr PEARSON (Essendon) — (8150) I direct my adjournment matter to the Minister for Energy, Environment and Climate Change, and the action I seek is that the minister's department meet with representatives of the Essendon Historical Society, Moonee Valley City Council and me to discuss the stabilisation and restoration of the Moonee Ponds courthouse. Recently there was a fire in the Moonee Ponds courthouse. The Moonee Ponds courthouse was built in 1890. It is a heritage-listed building. The fire damage was significant, but thankfully the building looks like it is going to be able to be saved. So there is a need to try and meet with relevant stakeholders, being council, the historical society,

which was the committee of management, and the minister's department, to work out how we can try and stabilise the building with a view to having the building restored.

The Essendon Historical Society has worked tirelessly on this matter since the fire occurred, and I would like to thank Mary Cahill, Bob Chalmers and Terry Scott for their outstanding efforts in relation to this matter. It is an important issue, and we would all welcome the opportunity of sitting down and discussing the best way forward.

South Gippsland Highway, Ruby

Mr D. O'BRIEN (Gippsland South) — (8151) My adjournment matter is to the Minister for Roads and Road Safety, and the action I seek from the minister is for him to investigate recent works undertaken on the South Gippsland Highway at Ruby, between Leongatha and Korumburra, and advise whether the works have met the quality standards and specifications outlined in the works contract and are consistent with the Austroads road industry guides that VicRoads uses for these matters.

The minister will be familiar with this stretch of road, because on 17 July last year he actually launched the government's maintenance spending for the 2015–16 year at that particular spot at Ruby, between Leongatha and Korumburra, as I said. He highlighted that the works would include \$55.6 million to be invested across Victoria to deliver more significant road rehabilitation projects on key arterial routes including the South Gippsland Highway at Ruby. He went on to say:

The works will reduce the level of deterioration of road surfaces and will support local primary producers to get their products to the market or to the factory as well as support local residents as they travel to work and school.

The works were completed a couple of months ago, and since then I have had numerous complaints from local residents and motorists about the standard of the work that has been done. The section is a very busy part of the South Gippsland Highway, between Leongatha and Korumburra, used by a lot of people in both towns but also along the entire length of the highway and, of course, leading to Wilsons Promontory. I must say that I concur with a number of these complaints. The road is not smooth, the pavement is very rough and, in some cases, it is extremely bumpy. In fact some of the constituents that have complained to me about the road have referred to it as the 'rollercoaster'. This is on, unusually for South Gippsland, a flat stretch of road

and it is straight, so there would appear to be no topographical reason why this would be a particularly difficult stretch of road to fix.

Certainly given it is brand-new work that has just been completed it is of great concern to my community that this road section is so poor. As I said, I have received numerous complaints anecdotally as I travel around about the quality of the job that has been completed. So I ask the minister to investigate this issue and to come back to me as to whether there is a need for remedial action and what action the government will take to address the concerns of my community.

Frankston Australian Clay Target Club

Ms KILKENNY (Carrum) — (8152) My adjournment matter is for the Minister for Sport, and the action I seek is for the minister to join me on a visit to the Frankston Australian Clay Target Club located in Carrum Downs following the very welcome announcement that they have been successful in obtaining a grant from the Andrews state government's Shooting Sports Facilities program. This grant will go towards improving access to the clubrooms and helping members with their facilities down there.

It is also worth noting that the club is the training home to our very own Olympic gold medal winner Catherine Skinner. Catherine won gold last week in Rio in the women's trap shooting. I was very fortunate to have had dinner with Catherine at the club just shortly before she left for Rio. She is a tremendous role model for girls and women in sports. I know everyone at the Frankston Australian Clay Target Club would welcome the minister's visit, and who knows, he might even get a glimpse of Catherine's gold medal.

South Barwon constituent water supply

Mr KATOS (South Barwon) — (8153) My adjournment debate this evening is for the Minister for Water. The action I seek is for the minister to intervene and facilitate the connection of either class A recycled water or potable water to a farm owned by Dr Tarney Spencer situated at 1035 Ghazeepore Road, Torquay. Dr Tarney recently purchased the 160-acre property with the intention of farming cattle and building a home.

Water is an issue on the property, with previous bores being unsuccessful and the two dams on the property running dry in the summer months. There

is a potable water main that runs along Ghazeepore Road, the property's western boundary, and there is a class A recycled water main that runs along the property's southern boundary. Dr Tarney only requires up to 1 megalitre per year. His preference is to connect to the recycled water, and he is more than happy to pay the connection costs. This is for good reason, as the class A recycled water main runs within a couple of metres of the southern dam on his property.

Barwon Water, for some unknown reason, will only allow Dr Tarney to connect to class C recycled water, which is completely unsuitable for livestock drinking water. Barwon Water's own documents show that the Black Rock recycled water plant is capable of producing 7.5 megalitres of class A recycled water per day — not per year — so Dr Tarney's request of up to 1 megalitre per year could easily be accommodated. It is an absurd situation that despite the class A recycled water main running within metres of the proposed holding dam, Barwon Water will not allow Dr Tarney to connect. The land in question certainly needs to have agricultural uses encouraged to maintain the rural buffer between the Surf Coast shire and the City of Greater Geelong.

If the minister does not intervene and facilitate the connection of class A water to Dr Tarney's farm, she will be contributing to the demise of agricultural uses of this land. It will inevitably lead to development pressures north of Torquay's ridge line town boundary if the land is not viable and profitable from an agricultural perspective. I urge the minister to let common sense prevail and allow Dr Tarney to connect his farm to the class A recycled water to facilitate his farming of cattle.

Lancefield bushfire recovery

Ms THOMAS (Macedon) — (8154) The matter I wish to raise this evening is for the attention of the Minister for Energy, Environment and Climate Change, and the action I seek is that the minister join me in visiting the community of Lancefield to meet the people who played a key role in keeping the community safe during the bushfire that affected this area less than a year ago.

As members of this house know, in early October 2015 a planned burn-off in the Cobaw State Forest escaped containment lines and escalated into a large-scale bushfire, which affected many residents of this area. During this emergency the community banded together and the township of Lancefield was

the staging ground for the firefighting and recovery efforts, with community facilities such as Lancefield Mechanics Institute, Lancefield Neighbourhood House, Lancefield Park and Lancefield Primary School playing key roles in these efforts.

Both during and after the bushfire the previous Minister for Environment, Climate Change and Water visited on numerous occasions to meet with the community, to hear the stories of those who had been affected and to work with those members of my community to ensure they made a full recovery from the bushfire. I welcomed the previous minister's announcement in December 2015 that \$1.4 million would be allocated to Lancefield to fund priority projects in the area to help the community to continue its recovery.

With changed responsibilities in the environment portfolio, I would very much welcome the opportunity to introduce the new minister to the key organisations and people in my community, those who played a vital role in the recovery effort and those who were affected by the fire. I would also welcome showing the minister the progress that has been made as a result of the government's commitment to Lancefield and its recovery efforts.

Windsor myki retailers

Mr HIBBINS (Pahran) — (8155) My adjournment matter is for the Minister for Public Transport. The action I seek is for the minister to allow the Chapel Convenience Store at 23 Chapel Street, Windsor, and Windsor Lotto at 41 Chapel Street to sell myki cards. Apart from the two ticket machines at Windsor station the only nearby shop selling myki cards is the 24-hour bottle shop, which does not allow access to people under 18 years. This is a completely unacceptable situation, given there are five schools in walking distance — St Michaels Grammar, Presentation College Windsor, Christian Brothers College, St Marys Primary School and Stonnington Primary School — each with a steady stream of school students, particularly from the secondary schools, travelling from Windsor station to school and back every day.

Both shops have up to a dozen customers coming in each day asking to buy or top up their myki. One store has resorted to placing multiple signs up around their shop stating they do not sell myki, though people still ask, such is the demand. These shops applied previously to be myki retailers, but were refused. I understand that Public Transport Victoria is no longer accepting new applications

from shops to sell myki. However, the current situation in Windsor is unacceptable. There is a clear demand for myki to be sold at these shops, which are either side of Windsor station. Many people want or need customer service rather than to use a myki machine and would rather top up their myki when buying milk or the paper than have to go into a bottle shop, which of course not everyone in the community feels comfortable going into. School students are unable to access the bottle shop due to their age, which itself is poorly signed as a myki retailer. There have been many problems with myki over the years since its inception. This one is very easy to solve by allowing these two shops to be myki retailers.

Doctors in Secondary Schools

Ms WILLIAMS (Dandenong) — (8156) My adjournment matter is for the attention of the Minister for Education. The action I seek from the minister is that he fund the Doctors in Secondary Schools program in three secondary schools in the Dandenong electorate, being Dandenong High School, Lyndale Secondary College and the Oakwood School. I was delighted earlier this year when the government announced the Doctors in Secondary Schools program. It is great to see this government getting on with the job and focusing its efforts on helping those most in need. This \$43.8 million initiative will provide funding for 100 Victorian government secondary schools to have an adolescent health trained GP attend once a week to provide medical advice and health care to their students.

We all know that healthy students perform better and achieve more in their education. Unfortunately, though, many young people currently struggle to access the vital services of a doctor to ensure they stay healthy. Many students in Dandenong miss out on the healthcare support they need because of factors outside of their control. The link between health and education outcomes cannot be understated. Research shows that healthy behaviours during childhood and adolescence can have a significant effect on both academic performance and educational attainment, particularly for students in areas with high levels of disadvantage. Improving access to health care is a sure way to help break this cycle of disadvantage. Healthy bodies lead to better learning and more opportunities.

Dandenong is the most culturally diverse area in Victoria, with many families of refugee background. Our local schools are often the first, and sometimes

the only, connection point that newly settled families have with their community. Schools are a vital environment in which to raise awareness and introduce valuable support services to families and young people. Having readily accessible healthcare services available in a familiar and trusted environment will provide a new opportunity to improve the healthcare outcomes and behaviours of secondary school students. Through my work with principals at my local schools it is clear that this initiative will have a significant impact on hundreds of disadvantaged students in Dandenong, and for this reason I call on the minister to bring this program to Dandenong to give our students the best chance to reach their full potential.

Forest Hill electorate road safety

Mr ANGUS (Forest Hill) — (8157) I raise a matter of importance for the attention of the Minister for Roads and Road Safety. The action I seek is for the minister to organise a meeting with me and VicRoads officials to view and discuss a number of important road safety issues in my electorate of Forest Hill. I wrote a letter to the minister on 10 June 2016. This letter was in relation to four particular areas of concern relating to road and traffic issues within my electorate of Forest Hill. I am currently awaiting a response to this letter. In the previous Parliament my office enjoyed a very efficient and effective relationship with the local VicRoads office, which happens to be within the Forest Hill electorate in Burwood East. Sadly under the current government that relationship has now ceased.

Like many areas of metropolitan Melbourne my electorate of Forest Hill is facing various traffic issues, particularly increasing traffic volumes. This has implications for the safety of all road users, as well as pedestrians. As we all know, the road toll in Victoria is, sadly, significantly above the levels of recent years. Tragically within my electorate there have been some fatal collisions and many collisions resulting in injuries. That is why I am seeking a meeting with VicRoads to discuss important road safety matters. I look forward to hearing from the Minister for Roads and Road Safety, who I note is in the chamber tonight, on what arrangements have been made for me to meet with VicRoads representatives to discuss road safety issues of concern within the electorate of Forest Hill.

Pascoe Vale electorate small business

Ms BLANDTHORN (Pascoe Vale) — (8158) I appreciate the opportunity to raise a matter for the

attention of the Minister for Small Business, Innovation and Trade. The action I seek is that the minister accompanies me on a visit to local businesses in my electorate and considers their ideas to improve business administration and development. There are a number of small to medium size enterprises operating within the Pascoe Vale district that have innovative ideas on how to grow and expand their current operations and create local jobs. One of these growing businesses, Apennine Gourmet Foods, has transformed over recent years from being a deli and cafe in West Street, Hadfield. It is now a producer of gourmet foods and meals that it supplies to other businesses in the area and beyond. They generate business and they create jobs.

There is also a group of active and dedicated small business owners and traders led by Jason Sennitt at the Coburg Traders Association, who are committed to developing strategies to promote and enhance the Sydney Road shopping precinct. I ask the minister to come to Pascoe Vale and meet with our local businesses to discuss how we can better support their endeavours.

Responses

The DEPUTY SPEAKER — Order! The Minister for Roads and Road Safety, to respond to the honourable members for Gippsland South and Forest Hill.

Mr DONNELLAN (Minister for Roads and Road Safety) — Look, I have not heard those matters fully, but obviously I will investigate the issues raised by the member for Gippsland South in relation to the quality of, I think, repaired roads; it is my understanding that he requested that. With the member for Forest Hill's matter, I will consider that request and accordingly get back to the member. I was actually going to just refer the whole lot if that is all right.

The DEPUTY SPEAKER — Order! Yes, that would be terrific.

Mr DONNELLAN — For the member for Caulfield, the matter is to the Premier; the member for Essendon's matter is to the Minister for Energy, Environment and Climate Change; the member for Gippsland South's matter is obviously off to myself, so that will be an interesting referral; the member for Carrum's matter is off to the Minister for Sport; the member for South Barwon's matter is off to the Minister for Water; the member for Macedon's

matter is off to the Minister for Energy, Environment and Climate Change; the member for Prahran's matter is off to the Minister for Public Transport; the member for Dandenong's matter is off to the Minister for Education; and the member for Pascoe Vale's matter is off to the Minister for Small Business, Innovation and Trade.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.31 p.m. until Tuesday, 30 August.