

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 23 June 2016**

**(Extract from book 9)**

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# HANSARD<sup>150</sup>



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 (to 22 May 2016)**

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

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## **The ministry** (from 23 May 2016)

Premier .....	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education .....	The Hon. J. A. Merlino, MP
Treasurer .....	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects .....	The Hon. J. Allan, MP
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
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Minister for Finance and Minister for Multicultural Affairs .....	The Hon. R. D. Scott, MP
Minister for Planning .....	The Hon. R. W. Wynne, MP
Cabinet Secretary .....	Ms M. Kairouz, MP

## **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
Treasurer . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects . . . . .	The Hon. J. Allan, MP
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
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections . . . . .	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for 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

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

**Speaker:**

The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

**Acting Speakers:**

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

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
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Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>4</sup>	Gippsland South	Nats
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Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

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

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

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

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

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

<sup>6</sup>Resigned 2 February 2015

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, 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, 23 June 2016

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

### EDITOR, ASSEMBLY

**The SPEAKER** — Order! I would like to inform the house that this week will be John Nugent's last week with us. After 26 years of serving this Parliament as a reporter, subeditor and editor, John will be retiring once the current sessional volumes are published. John has been in the Hansard position of editor of debates for the last 10 years, initially as Council editor and since 2008 as Assembly editor. He is particularly passionate about Hansard's role in serving this Parliament and through this Parliament the people of Victoria. His dedication and leadership are well respected, as is his uncompromising approach to ensuring the accuracy and integrity of our parliamentary record.

On behalf of the Premier, the Leader of the Opposition and all members, we thank you for your services to the Parliament of Victoria, and we wish you all the best and a happy retirement.

*Honourable members applauded.*

**The SPEAKER** — Order! Further, I would like to remind members that despite today being the final sitting day before we rise for the winter break, there is one more important duty for all of us to assist with tomorrow. The Parliament versus media soccer game is taking place tomorrow, Friday, 24 June, thanks to the Parliament team captain, the Minister for Sport, and the captain of the state rounds, Richard Willingham. The game will determine the winner of the Championship Cup, which the Parliament team currently holds and is seeking to defend. The Chair encourages all members to take part in what is sure to be another epic encounter. For further details, my office can be contacted or the minister's office, or Richard's office can be contacted.

**Ms Ryall** — On a point of order, Speaker, my point of order relates to standing order 28 and also *Rulings from the Chair* of 2015, chapter 23, in relation to the calling of quorums. Yesterday during the latter part of the matter of public importance, I drew the attention of the Deputy Speaker to the state of the house. A quorum had not been called that day, and I understand that lunch had been completed almost 2 hours before. My request in calling attention to the state of the house and seeking a quorum was denied, and I now seek your guidance on that. *Rulings from the Chair* suggests that if there is no continuous calling of quorums — and a quorum had not been called for the entire day

yesterday — the request for a quorum should be allowed. I seek your guidance on that ruling.

It is obviously the government's role to make sure that there is a quorum in the house at all times, and its members were certainly very active in the last term of government in relation to the calling of quorums. There was clearly not a quorum at the time, and I would suggest that in that instance the government failed in its responsibility to maintain a quorum in the house. As a result of that, I would seek that a quorum be able to be called when the state of the house shows that there is not one present.

**Ms Asher** — On the point of order, Speaker, I would like to speak in support of the member for Ringwood. I was not in the chamber at the time that quorum was called. However, I was listening in my room on the speaker, as I do. I would like to add to the points made by the member for Ringwood and refer the Speaker to standing orders 28 and 29. Standing order 28 relates to an initial quorum of the house at the beginning of the day, and I would contend that the bells ringing at 2.00 p.m. to restart after the luncheon break could be compared with an initial quorum. Standing order 29 refers to the fact of a calling of the quorum by a particular member of Parliament.

I move on to Speakers' rulings, and I apologise for having *Rulings of the Chair* of June 2014, but the Speakers' rulings are equally valid for quorums being called now. There is a ruling that I think the Deputy Speaker may have been referring to. In fact on page 168 under the heading 'Disruption by continuous calling' there is reference to the discretion of the Chair. Indeed I would refer to a ruling by Acting Speaker Morris in 2012 when he said:

Where a quorum had been called and a number of other quorums had already been called that day, the Chair exercised discretion in accordance with previous rulings not to ring the bells.

If I could just make my general point, when members of Parliament call quorums over and over again it is disruptive, and I agree with Acting Speaker Morris's ruling that this constant calling of quorums, I personally think, is a bit puerile, and I agree with the Speaker's ruling about continuous calling.

The Speaker's rulings do not apply to a calling of one quorum in one afternoon. Again, the member for Ringwood makes the point that it is the government's responsibility to form a quorum, and equally it is the opposition's right to call a quorum when it may become apparent to the opposition that the government is not performing its duty by having a quorum in the

Parliament. So I also wish to, as I said, support the member for Ringwood.

Whilst I have a great deal of respect for the Deputy Speaker's rulings, I think to deny the opposition the right to call a quorum once in the course of a day and to mix up the definition of a quorum between an initial quorum and a quorum that has actually been called by a member of Parliament was not a correct ruling. As I said, I normally have a great degree of respect for the Deputy Speaker's rulings. He has made many sensible rulings, but on this occasion I feel that he erred. I also think there is a very important issue for this Parliament that needs to be clarified, and that is that the calling of one quorum is not vexatious. It is not continuous calling; it is in fact a calling of one quorum, and I too would urge you to look at that decision.

**The SPEAKER** — Order! The manager of opposition business, if I may report to the house, raised this matter with the Chair last night. The Chair undertook to have discussions with the Deputy Speaker. The Chair also undertakes to examine the record and the matters raised, including the points of order now made. The Chair will take these matters on notice and will report back to the house today.

## NATIONAL DOMESTIC VIOLENCE ORDER SCHEME BILL 2016

### *Introduction and first reading*

**Mr PAKULA (Attorney-General) introduced a bill for an act to provide a national recognition scheme for domestic violence orders, to make consequential amendments to the Family Violence Protection Act 2008 and other acts and for other purposes.**

**Read first time.**

## PETITIONS

**Following petition presented to house:**

### **Mountain Highway, Bayswater**

To the Legislative Assembly of Victoria:

This petition draws to the Legislative Assembly's attention the desperate need to keep the existing three-lane carriageway in each direction on Mountain Highway, Bayswater.

As part of the Bayswater level crossing removal project, the plan is to reduce the road's capacity by 33 per cent.

Mountain Highway is a busy thoroughfare for businesses, local families and those heading to the Dandenong Ranges and surrounds.

The petitioners therefore request that the Legislative Assembly require the Andrews Labor government to leave the capacity of Mountain Highway as it is and not remove any lanes

**By Ms VICTORIA (Bayswater) (183 signatures).**

**Tabled.**

**Ordered that petition be considered next day on motion of Ms VICTORIA (Bayswater).**

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### **Impact on Victorian government service delivery of changes to national partnership agreements**

**Mr PEARSON (Essendon) presented report, together with appendices and transcripts of evidence.**

**Tabled.**

**Ordered that report and appendices be published.**

## DOCUMENTS

**Tabled by Clerk:**

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2015

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations notified between 10 February 2016 and 22 June 2016 — Ordered to be published

*Multicultural Victoria Act 2011* — Victorian Government Report in Multicultural Affairs 2014–15

Ombudsman — Report on recommendations — Ordered to be published

Statutory Rules under the following Acts:

*Public Health and Wellbeing Act 2008* — SR 58

*Relationships Act 2008* — SR 57

*Subordinate Legislation Act 1994*:

Documents under s 15 in relation to Statutory Rule 57

Documents under s 16B in relation to the *Education and Training Reform Act 2006* — Ministerial Order No. 900 — Victorian Institute of Teaching Registration Fees 2016–17.

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

*Building Legislation Amendment (Consumer Protection) Act 2016* — Part 1, ss 4, 14(1), 19, 34, 35, 36, 39 and 42 and Divisions 6, 7, 8, 9 and 12 of Part 3 (except ss 46, 52, 55 and 71) and Part 4 — 4 July 2016 (*Gazette S194 21 June 2016*)

*Integrity and Accountability Legislation Amendment (A Stronger System) Act 2016* — Part 2 (except ss 3(c), 19 and 20), Part 3 (except s 51 (1)), Part 4 (except s 63(1)), Parts 5, 6 and 7 (except ss 78(1), 79, 80(1), 86, 87(1) and 89(1)), Part 8 and Part 9 — 1 July 2016; remaining provisions — 1 December 2016 (*Gazette S194 21 June 2016*)

*National Electricity (Victoria) Further Amendment Act 2016* — Whole Act — 1 July 2016 (*Gazette S194 21 June 2016*).

## BUSINESS OF THE HOUSE

### Adjournment

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

That the house, at its rising, adjourns until Tuesday, 16 August.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Acland Street, St Kilda, closure

**Mr BURGESS** (Hastings) — I recently met again with representatives of the Acland Street, St Kilda, traders group to listen to their further concerns about the planned Acland Street tram upgrade. This plan is further confirmation that the Labor Party just does not get business or understand how it operates.

Public Transport Victoria intends to implement a radical plan under which more than 50 of the already minimal number of car parking spaces will be removed from Acland Street to allow tram route 96 to be expanded from one track to two. The changes will see the southern half of Acland Street turned into a new plaza closed to traffic, and the northern end of Acland Street will continue to be shared by trams and cars between Carlisle and Belford streets.

The Acland Street traders have tried every method and gone down every avenue to get the message through to this government that if you remove 50 car parks and restrict people accessing the area, you will dramatically cut their business. To those who do not understand or do not care, it may seem that creating a micromall — called such because it is to be a ridiculously small space — and replacing the currently functional tram stop and line and through road with a giant tram stop and additional line covering the majority of the road is a great idea. But if your business relies on customers

being able to conveniently access your shop and you are competing with numerous other traders in nearby locations that will not suffer such impediments, it is nothing less than sabotage.

The traders believe that this disastrous plan will turn what is currently one of Melbourne's unique shopping experiences for locals, other Melbournians and tourists alike into little more than a set of tram terminus shops catering for local commuters. Traders have warned that businesses which have been operating in Acland Street for decades will have to close or relocate to other shopping areas where customers can park nearby.

The Acland Street traders have tried everything to stop the Andrews government taking the wrecking ball to this precious community asset, but with the same bullying approach that the Premier has used on our 60 000 Country Fire Authority (CFA) volunteers, the CFA board and its CEO, and his own emergency services minister, they were told to get on board or get out of the way.

### Joan Kirner

**Ms RICHARDSON** (Minister for Women) — On Tuesday evening the Labor tribe gathered here at Parliament House to celebrate the enormous contribution made by former Premier the wonderful Joan Kirner. Joan was unapologetically progressive, a trailblazer ahead of her time. When Joan entered Parliament in 1982 there were only five Labor women MPs in this Parliament. Today there are 27 Labor women in our caucus, and so much of that success and so many Labor women attribute their place here in this Parliament to the encouragement and determination of Joan Kirner.

Nothing meant more to Joan than seeing talented, progressive women succeed. She devoted much of her retirement to the establishment of EMILY's List, helping many women across the country become MPs, ministers and premiers. She was also one of the key driving forces behind Australia's first female Prime Minister, Julia Gillard. Joan's best advice to women MPs was to say, 'Power on. You must keep going'. She gave this advice not just to Labor women but to all women seeking to take their rightful place in parliaments across Australia. Indeed she called on all political parties to do more to support women into seats.

Thanks to the member for Narre Warren South, the member for Macedon and the Labor women's caucus, we were able to remember and celebrate Joan's life once again. When one of the heroes of the Labor tribe passes, there are many ways we honour them — a state

funeral, a hospital named in their honour or a garden or two. But we honour Joan in the most important of ways — by continuing her legacy. Our Premier and our government are unapologetically progressive, and they are committed to gender equality and ending the harm of family violence. Nothing would make Joan more proud.

### **Latrobe Valley employment**

**Mr NORTHE** (Morwell) — The unemployment rate for the Latrobe region continues to be an ongoing concern for our community. The small area labour market figures released last week paint a very disturbing picture. For example, the figures for the Latrobe city area show that in December 2014 the unemployment rate was 7.3 per cent, yet under the Andrews government we now see the March 2016 unemployment rate sitting at 9.3 per cent, so in the short space of 15 months the unemployment rate in Latrobe has increased by 2 percentage points.

We know that Australian Bureau of Statistics figures have shown a loss of approximately 12 000 full-time jobs in the Latrobe-Gippsland region since Labor came to office. In the last 18 months we have seen this government scrap the Regional Growth Fund and abolish important economic and community programs, such as the Latrobe Valley Industry and Infrastructure Fund, Putting Locals First and Skilling the Valley. In addition the Premier has just imposed millions of dollars of costs on our region's largest employers through his electricity tax, which will have a direct and indirect impact upon local businesses and jobs — and who knows how many local jobs will be lost, given the recent renewable energy target announcement by this government.

Just last week we had a member for Eastern Victoria Region in the Legislative Council, Ms Shing, tweeting that the coalition's \$15 million Latrobe Valley Industry and Infrastructure Fund did not generate jobs or economic benefits for the Latrobe Valley, and she also falsely stated that the fund was used to support Warragul station. No wonder one of these tweets was subsequently deleted, and no wonder our local business community has lost faith in this government when incorrect statements like that are made by its members.

### **Melton Highway level crossing**

**Ms HUTCHINS** (Minister for Local Government) — I rise to update the house on the Melton Highway level crossing removal, which has reached a new milestone this month as expressions of interest have closed for the project and community

consultation is well underway to finalise the development of a reference group and design for construction. As a result of community consultation, key changes have been made to the design, including connecting Victoria and Sydenham roads under the bridge, introducing a new slip lane for vehicles entering Melton Highway via Sydenham and Victoria roads, highlighting key community input for urban design guidelines and improved pedestrian connectivity, something that was very much wanted by the community. A contract to remove the level crossing is expected to be awarded later this year, with construction beginning in early 2017.

As a part of this level crossing removal we are establishing a working group to look at how we can increase parking opportunities at Watergardens station to make it easier for people to park at the station and catch the train to and from work. The group includes representatives from Public Transport Victoria, VicTrack, the Brimbank City Council and QIC, and it will report back to the minister by the end of the year. The boom gates on Melton Highway are a daily frustration for motorists and commuters, with the boom gates down nearly a quarter of the morning peak hour. Building the bridge and removing the level crossing will reduce congestion, increase safety and pave the way for a job-creating expansion at Watergardens — —

**The SPEAKER** — Time!

### **Freedom of information**

**Mr PESUTTO** (Hawthorn) — Today's FOI award is awarded to Rachel Cecilio, FOI adviser in the Department of Health and Human Services, in our latest series of awards for FOI in this secret state. Mrs Peulich in the other place submitted an FOI request in September last year seeking information so innocuous as the number of car parking spaces provided to ministerial staff free of charge and the total cost. The department came back and said it could not provide that, so we submitted the matter to the FOI commissioner to appeal. The FOI commissioner brokered an outcome whereby we were to submit the request with a narrowed scope, but — would you believe it, Speaker — we got the same response back.

Understand this: we as an opposition cannot get basic information from the Department of Health and Human Services on the number of car parking spaces provided free of charge to ministerial staff. We cannot get the total cost. We cannot even get the individual cost of those car parking spaces. So let me make it clear on behalf of the opposition to all FOI officers across the

state: understand why we will continue this campaign. You stand between us, as opposition members, members of this Parliament, and our being able to do our jobs. Let me tell Mr Chris Eccles of the Department of Premier and Cabinet that he manages this, and he must ensure that departments do not obstruct MPs in the doing of their work.

### **Rotary Club of Queenscliffe**

**Ms NEVILLE** (Minister for Police) — Like regions right across the state, the Bellarine Peninsula is extremely well served by a number of Rotary and Lions clubs, which I am always proud to provide my active support to. On Sunday I was delighted to open the Rotary Club of Queenscliffe's fifth annual Lego display held at Point Lonsdale Primary School. The display is a major fundraiser for the club and is held in conjunction with the Melbourne Lego User Group. This year there were 40 exhibitors and over 100 amazing displays, and kids were provided with a terrific play area. Around 3000 people visit the event each year, and importantly 90 per cent of these are visitors to the town. This is a great boost to the local economy in the middle of winter. Funds raised by the event have allowed the club over the last five years to donate nearly \$90 000 to charity. My congratulations to all those members of the Rotary Club of Queenscliffe who contributed to making this another successful event, and my acknowledgement and congratulations to all the Rotarians and all those in our Lions clubs across the peninsula.

### **State Emergency Service Bellarine unit**

**Ms NEVILLE** — On another matter, on Sunday I will be very pleased to open the new Bellarine State Emergency Service (SES) facility. This is an election commitment of \$150 000 which has seen a new shed and a major refurbishment of the building, providing for the first time a real rest and relaxation area for our hardworking volunteers there. Bellarine SES is the busiest in the region, and these facilities will enable our volunteers and support the important work that the SES does across the Bellarine Peninsula and the region to be done in a better way with areas that really provide rest and relaxation during difficult times.

### **Jan Juc Surf Life Saving Club**

**Mr KATOS** (South Barwon) — Once again the Andrew's Labor government ignores the needs of the Jan Juc Surf Life Saving Club. Two ministers have now passed the buck with regard to funding this important facility. A response to a constituency question was provided yesterday after two points of order were

required to get that response. The question basically was: why was Jan Juc Surf Life Saving Club overlooked in this year's state budget? And the response from the minister was that the government will continue to work with Life Saving Victoria (LSV) in relation to funding requests to redevelop its clubhouses. Well, LSV did say that it wanted Jan Juc to be redeveloped, or so it tells us, and it was one of the top ones on its list. Someone is lying to the Jan Juc Surf Life Saving Club. Either Life Saving Victoria or the minister is lying about what they have done. It is absolutely disgraceful.

### **Country Fire Authority enterprise bargaining agreement**

**Mr KATOS** — Certainly the spin doctors of the Andrews government have gone into overdrive with the creation of the Your CFA Info website to try and sell the lemon that is the United Firefighters Union enterprise bargaining agreement (EBA). It goes on to say that there are no vetos, yet there are over 50 vetos throughout the EBA. But apparently needing to have the agreement of another party is not a veto. What fantasy land this government lives in, only it knows.

### **Magnus Beugelaar**

**Mr WYNNE** (Minister for Planning) — I rise to mourn the passing of Magnus Beugelaar. Magnus was a much-loved and dedicated teacher at Northcote High School for 33 years. He was a talented painter, a long-term party member and a good friend. He lived green and voted Labor. He was a community activist and trade unionist, whose passions included animal welfare, arts and culture, human rights, women's welfare, the Australian Labor Party and the Collingwood Football Club. He was a wonderfully eccentric and colourful spirit who led his life with a fierce commitment to social justice and education. Warm hearted and erudite to the end, Magnus challenged those around him to think outside the box and spare a thought for those in society who were disadvantaged.

I recently attended Magnus's memorial service at Northcote High School. It was clear that Magnus was an inspiration to students, teachers and friends alike. To generations of students Magnus showed that there was life beyond the walls of a classroom. His defining characteristics were generosity and kindness. I recently learnt that Magnus had over the years offered his home as a shelter for women and children fleeing family violence, and now his legacy will live on. In an ultimate act of generosity his final wish was that his family home in North Fitzroy be held in perpetuity as a shelter for women fleeing family violence. This is a true mark

of this man. He will be sadly missed and fondly remembered. I offer my sincere condolences to his children, Nic and Elida. Vale, Magnus Beugelaar.

### **Wesley College**

**Mr HIBBINS** (Pahran) — I spoke at the model United Nations (UN) conference at Wesley College attended by year 9 students. The theme for the day was ‘refugees — rights and risks’. Listening to delegations give their opening statements, I was impressed by the thoughtful and considered approaches by students on what their country’s stance was. Well done to all students who took part and to the United Nations Association of Australia, Victoria Division. The UN is such a critical global institution, and it was great to see students embracing the challenging role of a UN delegate.

### **Stonnington Reconciliation Week Community Celebration**

**Mr HIBBINS** — Pahran has a valued local Indigenous community, and it was terrific to get together with families in the local community at the Stonnington Reconciliation Week Community Celebration, which included a welcome to country by the Boon Wurrung traditional owners and an impressive dance performance by the Indigenous Hip-hop Crew, which involved a significant amount of crowd participation.

### ***Introducing Teddy***

**Mr HIBBINS** — I attended the book launch of *Introducing Teddy* at Hares & Hyenas. *Introducing Teddy* is a children’s book about friendship, bravery and acceptance that helps children understand gender identity. Well done to writer Jessica Walton, illustrator Dougal MacPherson and publisher Bloomsbury for bringing such a courageous teddy to life.

### **South Yarra public housing tenants**

**Mr HIBBINS** — I attended a community barbecue with Greens candidate for the federal electorate of Higgins, Jason Ball, which was hosted by the South Yarra Public Tenants Association at the Horace Petty Estate. It was a pleasure to chat with residents, many of them from a Russian background, about the estate. We have had some great wins at the estate, with new security doors installed and an upgrade to the South Yarra Kindergarten. I look forward to continuing to advocate on behalf of residents.

### **Margaret Angel**

**Mr CARROLL** (Niddrie) — I rise in the Parliament to celebrate the life of Margaret Anne Angel, who was born on 13 December 1954 and passed away on 16 June 2016. This week, on Tuesday, 21 June, hundreds of community members from far and wide came together to remember a remarkable woman who touched so many. Margaret’s husband of 39½ years, Paul Angel, gave a moving tribute to the love of his life. As Paul told a packed hall at St Christopher’s Catholic Primary School, it was Marg’s beautiful face and radiant smile that caught his eye at a St Columba’s school debate in 1970. As fate would have it, on this occasion Paul found a vacant seat next to Marg and soon realised what a great conversationalist Marg was. He also for the first time saw the unusual walk Marg had. As he explained, this was the only time he felt sorry for his future wife, because despite her challenges, Marg lived life to the full and was committed to making a difference.

Above all else, Marg and Paul’s beautiful partnership produced two wonderful children, Rebecca and Peter. In a tribute to her mother, Beck reminisced about her wonderful relationship with her mum and the hours of chat she is going to miss, noting the strong interest and loyalty Marg took in her friends, most especially Pete’s partner, Grace. Not just a good talker, teacher, wonderful wife and mother, Marg was also a brilliant organiser, which was demonstrated by her roles in wheelchair sports, including as chair of a national junior committee. She was a driving force in athletics and rugby, and naturally she was the biggest fan of her son, Pete, in his sporting pursuits.

Marg’s organisational skills extended to overseas holidays, with husband Paul recalling the folders with plastic pockets, all organised for important documents and receipts. Whether it be overseas or interstate, Marg made sure the family made most of their opportunities. As Paul reminisced, the kids were often told to be at the beach until midday because there was always a pool that could be found at home. Marg’s infectious smile, personality and love for others will be forever cherished and remembered.

### **Country Fire Authority enterprise bargaining agreement**

**Mr D. O’BRIEN** (Gippsland South) — The government’s conduct in the dispute involving the Country Fire Authority (CFA) and the United Firefighters Union (UFU) is as shameful as it is deceitful. I am sick of hearing from members opposite about so-called lies and misinformation. I wonder if

they have even read the proposed enterprise bargaining agreement (EBA) or if they are just relying on the talking points from the government media unit.

Clause 21 of the proposed agreement establishes a consultative committee made up of equal numbers of UFU and CFA representatives, and this committee will operate on a consensus basis — that is, nothing is agreed until everyone has agreed. In other words, any one of the UFU members has a veto over decisions.

Why does this matter? A simple search of the EBA shows there are at least 40 references to clause 21, which provides that matters must be agreed by the UFU. For example, it includes a reference to ‘any technological change affecting the application or operation of the agreement and/or employees’, so if the CFA wants a new type of hose fitting or new tyres on trucks, the UFU has a veto power. Likewise, clause 21 applies to any policies of the CFA, including on ‘procedures, business rules, directions, standing orders, standard operating procedures, operational work instructions or any like document’. To suggest these policies would not impact on volunteers is laughable. There are dozens more of these egregious examples of unnecessary interference in the running of the CFA by the UFU. There is no justification for this interference. It is bad policy and will deliver bad outcomes for the CFA and our volunteers.

Do not just take my word for it, ask the member for Brunswick, ask the sacked CFA board, ask the Victorian Equal Opportunity and Human Rights Commission, ask the government’s own Crown counsel, or just pick up the paper today and see what eminent QC Jack Rush thinks. Labor’s bullying efforts to get this deal through have alarmed Victorians and shown the government’s true colours. This is a bad deal that is payback to the UFU for getting Labor elected, and it should be scrapped.

### Jessica Clear

**Ms SPENCE** (Yuroke) — I am very pleased to acknowledge the work of an exceptional young woman in my electorate of Yuroke. Jessica Clear of Craigieburn was born with autism, an intellectual disability and Ehlers-Danlos Syndrome (EDS), a rare connective tissue disorder that, among other symptoms, causes seizures, joint dislocations and scoliosis. Jessica’s experience with EDS ranges from breaking a thumb while playing a video game to breaking her jaw while sleeping.

Despite these challenges, Jessica has become a published author by the age of 21, with her book entitled *Don’t call Me disabled, i’m just like YOU*. Her

book aims not only to help those who live with autism and intellectual disability but also to raise awareness of those conditions across the broader community. As Jessica says, she cannot give up on working to achieve her goals because if she gives up on herself, she is giving up on others. It is terrific to see someone with such passion and persistence, and I would like to congratulate Jessica on her success and achievements to date.

I also wish Jessica all the best in her crowdfunding campaign to raise funds to access specialist medical treatment in the United States to manage the symptoms of her condition. I am happy to pass on the details of that campaign to anyone who may be interested in helping out.

### Shyniya Chandra

**Ms SPENCE** — I would also like to thank my work experience student, Shyniya Chandra, for helping to prepare this statement. Shyniya has done a fantastic job in my office this week, and I wish her all the best for her future.

### Dairy industry

**Mr BLACKWOOD** (Narracan) — The current dairy industry crisis is having a devastating impact on the local economy of many country towns. While the assistance being offered by state and federal governments is much needed and will help those farmers that qualify, the fallout from the reduction in the milk price is having a massive impact on local businesses in my electorate of Narracan.

As farmers tighten their belts, the small business sector in each region that supports the dairy industry is fast becoming collateral damage. There will be significant job losses in this sector, and many companies will struggle to survive the next three years. During the aftermath of the Black Saturday fires, business assistance grants were made available to businesses that were not directly impacted by the fires but were suffering a significant downturn in activity because of the fires. I call on the Andrews government to provide business support packages to affected businesses that may qualify, similar to the support provided following the 2009 fires.

### Gippsland Community Leadership Program

**Mr BLACKWOOD** — On Monday I had the pleasure of meeting with the 2016 participants in the Gippsland Community Leadership Program (GCLP). The program is in its 20th year and has over 500 GCLP

fellows spread across Gippsland and beyond. GCLP has been very successful in growing Gippsland leaders and ambassadors once they learn about the geography, the beauty and variety, the industry and the community of Gippsland. They become connected to the network of GCLP and learn what leadership is about and how it works. I congratulate the Committee for Gippsland on managing and delivering the program, and I thank the participants for their commitment and loyalty to Gippsland.

### **National disability insurance scheme**

**Mr FOLEY** (Minister for Housing, Disability and Ageing) — In eight days time the national disability insurance scheme (NDIS) begins its rollout in Victoria. This is without question the largest single reform in specialist disability services in our history and arguably the largest social government reform since the introduction of Medicare. The NDIS is a new way to deliver care and support for people with disabilities. It is about individualised support and services for people with disability, their families and carers, with the choice and control being centred around them, rather than the one-size-fits-all ‘offer’ approach that has characterised the services to date.

The NDIS funds people with disability directly so that they can choose their services from providers that best fit the reasonable and necessary supports that they need to deliver the life that they want. As a result of this three-year rollout commencing in eight days time, by 2019–20 we will see over 105 000 Victorians being directly supported by the NDIS. This is an increase of over 25 000 to 26 000, depending on final figures, as we will see an end to waiting lists and an end — for the people with disabilities, their families and their carers — to waiting for services that rarely appear on time and meet their needs. This rollout, which will begin in the north-east of Melbourne and will soon be followed by the Loddon and Central Highlands areas, will be greatly welcomed.

### **Walter Pisciotta**

**Mr GIDLEY** (Mount Waverley) — Today in Parliament I rise to congratulate Walter James Pisciotta, OAM, for service to the automotive industry. The automotive industry in Victoria is a significant part of our economy and our way of life. It is because of people like Walter, who has been recognised for his service, that the automotive industry will continue to thrive.

### **Vincent Chow**

**Mr GIDLEY** — Today in Parliament I congratulate Vincent Chow, OAM, for his service to the Chinese community of Melbourne. Mr Chow has had a long and distinguished service in the Chinese community in Melbourne, working to support people of Chinese heritage and building a stronger state. I congratulate him on behalf of the district of Mount Waverley.

### **Cynthia Plunkett**

**Mr GIDLEY** — Today in Parliament I recognise Cynthia Plunkett, OAM, for service to the community through a range of organisations. Community organisations are the lifeblood of our state and provide such important mechanisms to support and advance the interests of our people. Without people like Cynthia putting themselves forward and serving community organisations, our state would be much weaker.

### **Monash Chinese Friendship Association**

**Mr GIDLEY** — I congratulate the Monash Chinese Friendship Association on its inaugural Chinese painting art show. In particular I recognise in Parliament Ms Hong Dai and other members of the Monash Chinese Friendship Association who have done tremendous work in the association and prepared that exhibition. I wish them well.

### **Mount View Art Show**

**Mr GIDLEY** — Today in Parliament I want to congratulate the Mount View Art Show on celebrating its 32nd year, in particular the director, Sue G Adler-Hele and principal, Colin Dobson. I wish them all the best.

### **Palm oil labelling**

**Mr STAIKOS** (Bentleigh) — I met at least 60 future members of Parliament this week when I visited grade 6 of Bentleigh West Primary School for a discussion on our system of government. A number of students raised with me the issue of palm oil. The students are concerned by these facts: Indonesia has the second-highest rate of deforestation in the world; over 300 football fields of rainforest are destroyed every hour in South-East Asia; clearing forests for palm oil plantations is a leading cause of deforestation; and over 50 orangutans die each week because of this devastation. The students are campaigning for adequate labelling of products containing palm oil. Palm oil accounts for 65 per cent of all vegetable oil trade internationally. In Australia palm oil is contained in 40 per cent of products in Australian supermarkets, yet

labelling is not mandatory. People are simply unaware that what is referred to as vegetable oil on a product they purchase is likely to be contributing to significant environmental damage. The students of Bentleigh West Primary School want to make a difference, and I support them in this.

### **Leslie Heimann**

**Mr STAIKOS** — Congratulations to my friend Les Heimann, a Moorabbin resident who has been awarded a Medal of the Order of Australia. There is a long list of community groups to which Les has given his time over the years, including the Highett branch of the Bendigo Community Bank, the Highett neighbourhood community house, Bayside Glen Eira Kingston Local Learning and Employment Network and B'nai B'rith. He has always given selflessly to others, and while he never seeks accolades, the OAM is well deserved.

### **United Kingdom European Union referendum**

**Mr T. SMITH** (Kew) — Recently I was a guest of the British government as part of the Foreign and Commonwealth Office international leaders program. I visited London last week, where I was a guest at Number 10, at the foreign office and around the United Kingdom.

On that note, I will indulge in a campaign that I have been very supportive of for some time. Given that in Britain today it is the referendum for a once-in-a-lifetime chance for the British people to free themselves of the European Union, I put on record my absolute support for the British people to leave the European Union. For 400 years British politics and history have been permeated by Parliament's struggling initially against the Crown and now against Europe for supremacy. I stand for the parliamentary supremacy of Westminster. I want to see British sovereignty restored, because I could not possibly imagine my British cousins living in a country for any longer where they cannot decide who comes to their country and the manner in which they come. We are a sovereign people here in Australia, and I am very, very keen that on 24 June the British people will once again be free from the clutches of the undemocratic European Union.

### **Vietnamese refugees**

**Mr DONNELLAN** (Minister for Roads and Road Safety) — I would like to raise on behalf of the Australian Vietnamese community their concern at recent actions of the federal government processing political refugees from Vietnam offshore. We know that the last time this was undertaken the four people

who were processed offshore were locked up when they returned to Vietnam. The Vietnamese community is very concerned that the government is processing these people offshore and that their rights under the UN charter in terms of claiming political refugee status are not being properly assessed. The Vietnamese community is concerned and urges the federal government to change its mode of operation.

### **Jan Moore**

**Mr DONNELLAN** — Separately, I also want to make note of a marvellous memorial we had in recent weeks at Trades Hall Council for Jan Moore, a long-time volunteer for the Labor Party. We were fortunate to have the Premier, the Minister for Housing, Disability and Ageing, the Minister for Planning, Senator Gavin Marshall and a former federal member for Melbourne, Lindsay Tanner, all talk on behalf of the Labor Party about the fine contribution that Jan Moore made to the Labor Party, including collecting items signed by people like Shane Warne and so forth for auction items and the passion with which she led the Melbourne student union activity in the 1970s. Jan went from wanting to join Billy Graham and his Baptist team in spreading religion around the USA to becoming an ALP volunteer.

### **Burwood electorate crime statistics**

**Mr WATT** (Burwood) — Last week we saw the alarming new crime statistics released, with a 12.4 per cent increase in crime across Victoria. What is even more alarming is some of the crime rate increases in my electorate of Burwood. If you look at the suburb of Camberwell, you see a 52.46 per cent increase in crimes against the person. If you look at property and deception in Camberwell, you see a nearly 39 per cent increase in offences. If you look at the suburb of Burwood, you see that crimes against the person are up 17.86 per cent. If you look at property and deception in Burwood, you see such offences are up 12.3 per cent. If you have a look at Canterbury, you see a 25 per cent increase in crimes against the person. If you look at Surrey Hills, you see that drug offences are up 23.8 per cent. If you look at Box Hill South, you see that justice procedure offences are up 71 per cent. If you look at Glen Iris, you see a 20 per cent increase in crimes against the person and a 31 per cent increase in property and deception offences. Crimes against the person in Ashburton-Ashwood are up 63 per cent. If you look at Chadstone, you see that crimes against the person are up 47.6 per cent.

With crime on the rise it is bemusing that the Andrews Labor government is closing police stations, including a

reduction in hours at Burwood police station to zero, a 71 per cent cut in hours at the Ashburton police station and a 50 per cent cut in the hours at the Mount Waverley police station. Hopefully these crime statistics will make the government wake up. The crime statistics need to be taken seriously, and the Andrews Labor government needs to take this problem seriously.

### Refugee Week

**Ms THOMSON** (Footscray) — It is a pleasure to rise during Refugee Week to celebrate the contribution that refugees have made to my electorate, to this state and to this country. Footscray is one of the most culturally and linguistically diverse electorates in Victoria, and 50 per cent of people in my electorate were born overseas, a figure I am very, very proud of. My electorate is also very proud to celebrate diversity and to welcome people from all over the world to our shores. We are a United Nations in every street and in every laneway of my electorate. I think it is very poignant at this point in time to talk about the contribution of refugees — at a time when we are criticising their right to be here. We welcome them in the electorate of Footscray. We celebrate them in the electorate of Footscray. I am proud of my heritage. My father fled Poland pre war to settle in Australia and make a life here. I commend all those refugees who have taken that leap and have done the same.

## LEGISLATIVE COUNCIL STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Treasurer

**Message received from Council seeking agreement to following resolution:**

#### Council's resolution:

The Legislative Council acquaint the Legislative Assembly that this house requests the Legislative Assembly to grant leave to the Minister for Public Transport, Treasurer, the Honourable Tim Pallas, MP, to appear before the Legislative Council economy and infrastructure committee to give evidence and answer questions in relation to the committee's inquiry into infrastructure projects.

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

That the message be taken into consideration later this day.

**Mr CLARK** (Box Hill) — I want to speak on the question of when this message gets taken into account. This is an important message from the other place. It wants permission for one of our members, the

Treasurer, to come and appear before a committee which is inquiring into important matters. If we do not have any commitment that this matter will be taken into account and actually dealt with today — rather than adjourned off until later this day and then not in fact reappearing — then the members of the Legislative Council will be deprived of the opportunity to have the Treasurer appear before them and give evidence.

We have had issues along these lines before, where the government has sought to protect its ministers by not agreeing to them appearing before the Legislative Council committees. I have been over this issue time and again before. There is in fact some issue as to whether or not leave of this house is required, but the other place, out of an abundance of caution and out of respect for this house, has sent a message requesting our agreement that one of our members come and give evidence before it, and I think it is appropriate that that is what occurs.

If the government is not prepared to give that permission, then its members should stand up and say so. They should not try to duck and hide and not be accountable for where they stand on this by adjourning this matter off ostensibly until later today but perhaps until the Parliament resumes in the spring, which means effectively never, with their minister protected and the upper house and the community deprived of the opportunity of taking evidence on the matters into which it is inquiring.

So this side of the house therefore strongly opposes the adjournment of this matter until later today unless we are able to get some commitment from the government side of the house that 'later this day' genuinely means later this day and that the government will bring it on. Even better would be to deal with it forthwith. We are happy for it to go through on the voices — that this house give leave to the Treasurer to go and give evidence before the Legislative Council. If the government is not prepared to agree to that, its members should stand up and defend themselves.

**Ms THOMSON** (Footscray) — On this motion of adjourning this matter until later this day, this matter has just been brought before the house. It is not a matter that we were aware of. We do have a business program to get through and bills to deal with before we rise for the winter recess. So on that basis, and given the debates we have had this week about the need to debate the bills that we have before the house, it is only appropriate that we actually do debate the bills before the house.

There has been a lot of criticism about the opportunities being given to members to be able to talk on the budget and put their position on the budget, and therefore there are a number of reasons why it is inappropriate for us to deal with this matter at this point in time, and appropriate for us to adjourn it as it has just been brought to the house from the other place. We do have a government business program that we do need to deal with — a list of important bills — and we have been told by members opposite how important these bills are and the importance of the contribution that members may make on these bills. Therefore I think that it is appropriate that we adjourn this matter off, that we deal with the government business program that has been set out and that we do deal with the important bills, as also identified by the opposition, that are before this house before we even attempt to deal with the matter that has been brought to us by the other place.

**Mr R. SMITH** (Warrandyte) — I rise to support the manager of opposition business's comments. It is very important that the government does address this matter forthwith. Having just had a quick look at the economy and infrastructure committee report that has been tabled in the other place not even 1 hour ago, I just note that the report should be a very substantial one, being as it is an inquiry into the infrastructure agenda of the government. Many in the community fronted this committee and gave evidence as to the manner in which the government was progressing its agenda, with very little consultation and with no environment effects statements for many of these issues. Despite the community giving a lot of their time, I note in the chairman's foreword of the report that some:

... members of the committee did not see fit to give the concerns of residents and local community groups proper consideration by tabling a more substantial report.

If government members are so insistent that they are not going to allow proper consideration of the community's views, then it is very fitting that the Treasurer fronts that committee and actually puts forward and prosecutes the government's case, and indeed perhaps the government members of that committee could actually consider those comments. As it is, I find that this report is insubstantial, to say the least. The Treasurer's comments to that committee would of course be of great value, so that we could actually understand what it is the government is doing and how it is funding these projects that clearly are not funded despite what the Premier comes in here and says.

I think that we should deal with this matter forthwith because the subversion of proper process around committees has been on show for all to see, particularly

in the last sitting week, where the member for Ringwood clearly showed the way government members had subverted proper process in relation to a particular report. It is happening again, and I think the government needs to stand up, front that committee and actually give some explanation around the way it is operating.

**Mr BROOKS** (Bundoora) — I wish to speak in favour of the position put by the member for Footscray. This message from the Council has come down on the last sitting day and has requested something that is not quite clear, because on my listening of the Acting Speaker reading that message out, it referred to the Treasurer something transport minister. There seems to be some confusion in the drafting of that message, and I think that would need to be sorted out before we proceeded any further to consider this matter.

As I say, there is an important amount of business on the agenda today in this house. We would like to get on with that business. I am looking forward to making a contribution on the Crimes Amendment (Sexual Offences) Bill 2016 and talking about the improvements that the government wants to make to the laws around protecting children from sexual offences, and there is also the debate on the sessional and standing orders, which is quite important. So I think we should move on and put aside this bit of business, which I think is a bit of a stunt by the opposition on the last sitting day before we rise for the winter break.

**Mr WATT** (Burwood) — I rise to support the manager of opposition business on his contribution to this debate. The economy and infrastructure committee in the other place has simply requested that the Treasurer present to give evidence on infrastructure projects. What I want to know is: what has he got to hide? It is clear that in the last budget the Treasurer cut infrastructure spending substantially. I think the figure was somewhere around 24 per cent.

**Ms Thomson** — On a point of order, Acting Speaker, this is a debate about adjourning consideration of a request from the upper house. This is not a time to reflect on the budget or anything else. There is an appropriate time for that debate. I ask that you call the member back to debating the adjournment of consideration of this matter.

**Mr Clark** — On the point of order, Acting Speaker, the member for Burwood was entirely in order. He was explaining to the house the importance of the Treasurer appearing before the upper house committee in relation to infrastructure projects. The honourable member for

Footscray should not try to filibuster and use the member for Burwood's time to address the house.

**The ACTING SPEAKER (Mr Carbines)** — Order! I do not uphold the point of order at this time. I was also in some discussions with the Clerk. I ask the member for Burwood to continue.

**Mr WATT** — The reason it is important for the Treasurer to present — and it is not just about his presenting because that is a debate that we will have later this day, or hopefully now, depending on whether or not this motion is successful — and the importance of having this brought on forthwith centres around timing and how long it would take for the Treasurer to get there if the government agreed to have the Treasurer present later this day. If it is not dealt with straightaway, forthwith, today, what that will mean is that we will not be able to have this debate brought on until the middle of August. Even if the government eventually agrees in the middle of August, we are talking about the Treasurer not being able to present to the economy and infrastructure committee until well into the second half of this year. That is not acceptable.

The Treasurer should present. I do not know what he has got to hide, and I do not know what the government is trying to hide, but I think it is important that the people of Victoria, through this committee, get to understand why the government has been cutting infrastructure, why the government is ramming through some infrastructure projects without environment effects statements and why it is putting through something like sky rail without giving people's views due consideration. These are important issues that this committee will want to delve into, and it will want to delve into them very soon, not next year and not the year after — not after the government has already rammed through projects like the western distributor or the sky rail proposal.

These are important issues that need to be dealt with now. That is why we need to deal with this question today, now, not down the track. As the manager of opposition business pointed out, 'later this day' could turn into later this day but it could also turn into next sitting week, and it could also turn into whenever the government wants to get to it. That is not acceptable. That is why we need to deal with it forthwith, and that is why I support the manager of opposition business in his contribution.

### House divided on motion:

*Ayes, 45*

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

*Noes, 40*

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

### Motion agreed to.

## ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE

### Reference

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

That under section 33 of the Parliamentary Committees Act 2003, an inquiry be referred to the Economic, Education, Jobs and Skills Committee, for consideration and report no later than 1 July 2017, into supporting the role of communities in the Victorian energy economy and, in undertaking the inquiry, the committee should:

- (1) look at the potential role of cooperatives, mutuals, social enterprises and community ownership in the energy sector;
- (2) investigate the benefits of community-owned energy programs;
- (3) investigate the best ways to encourage the uptake of community energy projects;
- (4) investigate the ability to expand community energy projects outside of solar and wind power;
- (5) review the best practice models of other Australian and international jurisdictions for supporting community ownership options in the energy sector;
- (6) investigate the challenges to community energy projects in metropolitan areas; and
- (7) investigate ways to support communities to surmount challenges to community-owned energy in metropolitan areas.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Standing and sessional orders

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

That the amendments to the standing and sessional orders in the appendix 1 of the Standing Orders Committee's report on the inquiry into sitting hours and operation of the house, June 2016, be agreed to, to come into effect on Tuesday, 16 August 2016, and the Clerk be authorised to carry out any consequential renumbering required.

I will only make a few brief comments on the motion that is before the house, and I will resist the temptation offered by the member for Brighton to speak for my full half-hour on this matter. I expect others may use their full time, given that changes to standing and sessional orders excite great passion in this chamber in my experience. Some of the most vigorous conversations we have had in this place have been about changes to the standing and sessional orders, and that is probably as it should be, given that they are the rules and the forms of the house that govern the way we do business in this chamber.

The motion refers to a report that was tabled on Tuesday of this week from the Standing Orders Committee, of which I am a member, on the inquiry into the sitting hours and operation of the house. This was a reference that the government gave to the Standing Orders Committee very early on in its time in government, because we wanted to look at how we can continue a practice that has developed in recent years of modernising the forms of the house. The terms of

reference asked us to obviously look at sessional orders, asked us to look at standing orders and also asked us to look at the sitting hours of the house, which I will come to in a moment.

In asking for the house's support to adopt the changes, as outlined in appendix 1, to the standing and sessional orders, I would like to note that there is of course a minority report that has been tabled by government members of the committee that goes to a difference of opinion that we had on sessional order 7. I am not going to speak to that sessional order 7 issue in this debate. I will flag, however, that in the following debate that we will be having that is concerned with just sessional order 7, I will go into the details of why government members felt compelled to submit that minority report attached to this report on the standing orders. We will have a more fulsome debate on changing sessional order 7.

Putting that aside, I refer firstly to the changes to the standing orders that have been proposed by the members of the committee. If I am remembering correctly, I think we all supported the changes to the standing orders. A number of these changes to the standing orders are housekeeping issues such as on how long should be provided for responses to questions on notice and adjournment matters. There are some changes around addressing technological advances that impact on the way we do business. We are moving with the times on that one.

I think one of the more significant proposed changes to standing orders is including in them the practice that this house adopted in 2013, I think, under the stewardship of the former Leader of the House, the member for Brighton, of having second-reading speeches incorporated into *Hansard* rather than read, as they previously had been since the beginning of time in this place. This is a great reform that was not without some controversy at the time — probably in the member for Brighton's party room more so than in ours — but we felt that it was a more modern and time-efficient approach to incorporate second-reading speeches. It does not change the legal intent or the weight of those second-reading speeches and the statements of compatibility with the human rights charter. So that is something that is now enshrined in the standing orders.

One of the issues before the committee in considering the sessional orders and how they should be either changed or incorporated into standing orders was for how long had they been in operation. Given that the practice of incorporation of second-reading speeches has been in place for now the best part of three years in

this place, it was felt that there had been enough practice in the house for the sessional order to be incorporated as a standing order.

Beyond that, members will see in the changes that are proposed to the sessional orders that many of them are as a consequence of the sessional orders now being incorporated as permanent standing orders of this place. There are practices that we have had around the statements of compatibility, condolence motions and, as I said, the incorporation of second-reading speeches into *Hansard*, and a number of those matters have been picked up and will be placed permanently into standing orders.

I wanted to also touch on the discussions that we had in the committee around sitting hours. I think one of the great things we have done as a government to support members in this place is change the sitting hours and to make sure in doing so that we have not lost any debating time. We have enabled the practice to be established in this place where the house adjourns at 7 o'clock on a Tuesday and Wednesday evening, putting an end to that late-night practice. I know some people like those late nights, but I guess reflecting that I think now many of us — —

**Mr Walsh** interjected.

**Ms ALLAN** — I'd love to. Many of us come to this place with different backgrounds and experiences to what parliaments have had in previous times, and I think changing the sitting hours of this house as we did at the start of 2015 has seen an improvement to our general wellbeing. It is not just our wellbeing that we are concerned about, but also the wellbeing of the staff, which is an important consideration, as this is their workplace as well as ours. So whilst we are not proposing any changes at this stage to the sitting hours, largely because they have only been in practice for 18 months and we would like to give them a bit more time to see how they operate, in my view they have been a good change that has been made in this place.

There was a major point of difference between government members and non-government members on the committee around the wording of sessional order 7. I will not go to that in this debate; I will hold my fire for the next item on the notice paper.

I finish by thanking all members of the committee — the Speaker as chair and all members of the committee who represent all parties as well as the Independent member for Shepparton, who is also a member of the committee. We had good discussions. We had long discussions. We contemplated the practices of other

parliaments both here and overseas. The committee is made up of members with a wealth of experience and new members of the Parliament who bring a fresh and different perspective. It is a good mix of people on the committee. There has been a good set of conversations on the committee. As I said, there is one point of difference where we have divided along party political lines, and that will happen from time to time, but that does not diminish — —

**Mr Watt** interjected.

**Ms ALLAN** — Isn't it disappointing that the member for Burwood just cannot help himself? He cannot help himself. Here I am, heaping praise on the bipartisan approach we have been taking in this committee, and he just cannot help himself. If he bothered to check out the report, he would see that the Independent member for Shepparton voted with the non-government members on that issue. So perhaps he wants to think before he opens that mouth of his.

**Ms Asher** interjected.

**Ms ALLAN** — Didn't she? I take that back. I apologise to the member for Shepparton. Can I thank the member for Brighton for her spirit of bipartisanship in pointing that out to me, and I apologise to the member for Burwood. But my comment still stands; he probably needs to think a bit more, and I will adopt that practice myself. It is Thursday and the end of the sitting week, so I am going to plead the fifth.

I will reinforce what I said about the good conversations that we had across the committee. Can I thank the staff, who, as always, do a great job in supporting us in working through the range of issues. I look forward to the house supporting these changes to the standing and sessional orders, notwithstanding the debate we will have on the next motion before the house.

**Mr CLARK** (Box Hill) — The amendments to the standing and sessional orders that have come out of the Standing Orders Committee's report are incredibly limited indeed, even though they are worthwhile as far as they go. In some respects they enshrine into standing orders items that were previously in sessional orders. They also make some useful mechanical changes to the procedures under which ministers respond to matters raised in the adjournment debate and provide written answers, in order to provide a standard framework in which written responses to matters raised on the adjournment and non-responsive oral answer follow-ups are furnished and then published. I think those will be useful in providing a consolidated database and a

consolidated process and will enable the clerks to keep track of when responses to all of these items are lodged, which unfortunately is becoming at times an onerous responsibility for the clerks, given the number of occasions on which ministers are not compliant with the time lines that have been laid down in the sessional orders that their own government has adopted and which were part of their election policy.

That will be useful. There will be that consistent framework. There will be a published database available on the internet in which members of this house and the other place and of the community in general will be able to track down the responses that have been given. That is a particular improvement in relation to past adjournment debate practice where there has been a letter from the minister to the member who raised the matter on the adjournment if it was not able to be responded to orally but that answer was not more generally available. So, insofar as they go, the changes recommended by the Standing Orders Committee are worthwhile, and they are supported by this side of the house.

The big issue that remains unresolved is why it is that so little has come out of this process. Of course it is not in order for members of the Standing Orders Committee to canvass what was discussed in meetings of the committee without the committee's permission. Largely, all I can say is that there are many matters on which the report of the Standing Orders Committee is silent, and that includes matters which this house and members of the public who follow these issues would have expected to have come out of the Standing Orders Committee report — given what has been raised publicly, including by the Labor Party when it was in opposition — but in relation to which the report is silent. From what has been said publicly, it would be pretty clear to everybody that that silence on these matters and the fact that the Standing Orders Committee has not dealt with these matters is not due to any want of enthusiasm or willingness from members on this side of the house to make those reforms.

For example, many members would have expected the Standing Orders Committee report to have addressed issues such as the rebroadcasting of Parliamentary proceedings — such as the right of members to put extracts from the official broadcast of parliamentary proceedings on their website. This is something that most other parliaments allow, and in this day of social media it is a way in which members can make known to their constituents what they have been saying on their behalf in this house. It is a practice followed in the federal Parliament, but the report of the Standing Orders Committee is silent on it.

All that the report recommends and all that the motion before the house agrees to is giving official recognition in the standing orders of official broadcasts of proceedings made available on the Parliament's website in compliance with guidelines issued by the Speaker and allowing that the official broadcast of the public proceedings of a parliamentary committee, with the approval of that committee and the Speaker, be made available on the Parliament's website, as recommended for inclusion as a new standing order 233. But there is nothing beyond that. For all the talk from the Labor Party in opposition about modernising how this Parliament operates, even that very modest reform has not emanated out of the Standing Orders Committee process that the government initiated. Labor members can talk a lot, but their willingness to deliver is incredibly limited indeed.

Another issue that has been canvassed publicly in this house — and again many members would have looked to the committee's report for something about this — is that of giving the Speaker the power to rule that answers to questions on notice are not responsive. The Speaker is having enough difficulty at the moment even getting ministers to answer questions within 30 days, which is the requirement. Time and time again the request for answers has just been brushed off by ministers, and the Speaker has been given no effective power to hold ministers to account. The Minister for Roads and Road Safety, who is sitting at the table, is one of the prime offenders in this regard. Labor ministers are thumbing their nose at this Parliament and flouting their obligations as ministers. Yet again this report of the Standing Orders Committee is completely silent on this point.

We had the Leader of the House in moving this motion, somewhat bravely on her part, canvassing the issue of the sitting hours of the house, which again was something that the committee was expected to report on. I think the Leader of the House pleaded guilty in her contribution to not getting her way on this. There was an expectation — indeed after there was authority to canvass generally amongst members on both sides of the house whether or not there should be an adjustment made to sitting hours — that the house would start at 11.30 a.m. on a Tuesday, rather than at noon, and move on to the adjournment at 4.30 p.m. on a Thursday, rather than at 5, to allow country members in particular to depart Melbourne ahead of the evening peak period. That was certainly something that we on this side of the house were perfectly happy to agree to, but as far as we can see, the Leader of the House got rolled by her own side on this, and that reform has also not seen the light of day.

Far and beyond these matters that have been canvassed in this house over recent times, there is a whole swathe of matters that the Labor Party promised before the election that have not seen the light of day. Labor put out two very loudly launched media releases in the run-up to the election — one on 16 October 2014 and one on 27 November — in which it trumpeted all the reforms they were going to make to Parliament in order to ‘clean up Parliament’, as it put it, and introduce what they referred to as ‘honesty reforms’. I am sure some of these matters will be canvassed in considerable detail when we deal with Labor’s proposal to break its election promise in relation to new government initiatives, projects and achievements being dealt with in ministers statements. Far and beyond that, we have repeatedly seen Labor’s failure to deliver on its election promises. I quote from Labor’s media release of 16 October 2014. It states:

The consideration-in-detail stage will be introduced as a standard feature to enhance scrutiny.

Later on in that media release it is stated:

Labor’s 11-point reform plan will:

...

Make consideration in detail (committee stage) a standard feature for the passage of bills in the Legislative Assembly (as it is in the Council). Labor will give consideration to the creation of a Legislative Assembly committee room for the purpose of the detailed consideration of bills.

That was one of Labor’s much-trumpeted election promises. Again, absolutely nothing has been laid before the house in the report of the Standing Orders Committee. There is absolutely no word from the government or the Leader of the House in relation to where that much-trumpeted reform has got to, including the creation of a Legislative Assembly committee room.

There was a general statement in that same media release that Labor’s 11-point plan will ‘review sessional and standing orders, looking at a range of other matters including sitting hours and the scheduling of more time for MPs to raise matters on behalf of their communities in Parliament’. As I said earlier, we have seen nothing about further changes to the sitting hours. We certainly see nothing about raising matters on behalf of our communities in Parliament. Then we have the government’s media release of 27 November 2014, which repeats many of the promises made in the previous media release of 16 October and contains two other very significant promises, which again have totally disappeared. I quote from that media release. It states:

Members of Parliament have a responsibility to make sound decisions and they should never allow themselves to be compromised in their duties. Labor will introduce random breath testing for all members of Parliament during sifting weeks. This will send a very clear message to the Victorian community that Labor is serious about restoring respect and integrity to the Victorian Parliament.

We will refer the implementation to a cross-party parliamentary committee, which will consider sanctions such as forfeiture of pay and suspension from the Parliament. Labor will also legislate to give the Chief Justice, the Chief Judge and the Chief Magistrate the power to require these random tests of the judiciary. Sanctions will be determined in consultation with the judiciary.

That was a very solemn promise. It was a promise that led one of our leading metropolitan newspapers to take it so seriously as to give it very prominent coverage in the run-up to the election. Now not only has Labor demonstrated to the community that it cares nothing about what it said prior to the election on these matters, it has also demonstrated it to that leading metropolitan daily, which accepted Labor’s word on that occasion. I suspect it will seldom, if ever, again take Labor at its word.

Beyond the issue of breath testing — and it looked very much like this was just something designed to grab the headlines at the time and which Labor had no serious intention of carrying through — it is yet again a demonstration of the fact that the Labor Party is quite happy to say a lot but has absolutely no intention of delivering on it. That unfortunately needs to go to its credibility, not only in relation to standing and sessional orders but in relation to what Labor might say on any topic whatsoever, because if the government can make such a detailed and specific pledge prior to the election and then comprehensively break it after the election, how can it be taken seriously on anything else?

Indeed how can the Premier or any other minister stand up in this house or stand up before the community and say, as I have heard the Premier and other ministers say previously, that Labor is honouring each and every one of its election commitments? There is a long list of those commitments that I have touched on just today in relation to alleged reforms of the Parliament that the Labor Party and the Premier and his ministers have failed to deliver on. You would hope that if they had any conscience whatsoever, they would not again dare to repeat the false assertion that they are honouring each and every one of their election promises.

As I said at the outset, the recommendations that are made in this report of the Standing Orders Committee are worthwhile as far as they go, but they are very limited indeed. It is unfortunately a great lost opportunity to actually introduce some sensible further

improvements to how the Parliament operates. Certainly we on this side of the house have been willing to do so, as we have demonstrated publicly, but there has been no sign of willingness on the government side to deliver on substantial reforms, even the reforms that were trumpeted by government members prior to the election.

In conclusion, notwithstanding the limited output of the committee, which is entirely the responsibility of the parliamentary members of that committee, particularly those on the government side, can I pay tribute to you, Speaker, for the careful and constructive and impartial way in which you have presided as chair of that committee and also to the work of the clerks, who have serviced the committee with great diligence and put a huge amount of work into supporting the committee and in the research they have undertaken for it. Even though much of that has not seen the light of day in this report, hopefully it will see the light of day and prove to be of use in time to come.

**Business interrupted under sessional orders.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! I wish to welcome Mr Chris Whiting, MP, member for Murrumba, Queensland, and Chief Government Whip. Welcome to this house.

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### State Emergency Service volunteers

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Premier, your attack on Country Fire Authority (CFA) volunteers has left them feeling betrayed when they see you putting your pre-election deals ahead of people who do so much for our state. Premier, will you guarantee that under your government there will be no changes to the operational structure and volunteer responsibilities in the State Emergency Service (SES), or are they next on your list after CFA volunteers?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. I just refer the Leader of the Opposition again — mistaken as he so often is, confused as he so often is — —'

*Honourable members interjecting.*

**Mr ANDREWS** — He is confused about many things. I would direct — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair is unable to hear the Premier. A question was put to the Premier by the Leader of the Opposition. The Premier is entitled to silence, and the Chair is entitled to be able to hear the Premier in order to adjudicate fairly and impartially on subsequent matters if they arise.

**Mr ANDREWS** — If only some had been so loud when they were cutting the budget of the CFA. They did not have much to say then. No, they sat around the cabinet table cheering each other on, saying, 'Here's an idea. Let's cut the CFA's budget'. And what was said? Not a word.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier, in silence.

**Mr ANDREWS** — So on support for the CFA, I would direct the confused Leader of the Opposition to 70 additional trucks in the 2015–16 budget, \$10 million for new stations in the 2015–16 budget, rolling out emergency medical response and providing funding for post-traumatic stress disorder services, the first time the state has seen that. I would direct the Leader of the Opposition to the — —

**Mr Paynter** interjected.

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Bass

**The SPEAKER** — Order! The member for Bass will withdraw from the house for the period of 1 hour. The Chair reminds members that it is incumbent on the Chair to have members withdraw should their behaviour be unparliamentary and that warnings are not necessarily going to be extended.

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

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### State Emergency Service volunteers

**Questions and statements resumed.**

**Mr Clark** — On a point of order, Speaker, this was a very specific question in relation to the operational structure and responsibilities of the SES. The Premier is

not being relevant to the question. I ask you to bring him back to answering the question.

**The SPEAKER** — Order! The Premier, to continue and to come back to answering the question.

**Mr ANDREWS** (Premier) — We have provided strong support to the CFA, and I was asked about our pre-election commitments, and they will be delivered as well — presumptive rights, additional firefighters, further station upgrades, new equipment and new appliances. As far as the SES is concerned, let me take this opportunity on behalf, I would hope, of all members of Parliament to thank every member of the SES for the work that they do.

I can inform again the very confused Leader of the Opposition that we provided \$49.1 million to the SES in this year's budget — strong support. I will go a step further and indicate to all honourable members that there has been a bit of publicity recently about councils perhaps stepping away from providing support to the SES. Well, that is shameful, and that should not occur.

Our government stands ready to make sure that we not only provide consistent support to the SES but that if we need to provide further support because councils walk away from the SES, we will provide that support. Be in no doubt about that. Whilst the Leader of the Opposition was pretending to support firefighters but was really fundraising, now he is pretending to support the SES. No doubt there will be an SES fundraising website launched quite soon as well, because that is their form — cutbacks and sham websites — and we will have none of it.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — So the SES is next.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition is entitled to a supplementary question and is entitled to be heard in silence. Government members will allow that to happen, and so will opposition members.

**Mr GUY** — With clause 156 of the cabinet-endorsed enterprise bargaining agreement stating that paid CFA officers will now be the road accident rescue teams replacing a job currently done by the SES, is it not true, Premier, that in many regional and outer urban areas SES volunteer units will now have their primary role usurped and their volunteer base destroyed?

*Honourable members interjecting.*

**Mr ANDREWS** (Premier) — I would simply say to the Leader of the Opposition that I reject each and every element of the question he has just asked. He opened up with: 'The SES is next'. For what? For a fraudulent website to raise money? For those who would pretend to be for firefighters, pretend to be for volunteers, when all they are for is themselves and their grubby fundraising — their fraudulent, sham, grubby fundraising — that is all the commentary you need. They ought to give the money back, and they ought to give it back today, unless of course they support the sham website with their sham questions and their sham leadership.

**Ministers statements: Monash Freeway**

**Mr ANDREWS** (Premier) — I am very pleased to rise to inform the house that the government has signed contracts for the Monash Freeway upgrade, a critical piece of infrastructure in Melbourne's south-eastern suburbs. That contract was signed earlier on today, and we are able to announce that those additional lanes — 30 kilometres of them — with additional technology deploying from Warrigal Road all the way out to Clyde Road, the best lane management technology possible — —

**An honourable member** interjected.

**Mr ANDREWS** — Well, some talk about these projects, indeed they do, and others deliver them — \$400 million, 400 jobs, a 20 per cent reduction in major accidents, a 10-minute travel time saving for the 200 000 vehicles that use that roadway every day. Not talking about it; actually delivering it. Who are our partners in delivering this? VicRoads is on board, the construction company is on board, Transurban is supportive of this project — —

*Honourable members interjecting.*

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

**Mr ANDREWS** — They are very loud, but their volume does not build anything. It did not for four years in government — —

*Honourable members interjecting.*

**Mr ANDREWS** — I think they probably know where I am heading to, and I am heading to the fact that the commonwealth government is not a partner in this. It is putting billboards up on the Monash Freeway pretending to be a supporter of the Monash project, but

there is none of its money in this. The Prime Minister is in town today; he should commit to the Monash widening project. He should hand the money over. And while he is handing money over, maybe he should hand some money back as well. The challenge for Malcolm Turnbull is: yes or no, will you hand back the money you have fraudulently raised in the name of the CFA?

### Country Fire Authority volunteers

**Mr BATTIN** (Gembrook) — My question is to the Premier. The Country Fire Authority Act 1958 outlines responsibilities for the CEO, the board and the minister, all to protect the rights of volunteers, who protect our state. In the last month you have lost a board, a minister and a CEO who tried to stand up for the law and for the Country Fire Authority's (CFA) 60 000 volunteers. Premier, will you guarantee you will not force the new hand-picked CFA board to contravene the CFA act, the Fair Work Act 2009 or the Equal Opportunity Act 2010, as you have tried to do with your previous board, CEO and minister?

**Mr ANDREWS** (Premier) — The answer to the member for Gembrook is yes, I can guarantee that that will not occur. But I am very, very glad that the member for Gembrook has raised the Country Fire Authority Act 1958, and I would draw the attention of the honourable member and all honourable members, and the attention of others who might be listening, to section 107A of that act titled 'Offences relating to impersonation'.

*Honourable members interjecting.*

**Mr ANDREWS** — Yes, yes.

*Honourable members interjecting.*

**The SPEAKER** — Order! Standing orders have been adopted by this house for all members, and that includes the Leader of the Opposition. The Chair requests that the Leader of the Opposition comply with standing orders and rulings from the Chair across all political persuasions for many years in this Parliament. The Chair would appreciate it if the Leader of the Opposition would accept the standing orders of this house. The Premier, to continue.

**Mr ANDREWS** — There are four subsections to section 107A, and they cover in broad terms, for instance, a circumstance where someone sets up a website claiming to be for firefighters when they are really about Liberal Party fundraising —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair is unable to hear the Premier. A question was put to the Premier; the Premier is entitled to silence. The Premier, to continue, in silence.

**Mr ANDREWS** — Those who would hold themselves out as being for firefighters when all they are about is raising grubby political funds for their own Liberal Party I think have got a bit of a credibility problem.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the question went to the heart of protecting the rights of volunteers here in Victoria. I ask you to draw the Premier back to actually answering that question and to showing how he is going to stick up for the rights of volunteers and not his union mates in the future.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair must be able to hear points of order and contributions made by the Premier in order to be able to adjudicate impartially. The Chair upholds the point of order and requests that the Premier comes back to answering the question. The Premier, to continue.

**Mr ANDREWS** — The Leader of the Opposition is not very happy, because if you are going to quote from the act, you had better make sure you are compliant with it, and your fraudulent websites are not compliant. They are shameful, and every single dollar raised for the Liberal Party in the sham name of firefighters, dishonouring them, should be paid back, and it should be paid back today.

**Ms Ryall** interjected.

**The SPEAKER** — Order! The member for Ringwood is warned. The Leader of The Nationals is on his feet and is entitled to be heard in silence on a point of order.

**Mr Walsh** — On a point of order, Speaker, I restate my point of order, which you upheld, and I ask you to actually enforce it with the Premier.

**The SPEAKER** — Order! The Premier has concluded his answer.

*Supplementary question*

**Mr BATTIN** (Gembrook) — It is a pity about the support on that side for your own Minister for Emergency Services. It seems to be more this way — thank you very much.

As the chief lawyer assisting the royal commission into Black Saturday, the very respected Jack Rush, QC, knows more about the CFA and the communities it protects than just about anyone. He raises massive concerns about a huge loss of morale in the CFA volunteers and describes your attack on them as outrageous, joining a long list of Victorians to raise concerns about your unlawful enterprise bargaining agreement. Premier, how many more volunteers, how many more eminent Victorians and how many from your own party will it take to convince you that your attack on volunteers is simply wrong?

**Mr ANDREWS** (Premier) — I thank the member for his question. The question did talk about volunteers, and I am not sure whether the member is referring to volunteers in inverted commas or outside them. Apparently if you are a volunteer in an integrated brigade, according to this lot you are less of a volunteer —

**Mr Clark** — On a point of order, Speaker, it was a very serious question about respecting the rights of volunteers. The Premier should not be debating it. I ask you to bring him back to answering the question.

**Mr ANDREWS** — On the point of order, Speaker, there is nothing respectful about setting up a website to raise money for yourself in the name of the CFA.

**Mr Battin** interjected.

**The SPEAKER** — Order! The member Gembrook is warned. There is no point of order. The Premier, to continue.

**Mr ANDREWS** — The member should understand and know very clearly that just as we provided strong support in last year's budget and this year's budget, so too in next year's budget we will provide strong support for CFA volunteers, for brigades right across the state.

**Mr R. Smith** interjected.

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Warrandyte

**The SPEAKER** — Order! The member for Warrandyte will leave the house for the period of 1 hour.

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

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Country Fire Authority volunteers

*Supplementary question*

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — We will deliver presumptive rights because we, unlike others, know and understand that there is a link between cancer and some firefighting, and some cancers are linked to certain types of firefighting. We will not deny those links and then take no action for four years — four long years. It is a nonsense question from a shadow minister with no credibility.

### Ministers statements: firefighter post-traumatic stress disorder support program

**Mr MERLINO** (Minister for Emergency Services) — I rise to inform the house of a new government initiative to support firefighters —

*Honourable members interjecting.*

**Mr MERLINO** — It is not funny — suffering from post-traumatic stress disorder (PTSD). Delivering on an election commitment, the government has invested \$200 000 for a pilot program that will offer one-on-one support for career and volunteer firefighters suffering PTSD. The program will commence in August. It will be delivered through the world-renowned Austin Health psychological trauma recovery service. The program again demonstrates how this government is delivering on our commitment to build world-class emergency services and support the brave men and women who keep us safe.

Unlike those opposite, we will not be cutting funds from our emergency services. We do not deny a link between cancer and firefighting.

**Mr Clark** — On a point of order, Speaker, the minister is now departing from informing the house about a very important topic and is descending into debating the issue. I ask you to bring him back to compliance with sessional order 7.

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

**Mr MERLINO** — What we have seen from those opposite is a disgraceful campaign —

**The SPEAKER** — Order! The Chair asked the Minister for Emergency Services to come back to making a ministers statement.

**Mr MERLINO** — There are more serious issues to deal with, like providing firefighters the support they need to deal with post-traumatic stress disorder; delivering on presumptive rights, which we will do; building new stations; supplying equipment — —

*Honourable members interjecting.*

**Mr MERLINO** — We will not deny it for four years, like everyone opposite.

**Mr Hodgett** interjected.

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Croydon

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

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

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Ministers statements: firefighter post-traumatic stress disorder support program

**Questions and statements resumed.**

**Mr MERLINO** (Minister for Emergency Services) — Building new stations, supplying equipment, recruiting more firefighters for our growing suburbs and regions, keeping our community safe — those are the things that we will be focused on. I am proud of the leadership we are showing on delivering this pilot program for post-traumatic stress disorder. We will not be delivering misinformation and lies. We will not be contributing — —

**Mr Clark** — On a point of order, Speaker, the minister is now again departing from your ruling and from compliance with sessional orders. I ask you to bring him back to complying and informing the house about new government projects, initiatives and achievements.

**The SPEAKER** — Order! The Chair calls on the Minister for Emergency Services to come back to making a ministers statement.

**Mr MERLINO** — In conclusion, we will deliver for our firefighters, career and volunteer. Those at the front line dealing with the stress and the trauma of fires will have our support. We are not going to be raising funds through them.

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

#### Country Fire Authority enterprise bargaining agreement

**Mr GUY** (Leader of the Opposition) — My question is again to the Premier. Premier, you have been telling Victorians for a fortnight that you had to sack the Country Fire Authority (CFA) board, bully out its CEO and your own minister because, in your words, 'The CFA dispute had to come to an end, and I ended it'. With the volunteers and the new board now having agreed in the Supreme Court that there will be weeks more consultation — exactly what the sacked board, CEO and the former minister all wanted — do you still stand by your statement that this dispute has ended, or is the CFA now in a worse position than it was just three weeks ago?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. Apparently a period of consultation is a bad thing now.

*Honourable members interjecting.*

**Mr ANDREWS** — They cannot get their line straight; they just cannot get their story straight.

**Mr Pesutto** interjected.

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Hawthorn

**The SPEAKER** — Order! The member for Hawthorn will withdraw from the house for a period of 1 hour. The Chair must be able to hear the Premier.

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

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Country Fire Authority enterprise bargaining  
agreement**

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — Damage to the CFA, harming the CFA! I cannot think of too much that would be more harmful than holding yourself out running a website for firefighters when in fact all you are doing is raising funds for the Liberal Party. I cannot think of many things that would be more damaging or despicable than that.

**Mr Carbines** interjected.

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Ivanhoe**

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

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

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Country Fire Authority enterprise bargaining  
agreement**

**Questions and statements resumed.**

**Mr Clark** — On a point of order, Speaker, this was a very specific question about whether or not the CFA dispute had ended and what its future will be. The Premier is debating the issue. I ask you to bring him back to answering the question.

**The SPEAKER** — Order! The Chair upholds the point of order and requests that the Premier come back to answering the question.

**Mr ANDREWS** — In direct response to the question asked by the Leader of the Opposition, I reject each and every one of the assertions made in his question. He is yet again confused and wrong, or perhaps worse. No-one ought to be required to take his claims on any matter seriously unless and until he pays back every cent he raised fraudulently — —

**Ms Couzens** interjected.

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Geelong**

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

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

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Country Fire Authority enterprise bargaining  
agreement**

**Questions and statements resumed.**

**The SPEAKER** — Order! The Premier, to continue in silence.

**Mr ANDREWS** (Premier) — I have answered the — —

**Mr Clark** — On a point of order, Speaker, the Premier has returned to debating the issue in contravention of your previous ruling. I ask you to bring him back to answering the question. If he has not anything further to say on it, he should simply sit down.

**The SPEAKER** — Order! The Chair does not uphold the point of order at this point. The Premier, to continue.

**Mr ANDREWS** — I have answered the question by indicating that I reject each and every one of the claims made by the questioner, a person who has no credibility unless and until he pays back every single dollar that he has grabbed — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. The Chair is unable to hear the Premier.

**Mr Clark** — On a point of order, Speaker, I submit the Premier is now in open defiance of your ruling. I ask you to bring him back to compliance with standing orders.

**The SPEAKER** — Order! The Premier has concluded his answer.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Premier, you bullied the member for Brunswick out of the ministry because she wanted volunteer views to be taken into consideration, a position which your own CFA board now endorses in front of the Supreme Court. Premier, you were wrong to ram through an EBA with no consultation. The member for Brunswick has been proven right. Will you now do the right thing and reinstate her?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. He talks about the right thing. The right thing would be to pay back every dollar — —

**Mr Clark** — On a point of order, Speaker, you required the Premier to comply with standing orders in relation to the previous question. He was in open defiance of you there. He is now again in defiance of standing orders. I ask you to bring him back to compliance.

**Mr ANDREWS** — On the point of order, Speaker, can I respectfully submit to you that I was asked about the right thing to do in relation to the CFA, and I am in full accordance with the standing orders, putting forward what I believe to be the right thing to do — and that is to pay back every single dollar that this lot has fraudulently raised.

**The SPEAKER** — Order! The Chair upholds the point of order and requests that the Premier come back to answering the question.

**Mr ANDREWS** — I think I have answered the question by indicating that yet again — —

*Honourable members interjecting.*

**Mr ANDREWS** — If only the anger of those opposite when out of government was as important as their actions when they were in government. You know the cutback kid over here — \$66 million taken out of the CFA.

*Honourable members interjecting.*

**Mr ANDREWS** — You should pay back the money. You should pay back the money, and no-one is taking you seriously until you do.

**Mr Clark** — On a point of order, Speaker, the Premier is now in open defiance of your authority. I ask you to instruct him to comply with the rulings and standards of this house.

**The SPEAKER** — Order! The Premier has concluded his answer.

**Ministers statements: Country Fire Authority Fiskville training college**

**Ms NEVILLE** (Minister for Water) — I rise to update the house on new government initiatives to respond to water-related findings from the Fiskville parliamentary inquiry, tabled in May this year. There were a couple of critical recommendations that went to the issue of water in relation to Fiskville, including the government introducing potable water standards for firefighting training as well as putting in place proper water-testing regimes in relation to perfluorooctane sulfonate (PFOS) so we really understand the risk that PFOS has in our water supply.

We are moving on both of these, working with the Environment Protection Authority and working with our water authorities about how we secure potable water for firefighting training. How do we ensure that we have got the right data and the information we need to make the right decisions about at what point PFOS becomes a risk? We had some similar issues like this last year at some Country Fire Authority (CFA) training facilities whereby we had to stop the use in the community of their water supplies due to PFOS evidence.

We did not sit on our hands for four years in relation to Fiskville. We took action as soon as we could in relation to the health and safety of our volunteers and our career firefighters. We did not put our firefighters second. We did not put ourselves first. We always backed our firefighters. We were not about cutting budgets. We are not about not acting on evidence out of Fiskville. We are not about stopping presumptive legislation, and we are certainly not about taking — —

**Mr Clark** — On a point of order, Speaker, the minister is now departing from informing the house about government projects, initiatives and achievements and is commencing to engage in debate. I ask you to bring her back to compliance with sessional order 7.

**The SPEAKER** — Order! The Chair does not uphold the point of order at this point. The minister is to continue and to remain making a ministers statement.

**Ms NEVILLE** — We are not going to risk the health of our community or the health of our volunteer and career firefighters. We are going to deal with the issues of quality of water and proper testing in relation to PFOS, and we are certainly not going to take

advantage of our CFA volunteers, the CFA logos and the CFA name to raise money for political purposes.

**Mr Clark** — On a point of order, Speaker, the minister is now departing from the guidance that you gave her. I ask you to bring her back to compliance.

**The SPEAKER** — Order! The Chair now asks the minister to come back to making a ministers statement.

**Ms NEVILLE** — We are acting quickly on the recommendations in relation to water. We are not going to sit on our hands, and we are certainly not going to take advantage of CFA volunteers for our own political purposes and to raise money for political parties.

**Questions and statements interrupted.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! Before I call on the member for Prahran I wish to acknowledge in the gallery the Honourable John Pandazopoulos, former member for Dandenong.

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

**Questions and statements resumed.**

#### Firearms

**Mr HIBBINS** (Prahran) — My question is to the Premier. It is regarding the Adler lever action shotgun, which can fire rounds at speeds comparable to an illegal pump action shotgun. The temporary ban on the importation of the eight-shot Adler expires on 7 August this year, and the review of the national firearms agreement is still ongoing. So I ask: what is the state government doing to lobby and to ensure that this gun continues to be banned in Victoria?

**Mr ANDREWS** (Premier) — I thank the member for Prahran for his question. I am indebted to my honourable friends the Minister for Police and the former Minister for Police, who have given me a very quick update on this matter. I know it has been the subject of some media concern and community concern, and I do genuinely thank the member for his question.

My understanding — and I am happy to arrange a briefing with departmental officials for the member to go through all the details of this — is that there is good progress being made towards a national approach. Importation issues are of course the province of the federal Parliament and are indeed always best served by

a national approach. The cumbersome nature of trying to legislate separately on those issues or other related issues is pretty obvious to everyone.

I do understand also that the commonwealth has a ban on this particular firearm until August, and we are hopeful — post the federal election, once a new government is in place — that the work that officials are doing, the work at a bilateral and a national level that has been going on, can continue with a view to always maximising safety and getting certainty and clarity around the regulation of these particular firearms.

On the issue of firearms more broadly, can I just say to the member for Prahran: I could not be prouder of our government and the work that we have done, particularly around illegal firearms and making sure that we legislate, as we have done, to increase penalties and to increase and broaden the definitions of possession and trafficking or selling illegal firearms.

Obviously the regulation of those who are law abiding is important, of course, but equally some would argue, certainly Victoria Police would argue, that there is an even greater imperative for us to make sure that we have the best statute book around illegal firearms and that we have given to Victoria Police the best resources to take action against those who would peddle and deliver the violent outcomes that can only be logically associated with illegal firearms. That is the leadership we are taking.

On the issue of the specific weapon that the member raises a question about, my honourable friend the Minister for Police will arrange a briefing for the member. Hopefully that will give him the clarity about what the next steps can be. But be in no doubt, we are proud to have taken action, particularly on illegal firearms, and if we are given advice from the Chief Commissioner of Police about resources, about the statute book, about different things we might do to assist him and the brave men and women of Victoria Police in fighting crime and keeping our community safe, then we will heed that advice as we have done every day that we have had the great honour of governing this state.

#### *Supplementary question*

**Mr HIBBINS** (Prahran) — My supplementary question is regarding the five-shot Adler, which is currently classed as a category A weapon — the least restrictive classification — and is currently being imported into Victoria. It is also being modified to increase its capacity. Will the government reclassify the

Adler five-shot gun to a higher restrictive category C or D so it can only be used for occupational purposes in the absence of a national agreement?

**Mr ANDREWS** (Premier) — My very direct answer to the member for Prahran is that I do not think we would necessarily get the best firearm regulation if we were to regulate firearms at question time between him and me. I think this is a much more complex area than that. Surely he would agree that the best thing to do is to have a briefing process, and I offer that genuinely, and if relevant shadow ministers want to be part of that briefing, we are happy to include them as well.

I do understand that this issue is on the agenda currently, prior to caretaker mode, and it will be on the agenda once a new government is sworn in in Canberra. The Law, Crime and Community Safety Council made up of attorneys-general, ministers for police and their commonwealth equivalents will consider these matters and allied issues at the next meeting of that ministerial council, which of course cannot occur until the writs have been returned, a new ministry has been sworn in and the government is functioning again outside of caretaker mode. In the meantime, if a briefing is sought, one will be offered.

**Ministers statements: Victorian Comprehensive Cancer Centre**

**Ms HENNESSY** (Minister for Health) — I rise to update the house on an important government project. I am delighted to advise the house that this morning we began the transfer of patients to the brand-new Victorian Comprehensive Cancer Centre. As I speak, we currently have patients being transferred, making the very short journey from East Melbourne to Parkville, to the magnificent and beautiful state-of-the-art \$1 billion comprehensive cancer centre.

This has been a plan six months in the making. It is clearly a very challenging process to transfer patients, many of whom are very, very unwell, this very short distance, and I want to send my most appreciative and heartiest congratulations to the team at Peter Mac, who have done incredible work in preparing for this important day. Just before question time 16 of the 36 patients that are required to be transferred had made their journey. They have settled well into the rooms and are doing very, very well.

This is an exciting time, and our patients deserve nothing less than the wonderful state-of-the-art facilities. They will be located in a place where world-class, outstanding clinical care is being provided. There

will be the opportunity for incredible medical research. We need to genuinely drive the opportunities for Victorians to participate in clinical trials. Only 5 per cent of Victorians have access to clinical trials when it comes to cancer, and we absolutely need to drive that. We need the next best breakthrough when it comes to cancer. With 84 Victorians being diagnosed with cancer every single day, we need the medical research to get the next most important breakthrough. I am absolutely proud of this facility, because under a Labor government you will get outstanding cancer care. You will not need a credit card; you just need a Medicare card.

*Honourable members interjecting.*

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

**Country Fire Authority enterprise bargaining agreement**

**Mr WALSH** (Murray Plains) — My question is to the Minister for Emergency Services. Minister, yesterday you launched a website, paid for by the taxpayers, claiming to provide what you say are facts in the Country Fire Authority enterprise bargaining agreement dispute.

*Honourable members interjecting.*

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Oakleigh**

**The SPEAKER** — Order! The member for Oakleigh will withdraw from the house for the period of 1 hour. The Chair must be able to hear the Leader of The Nationals on a question.

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

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Country Fire Authority enterprise bargaining agreement**

**Questions and statements resumed.**

**Mr WALSH** (Murray Plains) — The question is to the Minister for Emergency Services. Minister, yesterday you launched a website, paid for by the

taxpayers, claiming to provide what you say are facts in the Country Fire Authority enterprise bargaining agreement dispute. Minister, is it not true this website includes a disclaimer stating:

No claim is made as to the accuracy or authenticity of the content of the website.

Minister, if your own website does not trust what you are saying, how can 60 000 volunteers ever trust you?

**Mr MERLINO** (Minister for Emergency Services) — What a pathetic question. This is standard disclosure on every government website. Every website carries that standard disclosure. I tell you what, what we are not doing out of this website is raising money for the Labor Party.

**Ms Ryall** interjected.

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Ringwood

**The SPEAKER** — Order! The member for Ringwood will now withdraw from the house for a period of 1 hour.

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

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Country Fire Authority enterprise bargaining agreement

**Questions and statements resumed.**

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the question was very specific as to how can 60 000 volunteers trust the minister if his own website does not trust him on what he actually says. I ask you to bring him back to actually answering that question.

**Mr MERLINO** — On the point of order, Speaker, the question was quite specific about disclosures on websites. That is exactly what I was answering, entirely in order with the standing orders.

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

**Mr MERLINO** — I would refer the Leader of The Nationals to his own website. I would refer —

*Honourable members interjecting.*

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Macedon

**The SPEAKER** — Order! The member for Macedon will withdraw from the house for 1 hour.

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

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Country Fire Authority enterprise bargaining agreement

**Questions and statements resumed.**

**Mr MERLINO** (Minister for Emergency Services) — While I am at it, I would refer the Leader of the Opposition to the Liberal Party website. Goodness me, what a pathetic —

*Honourable members interjecting.*

**The SPEAKER** — Order! It would be the view of the Chair that government members would be interested in the minister's response. However, government members are not allowing the minister to be heard by the Chair and others in this house. I require silence on the government benches as well as on the opposition benches. The minister, to continue.

**Mr MERLINO** — What we will not be doing with the website that the Leader of The Nationals referred to is seeking donations for the Labor Party. We will not do that. It is about —

**Mr Walsh** — On a point of order, Speaker, the minister is now debating the question. I ask you to draw him back to answering the question about how can 60 000 volunteers ever trust him.

**The SPEAKER** — Order! There is no point of order. The minister, to continue.

**Mr MERLINO** — The website that the government has launched will deliver the truth about the facts of the enterprise agreement and provide an opportunity for brigades around the state to request visits by members of the government. That is what we have been doing — I have been to Mildura, I have been to Bendigo, I have been to Whittlesea, I have been to Lancefield, I have

been to Frankston and I have been to Greenvale talking to career firefighters and volunteer firefighters about the facts of this agreement. We will not be misleading them, and we will not be seeking money for grubby political donations.

*Supplementary question*

**Mr WALSH** (Murray Plains) — Country Fire Authority captain Graeme Bates is quoted as saying volunteers are angry, and I quote, ‘Mr Merlino is a liar’. Minister, volunteers do not trust you, Volunteer Fire Brigades Victoria does not trust you, half your caucus does not trust you and even your own website does not trust you. When it comes to the CFA, who trusts you?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair is on his feet, and the Premier and the Leader of the Opposition both know that the Chair is on his feet. I would appreciate that they both comply with standing orders. The minister to respond to the supplementary question as put by the Leader of The Nationals, in silence.

**Mr MERLINO** (Minister for Emergency Services) — The Leader of The Nationals is only upset because Michael Kroger has not given him a cut of the money that they have raised — it has all gone to the Liberal Party. I understand that there are concerns in the community, and that is exactly why I have been travelling around the state engaging with firefighters. That is exactly why the board is engaging with volunteers — to talk to them about the facts of this agreement. In addition to that, we will deliver presumptive rights, not deny them. We will deliver a fair and balanced agreement. We will deliver station upgrades and equipment improvements. That is what we will deliver, and we will stand on our record. We will not try to raise money through a grubby, fraudulent website.

**Ministers statements: employment**

**Mr PALLAS** (Treasurer) — I rise to inform the house about the Andrews Labor government’s achievement in passing the 2016–17 budget and about its continuing efforts to create jobs in Victoria. Last night the State Taxation and Other Acts Amendment Bill 2016 was passed in the Legislative Council. Those opposite are yet to ask me a single question on this budget — \$60 billion worth of expenditure and not a question from those opposite. We should not be surprised by that, because clearly they are more interested in playing to their strengths — fundraising, fraud and fearmongering.

**Mr Clark** — On a point of order, Speaker, it might be the final ministers statement of the autumn sittings, but the Treasurer still has not learnt how to comply with sessional order 7. I ask you to ask him to stop debating the issue and to comply with the sessional orders.

**The SPEAKER** — Order! The Treasurer, to come back to making a ministers statement.

**Mr PALLAS** — As I indicated, we have passed legislation — that is in fact an achievement — but to go further than that, I did indicate that we are creating jobs.

**Mr Watt** — On a point of order, Speaker, I seek your guidance as to whether passing legislation is actually government business or whether it is the business of the Parliament, and therefore this would not be in compliance with sessional orders because it is actually parliamentary business, not government business.

**The SPEAKER** — Order! There is no point of order. The Treasurer, to continue in silence.

**Mr PALLAS** — Of course those opposite spent their time in government cutting, and watching jobs dry up. I am pleased to say that today Australian Bureau of Statistics Victorian regional labour force figures are out for March to May. Victorian regional employment for one-quarter is up 17 100 jobs, and the unemployment rate is 5.7 per cent, down from the previous quarter, which was 6.5 per cent. But the outstanding achievement is that while over the entire period of time those opposite were in government they created 5500 jobs in regional areas, in our period in this one-quarter 17 100 jobs have been created.

That is what government is about. It is not about picking at the scabs of fear and uncertainty and trying to fundraise on the back of it; it is about getting down and delivering infrastructure and delivering jobs for Victorians. That is what integrity and achievement in public life is about, and that is why those opposite are irrelevant to the future of Victoria.

**CONSTITUENCY QUESTIONS**

**Caulfield electorate**

**Mr SOUTHWICK** (Caulfield) — (Question 7684) My constituency question is to the Minister for Multicultural Affairs. The Caulfield-based Online Hate Prevention Institute and the organisation’s CEO, Andre Oboler, have applied for a community harmony grant through the Victorian Multicultural Commission, which will begin awarding the funding from 1 July. The community group has also applied for a community

resilience grant, which advises that the applicants will be notified of the outcome of their application in June 2016. To date the Online Hate Prevention Institute has received no advice on either application. My question to the Minister for Multicultural Affairs is: when will the Online Hate Prevention Institute be notified of whether or not it will receive funding from these two programs? It is a fantastic organisation that does great work to reduce the risk of suicide, self-harm, substance abuse, physical abuse and emotional abuse which can result from online hate. The group's focus is in desperate need of support, and I ask when it will receive this advice.

### **Narre Warren South electorate**

**Ms GRALEY** (Narre Warren South) — (Question 7685) My question is to the Minister for Education and concerns Kilberry Valley Primary School in my electorate. I ask: when will works begin on construction of its new re-engagement spaces for students with disabilities? This outstanding local school is home to more than 800 students, including 90 who are funded through the program for students with disabilities. To ensure they can meet the often complex and unique needs of these students, the school applied for and received funding through the Andrews Labor government's Inclusive Schools Fund. This funding will enable the school to create withdrawal and learning areas for students with disabilities. These spaces will ensure that students have a place to go to get the support they need to fully participate in and excel at school. It is yet another great initiative from principal Neil Cunningham and his truly remarkable team at Kilberry Valley Primary School.

### **Gippsland South electorate**

**Mr D. O'BRIEN** (Gippsland South) — (Question 7686) My question is for the Minister for Roads and Road Safety, and it relates to the business case for the Black Spur realignment of the South Gippsland Highway. My question is: has the business case been completed and, if not, when will it be completed? A business case was funded by the state and federal coalition governments in 2014, so it is now over two years since the funding was provided. The minister will be aware that last week the federal coalition committed \$25 million to the South Gippsland Highway, with a particular focus on the Black Spur realignment. It needs to be agreed as to how much goes to that project. I want to know whether that business case has in fact now been completed, and I am calling on the minister to match the federal coalition's commitment to ensure that this important road project

in my electorate of Gippsland South is completed once the business case is finalised.

### **Yuroke electorate**

**Ms SPENCE** (Yuroke) — (Question 7687) My constituency question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation. What are the minister's plans to strengthen the rights of residents in retirement villages in my electorate of Yuroke? I have met with residents of the Bridgewater Lake and Highlands retirement villages in my electorate, and I know that the people there are very much looking forward to hearing from the minister in response to this matter.

### **Evelyn electorate**

**Mrs FYFFE** (Evelyn) — (Question 7688) My question is to the Minister for Public Transport. I have been advised that the Deputy Premier has had conversations about fast-tracking the removal of the Mooroolbark station level crossing. I am told that the plan is for the crossing to be removed before the end of this year, which is faster than anticipated, given the government's current progress. However, it is my understanding that the railway line at this crossing will not be able to be put underground, because of engineering issues with pre-existing pipes that cannot be moved. This means that the cost of this removal is likely to balloon out. Accordingly I ask the minister: how much will the Mooroolbark level crossing removal cost now that it looks likely that the government will have to build the station on stilts?

### **Carrum electorate**

**Ms KILKENNY** (Carrum) — (Question 7689) My question is for the Minister for Energy, Environment and Climate Change. I have been contacted by a number of small business operators in my electorate who are manufacturers of componentry parts, including vehicle and mechanical, who would like to know more about the Andrews government's recent announcement regarding renewable energy targets. In particular, what opportunities might the renewable energy targets have for them as local componentry manufacturers? I know my constituents look forward very much to the minister's response, as do I.

### **Melbourne electorate**

**Ms SANDELL** (Melbourne) — (Question 7690) My question is for the Minister for Roads and Road Safety. Will the minister intervene to stop the removal of the median strip at the Flemington Bridge tram stop

and retain the lemon-scented gum? VicRoads has informed residents that this Saturday they will cut down a 94-year-old lemon-scented gum in Parkville to make way for the CityLink-Tulla widening project. This is despite Melbourne City Council opposing the removal and other options being available to VicRoads which do not require removing the tree. The tree is listed by the National Trust, and almost 2000 residents have signed a petition against its removal. But this is not just about a tree; it is also about safety. People crossing the road are required to cross four lanes of traffic and a tramline, walking at at least 1 metre per second. Without the median strip, residents from the nearby Elderly Chinese Home and Mercy Place Parkville retirement apartments will not be able to cross safely, so I urge the minister to intervene.

### Bundoora electorate

**Mr BROOKS** (Bundoora) — (Question 7691) My question is for the Minister for Industry and Employment. PWB Anchor is a manufacturer of quality chain and lifting equipment based in Bundoora, and it employs dozens of local workers. The Premier and the Minister for Small Business, Innovation and Trade have both visited this factory over the previous few years, and the government has been working with this business to see how it can help it. I ask: how is the Andrews government supporting PWB Anchor, a great local business in my electorate?

### South-West Coast electorate

**Ms BRITNELL** (South-West Coast) — (Question 7692) My question is to the Minister for Health. When will the minister visit Warrnambool Base Hospital to view for herself the need for an upgrade? South West Healthcare is the largest provider of healthcare services in my electorate of South-West Coast. The emergency department is becoming too small to handle the increasing number of people presenting. Due to lack of space, the dedicated staff cannot meet the 4-hour key performance indicator to treat emergency patients, and with the population in my electorate rising, it is only going to get worse. The operating theatres have not been expanded since I worked in them as a nurse during the 1980s. Last month the minister visited Port Fairy to make two very welcome funding announcements. What I do not understand is why she snubbed the Warrnambool Base Hospital and did not make the effort to visit. She was just 20 minutes away. The chief executive officer, John Krygger, has invited her, the shadow Minister for Health has invited her and I have invited her, but she is yet to take up the offer. We are confident that if the minister viewed the operating suites and the emergency

departments, she would see with her own eyes just how vital this upgrade is.

### Mordialloc electorate

**Mr RICHARDSON** (Mordialloc) — (Question 7693) My constituency question is to the Minister for Industry and Employment. I ask: how have the Victorian government's reforms to the Victorian Industry Participation Policy helped to strengthen industry participation in government procurement programs, particularly in my electorate of Mordialloc, where the over-representation of the component parts manufacturing industry is mostly felt? These reforms are very important for my local constituents who rely on employment in the automotive component parts industry, so I am keen to know how those industry participation policies have helped Mordialloc businesses that are exposed to the automotive industry to access those procurement policies.

**Mr Watt** — On a point of order, Deputy Speaker, I refer to the member for Melbourne's question, which was actually a request for action. She specifically asked the minister about intervening and finished by very clearly stating that she wanted the minister to intervene — 'Will you intervene?'. That is an action she has asked for, and asking for action has been ruled out of order in the past. I ask you to rule that out of order again.

**Ms Sandell** — On the point of order, Deputy Speaker, I specifically asked in the form of the question: will the government intervene? That was in the first sentence. I did not ask the minister to intervene. I asked him, 'Will the government intervene?', which is posed as a question, so I ask you to rule it in order.

**The DEPUTY SPEAKER** — Order! There is no point of order. The honourable member for Melbourne did state her question, 'Will you intervene?' — I actually wrote it down — and that is a question. If the honourable member for Melbourne said, 'I ask the honourable minister to intervene', that would be an action, but 'Will you intervene?' is a question and is absolutely in order.

## BUSINESS OF THE HOUSE

### Standing and sessional orders

**Debate resumed.**

**Mr BROOKS** (Bundoora) — It is a pleasure to be able to join this debate on the motion regarding the adoption of the Standing Orders Committee final report on the inquiry into the sitting hours and operation of the

house. I do wish to concur with the chair of the committee, the honourable Speaker, who noted in his foreword that the committee conducted itself in a very cooperative and constructive fashion. I found the operation of the committee ran quite smoothly because of the attitude and the cooperative nature of all members of that committee across different parties and political persuasions. I would also like to commend the clerks, who played a pivotal role in the development of this report.

This report comes after the changes to sessional and standing orders introduced into this Parliament, which, when you think about the way in which the Parliament has changed its operation over a period of time, were quite substantial. Some people might see them as incremental, but I think, given that these changes radically changed the sitting hours and question time, they were significant changes. This inquiry was a reflection on those changes and how they are operating in practice. The committee in large part has decided to leave many of those changes in the sessional orders to effectively see how they operate.

In relation to the sitting hours, at a personal level the sitting hours, I suppose, do not suit every single member of this place. Regional MPs in particular would maybe like to be able to get back to their electorates earlier on a Thursday. I understand, as I said, that I do not speak for everybody, but as a metropolitan MP I think the more family-friendly nature of the hours — for instance, being able to adjourn here at 7.00 p.m. and be home in most parts of metropolitan Melbourne in time to see family — makes for hours that are a lot more conducive to having a range of people serve in the Parliament and make a better contribution. I also think it makes for a better standard of debate, particularly eliminating some of those later night debates after a dinner break.

I think some of the key changes that have been made that will make things a lot easier for people who wish to obtain information about the operation of government and, in many respects, that will make things easier for the media and the opposition are the changes that have been made to the way in which responses to adjournment matters, questions on notice and constituency questions and also responses that have been provided under sessional order 11 — that is, when the Speaker deems that an answer given in question time has not been responsive — will be published. These will now be published in an online database and so will be accessible by all members of Parliament and all members of the public as well. This will be a single place where people are able to obtain that information and to also see which matters have been responded to in

a particular time frame that is specified and which issues have not been responded to.

There have been some comments about the broadcasting of Parliament and the ability of members to rebroadcast. The ability for anybody to rebroadcast the official feed from Parliament is a matter that has definitely not been closed off. I think there needs to be further discussion on this. The report before the house recommends that the existing practice be authorised in the standing orders. Apparently at the moment the way in which the broadcasting of Parliament operates has evolved beyond the actual outline in the standing orders, so the standing orders and sessional orders will be amended to reflect and authorise the current broadcasting of Parliament as it occurs.

I just want to make a few brief comments in relation to the comments of the member for Box Hill. As I said, the committee deliberations were constructive and conducted in a very positive manner. There was one point of disagreement in the committee, which has been outlined in the report and will be subject to another debate through the next item on the notice paper. I do not intend to go to that matter now for obvious reasons, but it should be pointed out that, where that issue existed, government members decided to publish a minority report that clearly sets out their views on that matter. It was obviously raised in the committee for discussion, and I think that is a genuine way to handle those matters where we do not feel that the whole Standing Orders Committee can agree on a set of changes. We put our change in an up-front way to the committee. We have published a minority report and put our names to it.

The member for Box Hill in his contribution just before question time ran through a whole range of complaints he had around the sessional and standing orders. He said that he has these concerns, but of course in the report there is absolutely no mention of those concerns. He had the ability, as did every member of the opposition parties, to publish a minority report to the Standing Orders Committee report, but obviously he feels so strongly about those changes, so passionately about them, that he failed to outline them in either the substantive report or in a minority report. I think that gives everyone in this chamber a sense that the member for Box Hill does not actually think those things are so important, or alternatively he does not want to commit his side of Parliament to introducing those changes if they are to ever win government again, because we know that when they were in government they failed to introduce those sorts of reforms to the Parliament. It took a Labor government to introduce those reforms.

**Mr WALSH** (Murray Plains) — I rise to make a contribution on the motion. When you look at the report that we are actually talking about, it talks about how the minority report should be read in conjunction with the majority report. I suppose if you take that to the full extent, I would think that both the majority report and the minority report should be read in conjunction with two Labor Party press releases, one published on 27 November 2014 and one published on 16 October 2014. If you actually read them in conjunction, you will see that it cuts across into notice of motion 4, which we will be dealing with after this motion, I suppose.

In the press release published on 27 November 2014 the Labor Party said that:

Scrutiny will be enhanced with consideration in detail made a standard feature for bills in the Assembly and budget hearings made more rigorous.

I think if anyone listened to the manager of opposition business in the house, they would know that every time, I think, when government business has been discussed on a Tuesday at the start of a sitting week, he has got up and raised the point that we would like to consider bills in detail. From my recollection there have been two occasions. In the 18 months we have now been sitting we have had two very limited opportunities to do consideration in detail. There was a promise in November 2014 that there would be more consideration in detail, and that promise has most definitely been broken.

If you go to the press release of 16 October 2014, the Labor Party said that it was going to:

Abolish Dorothy Dixier questions in both chambers, instead providing ministers with the ability to make 2-minute ministerial statements where new initiatives, projects and achievements can be briefly explained or announced.

If you actually look at the minority report that is with this report, that very much — —

**Mr Brooks** interjected.

**Mr WALSH** — No, it deals with both motions at once. You cannot have a minority report that says something and not have it dealt with in this particular motion. The government said that it was changing that whole rule in the future where ministers will be able to just get up and blab, blab, blab about whatever they want to blab about in their ministers statement, rather than actually focus on, as the government bragged about back on 16 October 2014, having ministerial statements about new initiatives, projects and achievements and a brief explanation of those initiatives. We have seen — —

**Mr Brooks** — On a point of order, Acting Speaker, the member is referring to sessional order 7, which is the subject of the next motion, which is on the notice paper. That has been foreshadowed, and I think the member should keep his comments for that particular debate.

**Ms Asher** — On the point of order, Acting Speaker, the motion before the chamber at the moment relates to the Standing Orders Committee report into the inquiry into sitting hours and operation of the house. If you look at the terms of reference in that report, they are unbelievably broad. On page 1 it says that ‘the Legislative Assembly referred a matter to the Standing Orders Committee including but not limited to’ a range of factors. So the report before the house is an extraordinarily broad report, and I believe the Leader of The Nationals is well within his rights.

Can I also perhaps indicate while you consider this matter, Acting Speaker, that the Leader of the House has just had a discussion with the manager of opposition business, and as part of that, I indicated to her that I was willing to speak only once and to deal with all of the issues, given her desire to move the house on to other business.

My contribution to the point of order is twofold: firstly, the report before the house is incredibly broad, and the Leader of The Nationals is well within his rights to talk about the whole report, because that is mentioned in the motion before the house and the terms of reference basically allow the committee to look at anything to do with the operation of the house; and secondly, there is an agreement between the Labor Party and the Liberal Party in order to allow the house to get on to debating other things that some of us who wish to be cooperative are going to truncate debate and speak once and not speak again on the second motion to enable the house to get on with debate. So on technical grounds and practical grounds, I would urge you to allow the Leader of The Nationals to continue his contribution.

**The ACTING SPEAKER (Ms Blandthorn)** — Order! On the point of order, I have taken some advice from the Clerk. The member can make broader reference to the whole of the issues raised in the debate, but I ask him to specifically keep his remarks to the issue at hand.

**Mr WALSH** — I thank you for that guidance, Acting Speaker, and as the member for Brighton just said, on the second motion we will all get up and speak for another 10 minutes because the point of order from the member for Bundoora is about the fact that he does not actually like the truth. Those opposite have been

caught out lying. They have lied to the people of Victoria. They went to an election with a promise to end Dorothy Dixers and actually change some of the operation of this house, and what have they done? Less than two years in, they are backflipping because they actually cannot stick to their own rules.

This is actually about the ministers sticking to their own rules in the sessional orders that the Labor government designed for itself, and they do not like it so they are going to change it. The member for Bundoora does not like that. He just wants to filibuster and take up people's speaking time. For the member for Bundoora's benefit, there was a commitment — a clear promise — to end Dorothy Dixers and have ministerial statements that actually spoke about government business. That is now being changed with this report.

We have had a majority report of the Standing Orders Committee that is actually going to be overturned by the government because it did not like it. It put its own minority report in, and it is going to force through the minority report rather than the majority report. The way the standing orders have worked over my time in here is that they are introduced by consensus, and they are worked through. Labor changed the standing orders; it got what it wanted and now it does not like it because it cannot stick to it. The member for Bundoora is absolutely wrong about that particular issue.

When I look at the report and the sessional orders that have been changed, I think there have been sensible changes made. The incorporation of second-reading speeches has been a good initiative. As a minister, and other former ministers would relate to it, standing up and reading out a speech is not necessarily the most productive use of this chamber's time. The Leader of the House in the previous Parliament would have liked to have done that too, but at that time the Labor Party did not want to agree to it. It did not want to agree to this sensible change at that particular time. It is a better use of parliamentary time to spend more time debating and doing government business rather than standing there reading out second-reading speeches.

I understood that this motion was going to address the government having changed the guillotine from 4 o'clock to 5 o'clock on a Thursday. Some members of the government at least realise that particularly for country members — of which there are some on the other side of the chamber — 5 o'clock, with peak hour traffic, is not the best time to leave this place and get out of Melbourne. I was of the understanding from informal discussions I have had with the member who is in charge of government business that there was potentially a move to bring that back to 4.30. I am

disappointed that that has not happened on behalf of quite a few of the country members who have to vacate this place. I am disappointed in particular on behalf of the member for Mildura, who has had some very nervous trips to the airport to catch a plane back to Mildura, because if he does not make the flight, he is stuck here for another night. Unfortunately that sensible suggestion does not appear to have been addressed in this motion.

Following the ruling from the Chair earlier, the debate on motion 4 will now go for considerably more time because we have not been able to debate these two motions concurrently.

I say to the members of the Standing Orders Committee involved in the majority vote that I think they actually got it right. I am very, very disappointed that the government has a minority report recommendation which will effectively take away the scrutiny of its ministers when they make ministers statements. We saw today the abuse of those standing orders, particularly by the Minister for Emergency Services. Members of the Labor Party are absolute heroes in opposition and absolute hypocrites in government.

In 2014 Labor said what it was going to do. Why will Labor members not actually stick to that and make ministers statements mean something in this place rather than there just being a chance for ministers to get up and rant and rave. Whether it be about the commonwealth government, whether it be about the opposition, whether it be about anyone else in this place, they just filibuster for the sake of their own backbench members.

**Mr NARDELLA** (Melton) — The honourable member who has just spoken wanted to talk about hypocrisy. The real hypocrisy was when we saw the Honourable Ted Baillieu, when he was opposition leader, with Josephine Cafagna — I remember watching this on channel 2 — talking about how he was going to change question time. He had his hand on his heart — there was no hypocrisy!

*Honourable members interjecting.*

**Mr NARDELLA** — No, it was Ted Baillieu. Remember him — the Premier who was knifed by your people? He said he was going to change question time so we would not have Dorothy Dixers. What did we have for four years? Dorothy Dixers — all the way through for four years. There was Dorothy Dixers after Dorothy Dixers. If members opposite want to talk about hypocrisy, the hypocrisy of the Liberal and National parties shows and has no bounds.

Let us talk about the sessional and standing orders. I want to let honourable members know about this. The sessional orders have codified the practice that ministers are to table second-reading speeches, so they do not spend an inordinate amount of time reading them. I was on the Standing Orders Committee when the former member for Kew, Mr McIntosh, said, 'You can't just table a second-reading speech, because otherwise I can't be in the chamber to read it with the minister'. That was his view. He did not want it to be tabled, because otherwise it would not be read to him. That was the thing.

**Mr Pearson** — Like bedtime stories.

**Mr NARDELLA** — It is sort of like bedtime stories. These things change over time. There will be further discussions in terms of sessional orders. There will be further discussions in terms of other ways of changing and amending the government. I remember when on a Tuesday in this chamber question time went for 20 minutes, or three questions, and on Wednesday and Thursday the opposition was lucky to get two questions each day. I remember watching the Honourable Jeff Kennett, that democratic —

**Mr Pearson** — The champion of parliamentary democracy.

**Mr NARDELLA** — Absolutely — the champion of parliamentary democracy, as my honourable friend from Essendon said. On one occasion, to make sure we did not get another question, the Honourable Marie Tehan looked down to the Honourable Jeff Kennett and asked, 'Do you want me to continue?', and he nodded, saying yes, and she then filibustered the whole thing out.

**Mr Walsh** — On a point of order, Speaker, you were not in the chair at the time, but in my contribution the member for Bundoora took a point of order to bring me back to talking about motion 3, and I was advised to come back to talking about motion 3. I was not allowed to discuss motion 4. Can I suggest that you bring the member for Melton back to talking about the motion that is before the chamber. I think he is wandering far and wide from that particular motion.

**The SPEAKER** — Order! The Chair does understand that the debate has been wide ranging.

**Mr Walsh** interjected.

**The SPEAKER** — Order! The Leader of The Nationals! However, the Chair does call on the member for Melton to come back to item 3 — namely, the proposed amendments to the standing and sessional

orders outlined in appendix 1 of the committee's report. The Chair does request that the member for Melton and other members subsequently try to refrain from discussing except in passing, item 4, which I am sure will be widely debated in the house. The member for Melton, to come back to item 3.

**Mr NARDELLA** — I just want to finalise this in terms of an issue that was raised by the honourable member for Murray Plains in terms of the scrutiny of ministers. The scrutiny of ministers through these changes is massive. It is absolutely massive in terms of the substantive question, in terms of the supplementary question, in terms of constituency questions and in terms of other forms within this house to bring scrutiny to ministers. The member for Murray Plains may want to rewrite history and may want to make up history, but in actual fact these changes that we have put together are very good, and I support item 3.

**Mr HIBBINS** (Pahran) — Just very briefly on this motion to adopt the new standing orders, I will raise one particular change that I think is very good, and that is the change to have adjournment debate responses treated in the same fashion that questions on notice and constituency questions are, in that now there will be an electronic copy provided to the clerks and that will then be published, which is a change from the current practice of simply providing correspondence directly to the member. When we first debated standing and sessional orders at the start of this term, I did move an amendment that would have adjournment responses incorporated into *Hansard*, as the practice is in the upper house, and I am glad to see that in spirit that has been taken up, with adjournment responses now essentially being published publicly.

Other changes are essentially incorporating into the standing orders, sessional orders that members feel have worked well. I see that broadcasting has been addressed in that under this motion the standing orders would be updated to reflect current practice. As has been pointed out by previous speakers, this has been raised a number of times. I think in the future in the Standing Orders Committee, which I am a member of, we could look at updating the standing orders to provide for the rebroadcasting of proceedings to allow members to post videos of their speeches and their questions to their Facebook pages or to their websites.

Certainly that is a practice that is occurring in other parliaments, and it is a practice that I think works very well. It allows essentially the goings-on of the house to really be put out there in the public domain, and I think it is very beneficial for members who raise particular issues, particularly constituency issues, to be able to

share that with their communities rather than simply having to share the written word. I think that would be much more popular amongst members of the public.

It would probably improve the standards and practices of this house as well if we were inviting further scrutiny. If members knew that speeches and other behaviours, such as interjections, would subsequently be rebroadcast, it would improve the standards of the house here. To give one case in point, I was extremely disappointed today that on asking my question about gun control, I was interjected by several members asking, 'What's this got to do with Prahran?'. I did not think I would have had to explain the tragic events of the last two weeks and point out why the issue of gun control would be of particular interest to residents of Prahran. I think if we had further scrutiny like broadcasting and members were able to perhaps think about their interjections and their behaviour for a moment, then such — I think disrespectful — interjections would not occur or would occur less often.

One issue that has not been addressed — and I would hope the committee does look at this further — is the provision of general business. My understanding is that we are probably the only Parliament in Australia or in the wider Westminster system that does not have a provision for general business. Obviously as a crossbench member it is of great importance to me and my colleague the member for Melbourne to be able to put forward motions and our own legislative agenda, but I would also point out that general business and private members time are used in other parliaments by government backbenchers and by members of the opposition to further topics and causes that they are interested in. I note that there have been instances of government backbenchers or opposition members or crossbench members putting forward private members bills that have actually become legislation, so I think it would actually be of benefit to all parties if provision were made for general business. In summing up, I support the changes being made to the standing orders in this instance.

**The ACTING SPEAKER (Ms Ward)** — Order! I call the member for Brighton — sorry, the member for Footscray.

**Ms THOMSON (Footscray)** — Thank you, Acting Speaker. Nice try from the member for Brighton. I await with interest to hear what the member for Brighton has to say.

I rise in relation to the report tabled by the Standing Orders Committee on the inquiry into sitting hours and operations of the house. I am pleased to see that there is

a recognition of technology and the fact that the Parliament has updated its systems to enable a number of the questions on notice and other matters to actually be put online and therefore no longer be required to be put in *Hansard* and that we are actually going to incorporate that.

I think too the balance of what has been put into standing orders and what remains in sessional orders is also important — that there is agreement that some of the matters that have been in sessional orders can now move to standing orders because they work. They make sense, and they are a natural progression. Yet there are some things where there may still be a bit of 'wait and see', so they remain in sessional orders until we get a chance to have a look at how they work in the longer term. Of course one of those is our hours of sitting in this place. Whilst we have had them in operation now since the beginning of 2015, I understand that there are issues for some members about the way those hours work, but it is true to say that for members of Parliament the ability to have a relatively normal finishing time of, say, 7.30 or roughly a quarter to 8 on the Tuesday and Wednesday does mean that we probably function better in this place — that we are actually more productive in this place.

Finishing at 5 o'clock on Thursday, while I acknowledge it may be inconvenient to some, is a recognition there is work we do need to get through in this Parliament and that we are required to get through that in a manner of efficient business, but it still enables us to finish at a reasonable time for people to go and do what they need to do. Whether it is to return to their electorates and undertake electorate business, whether it is to return home if they are country members or whether it is just to try to have some time to think and reposition themselves for the next day, it gives members the ability to do that. I think it is important that we give it a little bit more time, and I recognise that with the report of the committee we are giving that bit more time for members to work through that and for the committee members to actually work through how that is working before incorporating it into standing orders.

I note that we are now putting into standing orders what were the sessional orders around condolences, and I think that is important too. The Parliament used to stop for every member and have condolence motions for every member of Parliament irrespective of how long ago they may have served or whether or not there was anyone sitting in the Parliament who actually knew them or knew of them. You got to the point where everyone went to Google or to an old handbook to find out as much as they could about them, and you would get a very repetitive condolence motion. We have

recognised that that does not show them any respect, and it certainly does not add to the functioning of the Parliament.

The notion that we do recognise them and members who are representatives of the seats they may represent getting an opportunity through a members statement to acknowledge their contribution is, I think, a good way to go. The capacity to acknowledge former premiers and former ministers is, I think, incredibly respectful to them for the contribution they have made. Also, adjourning for an hour is respectful of their contribution. We are therefore getting the balance right between respect for those people's contributions and the work that needs to continue to be done in this house. I think we do need to honour and respect those who have come before us and played important roles in this Parliament.

I genuinely am very supportive of the work that is being done to acknowledge that we live in modern times where broadcasting happens. I would hope, as the member for Prahran does, that it does improve behaviour. I am sceptical that it will; I think everyone will forget that they are being videoed at all. But at least Victorians will be able to see us warts and all, and hopefully, most importantly, they will see that we are — every single member — serious about making a contribution to making Victoria a better place.

**Ms ASHER** (Brighton) — I too want to make a number of observations in relation to motion 3 before the house today. As I had indicated, I was proposing to make all my comments in one go, but given the ruling hopefully I will now have the opportunity to speak twice on these matters as a member of the Standing Orders Committee of the Legislative Assembly.

I say at the outset that the tone and the conduct of discussions by members of the Standing Orders Committee was one that I thought was quite productive. These were very, very broad terms of references, and the report before the house is very, very limited, which does indicate to the house that it was only those areas on which we were able to secure agreement that went into the majority report. So we have here a report that is very limited but, I think, does contain some important elements of reform.

I also say at the outset that when I initially saw the composition of the Standing Orders Committee I was very surprised. There were 11 MPs on it, including 7 non-government MPs. I thought, 'How unbelievably democratic of a government to constitute a Standing Orders Committee where it did not have the numbers!'. But I note that where the government does not agree

with the Standing Orders Committee it has issued a minority report and proposes to go ahead with the changes that it wants to make, which obviously will cause some further significant debate in terms of the fourth item on the agenda today.

The main point of the report before the house is that there are a number of items that occur in sessional orders that are now going to go into the standing orders. Of course once you put something into the standing orders it is incredibly difficult to alter. There has been broad agreement on these items in the majority report that these ones could move from sessional orders to standing orders. I think there has also been a couple of what you could call reforms as part of this particular process.

What is not in the report and was actually part of the terms of reference is the issue of looking at sitting hours. Given that the Leader of the House has made some comments in relation to sitting hours, I want to just touch on sitting hours as well. I am very, very conscious of the fact that my own party opposed these standing orders, but there have been a number of attempts to reform sitting hours in this place, as I have said before, over many years. Former Speaker Maddigan did get a group together of which the Leader of The Nationals and I were both a part, and I think we arrived at a very sensible package for reforming sitting hours. The then Premier of the day, Mr Brumby, did not want to proceed with that package of reform.

Again, when I was Leader of the House I put together a committee which had, from recollection, the now Leader of the House on it and also the Leader of The Nationals. There was a huge amount of goodwill, and again a package of reform was put together which included a reform of sitting hours. I have to say that the reform of sitting hours that we are currently operating under is more substantial than the package that was put together, but it was a compromise package and it was certainly conveyed to me as Leader of the House that the opposition did not want to proceed with the sitting hours reform.

As someone who for a long, long time has been very keen to see sitting hours reform, I was, on a personal level, very pleased to see that the hours have been modified. I think it is ridiculous to have as a standard feature an adjournment of the Legislative Assembly regularly at 11.00 p.m. at night. I do not think that was constructive. I have to say, as someone who has been in this chamber for a number of all-night sittings, there is problem with late hours and sitting until 3.00 or 4.00 in the morning when bills of conscience are being discussed. Amendments are brought to the floor which

have been carefully considered by the member bringing the amendment to the chamber, but because there is no party structure behind it and there have not been party meetings prior to it being brought it is actually a very unfavourable way to make a decision on a complex moral issue. The amendment is brought before the chamber at 3.00 in the morning and you have to consider as an individual what it actually means.

I think those late-night sittings quite frankly were ridiculous. I note that the Legislative Council sits for very long hours now — and good on them — but I do not think anything good comes out of these sorts of changes. I think there are other options, such as a second chamber, which I hope is looked at in the longer term. I think there are other options to still allow members the opportunity to debate but not sit at unreasonable hours of the night.

The report before the house recommends the incorporation of second-reading speeches into *Hansard*, but I note — and no-one has touched on this — that if the minister actually thinks that the bill that they are bringing to the house is of such significance they would actually have the option to second-read the bill on the floor of the house. I think that is an important ministerial right for a landmark reform. I am pleased to see the incorporation of second-reading speeches into *Hansard*, and again, with agreement from the current Leader of the House, she and I trialled this in the last Parliament. Other than a lot of people not understanding the new procedure and not following it through — people sitting in the chair and the ministers themselves, and indeed opposition members not knowing when to adjourn — I think that the fact that these speeches are not read out allows the house to have more debating time, and that therefore is a good thing.

Another proposal is, in the case of where there is a very, very long second-reading speech, that the Speaker will now have some discretion to allocate additional time if the Speaker thinks that a speech may take more than 30 minutes. I do agree with the changes in relation to condolence motions. Again, there may be occasions when the house may wish to adjourn for longer — such as the death of a Premier — and I think the structure of what is proposed to be included in the standing orders is sensible.

Probably the most sensible reform in all of this is the treatment of adjournment issues. At the moment there is a fundamental difference of treatment between constituency questions, questions on notice and adjournment issues. Adjournment issues at the moment are simply just dealt with by a minister, if he or she is unable to verbally respond to an issue, sending a letter

to the member of Parliament who raised the issue, whereas I think a much better system is what we have with questions on notice and constituency questions, where there is a central register, if you like, of who has been responded to and who has not, with the Clerk, and these are published. The proposal is to have, if you like, a central register for adjournment issues — in case there is ever a disagreement; the Clerks will keep that — and that will go on the public record. The current situation is that it does not. I think that is good. I think the fact that ministers are required to respond to adjournment issues is good. In this chamber ministers were not required to respond to adjournment issues, and we then had the ridiculous situation where everyone drafted the same question to give to one of their mates in the upper house, because there was a response requirement in the upper house.

In terms of broadcasting I think there is a slight advance here. Far be it from me — who does not do anything on social media — to make the comment, but I would anticipate that most members of Parliament would like to see more reform here. I am sure the Standing Orders Committee, with the goodwill that it had over these discussions, would be happy to consider that further. I also note, with some degree of interest, that the Speaker's capacity to rule answers to questions — it is actually without notice — as not responsive will now be incorporated into the standing orders.

I think all of these things, plus the fact that instead of having great big, fat copies of *Hansard*, answers to questions and adjournment matters will be published electronically, probably move us into the modern world, and are a good step forward. But of course there is a fundamental disagreement, and that will be the subject of debate on notice of motion 4 before the house. Can I say that I did appreciate the way in which the Standing Orders Committee went about its business. It held a series of very constructive discussions, as has been said earlier, between some very long-serving members and some of the newer members of this Parliament, where people were able to raise their issues and put their concerns on the table. I support this motion, but of course we will have plenty to say — I hope, given time allowances — on the next matter.

**Mr PEARSON** (Essendon) — I am delighted to make a contribution on notice of motion 3 that was moved by the Leader of the House. At the outset I want to congratulate the Standing Orders Committee on the work that it has done in relation to these issues. I think it is important that as a Parliament we look at trying to update, modernise and improve, and to embrace technology, but also recognise and understand that we need to find ways in which we can improve the

operation of this place. The changes that are being proposed build on the earlier work of the Leader of the House and the earlier debate we had on changing sessional orders in this place not long after the last election.

The member for Brighton in her contribution said that this matter has been talked about for years. I do recall the late Lynne Kosky in the 1990s talking about the need to make Parliament more family friendly. In many respects I think that what the Leader of the House said, and what the government did was rather like when Brunelleschi built the dome in Florence in the Middle Ages. He was asked, 'How can you build this dome? There has not been a dome built since the Pantheon'. He got an egg and smashed it on the table and said, 'That's how I'll do it'. Sometimes you just need that force and that will to push through to make these sorts of changes.

I am pleased that, having made these changes, we are building on the changes and there is a recognition from the various parties and the Independent member that these are sensible changes. Yes, the member for Brighton has pointed out one area of division and contention, but we will deal with that in the normal way of the house, as we should. These are very sensible changes, and I want to congratulate the committee on its work. I look forward to participating in the debate on notice of motion 4 as well.

**Ms STALEY** (Ripon) — I, too, rise to speak in relation to the report on the sitting hours and operations of the house by the Standing Orders Committee. I will really be talking about three of the clauses in appendix 1 of the report. I might as well start with the first in the order they come, which is the official broadcast of proceedings. There does seem to be some confusion, I would say, from some of the speakers on this. Some people have got up and said, 'This does not go far enough; we can't put it on Facebook', and others have suggested to me that they think this change means we can. Well, I am firmly in the group of those who think we should be able to put what we say in this place on Facebook or in other places.

I note that from my informal conversations with people on this subject there does seem to be a bit of a class of 2014 support for this proposal that is not necessarily shared by those who come from earlier classes. I do hope that if the reading of this means that we can only have the official broadcast but we cannot then use that official broadcast, there should be further changes in relation to that because, in words the member for Brighton would use, the modern world suggests that that is where we would be. I welcome that there is some

recognition in this report about the official broadcasting of proceedings, but I do hope that it means that we will be able to put those out further.

I also want to make some comments in relation to the proposed amendments to sessional orders in appendix 1, in particular sessional order 3, which concerns the interruption of business for the adjournment. Like the Leader of The Nationals, I am a member representing a country electorate, and I do very much welcome the current changes that we have made. Again, as someone who is in the class of 2014, I only had one week of late sittings, and that was enough. I thought that arrangement was pretty poor. I have very much appreciated the capacity to go on the adjournment at 7 o'clock. I think that makes for a far greater level of productivity when we are here. In the one week we had the later sittings I thought the period after dinner was dead time and was not at all productive. So I have welcomed these changes.

But, like the member for Murray Plains, the Leader of The Nationals, I too would have liked a further amendment to the Thursday sitting hours to bring forward going on the adjournment to 4 o'clock. I think that could have been achieved without in any way reducing time. We could have sat from 9.00 a.m. on a Wednesday and a Thursday. That would have given an opportunity for those of us who have long travel times home to avoid the catastrophic traffic that we face, and will continue to face because there will not be any east-west link built to alleviate it. It is a shame that there has not been that additional change.

The final sessional order in appendix 1 that I wish to talk about is sessional order 7, and I rise to support the sessional order 7 in this appendix 1, which says:

After each oral question without notice and any related supplementary questions, any minister may seek the call to make a statement of up to 2 minutes to advise the house of new government initiatives, projects and achievements.

This is a thing we have had so far, and it came in with the changes that were brought in by this government. It is the current method under which we operate, and I think that it needs to be given a go to continue to do that, and so I am supporting what is in appendix 1 as per notice of motion 3 in the name of the Leader of the House, which calls for ministers statements to relate to new government initiatives, projects and achievements.

To the extent that we have been able to ask ministers to continue to make statements in relation to new government initiatives, projects and achievements, it has been an opportunity welcomed by most of us on this side of the house to hold the government to account

in relation to its own election promise to get rid of Dorothy Dixers. The government chose to implement its election promise by creating sessional order 7, which included this restriction on its own ministry. It stands in appendix 1 of this report as a continuing sessional order, although I am of course aware that we will soon be debating notice of motion 4, which would seek to change that.

I would note, in the way in which this has been used, that there have been at least 19 successful points of order on this sessional order item. I asked the library to check for me, and that was the number it came up with on fairly short notice. That is not a trivial number. At least 19 times members of the opposition have been able to successfully have the Speaker rule that a minister was not adhering to ministers statements relating to new government initiatives, projects and achievements, as per the amendments to sessional orders that we see in appendix 1 of the *Inquiry into sitting hours and operation of the House — Final Report*. On at least 19 occasions the minister has been unable to stick to the current sessional order and successful points of order have been raised to request the minister to come back to, or even begin to make, a properly formed ministers statement. That may go part of the way to the reason we have notice of motion 4 coming up after this motion.

Also in relation to ministers statements, as set out in appendix 1, I would note that this is the area in which there was disagreement. The report on the inquiry into sitting hours and operation of the house, which is referenced in this motion, has an extract of the proceedings from 9 June 2016, and it notes that a number of members — the members for Brighton, Box Hill, Croydon, Prahran and Euroa — took a certain view and the members for Bendigo East, Bundoora, Kororoit, Melton and Shepparton took a different view, but I note that that question was defeated on the vote of the chair. The chair, let us all remember, is the Speaker, and the Speaker clearly has a view that sessional order 7 in this document and in the motion that we are seeking to adopt is the way it should be. That is clearly what the Speaker would prefer to have, that is the way the Speaker voted when it came to the vote and now we have a situation where the government does not like what the Speaker has done and is therefore bringing in notice of motion 4, which presumably we will be debating after lunch, because we are about to go to lunch.

I note it is a pretty petulant display by the Leader of the House that when she has not got her way in relation to what she wanted to change in the sessional orders — which she introduced, let us remember — she is now

slamming it through with another motion. We should really reflect on the fact that we have a divided government that is not supporting its own Speaker, and that is something we should seriously consider as to why that would be and why those members would now choose this course of action that we are going to see when notice of motion 4 is moved. In conclusion, I support the proposed amendments to standing orders and sessional orders in appendix 1, including sessional order 7.

#### **Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Mr WAKELING** (Ferntree Gully) — I am pleased to contribute to this debate on the third motion on today's notice paper, which deals with the final report handed down by the Standing Orders Committee on its inquiry into sitting hours and operations of the house. I will start by saying that it is interesting that we are dealing with a report from a committee on which government members make up the minority of the committee, which is a novel concept for the Victorian Parliament. Nevertheless, we are dealing with issues that have been identified in the report that has been tabled. This motion before the house deals with the substantive matters of the committee.

Can I firstly note that the terms of reference provided to the committee asked the committee to inquire into the sitting hours and operation of the house. The committee has determined that it is not appropriate at this juncture to determine a position on the sitting hours of the house. I note that we currently operate under shortened hours. Those of us who have sat in former parliaments will be aware that traditionally we used to finish at upwards of 11.00 p.m. on Tuesday and Wednesday evenings. For those of us who participated in many of the debates regarding abortion and the like which offered a free vote, those debates went on well towards 3 or 4 o'clock in the morning.

I do recall a debate in the last Parliament where we debated till about 3.00 or 4.00 in the morning the issue of protective services officers. I do not know if there is anyone here who would recall that debate. I think at the time every member of the then opposition spoke against protective services officers but then voted in favour of them. I thought it was interesting that we had a situation in the former Parliament where the members of the then Labor opposition used the late hours as an opportunity to attack the provision of protective services officers in this place.

As the member for Brighton also indicated, moves had been made by her and other members of the Parliament to see if there was an opportunity to introduce a

bipartisan approach to a reduction in the number of hours. As she indicated, the Premier at the time, John Brumby, would not entertain a reduction in hours and, under the former Baillieu and Napthine governments, there were moves to try to introduce a bipartisan approach to hours. I am advised that members of the then Labor opposition informally indicated their opposition to a change in hours. Nevertheless, we still have a situation today where we have a change in the hours.

I notice that page 2 of the report deals with adjournment debate responses. It is pleasing to see that the debates are going to be dealt with in the manner identified in the report. Interestingly, though, I remember a time when I served as a minister in this house in the former government. We had a peculiar situation where ministers of the Crown used to attend the adjournment debate and used to respond to members, both government and opposition, in regard to matters that they raised. That is certainly a foreign concept under this government, because it appears that ministers of the Crown today do not deem it appropriate to actually attend the adjournment debate in order to deal with matters that have been raised by members of this place. They leave it to the minister at the table to simply refer the matter off. I think it behoves the government to reflect on the way in which it is treating the Parliament and the way in which it is treating members of Parliament in dealing with important issues.

Nevertheless, the recommendations as put forward in this report deal with a streamlined approach in terms of receiving a written response to matters raised in adjournment debates. It should be noted that many members on this side of the house have experienced delays in receiving responses to their adjournment matters. Whilst it is important to improve the process, I think there is still a necessity for ministers and their staff to get on with the job and improve the process by which they are responding to important matters that have been raised by members of this house on behalf of their communities.

On the changes in regard to condolence motions, I think there have been some sensible changes in regard to this area. I know that over previous years condolence motions have been held for people that members of Parliament do not necessarily know. I think there has been a lack of understanding of what qualifies a person to be the subject of a condolence motion. Some recent members of Parliament have had condolence motions, but other recent members have passed without any notice. I think there is still a need for some clarity around this area, particularly for those members of the Parliament who have sat in this house during the past

10 years. I think there is still a need for some greater clarity regarding that important issue.

I note that notice of motion 4 will be dealing with the issue of changes regarding the operation of sessional order 7. Whilst I will not deal with that issue specifically, given the fact that it is next on the notice paper, I think it is important to at least note that a number of concerns have been raised regarding the operation of that sessional order. In fact I have asked in this house whether a minister writing a letter or making a phone call qualifies as a new government initiative, project or achievement. I do not think that many in the community would think that writing a letter or picking up the phone would qualify as an initiative, project or achievement. I think that is the reason that notice of motion 4 is to remove that provision, because government ministers have found it difficult to adhere to their own standing orders.

On the issue of broadcasting, I note there is going to be a reaffirming of the fact that the broadcast is live on the internet. That has been in place for many years. I think there was an expectation on the part of not only members of this house but the broader community that that information would be made publicly available and that members of Parliament would be able to access that information and disseminate that information. It is in fact already public in the sense that people can watch it live, so it is not as though this content is meant to be hidden from the Victorian community. People who are watching it live can see it live, and in fact the news services access that information and use it for their nightly news services, so the fact that members of Parliament cannot access their own information regarding their own speeches that they have made in this place on behalf of the community — the fact that they cannot disseminate that information — just seems a little strange. People would rightly ask why this government is not wanting to act when it comes to allowing members of this place to disseminate that information and provide it to members of the community.

I have been advised by members of the committee that this has been a productive process in terms of the role of committees. That is not always the case for committees such as this. It is going to lead to some elements of important reform. But again I do say that the government had the opportunity to undertake important work in this area, and again we are now seeing the situation where the government is not only wanting us to introduce changes which were put forward by the majority of the committee; the next motion before the house will deal with a proposal that this house introduce and support provisions that were

recommended as part of a minority report. I cannot recall the last time we had a committee report being debated in this house where we were going to be introducing reforms based on both the majority report and the minority report at the same time. I think it just identifies some of the absurdities associated with the way in which the government is managing its own program. The fact that the government has had to seek to introduce its own changes as part of a minority report is more of a reflection on the government than anything else.

With respect to motion 3, I think it does introduce important changes; however, I do believe there is a lot more this government should be doing with respect to the operation of the standing orders of this house.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Sessional orders

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

That sessional order 7 be amended, to come into operation from the beginning of the next sitting week, as follows — omit the words ‘of new government initiatives, projects and achievements’ and insert the words ‘about matters related to their portfolio’.

We have just had a very lengthy and interesting and productive conversation in this place about changes to the standing and sessional orders as recommended by the Standing Orders Committee report tabled on Tuesday this week. As I indicated in my earlier comments, there were a range of matters that have been agreed to, but there was one point of difference within the committee — between government members and the majority of non-government members — around the wording of sessional order 7. So this is a narrow debate that is confined to the issues around sessional order 7, and I am pleased to have the opportunity to explain to the house the reasons the government is pursuing this change. Some of these reasons are outlined for members’ information in the minority report that is attached to the report of the Standing Orders Committee.

I just think it is important to go back and remember the origins of sessional order 7 and where it came from. As a member opposite said it was indeed an election commitment. It was an election commitment from this side of the house to provide greater opportunity for members of the opposition. It was to provide for greater opportunities for members of the opposition to

scrutinise and hold the government to account. If you look at the changes we have introduced into this Parliament, you can see we have introduced a new mechanism around constituency questions, which enables members to raise local issues. We have introduced for the first time in this place the practice that has been in place in other chambers of Parliament here and around the country: the practice of supplementary questions following on from the substantive questions during question time. We also have now shortened times for questions on notice, adjournment matters and constituency questions to be responded to. These were a range of changes that we committed to to provide more opportunities for the opposition to hold the government to account.

I think it is really curious to note that when we had this debate in the Parliament at the start of last year those opposite opposed these measures. They opposed these measures that were about giving them more opportunities — not less opportunities but more opportunities — to hold the government to account. Now we have the situation — I am going to anticipate a little bit here — that those opposite are going to oppose this motion is well. If you want to talk about an absurd situation, I note we have a situation where those opposite initially opposed this set of sessional orders, which includes sessional order 7; we are now trying to improve the practice of sessional order 7 through this amendment, and those opposite are going to oppose that as well. It is just astonishing.

There is a really good outline in the minority report — and I thank the member for Bundoora particularly for his work on behalf of the government members of the committee in putting this together — that explains the views of the government members. There were clauses considered by the Standing Orders Committee in terms of wording changes to sessional order 7; that is outlined on page 1 of 2 of the minority report.

I think we have seen — and I would hope those opposite would agree — that the practice followed with supplementary questions has been working reasonably well. The practice followed with constituency questions, notwithstanding some issues around the wording of those, has provided an additional and valuable mechanism through which issues can be raised. But we do need to address this issue that ministers statements have become a mechanism, that the current wording is being used as a tool by the opposition to stop the government from putting on the record important actions the government is taking in various ministerial portfolios. We believe that to reduce the time that is wasted on points of order and to ensure

the time of the house is better utilised that we should make this change to sessional order 7.

Can I just finish on this. We have been able to make more changes in these areas. We have been able to provide greater accountabilities and opportunities for the opposition than has been achieved in a long time. Of course there were other election commitments that had been made previously. Some of us have been around long enough to remember the former Liberal Party promise in 2010 made by the then opposition leader, Ted Baillieu. He felt that Dorothy Dixers were a waste of time and should be abolished. Well, that is exactly what we did: we abolished Dorothy Dixers. We have increased opportunities for members to raise matters, and we have done more than those opposite.

Yet again we are doing more in government and more in our first 18 months than those opposite ever dreamed of. They talked a big game, but sadly never delivered. We are now determined to get on with improving the practice of this house, and that is exactly what this change to this sessional order brings about.

**Mr CLARK (Box Hill)** — I am sure most honourable members in this house are familiar with George Orwell's classic novel *Animal Farm* — that exposure of the follies and failures of socialism that has stood the test of time. As honourable members will recall, in *Animal Farm* the animals liberated the farm, started a brave new world and put up a charter of principles that they would adhere to on the farmyard wall. Then after a while some of the animals found that one by one those principles were being whitewashed out in the middle of the night, and all those fine aspirations that the animals had subscribed to at the start were one by one being undermined. That is exactly what we are seeing here.

The Labor Party made a very specific election promise, and I will quote from its media release of 16 October 2014 about its 11-point plan. It says:

Labor's 11-point reform plan will:

...

abolish Dorothy Dixer questions in both chambers, instead providing ministers with the ability to make 2-minute ministerial statements where new initiatives, projects and achievements can be briefly explained or announced.

It could not be more explicit than that, and of course the sessional orders that were implemented reflected the Labor Party commitment on that point.

Notwithstanding what the Leader of the House has said, we on this side did not oppose the principle of having ministers statements. We just said they should be grouped logically on the business program alongside members statements, instead of being used to break up question time the way they are being used. Instead Labor should have honoured the second part of its election promise properly and genuinely abolished Dorothy Dixer questions, so that the questions that were asked were genuine during question time. But instead what the government clearly wanted to do was to keep Dorothy Dixer questions but just abolish the question part, so you had the Dorothy Dixer without the question. Yet now the government is walking away from the very election commitment that it committed to and indeed delivered.

We have previously exposed the fact that government members chronically failed to implement many of their election policies, including in relation to what they said about Parliament. Now we are going one step backwards, because they actually did deliver on this one but now they have decided they do not like it, despite it being their election policy, and they want to tear it up. You do have to ask why. Of course the most obvious reason is that they have actually run out of new government initiatives, projects and achievements to announce.

Only 15 or 16 months or so into their new government, they have got nothing new to tell us about; they are scratching around. Instead of actually having initiatives to inform the community about, they just want to do what they said they would not do, what they said they were turning over a new leaf on, and that is rehearsing answers for the purpose of grandstanding. I have got to say they are struggling to do that too. We have had ministers come into the house having rehearsed a pre-written pre-prepared statement, then have to come back and say they misspoke in the way they delivered their pre-prepared statement, so they have really struggled even with that. Obviously they just cannot find any new government initiatives, projects and achievements.

But of course the other thing is it is exposing the performance of their different ministers. Some of them are a bit more competent than the others and some of them are actually able to comply.

**Mr Pesutto** — Some of them were a bit more competent.

**Mr CLARK** — Some of them were a bit more competent, and they have been shown out the door in recent times for standing up for the rule of law and trying to do the right thing by their portfolio instead of

running foul of the points of order on ministers statements. Perhaps that is the other thing that is exercising the minds of some ministers on the other side of the house, who have constantly found themselves being brought up short.

The government has the nerve to try to say it is all the opposition's fault. If you look at page 2 of the minority report of the inquiry into sitting hours and operation of the house, first of all it starts off trying to redefine Labor's policy by saying:

... ministers statements were intended to provide an opportunity for ministers to advise the house about important matters within their portfolio responsibilities.

Well, that is not what Labor's election policy said, as I quoted earlier. But then the report goes on to say:

Any fair-minded and independent observer ... would agree that sessional order 7 is being used by the opposition to raise numerous points of order on the technicality of what constitutes 'new government initiatives, projects and achievements'. The effect of this is the disruption to question time and the limiting of the scope of matters that can be raised by ministers.

Then to reduce the amount of time wasted, those opposite say, on points of order and to ensure the house's time is better utilised, they are going to change the sessional order.

Well, I have actually done a bit of work on what the track record has been on the outcome of these points of order. I have had pulled together the points of order on ministers statements that were raised in 2016, up to but not including this week. It makes interesting reading, because far from raising spurious or unjustified points of order, the vast majority of the points of order that have been raised on this side of the house have in fact been upheld by the Chair, and in fact it is quite an overwhelming score.

On my reckoning, out of all the points of order that have been taken, 23 have been upheld by the Chair, compared with only 7 of them rejected — and arguably 4 of them on a neutral basis that did not go one way or another. On a score of 23 to 7, it is really a bit rich for the government to come along and say the opposition is wasting time by raising points of order on a technicality. We have been raising points of order because the ministers have been failing to comply with the very sessional orders that they themselves introduced and promised the community they would comply with.

The other interesting aspect to look at is who the transgressors have been in this regard. It is a very interesting league table of dishonour in that regard. The

stand-out is the Deputy Premier, who is the Minister for Education and now the Minister for Emergency Services and who on my reckoning has had rulings against him on six occasions. There has been strong competition for the second place on this league table of infamy, and that is shared equally — first, by the Minister for Public Transport, who of course is also the Leader of the House, the one who wrote the sessional orders, extolled their virtues when moving them in this house and now finds herself incapable of complying with the very rules she set for herself. Ranked alongside her is the Minister for Planning — and honourable members will recall how he has struggled to comply with sessional orders — and of course the Minister for Roads and Road Safety, and many members on this side of the house would not find that surprising. Others who have scored on more than one occasion have been the Minister for Health, the Treasurer and the Minister for Sport. Bringing up the rear on the table are the Premier and the Minister for Industrial Relations, who is also the Minister for Local Government, who have each had one ruling against them.

It is clear that there have been some ministers who have really, really struggled to be able to come to the house and tell the community about things that they have done and about new government initiatives, projects and achievements in their portfolios. That, I have to say, is a reflection either of their poor record as a minister or of their unwillingness to actually do the right thing by the community and use ministers statements for the purpose for which they were intended.

**An honourable member** — Or both.

**Mr CLARK** — Or both. What is also clear, of course, is that there are a number of ministers who have not scored on that table of infamy. There have been some ministers who have been able to comply with sessional orders and bring a proper ministers statement to the house. It should not be asking too much to expect ministers to be able to continue to do that. Ministers really should be able to come along to this house and tell us what they have been doing. Even if it is something relatively modest, something to do with advancing the machinery of government, something that any government should be able to do, they should be using the opportunity they are provided to inform the house about that.

Instead it is pretty clear that what they want to do is go straight back to doing what they have condemned everybody else for doing, what they promised up in bright neon lights that they would reform and not do in future if they were elected and, as I said earlier, what they induced one of Victoria's leading daily

newspapers to give prominent coverage to in the election campaign. Now they want to walk away from it; they want to go back to doing exactly what they said they would not be doing. They want to use question time for grandstanding and for diatribes rather than for telling the community about the useful, important things that they have done, if there have been any.

I end where I commenced. Yet again, George Orwell has been proved right. Yet again, the inherent failures of the socialist mentality have been exposed. They are big on talk, big on promises but absolutely incapable of delivering for the benefit of the community that they set out to govern.

**Ms THOMAS** (Macedon) — It is a pleasure to rise to speak on this motion before the house. I see the proposed amendment before us as only enhancing our election commitment, because if you look at what is behind our election commitment, you see that it is about ensuring that in this house and more broadly into the community there are great opportunities for members of this house to fully understand the work of the Andrews Labor government across all our portfolio areas. Indeed, such is the work that has been done — there have been so many actions, achievements, new initiatives and other pieces of work across all portfolios — that personally I would like to see more ministers statements. I would like to see a doubling of the number of ministers statements. I would very happily sit here and listen to the great achievements of my Labor Party colleagues, the ministers in this house, who are doing such a fantastic job.

I am not quite sure how the previous speaker came to his numbers, but on my reckoning, if we look at the way that opposition members still seek to abuse question time by raising mind-numbingly boring points of order, we see that in the period of this Parliament 731 points of order have been called in question time on ministerial statements. Talk about time wasting. That is what we get from that mob over there. They are not interested in the projects that this government is undertaking, including the biggest single project, the fabulous Melbourne Metro. They are not interested in hearing about the work that has been done in building the Victorian Comprehensive Cancer Centre, which of course is open now. They are not interested in those things.

They talk about the Deputy Premier. The Deputy Premier has two vitally important portfolios — education and emergency services. All they want to do is scoff at the Deputy Premier and his line of work. I hang off every word that he says in this house. I am very interested in both his portfolios. They are

exceedingly important to my constituents, and I look forward to the end of each parliamentary sitting week, when I can go and share with my constituents all that I have learnt in question time. On that, I commend this motion to the house.

**Mr M. O'BRIEN** (Malvern) — I have to say that this motion is doubleplusungood. I did not actually compare notes with the member for Box Hill on our contributions, but he did refer to George Orwell's classic novel *Animal Farm*. Members who are familiar with another of Orwell's works, *1984*, will be familiar with the term doubleplusungood, which was part of the language of Ingsoc, the English socialist language of that dystopian period. We have just heard from the member for Macedon about how Labor members no longer break their election promises; they enhance them. It is the same way that the police minister does not close police stations; she adjusts them. We have a Parliament where black is white; where promises are not broken, they are enhanced; and where police stations are not closed, they are adjusted.

While we are on the subject of George Orwell and *1984*, I know a little bit about this book because I had the pleasure of studying it in year 12 English. I do not claim the same literary pretensions as the member for Essendon, I have to say, but this is one book I do know a little bit about. One of the interesting features of that novel is that the members of the Inner Party and the Outer Party were shepherded every week to meet in a common area, a theatre, and they were instructed to engage in the 2-minute hate. The 2-minute hate was where the enemies of the state were portrayed up on the big screen and the members sitting in the audience were required to shout, scream and carry on, and focus their hatred on those enemies of the party.

When I look at the 2-minute statements I am thinking, 'This is what we're going to be getting now; we're going to be getting a 2-minute hate' — because all the rules about what a minister is allowed and required to speak about in a ministers statement have now been thrown out the window. The rules are not very hard to follow. All a minister has to do is talk about new government initiatives, projects or achievements, but apparently that is too hard for the ministers in the Andrews Labor government. They cannot even comply with that most basic of sessional orders — to restrain their remarks to discussing new government initiatives, projects or achievements. So they just want carte blanche. Those opposite just want a blank cheque. We know Labor governments always want blank cheques anyway, but this is another blank cheque that this Labor government wants. Labor ministers simply want to be able to talk about anything related to their portfolios.

We know what that is code for; that is simply code for Labor ministers getting up and trying to have a go at the opposition, have a go at the federal coalition government and have a go at anybody who crosses them, which could be anybody. It could be the former Minister for Emergency Services, it could be 60 000 Country Fire Authority (CFA) volunteers or it could be the CFA board. All Labor wants to do is have 2 minutes to get up here and just attack whoever it feels like attacking on that day so that the peanut gallery of the government backbenchers can get excited and indulge in their 2 minutes of hate.

That is not what Labor promised. Labor promised to raise the standards in this place. Those opposite promised to implement policies which would require ministers to talk about new government initiatives, projects and achievements. It says so much about this government that after nearly 18 months in office it is unable to fill up even 10 minutes a day talking about new government initiatives, projects or achievements. It is only 10 minutes a day. You would think that those opposite would be able to come up with something that would be consistent with those sessional orders, but no, they are not able to do it.

We know that these are not off-the-cuff remarks. We know ministers come into question time with these pre-prepared statements.

**Mr T. Smith** interjected.

**Mr M. O'BRIEN** — Indeed. Sometimes they even misspeak, apparently when they are reading their scripts, which actually does make me wonder whether they write their own scripts or whether somebody else writes them for them. If you read somebody else's lines that are not true, is that a lie or is that something else? I am not sure.

**Mr Katos** — Misspeak.

**Mr M. O'BRIEN** — Misspeak. Actually that is another one. They enhance their election commitments rather than break them, they adjust police stations rather than close them and they misspeak rather than lie. So we need the Labor government dictionary and thesaurus for this. Perhaps we can add that in the next change to sessional orders. We could have the Labor government dictionary and thesaurus added to sessional orders so that ordinary members of the public can understand the truth about what ministers are actually saying.

We oppose these changes because these changes are breaking a Labor election promise. These changes are about degrading the Parliament and allowing ministers

to engage in 2 minutes of hate against the opposition and against anybody else. We have ministers who do not have the wit to abide by their own government sessional orders. So the government is like the bratty child. It is losing the game of chess, checkers, draughts or whatever else, and it turns the table over. That is what this government is doing with these changes to sessional orders. Those opposite cannot win the game. They set the rules, and they still cannot win by the rules, so they are just turning the table over and ripping the rule book up.

This is a disgraceful effort by a government that has shown time and time again that it cannot be trusted by Victorians. The mask is dropping. We have seen the mask of the Premier and this Labor government falling, and Victorians are seeing this Premier and this government for who and what they are — people who cannot be trusted, people who said one thing before the election and are acting in an entirely inconsistent way after the election, people who promised to raise the standards of Parliament and are now degrading it, and people who wanted to be believed but are now lying to Victorians and even abusing the language to do so. This is a retrograde step, and the opposition does not support it.

**Mr PEARSON** (Essendon) — It is always a pleasure to follow the member for Malvern. If this place has a frustrated thespian in its ranks, it must surely be the member for Malvern. I listened with interest to both the member for Malvern's contribution and the member for Box Hill's contribution, and they quoted George Orwell extensively. George Orwell was actually heavily influenced by the German philosopher Ludwig Wittgenstein. Wittgenstein spoke about language and the importance of language, which formed the basis of the thesis compounded by Orwell in 1984. What is interesting is that Ludwig Wittgenstein said, 'The limits of my language mean the limits of my world'.

The important motion before us relates to the fact that we are looking at addressing ministerial statements by broadening them out and increasing what is available to come before this house in terms of information. I would have thought that the opposition might be interested in understanding the intricacies of government and what this government is doing so it can get more information rather than less information. The reality is that this is about raising the horizons of the opposition, limited though they are, through question time. This is about making sure that we are not constrained and limited, like the member for Malvern would suggest. Rather we would be able to be far more expansive and make more

information available to members. It is a very good motion that is before us to that effect.

The reality is that when it comes to amending sessional orders and when it comes down to parliamentary reform, it is only the Labor Party that gets on with it. We have seen those opposite. They do not believe in reform. They run from reform. They are the true conservatives. They have no interest in parliamentary democracy. They are not interested. They do not care. When they had the opportunity to address these matters when they stood on this side, they failed. They are conspicuously absent when it comes to the hard work of parliamentary reform. I commend the motion.

**Mr HODGETT** (Croydon) — This motion is an absolute joke from a lazy, incompetent, hopeless, clueless government. Acting Speaker, in your capacity as the member for Broadmeadows, there is hope for you yet, and for all the mushrooms on the back benches, there is hope for them yet, because this bunch that calls itself a cabinet or a ministry is absolutely hopeless. This motion is nothing more — —

**Mr Lim** interjected.

**Mr HODGETT** — Good to see you're awake, Hong! It's good to see you're awake, mate, making a contribution. This motion is nothing more — —

**The ACTING SPEAKER (Mr McGuire)** — Order! The member knows that he needs to refer to a member by his title.

**Mr HODGETT** — I don't know his title. Stranger? This motion is nothing more than an attempt to hide and conceal an incompetent bunch of ministers who cannot even write a 2-minute ministerial statement. This is the second or third time — or possibly even fourth time — the government has had a crack at getting the sessional orders right, and to the credit of the member for Box Hill, we told those opposite that they would stuff it up. We tried to provide sensible debate and reasoning for these sessional orders, but typically the Leader of the House would not listen to us. The government took out the lunchbreaks, then its members got a bit hungry, so the government put them back in.

**Ms Hutchins** interjected.

**Mr HODGETT** — I'm happy to have a lunchbreak. I'm happy to have a dinner break. The government is adjusting sessional orders, and it will not be the last time that we will be debating sessional orders — mark my words — because this government is hopeless, clueless and incompetent.

If I take an objective look at the rough and tumble of question time, I get the argument. I understand when a minister is under sustained questioning — for example, when the Leader of the House stuffed up V/Line at the start of the year and was under constant questioning about the replacement coaches and how much they cost. When the Minister for Emergency Services is selling out the Country Fire Authority (CFA) and trying to shaft it, the minister is going to come under sustained questioning. When the member for Mulgrave is rorting, and we want to question the government members on rorting, they will come under sustained pressure.

I get the dynamics of question time. When ministers are under pressure after stuffing up by rorting the system, bugging up V/Line or selling out the CFA or even the police — crime is up, police numbers are down and the government is closing police stations — we want the opportunity to continually question those ministers. I understand the dynamics and that the ministers might need some time to collect their thoughts, to regroup or to get a bit of coaching from one of their members when they are under that sustained questioning, but they bring it upon themselves.

**Ms Spence** interjected.

**Mr HODGETT** — For Ros to send out a text to gee them up a bit — the Government Whip to send out a text.

**The ACTING SPEAKER (Mr McGuire)** — Order! The member should be careful about parliamentary language as well.

**Mr HODGETT** — I understand that we might have a question, then a ministers statement, then a question, then a ministers statement, and that is how question time might operate, but it was the government that said it was going to get rid of Dorothy Dixers. All it has done is replace them with ministers statements, which do the same thing. In practice all the motion before us is doing, as I said, is really covering for incompetent ministers who cannot write 2-minute statements on new initiatives. Government ministers cannot even do that. They are too lazy to draft it and to read it. They come in here, and they stand and read a statement for 2 minutes. Often it is not new. Often they are misspeaking, and we have to correct them. They have been pulled up numerous times.

Even in the other place the government gave up ministers statements very early on. It knew they were useless and did not work because its incompetent ministers actually could not stick to the script or do the work to actually write something new about their

portfolios. This motion is nothing more than an attempt by the Leader of the House and the Premier to shield their incompetent, stupid, dumb, lazy ministers from actually thinking of a new initiative and coming into the house — —

**Mr Edbrooke** interjected.

**Mr HODGETT** — You should've been here before. There's hope for you too. There's hope for the member for Frankston. I tell you, the member for Yan Yean is smiling in her office at the moment. It is only an attempt to prevent the procedure from being exposed for what it really is. The ministers will not do the work. They will not go through their portfolios and get across their briefs. Some do; to their credit some ministers have actually come in here and used ministers statements to talk about issues that are very important to the state and that the Parliament does want to be updated on and hear about, but those ministers are in the minority. There are very few of them. The rest of them come in here and get pulled up time and time again for not having anything new to speak about, for reading their statements, for misspeaking or for not talking about new initiatives. The member for Burwood on a number of occasions has quite correctly taken a point of order, pulled up a minister — that is nothing new — and had that point of order ruled in his favour.

**Ms Thomas** interjected.

**Mr HODGETT** — As the member for Box Hill said, if you go and do some research — a new concept for you — or get the library to do some research on the point of order numbers, you will see when they were upheld.

I would suggest that the way forward is not to take out the words 'new government initiatives, projects and achievements' and replace them with 'get up and say anything about matters related to their portfolio'. I would suggest that requirements for ministers statements under sessional order 7 remain as they are. If the government can actually spend time and money on coaching and training their ministers in drama, can I suggest that over the next seven weeks of the winter break it train them in how to prepare and deliver a ministers statement so that they do not waste the house's time.

They can come in here and use up to 2 minutes — and they do not even have to go for 2 minutes. They can stand up and speak for 30 or 60 seconds, enlightening the house or sharing something new from their portfolios. Instead of jetting off overseas or going back into hiding — wherever they go or whatever they do —

or rorting the system or closing more police stations or heading out to CFA stations to tell the members how they have shafted them and sold them out or booking more buses to replace V/Line trains and everything else that they have stuffed up in the state, government ministers could spend the next seven weeks productively, so that they can come back here in August having learnt how to deliver a ministers statement. Rather than use this motion to shield the incompetence of weak ministers that cannot even do that, give them another attempt. I will have our whip have a bit of a chat to us in those seven weeks. We will go easy on them when they come back in that first week. We will let them have a crack at delivering something new about their portfolios, and if they do not, we will continue to take points of order and pull them up on not having anything new to talk about from their portfolio.

This motion is an absolute joke. It is just covering up the stupidity, laziness and incompetence of what is a poor example of a cabinet and a poor example of a ministry that is clueless and hopeless. The ministers should do the work, prepare their ministers statements, deliver them and share something new with the house. Then we can get on with business, and question time might be able to function in the way that it was designed to.

**Mr BROOKS** (Bundoora) — It is a pleasure to be able to join this debate. I missed the start of it because I was at a meeting, but when I walked into the chamber I saw that the other side of the house was just about full. All those members of the Liberal and National parties were here for a debate about sessional orders and the sitting hours and operation of the house. I think they must not have understood quite clearly that there is no threat to the lunchbreak and there will be no change to the going home time. It seems that those opposite get very excited when we start talking about potential changes to lunchbreaks and what time people get to go home. It is like, 'Let's get in there and have this debate'. We are not touching the lunchbreak, and the going home time is staying the same. Members opposite can all relax. If they want to go out and do something else, whatever they want to do, they can go for their life.

**Mr Clark** — On a point of order, Acting Speaker, it seems to me that the honourable member may be speaking on the previous motion. This motion relates to a change to sessional order 7, which is about government initiatives and achievements. The more general motion was dealt with previously. I ask you to bring the member back to this motion.

**The ACTING SPEAKER (Mr McGuire)** — Order! I refer to the member for Bundoora, and I know he is going to speak on the motion.

**Mr BROOKS** — In relation to the motion before the house, I have to say in terms of this debate that the contribution just put forward by the Deputy Leader of the Liberal Party in this place demonstrates what is wrong with the standard of debate in this place in that what we heard was nearly 10 minutes of insults and personal abuse rather than the member addressing the issue that is being debated in the house right now. I think that says a lot about those opposite and their approach to the standing orders and this particular change to the standing orders that has been proposed by the government.

Let me just say that ministers statements sit in question time, during which this government has introduced the ability for those opposite to ask supplementary questions. I think that is a good reform. Despite the fact that those opposite do not make great use of those supplementary questions, they do now have the ability to ask a substantive question followed by a supplementary question. That is a great reform. It is something that this government introduced but those opposite never did and never would have done. In fact I will go a step further to say that those opposite talk about the reforms that this side of the house should be making and what we should not do, but they would never commit to doing those sorts of things themselves if they were to win government. And if they did, they would break those promises. We have seen that in the past.

Ministers statements have been trialled since the beginning of last year under the sessional orders. The government gave a commitment that it would refer matters regarding sessional orders and the sitting hours and operation of the house to the Standing Orders Committee for review. We have done that. The report has been tabled in this place, and the government members of the committee have recommended that ministers statements and their operation should be changed to allow ministers statements to be framed in a way that ministers can talk about a wider range of matters in making them.

I would have thought that everybody in this place would want ministers to be able to provide as much information as possible to the house about important matters in their portfolio areas. Anyone who looks at sessional order 7, which restricts a minister making a ministers statement to talking about 'new government initiatives, projects and achievements', could read that to be saying that there is a narrow range of information

that can be provided in that area. Of course the opposition has seized upon that in a politically opportunistic way. During question time they have taken numerous points of order in relation to that sessional order in what I might suggest to be, if I were unkind, a tactic to interrupt the flow of question time and ministers statements.

My friend the member for Macedon has already pointed out that in the time of this Parliament, just over a year and a half, we have seen the opposition take some 731 points of order during question time, which is hour upon hour of time wasted by those opposite. While those opposite were happy to waste their time in government, we do not want to waste our time in government. That is why this motion should be supported by the house.

**Ms ASHER (Brighton)** — I wish to make a couple of comments in relation to this particular motion before the house. As I have already pointed out, when the Leader of the House established the Standing Orders Committee of 11 MPs, she deliberately chose to have 7 non-government MPs on the committee, and I have made the observation that this is an unduly democratic way of operating the Standing Orders Committee. It was of some interest to me that when the Leader of the House did not get the vote or the result that she thought she would achieve from the Standing Orders Committee, a minority report was written that the government is now choosing to put through.

I just want to make a couple of general comments on it. First of all, as has been said by other members, this particular sessional order was a specific promise by the Labor Party in opposition. I want to refer members to a press release of 16 October 2014. Members will note a curious connection between this particular promise and the current wording of the sessional orders. The press release states that Labor would:

Abolish Dorothy Dixer questions in both chambers, instead providing ministers with the ability to make 2-minute ministerial statements where new initiatives, projects and achievements can be briefly explained or announced.

As members will reflect, clearly that wording from the press release has been picked up in the sessional order we currently operate under. The government is now trying to tell us that under the changes it wants to bring in, which will mean moving away from updating the house on new information and allowing ministers to say anything, there will be 'more information, not less'. That is what government members have written on page 2 of their minority report.

I have to say that the excuse given by the government, which is that the rationale for this change is that there are too many points of order, is a nonsense. The government is refusing to recognise the difference between a vexatious point of order and a genuine point of order about procedural matters in this house. What we have seen in relation to this particular sessional order is that a series of procedural points of order have been made. Members of Parliament are entitled to make procedural points of order; they are not entitled to make vexatious points of order. Those on the other side of the house are confusing vexatious points of order with points of order that in the main have been upheld.

As an aside, I find it extraordinary that most of the points of order have been made by the member for Box Hill. He has been in this place for 28 years, and he has never made a vexatious point of order. He makes points of order that are based on processes and procedures, and as has been pointed out by other speakers on this side of the house, what we have seen fundamentally is a failure of ministers to understand this particular sessional order. They have not been able to convey to the house new information or new policies. Perhaps they do not have any, or perhaps they just have not understood this particular sessional order, which was written for them in 2014 in a press release, so they have had ample time to study it.

I now want to move on to the current rules around Dorothy Dixers. In opposition the now government made much of saying it was going to abolish Dorothy Dixers, and in its press release of 16 October 2014 it referred to 'honesty reforms'. The idea is that when you reform something, you make it better. When you reform something, you do not actually make it worse. We will now have ministers statements that have nothing around them at all.

I note that in Speakers' rulings there have been many rulings around Dorothy Dix questions, and my point is that all of these will go, because when this motion is bulldozed through on the government's numbers, ministers will simply be able to stand up and say whatever they like. The body of work around Speakers' rulings on questions will all go. For example, there are Speakers' rulings from Coghill, Delzoppo and Maddigan in relation to attacks on the opposition being inappropriate. Let me read out the summary of the ruling:

Question time is an opportunity for ministers to be questioned and provide information on government administration and should not be used as a vehicle for attacks on the opposition.

That body of work will go. These Speakers' rulings can be put in the bin because under the proposal before the

house ministers will be able to say whatever they like. Similarly, in relation to Speakers' rulings on a previous government's administration, again I refer to Speaker Maddigan as follows:

In answering questions, ministers can refer to the situation of the state when they took office, but should only make passing reference to the activities of a previous government.

Again, this can be put in the bin. There will be no structure around these ministers statements the way that there was around Dorothy Dixers. Even Dorothy Dixers had a series of Speakers' rulings which actually meant that ministers should focus on their portfolio responsibilities and not just simply come into the chamber and say whatever they would like to say about the opposition, about the federal government, about who might be the federal government, about what they had for lunch or whatever else. We are now going to see — and the government, clearly, will use its numbers and force this through — these ministers statements where ministers will be untrammelled. They can say whatever they like. All those Speakers' rulings will be put in the bin, and there will be absolutely nothing. I make the point that when you trumpet, 'We're going to get rid of Dorothy Dixers', the idea of reform is that you make it better; you do not make it worse. That is not reform; that is called a significant backward step.

I also want to refer to genuine ministerial statements as set out under standing order 43. Again, we have seen one attempt at a ministerial statement, and even that was botched by the Minister for Industrial Relations. However, ministerial statements perform a useful role in this house, and we used to have a lot more of them historically than we have had in recent times. Ministerial statements also have a set of procedures around them: notice has to be given to the opposition and to other parties, as I think the minister at the table now knows, and of course they are subject to debate. What we are seeing here under this motion before the house is a redefinition of ministerial statements, where clearly the Labor Party is moving away from the old-style ministerial statements, which were subject to debate and where oppositions were given notice, to simply having Labor's version of a statement, which is simply for ministers to turn up in this chamber and say whatever they like.

Let me guess what ministers statements may be when this goes through. Ministers statements, I am guessing, might be used to talk about this side of the house, because ministers will be able to do that untrammelled. Ministers statements, I suspect, will never be used to announce a new government initiative, because the ministers have already shown that they are incapable of adhering to standing orders when they are in place —

and there are very few initiatives. I suspect ministers statements — and I see the Minister for Education walking through the chamber — might be used to just let off a little bit of steam about the opposition, untrammelled, with no Speakers' rulings around them. I do not think that this is a productive outcome for the Parliament of Victoria.

I do understand — and the Deputy Leader of the Opposition made this point — that if you have ministers under sustained attack, the previous Dorothy Dixier ruling at least provided a little break for people to consult their notes or clear their head or whatever, but make no mistake about it: this option that the government is bringing to this house today is a far worse option than the Dorothy Dixier option that it sought to 'reform'.

We will oppose this. As I said, it is just an absolute nonsense for the minority report to say, 'We're bringing this in because we're going to provide more information, not less'. Ministers statements will not be providing any information under this. Ministers statements will, in the main, be used to slag off the opposition, to attack political opponents and to bring in material to this Parliament that I do not think will add anything. There will certainly be no opportunity for debate, and there will be no structure around ministers statements.

In this minority report we have before the house the member for Bundoora has, I think, made a mistake in his recommendation. He actually says that draft clauses 24, 25 and 26 should be adopted by the house. They are actually not standing orders, and that is not the resolution before the house, but leave that aside, given the Leader of the House said that the member for Bundoora drafted it. This is an appalling piece of so-called reform of the Parliament, and we oppose it.

**Mr HIBBINS (Prahran)** — I rise on behalf of the 'Greens political party', as it is noted in this minority report, to speak on this motion. The Greens will be opposing this motion on the basis that when we look at the commitment to get rid of Dorothy Dixers, which I am sure most of us in this place agreed with and which I am sure the general public agreed with too, the provision to then replace them with 2-minute ministers statements in between each question really seems out of place and out of context within question time, which is often a lot of theatre. It is certainly contested. Certainly there is a lot of back and forth.

If we look at what ministers statements are and what they are supposed to be — projects, initiatives and achievements of the government — I would actually be

interested in hearing what they are. Certainly if we had, as has been put forward and was put forward in the upper house, ministers statements taking place at the start of the day, before members statements, I think the environment within this chamber would be much more conducive for a minister to actually talk strictly to the new initiative or the new project. I think there has been a bit of allowance for ministers to paint a picture and perhaps paint a bit of context about how they might contrast with the previous government or another policy, and certainly I think that is okay, but I think what we have seen from ministers with this particular sessional order is that initially we did have some ministers looking to stick to the script and stick to the new initiative, but as time has gone on and as question time, of course, gets heated, we have now seen ministers departing from that completely and wanting to take it as an opportunity to attack and to take part in the theatre of question time.

If you are going to now change this sessional order to just simply have ministers speaking on matters that are relevant to their portfolios, what you are essentially doing is — as I think it was stated before — having Dorothy without the Dix. You are essentially having a Dorothy Dixier question without the question, and that is completely against the principle of getting rid of Dorothy Dixier questions.

We oppose this proposal. I do not think it would aid the house. I do not think it would aid question time. I think for a lot of members there is probably a bit of concern about the futility of question time and if it is really being used for what its purpose is. My feeling is if you are going to reduce the rules and have a bit of back and forth, you might look at something like the UK model, which I think works well and does not have too many points of order. I do not see how the current arrangement of having questions from non-government members and ministers then getting up without the Dorothy Dixier questions and just returning fire aids question time, the running of this house or scrutiny. My feeling, as I said before, is that if we took these minister statements out of question time and had them at the start of the day, I would actually be very interested in hearing what the ministers were saying. I would be very interested to hear what the latest updates were, what the latest initiatives and projects were and of course if the minister was able to paint a picture or furnish a contrast with a previous government's policy in a passing manner, as has been permitted by the Speaker, I think that is okay. But with ministers now taking up time to really get on the attack and involve themselves in the theatre, I think you would have to deem that this commitment to get rid of Dorothy Dixier questions simply has not been met.

**Ms SHEED** (Shepparton) — I rise to speak on this motion. Indeed I support the change to the sessional order. I guess there are a few things that I would like to take the opportunity to say. Outside of this chamber people often ask me, ‘How have you found being a member of Parliament? Has it met your expectations? What did you expect?’. I guess for me it has been a journey, like for most members of the public, where most of what I had seen of Parliament is question time on television. Question time is a particular part of what goes on in this place, and it is conducted in a particular way. I think probably during the course of the past Parliament and this one it has possibly become a more vitriolic place than it used to be.

I want to talk about committees, because they are such a different environment. They are an environment where everyone seems to work together in a spirit of bipartisanship. Members discuss and come to conclusions on things in a way that has been surprising to me, and not necessarily in the way I thought it would happen, given the conduct we often see in the fray of debate. Being on the Standing Orders Committee has been an excellent learning experience for me. We have been able to go through the standing orders and there has clearly been some disappointment that more has not been achieved in relation to some of the sessional orders that were discussed, and broadcasting was one of them.

The member for Ripon talked about the class of 2014, and indeed there are quite a lot of new members in the house and in this Parliament. I think we have come into it after a time when, from what I can understand, the previous Parliament was a very combative place. There was a lot of behaviour in the last Parliament that was perhaps not the norm and that reflected changes in standards that have not been picked up on again, and I think that is a great shame.

I have a background in the law, and when you go into a court of law you behave in a particular way. You are expected to behave in a particular way, and it is really important for the conduct of the court, the law, justice and how it is dispensed that people actually do honour some of the standards. So I had cause to open *Erskine May* just earlier today and it fell open on a page about how we are not meant to read our speeches, so I am trying to give this speech without reading any notes. I am probably a breaker of the rules when it comes to giving speeches, so today I am just using notes.

The page also fell open on a section that said that women may wear hats. No doubt they used to be able to wear hats, gloves and pearls. Today I have got my pearls on, but not the others. I suspect that if I had a hat

on it would be regarded as a prop and taken off me these days.

The point I am trying to come to is that things change, and a lot of things have no doubt changed in the way Parliament conducts itself and the way members conduct themselves. I think it is a great pity quite frankly on a motion like this that we are discussing that we did not have five ministers stand up and argue in favour of it. I am also disappointed in some of the opposition’s remarks. I suppose it is not trivialising it, but it seems unnecessarily harsh when discussing an issue such as this to go to the depths that we sometimes do.

In relation to ministers statements, which are just 2-minute statements in between questions, it would seem to me that to some extent they have been designed to create a break in the tension that occurs in question time, and it is a good idea to have that moment to give everyone a breather before the next question is asked. While it has probably been more honoured in the breach than in the adherence to what was intended in the current rule, I do not particularly see a problem with another change. As someone else said, change is designed to try to make things better. Well, it has not been very good. From what I hear from everyone here, Dorothy Dixers were not very good either, so we have moved to something else, and perhaps we now move onto another version and see whether that works. The idea of ministers statements, as the committee determined them, was that it would actually give a minister an opportunity to tell us about some government business related to their portfolio. Would it not be nice if that actually happened?

**Mr Battin** — The committee did support it.

**Ms SHEED** — No, the committee did not support it; I did. I voted in favour of it. I think it is an opportunity for ministers to get up and tell us something about what is going on in relation to their portfolios in a more meaningful way. It may also result in there being the need for less points of order being taken. It is very easy for it to be abused. I think we have all seen the existing ministers statements abused when they tend to launch into attacks on the opposition or on previous government policies. It would be a very good thing for the operation of this Parliament if ministers statements were actually used for the purpose they were designed for — that is, to provide some information about the ministers’ initiatives and, if it is changed, their portfolios.

On that basis, I would like to say as a member of the committee that I think the work the committee did was

good work, as is the work the Speaker has done, and the work of the Clerk, Mr Purdey, and Ms Noonan and Mr McDonald in preparing background papers and informing us about what other Parliaments do and how things work in other jurisdictions has been very useful in assisting us to come to our conclusions. In closing, I say that I think this is a change that I hope will be for the better. Given the standards that we have seen to date in relation to what has seemed to be a very unhappy circumstance with Dorothy Dixers in the past and the current ministers statements, this is an opportunity to see a really significant improvement.

**Mr T. SMITH (Kew)** — I wish to add my voice to the concerns that have been raised by the member for Box Hill and particularly the member for Brighton and others on this side of the house with regard to the quite curious proposed changes to sessional order 7. It has become apparent that ministers cannot even get statements about new government initiatives, projects and achievements correct. The standard of rhetoric and debate that is shown by ministers of the Crown in this place — and I admit that I have not been here for a particularly long period of time — has been a sight to behold.

No minister exemplifies how poor their performance has been on the floor of this place more than the Minister for Industrial Relations, who on 9 June verbalised the president of — —

**Ms Allan** — On a point of order, Deputy Speaker, this is a pretty narrow debate about sessional order 7; it is not an opportunity to attack ministers for matters that have previously been considered by this place and dealt with. I would suggest you bring him back to the question at hand.

**The DEPUTY SPEAKER** — Order! I was taking advice from the Clerk at the time. I will listen intently to what the honourable member for Kew is saying. He may continue, and I will listen intently to what he is saying.

**Mr T. SMITH** — On 9 June the Minister for Industrial Relations came into this place and verbalised the president of the Fair Work Commission during a prepared 2-minute statement. To quote from the Age online from that day, a caucus source said, ‘A minister can’t even read a 2-minute statement and get it right’.

**Ms Allan** — I now renew my previous point of order, Deputy Speaker, and ask you to ask the member to come back to debating the narrowness around sessional order 7.

**Mr Clark** — On the point of order, Deputy Speaker, the member for Kew is perfectly in order in citing the example of the situation with the operation of the current sessional orders in order to support them to remain in position. The only rule that he is obliged to comply with — and that he has not violated — is to not make imputations against a minister. He has not made any imputations against a minister, and he is perfectly in order to continue.

**The DEPUTY SPEAKER** — Order! I will continue to hear the honourable member for Kew. I do not uphold the point of order at the moment, but it has to be relevant to the motion before the house.

**Mr T. SMITH** — In speaking on the motion that is before the house with regard to sessional order 7, I make the point that the Minister for Industrial Relations could not even read a 2-minute statement correctly with regard to her conversation with the Fair Work Commission president. The Leader of the House is attempting to prevent me from making that observation when the government is trying to broaden the scope of this sessional order to allow ministers to come in here and virtually say anything they like during question time.

The point I make was raised previously by the member for Brighton. Standing orders around the Westminster world allow for ministerial statements. It is quite a historic provision in standing orders in Westminster, here and in Canberra and in other places, that allows ministers to make statements that then allows the opposition and other parties to respond in debate. These ministers statements, which interrupt the flow of question time in a fairly pathetic attempt to replace Dorothy Dixers, do not provide for debate at all. They really ought to just be called ‘rant time’ because that is all they will become — ministers getting up to rant, possibly erroneously, without any recourse to debate from this side of the house.

I make the point about the Minister for Industrial Relations because she was forced to come back into the Parliament and make an apology because, I repeat, she could not even read her statement correctly. As the member for Shepparton quite correctly said, you are actually not meant to read your speeches in this place, and that is something that over my career I am going try to do as best I can. Sometimes it is difficult; sometimes you are dealing with complex matters where you need to read from prepared notes. But I would have thought that a so-called experienced minister coming in here reading from a prepared text — probably by a staffer, not herself — about a conversation of significance that she had had, I would submit inappropriately, with the

president of the Fair Work Commission and not even getting that correct shows a complete and utter lack of respect for the Parliament and indeed for her own intelligence. She cannot even read a 2-minute statement correctly.

**Mr Angus** — She read it.

**Mr T. SMITH** — She read it, the content; that is correct. I make the observation that the quality of parliamentary performance by ministers of this government is nothing more than shocking — shocking. Sometimes you find in parliamentary debate people making comments that are witty, humorous and interesting and that actually shed some light on difficult topics that you may not have thought about yourself. It goes across the chamber. I have not found that particularly from these ministers of the Crown. There are plenty on the back bench who I think have made some wonderful contributions, the member for Niddrie being one, who is well overdue for promotion, may I say; my good friend the member for Broadmeadows — I think he should be feeling somewhat disappointed that he was overlooked for promotion recently; and my good friend the member for Wendouree — —

*Honourable members interjecting.*

**Mr T. SMITH** — And yes, up the back, the fat kid from *Hey Dad!* Good on you, mate; keep it going! We do enjoy sparring with you. I enjoy our banter across the table.

In concluding, the fact that they cannot even get these sessional orders right and they have had to go and change them is embarrassing and is an indictment of the quality of debate and the rhetorical ability of the ministers who sit opposite.

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

That the question be now put.

**The DEPUTY SPEAKER** — Order! Before that, I suggest to the house that a member of the National Party has not spoken. Indulge me for a moment. I am concerned that not all the parties have had an opportunity to contribute to this motion before the question is put. I ask the honourable member for Mildura if he wishes to speak on this. If so, I request that he have the call.

**Mr Crisp** — The Nationals would like to speak on this.

**The DEPUTY SPEAKER** — Order! With the indulgence of the house, I ask that the member for Mildura have the call.

**Mr CRISP** (Mildura) — I thank the house for its indulgence. I will make a contribution on behalf of The Nationals to oppose motion 4 on the notice paper in the name of the Leader of the House, with particular reference to sessional order 7, which is something we feel, as many before me on this side of the house who have spoken have said, is of concern to us.

Firstly, I would like to begin by mentioning the *Inquiry into sitting hours and operation of the House — Final Report*. This is an interesting aspect, where we have a minority report, and again the government has chosen to disregard the majority and adopt the minority view. That is starting to sound familiar in this house, and it is of concern around sessional order 7, where the government wants to omit the words ‘new government initiatives, projects and achievements’ and insert the words ‘about matters related to their portfolio’. The reason for this, which we have heard so much about in the debate today, is related to points of order, but I do note what the manager of opposition business said in his contribution — that the points of order that have been upheld have been 23 to 7 in favour of those who raised them, which shows that our system is working.

I am concerned, having been in the house for a few years now and also having been in the role of Acting Speaker, that this may be the thin end of the wedge when it comes to the use of points of order to keep the house focused on what it should be doing. Perhaps because the government feels points of order are uncomfortable during statements by ministers, is it then going to find them uncomfortable during question time or uncomfortable at other points in the day? I think it is the thin end of the wedge to go about this. A well-constructed point of order is well considered by the Chair, and the fact of their being upheld at 23 to 7 is certainly substantially in favour of that aspect. The argument about points of order and about time being wasted on points of order is a frivolous argument. In fact it is beyond frivolous and is close to being dangerous in its approach to this issue.

This whole debate is also open to comments around whether the government has run out of new initiatives and that is why it wants to change this aspect. That is something the government will have to live with. It is a question of whether government members have just run out of steam and want to shift to Dorothy Dixers in disguise — and it is not even a very good disguise, because one will be missing, Dorothy or Dixer is

missing, because there will be no questions asked and the ministers will free roam.

We will then get to issues about matters related to ministers' portfolios, and this will require some definition. So having used points of order to establish precedent in this house on what is acceptable during statements by ministers, we will now have to redefine it again by points of order on what is a matter related to their portfolio. This is done by precedent, which is decisions from the Chair, so again the idea that this will prevent points of order will just produce a whole lot more complicated points of order as we again go through the whole process. Having thrown out a few pages of that book that we all use on decisions, *Rulings from the Chair*, we now have to insert a series of new pages.

The government has not thought this through as well as it should. It was probably acting on impulse in dealing with an immediate discomfort, only to create what will be continuing discomfort and confusion in the house around the statements by ministers. With those words The Nationals will be voting against this for the reasons that we have laid out.

**Mr CARROLL** (Niddrie) — I rise to support the motion, and I agree with some of the points made by members on the other side. I do not agree with the member for Mildura, and I certainly do not agree that this is a government that is running out of steam. What I would like to do is actually be able to hear the ministers statements, and if you heard during this week about the Monash Freeway or the western distributor or second level crossing, although they have already been announced as a new initiative, there has been significant progress made in terms of funding and getting on with delivering those projects.

The member for Shepparton made a very good point about the time she came into the Parliament — and I came into the Parliament in 2012.

**Ms Allan** — It was a good by-election.

**Mr CARROLL** — It was a good by-election. Mr Baillieu did not run a candidate in that by-election, unfortunately. I would like to claim credit for the beginning of the end of Mr Baillieu, but I think the then member for Frankston has the franchise on that. I could only wish that was how significant I was when I first arrived. That was momentous, and it was a part of that Parliament when we did have utter chaos basically, with the Baillieu and Napthine short governments. Those first couple of years when I entered the Victorian Parliament will remain with me forever, which is why it

is important that ministers get the opportunity, after we make this amendment to sessional order 7, to talk about their portfolios, what is happening in them and what they are delivering. Whether that be in the area of family violence or whether it be taking on the scourge in our society of crystal methamphetamines, it will make sure that we have a proper debate so that members on both sides of the aisle really get to hear fulsomely about what is happening in a minister's portfolio. When we look at some of the points made in the minority report, we see it is critical that this amendment goes through. It will certainly ensure that this Parliament operates as clearly and succinctly as it needs to.

I had the pleasure when I went downstairs just now of having a good chat with John Nugent, who has worked at Parliament for 26 years. John was explaining to me that, fittingly, it was on 23 June 1865 that a motion was put to the Victorian Parliament that parliamentary debates be recorded in *Hansard*.

**An honourable member** interjected.

**Mr CARROLL** — I will not verbal John Nugent; I would not dare verbal John. He also worked for 18 years as a reporter in the Commonwealth Reporting Service and spent a bit of time in courtrooms, and the member for Shepparton has compared what happens in them to how the Parliament works. John came to Parliament in 1990, during the Kirner government, and he saw the Kennett government up close —

**Mr Clark** — On a point of order, Deputy Speaker, ordinarily I would not mind the member talking about John Nugent's contribution and the history of *Hansard* and other matters, but we are in a situation where the Leader of the House has sought to close the debate on the basis that she wants to move on to other business. There are two speakers on this side of the house who would like to make contributions on the matter before the house. The honourable member should confine himself to the motion before the house or sit down and let other members make their contributions.

**The DEPUTY SPEAKER** — Order! I request that the honourable member for Niddrie absolutely refer to the motion before the house, which is motion 4.

**Mr CARROLL** — I did congratulate John, because I think we would all agree that he has helped all of us in this place.

In relation to this motion, it is very important that sessional order 7 be amended to come into operation when this Parliament next sits. The member for Box Hill will recall that Mr Baillieu himself promised to

make sure that we had a reforming Parliament so that it would operate better. An article in the *Age* of 11 April 2012 quotes him and states:

'Question time in the Parliament has really become a farce', he said.

I make that commitment, I'm happy to [change the rules].

It is important that Parliament actually occupies a key role in our democracy.

We all come into this place with guests and students from schools in our electorates. Next week this place will be occupied by the YMCA Youth Parliament, so we should all be setting an example of how this place operates and what standards apply to all parliamentarians on both sides of the chamber. Only yesterday I spoke with some students from my electorate to give them a few tips. I mentioned that there are very strong contributors not only on the government side but also on the other side of the chamber. I would put the member for Box Hill in that category; he is someone who knows how the rules operate. He has an apprentice up there on the backbench, the member for Burwood. The member for Box Hill knows how this place operates and how to make a strong commitment and a strong argument when it needs to occur.

I believe that the time has come for reform to occur. There have been a lot of reforms, but it is very important that sessional order 7 changes, some 18 months through this term of this Parliament. It is the Andrews Labor government that wants to make sure that this Parliament operates strongly and that we do not ever go back to the standard set under the Baillieu-Napthine-Shaw governments. We need to ensure that we have a strong program and a strong budget position. We only have to open up today's papers to see that Victoria's budget position is the envy of Australia. Those opposite have always opposed our business programs. We have been getting on with it, and now we are getting it done. It is critical that we go forward and make sure that our ministers have the full capacity to put on record the work that they are doing in their portfolios.

The format and length of ministers statements have been a success. The government is widening the scope of ministers statements to allow ministers to advise the house of more aspects and issues within their portfolio responsibilities. It was also members of this government who removed Dorothy Dixers to make question time less tedious. We thought we were doing those opposite a favour. I think everyone would agree that opposition members have been hit out of the

ballpark this week. We would all have to agree with that. The Premier in particular this week hit those opposite right out of the ballpark.

We have made sure that ministers statements are going to be short, with 2-minute updates, we have improved the flow of question time and we are going to make sure that this place operates as it should. Ministers statements are about the issues that matter to all Victorians. This chamber has seen debates which have been supported by both sides, including the family violence motion and the apologies that have been made. Members of this government are making sure that this motion goes to the heart of making sure that this chamber operates as it should.

**Mr Clark** — On a point of order. Speaker, the member is embarrassing himself and the house. He needs to confine himself to the motion. Many members want to make a contribution in a limited period of time. If the member cannot make a contribution on the motion, he should sit down.

**The DEPUTY SPEAKER** — Order! There is no point of order. I have been listening to the honourable member for Niddrie, and I will absolutely pull him up if he is not talking to the motion before the house. He is being relevant to the motion. He has just come back to the motion.

**Mr CARROLL** — I want to conclude by saying that we all want to make sure that the 58th Parliament is the most successful Parliament and that it operates as a 21st century Parliament should. The government is intent on making sessional orders that will ensure that the Parliament is fairer, more balanced and more efficient and that it focuses on delivering for the people of Victoria.

Former Premier John Brumby wrote a very good article recently about both sides working together. The intent of this sessional order change is to ensure that opposition members get full answers, that both sides of the chamber are fully aware of what the government's intentions are, that the government delivers on its program and delivers on the mandate that its members were given at the November 2014 election. We are getting on with it and getting it done, and in another strong two years we will be delivering for the regions and delivering for everyone in every part of this state because we do not take the mandate that the people of Victoria gave us for granted.

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

**Mr WATT** (Burwood) — Just reflecting on the member for Niddrie's contribution, I think his contribution is proof that the Premier and his government have broken another promise. They promised to breath-test politicians, and I think we can all agree that that speech is proof — —

**Ms Allan** — On a point of order, Deputy Speaker, I appreciate that the member for Burwood has only just started, but he has not even bothered to start by speaking on the motion before the house. I ask you to bring him back to speaking to the motion before the house.

**The DEPUTY SPEAKER** — Order! I do not uphold the point of order at the moment. I will be listening closely to the honourable member for Burwood, as I did to the honourable member for Niddrie, and if he strays from the debate I will pull him up.

**Mr WATT** — The member for Niddrie talked about reform, but I also heard the member for Brighton talk about it. The member for Brighton made a very good point — that is, when you reform, generally you make things better. This is certainly not a reform, because it is not better.

I also listened to the member for Macedon. In her contribution she talked about this being an enhancement of a policy. She said that government members have not broken their promises but enhanced their promises. That made me think about members who might have come in and said that they misspoke instead of they lied, or that they have adjusted police hours instead of closing police stations. What I can say is that this is not an enhancement. This is a downgrading of what was an election promise, and opposition members accept that it was an election promise. We think it would be a reasonable promise if only government ministers would actually adhere to the sessional orders. The sessional orders are pretty easy. Sessional order 7 states:

After each oral question without notice and any related supplementary questions, any minister may seek the call to make a statement of up to 2 minutes to advise the house of new government initiatives, projects and achievements.

The only thing I can surmise from this particular motion is that the government has run out of new government initiatives, projects and achievements. We knew that government members ran out of new government projects, initiatives and achievements some time ago, which is why opposition members have had such a good success rate with points of order this year. Certain members on the other side have spoken about

points of order. I was having a conversation with the member for Ripon about points of order and the differences between their use last year and this year.

When you introduce new sessional orders or new standing orders, what happens is you have a testing ground. You put forward some points of order to try to find out where the Speaker thinks that the rulings will lie and what you can do and what you cannot do. If you look at the points of order last year, you see that there were quite a lot of points of order, and I will agree with some members on that side that there were a lot that did not get up. But in relation to the member for Box Hill — and I make the point reflecting on what the member for Niddrie said about the member for Box Hill — I have to say that if those on this side turn out to be anywhere near as good as the member for Box Hill when it comes to matters of the running of the house, the standing orders or the sessional orders, we will all do a very good job, and people on that side could probably take a lesson from the member for Box Hill on how to adhere to the rules. It is very clear that there are many ministers on that side who have absolutely no idea or have a complete disregard.

I look at this particular motion before us, and I know that it has come about because over recent months the member for Ringwood, the member for Box Hill, I and others have been fairly successful in understanding this particular sessional order and understanding what the Speaker's rulings are on this, including the fact that writing a letter to a federal minister — writing a letter to anybody — is not actually an achievement. And that is the problem with this government. Its members seem to believe that simply picking up a phone and having a phone conversation with somebody is an achievement, that writing a letter is an achievement and that having your department have a look into something is an achievement. Well, let me tell you, that is not an achievement, and the Speaker agrees with this. That is why the Speaker has ruled and made it clear on a number of occasions that when ministers get up here and have this diatribe about how they rang somebody or wrote to somebody or got somebody to do a report, it is fine for them to make that commentary in passing but they actually have to tell the Parliament what they are doing about it. The Speaker said:

Ministers should refer to what the government may do in relation to or in response to the federal budget.

This was in regard to the Minister for Education back in May. The Speaker continued:

Doing so in passing remarks will be accepted, but not beyond that.

This is the problem. Ministers and the government want to remove all the restrictions and get in here without any rules and say whatever they would like. The problem is that there are rules. At 2.15 p.m. this Parliament agreed to the current sessional order 7. It was only an hour and a half ago that in this place we actually reaffirmed that sessional order 7 was good and that it worked and that we should keep it. Almost immediately after the government agreed that this was a good idea and reaffirmed that sessional order 7 worked and was good and that we should keep it, now we are here debating once again about whether or not we should keep it.

It reminds me of a report I read where the Standing Orders Committee passed a resolution to say that sessional order 7 was good and that we should keep it — ‘It’s all good; keep going’ — and then the members of the government decided they would have a minority report: ‘We don’t agree with the majority report’. This is the type of thing it is. What surprises me somewhat is that government members of the committee did not call a meeting when members who did not agree with them could not turn up. If they had, they could have just passed it in the first place, we would not have this minority report and we would not have this motion. We would be talking about the substantive issue, which was notice of motion 3.

We know the government has form in this regard. We know that there are other reports where the government members have done this — where they have gone about making sure that members cannot turn up to meetings so that government members who do can reverse all of the decisions of previous meetings of the committee and ram through a report which is not the will of the committee. This particular recommendation — this particular motion — is not the will of the Standing Orders Committee. It certainly was not the will of the Parliament only an hour and a half ago, and it is a disgrace that we have the government in here trying to subvert the will of the Parliament as expressed only an hour and a half ago. It is a disgrace that we have the government trying to get ministers coming in here and talking about whatever they would like without any rules. It is a disgrace.

The government does not like the fact that the ministers do not know what they are doing. That is the problem. The short and curlies of it is that the ministers do not have any idea. They have got no idea, so we have to change the rules. The point is that without any rules, the ministers cannot break them. That is what we are talking about here. We have the government coming in here saying, ‘Our ministers can’t read. Our ministers don’t know what’s new, or they can’t work out what’s

new, or they don’t have anything new to say, so let’s just forget about anything that’s new or anything that’s to do with government administration’.

It is even worse than the fact that the subject matter no longer has to be new. What the government is currently looking to do is allow a minister to talk about anything they like as long as it slightly relates to their portfolio area — maybe. So you could have a minister come in here and talk for 2 minutes about something which would rightly be placed in members statements. Given the standing orders there is a point in the program where members of Parliament can get up and talk about almost anything they like; it is called members statements. Ministers have the ability to get up and talk in a members statement, and ministers do. I hear the diatribe from ministers in the mornings every time I come in here. I hear it regularly. They have that opportunity; they should use that opportunity. The opportunity they should use to give information about new government initiatives, programs and achievements, of which I know they have none — that is why they want to get rid of this — is during the time for questions and ministers statements.

It is not good enough for the government to want to come in here and circumvent the will of the Parliament as expressed, as I said, only an hour and a half ago. It is a disgrace, and we will not stand for it.

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

That the question be now put.

### House divided on closure motion:

*Ayes, 46*

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

*Noes, 39*

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

**Motion agreed to.**

**House divided on motion:**

*Ayes, 46*

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

*Noes, 39*

Angus, Mr	O'Brien, Mr D.
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Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Sandell, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Hibbins, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr

Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr
Northe, Mr	

**Motion agreed to.**

**RULINGS BY THE CHAIR**

**Quorums**

**The SPEAKER** — Order! Earlier today the member for Ringwood raised a point of order concerning an issue yesterday where the Deputy Speaker had declined to ring the bells for a quorum. I have now had an opportunity to discuss this matter with the Deputy Speaker and examine the *Hansard* record. I understand that the member for Ringwood had drawn the attention of the Chair to the state of the house at around 3.45 p.m. yesterday. The Deputy Speaker, relying on previous rulings, declined to ring the bells at that point in time because a quorum was present when the house had been reconstituted at 2.00 p.m. after the lunchbreak.

Standing order 29 provides the procedure to be followed when there is a lack of a quorum in the house. It requires the Chair to count the numbers and, if no quorum is present, to ring the bells until there are sufficient members present in the chamber to form a quorum. We also have a number of rulings dealing with the calling of quorums. They indicate that the Chair may exercise discretion not to ring the bells for a quorum where other quorums have already been called that day or where the proceedings are being disrupted by the continuous calling of quorums. Standing order 28 requires a quorum of members to be present before the Speaker can take the chair at the start of a meeting. This practice is also followed when the house resumes after a break in the proceedings — for example, after a lunchbreak.

As I mentioned, standing order 29 sets out the procedure for dealing with a lack of a quorum at any other time. Standing order 29 is part of our rules for a good reason, and members must have the opportunity to use it. As I understand prior rulings, the Chair can only decline to apply the terms of the standing order where members are using it to deliberately frustrate the proceedings of the house. I do not believe that formation of a quorum at the commencement of proceedings, under standing order 28, should be applied to the interpretation of rulings in relation to standing order 29. After consideration of this matter it is my view, and the Deputy Speaker on reflection agrees, that

the bells should have been rung for a quorum when the matter was drawn to the attention of the Chair by the member for Ringwood yesterday.

## LEGISLATIVE COUNCIL STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Treasurer

**The SPEAKER** — Order! I advise that the Clerk has received advice from the Clerk of the Legislative Council indicating that there was an error in the message from the Council concerning a request for a member to appear before the economy and infrastructure committee. For the information of the house I will read the corrected message:

The Legislative Council acquaints the Legislative Assembly that this house requests the Legislative Assembly to grant leave to the Treasurer, the Honourable Tim Pallas, MP, to appear before the Legislative Council economy and infrastructure committee to give evidence and answer questions in relation to the committee's inquiry into infrastructure projects.

It is signed by the President.

## FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016

### *Statement of compatibility*

### **Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 (the bill).

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

#### **Overview of the bill**

The bill establishes the Office of the Victorian Information Commissioner (OVIC) and makes enhancements to Victoria's freedom of information system to improve transparency and accountability.

To do so, the bill makes various amendments to the Freedom of Information Act 1982 (FOI act), the Privacy and Data Protection Act 2014 (PDP act), the Victorian Inspectorate Act 2011, the Independent Broad-based Anti-corruption Commission Act 2011, the Parliamentary Committees Act

2003 and various minor amendments to a number of other acts.

Most relevantly, the bill:

provides the information commissioner with the power to conduct own-motion investigations;

provides the information commissioner with new investigative powers when conducting reviews, investigating complaints and conducting own-motion investigations (these new powers include the power to compel documents and witnesses and to require further and better searches);

allows the information commissioner to review decisions made by ministers and principal officers;

allows the information commissioner to review decisions to exempt documents under the FOI act on the basis that they are cabinet material; and

amends the Victorian Inspectorate Act 2011 to provide for oversight by the Victorian Inspectorate of the use of coercive powers by the OVIC.

#### **Human rights issues**

The proposed bill engages human rights provided for in the charter, as follows:

##### Right to privacy

Section 13 of the charter states that a person has the right not to have their privacy unlawfully or arbitrarily interfered with and the right not to have their reputation unlawfully attacked.

The right to privacy is protected under the bill through secrecy provisions. New section 63E provides that the OVIC must not make any unauthorised disclosure of any personal information obtained or received in the course of performing functions under the FOI act. The penalty for doing so is 240 penalty units or imprisonment for 2 years or both. Clause 102 of the bill updates the penalty for unauthorised disclosure under the PDP act to align it with the penalty under the FOI act. These provisions support the rights in section 13 of the charter.

Clause 66 of the bill gives the information commissioner the power to conduct own-motion investigations. In publishing a report on the outcome of an investigation, the information commissioner must not include any information that would identify any person who is not the subject of any adverse comment or opinion, unless the information commissioner:

is satisfied that it is necessary or desirable to do so in the public interest; and

is satisfied that this will not cause unreasonable damage to the person's reputation, safety or wellbeing; and

states in the report that the person is not the subject of any adverse comment or opinion.

This provision is compatible with section 13 of the charter insofar as it protects a person from 'unlawful attacks' on their reputation. Furthermore, under proposed section 61R of the FOI act the information commissioner should not include in the report a finding that a person is guilty or should be prosecuted for an offence.

If a person is not the subject of an adverse comment or opinion, they can still be identified in the report, but only in limited circumstances which rely on public interest consideration and take into account the impact on the person's safety and wellbeing. If the person is the subject of an adverse comment or opinion, the information commissioner must first give the person a reasonable opportunity to respond to the adverse material and include a copy of the response in the report. Therefore whilst the provisions can potentially interfere with a person's privacy, they are carefully regulated in both the legislation and through the rules of natural justice and serve an important public interest function. I therefore consider that the provisions adequately protect persons from an 'unlawful' or 'arbitrary' interference with privacy and 'unlawful attacks' on reputation. In my opinion, proposed section 61R of the FOI act of the bill does not limit section 13 of the charter.

#### Right to freedom of expression

Section 15(2) of the charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds.

Seeking and receiving documents from an agency, principal officer or minister, which is the focus of the FOI act, would fall within the scope of this section of the charter. The proposed amendments to the FOI act included in the bill will increase the ability of individuals to access government-held documents in a reduced time frame. Furthermore, more decisions will be reviewable by the information commissioner. Therefore it is my opinion that the amendments will enhance, rather than limit, the right to freedom of expression.

In requiring persons to attend to give evidence and produce documents, clauses 66 and 88 may limit the right to freedom of expression. However, I consider that the limitation is reasonable and justifiable, given the important purpose it serves in enabling the information commissioner to properly carry out functions under the FOI act and the PDP act.

#### Right to a fair hearing

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This would extend to administrative proceedings, such as the complaints and decision-review roles of the information commissioner.

Under proposed section 61R of the FOI act, the information commissioner must:

give a person reasonable opportunity to respond to any adverse findings in a report following an own-motion investigation; and

must include the response in the report.

Section 49H(3) of the FOI act requires the Freedom of Information Commissioner to follow the rules of natural justice in conducting reviews of decisions. Section 49H(3) will continue to apply to the information commissioner. Given that these natural justice provisions support the right to a fair hearing in the context of administrative proceedings, it

is my opinion that this clause of the bill is compatible with the right to a fair hearing.

#### Right to a presumption of innocence

Section 25(1) of the charter provides that 'a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law'. Thus, the charter reinforces the principle that in criminal proceedings, the prosecution bears the burden of proof.

Clauses 66 and 88 of the bill give the information commissioner powers to compel agencies to provide documents to assist the information commissioner in conducting reviews of decisions, investigating complaints and conducting own-motion investigations. These powers are exercised in the form of a written notice served upon a person. Under proposed section 61X of the FOI act and proposed section 83H of the PDP act, failure to comply with the notice without a reasonable excuse is an offence. The penalty for the offence is a financial penalty of 60 penalty units.

These proposed sections may be viewed as shifting the burden of proof by placing the evidentiary onus on the accused, who must provide the 'reasonable excuse' for not complying with the notice. However, the new offence does not transfer the legal burden of proof. The accused may point to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge. However, the burden of proof remains with the prosecution, who must prove the elements of the offence. Therefore, in my opinion, this provision does not limit the presumption of innocence under the charter.

#### Right to protection against self-incrimination

Section 25(2)(k) of the charter provides for a right against self-incrimination and states that a person charged with a criminal offence is entitled to 'not be compelled to testify against himself or herself or to confess guilt'.

Whilst the bill gives the information commissioner the power to compel documents and evidence, proposed section 61Y of the FOI act and proposed section 83I of the PDP act provide that it is a reasonable excuse to not comply with a notice from the information commissioner if the information or document might tend to incriminate the person. It is therefore my opinion that this aspect of the bill is compatible with section 25(2)(k) of the charter. The privilege against self-incrimination is not abrogated by any of the changes to be made to the FOI act or the PDP act.

#### Right to freedom of movement

Section 12 of the charter establishes a right of freedom of movement according to which every person lawfully within Victoria has the right to move freely within Victoria. A new investigative power of the information commissioner under the bill is to compel a person to attend at a specified time and place to give evidence or produce documents (clauses 66 and 88). Insofar as compelling attendance restricts freedom of movement, the bill limits this right. However, I consider that the limitation is reasonable and justifiable as it is necessary for the OVIC to have access to all relevant information to properly carry out its functions under the FOI act and the PDP act. Moreover, the limitation is relatively minor in nature, given that a person's movement will only be restricted for a

limited amount of time. Furthermore, there is a safeguard for the use of this coercive power as its use must be reported to the Victorian Inspectorate.

The bill also amends the Victorian Inspectorate Act 2011 to give the Victorian Inspectorate the power to require an officer of the OVIC to attend and answer questions under that act (clause 115). This power is important for the Victorian Inspectorate as it assists the Victorian Inspectorate to conduct its role, which is in the public interest. Any restriction on freedom of movement resulting from the use of this power is so minor, reasonable and proportionate that in my opinion the limitation is justifiable.

#### Right to liberty and security of person

Section 21(1) of the charter provides that every person has the right to liberty and security. The bill protects this right by including safeguards in provisions relating to disclosure of information that carry with them the risk of endangering the safety of a person. Specifically, clause 15 provides that a document is exempt from the FOI act, under the proposed new exemption for documents relating to the Independent Broad-based Anti-corruption Commission's (IBAC) investigations, if its disclosure would endanger the lives or physical safety of persons engaged in connection with the IBAC's functions or persons who have provided information to the IBAC.

Furthermore, clause 16 provides that before deciding whether to disclose a document that would involve unreasonable disclosure of personal information about any person, the agency must first notify the person who is the subject of the information, unless the notification would be reasonably likely to endanger the life or physical safety of the person to be notified, or cause that person undue distress.

Following the completion of an investigation, the information commissioner must make a report of the findings of the investigation. Proposed section 61R of the FOI act sets out the information that must not be included in the report. Section 61R(5) provides that the information commissioner must not include in the report any information that would identify any person who is not the subject of any adverse comment or opinion unless the information commissioner is satisfied that it is necessary or desirable to include the information in the public interest; and including the information will not cause unreasonable damage to the person's reputation, safety or wellbeing.

By addressing issues regarding personal safety and wellbeing surrounding disclosure of information, the bill provides safeguards for a person's right to liberty and security of person. Therefore it is my view that the bill is compatible with section 21(1) of the charter.

#### **Conclusion**

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

The Hon. Jacinta Allan, MP  
Minister for Public Transport  
Minister for Major Projects

#### *Second reading*

**Mr PAKULA** (Attorney-General) — I move:

That this bill be now read a second time.

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

The bill delivers on the government's election commitments to make government more open and accountable by making it quicker and easier for Victorians to access information.

The government committed to converting the role of the FOI commissioner into a new office with a broader mandate. The government committed to giving the commissioner new powers, including the setting of professional FOI standards, the power to review decisions of ministers and principal officers, and the power to review decisions made on the ground of the cabinet exemption. The government also committed to reducing time frames for FOI requests and appeals.

Recognising the need to fix Victoria's fragmented information management policy, the bill implements all of the government's election commitments, and makes some complementary improvements to the Freedom of Information Act 1982 (FOI act) that will result in genuine reform.

The bill will amend the FOI act to establish the Office of the Victorian Information Commissioner (OVIC). A newly created OVIC will look after freedom of information, privacy and data protection issues. This will match similar bodies in New South Wales, Queensland and the commonwealth. The creation of this new office will provide more proactive and integrated FOI, privacy and data protection leadership in Victoria, particularly by driving the cultural shifts necessary to improve the way government manages and provides access to information.

These reforms are only the first stage in improving openness and access to information. Victoria needs modern information access legislation that supports the public's right to information while ensuring public records and certain types of information remain protected. As such, the government is commissioning an independent root and branch review of Victoria's FOI and public records legislation. The review will consult broadly across the public, private and non-government sectors to develop a revised framework for FOI and public records legislation, and the review is expected to be completed in March 2017.

I now turn to the bill.

#### **Office of the Victorian Information Commissioner**

The bill builds on the government's commitment to transform the role of the FOI commissioner by establishing the OVIC. The OVIC will assume the functions of the FOI commissioner and the commissioner for privacy and data protection.

As a result, the OVIC will become Victoria's primary regulator of, and source of independent advice to the government about, the collection, use and sharing of information held by agencies. This will ensure that one body manages the overlap between the existing FOI and privacy

regimes and has broad oversight of the Victorian government's information access and management practices.

### **Governance arrangements**

The head of the OVIC will be the information commissioner, who will have the same powers and functions as the current FOI commissioner and commissioner for privacy and data protection. The information commissioner will set the OVIC's strategic direction, as well as manage and lead the Office.

There will be two deputy commissioners: a public access deputy commissioner and a privacy and data protection deputy commissioner. The deputy commissioners will share many of the information commissioner's powers in relation to their areas of regulatory responsibility under the FOI act and Privacy and Data Protection Act 2014 respectively. Additionally, the information commissioner will be able to delegate certain powers and authorise the deputy commissioners on a case-by-case basis to exercise some functions that are reserved for the information commissioner.

The bill repeals the role of assistant commissioner from the FOI act. The role of the assistant commissioner was introduced in 2014 to assist with the FOI commissioner's workload. However, the creation of the deputy commissioner roles removes the need for assistant commissioners by separating strategy and management functions (which will sit with the information commissioner) from the day-to-day regulatory decision-making functions (which will be largely provided to the two deputy commissioners). This will allow the public access deputy commissioner more time to focus on their regulatory caseload.

This governance structure aims to make the OVIC an effective, strategic and proactive regulatory body, as well as a source of independent advice to government by clearly defining roles and empowering the deputy commissioners to perform decision-making and regulatory functions. The information commissioner will be well-placed to manage the office, increase the reach and effectiveness of education activities and address any systemic issues across government's information management framework.

The OVIC will report to the Accountability and Oversight Committee, which will now have a new oversight role in relation to privacy and data protection functions, in addition to its role in overseeing the FOI system.

To emphasise the independence of the OVIC, the OVIC will not be subject to the direction or control of the minister in respect of the performance of its duties and functions and the exercise of its powers.

### **New powers of the OVIC**

#### **Reviews**

One of the core functions of the FOI commissioner is to review decisions made by agencies under the FOI act. However, FOI decisions are also made by ministers and principal officers. Currently these decisions can only be reviewed by the Victorian Civil and Administrative Tribunal (VCAT). The bill gives the OVIC the power to review FOI decisions made by ministers and principal officers, giving Victorians a more accessible review pathway for those decisions.

Under the FOI act, agencies can refuse to grant access to a document on the basis that it contains cabinet material. These decisions are currently not reviewable by the FOI commissioner, and are only reviewable by the VCAT. The bill provides that these decisions will now be reviewable by the OVIC, ensuring even further transparency of FOI processes. As a result, the bill repeals 'conclusive certificates' in relation to cabinet documents under the FOI act, which were issued for the purpose of establishing that the cabinet exemption applied and could therefore not be reviewed by the FOI commissioner.

#### **Complaints**

The current FOI commissioner has jurisdiction to investigate complaints against agencies for any action taken or not taken under the FOI act. The bill will expand the OVIC's complaints jurisdiction to cover principal officers in the same way as it applies to agencies. The OVIC's power to investigate complaints against ministers — which is currently limited to specific types of complaints — will be extended to allow the OVIC to investigate complaints against ministerial decisions that a document either does not exist or cannot be located.

#### **Own-motion investigations**

Prior to the establishment of the office of the FOI commissioner, the Ombudsman had an own-motion investigation power in relation to the FOI act. The power was removed from the Ombudsman when the FOI commissioner was established. The bill gives the OVIC the power to conduct own-motion investigations in relation to specific administrative actions of the public sector relating to FOI, as well as serious or systemic issues in the FOI system.

The outcomes of any OVIC investigations will be tabled by the information commissioner in Parliament, subject to safeguards similar to those that apply to the Ombudsman's reports.

#### **Investigative powers**

To assist the OVIC with conducting investigations under its expanded complaints investigation and review functions, as well as its new own-motion investigation function, the OVIC will have new powers to compel information and documents, examine witnesses and require further and better searches. To ensure the OVIC can effectively exercise these investigation powers, sanctions will apply for non-compliance with notices issued by the OVIC, unless the person has a reasonable excuse for not complying.

The bill includes safeguards against the misuse of these new powers by making their use subject to the oversight of the Victorian Inspectorate (similar to the Victorian Inspectorate's oversight of coercive powers used by the Ombudsman and the Auditor-General). The OVIC will be required to report to the Victorian Inspectorate on the use of these powers.

#### **Setting professional standards**

Professional standards are intended to provide clear and simple guidance as to how the FOI act should be administered. Currently, professional standards are set by the minister, and apply to principal officers and agencies. They do not apply to ministers. Further, under the FOI act, professional standards are not binding on agencies unless they

have been prescribed by regulation. There are currently no standards prescribed by regulation.

The bill empowers the information commissioner to set professional standards. The standards set by the information commissioner will be binding on agencies and principal officers, without them needing to be prescribed by regulation. This will allow complaints to be made to the OVIC if standards are not complied with. Further, the Premier will be able to adopt the professional standards (with or without modifications) and apply them to ministers.

To ensure that the professional standards set by the information commissioner are fit for purpose, the information commissioner will be required to consult with affected stakeholders, including agencies and principal officers, before the standards become binding.

### ***Increased education function***

Education is a critical part of an information regulator's mandate. Effective education has the capacity to improve how government manages information and handles FOI requests, and Victorians' understanding of their information rights. Accordingly, the bill gives the information commissioner a broader education mandate, which will extend to the education of the public more generally, not just agencies (per the current education function). This will empower citizens in their interactions with government about information and the FOI system, thus making for a more accessible and accountable system.

### **Other operational and technical improvements**

To improve the efficiency of the FOI system, the bill reduces the time to respond to an FOI request from 45 days to 30 days. However, recognising that there may be instances where it is in the best interests of the FOI applicant for the time frame to be extended to enable a positive decision rather than triggering a deemed refusal (which occurs if a decision is not made in time), the bill provides for an extension to the statutory response time in limited circumstances. An extension can be granted with the agreement of the FOI applicant and can be for up to 30 calendar days, with the ability to agree to additional extensions. The bill also provides for an extension of up to 15 calendar days where mandatory consultation is required under the FOI act. Mandatory consultation will be required where documents contain information of a personal, commercial or confidential nature or relate to law enforcement or state/commonwealth relations. These extension provisions bring Victoria into line with the FOI extension regimes in other Australian jurisdictions.

The bill also reduces the time for an agency to lodge an application with VCAT seeking a review of OVIC decisions from 60 days to 14 days.

The Independent Broad-based Anti-corruption Commission (IBAC) Committee's report, 'Strengthening Victoria's key anti-corruption agencies?', suggested that section 194 of the IBAC act, which provides for the exemption of IBAC documents from FOI, required clarification. The need for this amendment arises from an unintended outcome, where release of certain Victoria Police documents may be inadvertently prevented by the FOI exemption in the IBAC act. For example, where Victoria Police refers a complaint to IBAC, and IBAC decides not to investigate and refers the

complaint back to Victoria Police, the documents relating to the subsequent Victoria Police investigation may be exempt from the FOI act (despite IBAC not investigating the complaint). If a complaint is made directly to IBAC, and IBAC decides not to investigate and refers it on to Victoria Police, the subsequent Victoria Police investigation documents may similarly be exempt.

To address this issue, the bill amends the FOI and IBAC acts to:

clarify that the IBAC exemption (section 194 of the IBAC act) applies to documents relating to IBAC complaints, information received under section 56 of the IBAC act, and mandatory notifications where such documents are in the possession of IBAC itself, rather than in the possession of 'any person or body';

clarify that documents held by 'any person or body' that disclose information relating to a preliminary inquiry or investigation conducted by IBAC, or a recommendation made by the IBAC in a report, or draft report, will continue to be automatically exempt; and

insert a new exemption into section 31A of the FOI act, which includes documents relating to IBAC's investigations. This ensures documents which, if disclosed, would adversely affect the integrity of IBAC's investigations remain exempt.

The purpose of these clarifications is to ensure that any documents that could prejudice an IBAC investigation (or attract other exemptions under the FOI act) will remain exempt. FOI decisions that are refused access based on the new exemption will be reviewable by the FOI regulator and VCAT.

### **Other amendments**

The bill will make a range of additional amendments to the Privacy and Data Protection Act 2014, the Victorian Inspectorate Act 2011, the Independent Broad-based Anti-corruption Commission Act 2011 and the Parliamentary Committees Act 2003.

### **Conclusion**

This bill makes significant improvements to the current FOI system. The bill establishes a single entity with responsibility for overseeing Victoria's FOI and public sector privacy and data protection laws. The OVIC will provide a source of independent strategic advice to government on these closely-related fields and will be well-placed to promote best practice in information access. The OVIC's establishment is a big step towards creating a fully integrated system for the regulation of information held by government.

In expanding the investigative powers of the OVIC, reducing response time frames and allowing more decisions than ever before to be reviewed, the bill represents a significant increase in the openness and accountability of government.

I commend this bill to the house.

**Debate adjourned on motion of Mr PESUTTO (Hawthorn).**

**Debate adjourned until Thursday, 7 July.**

**CRIMES AMENDMENT (SEXUAL OFFENCES) BILL 2016**

*Second reading*

**Debate resumed from 9 June; motion of Mr PAKULA (Attorney-General).**

**Mr PESUTTO** (Hawthorn) — Well, here we are — 1 hour to go before the winter recess, and it is a timely opportunity to look at how the government has been progressing over the last 18 months. What has it achieved? You would think that the Victorian people would be looking at the Andrews Labor government and seeing a government hitting its stride.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member might like to at least start on the bill.

**Mr PESUTTO** — I will get to that in a moment. Victorians would like to think that their government is hitting its stride, but — —

**The ACTING SPEAKER (Ms Thomson)** — Order! Excuse me. The member will start on the bill.

**Mr PESUTTO** — This is on the bill. On a point of order, Acting Speaker, as you well know, I have sufficient latitude on these matters and I will be coming to the bill.

**The ACTING SPEAKER (Ms Thomson)** — Order! It would be pertinent to at least start by referring to the bill before you proceed.

**Mr PESUTTO** — I am pleased to stand up and talk about the Crimes Amendment (Sexual Offences) Bill 2016. As I was saying, this marks an interesting milestone 18 months into this term. Victorians would like to think that their government is hitting its stride, but I think they are seeing a government hitting the skids in all manner of ways. It is divided, it is chaotic, it is directionless. In the law and order space in which this bill sits, the public has every right to be angry at the inaction of the government and every right to be angry at the backflips of this government, which I will come to in a moment.

The priorities of this government in law and order are all wrong, and I will outline now why that is the case. This bill is an important bill, and I will be turning to its contents in just a moment. We will not be opposing this bill, as it is an important bill. The purpose of the bill is to achieve greater consistency, modernise the law,

introduce a couple of new offences to build on existing offences which have been inserted into the statute book in recent years, particularly under the stewardship of my predecessor as shadow Attorney-General, the honourable member for Box Hill, when he was Attorney-General.

But I ask: where is the government's bill on bail? Just about a month ago the government was put through the humiliating exercise of having to admit that the bail changes it introduced earlier this year, which repealed the offence for, let us say, a 17-year-old person who breaches bail, mean that the law provides that that person no longer commits an offence. We on this side argued at the time and have maintained ever since that that change was not only ill-advised but dangerous. About a month ago the government, through the Attorney-General, announced that it would talk to police about possible changes. Where are those changes? Why are they not being brought before this house so we can deal with them? We know that bail is a sensitive and urgent issue in the law and order space and yet we have seen nothing from this government.

Where is the government's bill on move-on laws? Late last year we had a heated debate in this chamber about the desirability of repealing coalition laws against violent protests — not against democratic protests but against violent protests. The government, just as it did with bail, pressed ahead, arrogantly dismissing all arguments to the contrary. Well, what have we seen since? We have seen violent protest after violent protest, with police — not just us, but police — saying that they lack important enforcement powers to manage violent protests. We have yet another violent protest scheduled for this weekend, between those who say no to racism and the United Patriots Front. There are staged protests which not only put innocent people in harm's way but expose our law enforcement officers to great danger, because they have to manage these protests. But where is the government's bill? The government said only weeks ago it was going to bring legislation before this house to address that problem. We have not seen any of those changes and yet we have been on notice that there will be a violent protest this weekend. This government should never have repealed coalition laws against violent protests. Just as it did with bail, it had to humiliatingly admit that it would need to go back to the drawing board and bring new laws before this place.

Where is the government's bill on community correction orders? For 18 months I have been calling on the government to respond to the Boulton decision in the Court of Appeal, which has as a result seen violent offenders either being released on bail or avoiding jail

when previously they would have served a custodial sentence. We have not seen any bill.

On baseline sentencing, which was struck down as a result of a Court of Appeal decision in September of last year, I have expressed my doubts about the doctrinal basis of that decision. I have argued, with great respect to the court, that that decision was wrong. The government said it would respond to that. Well, where is the response? We have had a Sentencing Advisory Council report come down in recent weeks. I will have more to say about that inside and outside this chamber, but I do note that the Sentencing Advisory Council spent seven chapters talking up a standard sentencing scheme and then at the end of the seventh chapter walked away from its own recommendations. So I am calling on the government to say just what it is going to do about baseline sentencing.

I mention these matters because they are urgent. All of these matters are important, but these four matters I have mentioned are urgent and they are urgent at a time when we are seeing crime statistics go through the roof. The March figures showed increases for the year to March of 8.3 per cent. Just last week we saw that the crime statistics for the year to May 2016 showed a 12.4 per cent general increase. Disturbingly, as we debate the Crimes Amendment (Sexual Offences) Bill 2016, we now know that sexual offences have increased in the last 12 months by 1.5 per cent. So where is the government's response to skyrocketing crime statistics in our state? We already know that the government has cut real police numbers, real frontline sworn police numbers. We know that at the end of May numbers were down to the tune of 131 sworn frontline officers. We want to see the government respond to these urgent matters, but we have seen nothing so far.

I should also say that from opposition we are showing leadership on these urgent issues. Recently we announced that if elected we will introduce Australia's toughest drive-by shooting laws. They would come on top of laws that we would introduce to crack down on cash sales of cars and laws that we would introduce to crack down and make sure that in all sentencing decisions community safety and deterrence are mandatory in all those decisions. We have announced how tough we would be on bail. Just today we have announced that if elected we will introduce strong carjacking laws, with a basic carjacking offence to be supplemented by an aggravated carjacking offence, which would carry respectively maximum sentences of 15 years and 25 years. We the opposition are moving on these issues. We want the government to respond to these urgent matters.

As I said, the Crimes Amendment (Sexual Offences) Bill is an important bill, but these other urgent matters should also have been brought before the Parliament, arguably before getting to this bill. As I said, we will not be opposing this bill. For the most part, it builds on work that was undertaken in previous governments. In fairness, even before the Baillieu government came to office in 2010, the Victorian Law Reform Commission looked at our sexual offences laws and formed views about the need to reform those laws. A departmental working group has been working over the last six years to produce material which founds the basis for the amendments of these laws.

This is a very substantial bill and it covers a range of offences which I will turn to in general. There is quite a bit of material in this bill, so I am not proposing — you will be pleased to know, Acting Speaker — to address all the changes. I propose to make just some general comments about what the bill is trying to do. Certainly its key objectives, as the Attorney-General outlined in his second-reading speech, are matters I would acknowledge. It is important to make sure that the sexual offence provisions in the Crimes Act are structured, that the terminology is consistent and that the defences and exceptions to offences operate consistently across the range of sexual offences.

In particular, I note that in relation to sexual offences against children the bill proposes simply replacing all the existing offences currently in the Crimes Act and to supplement those with a couple of new offences. They are related to encouraging a child to engage in sexual activity and depending on the age there are a couple of offences there. I also note that the bill increases the maximum penalty for the offence of sexual penetration of a child under the age of 16 from 10 years to 15 years imprisonment. Whilst I welcome that increase in the maximum sentence, I do note that, as I indicated earlier, baseline sentencing was the means by which in 2014 this Parliament in a bipartisan way expressed its will that in general sentences for these types of offences would increase.

As we know, one of the problems with maximum sentences is that they do not necessarily lead to higher median sentences for these types of offences. I think I have said previously in this place that one of the good examples, which my predecessor cited in support of baseline sentencing, was the offence of sexual penetration of a child under 12, which carries a maximum sentence of 25 years but has only attracted a median sentence of a little over 3 years. That simply does not reflect community perceptions about the types of sanctions that the public expect when accused persons are convicted of these types of heinous crimes.

So whilst I welcome the increase in the maximum sentence for what is a despicable offence, I am more concerned with ensuring that the types of sentences that courts are imposing actually do reflect the will of Parliament that is inherent in the increase in the maximum sentence for that type of crime.

I also note that the bill tries to extend the operation of the offences to preparatory sexual conduct — which the government has argued is a gap in the law, and I think that is a fair enough concern to address — which is the offence of encouraging a child to engage in sexual activity, which I cited a moment ago. We certainly have a grooming offence currently in the Crimes Act 1958, and this extra offence will add to the range of offences that police can draw upon when pursuing this kind of reprehensible, degrading and dehumanising conduct.

Moving to offences and defences in respect of offences against children, I have noted that the bill proposes removing the consent element from all exceptions and defences to sexual offences against children, except the similarity-in-age defence to the offence of sexual penetration of a child under 16. We are certainly not opposing that. We think that is an appropriate change. As we know, children are not in a position to provide informed consent in these types of matters, so we think that removing consent as an element is an appropriate change to make.

I note also that there is a change in terminology and language in the Crimes Act to reflect that there are exceptions based on marriage between an accused person and a child aged 16 or 17. It is an existing exception that the law will also recognise that people can be involved in domestic partnerships which the law will define to mean a registered domestic relationship. We think that change does reflect a change in the nature of relationships, and it is part of a broader change to reflect the changed familial situations that people find themselves in.

The bill does a substantial amount of work in the area of child pornography, and the key change there is introducing the concept of child abuse material, which understandably is much broader than child pornography. We think that is appropriate because it is not limited to sexual conduct. It will capture all manner of abuses and harmful treatment of children, and that brings it into line with other jurisdictions around the country, so we are certainly supportive of that change.

The opposition is also supportive of the two new offences in this part of the bill which expand the scope of the child abuse material offence framework, and we note that there will be two new offences of distributing

child abuse material and accessing child abuse material. Distributing child abuse material is an offence that will apply where somebody intentionally distributes child abuse material. It is in recognition of the fact that distribution can sometimes occur online through simply making material available and uploading files or other digital information through a file-sharing website, an email account or a chat room, as the second-reading remarks of the Attorney-General made clear.

I note that the offence of accessing child abuse material, is intended to target the intentional viewing of child abuse material. We have been advised in the briefings that the current offence of possession of child pornography does not criminalise all manner of behaviour around this, so the bill closes a loophole. We accept that there is a need for that, and I think we all agree that wherever we can shut down opportunities for those who would engage in this type of reprehensible and despicable behaviour, they should be shut down. We note that the maximum penalty for these two offences will be consistent with other offences of a similar nature which exist in our current law, and that is a maximum penalty of 10 years. We think that is an appropriate change.

I have noted that the bill moves to recognise a new defence of public interest, which the Attorney-General's second-reading remarks suggest are intended to incorporate the former defence for a medical, legal, scientific or educational purpose, and we are informed from his remarks that the defence ensures that material for the public benefit, such as education or medical material, is not inappropriately restricted by the child abuse material offences. We certainly do not oppose that, but we urge the government obviously to keep a close eye on how that operates in practice. We certainly would not want that defence to be available in circumstances that are more broad than the current defences around medical, legal or scientific grounds, so it is very important for the government to keep a very close eye on how that defence operates in practice.

In terms of the incest offences, the bill, in the opposition's view, does clarify the operation of these offences. It updates the language around them to recognise different family relationships, including domestic partnerships recognised under our current law. We have noted that importantly it recognises, given that the current offence of incest can treat a victim of child abuse who continues into adulthood materially as an offender, that it is appropriate to change the operation of that provision to introduce, as the second-reading speech states, a new exception to incest offences for victims of childhood sexual abuse. Under this exception a person who is subjected to sexual acts perpetrated by

a parent, step-parent or grandparent when they are a child will not have committed an incest offence if the abuse continues after the person turns 18.

That is an important change, I think, because many people who grow up being abused will know nothing else. They are vulnerable and susceptible to the overbearing influence of their abuser well into adulthood. I recall even last year launching a book by journalist Sue Smethurst, which related in some detail the story of a woman who grew up being regularly abused and raped by her father well into adulthood. She struggled for many years to break free of the bondage she suffered under and showed strength to overcome that. It is important when we consider the plight of victims to understand that adulthood sometimes does not change a thing in terms of their inability to break free. We need to recognise that, and this change does recognise it, so we certainly do not oppose it at all.

We note that there are many other offences, and I will not deal with all of them. It is important to note that similar changes as I have described extend through to the offences that relate to persons who suffer from a cognitive impairment or mental illness, and we think that is wholly appropriate, particularly in light of the national disability insurance scheme. We accept that there will be more services engaged in the provision of assistance to those who are dependent, and we certainly welcome those changes.

To the extent that the bill addresses jury directions, we think those changes are appropriate. We do have some concerns about how prescriptive the law around jury directions is becoming, and as I said, we do not have a problem with what the government is putting through this bill, but we just caution that it is important to keep an eye on whether the increasing burden of the detail is doing what we all want it to do. Of course we want jury directions to clarify the law and make it easier for jury members to understand, but there have been a series of changes, and there may yet be more. We obviously need to keep a close eye on how that operates in practice.

It is important to ensure that juries do not hold stereotypical views about consent in rape and sexual offence cases, and that is wholly appropriate. They must always be looking to the facts and not holding presuppositions about behaviour, dress or any other matter that they might mistakenly believe bears on the issue of consent. We certainly do not have a problem with those changes, but I do issue that caution.

One thing I would urge the government to do is to take a close look at the Scrutiny of Acts and Regulations

Committee report on this bill. It does raise some issues that I will not go into — they are fairly self-explanatory — but they do raise some issues about particularly those suffering from physical disabilities, and I think it is very important that the government consider those changes carefully.

As I said, we do not oppose this bill, subject to the cautions that I have issued earlier, but I do renew my call in closing that we want to see the government respond to those other matters I addressed in my opening remarks. These are urgent. We now have a recess, and I hope and trust that when we come back in August the government will have got its skates on and will respond to community concerns, police concerns and coalition concerns about what it is doing to respond to these urgent issues of our time.

**Mr CARROLL** (Niddrie) — It is my pleasure to rise and speak on the Crimes Amendment (Sexual Offences) Bill 2016. I am very pleased to hear the member for Hawthorn's comments that this legislation is supported by those opposite. It would have been good ideally to have had a longer debate on this legislation, so significant are the reforms in this bill. It touches on a whole range of technical reforms in the area of sexual offences, rape, incest and child abuse that really go back to 2007, when my predecessor, Rob Hulls, was first making those reforms in the area of sex offences and building momentum to ensure we can close a gap in the justice system, particularly for victims of sexual violence.

When I was thinking about today's debate and the importance of this legislation, I thought about the week we have had in many respects and what Caroline Wilson has encountered over the past 10 days. It was great to see Jimmy Bartel come out today and call it out for what it was. We need to make a strong stance that women are fully supported, that any notion of sexism and any form of putting down is nipped in the bud and that no matter who you are, you are called out. I commend Jimmy Bartel. Only a few weeks ago I read his personal story about the family violence he had encountered growing up, and I heard him on radio. I think what he has done is fantastic.

Overseas we have seen the high profile case of Brock Turner, a young man who had the world at his feet but for a rape he committed at a university campus in the United States for which he was found guilty on three counts. He was given a very lenient sentence, which caused outrage. Then the victim's statement was released I think through BuzzFeed, and it caused a wave of support for her and what she had endured. I know that the Vice-President of the United States, Joe

Biden, came out and gave her the praise she needed and deserved for being so brave.

Essentially what happened in that case is that the culture of university life — drinking and partying — was almost used as a defence for what had occurred to this young lady that never should have occurred. I had a read of her statement earlier today, and I thought she was incredibly brave to have endured what she endured and to have come through this. We do not have some of the difficulties in Australia that the United States has. I am proud that this government in particular has been at the forefront of making sure we deliver and making sure our sexual offences legislation right across the board is up to date, 21st century and puts the rights of victims first and foremost.

I can remember when I was doing my own law degree back in the mid-noughties when Rob Hulls was making his reforms. They were quite innovative in dealing with the area of consent. I remember *Worsnop v. The Queen*, a court case we had to study. I just want to read one section of that, if I could, on page 701:

These provisions institute a communicative model of sexuality, also called an affirmative or positive consent standard, under which it is expected that a person who consents to particular sexual acts will communicate that consent, directly or indirectly.

We have seen through a series of court cases that defence has increasingly been able to outmanoeuvre the prosecution in many respects. Here we are today with very important legislation that goes to the heart of jury directions and of making sure that elements of sexual offences and the language that is used in relation to many sexual offences is modernised. Also, though, as I was saying earlier in relation to what Caroline Wilson has suffered, we need to ensure that the terminology is updated and nothing is ever normalised, whether it is sexual offences, sexism or child abuse. Even referring to child abuse material online as pornography does give it a normalised standard. This bill seeks to address that to make sure that the language in this bill is the way it should be and that nothing is ever normalised in this area of public policy.

When it comes to sexual offences against children, the work of the Victorian Parliament's Family and Community Development Committee throughout its Betrayal of Trust inquiry and the ongoing work of the Royal Commission into Institutional Responses to Child Sexual Abuse highlight the devastating effect of the sexual abuse of children. These inquiries have made it very clear that we need to take action. The Andrews Labor government and the Attorney-General are indeed taking action.

The Centre for Innovative Justice at RMIT is doing a fair bit of work in this area. I have a good article here by Gay Alcorn dated 20 June 2014, headed 'Radical rethink needed to achieve justice in rape cases'. It states that the former federal Labor government contributed a grant for a report which proposed an alternative model to run alongside the regular justice system. The article states:

The idea is for the victim to explain the impact of the crime on them and for the offender to gain insight into the harm they have caused. There's an outcome, which might be an apology, a commitment to undertake treatment, to stay away from the victim, or compensation. It could be used in cases where police believe there is little chance of success in court, or for historical cases where memory has faded, or in relatively minor cases. Even when an offender has pleaded guilty, a restorative justice conference might reduce his sentence.

It further states:

The report points out an uncomfortable truth: that our adversarial justice system is designed primarily to protect the rights of the accused, not those of victims. When someone is facing jail, the standard of proof must be high and the evidence strong. And in most rape cases where the victim knows the accused there are no witnesses and little corroborating evidence.

We need to make sure we look at best practice. California is trying to address sexual assaults on college campuses, where, as the article states:

It would mandate that all sexual behaviour on campus would require 'an affirmative, unambiguous and conscious decision by each participant to engage in mutually agreed upon sexual activity'. Consent must be 'ongoing' throughout a sexual encounter. How this is to be determined is not clear.

We know that this area of public policy debate does need a lot of change.

In my concluding remarks I want to highlight that the member for Hawthorn did raise a couple of matters he is seeking some action on. I have got to say I am very proud that the Attorney-General today has said he is making inroads through the Council of Australian Governments in relation to national domestic violence orders. We have the former Attorney-General here. I recently represented the Attorney-General and the Minister for Police at a justice conference in Mildura. Currently domestic violence orders are not going over the border to New South Wales. Legislation is being introduced in parliaments around Australia to make sure we have a true national domestic violence order scheme. Having orders applicable interstate is critical.

The member for Hawthorn raised the issue of carjacking earlier. I understand that one of the privileges of being in government is that we do not just

get to talk about things; we actually get to do things. The Attorney-General, working with the Department of Justice and Regulation, will ensure that in this area of community concern our laws are up to date and that we do everything we can to ensure that the community is safe. That is why we have put a record investment over two budgets into police resources. Our new Minister for Police has well and truly hit the ground running. She is doing an outstanding job working with the chief commissioner. We are also making sure that through a \$19.4 million crime prevention program areas of disadvantage are getting targeted, following the brilliant work of Jesuit Social Services.

I commend the bill to the house. I think it would have been great if we had had more speakers contributing to the debate. I am looking forward to hearing the contribution of the member for Carrum. I welcome this bill. I commend its important reforms.

**Mr D. O'BRIEN** (Gippsland South) — I too am pleased to rise to speak on the Crimes Amendment (Sexual Offences) Bill 2016. As I occasionally do in following the member for Niddrie, I find myself in agreement with him. I am a little concerned by the time allocated to deal with this bill. The second-reading speech is 11 pages, and the bill itself is 189 pages. To have an hour to debate the bill, or less than that, is somewhat concerning, particularly given its subject matter. It covers some of the most awful and terrible crimes we experience in our society. I do find that very concerning, and as a result I may keep my comments a little bit shorter to allow time for any other members who may wish to speak.

The bill has arisen in light of changes over a period of time to both technology and the application of the law in the courts. The second-reading speech identifies problems that have arisen with Victoria's sexual offences laws over the years which have led to various appeals and retrials and have been the subject of some criticism. This very comprehensive bill seeks to address some of those issues.

I have said in this place before that one of our most important roles in this Parliament is the work we do around the protection of children. I do not think there would be much disagreement that the abuse and particularly the sexual abuse of children are probably the most heinous crimes that could be committed. This bill updates our legislation in relation to general sex offences but also to those involving a child. For example, one problem has been the changes over time to the language used to define sexual offences, which means that our legislation does need to be modernised. Words such as 'indecent' and 'obscene', for example,

are seen by the minister as being opaque and outdated, but equally they could be described as vague and could be subject to the changing whims of society as to what is indecent or what is obscene. Updating that terminology is important.

Secondly, as I mentioned, some of the laws we have had in the past have not kept pace with technology and the ways in which offenders can offend these days. In particular there have been cases of indecent acts on Skype and of offenders using Snapchat and the various other social media platforms that exist. Updating the law on that is also important.

The bill increases the maximum penalty for the offence of sexual penetration of a child under the age of 16 from 10 years to 15 years. I think that is a welcome move and one that would be supported by the vast majority of the community. There are a number of other aspects of the bill. The existing sexual offences against children do not cover all preparatory sexual conduct. We know about grooming, of course, but the bill introduces a new offence of encouraging a child to engage in sexual activity. Again, this is broader than grooming because it is actually asking a child to do something for an adult's gratification. This offence makes sure that there is a broader application of the law in respect of that. The term 'child pornography' will also be replaced by 'child abuse material', which again reflects the changes we have had in society with respect to what has been going on and some of the heinous crimes we have seen in the last 10 years or 20 years and also the changes in technology that have occurred.

The only other aspect of the bill that I specifically wanted to talk about is the new offence of sexual activity directed at another person. The example given in the second-reading speech is where a male, particularly, might stand or jump out in front of a female jogger or walker in a park and not only expose himself but be engaged in some other form of sexual activity in front of a female. As I said, the second-reading speech references that particular example, and that is one that we do see, sadly, all too often at the moment in the reports of flashing and worse than that occurring to lone females who are walking or jogging. This offence is broader than the existing summary offence of sexual exposure, as it applies to sexual activity as well. Hopefully that will be a further disincentive to this sort of awful activity that does occur and increasingly is reported in our community.

More generally the bill is seeking to improve the operation of the law, but, as the member for Hawthorn has pointed out, on the other side of the law we are seeing changes that have not been good for the

Victorian community. The recent release of crime statistics showed a dramatic increase in crime in the past 12 months. In my own electorate, in the Shire of Wellington, we have had a 14 per cent increase in crime over the past 12 months, and that should certainly be a concern for this government. We have had the Chief Commissioner of Police indicating that it is likely to get worse before it gets better, and there is no sign on the horizon of that occurring any time soon.

I know in my own electorate police numbers are still tight. My local police do a fantastic job, but they are very concerned about the resources they are given. The application of the two-up policy has certainly reduced police presence and availability in some areas of my electorate. Perhaps a little concerning, the policy has been applied differently in different police areas. Anecdotally, one senior policeman in my area has suggested that that policy alone has reduced the number of shifts in his broader area by about 30 per cent. That is very much a guesstimate, but it gives you an example of the problems that have arisen.

Whilst introducing legislation such as this is good, the government has much more work to do with respect to crime more generally. The Crimes Amendment (Sexual Offences) Bill, I reiterate, is a very detailed and complex bill that we should have had more time to debate so that more members could speak on it, but certainly I support any effort to crack down on child abuse in particular. That is just one aspect of this bill, and I hope that the other aspects of the bill do assist the courts in dealing with sexual offences.

**Ms KILKENNY** (Carrum) — I am also pleased to rise to contribute to the debate on the Crimes Amendment (Sexual Offences) Bill 2016. I would like to acknowledge the contribution from the member for Niddrie. His are always very considered, thoughtful and informative contributions. Sexual offences and sexual offending have been the subject of much reporting recently. Whilst these are not solely concerned with offences against women, certainly in this climate of raising awareness about and taking steps to stop and prevent gender violence and family violence they are very relevant. I note briefly that the member for Hawthorn, in his remarks on this bill, also referred to other offences, such as carjacking. I have to say I felt a little bit uncomfortable listening to those remarks in the context of this very serious debate on sexual offences and amendments that we are making to those offences.

As we have heard, this bill represents an absolute mountain of work in this area and has involved a large number of stakeholders, including our courts, the Office of Public Prosecutions, Victoria Legal Aid, Victoria

Police, the Law Institute of Victoria, the Victorian Bar Association, the Federation of Community Legal Centres and the South Eastern Centre Against Sexual Assault. Let us not underestimate the amount of work and consultation that has gone into this bill; these are significant and well-considered reforms.

As we have heard, what this bill is aiming to do is actually clarify an aspect of our criminal law — that is, sexual offences. Criminal law is notoriously complex. The prosecution is required to prove so many elements involving an offence, and there are so many avenues where things can and do go wrong during the trial, that justice is often not being done. We are letting down our victims and survivors. We are often putting them through the trauma of appeals, and of course the offender is not getting the justice that is often deserved in those cases.

This bill aims to clarify a wide range of sexual offences, including sexual offences against children, incest offences and offences against persons with a mental illness or cognitive impairment. It is seeking to codify the common law and legislate all of the elements of the various offences as well as the exceptions and defences. For some offences the bill will also specify what does not constitute a defence. In itself, that also can be quite an important element in these cases. This bill also updates sexual offences in line with advances in technology, adopts terminology that recognises transgender and intersex status, and promotes anti-discrimination.

I believe that sexual offences are one of those areas of law that have particularly benefited from additional input, contributions and counsel by women and female policy advisers, particularly, I note, on rape and consent and on jury directions in those aspects. As we see more women in Parliament and more women in policy positions, we are shaping law that is going to have a significant impact on these very offences and the way we deal with them through the courts. Again, I commend the Andrews Labor government on these initiatives.

This bill will overhaul sexual offences and give much greater transparency, clarity and certainty about what does and what does not constitute a criminal offence and about when a person is or is not guilty of such an offence. We have heard that to achieve this this bill will make a number of significant amendments to the Crimes Act 1958 in relation to sexual and certain other offences. It will also amend the Summary Offences Act 1966 in relation to sexual exposure and indecent, offensive and insulting behaviour, and it will amend the Jury Directions Act 2015 in relation to directions on

consent and reasonable belief in consent in sexual offences cases.

As I have said, this is significant reform. We know from recent inquiries into sexual offending in Australia that the extent of sexual offending and the tremendous harm that is caused by sexual offending is absolutely massive. The County Court is Victoria's principal trial court, and almost 50 per cent of trials that go to verdict in the County Court are sexual offences trials. That is significant in its own right. In the 10-year period from 2003 there was an 81 per cent increase in the number of sexual offences trials, so obviously the criminal justice system plays a very significant role in response to sexual offending.

It is also important to note in cases of sexual offending, whether it be against women or children, that very often it is not a random attack but one where the perpetrator is known to the victim or, in cases of children, is known to the victim's family. Whilst there are dreadful cases of random attacks where the perpetrator is unknown, in a significant number and the majority of cases the perpetrator is known to the victim or the family.

Just briefly, one of the main areas I would like to raise concerns sexual offences against children. I do this because I see it as incumbent on all of us to protect children from sexual abuse. This means keeping children safe in their homes and keeping them safe online as well. The Victorian Parliament's *Betrayal of Trust* report and the Royal Commission into Institutional Responses to Child Sexual Abuse highlight the often catastrophic and enduring effects of sexual abuse of children. We have heard numerous cases recently where people, now even reaching their twilight years, are still suffering immeasurably from abuse that was perpetrated on them when they were very young. They have carried this throughout their lives and that is to the detriment of our community as a whole.

Australia, like 141 other countries, became a state party to the United Nations Convention on the Rights of the Child. By signing we agreed that the child should be protected against all forms of neglect, cruelty and exploitation. Under article 19 we agreed to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, including sexual abuse, while in the care of parents, legal guardians or other persons who have the care of the child. Under article 34 children are to be protected from all forms of sexual exploitation and sexual abuse, including by taking appropriate measures to prevent the inducement or coercion of a child to engage in any sexual activity and

the exploitative use of children in pornographic performance and materials.

This bill addresses many of those issues that are raised, and sadly we have statistics that one in three girls and one in six boys will be sexually abused in some way before the age of 18 years. This bill is very welcome news in addressing child abuse and child sexual offences. The bill also broadens the range of inappropriate sexual conduct against children that is criminalised. A new subdivision 8B of division 1 of part I of the Crimes Act will replace existing sexual offences against children with a range of new offences.

There are numerous amendments and provisions that will be enforced by the introduction of this bill, and again significant work has gone into this bill. I commend all of those who have been involved in it.

The member for Niddrie raised the issue that one of the amendments will be to change the term 'child pornography' and call it out for what it is, and that is 'child abuse material'. This language obviously better reflects the true nature of this material and the significant harm it causes.

No segment of our society is more crucial to the future of our communities than our children. It is critical that we continue our work to protect children and of course protect all members of our community from sexual offences. This bill is very welcome, and I commend the bill to the house.

**Mr CLARK** (Box Hill) — I want to make a few brief remarks in the context of previous remarks that have been made to the house. I think it is fair to say there is general agreement, certainly on the objectives of the bill and on the topics that it seeks to address. As others have said, it would have been good if more time had been available for the debate. Unfortunately what this side of the house warned about at the start of the week has come to pass. There has not been sufficient time to properly deal with all the matters that the government has brought before the house. It would have been preferable if the sitting had been extended to allow greater consideration.

I want to remark specifically on two particular matters relating to the bill. The first is to express a general reservation or caution about the approach being taken to jury directions. I should preface that by saying that a lot of the work in this bill is obviously technical, complex and demanding. It is a tribute to the officers of the Department of Justice and Regulation who brought the bill to the house. It is very important that attention be paid to all aspects of the bill to ensure it is correct. I

am not in a position to pass judgement on that; I just hope that that attention has been given to it and that nothing untoward comes to light.

My particular caution in relation to jury directions is that there is a risk that attempting to be more prescriptive, more extensive, in seeking to achieve objectives can be counterproductive in opening up opportunities for appeal points, for disagreements and for uncertainties. Clearly what this law ought to be seeking to do, and I am sure is its objective, is to ensure that those who have committed what the community rightly believes should be a crime are not able to get off on technicalities. In that sense the bill, as others have said, continues a reform process that has been going on for some time. Certainly the previous government was pleased to bring to the house substantial reforms to the law on rape and other sexual offences. But there is always a risk that in trying to be more prescriptive in what the legislation sets out, it will in fact open up uncertainties and create the very problem it seeks to avoid — that is, people getting off on technicalities.

I cite just by way of one example the proposed changes in clause 28 of the bill, in particular new section 47(3)(e) of the Jury Directions Act 2015:

... direct the jury that in determining whether the accused had a reasonable belief in consent, the jury may take into account any personal attribute, characteristic or circumstances of the accused ...

That is then immediately qualified by proposed section 47(4) of the act saying that a good reason for not giving the direction is that the personal attribute, characteristic or circumstance fulfils various criteria. There may be no quarrel with the objective; I am just flagging the fact that I am concerned that by going into such detail it creates of risk of technicalities and uncertainties arising.

The other point I want to make in the very limited time available is that a crucial item missing from this bill is ensuring tougher sentences for child sexual abuse. The baseline sentencing reforms brought in by the previous government, which the member for Hawthorn referred to, raised the baseline sentence, the median sentence, that was intended to be imposed for child sexual abuse — that is, the sexual penetration of a child aged under 12 — from the current period of 3½ years to 10 years. The 3½ years seems to be a gravely inadequate level of sentence for such an horrific offence. As the member for Hawthorn referred to, the Court of Appeal, for whatever reason, has failed to apply that law. That is a circumstance that needs to be remedied urgently. I share the concern of the member for Hawthorn that the government does not seem to be

heading in a direction that will achieve effective reform. We cannot afford to allow that level of inadequacy in sentencing in an area such as this to continue, and the government needs to act urgently to address that issue.

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

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

### PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016

*Second reading*

**Debate resumed from 22 June; motion of Ms ALLAN (Minister for Public Transport).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

### LAND (REVOCATION OF RESERVATIONS — REGIONAL VICTORIA LAND) BILL 2016

*Second reading*

**Debate resumed from 22 June; motion of Ms NEVILLE (then Minister for Environment, Climate Change and Water).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**NATIONAL PARKS AND VICTORIAN  
ENVIRONMENTAL ASSESSMENT  
COUNCIL ACTS AMENDMENT BILL 2016**

*Second reading*

**Debate resumed from 22 June; 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.**

**VICTORIAN FUNDS MANAGEMENT  
CORPORATION AMENDMENT BILL 2016**

*Second reading*

**Debate resumed from 21 June; motion of  
Mr PALLAS (Treasurer).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**TOBACCO AMENDMENT BILL 2016**

*Second reading*

**Debate resumed from 21 June; motion of  
Ms HENNESSY (Minister for Health).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted under sessional orders.**

**ADJOURNMENT**

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

**Eastern Health lymphoedema services**

**Mrs FYFFE** (Evelyn) — My request is to the Minister for Health. The action I seek is for the minister to provide funding support for the return of lymphoedema treatment services in Lilydale. In correspondence from Eastern Health earlier this year it was indicated that resource limitations have been preventing it from providing an adequate level of service for lymphoedema treatment.

The provision of lymphoedema services in Lilydale was a commitment made under the former Bracks and Brumby governments. Since the closure of the Yarra Ranges health clinic lymphoedema service, the lymphoedema demands have been ballooning, resulting in cancer patients being unable to access this important service when it is needed. I can verify the claims, as I have had many patients contact my office to complain about the cuts to service in the Yarra Ranges.

However, I respond to a story I highlighted in the *Lilydale and Yarra Valley Leader* from 12 April this year, where I noted that Georgia Brumby, a spokeswoman for the health minister, indicated that the minister would be requesting an explanation for the lymphoedema service closure. That would suggest that the government remains supportive of having a dedicated lymphoedema service in Lilydale. In 2009 a needs analysis was undertaken by Eastern Health on the lack of public services available to people living in the east who had lymphoedema. That needs analysis suggested that an estimated 1294 lymphoedema clients and about 800 to 1000 new cases of cancer-related secondary lymphoedema per year are located in the Eastern Metropolitan Region catchment.

Prior to the closure of the Lilydale clinic the Eastern Access Community Health (EACH) was receiving less than one new referral for lymphoedema treatment per month. However, EACH has now received 64 referrals and has established a lymphoedema wait list. There are currently 36 clients on the wait list, with 5 urgent cases and 31 semi-urgent cases. I ask the minister to treat this with some urgency.

**Hampton Park Networking Group**

**Ms GRALEY** (Narre Warren South) — My adjournment matter is to the Minister for Small Business, Innovation and Trade and concerns the

Hampton Park Networking Group. The action I seek is that the minister visit Hampton Park to meet with this hardworking group that does so much for local businesses. Since its establishment in 2003 it has organised and hosted well over 100 fantastic events. We have had twilight markets, community festivals, networking expos, bake-offs and so much more, not to mention its exhaustive efforts to promote all that our local businesses have to offer. Later this year it will also be hosting a business and tech expo as well as a wedding and events expo, with more to come I am sure.

The group's very own 10th birthday celebration was a night to remember, with a burlesque performance and even a Michael Jackson impersonator. Local talent was on display, and the 200 people who were there on the night had an absolute ball, my husband and me included. In fact I always look forward to supporting and attending the events put on by the Hampton Park Networking Group. These events have attracted thousands of people to Hampton Park and showcase the very best of what our local businesses and community have to offer.

Our diverse, bustling and vibrant local community is home to people from a beautiful mixture of ethnicities, beliefs and backgrounds. You can see in our local businesses the very best in our community. Various people, and of course their families, have made our community their home and have established restaurants, supermarkets, printing businesses, clothes stores and much more. They have played a pivotal role in helping to shape and grow our multicultural community, a role that has been well supported and guided by the hardworking team of volunteers at the Hampton Park Networking Group. I do hope that the minister will join with me in meeting with members of this great team and seeing firsthand all that they do for our community.

### **Euroa electorate police resources**

**Ms RYAN** (Euroa) — The adjournment matter that I wish to raise tonight is for the Minister for Police, and the action I seek is that the minister categorically rule out cutting the hours of police stations in the Euroa electorate. I specifically make this request in light of recent comments by the Chief Commissioner of Police, who is quoted in the *Herald Sun* of 11 June as confirming that it is the government's intention to reduce police station hours.

Crime rates have spiked drastically across my region since Labor came to government, and frontline police numbers are falling as a result of Labor's failure to adequately resource Victoria Police. I note the

comments of the Police Association Victoria secretary, Ron Iddles, in that article, who said that he does not support the notion of having one super-station and shopfronts and kiosks. He said:

I think the community is a long way off from accepting this.

The truth of the matter is that the government is considering these plans because it has failed to employ enough police to keep pace with population growth. Indeed the number of frontline police has fallen since Labor came to office. Communities like Rushworth have already seen the opening hours of their police stations cut, and police have been posted out of town, leaving communities exposed. The communities there are greatly concerned about the impact this is having on community safety, and there has been a visible increase in crime in those communities.

The latest crime statistics, which were released last week, show worrying trends. On average there are 1422 offences committed in Victoria every day. In comparison with last year, that is an extra 156 offences per day or an extra 57 344 offences this year. The Euroa electorate is battling with increasing crime rates, particularly in Benalla, where crime has increased by a staggering 36.6 per cent, the second highest increase in crime in any local government area in Victoria. In the Mitchell shire 4500 offences were committed over the past year, which is 1000 more than in the preceding 12 months. Property and deception crimes have the highest rates and are becoming more and more common in our local communities, along with crimes against the person.

The government has a responsibility to protect and care for the people of my electorate and the people of Victoria, and I urge the minister to give a firm commitment that the government will not cut the hours of police stations in my electorate.

### **Essendon Fields employment**

**Mr PEARSON** (Essendon) — My adjournment matter tonight is directed to the Minister for Industry and Employment, and the action I seek is that the minister come to Essendon Fields and meet with major employers to discuss how the Jobs Victoria Employment Network can create employment opportunities for public housing tenants.

I am very fortunate that I have got a large and diverse public housing community in my electorate, many of whom come from a refugee or asylum seeker background. Ensuring that we can provide people who live in public housing with the very best opportunities to access jobs that are close to their place of residence

will make a huge difference in the lives of these people and will also hopefully ensure that they can create real wealth through that exercise and can look at transitioning out of public housing into the private market, which is a very simple way that we could tackle the public housing waiting list but also address issues around social equality.

Essendon Fields is a fantastic employment precinct in my electorate. It is very close, I know, to the member for Niddrie's electorate as well. Ensuring that we can have people in public housing working close to where they live so that they can participate in the employment market and create real wealth is going to make a huge difference for these people and will create great change in the quality of the life of people who live in public housing. I urge the minister to join me out at Essendon Fields.

### **South Barwon electorate police resources**

**Mr KATOS** (South Barwon) — My adjournment matter this evening is for the Minister for Police, and the action I seek is that minister deploy more frontline police officers to the South Barwon electorate.

The latest crime statistics are certainly a damning indictment of the Andrews government's soft-on-crime approach and lack of police numbers. When you look at the statistics for the South Barwon electorate — the 3216 postcode, which incorporates Highton, Wandana Heights, Waurn Ponds and Grovedale — and also Belmont in the Geelong electorate, there has been a 24.4 per cent increase in crime. In Armstrong Creek, the largest growth area in Geelong, there has been a 282 per cent increase in crime; in Torquay, a 42 per cent increase in crime; in the minister's very own neighbourhood — where she lives — of Geelong West, a 146 per cent increase in crime; in the City of Greater Geelong, a 17.9 per cent increase in crime; in the Surf Coast shire, a 22.3 per cent increase in crime; and in Queenscliff, also in the region, a 24 per cent increase in crime.

When you delve into the types of offences, you can look at Surf Coast, for example, where robbery is up 800 per cent. Then there is stalking, harassment and threatening behaviour, which is up 106 per cent; arson, which is up 128 per cent; property damage, a 52 per cent increase; burglary and break-in, up 64 per cent; theft, up 33 per cent; and drug dealing and trafficking, a 20 per cent increase. In the City of Greater Geelong homicides have increased 200 per cent; abductions, 52 per cent; stalking and harassment, 19.6 per cent; dangerous and negligent acts endangering people, 17 per cent; burglary and break-in, 34 per cent; theft,

29 per cent; deception, 22 per cent; and public nuisance crime, 134 per cent.

These are huge increases in crime, and we then have the duplicity of a minister who is happy to deploy additional officers to her own electorate of Bellarine to sit in the Drysdale and Portarlington stations, yet she ignores the rampant increase in crime in her neighbouring electorate, the South Barwon electorate, which has some of the largest growth areas in Victoria. The Torquay and Waurn Ponds stations should be operational 24 hours, which would require at least an additional 36 officers just for those two stations — that is how understaffed they are — yet we have a chief commissioner who has already said that any increase in police numbers is going to go to Melbourne's growth areas.

The minister has got to stop playing games and favourites with her own electorate — looking after herself — start looking after other regions in Victoria and increase the number of frontline police in the South Barwon electorate.

### **Bentleigh electorate bus services**

**Mr STAIKOS** (Bentleigh) — My adjournment matter is for the Minister for Public Transport and concerns buses. The action I seek is that the minister review the feedback from recent consultations that I held on local bus services and consider the suggestions for improvement. Recently I held a bus forum in Bentleigh East to consult on a number of potential improvements to local bus services that had not changed for some time. It is no surprise that among some of the main suggestions that came up was improved frequency, but also services on Sunday, because a lot of these bus services started when nothing happened on a Sunday, but things have obviously changed.

**Ms Allan** interjected.

**Mr STAIKOS** — That is right. Of course the 703 terminates at Bentleigh station on a Sunday, and for many years residents have been calling for it to go all the way to Middle Brighton on a Sunday, so that was a suggestion that came up from a lot of people.

At the forum service gaps were identified, including on East Boundary Road and Tucker Road, two major roads in the area that locals believe should have their own bus service, but also the 823, which runs from Brighton to Southland. There was a suggestion to redirect the 823 route to service the Classic Residences retirement village in Bentleigh, which has 500 residents

but no bus service at all. So there are a number of suggestions worthy of consideration, and I commend them to the minister.

### Refugees and asylum seekers

**Ms SANDELL** (Melbourne) — My adjournment matter is for the Minister for Multicultural Affairs. I ask the minister to write to me outlining what action the government is taking to ensure asylum seekers and refugees in our community are given access to higher education. To illustrate the importance of this matter, I want to share the extraordinary story of a young man — let us call him Hussain — who I met two weeks ago at an event that was also attended by the minister.

Hussain came to Australia on a boat as an asylum seeker from Afghanistan. His dream was to live a safe and happy life and to get an education. He enrolled at a public high school in Melbourne, but when he was in year 10 government policy said he could no longer stay in school because he had turned 18, and he was kicked out. He spent a year out of school desperately trying to get an education by studying on his own before the Victorian government finally changed its policy and let him back in. He is now in year 12 and absolutely thriving. As well as studying hard, he is a harmony ambassador for his school. When he graduates from high school, all he wants is to be able to go to university so that he can get a job and contribute to his community.

Sadly this dream is not possible, because in Australia asylum seekers cannot access HECS-HELP, FEE-HELP, VET FEE-HELP or SA-HELP. This means that asylum seekers must pay full university or TAFE fees up-front, as though they were full-fee international students, even after we have recognised their refugee status by placing them on temporary protection visas or Safe Haven Enterprise visas. For families who have fled their homes with no money or possessions, obviously this is not possible.

The state government could make things easier for people who, like Hussain, are highly motivated to get an education and a job and contribute to Victoria. Firstly, the government could extend concession TAFE fees to asylum seekers and refugees. Secondly, the government could advocate, as I have done, to our universities for special scholarships for gifted asylum seekers. I know many universities have already offered scholarships in the past, but there is more that could be done. Thirdly, the government could start its own scholarship program for smart, motivated people like Hussain.

We need to support these students to reach their full potential and contribute to the Victorian community. They want to contribute; we just need to remove the barriers in their way to make sure they have a prosperous future.

### Gender equality

**Mr RICHARDSON** (Mordialloc) — My adjournment matter this evening is for the Minister for the Prevention of Family Violence. The action I seek is that the minister visit my electorate of Mordialloc and discuss the gender equality strategy with my local community and local service providers.

We all know that there is a link between attitudes towards women and family violence. The research, which is overwhelming, details that gender inequity and negative attitudes towards women drive gendered violence. Addressing gender inequity and inequality is at the heart of the Victorian government's reforms, particularly leading by example in the public sector by ensuring that 50 per cent of board appointments are women. We have a long way to go in trying to change those attitudes towards women. The gender pay gap nationally is 17.3 per cent — 14 per cent in Victoria — and the private sector, particularly the financial and insurance services industry, has the highest gender pay gap, at 30 per cent.

Some of the findings in the royal commission's recommendations go to education on respectful relationships. One key element in the family violence royal commission's report is chapter 36, which talks about prevention. This is a key prism of how we change attitudes towards women, how we see more women in leadership positions and how this will drive important change.

I see these issues through two prisms. One is the immediate need for urgent action to ensure protection of people — women, children and their families immediately — and then that longer term generational change that has to start now and has to happen from our kindies all the way through our education system. We do not have a day to waste in this element, because for every single day that we are not acting in this space, another 200 family violence incidents are reported to Victoria Police.

In conclusion, I invite the Minister for the Prevention of Family Violence down to the Mordialloc electorate to discuss with key service providers, women in leadership in our community and our next generations just how we implement the gender equity and equality

strategy and some of those important plans that will go into the 10-year plan.

### Cowes police station

**Mr PAYNTER** (Bass) — My adjournment matter is for the Minister for Police. The action I seek from the minister is that she work with the Bass Coast Shire Council to locate the new Cowes police station in a highly visible location in Cowes and combine it with a new Country Fire Authority (CFA) station as an emergency services precinct. In April 2016 Harriet Shing, a member for Eastern Victoria Region in the Council, appeared in Cowes unannounced and unprepared to inform the community — and in fact the police — of an allocation in the 2016–17 budget of \$3 million towards the rebuild of a Cowes police station. Unfortunately Ms Shing failed to mention exactly where the new station was to be built and how exactly \$3 million would cover the cost of planning and construction of a new station.

Whilst the announcement of funding for police infrastructure in the electorate of Bass is always welcome, it would be a wasted opportunity if this government did not sit down with the key stakeholders in the area and find the most suitable location for a new station. The current site is in a predominantly residential area and is out of sight from the main roads, and the block of land itself would make building or expanding difficult. One of the most important things about a police station is its visibility. The existing station is tucked away and out of sight when driving into and around town. A greenfield site would be a far better option and would avoid the types of disruptions normally associated with rebuilding, such as finding temporary accommodation et cetera.

The intersection of Cowes-Rhyll Road, Ventnor Road and Thompson Avenue would be far more suitable and would be a perfect location for an emergency services precinct. The site is relatively flat, is highly visible and provides clear access to all points of the island, including Ventnor and Rhyll out to Smiths Beach and of course Cowes. There is land on or near this intersection — —

*Honourable members interjecting.*

**Mr PAYNTER** — I am glad that government members are joining my chorus for a new police station and a new precinct. There is land on or near this intersection that is either owned by the Bass Coast council or private landowners, and negotiations should commence without delay regarding the acquisition of a parcel of land suitable in size for a new station. Again I

ask the Minister for Police to locate the new Cowes police station in a visible and more suitable location, preferably with the CFA on the same site to create an emergency services precinct. I am asking the minister to contact the Bass Coast council to commence discussions on this matter.

### Gilson College

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the hardworking and committed Minister for Education. The action I seek is for him to support the application by Gilson College to the non-government schools capital fund. The project is located at Gilson College's Mernda campus in the rapidly growing City of Whittlesea. The project seeks to complete an inherited, unfinished two-storey building to lock-up stage; to complete a fit-out of the ground level to create a library, five general learning areas, amenities, associated staff office and storage space; and to complete associated site works and landscaping.

The proposed project will provide modern fit-for-purpose library facilities, allowing students the opportunity to work and study. The project will complete the building in the middle of the school that has been standing half built since Acacia College closed in 2012 — and I might say that that was one of the saddest days in my time in this Parliament, dealing with the terrible distress of the Acacia students, their families and the staff. It really has left a sad legacy, and I am glad that we are taking action to improve governance of non-government schools so that particular communities such as Mernda are not let down as they were in 2012.

I want to thank Gilson College for its commitment to Mernda and for taking over this great site. It is a P-12 site, and Acacia has told me that it has capacity for up to 2000 students. It certainly is not at that capacity at the moment. This will mean that Gilson College will be able to complete that school. It will have a better look for the school, and it is consistent with the election commitment that the Andrews Labor government made to allocate \$120 million over four years to build and upgrade Catholic and independent schools such as Gilson, having agreed to match the sector's contribution dollar for dollar. The aim of the program was to build new schools and expand capacity at existing facilities in growth areas, particularly in Melbourne's outer suburbs and regional Victoria, where enrolment demand is strong.

Certainly we know that enrolment demand is very strong in Mernda. The demand in the Mernda-Doreen postcode area doubled between 2011 and 2014, and

there was no spending and no support from those opposite. We are now getting on with the job, building new schools — the Mernda Central P–12 and the Mernda South Primary School — and this additional funding to Gilson will expand the educational offer. I urge the minister to support funding for this great school.

### Responses

**Ms ALLAN** (Minister for Public Transport) — I am delighted to respond this evening to the member for Bentleigh's — —

**Mr Pearson** interjected.

**Ms ALLAN** — Wow! You took the words right out of my mouth. I was about to say 'the hardworking member for Bentleigh'. I am delighted to respond in relation to the matter the hardworking member for Bentleigh raised on the adjournment tonight regarding issues raised through his hosting a bus forum in Bentleigh East. There were a range of issues. It is great to see local members getting out there and consulting with their community, hearing firsthand what the issues are and bringing them into the heart of government. I hope the member for Bentleigh will soon see that we are going to follow up on the issues he has raised. It was great to hear that the forum was a success and that his local areas have great enthusiasm for new and improved buses. As I said, it is important to consult. Others took a different approach and did not consult, but we certainly will when it comes to planning new routes.

As the member for Bentleigh outlined, there were a range of priorities identified in terms of the connections his local community were seeking. I understand very well the desire for people to have better public transport services on weekends and on Sundays, which as the member indicated are times when traditionally bus services have not run. But obviously in this 24/7 world we live in people are looking to be able to get around on Sundays, as they do on other days during the week.

For the member for Bentleigh's information, and for him to pass on to his community, I note that I will be requesting that Public Transport Victoria analyse the feedback he has provided as an outcome of the forum and do some further assessment on the general infrastructure and associated bus stop infrastructure that might be needed to support improvements to local bus routes in his area. I look forward to continuing to work with the member for Bentleigh on this and on many other public transport projects we are working on in his area.

Nine remaining matters were raised for other ministers. They will be referred to those ministers for their response and action.

**The DEPUTY SPEAKER** — Order! Before I adjourn, I urge all honourable members and staff to have a well-deserved and safe break from the Parliament, and especially to reconnect with their families. The house is now adjourned.

**House adjourned 5.27 p.m. until Tuesday, 16 August.**

