

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 9 June 2016  
(Extract from book 8)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



# 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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Minister for Planning .....	The Hon. R. W. Wynne, MP
Cabinet Secretary .....	Ms M. Kairouz, MP

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

**Speaker:**

The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

**Acting Speakers:**

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

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

**Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>4</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>5</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>6</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

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

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

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

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

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

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

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, 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 Elasmr and Mr Melhem.

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

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

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

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

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

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

**Public Accounts and Estimates Committee** — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): 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, 9 June 2016**

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

**PETITIONS**

**Following petitions presented to house:**

**Elevated rail proposal**

To the Legislative Assembly of Victoria:

This petition of the residents of Victoria residing near the Frankston railway line draws to the attention of the house that we do not agree with proposals to build an elevated railway ('sky rail') along any portion of the Frankston railway line.

We believe an elevation of the railway line will result in the following outcomes:

1. decrease the visual amenity of the area as the elevated railway will be the highest feature for most of its length;
2. an increase in graffiti and dirt and waste beneath the elevated tracks;
3. reduced public amenity as the area under the tracks will not be properly maintained as has been promised;
4. reduce property values with a consequent reduction in council rates resulting in fewer council services;
5. increase noise pollution from trains placed on elevated bridges as train noise will be carried across suburbs; and
6. increase health issues due to stress and other social impacts.

The petitioners therefore request the Legislative Assembly of Victoria to:

1. abandon any plans for an elevated sky rail anywhere along the Frankston railway line;
2. continue with the removal of level crossings, but do so by putting the crossings below the road.

**By Mr GUY (Bulleen) (200 signatures).**

**Elevated rail proposal**

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria residing near the Frankston railway line draws to the attention of the house that we do not agree with any proposals to build an elevated railway (aka 'sky rail') along any portion of the Frankston railway line.

We believe an elevation of the railway line will result in the following outcomes:

1. decrease the visual amenity of the area as the elevated railway will be the highest feature for most of its length;
2. an increase in graffiti and general dirt and waste beneath the elevated tracks;
3. reduced public amenity as the area under the tracks will not be properly maintained as has been promised;
4. reduce property values with a consequent reduction in council rates resulting in fewer council services;
5. increase noise pollution from trains placed on elevated bridges as train noise will be carried across suburbs; and
6. increase health issues due to stress and other social impacts due to the above-cited negative issues.

The petitioners therefore request that the Legislative Assembly of Victoria:

1. abandon any plans for an elevated sky rail anywhere along the Frankston railway line;
2. continue with the removal of level crossings, but do so by putting the crossings below ground level;
3. where a below-ground solution is absolutely not possible, to discuss this with the local community and allow them to make the decision about what happens to the level crossing in question.

**By Mr GUY (Bulleen) (296 signatures).**

**Country Fire Authority enterprise bargaining agreement**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews must not hand control of the Country Fire Authority (CFA) to the United Firefighters Union.

Volunteer firefighters have protected Victorians for more than 100 years across Victoria, and as a community we support the volunteers and send this message to Daniel Andrews and the Victorian Labor Party: keep your hands off the CFA.

**By Ms KEALY (Lowan) (231 signatures) and Mr CRISP (Mildura) (93 signatures).**

**Tabled.**

**Ordered that petitions presented by honourable member for Bulleen be considered next day on motion of Mr GUY (Bulleen).**

**Ordered that petition presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).**

**Ordered that petition presented by honourable member for Lowan be considered next day on motion of Ms KEALY (Lowan).**

### **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

#### **Victorian Auditor-General's Office financial audit**

**Mr PEARSON (Essendon) presented report, together with appendices.**

**Tabled.**

**Ordered to be published.**

#### **Victorian Auditor-General's Office performance audit**

**Mr PEARSON (Essendon) presented report, together with appendices.**

**Tabled.**

**Ordered to be published.**

### **DOCUMENTS**

**Tabled by Clerk:**

Ombudsman — A report on misuse of council resources — Ordered to be published

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rule 54.

### **BUSINESS OF THE HOUSE**

#### **Adjournment**

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

That the house, at its rising, adjourns until Tuesday, 21 June 2016.

**Motion agreed to.**

### **MEMBERS STATEMENTS**

#### **Geelong Vietnam veterans memorial**

**Mr EREN (Minister for Tourism and Major Events) —** On 27 May I was privileged to attend the official opening of the Geelong and District Vietnam Veterans memorial walkway and commemorative panel. After three years of work from the Geelong and District branch, particularly that of Rieny Nieuwenhof

and Ken Baker, the walkway pays tribute to the sacrifices of Vietnam veterans. The Andrews Labor government has committed \$1 million to support the 50th anniversary of Long Tan, and this memorial will ensure their legacy in Geelong is not forgotten.

#### **North Geelong Secondary College**

**Mr EREN —** On 2 June I had the honour of hosting the Minister for Education at North Geelong Secondary College. North Geelong Secondary College is receiving over \$4 million in this year's state budget for upgrading and modernisation works. I look forward to continuing to work with school principal Nick Adamou and the school community with regard to these improvements.

#### **Gordon Institute of TAFE**

**Mr EREN —** Local residents will benefit from a \$10 million redevelopment of the Gordon Institute's city campus, as announced by the Minister for Training and Skills and the member for Geelong on 4 June. The rejuvenation project will include a new library, student hub and an upgrade to the Gordon Institute's building. This project is funded by the Andrews government through the TAFE Rescue Fund and also through the Gordon Institute directly. It will ensure the Gordon Institute is able to continue its great work of providing the training and skills my community needs to find jobs.

#### **Geelong community leadership program**

**Mr EREN —** On 6 June the Minister for Local Government and the Minister for Regional Development announced \$800 000 in funding for the Geelong Community Leadership program. This program achieves wonderful outcomes. I am glad community leaders in Geelong will continue to be supported for another four years, which will see a lot more leadership coming into the Geelong community.

#### **Ridesharing regulation**

**Mr HODGETT (Croydon) —** What an absolute disgrace it is that the Premier is refusing to meet with Uber; he has snubbed repeated requests to meet with Uber to discuss ridesharing in Victoria. You would have thought the Premier might have made some time in his diary to meet with Uber and learn a bit about ridesharing, how it operates and how it can coexist with the taxi industry here in Victoria. But no, the Premier is apparently too busy saying his diary is full.

I bet if Peter Marshall from the United Firefighters Union (UFU) phoned, the Premier would find time in his diary to meet with the UFU to discuss ways to shaft

the Country Fire Authority. I bet if there was an opportunity to rort his electorate entitlement, he would find time in his diary to explore that. I bet if there was an opening to doctor the outcome of a parliamentary committee inquiry, such as the report tabled yesterday on the inquiry into the portability of long service leave entitlements by the Economic, Education, Jobs and Skills Committee, he would find time in his diary for that. But six requests to meet with Uber? — ‘No, sorry, my diary is full’. The Premier will do anything to avoid making a positive decision on ridesharing in Victoria, but we on this side of the house will continue to support a modern regulatory framework where taxis and Uber can coexist here in Victoria.

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

**Mr HODGETT** — On another matter, how embarrassing for federal Labor MP, Lisa Chesters, who had to retract her support for the Country Fire Authority (CFA) overnight. Having jumped on the CFA bandwagon and tweeted such, the calls went out overnight from Shorten and the Premier, and now we see a very different post from Ms Chesters this morning. It is pathetic that Labor MPs are deserting the CFA, abandoning the CFA across Victoria and choosing to back the United Firefighters Union rather than our volunteer CFA. The people of Victoria will not forget this on 2 July, Ms Chesters!

### **Bellarine electorate bus services**

**Ms NEVILLE** (Minister for Police) — I am very pleased today to make a really significant announcement, which I have shared with the community of Portarlington, and that is the start of a new bus shuttle service between St Leonards, Portarlington and Drysdale to provide additional services. The previous government had released some new bus timetables which saw a reduction in services out of Portarlington. Yes, there were some great new services out at Drysdale, but there was a reduction in Portarlington.

We have spent the last 12 months working through how we can assist people in the Portarlington community to have the services that they need. In a real partnership between the local community, who are strong advocates, the local member and of course the minister, we have been able to secure this new bus shuttle service, starting on 18 July. We are also working with the local community on whether we can also provide some additional, more flexible services, particularly for some members of our older community who need to get to shopping centres and medical services.

### **National Celtic Festival**

**Ms NEVILLE** — On another matter, Portarlington is home to the annual National Celtic Festival that is being held this weekend. The festival goes from strength to strength each year and is now the premier Celtic festival in Australia. The Andrews state government is proud to support the festival, and I take this opportunity to congratulate Una McAlinden, her team and all those many, many hundreds of volunteers from the local community who support this really significant Bellarine event that happens each year. Congratulations to all of them.

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

**Mr McCURDY** (Ovens Valley) — Today I speak on behalf of the 53 Country Fire Authority (CFA) brigades which protect the residents and our property in the Ovens Valley electorate. I have never seen anger like this against a Premier. CFAs are the most respected and revered groups in Victoria. When fire strikes, people drop tools, they race to their CFA station and join the crew without an ounce of selfishness. If we roll over on this, if we let the Premier walk all over these volunteers, then what is next? Will the volunteers at local sports or the volunteers at the canteen be the next to be replaced by full-time, paid managers instead of our community-minded helpers?

Our communities work best when governments get out of the way and let our people do what they do best — that is, look after each other and support each other. This fight must continue, because if we lose this battle, the very fabric of our communities is at the crossroads. I urge the Premier to think of the long-term consequences for communities, not the short-term benefits for a few pay packets in Melbourne.

The member for Frankston has again shown his ignorance of how rural communities work by publicly condemning a 60-year volunteer, David Evans from Moyhu near Wangaratta, claiming the medal should have gone to someone who deserves it. What an outrage! What a stupid thing to say to David, who, along with many others, has committed himself to 60-plus years of protecting our communities. The people of the Frankston electorate will be livid, and they deserve better.

This war on volunteers is bigger than union versus volunteer. This fight is about trying to dismantle a community tradition. When will this city-centric government stop telling country people how to run their lives?

### Family violence

**Mr BROOKS** (Bundoora) — The Andrews government has taken decisive and powerful action to curb the incidence of family violence and to assist those experiencing family violence. Implementing all the recommendations made by Australia's first royal commission into the prevention of family violence is a significant task but one that the government has committed itself to with vigour. The Premier and the Minister for the Prevention of Family Violence, along with many other key figures like Rosie Batty and Ken Lay, have provided the leadership required to raise awareness of family violence and find ways to reduce its incidence and impact.

Recently I had the opportunity to sit in on a training session run by McAuley Community Services for Women called Engage to Change, which is specifically designed to provide employers and employees with a better understanding of family violence and how workplaces can support people experiencing family violence. Women experiencing family violence can often become isolated from support networks, and work colleagues can become a critical link to the support and referral that they need. That is why it is so important that fellow employees and managers have the skills to recognise family violence, identify risks for staff, respond effectively and understand how to refer women for help.

I commend McAuley Community Services for Women for this initiative and encourage employers and unions to consider this sort of training as a fundamental part of professional development in all workplaces. It is great that family violence leave is now being included in many workplace agreements, but it is important to remember that leaving the workplace may not always be in the best interests of the person experiencing family violence. I would also like to thank the member for Sandringham, who co-convenes Parliamentarians Against Family Violence with me, for recommending this course to me.

### Bob Charles

**Mr WAKELING** (Ferntree Gully) — I firstly wish to place on the record the gratitude of the Ferntree Gully community in recognition of the passing of the late Bob Charles, who was a former federal member for La Trobe. Bob was a great representative of the La Trobe community and particularly Ferntree Gully, and he will be greatly missed by all.

### Barry O'Meara

**Mr WAKELING** — I would also like to acknowledge and recognise the recent passing of Barry O'Meara. Barry was a resident of Rowville and a longstanding supporter of the Liberal Party — and he was a great supporter of mine. I wish to pass on my thoughts to Val and the family.

### Fairhills High School

**Mr WAKELING** — I had the opportunity to open the new wellbeing room at Fairhills High School. This is a great new facility that will be utilised by all the students. I congratulate Harvey Wood, all the staff and the students for this wonderful new addition. I congratulate the school for everything that it is doing. It is a fantastic school in our local community.

### Youth council forum

**Mr WAKELING** — The member for Rowville and I recently hosted our second youth council forum. We had representatives from headspace Knox, and it was a great event. We had representatives from St Joseph's College, St Andrews Christian College, Wantirna Secondary College, Scoresby Secondary College, Fairhills High School, Waverley Christian College and Rowville Secondary College. It was a great opportunity to talk about a range of issues affecting young people.

### Country Fire Authority volunteers

**Mr WAKELING** — Last Sunday I had the great pleasure of joining many of my colleagues and members of the Upper Ferntree Gully and Ferntree Gully Country Fire Authority brigades as they voiced their concern and their anger towards this government and the way it is treating volunteers.

### Al Siraat College

**Ms HALFPENNY** (Thomastown) — I had great pleasure in visiting a local school, Al Siraat College, on Monday, 30 May, where I spoke with over 70 grade 4 students. Al Siraat is an independent faith-based school established in the suburb of Epping. I was asked to speak about democratic decision-making, government services, cultural diversity and rules and laws, but I must admit that I came away wondering if in fact the students knew more than me.

This school is very engaged with the community. On many occasions I have met teachers and students from the school at other social events in the area. The school also participates in and has initiated multifaith leadership forums and in connecting students from

various schools to work together, thus contributing to both learning and a wider agenda of mutual understanding and support. On the two occasions I have met with grade 4 students I have been impressed by how well behaved and respectful they have been to me, to teachers and to each other. They ask very well thought out and considered questions and demonstrate a great thirst for knowledge. This is a credit to those students as well as to the school, its teachers, staff and principal. The school continues to grow, and on my visit there last time there were considerable building works in progress. Students will be visiting Parliament soon, and I am sure they will make the most of everything they see and hear. I thank Nazreen Keown for organising the visit, and I look forward to my next invitation and visit to this impressive school.

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

**Mr BURGESS** (Hastings) — Last Sunday it was my honour to join more than 3000 Country Fire Authority (CFA) volunteers, the Leader of the Opposition, Prime Minister Malcolm Turnbull and many of my Liberal and Nationals colleagues at a rally in the Treasury Gardens where, on behalf of all Victorians, the Premier and his Labor Party partners in crime were told to keep their grubby hands off the CFA.

The CFA has a very proud history of serving the Victorian community, and as the Leader of the Opposition told the rally, 100 years of volunteering to put their lives on the line and stand between Victorians and destruction is no ordinary service. When the Premier made his secret deal with the leadership of the United Firefighters Union — a deal that put his party in government and installed him as Premier — he sold out all Victorians. He agreed to put Victorians at risk for his own advancement. His underhanded plotting with the union leadership to take control of our CFA confirms beyond doubt that the Premier puts his own ambitions and the demands of his union mates ahead of the needs of Victoria's volunteers and communities.

Surely the no. 1 prerequisite to be the leader of your state is that you are prepared to put the welfare of the citizens of the state above your needs and ambitions. On that basis some may argue that this Premier has failed, but I do not agree. I do not agree because I think this may be the first time this Premier has succeeded in doing exactly what he wanted to do — the first time ever. He has achieved exactly what it was he agreed to. The Leader of the Opposition, all of my Liberal and Nationals colleagues and I stand with our CFA

volunteers in their fight against this duplicitous Premier.

### **Israeli Independence Day**

**Ms BLANDTHORN** (Pascoe Vale) — It is universal that people aspire to lead fulfilling, happy and healthy lives, and it is my view that everybody is entitled to do so from a standard of living that is consistent with human dignity. Israeli people are no different. Their aspirations are the same, but many of the challenges they face are amplified. Whilst they lead in innovation, health and business, they do so in an environment where they are forced to continually question, prepare and defend. As such I was pleased last night to attend the reception to celebrate the 68th anniversary of Israel's Independence Day and show my support for the Jewish community in Melbourne and Victoria, as well as for the state of Israel, a Jewish state existing in peace.

I was extremely saddened this morning to wake to the news that there has been another terrorist attack in Tel Aviv. Whilst details are still emerging, it is reported that three people have been killed and more injured in a shooting in a busy restaurant area of this vibrant international city. Israeli people are amongst the strongest and most resilient that I have met, and despite these types of evil actions Israel remains a beacon of democracy in the volatile Middle East, defending freedom of religion, conscience and association. They must have our support today and every day, and they must have our prayers for peace in their homes and at home.

I thank Zionism Victoria and the Jewish Community Council of Victoria not only for organising important events such as the annual occasion celebrated last night but for their continual advocacy for the Jewish community at home and around the world, part of which includes ensuring that the importance of the state of Israel is understood by everyone.

### **Shepparton electorate volunteers**

**Ms SHEED** (Shepparton) — I rise to congratulate and acknowledge the invaluable volunteers of the Shepparton district. I had the pleasure of presenting awards to three Vision Australia volunteers in Shepparton earlier this month. Maria Presti, Geraldine Humphrey and Teresa Manno have each contributed 20 years of service with the Shepparton branch.

I commend them on their long service, and I note that there are 120 active volunteers who help to run Vision Australia's programs, such as a community radio

station and providing transport. There have also been other volunteers in my community who recently received awards and acknowledgement for their tireless work and commitment, including Sam Atukorala, Heather Halsall, Brad Corken, Jillian Goodman, Tony Farrell and Joyce Block.

The ethnic council project officer, Mr Atukorala, developed Shepparton's first Wesak celebration, celebrating Buddhism in the region. Ms Halsall has been an active volunteer in our community for many years, including at the Goulburn Valley Health oncology unit, and has also developed a new skills-based program for young people at Shepparton's driver education centre.

Shepparton FoodShare was also acknowledged for the vital work it does. A team of committed individuals ensuring the most disadvantaged in our community have food on the table in times of need, Shepparton FoodShare rescues food from our local supermarkets. Volunteers sort out the food and help to distribute it to our local agencies, churches and schools. Congratulations to the hardworking men and women involved who continue to provide countless hours of unpaid work to ensure this service will continue.

### Level crossings

**Mr STAIKOS** (Bentleigh) — Last Saturday, at a very cold and wet 6.00 a.m., I attended the demolition of Bentleigh station. In a way, it was sad to see it go; however, the station house being demolished was not the original. The original station was opened in 1881 when Sir Thomas Bent, as Minister for Railways, instigated the extension of the line from Caulfield to Cheltenham. Arguably the Andrews Labor government's level crossing removal project is the biggest infrastructure upgrade on the Frankston line since that time.

We will soon begin a 37-day line closure, where buses will be replacing trains between Caulfield and Moorabbin in order to excavate 250 000 cubic metres of soil — which is enough to fill the MCG — lay the new tracks and build the new stations at Bentleigh, McKinnon and Ormond. I am told that this is the longest line shutdown since the construction of the city loop, which demonstrates the scale of this government's strong infrastructure agenda. From 1 August the boom gates will be gone, and the stations will open that same month. Only Labor promised to remove all three of these crossings, and we are getting it done.

### Moorabbin scouts

**Mr STAIKOS** — I recently joined the 5th/6th Central Moorabbin Scout Group for a very special presentation. Rowina Nathan was presented with a Queen's Scout Award, the highest honour for a Venturer. Rowina is a very impressive young lady with strong leadership qualities. This was the first time in 11 years that anyone at the scout group had received this award, demonstrating just how significant this achievement is.

### Country Fire Authority enterprise bargaining agreement

**Mr D. O'BRIEN** (Gippsland South) — I rise to indicate my strong support for the Country Fire Authority (CFA) and its 60 000 volunteers, including those in Gippsland South, who are aghast at the proposed enterprise bargaining agreement that would see the United Firefighters Union effectively take over the CFA with a veto on important operational decisions. Volunteers are concerned about why a union should have effective management rights over any organisation or company, let alone the CFA.

Both I and the volunteers have no issue with firefighters being fairly paid for their work, but there is no justification for this takeover by one of the most militant unions in the state. To those, including the union, the Treasurer and the Special Minister of State, who say the opposition is wrong, I ask: why did the Country Fire Authority board, Volunteer Fire Brigades Victoria, the Victorian Equal Opportunity and Human Rights Commission and Labor's own Minister for Emergency Services all share the same view? This is a bad deal, and the Premier should back down.

### Max Jelbart and Anita Smolenaars

**Mr D. O'BRIEN** — I want to now reflect on two great losses in my community in recent weeks. Max Jelbart of Pound Creek died recently after a long battle with cancer. Max was recognised for his dairy and community work with an Order of Australia Medal in the Australia Day awards in January. He was a tower of strength in the dairy industry and a great contributor to Gippsland. Max was a director at Murray Goulburn, sat on numerous other boards and was a long-time volunteer with the Pound Creek fire brigade.

Anita Smolenaars of Sale touched many lives. She was born with a form of Down syndrome. Her parents, Bill and Lenie, were told she would be severely affected, but with the great determination of Anita and her family and the help of the medical fraternity, Anita became a

great character and contributor to society. A cornerstone resident of the Five Star Project, which provides independent living for adults with a disability, Anita was known and loved throughout Sale, and her untimely death at 33 devastated a large section of the Sale community, me included. To Bill, Lenie and family, I offer my sincerest condolences.

### Ramadan

**Ms SULEYMAN** (St Albans) — This is a significant time of the year for the Muslim community, with Monday, 6 June, marking the beginning of the holy month of Ramadan. This annual observance is commemorated with a month of fasting and is regarded as one of the Five Pillars of Islam. I want to send my best wishes to the Muslim community during the holy month of Ramadan. May it be a happy and joyous time for all.

### Disability services

**Ms SULEYMAN** — On another matter, on Wednesday, 1 June, I had the pleasure of representing the Minister for Families and Children in launching the *North West Regional Information Strategy for Young People with Disabilities*. This strategy aims to improve post-school transitions for children in specialist schools across the north and west of Melbourne. I had the great honour of hearing firsthand experience of the benefits of this program from a student named Jason.

### BreaCan Bridge of Support program

**Ms SULEYMAN** — On another matter, on Monday, 23 May, I was happy to represent the Minister for Health in launching the BreaCan Bridge of Support program at Sunshine Hospital. This program will connect women who have been diagnosed with breast cancer to provide support and information that will help women during their treatment and beyond. I thank staff members and the 40-plus volunteers who provide this valuable support, many of whom have worked with BreaCan since its beginning in 2002.

### St Albans electorate

**Ms SULEYMAN** — This has been a wonderful time for the electorate of St Albans. We are seeing not only the removal of the two dangerous level crossings at Main Road and Furlong Road but also the building of the brand-new, state-of-the-art Joan Kirner Women's and Children's Hospital at Sunshine Hospital.

### David McIntyre

**Ms VICTORIA** (Bayswater) — David McIntyre was a great bloke — a bloke who would do anything for his mates or for the local footy and cricket clubs at Boronia. He was also a loving husband and just about the proudest dad I have ever seen. Very unexpectedly Dave left us two weeks ago. He was fondly remembered at a memorial last Friday. There were tears, there was laughter and most notably there was lots of great music. To Jo and Connor I send my sincerest condolences. Your world has been turned upside down, but Dave will look after you both from his huge man cave in heaven, where the music will be blaring 24/7, the footy will be on the TV and the beer will always be cold.

### Country Fire Authority enterprise bargaining agreement

**Ms VICTORIA** — The Premier is betraying our local heroes. On Sunday I proudly stood with over 3000 passionate volunteers and supporters of the Country Fire Authority at the rally in Treasury Gardens. Many firefighters were there from our brigades in Bayswater and The Basin, and I want to thank every single one of them for their professionalism and dedication to our community. They have my unwavering support.

### Global Exhibitions Day

**Ms VICTORIA** — Yesterday Australia kicked off the inaugural Global Exhibitions Day. This series of events around the world was established to highlight and celebrate the contribution of exhibitions to diverse sectors of the economy, business growth and national prosperity. In 2012–13 alone this industry contributed \$23.1 billion to Australia's gross domestic product, supported 179 000 direct jobs and attracted more than 37 million attendees, which is far greater — in fact it is eight times more — than the Sydney 2000 Olympic Games. The peak body in Australia, the Exhibition and Event Association of Australasia, must be congratulated on all the great work it does.

### Matildas

**Ms KNIGHT** (Wendouree) — I would like to give a great big shout out to the Matildas, who spent last week in Ballarat. In fact they are using Ballarat as their last home base before they head to Rio. I am sure all of us will be behind them and cheering them on to bring home a medal.

It was great to meet the team at a lunch at Craig's Royal Hotel, along with the coach, the assistant coaches and other staff, and it was terrific that the Minister for Women came along as well. I think she might have broken the speed record to get to Ballarat — she is a little bit of a groupie. The team was really pleased to hear about our commitment to women's sport and how important it is for girls and women to have equal participation in sport which leads to equal participation in other areas of life. The Matildas engage in lots of community activities, including going to schools and having some practice sessions, and they were thrilled when Steve Moneghetti turned up to one of their practice sessions. They said he was a real hero to them. We had the big game at Morshead Park, where of course the Matildas smashed the Ferns 2-0.

Regional communities do these big events really well, and no regional community does it better than Ballarat. We really know how to put on a show. I again want to thank the Matildas for making Ballarat their home for the week. I am sure they have inspired a whole lot of girls to take up this sport.

### **Torquay police station**

**Mr KATOS** (South Barwon) — With the coming Queen's Birthday long weekend, I call on the Minister for Police to ensure that there are extra police rostered on at Torquay police station to prevent a repeat of the staffing disaster of the Easter long weekend. The summer holidays, Easter and the Queen's Birthday weekend are traditionally times when Torquay sees large influx of visitors and holidaymakers. At Easter this year, due to the Premier's cuts to frontline police, incredibly there were no police rostered on the day shift at Torquay police station on either Easter Saturday or Easter Monday, jeopardising community safety.

Last month the Leader of the Opposition and I visited the Torquay police station and heard firsthand from the officers their frustration at the lack of resources they are given. They desperately need more sworn officers. These are legitimate concerns for the police, unlike some other emergency service workers, who are so petty that they have been in a dispute about the type of milk they have in their stations.

The minister is quite happy to direct the Chief Commissioner of Police to deploy 15 police to her own electorate of Bellarine but looks the other way and pretends that there is not a problem in her neighbouring electorate of South Barwon. The minister needs to actually do something and ensure that there are extra police rostered on at Torquay station this coming Queen's Birthday long weekend.

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

**Mr KATOS** — Will the Premier finally listen and reject the United Firefighters Union enterprise bargaining agreement with the Country Fire Authority (CFA). The board says it is unlawful, Lucinda Nolan says it is unlawful, the minister says it is unlawful and 60 000 CFA volunteers say it is unlawful. The only people who think it is lawful are the Premier, his union mate, Julius Roe, and Peter Marshall.

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

**Mr EDBROOKE** (Frankston) — The overwhelming feedback in response to the Leader of the Opposition's disgraceful display of waving around a Country Fire Authority (CFA) service medal as a toy for cheap political gain has been that it has demonstrated that firefighters know exactly how much these Liberals disrespect our emergency services. On the very day that CFA members were on the steps of Parliament protesting that they 'will not be used as a political football', the Leader of the Opposition did just that.

Why would we be surprised about that when the previous government cut \$46 million from the CFA budget, when it waged war on ambos, when it told us, and I quote, 'We are not convinced that there is a ... link between cancer and the firefighters'; and when it denied presumptive legislation three times. Diane Potter, the widow of Brian Potter, one of the chief officers most respected by volunteers and staff, said it best when she said:

They —

the Liberals —

should be hanging their heads in shame and working out a formal apology for all the wrongdoings over the last few years. As far as I'm concerned they are part of the great Fiskville cover-up and the way they carried on over the presumptive legislation is still to have a lot of explaining. So don't know how they can stand up there now preaching of all the help they can give. Shame, shame, shame!

I would also like to express my unequivocal support for our cabinet, our CFA firefighters, staff and volunteers and our Metropolitan Fire Brigade brothers and sisters. This is a desperate stunt by the Liberal Party, seeking to divide career and volunteer firefighters to score cheap political points. We want a strong and united CFA in which volunteers and career firefighters work together to continue to keep the community safe.

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

**Ms McLEISH** (Eildon) — The failure of the Premier and his government to support 60 000 Country Fire Authority (CFA) volunteers is a direct attack on volunteerism and communities. Members of the CFA volunteer because they want to. This level of dedication is unique and envied worldwide. I commend my local brigades for taking a stance, signing petitions and attending protest rallies in the city. For some small communities such as Barjarg, Murrindindi or Glenburn the brigades are the heart of the local communities.

### **Shire of Murrindindi rates**

**Ms McLEISH** — Residents in the Murrindindi shire are angry that they are to be hit with a 4.3 per cent rate increase. They organised a petition in opposition to the increase with some 900 names. On Friday last week a protest rally was held in Yea in miserable conditions. In a show of support shops shut at 4.00 p.m. For some businesses this is the busiest time of the week. People from across the shire attended, with Alexandra, Buxton, Eildon, Flowerdale, Glenburn, Highlands, Kinglake, Kinglake West, Molesworth, Murrindindi, Narbethong, Pheasant Creek, Strath Creek, Taggerty, Thornton and Yea all well represented.

Murrindindi shire residents are particularly annoyed that there was no consultation with the community prior to the shire seeking an exemption to increase rates above the CPI. It is important to record the role of the state government in forcing Murrindindi to pursue this increase. Rural shires are worse off under a Labor government. The Premier has particularly slugged regional councils by taking the axe to the country roads and bridges program, costing councils \$1 million per year. This needs to be reinstated. It was a very valuable program which made a difference.

The Premier consistently calls for one standard from councils and lives by a different standard himself. Over the last two years state taxes have gone up 20.7 per cent, and from 1 July the land tax take will increase by more than 28 per cent.

### **Cambodia**

**Mr LIM** (Clarinda) — The political and human rights situation in Cambodia has deteriorated so badly during the past months as members of Parliament, human rights workers, environmental activists, United Nations officials and national electoral commissioners have been physically assaulted and arbitrarily charged, arrested and put in prison. To date, 29 people have been

detained. This atmosphere of oppression, intimidation and political bullying has reached such an outrageous level that the US government, United Nations Secretary-General Ban Ki-Moon, the European Union and human rights organisations around the world have publicly expressed concern and have appealed to the Hun Sen government to observe the rule of law and stop human rights violation.

The protest at 12.00 p.m. on Saturday, 11 June, in front of the Springvale town hall, organised by the Cambodian community is in solidarity with similar protests held in Cambodia, Europe, Korea, the US and Canada against the Hun Sen regime's human rights violations and dictatorship. We will condemn Hun Sen's abuse of power; the plundering of natural assets and resources; the never-ending cruel land grab and forced eviction and relocation of people; the shameless and ongoing, blatant corruption at all levels; the miserable state of education, health and employment; the culture of impunity with associated violence; and the negligent approach to poverty in the country.

Our protest this Saturday will be addressed by the Honourable Mark Dreyfus, federal member for Isaacs and federal shadow Attorney-General.

### **Max Jelbart**

**Mr T. SMITH** (Kew) — I join with my friend the member for Gippsland South to mourn the passing of Max Jelbart, OAM, who was a pillar of the dairy industry. He was the father of my best friend, George Jelbart, and he was a pillar of the Scotch College community. He was a member of the Murray Goulburn board for many years. He was also on the board of Marcus Oldham College. He was a great bloke, and I was very moved to join a good number of my friends and the member for Gippsland South's constituents at the funeral outside Tarwin Lower last Friday.

### **Israel terrorist attack**

**Mr T. SMITH** — I also wish to express my sincere condolences to the families of the three Israelis who were gunned down by Palestinian terrorists last night in Tel Aviv outside the Max Brenner cafe. The boycott, divestment and sanctions supporters in this country would do well to remember when they protest again outside Max Brenner that people have been gunned down outside that café in Tel Aviv. I stand in solidarity with the people of Israel at this time, and I was delighted to join colleagues from across the aisle and indeed my own party last night to celebrate Israel's 68th anniversary.

## Servants Community Housing

**Mr T. SMITH** — In the time I have remaining I would also like to congratulate my friend the federal member for Kooyong, Josh Frydenberg, on attracting \$300 000 worth of funding for Servants Community Housing in Kew for a new women's facility that will house 10 women. Hopefully that will add to the capacity of my electorate to respond to domestic violence.

## BUSINESS OF THE HOUSE

### Notices of motion

**Mr BATTIN** (Gembrook) — I desire to move, by leave:

That government business, notice of motion 1 and orders of the day 1 to 15, and general business, notices of motion 1 to 19, be postponed to later this day so as to allow the house to immediately debate general business, notice of motion 20, regarding the CFA.

**Leave refused.**

## CRIMES AMENDMENT (SEXUAL OFFENCES) 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 Crimes Amendment (Sexual Offences) Bill 2016.

In my opinion, the Crimes Amendment (Sexual Offences) Bill 2016 ('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

The bill will comprehensively overhaul and modernise key sexual offence laws to make them clearer and more effective in practice. It includes important reforms to sexual offences against children and persons with a cognitive impairment or mental illness, incest and child pornography laws. The bill strengthens child pornography laws by renaming and expanding existing offences to cover a broader range of 'child abuse material'. The bill will also clarify and modernise a range of other sexual offences in the Crimes Act 1958.

#### Human rights issues

Protection of children under section 17(2), section 10 and section 13

The bill promotes a child's right to protection under section 17 of the charter by making significant improvements to Victoria's existing sexual offences against children. The bill simplifies the structure of offences, replaces outdated language, modernises offences to cover new ways of offending, including via technology, and broadens the range of inappropriate sexual conduct against children that is criminalised. The reforms will result in more effective prosecutions of sexual offences and enable appropriate punishment of those who breach a child's right to protection from sexual offending.

There are two categories of sexual offences against children, which will apply where the child is aged under 12 or 16 (sections 49A, 49B, 49D, 49F, 49H, 49J, 49K, 49M, 49P), and where the child is aged 16 or 17 and is under the care, supervision or authority of the accused (sections 49C, 49E, 49G, 49I, 49L). The latter offences recognise that although a child aged 16 or above has legal capacity to consent to sexual activity, they may still be vulnerable to sexual exploitation by an adult who has care, supervision or authority over them.

At the same time, the bill contains various exceptions and defences to sexual offences against a child under the age of 16 that apply where children of a similar age engage in sexual activity. For example, it will be a defence to the offence of sexual penetration of a child under 16 if the accused is no more than two years older than the child, who must be aged 12 years or more, and consents (new section 49V). These provisions protect children of a similar age from criminal sanction when engaging in non-exploitative sexual activity.

The bill also improves existing child pornography offences by renaming and expanding them to cover 'child abuse material', which includes material depicting cruelty, torture and physical abuse of children (whether or not in a sexual context). It introduces new offences of distributing (new section 51D) and accessing child abuse material (new section 51H). These changes will make our laws more effective in responding to the proliferation of child abuse material, particularly over the internet.

These reforms will promote a number of charter rights of children, particularly, the child's right to protection (section 17(2)), the right not to be treated in an inhuman and degrading way (section 10(b)) and the right to privacy (section 13(a)).

#### Right to equality before the law under section 8

The bill promotes the right to recognition and equality before the law under section 8 of the charter by providing for a specific and effective legal framework of sexual offences against persons with a cognitive impairment or mental illness in subdivision (8E). In addition to general sexual offences such as rape and sexual assault, these offences apply broadly within service delivery and treatment contexts, and apply to both workers and providers of treatment or support services. The new offences apply in a broader range of circumstances than the current offences, and are not limited to the location in which services are delivered.

These improvements recognise the particular vulnerability of persons with a cognitive impairment or mental illness, and promote their protection from sexual exploitation. The balancing of rights of persons with a cognitive impairment or mental illness to bodily privacy and freedom from cruel, inhuman or degrading treatment is prioritised over sexual

autonomy in the limited circumstance of sexual conduct with workers or providers of treatment or support services. This is particularly important given the difficulties faced by persons with a cognitive impairment or mental illness in reporting sexual abuse within institutional contexts, and having that report proceed to prosecution. In this way, these reforms promote the right to recognition and equality before the law under section 8 of the charter. These reforms also promote the charter rights not to be treated in an inhuman and degrading way (section 10(b)) and the right to privacy (section 13(a)).

The bill also promotes the right to recognition and equality before the law by expanding exceptions and defences to sexual offences based on marriage or a reasonable belief in marriage to domestic partnerships (new sections 49Y, 49Z, 51Q, 51R, 52G, 52H). These changes ensure the law provides similar protection to same sex and unmarried couples engaging in consensual sexual activity. However, for offences against a person aged 16 or 17 under care, supervision or authority (new sections 49C, 49E, 49G, 49I, 49L), the bill limits the application of the domestic partnership exception and defence to where there is no more than five years difference in age between the accused and the complainant, and the domestic partnership was entered into before a relationship of care, supervision and authority arose. In the case of the domestic partnership defences to child abuse material offences (new sections 51Q and 51R), the age difference between the accused and complainant is limited to where there is no more than two years difference in age between the accused and the complainant. A court will only make an order allowing the marriage of a 16 or 17-year-old if satisfied that 'the circumstances of the case are so exceptional and unusual as to justify the making of the order' (section 12(2)(b) Marriage Act 1961 (cth)). No similar judicial scrutiny applies to the formation of a domestic partnership. Therefore, the proposed limitations are designed to protect a young person from exploitation by an older person.

A number of definitions and offences in the bill adopt terminology that recognise transgender and intersex status and promote anti-discrimination. For example, a number of offences in the bill contain an element that the accused touches another person and the touching is sexual. The definition of when touching is sexual in section 35B(2) refers to the breasts of a female or a person who identifies as a female. Similarly, the definition of domestic partnership in section 35 applies irrespective of gender or gender identity.

#### Freedom from forced work under section 11

The freedom from forced work under section 11 provides freedom from slavery and servitude, as well as forced or compulsory labour. The bill promotes this right by providing for sexual servitude offences in subdivision (8F). The offences apply to a range of exploitative conduct and are broad in scope. They apply to people who are directly or indirectly involved in commercial sexual servitude, for example, by causing a victim to continue to provide commercial sexual services by using a manifestly excessive debt against them.

#### Fair hearing under section 24

The right to a fair hearing under section 24 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.

The bill promotes the right to a fair hearing under section 24 by introducing jury directions that will make it easier for juries to apply the law. In 2014, the offences of rape and sexual assault were overhauled. A key reform was a new objective fault element for these offences, which considers whether an accused 'does not reasonably believe' that the complainant consented.

The bill introduces new jury directions into the Jury Directions Act 2015, which provide guidance to juries on consent and the determination of a reasonable belief in consent (clauses 27 and 28). For example, directions on consent will allow trial judges to inform the jury that people react differently and that there is no typical, proper or normal response to non-consensual sexual acts. On reasonable belief in consent, trial judges may direct the jury that it may take into account personal attributes or characteristics of the accused that cannot be controlled by the accused or that affect the accused's perception of whether the complainant was consenting (such as mental impairment). These new directions will make the law clearer and easier for juries to understand and apply.

The bill also promotes the right to a fair hearing by simplifying, clarifying and modernising the criminal law as it relates to sexual offences. The language and structure of offences in the bill makes them simpler to read and understand. All elements of an offence that must be proven are set out. Absolute liability elements are specified. Exceptions and defences are clearly stated and have been simplified. Terms and definitions have been standardised, so that the same term will have the same meaning wherever used. These reforms will improve access to the law by making it easier to understand how the law applies. For example, the exceptions and defence applying to children for the child abuse material offences (sections 51M and 51N) have been simplified, to make it easier for young people to know how the law on child abuse material applies to them.

#### Right to freedom of expression under section 15

Under section 15 of the charter, every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, although this right may be subject to 'lawful restrictions reasonably necessary to respect the rights and reputation of other persons'.

The child abuse material offence engages the right to freedom of expression under section 15 as they demarcate lawful restrictions on the freedom of expression.

The bill defines 'child abuse material' and contains new child abuse material offences, and exceptions and defences applicable to those offences.

The bill replaces the current term 'child pornography' with 'child abuse material' (section 51A). Child abuse material is defined to include specified depictions of children (or persons appearing to be a child) including depictions of children:

- as victims of sexual abuse;
- as victims of torture, cruelty or physical abuse;
- in a sexual context; or

involving their genital or anal region or breast area.

A second limb of the definition requires that reasonable persons would regard the material as being, in the circumstances, offensive.

This definition replaces the unclear and outdated notion of 'indecent' contained in the current definition of child pornography, by more clearly specifying what is child abuse material. It brings Victoria's legislation into line with all other Australian jurisdictions, which have an 'offensiveness' standard in their definitions. Further, it contains an objective standard of the view of 'reasonable persons' and allows for the surrounding circumstances to be considered in determining 'offensiveness'. The definition ensures that freedom of expression is only subject to such limits under the child abuse material offences as are lawfully necessary, in particular to respect the rights and reputation of other persons (being persons depicted in child abuse material) and for the protection of public morality.

While the child abuse material offences themselves provide limits to freedom of expression, there are several exceptions and defences which promote freedom of expression within acceptable lawful restrictions. These include exceptions and a defence applying to children, defences for an image of oneself, of a person within two years of the person's age, or of a person's spouse or domestic partner. There are also merit or purpose based defences, such as where material has artistic merit or a public benefit such as a medical, legal, scientific or educational purpose. The offence of administering a child abuse material website includes a defence of reasonable steps in the circumstances, and provides guidelines as to what steps may be undertaken to establish the defence. The offence of possession of child abuse material includes a defence of reasonable steps where a person has unintentionally come into possession of child abuse material, and similarly provides clear steps for compliance.

While the child abuse material offences create limits to the right to freedom of expression, these limits are such lawful restrictions as are reasonably necessary.

#### Right to property under section 20

Section 20 of the charter provides that 'a person must not be deprived of his or her property except in accordance with law'. The bill provides a lawful process through which child abuse material may be forfeited to the state and disposed of. The bill also engages the right to a fair hearing in section 24 of the charter. A person with an interest in the property can appear before the court on an application to dispose of child abuse material, and be heard (section 51W). This person also has a right to appeal the decision to a higher court, and any order made is stayed until that process is complete (section 51X).

The bill amends the Confiscation Act 1997 (Confiscation Act) to replace existing references to 'child pornography' in relation to a disposal order, with references relating to 'child abuse material'. It also updates the types of material that can be subject to a disposal order, being material that is child abuse material, and electronic material that contains child abuse material. Section 77 of the Confiscation Act applies where there is a conviction for an indictable offence. All child abuse material offences are indictable offences. This provision may also apply where a person is convicted of another indictable offence, but the child abuse material, or

electronic material that contains child abuse material 'was used, or was intended to be used, in, or in connection with, the commission of the offence or was derived or realised, directly or indirectly, by that person or another person, from the commission of the offence.' This maintains a direct link between the offence for which there is a conviction, and the thing or child abuse material to be disposed of. The disposal order is limited to the thing that is child abuse material, or electronic material containing child abuse material, ensuring that the disposal order is directly linked to the harmful material.

Where there is no conviction, or where a criminal proceeding is not initiated, the bill provides a legal process for the disposal of child abuse material. An application may be made to a court in relation to a thing, or electronic material contained on a thing (section 51W).

The court may only make an order if satisfied that material is child abuse material, and the return of the material (or thing containing the material) may result in the commission of a child abuse material offence (section 51X). This recognises that certain exceptions and defences may apply to certain persons (for example, children or police investigators) which allow them to possess child abuse material.

A different test applies for the disposal of encrypted or password protected electronic material. The applicant must satisfy the court that the seized thing contains encrypted or password protected electronic material, and that there are reasonable grounds to believe that the encrypted or password protected material includes child abuse material (section 51X(2)(b)). This recognises the use of encryption and password protection to evade detection of child abuse material offending, and the risk of returning child abuse material to the owner if no provision is made for its disposal.

Where the seized thing is child abuse material, the court may order forfeiture and disposal of the thing. However, where the application relates to electronic material, then the court may only order forfeiture and disposal of the electronic material contained on the seized thing. The seized thing is returned to the owner. This ensures that any forfeiture of property is limited to the relevant property (the electronic material) and is not arbitrary. This is particularly important given these provisions operate where there is not conviction for a criminal offence.

The harm of child abuse material offending has been recognised by courts to include the ongoing harm to victims of having a child abuse material image of themselves continually disseminated and viewed by others using the internet. The bill's provision for the disposal of child abuse material and encrypted electronic material for which there are reasonable grounds to believe contains child abuse material therefore promotes the protection of children under section 17(2) of the charter by ensuring that, where possible, harmful depictions of children (as prescribed by the definition of 'child abuse material') are removed from circulation, whether or not a criminal prosecution is undertaken, or is successful. The bill clearly prescribes the targeted circumstances in which child abuse material can be forfeited or disposed of — hence, any deprivation of property is neither arbitrary nor unlawful.

Right to be presumed innocent under section 25(1)

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 of committing the offence with which he or she has been charged. This right is relevant to the bill as it allocates the legal burden of proof to the accused in several areas.

To the extent that the bill limits the right to be presumed innocent, it is reasonable and justified under the charter in order to protect children and persons with a cognitive impairment or mental illness from sexual offending. A legal burden for proving a defence may limit the right to the presumption of innocence, as, where the accused is otherwise guilty of an offence, it requires the accused to prove factors that will result in an acquittal. However, the legal burden is allocated to the accused only in relation to certain factors of defences. The rationale behind this placement is to maintain the protective policy of the offences, and promote the protection of children in accordance with section 17 of the charter.

*Belief of an accused*

The bill contains a number of defences which place the legal burden on the accused in relation to a reasonable belief in a specified circumstance. For example, an accused who wishes to rely on the defence of honest and reasonable mistake of age when charged with a sexual offence against a child under 16 must prove on the balance of probabilities that he or she reasonably believed that the child was aged 16 or older (section 49W).

The allocation of a legal burden of proof only applies to some defences, while an evidential burden is allocated in others. The bill allocates a legal burden of proof in certain circumstances, such as where an element of a defence involves a reasonable belief held by the accused as to a particular circumstance. The limitation on the presumption of innocence is necessary and justified because the matters to which a legal burden applies are within the peculiar knowledge of the accused. For example, an accused will have relevant knowledge as to whether he or she held a reasonable belief as to the age of the complainant or a reasonable belief as to being married to the complainant. The risk that an innocent person may be found guilty of an offence has been considered and will not be affected by the allocation of a legal burden to these elements of defences in the bill. The prosecution is still required to prove all elements of the offence charged beyond reasonable doubt. The allocation of burdens of proof in these areas is consistent with the current law and any element of a defence to be proved on the balance of probabilities is within the individual knowledge of the accused.

Further, allocating the legal burden of proof to the accused in these areas recognises that children and persons with a cognitive impairment or mental illness are especially vulnerable to sexual abuse. It is appropriate to impose a high standard of behaviour on individuals who are sexually involved with children and persons with a cognitive impairment or mental illness. Given the importance of their protection, if a person wishes to engage in sexual activity with a young person or a person with a cognitive impairment or mental illness, it is incumbent upon them to first take steps to find out whether this is appropriate. A less restrictive mechanism for achieving this protection, such as placing an

evidential burden on the accused, would likely often require the complainant to give evidence in relation to the fact in issue. This distracts from the purpose of the offences, which are designed to protect vulnerable persons from sexual offending. Also, it is important to balance the fact that child complainants and those with a cognitive impairment or mental illness face particular challenges giving evidence in court (even with available supports in part 8.2 of the Criminal Procedure Act 2009). The right to the presumption of innocence under the charter therefore must be balanced against the rights of children to protection under section 17(2) and the particular vulnerabilities of the rights of persons with a cognitive impairment or mental illness.

Accordingly, any limitation on the right to be presumed innocent under section 25 of the charter is reasonably justified in order to encourage the protection of children and other vulnerable people from sexual offending.

*Child abuse material — legal burden in relation to merit, purposes, age and subject*

In subdivision (8D), the burden of proof is expressly addressed by the bill in relation to exceptions and defences. An evidential onus is placed on the accused in relation to certain exceptions to the child abuse material offences, including those for classified material (section 51K) and the administration of the law (section 51J). These exceptions, which establish where a person does not commit an offence, involve an evidential onus on the accused. An evidential onus is also placed on the accused for many factors relevant to defences.

It is notable that all relate to scenarios in which objective evidence of the facts establishing the exception is likely to be readily available, or does not rely on the accused's beliefs. For example, whether material is classified, or would have been classified, is able to be established through enquiry to the classification scheme. Whether conduct is consistent with a person's employment duties is similarly a matter that may be easily discovered.

However, the burden of proof (on the balance of probabilities) is placed on the accused in relation to certain elements of defences. These include:

artistic merit (section 51L);

public benefit (medical, legal or scientific purpose) (section 51L);

that an image depicts the accused as a child (section 51N);

the age of the accused relative to the age of the person depicted in an image (in section 51P); and

marriage or domestic partnership (sections 51Q and 51R).

In contrast to an evidential burden, matters for which the legal burden is allocated to the accused are all matters which may be peculiarly within the accused's knowledge, and very difficult for the prosecution to ascertain and disprove.

The burden is placed on the accused in relation to these factors because the accused is positioned to provide evidence about how and why their conduct in relation to child abuse material was for a particular purpose, be it medical, legal,

scientific or educational, or why the material or conduct has artistic merit. The defences also acknowledge that there are very limited cases in which child abuse material would be possessed or dealt with for legitimate reasons. Placing the legal burden on the accused ensures that only legitimate and good faith reasons for dealing with this material will establish the defence.

Using a less restrictive means (such as an evidential onus) would require the prosecution to disprove beyond reasonable doubt, for example, that a database of explicit photographs of children was possessed by an individual for a 'scientific purpose'. Disproof of this factor, when raised by the accused, is likely to be very difficult as the prosecution may not have access to information as to why the accused was dealing with child abuse material. This information is within the knowledge of the accused. Unless the prosecution has clear evidence of a purpose of sexual gratification, this factor is likely to be very difficult to disprove. This would result in a misuse of the defence.

Similarly, the fact that a person depicted is the accused, or the age of a person depicted in an image relative to the accused, are matters that are likely to be within the peculiar knowledge of the accused. It may be impossible for the prosecution to identify a child depicted in child abuse material, particularly if, for example, the child's face is obscured or not shown in an image. In contrast, an accused will know that an image depicts him or herself, or that the person depicted was, for example, a high school boyfriend of the same age as the accused. If the accused does not have this knowledge, then the accused should not have this material, which is otherwise unlawful.

If a less restrictive means was used, for example, an evidential onus, it would be impossible in most cases for the prosecution to disprove these factors, unless the identity of the person depicted was readily ascertainable. This would reduce the effectiveness of the bill in protecting children from sexual abuse, and therefore is balanced against section 17(2) of the charter.

#### *Application of absolute liability to elements of offences*

The bill applies absolute liability to certain elements of offences (see for example section 51B). In some cases, absolute liability elements may engage the right to the presumption of innocence in section 25, because they reduce the elements of an offence that the prosecution must prove, or defences that the prosecution must disprove.

In the bill, absolute liability applies to several objective standard elements of offences, such as:

- that touching or an activity is 'sexual';
- that touching, an activity or causing a person to be present during an activity is 'contrary to community standards of acceptable conduct'; and
- that 'reasonable persons would, in the circumstances, find material offensive'.

These are objective standards to which it would be highly unusual to apply a fault element. The accused's state of mind is not relevant to considerations of whether, for example, conduct is contrary to community standards of acceptable conduct. All relevant offences in which these elements occur

also require the proof of fault elements in relation to other substantive elements of the offences.

Specifying that absolute liability applies to these elements provides clarity in many areas in which it is currently unclear whether or not a fault element must be proven in relation to an element of an offence, or whether the common law defence of honest and reasonable mistake of fact applies. Currently, whether that defence applies would depend on the courts' interpretation of the element in the offence, unless this issue is clearly addressed in the offence. Clearly stating that absolute liability applies to these objective standards enhances the right to fair hearing by improving the accessibility of the law, and does not limit the right to the presumption of innocence.

In the sexual offences against persons with a cognitive impairment or mental illness (subdivision (8E)) absolute liability applies to the circumstance element that a person is a 'worker for a service provider' or provides treatment or support services to the other person (the victim of the offence). The definition of 'worker' means a person who delivers, assists in delivering, or manages the delivery of, services to persons with a cognitive impairment or mental illness for or on behalf of a service provider. The application of absolute liability to this element may limit the accused's right to be presumed innocent as it removes the availability of the common law defence of honest and reasonable mistake of fact which may otherwise be available, and does not require the prosecution to prove a fault element in relation to that element.

However, the limitation on that right must be balanced with the protective role of these offences, which are concerned with sexual abuse by persons in positions of power over vulnerable people. Where a person is a worker for a service provider, there is a defence of 'reasonable belief that the service provider did not provide treatment or support services to B'. This recognises that a worker for a large social services organisation might have contact with someone outside of work without knowing that person also receives treatment or support services from the service provider. For example, if the worker is dating a person they met through mutual friends, who has a mental illness. It would be unfair to punish the worker if they did not know that the other person was receiving services from their employer. However, the same arguments cannot be made about the fact that a person is a worker for a service provider, or a person directly provides treatment or support services to another person, which is necessarily within their knowledge.

The bill applies absolute liability to the accused in relation to these elements to impose an obligation on persons charged with the care of persons with a cognitive impairment or mental illness not to engage in sexual conduct with those persons, in recognition of their vulnerable status. This promotes the rights of persons with a cognitive impairment or mental illness to equality before the law (section 8), not to be treated in an inhuman and degrading way (section 10(b)) and the right to privacy (section 13(a)). A less restrictive mechanism, such as imposing a fault element of knowledge for these elements, would require the prosecution to prove that an individual knew their position as a worker or a direct provider of treatment or support services. This is likely to involve significant disputation about whether the accused knew the nature of their relationship with the other person, and undermines the policy of the offences which is to impose a standard of acceptable conduct on those with vulnerable

people under their care. To the extent that the application of absolute liability to these elements limits section 25(1), it is demonstrably and reasonably justified by the role of the offences in protecting persons with a cognitive impairment or mental illness receiving treatment or support services from sexual abuse.

#### Freedom of movement under section 12

The freedom of movement under section 12 allows every person lawfully within Victoria to move freely within the state, enter and leave freely, and choose where to live. Consistent with current law, the bill provides for the offence of loitering by a person who has previously been found guilty of one of a defined group of sexual or relevant offences (section 49N), which includes loitering near schools and other public places regularly frequented by children. To the extent that this offence limits the right to freedom of movement, it is reasonable and justified under section 7(2) of the charter in order to protect the rights of children by targeting conduct that may be preparatory to the commission of a sexual offence against children. The bill also balances the limitation on the right under section 12 by allowing for a defence of reasonable excuse for the person's presence in the relevant place.

#### Conclusion

For the reasons outlined above, the amendments contained in this bill are compatible with human rights as set out in the charter.

The Hon. Martin Pakula, MP  
Attorney-General

### *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:**

In recent years, sexual offending has been the subject of numerous reviews and inquiries both in Victoria and Australia. Our sexual offence laws, as part of the broader criminal justice system, play an integral role in effectively responding to sexual offending. While the offence of rape and some other sexual offences have been amended in the last decade, most sexual offences have not been amended for many years. The structure, terminology and substance of many offences have remained the same since 1991. Despite the valuable work of the Victorian Law Reform Commission in its report *Sexual Offences: Final Report (2004)* ('VLRC report'), problems with Victoria's sexual offences laws have led to numerous appeals and retrials, and have been the subject of criticism over the years.

The current problems with sexual offences are threefold. First, an increased number of sexual offence trials and a disproportionate number of appeals means that legal issues concerning the elements of sexual offences and defences are being scrutinised and tested in ways that they have not been before. For many offences, Victoria's legislation only sets out some of the elements and defences relevant to an offence. Reliance is then placed on the common law to imply elements into the offence to make it complete. This means that Victoria's laws are not always clear to judges and lawyers,

and certainly not to non-lawyers reading the legislation. This lack of clarity increase the complexity of the law.

Second, the language used to define many sexual offences is unclear and needs to be modernised. For example, in the offences of indecent act with or in the presence of a child or wilful and obscene exposure, the words 'indecent' and 'obscene' are opaque and outdated. The terminology surrounding sexual offences against persons with a cognitive impairment or mental illness needs to be amended to ensure that these offences are applicable in the new disability and mental health environments. Other sexual offences do not adequately recognise changed family relationships, and definitions of 'child', 'parent' and 'care, supervision or authority' need to be amended, and domestic partnerships more consistently recognised by the criminal law.

Third, some sexual offences have failed to keep up to date with new ways of offending and changes in technology. For example, the offence of indecent act in the presence of a child can only be committed if the child is physically present with the accused. This means that this offence does not apply to sexual conduct directed at a child through the use of technology, such as Skype or Snapchat, and is therefore too limited in scope.

Effective reform of Victoria's sexual offences requires consideration of both the policy context of the offences as well as the technical way in which this policy is given shape in legislation. The VLRC report provided a clear foundation for many of the policy objectives of this reform. Extensive consultation with an expert advisory group, key stakeholders and the public provided further policy context and focus. However, this reform goes beyond previous reviews by translating this policy into sexual offences that are as clear, simple, consistent and effective as possible. The result is legislation that will better protect people from sexual offending, including vulnerable members of our society such as children and persons with a cognitive impairment or mental illness.

The bill follows the reform of rape and sexual assault offences in the Crimes Amendment (Sexual Offences and Other Matters) Act 2014, which commenced on 1 July 2015. The bill also builds on the Crimes Amendment (Child Pornography and Other Matters) Act 2015 to cover a broader range of child abuse material. This bill is the result of a strong commitment to reforming sexual offence laws in order to address the current complexity, inconsistency and uncertainty of these offences.

#### **Sexual offences against children**

Protecting children from sexual abuse is of primary importance. One of the government's key goals is ensuring that children are 'Safe in our Homes'. It is also our priority to ensure that kids are safe online. Both the Victorian Parliament's Family and Community Development Committee *Betrayal of Trust* report and the ongoing Royal Commission into Institutional Responses to Child Sexual Abuse highlight the devastating effect of sexual abuse of children. These inquiries make clear the need for more effective action to prevent sexual offending against children.

The bill will replace existing sexual offences against children with a comprehensively reformed set of offences. The offences will cover sexual penetration of a child, sexual assault of a child, sexual activity in the presence of a child,

causing a child to be present during sexual activity and encouraging a child to engage in sexual activity. Consistent with the current law, these offences will apply to children under 16, and children aged 16 or 17 and under the care, supervision or authority of the accused. Two other offences apply to sexual performances involving children under the age of 18. The bill also increases the maximum penalty for the offence of sexual penetration of a child under the age of 16 from 10 to 15 years imprisonment to better reflect the seriousness of the offending.

The bill will also make a number of important improvements to current laws. Existing offences are complex and often use different language to refer to the same or similar concepts. In particular, juries find the complexity of the law challenging to understand and this complexity has also led to appeals and retrials. The bill will simplify the structure and language of these offences. Clarifying the law will reduce the risk of appeals and retrials. A number of existing offences are also outdated and do not cover different ways of offending against children using new technologies. The bill will update these offences to ensure a broader range of conduct is covered.

Existing sexual offences against children do not cover all preparatory sexual conduct. To address this gap in the law, the bill will introduce a new offence of encouraging a child to engage in sexual activity. This offence will apply where an adult seeks or gets sexual arousal or gratification from encouraging a child to engage in sexual activity. This offence is broader than the offence of grooming, as it will apply where the encouraged sexual activity does not constitute a criminal offence. This new offence ensures Victoria has a full set of offences that criminalise a broad range of preparatory sexual offending against children.

The bill contains various defences to offences and exceptions, which specify when an offence is not committed. While the majority of these defences and exceptions are based on the current law, a number of improvements will also be made. For example, the bill removes 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. Although consent does not often arise in child sexual offences cases, where it does, the consent element can make these cases complicated for the jury, becoming often indistinguishable from a rape or sexual assault trial. Generally, it is preferable to remove the issue of consent because of a child's limited ability to provide informed consent to sexual conduct. Removing consent from these exceptions and defences will maintain protections for children whilst simplifying the issues in these cases.

Current law also provides for an exception based on marriage between the accused and a child aged 16 or 17 and under his or her care, supervision or authority. The bill will replicate this exception, but also extend it to domestic partnerships, in certain circumstances. This will avoid discrimination against unmarried couples, including same-sex couples who are prohibited from marrying. This reform is consistent with the government's commitment to ensure all forms of discrimination are removed from our laws.

Further, in 2014, various exceptions to sexual offences against children under 16 that purported to apply where an accused was married to the child were removed from the Crimes Act 1958 ('Crimes Act'). These exceptions were redundant since it is no longer possible to marry someone aged less than 16 years. This bill will also remove defences

applying where an accused has a reasonable belief that he or she was married to the child under 16.

### **Child pornography and child abuse material**

The bill undertakes a significant reform of the law relating to child pornography in Victoria.

In 2015, this government introduced new offences to cover the administration of a website containing child pornography, encouraging others to use a website containing child pornography, and assisting a person to avoid apprehension for a child pornography offence.

However, Victoria's principal child pornography offences have not undergone significant reform since their introduction in 1995. These reforms ensure that our laws respond to the use of modern technology in offending, and that terminology is up to date and reflects the true harms of this material.

The term 'child pornography' will be replaced by 'child abuse material' to better reflect the true nature of this material, and its harms. The definition of 'child abuse material' is clearer, and, for the first time in Victoria, will include material depicting a child as a victim of 'torture, cruelty or physical abuse', whether or not in a sexual context. This recognises that the trade in depictions of physical abuse of a child can be very harmful, like depictions of sexual abuse. This change in terminology will bring Victorian laws in line with other Australian jurisdictions.

The bill expands Victoria's criminal offences to more effectively respond to the use of technology. It introduces a new offence of 'distributing child abuse material', which will apply where a person intentionally distributes child abuse material. This offence addresses the key role of distribution in creating and maintaining the market for child abuse material. The offence recognises that distribution can happen online through simply making material available, such as uploading a file to a file sharing website, an email account, or in a chat room.

The bill also introduces a new offence of 'accessing child abuse material', which will target the intentional viewing of child abuse material. The current offence of possession of child pornography does not criminalise those who view this material online if the prosecution cannot prove that the person knew they possessed the material because it was simultaneously downloaded into their computer's memory. The new offence will close this loophole, and criminalise these consumers of child abuse material. The offence will also apply to intentional viewing of physical child abuse material and to other forms of technology, such as mobile phone applications that are designed for one-off viewing.

Both of these new offences will carry a maximum penalty of 10 years imprisonment. The same penalty will apply to other child abuse material offences, such as production, involving a child and possession. This maximum penalty will send a clear message that child abuse material offences are serious and may attract a significant sentence of imprisonment.

The exceptions applying to children that were introduced following the parliamentary Inquiry into 'Sexting', have been clarified and simplified in this bill. Other exceptions and defences have had increased safeguards applied, for example preventing the use of a defence where an image depicts a criminal offence punishable by imprisonment, or preventing persons claiming the marriage or domestic partnership

defence, where the marriage or domestic partnership has ceased.

The bill includes a new defence of 'public benefit', which incorporates the former defence for 'medical, legal, scientific or educational purpose'. This defence ensures that material with a public benefit, such as educational or medical material, is not inappropriately restricted by the child abuse material offences.

The bill also introduces a limited defence of 'unsolicited possession' to apply only to circumstances in which a person unintentionally comes into possession of child abuse material. For example, a person may receive an unsolicited email containing child abuse material. Upon opening the email and seeing its content, that person will be in 'knowing possession' of the child abuse material and could be guilty of an offence. In these circumstances, the defence provides that the person should take all reasonable steps to cease possession of the material as soon as it is practicable to do so. This may involve deleting the material from the email account, and ensuring it is also deleted from the computer's hard drive.

The bill also reforms the process for disposal of child abuse material. This ensures that, even where criminal proceedings are unsuccessful, or are not commenced, there is a mechanism for disposal of child abuse material. Where criminal proceedings result in a conviction, the Confiscation Act 1997 will apply.

The new child abuse material disposal order will also allow for a court to order the disposal of encrypted or password protected data, where the court is satisfied there are reasonable grounds to believe the data contains child abuse material. This responds to the increasing sophistication of child abuse material offenders in the online environment, and the use of technology to go undetected, and to thwart police investigations.

### **Incest**

Victoria's incest offences criminalise sexual penetration between certain family members. Some of the most serious forms of sexual abuse of children, such as sexual penetration of a child under 18 by their parent or step-parent, are covered by the incest offences. These incest offences carry a significant maximum penalty of 25 years imprisonment, to reflect society's condemnation of this form of sexual abuse.

The bill will clarify and modernise the incest offences to more clearly reflect the variety of family structures covered by the offences and protect children within all families. In particular, the bill will make clear that stepchildren by marriage and stepchildren by domestic partnership are given equal protection from sexual penetration by a step-parent or lineal ancestor.

The bill recognises that currently the offence of incest may treat the victim of child sexual abuse that continues into adulthood as an offender. The bill resolves this unintended effect, by introducing 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.

This reform recognises that sexual penetration in these circumstances is likely to be a continuation of earlier abuse. It

is inappropriate for the law to criminalise acts by a victim of childhood sexual abuse that continues into adulthood. These amendments remove a barrier for victims of familial sexual abuse from reporting their abuse to police due to fear of being charged with an incest offence.

The bill expands coverage of the offence of sexual penetration of a stepchild. Currently, it is not an offence for a step-parent to have a sexual relationship with an adult stepchild. The bill amends this offence so that it applies regardless of the age of the stepchild. This change recognises that step-parents can be involved in raising stepchildren from a very young age, and occupy a position that is similar to biological parents. These step-parents should not engage in sexually abusive behaviour with stepchildren, regardless of age.

However, the bill also recognises that circumstances can arise where a step-parent has never been in a position of responsibility in relation to a stepchild, for example where a marriage or domestic partnership results in a person gaining adult stepchildren. The bill introduces an exception for sexual relationships between adult stepchildren and step-parents, where the step-child has never been under the care, supervision or authority of the step-parent, and no sexual activity has occurred between the step-parent and stepchild when the stepchild was under 18. These protections ensure that the exception can only be used by someone who has never played the role of a parent.

### **Sexual offences against persons with a cognitive impairment or mental illness**

As highlighted by the recent report of the Family and Community Development Committee's inquiry into abuse in disability services, the sexual abuse of people with a disability by those who are meant to care for them is an appalling reality for many men and women in our society.

The bill contains reforms to better protect persons with a cognitive impairment or mental illness from sexual abuse by workers of disability or mental health services, or by direct providers of medical treatment, mental health treatment, therapeutic services, or personal care or support services.

The bill replaces existing offences, and adopts new terminology and structure to ensure that the offences will work effectively in the new service environments of the national disability insurance scheme and localised mental health treatment, as well as traditional service environments such as residential care.

The offences recognise the particular vulnerability of persons with a cognitive impairment or mental illness to coercion or abuse. Because the offences are based on the person's vulnerability in the context of the care-giving relationship, they do not depend upon, and are not precluded by, legal capacity to consent. Where a person does not have legal capacity to consent, the offences of rape and sexual assault will apply.

The bill introduces new offences targeting sexual activity in the presence of a person with a cognitive impairment or mental illness, and causing a person with a cognitive impairment or mental illness to be present during sexual activity. These offences are based on the similar sexual offences against children aged 16 or 17 and under care, supervision or authority, recognising that these persons are

vulnerable to abuse by persons in a position of power over them. The new offences ensure that the full range of sexual victimisation of persons with a cognitive impairment or mental illness is recognised by the criminal law.

#### **New offence of sexual activity directed at another person**

The bill introduces a new offence of 'sexual activity directed at another person', which will apply where a person engages in a sexual activity intending that another person will see it and experience fear or distress. For instance, the offence may apply where a man jumps out and engages in a sexual activity, such as masturbation, in front of a lone female jogger in an isolated location. This offence is broader than the current summary offence of sexual exposure, as it applies to 'sexual activity', rather than exposure of genitals alone. The offence also covers sexually intimidating behaviour occurring both in public and private. However, a person must intend that the sexual activity cause fear or distress, or be reckless as to that result. The offence does not apply to sexual activity that does not meet this threshold. The offence reflects advice from Victoria Police that the current offences relating to wilful and obscene exposure do not cover the spectrum of behaviour that is seen in practice.

#### **Other sexual offences**

For consistency, the bill clarifies and modernises other sexual offences in the Crimes Act, including sexual servitude, interference with a corpse, administration of an intoxicating substance for a sexual purpose and procuring a sexual act by threat or fraud. The bill also repeals redundant and outdated offences relating to occupiers of premises allowing child sexual penetration on premises and common law wilful exposure. These historical offences are unnecessary as they cover conduct captured by other offences.

#### **Jury directions on consent and reasonable belief in consent**

In 2014, reforms to the law on rape and sexual assault were introduced. In particular, a new objective fault element provides that the relevant standard is that the accused 'does not reasonably believe' that the complainant consents to the sexual penetration. The bill introduces new directions into the Jury Directions Act 2015 on consent and a reasonable belief in consent. These directions are based on case law in other Australian jurisdictions and the United Kingdom, which have a similar objective fault element. This responds to stakeholder feedback that further legislative guidance would make the new laws easier to apply.

Trial judges will be able to inform the jury that experience shows there are many different circumstances in which people do not consent to a sexual act. People may not be consenting although not physically injured, subjected to violence or threatened with injury or violence. Directions on consent will also allow trial judges to inform the jury that people react differently and that there is no typical, proper or normal response to non-consensual sexual acts. Juries may also be directed that people can be involved in consensual sexual activity on other occasions but not consent to a particular act with a particular person.

On reasonable belief in consent, trial judges may direct the jury that it may take into account personal attributes or characteristics of the accused that cannot be controlled by the accused or that affect the accused's perception of whether the

complainant was consenting (such as mental impairment). In assessing whether a belief was reasonable, the jury will also be directed that it should consider 'what the community should reasonably expect of the accused in the circumstances'.

A further new direction is that a stereotypical belief in consent based solely on a general assumption about the circumstances in which people consent to sex is not reasonable. This direction is designed to make clear that stereotypical opinions about consent and sex (such as the assumption that women who wear provocative clothing are consenting to sexual activity) are not sufficient to establish reasonableness.

These new directions will make the law easier for juries to understand and apply, and accordingly, reduce the risk of costly retrials and appeals.

#### **Conclusion**

Reform to our sexual offence laws comes at a time when our society is fully recognising the devastating, long-lasting effects of sexual offending. Reviews and inquiries have highlighted the need for a concerted effort to address sexual abuse and exploitation. Response and prevention is multi-faceted. Clear, modern and effective sexual offence laws play an integral role in this effort by improving substantive justice in individual cases and reducing appeals and retrials. This bill is part of ongoing improvements to our criminal justice system and our response to the widespread problem of sexual offending.

I also wish to thank the members of the Sexual Offences Advisory Group, who met on many occasions over a six-year period and provided invaluable advice on how best to improve Victoria's sexual offence laws.

I commend the bill to the house.

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

**Debate adjourned until Thursday, 23 June.**

### **JUSTICE LEGISLATION (EVIDENCE AND OTHER ACTS) AMENDMENT BILL 2016**

*Second reading*

#### **Debate resumed from 8 June; motion of Mr PAKULA (Attorney-General).**

**Mr PEARSON** (Essendon) — I am delighted to continue my contribution from last night in relation to the Justice Legislation (Evidence and Other Acts) Amendment Bill 2016. In the earlier part of my contribution I spoke at length about the importance of more efficient delivery of government services in this new age in which we live. The reality is that we have got significant population growth occurring and there is greater demand for services at the same time as the economy is quite weak and patchy, and that will have an impact on revenue streams, both for the state and the commonwealth. I raise the commonwealth because it is

important to note that between 43 per cent and 47 per cent of our state government revenue comes from commonwealth grants and other payments made by the commonwealth.

The essence of this bill is about trying to utilise technology to ensure that we can reduce the cost of administering justice in this state. I spoke at length last night in my contribution about John Brumby's recent opinion piece, which was published in the *Age*, where he talked about the fact that we need to recognise this new paradigm in which we are living and the new pressures that our budgets will be placed under.

Getting a person out of their cell and taking them to a common area or an audiovisual room in a correctional facility to have them participate in legal proceedings at the Magistrates Court is far more efficient and effective than taking them out of their cell, taking them down to a loading bay, putting them in a transport vehicle with guards and drivers, driving them up the highway to the Magistrates Court, putting them in a holding cell, taking them out of the holding cell to appear before the magistrate, then taking them back to the holding cell to wait for an appropriate vehicle to collect them and then taking them back to the correctional facility. It just makes far more sense, and I think it is a way in which we can utilise technology more efficiently and more effectively to deliver better outcomes.

I also note that the bill makes a change to the Victoria Legal Aid board in relation to looking at increasing the board. Currently there is a chair of the board, there is a managing director and there are three other directors, and this will look at increasing that number by two other directors — from three to five. I think this is important, because like many others I have served on boards in the past. I was the chair of what was Kindergarten Parents Victoria (KPV) and became the Early Learning Association Australia (ELAA), and I think that having a wider board is really important because you can try to utilise a more diverse skill set. In the case of KPV, which became ELAA, I think we had around about nine members. Now obviously members come in and out from time to time — they are not always present — but you want to have that different skill set, and I went about trying to make sure I got the right composition on the board to support the executive in its operations.

It is really important that you look at having a board that tries to make sure that the strategy that the organisation is pursuing is correct and appropriate and that you have got the right skills on that board to support the executive in discharging its functions and duties. In my case, I was really keen to make sure we

had someone who knew finance and risk, so we had a risk officer from ANZ; we had someone who was a lawyer; we had someone who had some industrial relations (IR) experience and practice, because IR was a very large function of that particular board I was on; and we had a number of practitioners. Because we were operating in a public policy space — obviously I was from the Labor side — I made sure that I always had someone who was associated with the Liberal Party as a way of balancing it out. You need to make sure that you recognise that you have got to have a really strong board, and that by diversifying your board and broadening it out it will really help the organisation discharge its duties. It is about trying to get that balance right. Similarly, you have also got to be a bit careful that you do not have too large a board because then it can become potentially unwieldy, as Gough Whitlam found when he had a cabinet with 27 ministers as opposed to what the Hawke government had with more like 20 ministers — but I digress.

It is an important bill. It provides a more efficient delivery of justice in this state. They are sensible measures and sensible reforms, and I do commend the bill to the house.

**Ms KAIROUZ** (Kororoit) — I rise to contribute to the debate on this important bill, the Justice Legislation (Evidence and Other Acts) Amendment Bill 2016. The main purposes of the bill are to amend the Evidence (Miscellaneous Provisions) Act 1958 to further provide for the use of audiovisual links and to amend the Legal Aid Act 1978 to provide for the nomination of directors to the board of directors of Victoria Legal Aid. This bill will also make other minor and consequential amendments to other acts. In my contribution I shall mainly focus on the part of the bill which seeks to provide for an increased use of audiovisual links within the Magistrates Court system. This bill offers a pragmatic solution to a problem which has been identified as impacting on the ability of the justice system, and in particular the Magistrates Court, so it can do its valuable work. I might add that this bill is a further demonstration of the Andrews Labor government's commitment to addressing problems as they are identified rather than letting them fester and become a mess that someone else has to clean up.

It is no secret that in recent months the courts have been unable to deal with some cases listed before them, as Corrections Victoria has been unable to bring some serious prisoners to court. Those accused of offences who are in custody are generally required to be lodged in the police cells before they are brought to court for their hearings. It follows that when police cells are full prisoners cannot be brought to court. Overcrowding in

police cells therefore leads to significant court delays, and we acknowledge that that is a problem that needs to be solved and needs to be solved rather swiftly. As the old saying goes, 'Justice delayed is justice denied'.

Currently prisoners can appear by video link only in exceptional circumstances, and this bill seeks to make such appearances the norm, freeing up the valuable resources, including police and prison guards, to facilitate the transportation of inmates. More police freed up to do what they do best — for example, catching crooks, making our state safe, and preventing crime — is absolutely paramount and is a win for the community. This bill will form part of the solution, but it is worth reminding the coalition that it had its chance to fix this problem, a problem which was far worse under its administration.

In fact the issue was so bad in the blundering Baillieu-Napthine era that we saw lawyers from the Criminal Bar Association of Victoria threaten to invoke a rarely used legal procedure to try to bring the issue to a head. In an ABC interview on 28 October 2013, the chair of the Criminal Bar Association, Mr Remy van de Wiel, said:

We've got hundreds of people who have been in that position where they haven't been brought to court.

He added that:

They are innocent people. They are waiting to be dealt with in terms of a court hearing, and we've got people as many as three times being failed to be delivered —

to the court.

The solution he flagged at that time was lawyers using habeas corpus, which would allow the Supreme Court to order the immediate appearance of a prisoner. Habeas corpus is a Latin term — I am not really familiar with Latin — the literal meaning of which, from my research, is 'to have the body'. A writ of habeas corpus is a court order that commands an individual or a government official — for example, a prison governor — who has restrained another, to produce the prisoner at a designated time and place so that the court can determine the legality of custody and decide whether to order the prisoner's release. The writ of habeas corpus was first used by the common-law courts in 13th and 14th century England. These courts, composed of legal professionals, were in competition with feudal courts, which were controlled by local landowners or lords. The feudal courts lacked procedural consistency and on that basis the common-law courts began to issue writs demanding the release of persons imprisoned by them. From the late 15th century to the 17th century, habeas corpus was

used to order the release of persons held by royal courts, such as the Chancery, admiralty courts and the Star Chamber.

Returning to modern day Australia, under the former Baillieu and Napthine governments, the threat of the use of habeas corpus was used to address the issue of prisoners not being presented to court. The situation was so dire that in September 2013, the then deputy commissioner of police, Tim Cartwright, was reported in the media as saying that his staff were working overtime to cope with the number of people in cells, which had been as high as 320 prisoners.

'A couple of years back, on average, at 10 o'clock in the morning, we had around 150 prisoners in custody. So far this year, that number is up to 260 at 10 o'clock', he said.

What was the solution of the then Attorney-General, the member for Box Hill, who I see is in the chamber? He offered to open the Magistrates Court on weekends. That was a very, very short-term solution.

We on this side of the house understand that this situation must be addressed and we have acted, not only by introducing this bill into the house, a bill that will enable the greater use of technology in Magistrates Court proceedings, but also with initiatives such as the introduction of police custody officers. We were pleased to see the first 15 of these new police resources graduate from the Victoria Police Academy in early January. Many more are in the pipeline, with a commitment to train a further 400 police custody officers in the term of this government, with 22 police stations across Victoria benefiting from their deployment.

The use of video technology to present prisoners to court proceedings has been used successfully for some time in a number of Magistrates Courts around Victoria, including in Melbourne, Bendigo, Broadmeadows, Dandenong, Frankston, Geelong, Ringwood, Sunshine and Werribee. The current system enables the use of such technology only in exceptional circumstances, while successful passage of this bill will see many hearings, which are primarily of an administrative nature, held by an audiovisual link. An accused person will still physically appear before the court for a first appearance, unless he or she consents to appear by a video link.

The bill is supported by a \$14.7 million upgrade and expansion of the audiovisual conferencing network at the Magistrates Court, including a further \$8.1 million provided in the 2015–16 budget which will facilitate that. Video link technology will be implemented across Victoria and will ensure timely appearances before the

Magistrates Court as well as a significant drop in the number of prisoner transportations. This is both a sensible and an efficient use of the state's resources and should be supported widely.

The other significant part of this bill will see an amendment to the Legal Aid Act 1978 to expand the Victoria Legal Aid board from four to six non-executive members. Victoria Legal Aid is an important facet of our justice system. It is well governed and managed, and Victoria Legal Aid is a service critical to ensuring legal rights in Victoria are protected and those who need it most are able to seek representation. To be highly effective the board needs the right group of people with the appropriate mix of skills, knowledge and experience, and enlarging the membership of this board will increase the diversity of experience available to it, which in turn will give it a greater capacity to deal with the current and future challenges it faces.

I am pleased to hear that the opposition is not opposing this bill. This is a good piece of legislation which will both strengthen the justice system and free up valuable resources. I commend the Attorney-General for introducing this bill, and I wish it a speedy passage.

**Ms RICHARDSON** (Minister for Women) — I move:

That the debate be now adjourned.

**Mr BATTIN** (Gembrook) — In speaking to the motion put before the house, while we will not be opposing the adjourning of the current debate, we are asking the government to take into consideration what we are adjourning to. At the moment the next order of the day is the debate on the Rural Assistance Schemes Bill 2016, which is very important for regional Victoria, but the most important thing for regional Victoria at the moment is what is happening to the Country Fire Authority (CFA). It is vital that the government put on the record its support for the CFA board. The CFA board has been very active in ensuring it is in the right position to protect volunteers across the state.

Regarding the adjourning of this debate, we need to make sure the government amends the motion so that we can move straight through to a debate on the CFA. We have tried in this house at various times to get the government to put up a debate about the CFA to ensure that we protect volunteers and, let me say, to ensure that we protect all of the CFA, because career firefighters and volunteer firefighters effectively work together throughout our state. The biggest issue we have at the moment is the United Firefighters Union head, Peter Marshall, working with the Premier and actually

locking out most of the cabinet from the decision-making. If you ever want to read what goes on inside cabinet, it is pretty easy — you can pick up most papers these days and read about it. It is like a colander at the moment with the cabinet; everything just leaks straight through to the media, and that is an issue.

We decided earlier to try to move a motion by leave, but leave was denied by the government. Leave was denied to allow us to debate a motion on the notice paper at the moment, which states:

That this house supports Country Fire Authority volunteers in their call to keep the CFA's operations under the full authority of the CFA chief executive officer and the CFA chief officer.

These are people we have trusted to act responsibly — the board, the CEO and the chief officer — to deliver for Victorians. They are the ones responsible for the budget, they are the ones responsible for the resources and they are the ones responsible for the allocation of staffing and the allocation of volunteers across the state. It is vital that they keep that power, that authority, as well as the responsibility that goes with it.

You cannot have a government and a Premier sitting there at the moment looking over an enterprise bargaining agreement — and trying to support an enterprise bargaining agreement — that takes away that power from the chief officer, that takes away that power from the CEO and that takes away that power from the board. These are three particular and independent groups that effectively understand the emergency services in Victoria. They understand the response we need, and they understand when and where we need it. If we take the power away from them and hand it over to a union led by Peter Marshall, we are effectively taking away their authority but leaving them with the responsibility.

When we go to a Coroners Court — and we have seen this in the past after fires — the people who get called up to report are the ones who are the heads of those departments. They are the ones who get up there and have to explain to Victoria what happened to the brave men and women who lost their lives and what happened to the Victorians who lost their lives in major disasters, and that is the case all the way back through our history.

We have had plenty of bushfire royal commissions in the past, and they have all made recommendations. The recommendations from all of those bushfire royal commissions are very, very similar: we must have one chain of command and one authority for this, and it is so, so important that we keep that going forward. It is something that we must have going forward. We must

leave the responsibility for our CFA with the chiefs: Joe Buffone is one, and he has been put in that position because of his expertise and his skills, and we can also go directly to Lucinda Nolan, who has a fantastic history in the Victoria Police force and is supported by Victoria Police.

The motion before the house to adjourn debate, as I said before, is not opposed by the opposition, but what we are saying is that when speakers on the other side get up to debate this motion, they should also be encouraging the government to move to a debate on notice of motion 20, which is regarding the CFA. We tried to move earlier by leave to go straight to that debate. Many on the other side were willing to yell out. Many on the other side were trying to stand up and say that they support the CFA volunteers and that they support the career firefighters. We appreciate that they want to get up and say that, so now we are giving them the opportunity — we are giving them the opportunity going forward to put this debate on the table to let everybody from every side have their say.

We could get the Minister for Industrial Relations in, because she was more than happy to talk to the media this morning and state that the CFA board needs to hurry up and get on with this. The CFA board is the one trying to defend the volunteers and defend the proud 70-year history of the CFA. It is vital that the Minister for Industrial Relations go out and apologise for the comments she made and throw her support behind our statutory authority that is put there to protect all Victorians. The CFA is and will continue to be the proudest volunteer service we have ever seen, and while I am shadow minister I will not give up this fight to ensure that our volunteers are protected.

**Mr PEARSON** (Essendon) — I obviously speak against what the member for Gembrook is seeking to do in derailing the government business program and the work of this house. We have before us a very clear government business program, and we have important work to do in relation to the Rural Assistance Schemes Bill 2016. This is just a stunt from the member for Gembrook, who is clearly trying to make himself relevant amongst his colleagues. We know for a fact that James Campbell, who has written extensively on state politics, has indicated quite clearly that this is the worst shadow cabinet in the Parliament that he has seen in 15 years. The member for Gembrook did not even rate a mention from Mr Campbell, which I think speaks volumes.

This is just another cheap stunt from those opposite in trying to derail this government from getting on with the work before us. It is very clear on the notice paper

what lies before us. This is an important piece of legislation that we need to deal with today, and this is just an attempt to try to frustrate and stymie the agenda of the government. Moreover, I think if the opposition had its way, we would just debate this until the cows come home. We would not deal with this bill, nor would other members have the opportunity this afternoon to talk about the budget. I note the manager of opposition business, the member for Box Hill, is at the table. In one of his earlier contributions in relation to a previous government business program I seem to recall him talking about the importance of making sure that members could have their say on the budget. Now time has been allocated today to make sure that we can have more members speak on the motion to take note of the budget papers, and, again, this is just another attempt, another cheap stunt from those opposite to prevent people talking about the importance of the recent state budget.

It is just a desperate attempt by those opposite to try to make themselves relevant when they are irrelevant. We have work before us — —

**Mr Battin** interjected.

**Mr PEARSON** — The work before us, member for Gembrook, quite clearly states ‘Rural Assistance Schemes Bill 2016 ... Resumption of debate’ and names the manager of opposition business. I am looking forward to hearing what the manager of opposition business has to say on this important bill, and I would have thought the member for Gembrook would have been more of a team player and allowed the manager of opposition business to make his contribution.

I have not been here long, but the one thing I have learnt is that the manager of opposition business always comes to this place well prepared. He always works hard. He works diligently, he does his work. I am actually quite looking forward to hearing the manager of opposition business’s contribution in relation to the Rural Assistance Schemes Bill, because I am sure it will be a very thorough and comprehensive contribution. There are many things that the member for Box Hill and I would disagree on, but nonetheless I find his contributions interesting and insightful, and I respect the fact that he works very hard. It says something, really, that the member for Box Hill is the father of this place, if you believe in using those terms. He is one of the hardest workers amongst those opposite, and I think that some of the more junior of those members opposite could take a leaf out of the manager of opposition business’s book in terms of his work rate and commitment. So I am disappointed — —

**Mr Battin** interjected.

**Mr PEARSON** — I would suggest to the member for Gembrook that if the manager of opposition business is such a good mentor, then maybe he should pipe down, sit down, take a back seat and let us all be wowed by the manager of opposition business's contribution in relation to the Rural Assistance Schemes Bill 2016. As I said, this is just a cheap stunt from those opposite to try to distract and derail the work before the house. This has nothing to do with what those of us on this side think about our wonderful Country Fire Authority volunteers and the contribution they make to our society and community. It is just cheap and basic politics — that is all there is to it. It is very clear the work we have had before us, and, as I said, this is just a cheap stunt.

I for one am locked and loaded and raring to go. I am thoroughly looking forward to making my contribution on the Rural Assistance Schemes Bill 2016, and I look forward to hearing the manager of opposition business's contribution as well, so I oppose the proposal of the member for Gembrook.

**Mr CLARK** (Box Hill) — I support the views of the member for Gembrook, notwithstanding the kind words of the member for Essendon. There is plenty of opportunity for this house to debate the motion relating to the Country Fire Authority (CFA) as well as deal with the Rural Assistance Schemes Bill 2016 and resume discussion on the take-note motion on the budget. Members of the Labor Party in the other place were able to find time to have a debate on this issue, and indeed they did not oppose the sentiments of concern that were expressed in a similar motion in that house about what is being threatened for the CFA, yet it seems that Labor members in this house are not prepared to debate the motion and put on the record their views as to where they stand in relation to the future of the CFA.

This is one of the most crucial issues facing the state at this time — what is going to be the future direction of a volunteer organisation with decades of proud service to this state? Will it be able to continue to defend country Victorians? Will it continue to allow members of local communities who are on the spot to take responsibility for acting to safeguard their fellow community members? Or will it be beholden to an organisation that is hamstrung and beset by rules, disputes and delays, an inefficient organisation, all for the sake of pandering to the views of a union boss who has let power go to his head? He has already caused havoc within the Metropolitan Fire Brigade and is threatening to inflict similar havoc on the Country Fire Authority.

This is an absolutely crucial issue, and if the government is fair dinkum about debate in this place, which should be the heart of democracy in Victoria, these issues that are of crucial concern to the community, then it ought to be making time in the business program. It ought to be standing up and giving a commitment to allow time after the adjournment of this debate to bring on the motion that the member for Gembrook referred to, because this should be the place where these issues are canvassed. Labor members should not be running away from standing up and telling the community where they stand on them. So for those reasons I strongly support the views of the member for Gembrook.

**Mr McGUIRE** (Broadmeadows) — These issues will be canvassed. We will undoubtedly have these issues ventilated in question time, which is soon to begin. The government is working its way through all of these issues, and decisions will be made. The issues will be resolved.

We are in a situation where we have the coalition actually arguing against bringing on a bill that is directly in the interests of their country members. So you ask yourself: what sort of coalition are we really talking about here? The order of government business is to debate the next bill, the Rural Assistance Schemes Bill 2016. Its objective is to improve the administration of Victorian and commonwealth financial assistance schemes for rural communities by establishing the Rural Assistance Commissioner and transferring the remaining assets, liabilities and functions to the Rural Finance Corporation of Victoria.

That bill is in the public interest. It is for country people. It will actually help resolve matters and be beneficial. We cannot just keep getting arguments from the Liberal Party, which is trying to get a headline for the day. That is just playing raw politics. What we are after here is the public interest, which is best served by continuing with the government business program in an orderly fashion to address these issues and get them done. There are plenty of forums provided by Parliament; as I say, I have no doubt that a lot of these issues will be addressed in question time. I think we should continue with the government business program as it stands in an orderly fashion and work through these issues and get the job done. This is what the Victorian government is actually doing.

**Mr KATOS** (South Barwon) — I rise to support the member for Gembrook in wanting to move on to debate issues with regard to the Country Fire Authority (CFA). The member for Essendon called our standing up for CFA volunteers a cheap stunt. If there is one issue in

rural and regional Victoria that is in everyone's heart and soul at the moment, it is this government's will to destroy one of the finest volunteer organisations on the earth — not only in this state or country, but in the entire world. The Minister for Women, who is at the table, and in fact the government are often talking about equality and having more women in certain positions, and they have also moved in that direction with the CFA. The United Firefighters Union (UFU) is an organisation that has taken that matter to court to prevent more women coming into the CFA. What an archaic beast the UFU is! It is actually taking the CFA to court around this issue.

All the volunteers I have spoken to have no issue with the paid firefighters, the UFU members, negotiating with the CFA in good faith with regard to the paid firefighters' own pay and conditions. That is not the issue here. The issue is that there are so many clauses in this enterprise bargaining agreement (EBA) that directly impact volunteers, not only in the way they operate and interact with the paid firefighters but also on operational issues on the ground. We will have seven paid firefighters needing to be on the fireground before anyone can start. As the member for Gembrook said earlier, it is not Peter Marshall but the head of the CFA that will get called to a Coroners Court if there is a death as a result of any of these ridiculous EBA conditions.

The chain of command is a good example. As the Black Saturday bushfires royal commission clearly stated, there must be only one chain of command. So to have a situation where a UFU member who has perhaps one week on the job cannot take orders from a 30-year veteran volunteer CFA firefighter is absolutely absurd. One thing to highlight also is the veto of the board; obviously having four CFA members and four UFU members, you need five to get something through, and if you cannot get it through it goes to dispute resolution.

There has recently been a dispute, which I am not sure has been resolved, between the Metropolitan Fire Brigade (MFB) and the UFU and their consultative committee about the type of milk that they will have in fire stations. If that is the absurdity of what is going on in the MFB, imagine this extrapolated out into the CFA. Are we honestly going to sit here and have arguments and disputes about the type of milk that is in the fridges of CFA or MFB kitchens? That is just absolutely absurd.

This is why this is such an important issue that we need to debate in this house. While I grant that the Rural Assistance Schemes Bill 2016 is also an important bill and members will certainly want to make contributions

on the budget as well, the CFA matter is the most important issue in rural and regional Victoria and in Melbourne's outer suburbs. This is what people are talking about. They are very fearful of this takeover of the CFA. And for what purpose? What is the purpose other than for Peter Marshall to exert his power and control over volunteers? There is no logic to any of this. It does not make sense whatsoever for this to be going on. It is political absurdity. It is an absurd EBA.

These matters need to be debated in this house. This is the most important issue certainly in my electorate. The shadow minister heard firsthand on Monday evening when he was at the Grovedale CFA and had a room full of volunteers voicing their concerns about this that this is the issue that we should be debating in this house forthwith.

**The ACTING SPEAKER (Mr Carbines)** — Order! Sufficient speakers have been heard. The question is:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

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

That the debate be adjourned until later this day.

**Mr CLARK (Box Hill)** — I wish to speak on the question of time. I move:

That all the words after 'until' be omitted with the view of inserting in their place the words 'general business, notice of motion 20 regarding the CFA has been debated'.

I move the amendment for the reasons that have already been outlined at length. This amendment will give an opportunity to test whether or not members of the government are prepared to allow time for this issue to be debated. I certainly hope that the government will see sense and indicate by supporting this amendment that its view is that this matter should be debated, rather than continue to hide and run away from the issue.

**Ms ALLAN (Minister for Public Transport)** (*By leave*) — The government laid out on Tuesday afternoon its business program for the week. We have legislation to deal with. We have got important motions on the books around the budget, around family violence and around the apology that was moved in this place last sitting week. There is a lot of business to go through. We do not have time in this chamber for the opposition to continue its campaign of stunts and misinformation — —

*Honourable members interjecting.*

**Ms ALLAN** — No, no, no. I am not going to let those opposite verbal me. They are not going to verbal me in their campaign of lies and misinformation that they have been peddling around Victoria. They have been desperately grasping at a campaign of lies and misinformation. They have been using —

*Honourable members interjecting.*

**Ms ALLAN** — Let us call it for what it is: this is just another feeble attempt by the feeble opposition to try to misuse the good name of volunteers and the good work of volunteers, and it is trying to abuse that with a campaign of stunts in this house. Nothing was more disgraceful than the act yesterday of the opposition trying to turn a political attack on good people like the member for Yan Yean and the member for Frankston, who have served this community in uniform. I say: let us get on with it. Let us get the business of government done as the government has proposed, because during government business program debates we hear those opposite complaining endlessly about government legislation and wanting to see the work of Parliament done. Well, let us get on with it. Let us get on with the business that we need to deal with that is before the house and reject this ongoing campaign of stunts, lies and misinformation.

**Mr M. O'BRIEN** (Malvern) — Hypocrisy, thy name is Labor. To hear the manager of government business stand up here and complain about the need to get back to the government business program! When the opposition received the government's business program last week, it did not even include the bill dealing with the taxi industry, which the Leader of the House then said on Tuesday was so urgent it had to be debated forthwith. So the government is quite happy to play around with the government business program when it suits its own political purposes, but is the government prepared to actually pick up a motion off the notice paper that deals with the attack on the Country Fire Authority (CFA) by this government and its mates in the trade union movement? No, it is not.

This is a hypocritical minister who is quite happy to play around with the government business program when it suits her own purposes but wants to try to shut down the opposition when it is standing up for the CFA and its 60 000 volunteers, who give their time, who give their energy, who give their courage and who sometimes, sadly, give their lives to protect this state and its people.

We are saying that the most important issue on the notice paper today is the motion moved by the member for Gembrook, a member who, I should point out to the

Leader of the House — who does not even have the courage or the courtesy to remain in this chamber for the debate — has served his community in uniform —

**Ms Ward** interjected.

**Mr M. O'BRIEN** — unlike the member for Eltham, who is chatting on there. We are not going to take any rubbish from the Leader of the House. This is the most important motion on the business paper. This should be dealt with forthwith.

Now, I am the lead speaker for the opposition on the Rural Assistance Schemes Bill 2016, which is the next item of the orders of the day. Can I say it is not exactly the most pressing motion. It results from a decision that was taken two years ago —

**Ms Thomas** interjected.

**The DEPUTY SPEAKER** — Order! The member for Macedon!

**Mr M. O'BRIEN** — when the member for Macedon was still living in the federal electorate of Batman, I think. The question is: did the member for Macedon actually know she had a house there? If so, that would put her one up on the current member for Batman, who I suspect will not be there for much longer after 2 July.

**Ms Thomas** interjected.

**Mr M. O'BRIEN** — The more we hear from the member for Macedon, the more we think, 'Christian Zahra, come on down!'. It would have been so much better. Maybe Christian Zahra would have stood up for the CFA. We know the member for Macedon hates the CFA. We know she will not stand up for the CFA. We know she does not want to debate the CFA and the attacks on it by members of her own government. We know that.

*Honourable members interjecting.*

**Mr M. O'BRIEN** — If members opposite are outraged by what I say, then let them bring forward the motion now. Let us debate the motion now.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I ask members to come to order. The member for Malvern, to continue.

**Mr M. O'BRIEN** — Thank you, Deputy Speaker. If members opposite are outraged by what I say, then let us bring on the motion. Let us put on the record

where we stand. Do we stand for Peter Marshall, or do we stand for Lucinda Nolan? Do we stand for the United Firefighters Union (UFU), or do we stand for 60 000 CFA volunteers? Do we stand for the board of the CFA, the equal opportunity commission and the Minister for Emergency Services, or do we stand for a hard-left union powerbroker who is more interested in exercising his own control and exerting his own influence? As the Leader of the Opposition asked yesterday: what does Peter Marshall have on the Premier? What does he have on the Premier that the Premier is so willing to give in to his demands to destroy what is the finest volunteer organisation in the country?

We need to know the answers to those questions, and the best way to find out the answers to those questions is to accept the member for Box Hill's amendment and get these issues debated today in this place, in this democratic chamber, to let the views of members be put on the record so they can tell us who they stand for. Do they stand for Peter Marshall and the UFU, or do they stand for the CFA and its 60 000 brave volunteers?

**Mr PEARSON** (Essendon) — I rise to oppose the amendment put forward by the member for Box Hill, and what an absolutely disgraceful contribution from the member for Malvern. To rise in this place and suggest that because we are focused on the government business program before us and because the very hardworking member for Macedon is going to support this government and this government's business program she somehow despises, loathes and has no respect for her Country Fire Authority (CFA) brigade is absolutely appalling. It is absolutely appalling to suggest that because this hardworking member is supporting this government she somehow opposes the CFA. It is a disgrace.

When the former minister for emergency services, the member for Rowville, was at the tennis, people like the members for Frankston and Yan Yean were serving their communities. They were going out there and protecting their communities. To have those opposite come in here and lecture us on values is just appalling. It is just an absolute disgrace. We will not be lectured by the member for Malvern. We will not be lectured about conduct and appropriate behaviour by the man who signed the side letter. He is an absolute disgrace.

We are focused on delivering good government for this state. We have got a government business program that is before us. There is an opportunity this afternoon for members on all sides to talk about the budget. I can see why the member for Malvern might not want to talk about the budget, given the fact that he did not ask a

single question of any minister in relation to the budget, but we have got a lot of work before us today, and again this is just a stunt.

Those opposite are trying to divide those firefighters who are volunteers from those who are paid. That is what they are trying to do, and that is all they are trying to do. It is just appalling. As Robert Caro, the famous American author, said, 'Power reveals'. When those opposite had the power to support the CFA, what did they do? They denied them presumptive rights and stripped \$60 million out of their budget, so we will not be lectured by those opposite. We will not be lectured by those opposite, and we will not be diverted from the government business program that is before us. We will not be lectured by those opposite, so I oppose the amendment put by the member for Box Hill.

**Mr BATTIN** (Gembrook) — I will make a very, very short contribution on this as I had an opportunity to speak on the last motion. Very simply, we need to make sure that this motion gets put before the house. And when those members opposite are considering this vote, they are voting on one simple thing about the Country Fire Authority (CFA) volunteers but they are also voting on whether they support the Minister for Emergency Services or they support the Premier. They have got to make a decision on that. The Premier is out there going against the CFA as hard as he can, against volunteers, and only the minister on that side is standing up. I encourage members opposite to vote to bring this motion on and show her the support that she deserves at the moment from their side and is not getting.

**Mr HIBBINS** (Pahran) (*By leave*) — I understand we are being asked to put general business before government business in this instance. Whilst I am very supportive of the provision of general business in this place and I would like to see reforms take place so there is actually a formal place for general business within the standing orders, in this instance we will not be supporting this amendment to the motion because we are very concerned about the ongoing politicisation of this particular agreement. We do not have access to the enterprise bargaining agreement. We are not in the position of making — —

**Business interrupted under sessional orders.**

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Country Fire Authority enterprise bargaining  
agreement**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. The United Firefighters Union's (UFU) log of claims for the Country Fire Authority (CFA) enterprise bargaining agreement states clearly: clause 45, volunteers are not allowed to ride in the same fire truck as paid members; clause 152, volunteers must report to paid firefighters, despite rank or years of service; schedule 20, volunteers are not allowed to wear the same uniform as paid firefighters; and clause 42, the UFU will have a power of veto over CFA policies and management.

Premier, these clauses have been endorsed by Julius Roe yet they all break the CFA volunteer charter. Do you categorically rule out your government backing any of these clauses and destroying 70 years of CFA volunteerism?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. As Commissioner Roe, the independent umpire in this instance, has made very clear, nothing in any agreement should or will adversely impact volunteers. The Leader of the Opposition is yet again completely and utterly mistaken — and never happier than when he is making things up.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Given this morning's comments by your Minister for Industrial Relations that there does not need to be any rewrite of crucial enterprise bargaining agreement provisions despite massive Country Fire Authority opposition, do these comments reflect government policy?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. As I have made clear all through the week, and as I think the Minister for Industrial Relations has made clear today, we believe that with the assistance of the Fair Work Commission and the — —

*Honourable members interjecting.*

**Mr ANDREWS** — They can't even pretend to want an answer. We will get an outcome that respects volunteers, respects our career firefighters as well and keeps this state safe. That is the answer.

**Ministers statements: Victorian Comprehensive  
Cancer Centre**

**Mr ANDREWS** (Premier) — I rise to inform the house of new initiatives to forge new and strong partnerships between Victoria and the United States of America in cancer research and treatment. I can confirm that on 16 May I wrote to the Vice President of the United States, Joe Biden, inviting him to the opening of the \$1 billion Victorian Comprehensive Cancer Centre (VCCC). That will happen later this year, in July. It is a great Labor project, and I will be so very pleased as a Labor Premier to be at the opening, just as I was pleased — —

*Honourable members interjecting.*

**Mr ANDREWS** — It is a stunt now, apparently — cancer research and cancer treatment — —

**The SPEAKER** — Order! The Premier will resume his seat.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Malvern. I warn the Leader of the Opposition. The Chair is on his feet. The Premier, to continue on a ministers statement in accordance with sessional orders. The Premier is in order. The Premier, to continue.

**Mr ANDREWS** — It was great to be down there in Parkville, just as it was so very pleasing to be in Boston last week, confirming partnerships between a range of medical research institutes here in Melbourne and those that are auspiced by the Harvard Medical School in Boston — the Dana-Farber Cancer Institute, the Peter MacCallum Cancer Centre, the VCCC, the Royal Melbourne Hospital and the Parkville genomics alliance.

All of these partnerships are about better care, better research, better treatment and better survival rates. That is what the Victorian Comprehensive Cancer Centre is all about. It is what our leadership in forging partnerships is all about. It is why the member for Broadmeadows in his role as Parliamentary Secretary for Medical Research and the Minister for Health in her role are out there making sure that our researchers have got the resources they need, our clinicians have got the resources they need and that we are reaching out to the world to develop the best partnerships.

That is how we will deliver the best care for those in our community who deal with cancer every day. That is why we have invited Joe Biden, who is leading the National Cancer Moonshot Initiative on behalf of

President Obama. If he can be here, what a great honour that would be — and confirmation that the VCCC is one of the best in the world.

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

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. It is not about Joe Biden; it is about 60 000 Country Fire Authority (CFA) volunteers here in Victoria, and that is what is most important today. Lara CFA volunteers have stated publicly:

There are volunteers with twice, three times as many years under their belt fighting fires yet the UFU are saying that professional firefighters shouldn't take orders from volunteers except in major disasters. Well, what constitutes a major disaster? When you're fighting a fire, you don't have time for those type of power struggles.

Why are you supporting an enterprise bargaining agreement that puts the industrial interests of the United Firefighters Union above saving Victorian lives and defending Victorian property?

**The SPEAKER** — Order! The Leader of the Opposition advanced two questions. The Premier, to respond to one of the questions.

**Mr ANDREWS** (Premier) — I am happy to respond to the Leader of the Opposition's question.

**The SPEAKER** — Order! As the Chair understood it, there were two questions. However, the Premier will respond to the totality of the question as put by the Leader of the Opposition.

**Mr ANDREWS** — I thank the Leader of the Opposition for his question. The Lara branch is a great bunch of men and women who do a great job protecting that important part of Geelong and important part of our state. When I think of the Lara CFA I think of the \$1.8 million that our government in 2008 provided to rebuild its station. That is what I think about.

**Mr Battin** — On a point of order, Speaker, on relevance in relation to the \$1.8 million the Premier is gloating about putting in for the station, part of that station, under orders of the UFU, has been actually locked off from the volunteers for the last seven years. Why were they not allowed — —

**The SPEAKER** — Order! The member for Gembrook will resume his seat. There is no point of order. The Premier, to continue in silence.

**Mr ANDREWS** — The Leader of the Opposition also spoke about those who would exert control and

influence those in the hierarchy on the fireground. I can remember being down at Wye River on more than one occasion meeting with the incident controller of that fire and that fireground. Oh, that is right, he is a volunteer, and we respect him and we honour him and we will support him and thousands just like him, and we will support our career firefighters because unlike those opposite we know that it is possible to support and honour volunteers and career firefighters. It is not only possible; it is essential if we are going to keep Victoria safe.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. That includes the Leader of The Nationals. The Leader of the Opposition is on his feet and is entitled to ask a supplementary question and to be heard in silence.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Much of the Lara fire station was built through fundraising efforts by the local community in support of their CFA. Under schedule 1 of the enterprise bargaining agreement (EBA), backed by Julius Roe, that CFA fire station will now have areas where volunteers will be banned. How can the Premier tell the people of Lara that banning their volunteer firefighters from a station the community helped fundraise to build is fair and balanced?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. Yet again his question as advanced is riddled with errors, and I reject them. I reject them completely. While I am on my feet I make it clear to all honourable members that no member of this government is taking advice or lectures from those opposite, who denied a link between firefighting and cancer.

**Mr Guy** — On a point of order, Speaker, on a matter of relevance, I seek leave to table schedule 1 of the EBA which has the list of Lara station that will be locked off to CFA volunteers as a result of this Premier's support for the current EBA.

**The SPEAKER** — Order! Leave is not granted. There is no point of order. The Premier, to continue in silence.

**Mr ANDREWS** — I genuinely thank the Leader of the Opposition for his question because it just shows — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have warned members before. Members who have been warned will not be warned again. I warn the member for Bass, who had not been warned. Now he is warned. The Premier, to continue in silence.

**Mr ANDREWS** — I thank the Leader of the Opposition for his question again because it gives me an opportunity to confirm for him and all honourable members that we are going to turn out more firefighters for dangerous fires. We are going to have a proper consultation. We are going to implement reform in this fire service so that it is a more equitable and balanced fire service, and we are going to continue to honour our volunteers and career staff, not just because it is possible but because it is essential to keep our state safe.

### **Ministers statements: climate change**

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) — I rise to inform the house about a new initiative: the restoration of Victoria as the nation's leader in climate change. This morning, I had the pleasure of joining the Premier to announce the government's response to the review of the Climate Change Act 2010.

The previous Labor government of course passed the first ever Victorian Climate Change Act in 2010 and, as we know, we were very pleased at the time when the coalition actually supported that bill. Of course as soon as those opposite got elected, they gutted that legislation, rendering it totally meaningless. That is what they did, as they did when dumping any commitments they had for renewable energy.

Last year we initiated an expert review into the Climate Change Act and we got recommendations on how to strengthen that act to restore Victoria's leadership position on this important question. With today's announcement, we have kept our promise in full and we will once again have the strongest climate change policy in the country.

I want to thank the Minister for Police, who was a fine environment and climate change minister, for her stewardship on this very, very important work. Today we committed to introducing reforms to the act that will set long-term targets for achieving net zero emissions by 2050, consistent with international commitments made in Paris last year by 195 countries. We are backing that with five-yearly interim targets legislated in law to allow the economy to plan and transition to a smooth carbon emissions reduction future.

I know there is much interest in this announcement today. We were very pleased to have been joined by industry leaders like Tim Piper from the Australian Industry Group, and representatives of community groups, like Friends of the Earth, and also by churches, schools and local governments, because they know that — —

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

**Questions and statements interrupted.**

### **DISTINGUISHED VISITORS**

**The SPEAKER** — Order! On behalf of the Premier, the Leader of the Opposition and all members I would like to welcome in the gallery the women leaders participating in the International Women's Development Agency's program Women's Action for Voice and Empowerment, representing Cambodia, Myanmar, Timor Leste, Papua New Guinea, Bougainville and the Solomon Islands. You are all welcome to the Parliament of Victoria.

### **QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Questions and statements resumed.**

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

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Emergency Services. Does the minister have full and complete confidence in the board, the chief and the CEO of the Country Fire Authority (CFA), Lucinda Nolan, and in their conduct and decisions in relation to the CFA enterprise bargaining agreement discussions?

**Ms GARRETT** (Minister for Emergency Services) — I thank the Leader of the Opposition for his question. I have worked very closely with the board, the CEO and all stakeholders in the emergency services sector, and I am very proud to have done so. The board and the CEO agree with me and all members of this government that we want a resolution to this dispute that supports both career and volunteer firefighters and gives support to the CFA, which is such an exceptional organisation right throughout Victoria.

#### *Supplementary question*

**Mr GUY** (Leader of the Opposition) — Does the minister agree with comments of the Treasurer, who said that the CFA board has misrepresented concerns

around volunteers and that the board's refusal to accept the United Firefighters Union's position has been nothing short of scandalous?

**Ms GARRETT** (Minister for Emergency Services) — I had not heard those comments of the Treasurer, and I am happy to have discussions with him about them.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Ferntree Gully is warned.

**Mr Wakeling** interjected.

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Ferntree Gully

**The SPEAKER** — Order! The member for Ferntree Gully will withdraw from the house for a period of 1 hour. I warned the member.

**Honourable member for Ferntree Gully withdrew from chamber.**

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

**Questions and statements resumed.**

#### Ministers statements: biomedical research enterprise

**Mr NOONAN** (Minister for Industry and Employment) — I rise to inform the house of a new government initiative and partnership between Monash University and the University of Melbourne to establish a new \$80 million biomedical research enterprise right here in Victoria. I was delighted to be joined by the member for Broadmeadows, who is also Parliamentary Secretary for Medical Research, last Thursday morning to announce that the Andrews government will contribute \$10 million towards this new enterprise. The Premier also made a simultaneous announcement to a group of health leaders during his visit to the US last week.

This collaboration is an Australian first. It will bring together the biomedical expertise of the University of Melbourne and Monash University to help Victoria develop healthcare discoveries and solutions for the world, as well as to win a larger share of the multibillion-dollar pharmaceutical market. Importantly

it will also speed up the development of quality medicines and the number of commercially attractive investment opportunities.

This new enterprise will turn Victorian discoveries into Victorian jobs, while improving the lives of people with medical conditions. Victoria has very deliberately identified medical technologies and the pharmaceutical sector as a strategic investment target under our \$200 million Future Industries Fund. I pay tribute to the former Minister for Industry for her leadership in this area.

This exciting new enterprise will increase economic activity and investment. Importantly it will also create high-value jobs right here in Victoria and ensure that Victoria maintains its place as a global leader in the field of biomedical research. This new partnership will also play an important role as we confront the most pressing health challenges across the globe.

#### Brown coal royalties

**Ms SANDELL** (Melbourne) — My question is to the new Minister for Resources, and firstly I would like to welcome him to the new portfolio. The government has announced an increase in the brown coal royalties, which will now collect \$72 million each year between 2017 and 2020. Given that these royalties are not forecast to decrease each year, does this indicate the government has no plans to decrease brown coal mining in Victoria before 2020?

**Mr NOONAN** (Minister for Resources) — I thank the member for Melbourne for her very gracious welcoming of me as the new Minister for Resources. I listened to the question carefully, and I think the issue in relation to brown coal royalties is a matter for the Treasurer rather than the Minister for Resources.

#### *Supplementary question*

**Ms SANDELL** (Melbourne) — I believe that the Minister for Resources is mistaken, because he has carriage of the Mineral Resources (Sustainable Development) Act 1990, which the brown coal royalties are a part of. I therefore would like to restate my question: does the government have any plans to decrease brown coal mining before 2020, and can he explain discrepancy between the budget announcement and the government's policy on coal?

*Honourable members interjecting.*

**The SPEAKER** — Order! The question was originally put to the Minister for Resources and the minister advanced a response. That constitutes a

response to a substantive question. The member would have to put the question again to the minister, as was indicated by the Chair previously, but the minister indicates to the Chair that the minister has been unable to hear the question, therefore the Chair requests of the member for Melbourne that she succinctly puts the question to the minister again. I ask members to allow the minister to hear the question.

**Ms SANDELL** — According to the new general order put forward by the Premier, the Minister for Resources has carriage of the Mineral Resources (Sustainable Development) Act, and brown coal royalties come under that act. So my question is: does the government have any plans to decrease brown coal mining before 2020, and why does the budget not indicate this?

**Mr NOONAN** (Minister for Resources) — I hear the question again, and I thank the member for her question, but I can simply repeat the answer that I gave to the first question, the substantive question, and that is: the issue in relation to the royalties is a state taxation issue, and it is a matter for the Treasurer. I am happy to forward that question on to the Treasurer for a response.

**Mr Hibbins** — On a point of order, Speaker, the member for Melbourne has demonstrated that the minister does have carriage of this particular question. I would ask the Speaker to determine that the minister has not been responsive to the question asked and that the minister furnish the house with a written response. Otherwise, the Treasurer is actually here, and if it is the Treasurer's question, get him up to answer it.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Prahran is entitled to silence when making a point of order. I seek cooperation from all members of the house. The Chair does not uphold the point of order.

### **Ministers statements: economy**

**Mr PALLAS** (Treasurer) — I feel a bit like Glen Campbell — everybody is talking about me!

I rise to update the house on the new achievements of the Andrews Labor government in growing jobs and securing economic prosperity for Victorians. Data released last week by the Australian Bureau of Statistics shows that the government's prescription for the Victorian economy is working, with state final demand growing by 3.2 per cent in the last year.

**An honourable member** — How much?

**Mr PALLAS** — 3.2 per cent. This comes hot on the heels of the continued bounty of good news that we see in the jobs market. Victoria's regional unemployment rate is now 6.1 per cent, below the national average and well below the 6.6 per cent that we inherited from the former government. Since November 2014, however, total employment in regional Victoria has increased by 24 900 jobs, and full-time employment has increased by 12 400 people. It is a bounty of growth that is being shared right across the state. Five of the eight regions have seen their unemployment rates drop since November 2014. Shepparton's unemployment rate — no doubt due to the great member that the region has — is down from 7.8 per cent to 3.5 per cent. The rate in north-west Victoria is down from 5.3 per cent to 4.5 per cent.

These results speak for themselves, but they also speak of the ineptitude and the four years of wasted opportunity of those opposite. When they were in government only 5500 regional jobs were created in total. They were brimful of self-praise, but for four years they failed to show any leadership, planning or vision for the state. The Andrews government has made a decisive effort to ensure that the benefits of our growth are spread right across this community.

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

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Emergency Services. Minister, do you guarantee to this house that you will not support any enterprise bargaining agreement proposal which discriminates against Victoria's 60 000 Country Fire Authority (CFA) volunteer firefighters by denying volunteers access to certain parts of CFA fire stations that paid firefighters can access, that requires paid firefighters to be on the fireground before volunteers commence firefighting and that actively discriminates against women entering our firefighting services?

**Ms GARRETT** (Minister for Emergency Services) — I thank the member for his question. Along with the Premier and the Minister for Industrial Relations and the Minister for Women, I am working to make sure that we reach an agreement that respects volunteers and career firefighters and also respects this government's very strong equality agenda, led by the Premier, that we will advance the rights of women.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Speaker, 60 000 CFA volunteers believe the minister is the only

thing standing between the survival of 70 years of volunteerism and a Premier hell-bent on handing over the CFA to the control of the United Firefighters Union.

Minister, will you look volunteers in the eye and guarantee that you will resign rather than accept a deal that breaks the volunteers charter and gives the Premier's mate Peter Marshall total control over our CFA?

**Ms GARRETT** (Minister for Emergency Services) — I like many in this government believe one of the greatest privileges we have had while in this term in government has been that: to look volunteers in the eye and thank them for the work that they do; has been to look paid firefighters in the eye and thank them for the work they do — and that will continue.

**Ministers statements: Country Fire Authority enterprise bargaining agreement**

**Ms HUTCHINS** (Minister for Industrial Relations) — I rise to provide new information on the current Country Fire Authority (CFA) enterprise bargaining agreement (EBA) negotiations and the government's plans to improve the fire services through the delivery of 350 new firefighters in the CFA. This morning I spoke to the president of the Fair Work Commission, Iain Ross, to seek assurances that its recommendations will protect the role of volunteers, improve diversity and underpin better fire services. Have no doubt, this government, unlike those opposite, closes agreements, and this one will be resolved. The role of the volunteers will be protected, diversity will be improved and, most importantly, Victorians will have a better fire service.

President Ross assured me that the proposed agreement will improve diversity in the CFA. The commission has recommended an objective that the parties, in implementing the agreement, will act consistently with equal opportunity and anti-discrimination legislation. Improving diversity is a shared responsibility in workplaces — something those opposite do not know about — and proposed agreements do not get in the way of section 65 of the Fair Work Act 2009.

*Honourable members interjecting.*

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Sandringham**

**The SPEAKER** — Order! The member for Sandringham will withdraw for the period of 1 hour

and 30 minutes. The prop is to be removed immediately. The member will come and see the Chair after question time.

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

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Ministers statements: Country Fire Authority enterprise bargaining agreement**

**Questions and statements resumed.**

**Ms HUTCHINS** (Minister for Industrial Relations) — The commission will simply not register an agreement that is in violation of any law. The president assured me that the proposed agreement does not hurt the role of volunteers. The commission has been clear — the EBA does not prevent volunteers undertaking their role. In fact there is a crystal clear recommendation that says that this agreement:

... does not apply to volunteer firefighters or affect their important role.

The president is confident that by working with Commissioner Lapsley there will be successful monitoring and enforcement of the agreement. Finally, the commission has assured me that there is no veto in the proposed agreement.

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

**Mr Guy** — On a point of order, Speaker, just to clarify: I do not want the minister to mislead the house, but clause 42 says that there is a veto, unlike what the minister has just pointed out to the house.

**The SPEAKER** — Order! The time for questions without notice has now expired. There is no point of order.

**CONSTITUENCY QUESTIONS**

**Ms McLeish** — On a point of order, Deputy Speaker, on 27 April I asked a question of the Minister for Aboriginal Affairs. I have yet to receive a response, and I would appreciate you chasing that up for me. Also on 24 February and 27 April questions on notice were directed to the Minister for Roads and Road Safety, which have not yet been responded to.

**The DEPUTY SPEAKER** — Order! I will refer those matters — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I will just wait until — —

**Mr R. Smith** interjected.

**The DEPUTY SPEAKER** — Order! Sit down! I have not dealt with the honourable member for Eildon's point of order as yet.

I will refer the honourable member's matters to the Speaker for his attention. Are there any other points of order?

**Ms Asher** interjected.

**The DEPUTY SPEAKER** — Order! He was not returning to his seat at all. I brought honourable members to order.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I am not going to get into a discussion with the honourable member for Brighton on this either.

### **Yan Yean electorate**

**Ms GREEN** (Yan Yean) — (Question 7639) My constituency question is to the Minister for Public Transport, and I ask for information regarding the operational date of the rollout of the keenly anticipated Plenty Valley bus network. I want to express my thanks to the hundreds of local community members who have had their say either online or in person about what they want in local bus services. I also want to thank the staff from Public Transport Victoria for their efforts in listening to and incorporating these views, whether they were from the Whittlesea Combined Pensioners Association, which seeks the return of bus services to Greensborough, or parents who want to spend less time being taxidriviers for their teens or commuters wanting to connect to their stations. All have said they want more bus services more often. The route 381 is already operational. I would like to know when the bus services on routes 382, 383, 384, 385, 386 and 387 will be operating in the Plenty Valley.

### **Warrandyte electorate**

**Mr R. SMITH** (Warrandyte) — (Question 7640) So I am okay to get up now? I am just checking.

**The DEPUTY SPEAKER** — Order! I will sit the honourable member down, and that is my prerogative. I have called the honourable member for Warrandyte. I do not expect backchat from the honourable member

for Warrandyte. I will not put up with it. The honourable member for Warrandyte on a constituency question.

**Mr R. SMITH** — My constituency question is to the Premier. Last week Country Fire Authority (CFA) volunteers at Warrandyte, North Warrandyte, South Warrandyte and Wonga Park in my electorate made it clear that the United Firefighters Union's log of claims for their enterprise bargaining agreement is unacceptable. It diminishes the volunteers' value to their community and gives the union unprecedented power as payback for the union's support for the Premier in the lead-up to the 2014 state election. I ask the Premier: when will he be rejecting the union power grab and starting to treat CFA volunteers with respect?

### **Eltham electorate**

**Ms WARD** (Eltham) — (Question 7641) Thank you, Deputy Speaker. I will be asking my question with respect, which unfortunately is very lacking in those to my right. My question is to the Minister for Housing, Disability and Ageing. Last Monday I held a family violence forum in the warmth of Eltham's mud brick library at which the Minister for the Prevention of Family Violence outlined how the Andrews government is responding to the royal commission's recommendations. I thank her for speaking with my community, and I thank Victoria Police assistant commissioner, family violence command, Dean McWhirter, and my friend and federal colleague Jenny Macklin, MP, for also attending.

One of the issues facing victims of family violence is that many become homeless when they flee an abusive relationship. A number of locals raised this issue at the forum, including Esme from Banyule Housing. My question to the minister is: what will the \$152.5 million allocated in the budget for emergency housing mean for people in the seat of Eltham who become homeless as a result of family violence?

### **Euroa electorate**

**Ms RYAN** (Euroa) — (Question 7642) My constituency question is to the Minister for Finance. What are the government's plans for the abandoned Seymour East Primary School site? Residents of Seymour are becoming increasingly concerned over the state of the old school site. During the last weekend in May a building on the site was damaged by a fire which local authorities, including our Country Fire Authority volunteers, are treating as suspicious. The fire, which is the second to occur at this site in the past 18 months, has caused structural damage as well as smoke damage

throughout the building. The building is falling further into disrepair, and authorities are concerned about what will happen if nothing is done, including the risk of vandalism, further fires and antisocial behaviour such as drug use and squatting.

On the minister's last advice the site had been offered through the first right of approval process, which concluded in April last year with no interest. Given this was over a year ago I urge the minister to provide clarification to the community as to what the government intends to do with the site. The Seymour community has many ideas as to how the site could be used, but at present it is simply going to waste and becoming more of a liability with each passing day.

### Essendon electorate

**Mr PEARSON** (Essendon) — (Question 7643) My constituency question is directed to the Treasurer: what is the latest information on the government social impact bond initiative which was announced in the recent state budget and has the potential to have a major impact on my electorate?

### Caulfield electorate

**Mr SOUTHWICK** (Caulfield) — (Question 7644) My constituency question is to the Minister for Public Transport. Residents in the Caulfield electorate and surrounding electorates like Oakleigh have expressed their concerns to me about how they will be affected by the preliminary level crossing removal works along the Pakenham-Cranbourne line as part of sky rail. I ask: when will the minister show transparency and disclose the works timetable for the Level Crossing Removal Authority's program along the Pakenham-Cranbourne line?

Some residents are not receiving any advice on when works will happen, and others are getting 24 hours or less notice. They can hardly plan their lives on such short notice. Residents have also told me that the noise levels are excessive. Residents need to be able to prepare and request rehousing if possible, and some residents have pets that are reacting badly to the noise being experienced at the moment. First there was zero consultation on sky rail, then there was no debate on sky rail and now there is no information on sky rail.

### Bundoora electorate

**Mr BROOKS** (Bundoora) — (Question 7645) My question is to the Minister for Families and Children. I refer to the failure of the previous Liberal-Nationals government to invest in preschools in my electorate.

Parents and families in my electorate work tirelessly with fantastic early childhood teachers to provide great preschool education for our children. Sadly, the previous government only cut from local children's services and did not invest one cent in new facilities. I note that the Andrews Labor government has already invested over \$60 million in its first two budgets to build new and better kindergartens across the state, which is fantastic news for local preschools. So I ask the minister: how can councils and local preschools in my community apply for capital upgrade funding?

### Brighton electorate

**Ms ASHER** (Brighton) — (Question 7646) My constituency question is to the Minister for Public Transport, and my question is: when will she provide more train services on the Sandringham line? I can advise her that during the evening peak if there is one cancellation or even a significant delay, there are significant problems with overcrowding on the trains. During the morning peak these trains are packed beyond belief. I refer her to a Public Transport Victoria passenger count which shows that between May 2014 and May 2015 there has been a 3 per cent increase in passengers on the Sandringham line and 18 out of 32 trains in the morning peak are classified as overcrowded now on that line. The average per train is 817, which is at the higher end of the scale. Since 2014 hardly any peak services have been added across the network. So my question to the minister is: when can we expect to see increased passenger services on the Sandringham line?

### Frankston electorate

**Mr EDBROOKE** (Frankston) — (Question 7647) My constituency question is for the Minister for Local Government. I have had many concerned local constituents come into my electorate office in Frankston and say that the Frankston City Council wants to charge them to build, repair and maintain their footpaths. My question is: is it the role of local government to build, repair and maintain footpaths and charge the cost to ratepayers? This has recently featured in the local newspaper, on radio 3AW and on *A Current Affair*, so this is a really hot topic in my seat.

The Frankston City Council has written to householders telling them it is financially hamstrung by the state government's rate capping policy and consequently will have to charge them to build the footpaths. The letter states:

Traditionally council has borne all costs associated with constructing footpaths.

It adds that the rate capping policy has forced council to 'reassess its financial ability to provide new infrastructure to the community'. A 3AW listener, Nick, said on air:

Fixing footpaths — surely that's just basic, bread-and-butter work for the Frankston council. It must have been doing that for the least a century.

My constituents look forward to an answer.

### Forest Hill electorate

**Mr ANGUS** (Forest Hill) — (Question 7648) My constituency question is to the Minister for Education. My question is: when will the government address the deficiencies in the facilities at Vermont Primary School by providing funding for the school to rebuild its dilapidated buildings, in particular its main school building? The state government has boasted that under Labor Victoria is to be known as the education state. However, one of my growing state schools, Vermont Primary School, has dilapidated and deficient facilities, particularly in the main school building, which houses toilets, classrooms, the staffroom and the school's administration facilities. The school principal and staff are regularly dealing with a range of significant issues resulting from these inadequate facilities. For example, last week the main girls' toilets were out of action for two days as there was not enough water to flush them properly. This is ironic given that in many other parts of the main building there are excess water issues, with water coming in through the roof any time there is heavy rain. I have raised the matter of the inadequate facilities at Vermont Primary School several times in the Parliament, including by tabling petitions. The school community is very anxious to know what the government is doing to deliver on its election tagline and what, if anything, the school needs to do in order to have these facilities replaced.

**Mr Watt** — On a point of order, Deputy Speaker, with regard to a constituency question from yesterday that the member for Carrum asked. Unfortunately I may have missed it, but I have checked *Hansard* and I note that she asked exactly the same question as the member for Mordialloc, a question which you ruled out of order. I would ask that you or the Speaker have a look at the member for Carrum's question yesterday and rule it out of order on exactly the same grounds.

**The DEPUTY SPEAKER** — Order! I will refer the matter to the Speaker.

## JUSTICE LEGISLATION (EVIDENCE AND OTHER ACTS) AMENDMENT BILL 2016

*Second reading*

### Debate resumed.

**Mr HIBBINS** (Pahran) (*By leave*) — As I was recounting before question time, unlike members of the opposition I am not in possession of a copy of the latest enterprise bargaining agreement, so I am not in a position to debate the enterprise bargaining agreement. Notwithstanding that, this is, I feel, not a matter for the Parliament to necessarily debate but a matter between the Country Fire Authority and the United Firefighters Union. I do not think debating it in this Parliament would actually help the situation at all.

I also take this opportunity to put on the record our commitment to our fireys, particularly referring to the fact that the Greens did put forward a private members bill for presumptive legislation in the last Parliament and the good work that Colleen Hartland in the upper house did on that particular bill. Unfortunately it was voted down by the government at the time. We have a record of standing up for fireys. However, our fire services are there to save lives and to save properties, and I do not think debating this particular item of general business, even though I am very supportive of the need for general business to be debated in this place, would help our fire services; it would only contribute to the ongoing politicisation of this particular matter.

**The DEPUTY SPEAKER** — Order! The Leader of the House has moved that the debate be adjourned until later this day. The manager of opposition business has moved an amendment to the motion to omit all the words after 'until' with the view of inserting in their place 'general business, notice of motion 20 regarding the CFA has been debated'. The question is:

That the words proposed to be omitted stand part of the question.

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

*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
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr

Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Hibbins, Mr  
Howard, Mr  
Hutchins, Ms  
Kairouz, Ms

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

*Noes, 37*

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

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

**Amendment defeated.**

**Motion agreed to and debate adjourned until later this day.**

**Mr Watt** — On a point of order, Speaker, while the bells were ringing and the member for Bentleigh came into the room he made a disparaging comment, which I find personally offensive, and I ask him to withdraw.

**The SPEAKER** — Order! Given that the member is not in the house, the Chair is unable to uphold the point of order. However, the Chair would be happy to follow it up privately.

**Mr R. Smith** — On the point of order, Speaker, the precedence of the house is that members withdraw their disparaging comments when asked. It is nothing short of cowardly of the member for Bentleigh to make these comments and to then scurry out of here because he is too afraid — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte will resume his seat. The Chair had ruled on the point of order, as raised by the member for Burwood. The Chair is unable to uphold the point of order. The member for Burwood will resume his seat.

The Chair did rule on the subject matter and indicated in good faith that the Chair would have a conversation with the member for Bentleigh. I do not believe that the Chair can do much more than that in the absence of the member for Bentleigh. There is no point of order.

**RURAL ASSISTANCE SCHEMES BILL 2016**

*Second reading*

**Debate resumed from May 25, motion of Mr PALLAS (Treasurer).**

**Mr M. O'BRIEN** (Malvern) — While I am pleased to rise to speak on the Rural Assistance Schemes Bill 2016, I do think it is a shame that this house is not debating a far more pressing matter, which is the fate of the Country Fire Authority (CFA) and its 60 000 volunteers. This is a fairly mechanical bill, and it is certainly not as time critical as the fate of our CFA. It is not only a disservice to this house but it is also a disservice to the people of Victoria and to the CFA that the government has chosen to push what is basically an administrative, housekeeping, tidying-up bill onto the government business program, instead of a motion that actually discusses the CFA. While we heard the member for Broadmeadows talk about the importance of this bill, can I say that in terms of its importance to country Victoria, nothing is a patch on the future of our Country Fire Authority. Members opposite should be condemned for their cowardice in refusing to debate the motion placed on the notice paper by the member for Gembrook.

Turning to the contents of the bill itself — —

**An honourable member** — Hooray!

**Mr M. O'BRIEN** — It will be the last cheer, I am sure, you will be giving me today, mate.

The background to this bill is the decision of the former coalition government, in which I was pleased to serve as Treasurer, to divest the Rural Finance Corporation of Victoria's (RFCV) business and loan book to the Bendigo and Adelaide Bank in 2014. The fact that in the state of Victoria the government continued to own a retail financial operation in the 21st century really could be seen as being some sort of historical hangover. The arguments for governments retaining ownership of retail financial arms probably went out at about the time of Karl Marx. Certainly we have seen governments — —

**Mr D. O'Brien** interjected.

**Mr M. O'BRIEN** — I will come to that, member for Gippsland South. We have seen governments of both political persuasions at both state and federal level make the decision to privatise or divest — however you want to term it — government-owned financial institutions to the private sector because, frankly, the job of government is to regulate financial institutions, not to own them. So it was an eminently commonsense idea to divest the rural finance corporation's business to the Bendigo and Adelaide Bank. In fact probably the only people who you could say would be upset by that are Marxists.

Marxists still believe in worker control of the means of production, and so perhaps Fair Work Commissioner Julius Roe might have shed a tear — perhaps the Andrews government policy spirit animal, Roz Ward from the La Trobe University, the founder of the Safe Schools program, might have shed a tear as well — at the privatisation of a retail financial bank from the government sector to the private sector, but just about everyone else saw that it was a long overdue move. Importantly the move freed up significant funds for investment in rural and regional Victoria.

This was the whole purpose of the transaction: to make sure that the state of Victoria could get an excellent outcome in terms of financial return for the sale of the business of the Rural Finance Corporation of Victoria to the Bendigo and Adelaide Bank. But it was more than just about financial returns. It was also about making sure that the people of rural and regional Victoria got a great service and continued to get the same level of service and outcomes and support from the RFCV under its new ownership. That is why I was very pleased as part of the terms of the sale agreement to place key conditions on the sale. Some of those conditions are set out in a press release that I issued with the then Deputy Premier, Peter Ryan, on 5 May 2014.

The conditions that we placed on the sale included that there would be no forced redundancies of employees and that employees would be offered employment with the new owner for a minimum of three years and on no less favourable terms and conditions. A further condition was that Rural Finance Corporation of Victoria products and the brand were to be maintained for a minimum of three years — to have that continuity of what RFCV had done for our rural and regional areas. Also a further condition was that offices or branches in the then current 11 locations operated by RFCV were to be maintained for a minimum of three years, including its head office in Bendigo.

Importantly, we also struck an agreement with the new owner, the Bendigo and Adelaide Bank, that non-commercial programs of RFCV, such as the young farmers finance scheme and the natural disaster relief and recovery arrangement programs, would also be maintained and on the same terms. That was about making sure that we got an excellent financial return for the state of Victoria, but also making sure that the employees of the RFCV, who had done such a great job over many years to build up the business and to build it up into what it was — which is why we were able to achieve such a significant outcome in terms of the price — would be respected and looked after and that their jobs and conditions would be preserved and that the services that the RFCV provided to our farming communities in particular would be maintained right throughout the sale process and beyond.

As I said, we were able to achieve a very significant outcome. While the business and loan book was sold for a gross value of almost \$1.8 billion, the net proceeds amounted to around about \$400 million. As I said, we made a commitment at the time that all those proceeds would be reinvested in rural and regional Victoria. It was not just the \$400 million net proceeds that we were able to secure. Because of the commonwealth government's asset recycling program, by divesting the rural finance corporation we were eligible for an uplift of 15 per cent. We were able to secure not just the \$400 million outcome from the net proceeds but also 15 per cent on top of that, so really a \$460 million outcome for rural and regional Victoria.

Of that \$460 million, we committed at the outset that \$200 million to \$220 million would go towards funding the Victorian government's significant contribution towards the Murray Basin rail upgrade. This has been a long-term important rail project for rural and regional Victoria, one that had been neglected for many years, and as a government the coalition was determined to make sure that it was able to secure the funding to make that long-awaited and much-needed upgrade a reality. By the sale of RFCV we were able to do just that.

One contract, one program, of the former government which the current Andrews government has not ripped up is the Murray Basin rail upgrade. The government was very lukewarm about it for a while, and it now appears it is intending to proceed with it. But I just make the point that all the funding that the state government has put on the table thus far, that \$220 million, was in fact secured and nominated by the former coalition government and through the sale of RFCV. That is a very important project, and I hope that Labor does not drop the ball on the Murray Basin rail

upgrade, as it has done on so many other infrastructure projects throughout rural and regional Victoria.

As I said, we were able to secure a very good financial outcome, with the \$400 million plus the 15 per cent uplift through the commonwealth government asset recycling program. While there was significant interest in the process, most business commentators were very pleased with it or thought the Victorian government had got a very good deal, and the *Australian* on 6 May 2014 noted in an article by Michael Bennet:

Rural Finance has a book value of about \$300m and Bendigo will pay a premium of \$85m.

We got a significant premium over and above the book value of the rural finance corporation, and we were very well advised by our financial advisers in the process, JP Morgan, and I think that was very helpful to us in securing the outstanding financial outcome that we managed to achieve.

It is necessary to set the scene of that divestment of the rural finance corporation to understand this bill in context. What this bill does is establish an office of Rural Assistance Commissioner, wind up the Rural Finance Corporation of Victoria and transfer its assets, liabilities and functions to the rural assistance commissioner, and repeal the Rural Finance Act 1988 and the Young Farmers' Finance Council Act 1979.

While the loan book in the business of the rural finance corporation was sold to the Bendigo and Adelaide Bank, the corporate shell remained with the state. This bill seeks to finally wind up that corporate shell and to transfer its assets and any liabilities it may have to this new office to be created of the Rural Assistance Commissioner. So from that point of view, as I said in my opening remarks, it is a bit of an administrative tidying up bill. To that extent the coalition does not object to those administrative tidy-ups. It is important when a body is being wound up that provision is made should any legal liabilities arise in the future. Part 3 of the bill seeks to do that. Clauses 16 to 21 of the bill vest all property and rights of the rural finance corporation in the new office of Rural Assistance Commissioner and provides that the Rural Assistance Commissioner is the successor in law to the rural finance corporation.

Part 2 of the bill deals with this new body called the Rural Assistance Commissioner. It is an interesting structure because, while the body is termed the Rural Assistance Commissioner, it is actually a corporate entity — there is no person that is the Rural Assistance Commissioner; rather, there is a member of the Rural Assistance Commissioner. I asked at the bill briefing why that was the case. I thank the Department of

Treasury and Finance and the Treasurer's office for facilitating the bill briefing. I asked why, if the corporate entity is called the commissioner, the person who actually does the job is not called the commissioner. The answer that I was given was to the effect that the intention is to make clear that the body is only one person, that it is not to be many people but one person only, and that is why the actual corporate office is called the Rural Assistance Commissioner and why the person who does that job is to be called the member.

The bill provides for the member to be appointed by the Governor in Council. Again there are some slightly unusual provisions in this bill in relation to the appointment. There is nothing unusual about the Governor in Council, on the recommendation of the minister, appointing the member for a period not exceeding five years. The member holds office subject to the act on such terms and conditions that are specified by the order in council.

Clause 13 of the bill provides that that section will apply if a person who is not employed under part 3 of the Public Administration Act 2004 is appointed as the member, and it sets out what may happen there, including providing that the member is appointed on a full-time basis and on such terms, conditions, rate of remuneration and allowances as are specified in the order in council, and is eligible for reappointment. In other words, there are provisions that say if an outsider is to come in and be appointed as the member of the Rural Assistance Commissioner, then that person must be a full-time appointment and receive the remuneration and terms that are set out in the order in council.

The bill also provides that somebody who is, for example, a departmental secretary or potentially somebody else within the public service — somebody who is employed under part 3 of the Public Administration Act 2004 — could be appointed as the member. Now, presumably if such a person — say, for example, a departmental secretary — is appointed as the member, they do not receive any additional remuneration et cetera. So what we do not understand, because it is not clear on the face of the bill, is why if an outsider to the public service is appointed to this role of the member of the Rural Assistance Commissioner, it must be on a full-time basis. It seems to be an office which is being created with the prospect that a departmental secretary can do it as an adjunct, so why would it be the case that if somebody from outside the public service is being appointed to it, it has to be on a full-time basis with the statutory entitlements, pay and

conditions that attach to a full-time office? You can only suggest —

**Mr Angus** — Labor mates.

**Mr M. O'BRIEN** — as the member for Forest Hill intemperately interjects —

**Mr Walsh** — Again.

**Mr M. O'BRIEN** — again! — that this is a set-up for a Labor mate to be appointed to a cushy gig in the public service. This is a gravy train provision so that a Labor mate can be appointed and get their snout right into the trough, because why else would you say that it is perfectly fine for a departmental secretary to do this job in their sleep for no additional revenue, no additional income, no additional remuneration, but if anyone else gets appointed, it must be on a full-time basis and it must carry all the terms, conditions, rewards, remuneration and income that attach to a full-time office? This is so clearly a job for Labor mates. We will be very interested to see who Labor winds up appointing to this role of the member of the Rural Assistance Commissioner.

I wonder which people in the rural and regional agricultural sector might be coming to the end of their terms in the near future. Who might be looking for a new job? Well, I would not want to speculate but you have to say that there are some people who have been very keen to get selfies taken with the Minister for Agriculture and you wonder whether they have not been paving the way for later opportunities to serve. I will leave the point at that, but it does bring this entire provision into disrepute. The government is clearly setting up a cushy, publicly funded gig for a Labor mate, because there is no other reason and no other excuse for why the treatment of somebody from outside the public service in this role would be so different from the treatment of somebody inside the public service.

What is also clear in this bill is that the member is subject to the 'specific direction of the minister', and if the member is not the secretary, the commissioner:

must perform its functions and exercise its powers under the general direction and control of the secretary.

That is in clause 10 of the bill. So let us not pretend for a single second that this grandly titled Rural Assistance Commissioner is going to be any sort of advocate body for rural and regional Victoria. This is going to be a public service position completely under the thumb of the minister and the secretary. This is not an advocate for country Victoria. This is not an advocate for rural

and regional Victoria. This is going to be a job for a Labor mate who will act in accordance with the directions of the minister and the secretary of the department. This is not about helping country Victoria at all.

In fact it was confirmed in the bill briefing that this is not an outward-facing body; this is to be an internal body. It says in clause 7 of the bill:

The object of the Rural Assistance Commissioner is to administer, facilitate and provide services and advice in relation to rural assistance schemes —

but not to the farmers who might actually need them, not to the people in rural and regional Victoria. No, this is to be a bureaucratic liaison within the Victorian government, between the Victorian government and the commonwealth government, and between either of those governments and organisations such as the Bendigo and Adelaide Bank, which, for the time being, administers on the ground a number of the rural assistance schemes that are currently in operation and potentially may come into operation in the future.

So this is a perfect example of Labor's spin doctors being at work, giving this new bureaucratic body the title of Rural Assistance Commissioner to make it sound as though the member will be someone there to work for and with farmers in our rural communities, when in fact the member will be entirely subject to and dependent on the whims of the minister of the day and the departmental secretary and will have no role in proactively getting out there and assisting rural Victoria and our farming communities.

Under the coalition government we had ministers who actually understood rural and regional Victoria. We had a government which established a \$1 billion Regional Growth Fund, which members opposite scrapped — which they cut. They took away a billion dollars from rural and regional Victoria — a billion-dollar cut. They took away the \$160 million country roads and bridges program. This is a government that has done nothing but cut rural and regional — —

**Mr Donnellan** — On a point of order, Acting Speaker, I encourage the member to get back to the bill, instead of his ranting and raving and forgetting about the actual history of what this was all about. This bill is actually there to fix up the administrative muck-up under him.

**The ACTING SPEAKER (Ms Thomson)** — Order! There is no point of order.

**Mr M. O'BRIEN** — This is supposed to be about assisting rural assistance schemes. I will tell you what does not assist rural Victoria — cutting the \$1 billion Regional Growth Fund. I will tell you what does not assist country Victoria — cutting the \$160 million country roads and bridges program. I will tell you what does not assist country Victoria — spending to fix bridges in Mulgrave in the Premier's own electorate. Mulgrave is closer to VFL Park than it is to dairy country. This is a disgraceful — —

**The ACTING SPEAKER (Ms Thomson)** — Order! The member is now straying, and I ask him to come back to the bill.

**Mr M. O'BRIEN** — It is disgraceful that this government would come in here with a pathetically titled bill called the Rural Assistance Schemes Bill, when it has done nothing but hurt rural Victoria since it has come to office. It has done nothing but take money away from country Victoria, from rural and regional Victoria. It has done nothing but attack rural and regional Victoria. The absolute fraud of this Labor government when it comes to anything beyond the tram tracks needs to be exposed.

As much as members opposite will hate it, I am happy to put on the record all of the cuts that these members have made to country Victoria and rural and regional Victoria. That is why this bill should be seen for the sham that it is — and it is an absolute sham — because this is not about assisting rural and regional Victoria one iota. It is about making sure that Labor can appoint another Labor mate to a cushy public service job. That is what it is all about — another Labor mate to a cushy public service job!

Will this Rural Assistance Commissioner argue for the reinstatement of the billion-dollar Regional Growth Fund that members opposite cut? No, it will not. Will this Rural Assistance Commissioner stand up for the reinstatement of the \$160 million country roads and bridges program? No, it will not. Will this Rural Assistance Commissioner stand up for not spending money destined for country roads and bridges in the Premier's own metropolitan, suburban electorate of Mulgrave? No, it will not.

We have a government led by a Premier who is happy to rip off country Victoria and spend the money in his own backyard. That is a disgraceful act by a Premier who does not care about country Victoria. He was happy to go up there during the election campaign. He put on the moleskins. He had the R. M. Williams boots on. He had everything except an Akubra and a bit of

straw between his teeth, trying to pretend that he was a son of country Victoria.

**The ACTING SPEAKER (Ms Thomson)** — Order! A point of order. The member will take his seat.

**Mr M. O'BRIEN** — Oh no. Try to shut me down, will you? Try to shut me down.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member will resume his seat.

**Mr Donnellan** — On a point of order, Acting Speaker, I am most concerned that the member for Malvern is getting quite demented in his rantings and ravings. I would encourage you to bring him back to the bill.

**The ACTING SPEAKER (Ms Thomson)** — Order! In this case I do uphold the point of order, and I ask the member for Malvern to return to the bill.

**Mr M. O'BRIEN** — I will not take the psychological advice of the minister at the table, who lives in Fitzroy, but apparently believes he can represent Narre Warren North.

**The ACTING SPEAKER (Ms Thomson)** — Order! On the bill, please, member for Malvern.

**Mr M. O'BRIEN** — If anybody needs not only psychological advice but a *Melway*, it is the minister for roads and ports.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member will return to the bill.

**Mr Donnellan** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The Minister for Roads and Road Safety!

**Mr M. O'BRIEN** — This is a bill which is an absolute sham. It is an absolute sham because it does nothing to actually support rural and regional Victoria. It is about spin over substance. It is about trying to cover up the outrageous cuts to rural and regional infrastructure that this government has made from the second it was sworn into office. This is an administrative bill which simply allows for the wind-up of a corporate shell and the transmission of the assets and liabilities to this new office. We understand that currently the rural finance corporation shell has one employee. It has, we think, one desk, maybe one phone, maybe one laptop computer and maybe one car, and that is it. So we are not talking about a very significant role here at all, yet this government sets up in the

mechanics of this bill the opportunity to appoint a Labor mate to a full-time snout-in-the-trough cushy gig.

This tells you all you need to know, Acting Speaker, about this bill and about this government. It is far more interested in looking after Labor mates than it is in looking after country Victoria. It is a government which believes that looking after the United Firefighters Union boss, Peter Marshall, is more important than looking after 60 000 CFA volunteers who actually put their lives on the line to support rural and regional Victoria.

We know what country Victoria needs is proper investment. It needs a fair share. Acting Speaker, remember when it came to the lease of the port of Melbourne, members opposite wanted to limit it to 3 per cent of the proceeds. That is what they did. They stood up in this place and they voted for a bill which provided 3 per cent of the proceeds of the lease of the port of Melbourne, a port built on the work of rural and regional Victoria, built on the agricultural exporters of rural and regional Victoria. They stood up in this place and they voted against our amendments and for a bill that ripped country Victoria off. That is what they did: they voted for a bill to rip off country Victoria. It took the Liberal and National parties in coalition together with the community, through the upper house inquiry process, to expose the rip-off of rural and regional Victoria that members opposite tried to impose on our country cousins.

We all remember the rhetoric coming from the Treasurer. We all remember the rock-hard deadlines, the macho man imitation. He was going to stare us down. He was going to bring on the vote. He was rock solid.

**Mr Walsh** interjected.

**Mr M. O'BRIEN** — He was rock hard, Leader of The Nationals. Political viagra is apparently — —

**Mr Donnellan** — On a point of order, Speaker, it looks as if the member for Malvern has now gone mining. I would encourage him to come back to the Rural Assistance Schemes Bill and move away from mining.

**The ACTING SPEAKER (Ms Thomson)** — Order! I do not uphold the point of order, but I do ask the member for Malvern to return to the bill.

**Mr M. O'BRIEN** — The government has a disgraceful history of ripping off rural and regional Victoria, whether it was through the port lease, which members on this side of the house forced the

amendment of to ensure that rural and regional Victoria got a fair share of the proceeds; whether it was through the abolition of the billion-dollar regional growth fund; whether it was through the abolition of the \$160 million country roads and bridges program; or whether it was through the diversion of funds from regional roads to the Premier's suburban electorate. Members opposite have got no credibility when it comes to country Victoria, particularly given their latest disgraceful attempts to kill the CFA as we know it.

This bill is just another example in the very long and sad history of the Andrews Labor government and the left-wing ideologues who are running it doing everything they can to do over regional and rural Victoria. They can create all the administrative quangos they want, they can create any number of bureaucratic positions — cushy jobs for Labor mates — and give them titles like Rural Assistance Commissioner, but we know that this bill is not about assisting rural communities at all. This is a bureaucratic position; it is a bureaucratic liaison within the government. It is under the thumb of the Minister for Agriculture and it is under the thumb of the Secretary of the Department of Economic Development, Jobs, Transport and Resources, and therefore it has no independence, it has no advocacy role and it will do nothing out there to actually support rural and regional Victoria.

It is quite clear, when we look at the record of this Andrews Labor government since coming to office — the cuts, the disrespect, the turning of its back on rural and regional Victoria — why the government is not prepared to give this body of Rural Assistance Commissioner any teeth, any authority or any autonomy whatsoever. It is there in clause 10 of the bill, 'Directions', that it is subject to the direction of the minister and the secretary. This is a piece of window-dressing by a Labor government deeply embarrassed about its cuts to programs and infrastructure in rural and regional Victoria.

The other question is: where has the rest of the RFCV proceeds gone? While the government says it is going to continue with the Murray Basin rail project, where is the rest of the \$460 million? It has gone missing. Labor has taken that money; it has ripped it off and it will not account for it. This government needs to come clean and tell rural and regional Victoria what it has done with the rest of the proceeds of RFCV. Where is that money? We need to see it invested in rural and regional Victoria.

**Ms GREEN (Yan Yean)** — I join the debate on the bill before the house, following the member for Malvern, the failed Treasurer of this state — very short

term; one of the shortest term treasurers the state has had. He started his contribution by saying that there was really no need to debate this bill; we should be debating something else — nothing to see here. He had a 30-minute rant of pathetic double entendre references in relation to the Treasurer, a rehash of the potty-mouthed giggling of all the angry little men on the other side of the house that we saw a few months ago. Those opposite have rehashed the double entendres about rocks and things like that that they were making a few months ago in relation to the port. He said there is nothing to see here.

In the member for Malvern's last 30 seconds he said we should be embarrassed; well, I know he is embarrassed. He should be embarrassed about this bill. He tried to say that some sort of Marxist ideology was limiting our commitment in relation to this. We are on the public record; we have no problem with asset sales — absolutely no problem at all. But what sort of person sells off a \$400 million-plus asset without going to the market? What sort of person does not take it to an election, does not have it in policy and does not discuss it with rural stakeholders? He was a city-centric Treasurer who was absolutely panicked about the finely balanced nature of the Parliament and the government that he was part of.

His government's members were panicked about not having a war chest to make promises to regional Victoria, because everyone knows that they had done nothing in the time that they had been on the government benches — there was nothing to see. The then Treasurer was part of a rush to finally build one project that had a very poor cost-benefit ratio for the Victorian people — just one. Then Labor discovered when it got into government that he had written this appalling side letter. He talks about other people's probity and jobs for mates.

What on earth was the Treasurer of the state doing selling off a state asset that had been there for rural and regional Victorians for decades without putting it to the market, with no consultation with the community and with no concern about the community service obligations that had always been part of this organisation? There was none of that.

He claimed that those who were opposed to the sale were Marxists. Peter Tuohy and the Victorian Farmers Federation (VFF) — are they the Marxists that the member for Malvern talks about?

There were a number of people who made comments. One was Warwick Long on ABC Rural online on

6 May, which carried the headline 'Rural finance clients worried about sale'. It states:

Nathalia dairy farmer Chris Brooks says privatising the corporation will irreversibly change its culture.

Is Chris Brooks a Marxist? Mr Long goes on to say:

Now that the corporation will be privatised, farmers say they need to know if the current system will remain.

Vice-president of the Victorian Farmers Federation and Murra Warra farmer, David Jochinke, is a client of Rural Finance.

'They've helped me really get myself established on our farm here.'

He says he isn't sure what will happen with a privatised Rural Finance, but a new way of handing out grants might be developed.

'You would think that it should go out to tender to perhaps let other people have a go at it.'

Is that VFF spokesperson and Murra Warra farmer the Marxist that the member for Malvern referred to? Or is the chairman of Rabobank for Australia and New Zealand, Bill Gurry, the Marxist? Rabobank was willing to tender for this business. Do we know whether we even got value for money?

**Ms Staley** — On a point of order, Speaker, the member for Yan Yean has been speaking for over half of her allotted time and is yet to refer to either the title of the bill or a single clause. I ask you to ask her to actually address the topic at hand.

**The ACTING SPEAKER (Ms Thomson)** — There has been a very broad debate in this house, and I have been very lenient to the member for Malvern in relation to that but I draw the member for Yan Yean back to the bill.

**Ms GREEN** — I said at the outset that this bill was a necessary administrative follow-up. The objective of the bill is to improve the administration of Victorian and commonwealth financial assistance schemes for rural communities by establishing the Rural Assistance Commissioner and transferring the remaining assets, liabilities and functions of the Rural Finance Corporation of Victoria to that body. The bill also winds up the Rural Finance Corporation of Victoria, which the previous speaker, the member for Malvern, who was the architect of this change, had failed to do. He left in place a full board administering one person, so it has been necessary for the government to introduce this bill.

I would like to ask: where were The Nationals in this? We never hear from them in government. They are just

quiet and comfortable driving around in those white cars. It is all right for them so it must be all right for regional Victoria. The previous speaker had to refer to the \$1 billion rural fund which the Auditor-General found had only half a billion dollars in it. That fund was a catch-all; it was not just an additional body to add funds to regional Victoria. It funded hospitals and health and education that should be funded out of general government revenue. Every part of the state should expect to have those services. A specific regional fund should be about economic development and support for regional communities above and beyond the usual business of government.

As I said, this government has no problem at all with asset recycling. We had a process to go through, and we took a similar approach with the board. However, that had government scrutiny. There was consultation, unlike what those opposite did with the Rural Finance Corporation of Victoria.

We on this side of the house are not going to come in here and have a rant and throw out the double entendres and the accusations of Marxism. I quote from an article by Malcolm Maiden in the *Age* of 10 May 2014. In the conclusion of his long article about this sale he questioned why there had not actually been the second option of an open tender, which would have given certainty about the sale price. It would have taken a little longer, and it would have run beyond the pre-election Victorian budget. There is the kicker. That is what it was about: it was about getting the money into the pre-election Victorian budget so they could get out there with their war chest. It was not actually about getting best value for the taxpayer and certainly not the citizens of rural Victoria.

Malcolm Maiden concluded:

Still, the deal needs scrutiny. Michael O'Brien says his department has confirmed that the highest standards of probity were in place but —

Malcolm Maiden asked —

why was a wider auction not conducted? Was politics a factor? Was the government indulging in industry and state planning?

It seems that Malcolm Maiden was actually questioning whether the member for Malvern was indulging in state planning in the way that maybe a Marxist would. So if the member for Malvern is going to throw accusations about Marxists around, maybe he might actually refer to some previous commentary about himself that actually implied that. I commend the bill to the house. We are cleaning up the mess left by those opposite.

**Mr WALSH** (Murray Plains) — I rise to make a contribution to debate on the Rural Assistance Schemes Bill 2016. I am not going to be lectured by the member for Yan Yean about anything to do with country Victoria. The member for Yan Yean is the one who has abandoned the Country Fire Authority (CFA). She spoke up passionately about the CFA 420 times before the dispute was there and where is she now? Absolutely mute — gagged by the Premier.

**Ms Green** — On a point of order, Acting Speaker, the member for Murray Plains has wrongly asserted that I have abandoned my commitment to the Country Fire Authority and been gagged. I take deep offence at that. I ask him to withdraw. I included in my adjournment debate last night why I have spoken very infrequently this year. It is because I had a hysterectomy on 19 April. I ask the member to withdraw.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Murray Plains is to withdraw.

**Mr WALSH** — I have not done anything.

**The ACTING SPEAKER (Ms Thomson)** — Order! The practice in this house is that if a member takes offence, the member will withdraw. I ask the member for Murray Plains to withdraw.

**Mr M. O'Brien** — On the point of order, Acting Speaker, the member for Murray Plains, the Leader of The Nationals, put on the record the number of times the member for Yan Yean had referred to the Country Fire Authority prior to the CFA enterprise bargaining agreement (EBA) dispute and then referred to the number of times that the member for Yan Yean had referred to the CFA after the CFA EBA dispute had begun. That is a matter of public record. The fact that the member for Yan Yean may be embarrassed by those matters being put on the public record and being amplified by the member for Murray Plains is absolutely no basis for the member for Murray Plains being required to withdraw. Otherwise, is reading matters from *Hansard* — —

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Malvern can take his seat. I have spoken to the Clerk in relation to this matter, and I will refer the matter to the Speaker.

**Ms Green** — I am sorry, Acting Speaker, the Speaker should be called — —

**The ACTING SPEAKER (Ms Thomson)** — Order! I advise the member for Yan Yean that we are calling the Speaker.

**The DEPUTY SPEAKER** — Order! I have just been briefed by both the Acting Chair and the Clerk in terms of what has been going on. My understanding is that the honourable member for Murray Plains made a statement. The honourable member for Yan Yean has asked for that statement to be withdrawn. It is normal custom of the house that the honourable member who is asked to withdraw withdraws the comment. I would seek the assistance of the honourable member for Murray Plains to withdraw the comment as requested by the honourable member for Yan Yean.

**Mr WALSH** — Deputy Speaker, I said no more than was said in question time yesterday, and there was no offence taken at that time. I do not believe there should be offence taken at this time.

**The DEPUTY SPEAKER** — Order! What happened yesterday is irrelevant to what has happened today. The honourable member for Yan Yean has taken offence today. It has occurred as soon as the statement was made. It is therefore the appropriate process to ask the honourable member who has made the statement to withdraw. I again ask, respectfully, if the honourable member for Murray Plains will withdraw.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! There is no point of order. I am asking the honourable member — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I am not going to ask for advice from honourable members on my left. I am having a discussion with the honourable member for Murray Plains. I am asking him respectfully to withdraw.

**Mr WALSH** — Deputy Speaker, I am not going to withdraw.

**Mr M. O'Brien** — On a point of order, Deputy Speaker, your words when you came into the chamber were that you have been briefed by the Acting Speaker and one of the clerks on what happened. So I understand that you did not hear the exchange yourself. You were not in the chamber yourself. You have not indicated that you were in your office listening to what happened. You have not taken up the opportunity when the manager of opposition business, or indeed I, rose to take points of order, or indeed given the member for Murray Plains the opportunity to explain what happened.

The fact is the member for Murray Plains put on the record publicly available facts about the member for Yan Yean, about the number of times she had referred to the CFA prior to the CFA enterprise bargaining agreement dispute and the number of times she has referred to them subsequent to the commencement of that dispute. While those facts may be embarrassing or awkward for the member for Yan Yean, if members of this house are now to be barred from referring to objective, identifiable facts contained in the *Hansard* of this place, then democracy is dead in this place.

Deputy Speaker, you should have heard from members before inviting the Leader of The Nationals to take any action given that you did not hear it yourself. You have not heard from members who are in the chamber on this side of the house, and it would be an absolute farce if objective facts contained in *Hansard* cannot be referred to in this house because certain members find them awkward or embarrassing.

**The DEPUTY SPEAKER** — Order! There is no point of order. I was briefed by both the Acting Chair and by the Clerk, who were in the chamber, and in actual fact it was confirmed by the honourable member for Murray Plains that he is not going to withdraw. That is the question, because a member of the house — —

**Mr R. Smith** interjected.

**The DEPUTY SPEAKER** — Order! I will not take backchat. This is a very serious matter.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! Unless the honourable member for Murray Plains takes — —

**Mr R. Smith** — You have lost control!

**The DEPUTY SPEAKER** — Order! I have not lost control; I will be starting to throw out members quite shortly.

**Debate interrupted.**

## SUSPENSION OF MEMBER

### Member for Murray Plains

**The DEPUTY SPEAKER** — Order! The honourable member for Murray Plains has said that he is not going to withdraw, so under standing order 124 I ask him to leave the chamber for 30 minutes.

**Honourable member for Murray Plains withdrew from chamber.**

**RURAL ASSISTANCE SCHEMES BILL 2016***Second reading***Debate resumed.**

**Mr R. Smith** — On a point of order, Deputy Speaker, I took offence at some of the comments the member for Eltham made earlier. Can you please ask her to withdraw them?

**The DEPUTY SPEAKER** — Order! I seek the assistance of the honourable member for Eltham to withdraw.

**Ms Ward** — I withdraw, Deputy Speaker.

**Ms THOMAS** (Macedon) — It is my pleasure to rise today to speak on the Rural Assistance Schemes Bill 2016, a bill that has been brought to the house by the Treasurer and the Minister for Agriculture. The objective of the bill is to — —

**The DEPUTY SPEAKER** — Order! The honourable member for Warrandyte on a point of order. If it is a frivolous point of order, I will deal with it.

**Mr R. Smith** — On a point of order, Speaker, I am finding what the member for Macedon is saying offensive. I ask her to withdraw the statement.

**The DEPUTY SPEAKER** — Order! There is no point of order. The honourable member for Macedon, to continue.

**Ms THOMAS** — Thank you, Deputy Speaker. As I was saying, the objective of the bill is to improve the administration of Victorian — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I am not going to have this disruption. I will suspend the house for 1 hour for lunch.

**Sitting suspended 12.57 p.m. until 2.03 p.m.**

**Ms THOMAS** — I was speaking on the Rural Assistance Schemes Bill 2016, a bill that has been brought to this house by the Treasurer and the Minister for Agriculture. The objective of the bill is to improve the administration of Victorian and commonwealth financial assistance schemes for rural communities by establishing the Rural Assistance Commissioner and transferring the remaining assets, liabilities and functions of the Rural Finance Corporation of Victoria (RFCV) to the Rural Assistance Commissioner.

This bill is necessary because the coalition government held a panicked fire sale of the rural finance corporation after a cash grab, and as we know, the coalition government did not put this sale out to tender. When it announced the sale of the rural finance corporation the coalition had no long-term plan for future delivery of rural assistance programs like drought and flood support. It is important to put on the record that the Andrews government does not have a problem at all with asset recycling, but it needs to be done carefully and thoughtfully.

When the coalition government announced the sale of the rural finance corporation's loan book serious questions were raised about the integrity of the process. What we saw under the previous government was no scrutiny, no consultation and no competitive tender process despite the significance of this asset. If the coalition had at that time bothered to talk to farmers and regional communities, it would have found that there were serious concerns about this decision. Almost no thought was given to the ongoing needs of rural communities experiencing hardship and the state's responsibility to help. Because of the laziness and incompetence of the previous government and because of the way in which it has successively treated regional communities, and that is with scant regard, we now have a whole board of directors left on the state's payroll to administer the actions of a single employee in the shell that was left of the rural finance corporation.

If we turn to some details of the proposal, the objectives of the bill are: to create a new principal act that will provide for a new statutory body, the Rural Assistance Commissioner; provide the Rural Assistance Commissioner with the necessary objects, functions and powers to administer state and commonwealth rural schemes of assistance or other schemes on behalf of the state of Victoria; facilitate the transfer of property rights and liabilities of the Rural Finance Corporation of Victoria to the Rural Assistance Commissioner as the rural finance corporation's successor in law; make provision for land held as security by the RFCV's successor to be recorded in the register by the registrar of titles in the name of the RFCV's successor on behalf of the Crown; provide the Rural Assistance Commissioner with the power to delegate to secretaries of other departments any of its functions in relation to rural schemes of assistance; and finally to repeal the Rural Finance Act 1988 and the Young Farmers' Finance Council Act 1979.

I am pleased that during the development of this bill the Department of Treasury and Finance consulted with all relevant departments and Land Victoria. As I was saying previously, this bill has had to be brought in to

address the short-sightedness of the previous government and its failure to really think through what it was doing when it sold off the rural finance corporation. I suppose some of the issues that this has given rise to have really come to light under this government's term in office as it has worked assiduously with empathy and compassion to address the needs of farmers in regional Victoria, who have been crippled by devastating drought conditions. Most recently, through no fault of their own and despite being very efficient here in the state of Victoria, but because of some really poor management decisions taken by both Murray Goulburn and Fonterra, our dairy farmers have found themselves almost literally on their knees regarding what was once a very proud industry here in Victoria and what, I might add, will continue to be one. However, our dairy farmers require assistance here and now and our grain growers require assistance here and now, and part of what this bill seeks to achieve is ensuring that we have the mechanisms right, both in the short and long term, for continuing to provide assistance, most notably through the now privatised rural finance corporation concessional loans to those farmers.

The Minister for Agriculture and indeed the Premier have been very decisive in the support and assistance that they have provided to our farmers and very timely in the way in which they have provided packages of support, as I said, particularly to address those affected by drought and most recently those impacted by the crisis in our dairy industry.

A number of weeks ago I had the opportunity to travel to Coonoor Bridge Wind Farm, up near St Arnaud. I travelled there at the request of the Minister for Energy, Environment and Climate Change, and it was fantastic to meet with farmers in that part of Victoria who have been negatively impacted by the effects of drought. It was great to talk to them about the possibilities and potential that wind energy has for them as an alternative and regular income stream to help tide them over things like drought. When I was at the opening of that wind farm, I have to tell members, it was like being at a country wedding. It was fantastic. There were hundreds and hundreds of people there. Because of the way Windlab has structured the ownership model of the wind farm, it was something that the whole community could come together to celebrate.

I might say that one point was noted to me on that day when I was up there, as I said, representing the minister for energy, who often invites me to represent her in regional Victoria because of the abiding passion that I have for renewable energy. I was there, as I said, with hundreds of people, and as has been pointed out it was

in fact in the electoral district of Ripon, but do you think there were any coalition MPs there? No, there were not. I just make that point, and the point was raised with me. I was thanked by the farmers that were there on that day for taking the trouble to travel to that opening and to be there to celebrate with them this alternative income stream and the largest wind turbines now in Australia. They were really celebrated by everyone that was there.

I might say too, as the granddaughter of both a dairy and beef cattle farmer, it is always great to stand in this place and to have the opportunity to talk on bills that are in the interests of rural Victorians, and farmers in particular. I recall as a young girl assisting my grandfather with milking. But Grandad got out of dairying back in the 70s, I think it was, and got into beef cattle, because that was at a time when the co-ops were going through huge changes and the price was very difficult. These things are cyclical. We need to stick by our dairy farmers, we need to stick by our grain growers and we need to ensure that this bill is supported. I know that this government will continue to provide the support that regional Victorians look for and expect.

**Mr PESUTTO** (Hawthorn) — I move:

That the debate be now adjourned.

I do so because in question time today the Minister for Industrial Relations told this house, and I quote:

This morning I spoke to the president of the Fair Work Commission, Iain Ross, to seek assurances that their recommendation to protect the role of volunteers, improve diversity and underpin better fire services ...

She went on to say:

Have no doubt, this government, unlike those opposite, closes agreements. This one will be resolved. The role of the volunteers will be protected. Diversity will be improved and, most importantly, Victorians will have a better fire service. President Ross assured me that the proposed agreement will improve diversity in the CFA.

Well, Speaker, I too have spoken to Iain Ross. I spoke to him not more than 20 minutes ago, and do you know what he told me, Speaker? He told me that he never said such things to the Minister for Industrial Relations.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Bass. I also warn the Leader of the Opposition. The Chair is on his feet. The rules apply not only during the course of question time but throughout the day. When the Chair is on his feet, all members shall remain silent.

I caution members that the Chair will proceed to withdraw members should they interject or not be silent whilst the Chair is on his feet.

**Ms Allan** — On a point of order, Speaker. To think the member for Hawthorn used to get paid by the minute for his job, hey? The member for Hawthorn is trying — —

*Honourable members interjecting.*

**Ms Allan** — I hardly need your advice.

**The SPEAKER** — Order! The Leader of the House will make a point of order succinctly.

**Ms Allan** — Well, Speaker, the member for Hawthorn has asked for the debate to be adjourned — —

*Honourable members interjecting.*

**Ms Allan** — I am getting to it. Just wait. Calm down. I know you have all been drinking Red Bull over there.

**The SPEAKER** — Order! The Leader of the House will resume her seat. The Chair has requested of the Leader of the House that the Leader of the House come to making the point of order. Members of the opposition will allow the Leader of the House to succinctly make the point of order.

**Ms Allan** — Now, Speaker, the member for Hawthorn in moving that the debate be adjourned has started to accuse the Minister for — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the House will make the point of order.

**Ms Allan** — I am trying to, Speaker. The member for Hawthorn in moving that the debate be adjourned has started to go down a path of accusing the Minister for Industrial Relations — —

*Honourable members interjecting.*

**Ms Allan** — Oh, heavens! Speaker, I am trying to make my point of order. The member for Hawthorn accused the Minister for Industrial Relations of misleading the house. Can I suggest to you, Speaker — you know the standing orders very well — that there are appropriate mechanisms through the standing orders for a very serious allegation like that to be appropriately and properly dealt with by this chamber. I suggest that you counsel the member for Hawthorn that, if he

chooses to go down this path, he check the standing orders to find the appropriate way to raise these matters before the house and that he therefore be asked to cease his attack on the Minister for Industrial Relations, be asked to stop going down this path — —

**An honourable member** interjected.

**The SPEAKER** — Order! The Chair has heard sufficient. There is no point of order.

**Mr PESUTTO** — We need to interrupt the business of this house to discuss a grievous breach of the rules and the oath that each member of this place swears to tell the truth. We have had a minister of the Crown tell this house that she had spoken to Fair Work — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair ordinarily would not stop the clock during this type of debate. However, it is difficult to proceed because it disenfranchises other speakers that follow as well. But if this is to proceed, the Chair will choose and can choose to stop the clock.

**Ms Allan** — On a point of order, Speaker, I simply renew my previous point of order and ask you to counsel the member — —

*Honourable members interjecting.*

**Ms Allan** — I did not know you had so many helpers over there, Speaker — you must feel very lucky. I ask that you counsel the member for Hawthorn that the approach he is taking is not the appropriate one for raising serious matters like this and that you ask him to desist from attacking the Minister for Industrial Relations in such a way.

**The SPEAKER** — Order! There is no point of order.

**Mr PESUTTO** — In the time I have left all I want to say is that we have never seen a breach like this.

**Ms ALLAN** (Minister for Public Transport) — In speaking against the motion moved by the member for Hawthorn to adjourn the debate, I simply say — and I am at risk of repeating comments I made in the house earlier today — that the government has a number of important bills to go through. As I understand from the whip, there are still many members on both sides of the Parliament who wish to discuss the Rural Assistance Schemes Bill 2016, and of course there are still many members of this place who would like to debate the budget.

We have seen all week a campaign of stunts and a campaign of misinformation led by the Leader of the Opposition and from all the way through the Liberal Party and all the way through the National Party. Members opposite have tried to use volunteers in the Country Fire Authority as a political campaigning tool. They have come in here and asked question after question of the Premier and not even given him the courtesy of allowing him to answer those questions. I am sure there would have been many members of this house and indeed the community who would have liked to have heard the answers the Premier was wanting to put to those questions, because he was clearly dispelling the campaign of misinformation and lies that has been put about by those opposite on this issue.

Those opposite have spent all week shouting. They have spent all week shouting, beating their chests, carrying on and hiding behind the volunteers and using them as a political tool. We will not stand for that. We have business of the house that we would like to continue with — business of the house we understood members wanted to talk about. As I said, the Rural Assistance Schemes Bill plus the budget are debates to which I think many members on this side would still like to make contributions. Those opposite are trying to gag the debate on the budget.

We know why they want to gag debate on the budget — it is a great budget, it is a fantastic budget, and they have not even bothered in the sitting weeks since the budget was handed down to ask the Treasurer one single question on it. I do not know what is going on over there, but they have not even bothered — the shadow Treasurer, the member for Malvern, must keep getting rolled in the tactics meetings, because they have not even bothered to ask one single question about the budget. We reject that approach.

We do want to get on with issues like the Rural Assistance Schemes Bill and the budget. These are the things before the house today that are important. The serious matters, as I said — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the House, to continue in silence.

**Ms ALLAN** — Allegations are being made by the member for Hawthorn. The member for Hawthorn likes to strut around this place as the chief legal counsel for the entire Parliament and perhaps the entire state, but he should know that there are appropriate forms in the standing orders for those sorts of things to be dealt with. If members opposite want to have a proper debate, we

will happily have a proper debate. We will have a proper debate, and who knows? We might even go to other matters that are on the notice paper, issues like what happened down at Fishermans Bend. I am sure the Minister for Planning would love to go to the issue of what went on down there at Fishermans Bend.

**Ms Staley** interjected.

**The SPEAKER** — Order! The member for Ripon will have her opportunity next.

**Ms ALLAN** — We have seen this week in the papers allegations around who the potential beneficiaries were of rezoning decisions that went on down there at Fishermans Bend. I know that those opposite are going to continue — —

*Honourable members interjecting.*

**Ms ALLAN** — I know that they are going to continue shouting. Those opposite seem to think that he who shouts the loudest wins the day. As we know, that is so sadly true. I urge the house to continue with discussion.

**Mr T. Smith** interjected.

**The SPEAKER** — Order! I warn the member for Kew. The member will not be warned again. The Chair wishes to refer — in light of the current atmospherics, shall we call them — to *Rulings from the Chair*:

The Speaker ruled that when it appears to the Chair that there is an intent to deliberately time waste, or if it appears that the point of order will take so much time that it will deprive a member of his rights, the Chair may decide to stop the clock.

The Chair will take a very impartial position on the subject matter and will apply this ruling accordingly in the current debate.

**Mr GUY** (Leader of the Opposition) — To paraphrase the words of Kerry Packer, ‘You only get one Natalie Hutchins in your career’. I give the minister 10 points for confidence but zero points for competence. Let us be pretty clear about what the Minister for Industrial Relations told this house and the people of Victoria in question time today. She said she had spoken personally to the head of the Fair Work Commission and that he had provided her with assurances that the proposed agreement will not give a veto power or indeed hinder diversity in the Country Fire Authority (CFA) because of the government’s flawed and discriminatory attack on the CFA.

The Fair Work Commission head, Iain Ross, has come back and said that what the minister has said is all

wrong. So let us be pretty clear about this. Let us be very clear about this. The industrial relations minister has walked into this chamber. After bagging the CFA at the back door this morning she has walked into this chamber and misled it and lied to Victorians in the process. No mincing words. The man she quoted in question time says that what the minister said is not the case, that he never gave her those assurances. As such, she has lied to this Parliament. She has lied to the people of Victoria, and frankly she should resign.

The minister walked into question time full of bluster. As I said before, 10 points for confidence, zero for competence. The minister walked in here full of bluster, saying that she has got the head of Fair Work to back her up, that there are no problems with a veto, that there are no problems at all with diversity issues, that they should get on and sign, locking the CFA into destroying 70 years of volunteerism. That minister used the head of Fair Work Australia. She used his name, she used his position, and frankly now we find it was all a lie.

When a minister walks into this chamber, they walk into this chamber with the backing of the oath they made to the people of Victoria, and that oath includes absolutely, unequivocally telling the truth in this chamber. When you speak in this chamber you are speaking to 6 million Victorians. This minister, the Minister for Industrial Relations, walked in here not 3 hours ago and told all of us that the CFA needs to get on with it, it needs to understand that the head of Fair Work Australia is saying there is no problem with a veto — ‘There is no problem. These issues don’t exist’. She walked in here as a tool to bludgeon the CFA, to say to that board, ‘Hurry up and sign a deal that is going to destroy the CFA, 70 years of volunteerism and everything that has been built by country, regional and outer-urban communities’. And frankly she was backed up by the Premier. She was backed up by every member, including this guy on his feet. She was backed up by all of them.

**Mr Pearson** — On a point of order, Speaker, my understanding is that the debate on the motion before the house is actually a very tight and narrow debate, and the Leader of the Opposition seems to be straying quite widely from that motion. I ask that you bring him back to debating the motion before the house.

**The SPEAKER** — Order! The debate is a narrow one. It should relate to why the debate should be adjourned. I ask the Leader of the Opposition to come back to the debate.

**Mr GUY** — On the point of order, Speaker, you are quite right. This debate is about why this motion should

be adjourned and why we should be debating that the Minister for Industrial Relations should be coming into this chamber to personally explain the lies she told in question time. Frankly, the Premier should be coming in on this motion being adjourned — —

**The SPEAKER** — Order! I refer to *Rulings from the Chair*:

‘Lied’ and ‘Lying’ — imputations. An accusation that a member has lied, or is lying, is an imputation of improper motive, and a contravention of the standing orders.

Vol. 467, p. 525, 6.9.2005 (Maddigan); Vol. 468, p. 1227, 5.10.2005 (Acting Speaker Ingram).

I ask the Leader of the Opposition to refrain from using terminology which is unparliamentary from now on.

**Mr GUY** — Whether the minister has misled the house, deliberately or otherwise, the fact is that under every Westminster convention she would be required to hand back her commission, and this instance should be no different. She has walked into this chamber and used as a tool to bludgeon the CFA the fact that she has quoted the head of Fair Work, used his name. She has verbalised him, she has quoted him. She has used this man and his position as another reason for why the CFA should sign a bad deal and destroy 70 years of volunteerism. What we have found out is that man never said that to this minister. She has misled this house, she has misled the media and she has lied to the people of Victoria. She has got to resign.

**The SPEAKER** — Order! The Chair had requested the Leader of the Opposition to refrain from using that terminology. I caution the Leader of the Opposition.

**Mr PEARSON** (Essendon) — I guess this is what happens when James Campbell does a performance report on the frontbench of those opposite. There is no fight in them until James Campbell says they are all no good and they are the worst shadow frontbench he has seen in 15 years. This is what happens. This is the second attempt today by those opposite to try to derail and distract this government from getting on with giving good governance back to the state, which the people deserve.

Firstly, we have before us a significant volume of work for this house, and this is just a stalling and delaying tactic from those opposite. The reality is that we have to get through the Rural Assistance Schemes Bill 2016. That is a piece of legislation that must be passed at 5.00 p.m. today under the government business program, which this house agreed to just two days ago.

Secondly, the manager of opposition business, the member for Box Hill, came into this place a number of weeks ago complaining about the fact that there was a lack of opportunity for members to speak in relation to the budget papers. Now we have got time set aside today for members to make a contribution specifically in relation to the budget which was handed down. That is precisely why we had only three bills on the notice paper this week: in order to accommodate a number of members by providing them with the opportunity to speak on the budget. That is what we are here for. We have to get through an important piece of legislation — otherwise known as cleaning up the member for Malvern's mess — and we have to provide the opportunity for a number of members to speak on the motion to take note of this fantastic budget. It is a great budget. It is a wonderful opportunity for people to make a contribution about what this budget means for all of us.

Again, this is just a repeat of what we saw earlier today from the member for Gembrook. In his earlier endeavours, aided and abetted by the manager of opposition business, he sought to derail this Parliament from getting on with doing the important work before it. That is the reality. The problem is that this is another such attempt. I reiterate my earlier opening remarks that this is what happens when James Campbell from the *Herald Sun* sends a rocket up the opposition frontbench. You can see them all scurrying around, trying to work it out and justify their existence, trying to prove that they are relevant to the process, to make sure that they impress upon their leader that they are there to work, that they deserve a place on the front bench. We can see those behind them eagerly waiting and hoping that someone on the front bench slips and falls so they can take a position there. That is the reality.

This is just an attempt to distract members from the business of the house. It is nothing more. Opposition members are just trying to make this place a figure of ridicule, humiliation and contempt, which is what they are. They are figures of ridicule, humiliation and contempt, and they know it. They are trying to distract from the business of the house. We have a lot of work in front of us, and we should be afforded the opportunity get on with it. That is what we are here for. As legislators we are here to get on with the job of scrutinising and passing important legislation that is relevant to the people of Victoria. Moreover, the take-note motion provides an opportunity for all members to make a comment about what they think is important in relation to the recent state budget, both positive and negative. That is how this works. An appropriation bill comes before this place and members

from all sides of house are able to have their say on what they think is important.

I cannot believe that those opposite would deny members the opportunity to have their say on the budget when we specifically arranged to have only three bills to debate this week to allow members the opportunity to spend their time speaking on the budget papers. That was the whole point. The member for Box Hill, the manager of opposition business, got up on Tuesday and complained about the fact that there were only three bills and a light workload. The reality is that it was agreed that we would try to basically make sure that members on both this side and the opposite side could have their say on the budget. That is what this afternoon is supposed to be about.

We have the Rural Assistance Schemes Bill 2016 that needs to be passed, and then we can move on with allowing all members to make a contribution on this great budget. As many members would know, I love spending time here in this chamber. I love being here. It is great to be here. There has never been a better time to be a member of the Andrews Labor government in this place, and I want to hear about this budget. I want to hear it all. I want to know all about what is in the budget, and those opposite are depriving me of the opportunity and the right to listen to the debate on this great budget. It is my right. I want to hear it. I love the budget. It is a great budget, and members opposite are depriving me of my right to listen to the budget debate. I oppose the adjournment motion.

**The SPEAKER** — Order! On the narrow motion before the house, I now call the member for Gembrook.

**Mr BATTIN** (Gembrook) — It is a very narrow debate before the house, and it is simply about adjourning the second-reading debate and the reason we need to adjourn the debate. There is nothing more important. The member for Essendon referred to his opportunity to speak on the budget and on other bills, and he should have that right. That is fine: extend the sitting of the house if you want extra time, because nothing is more important at the moment than a minister misleading the Parliament of Victoria —

**The SPEAKER** — Order! The Chair will not have that subject matter as part of this debate. I advise members to confine their remarks to the current question of why this matter should be adjourned at this point in time.

**Mr BATTIN** — On a point of order, Speaker, while this has been a narrow debate, you have allowed, the entire time through, for a very wideranging debate,

including allowing the member for Essendon to refer back to budgets, other bills and other items and try to defend a minister who is failing, yet you will not let us on this side talk about a minister who has misled the house. On your ruling there alone, you have allowed every person before me to speak. You cannot silence me on this. The minister has misled the house intentionally — and it is not me saying it, it is the president of the Fair Work Commission. We must stand up for Victorians. That is what our responsibility is. To go out and lie to the public is nothing more than a disgrace, Speaker, and you have to rule in favour to let us be heard.

**Mr Pakula** — On the point of order, Speaker, as you are aware, standing order 118 makes it clear that an imputation of improper motives and personal reflections can only be dealt with by substantive motion. I put it to you, Speaker, that it is not proper for any member to use a debate on the question of whether a matter should be adjourned to effectively bring into the debate, by a backdoor method, the question of whether or not any member has misled the house. The standing orders are clear that if the member for Gembrook or any other member wishes to make that assertion, they need to do that by way of substantive motion, not by way of unfounded assertion in debate.

**Mr Clark** — On the point of order, Speaker, the Attorney-General has raised an entirely different issue. The matters the Attorney-General is raising are entirely separate to the point of order taken by the member for Gembrook. The member's point of order was, firstly, that there has been a wideranging debate on this, and secondly, the thrust of his argument is that he has been putting to this house reasons why the debate should be adjourned. So long as he continues to do that, he is entirely in order.

**The SPEAKER** — Order! On advice, the Chair is in good faith endeavouring to bring the debate back to where it belongs. Remarks in passing may well be made, as the Chair sought advice, but the substantive contribution or the content of or the totality of the contribution cannot focus on matters that took place during the course of question time or on the conduct or otherwise of a minister. Therefore, I request that the member for Gembrook focus on the question before the house and understand and follow through the ruling as advanced to the house at this point in time.

**Mr BATTIN** — Thank you very much, Speaker, and I will abide by your ruling. The reason this debate needs to be adjourned is that, after a conversation I have had with Iain Ross today, who I must remind the house is also a volunteer firefighter in Victoria, he has come

forward and said that information about what he has stated has been misrepresented, that it has been misrepresented across this state and used in this house. It is vital then that this house provide the opportunity for a debate to actually get on the record exactly what has happened. The reason we are adjourning debate on this debate today — —

**Mr Pakula** — On a point of order, Speaker — —

**Mr Battin** interjected.

**The SPEAKER** — Order! The member for Gembrook! The Chair advanced a ruling and requested that the debate be confined to the narrow debate, where it should stay, in relation to why this second-reading debate should be now adjourned or otherwise.

**Mr Pakula** — On a point of order, Speaker, in reflecting on the comments that you have just made, I would suggest to you that the member for Gembrook has disregarded your previous ruling. You indicated that it was appropriate for him to make some comments in passing but not to make the substance of his contribution — his entire contribution — in regard to the alleged conduct of the minister, and that that is something that he can do only by way of substantive motion, which he has not done.

**Mr M. O'Brien** — On the point of order, Speaker, for the member for Gembrook to put forward an argument as to why debate on the current matter before the house should be adjourned, it must surely be with a view as to what should take its place. That is what the member is doing in very sensible, temperate language. He has, I think, heard your previous ruling. For the member to speak on why the matter should be adjourned, it cannot be in a vacuum. The member is simply putting an argument that there is more pressing business that the house should discuss. I believe, therefore, the member has been entirely consistent with your ruling, and you should rule the Attorney-General's point of order out of order.

**The SPEAKER** — Order! The Chair reminds members that the matter before the house is the Rural Assistance Schemes Bill 2016. In passing, the Chair makes a comment that no reference had been made to that. The member for Gembrook, to continue, but to very carefully stay away from the matters that the Chair ruled on. Only in passing can comments be made. The member for Gembrook, to continue.

**Mr BATTIN** — I will put it on the record then, Speaker, that obviously we want to adjourn the debate on this side because there is a very pressing, urgent issue that needs to be debated, an issue that is

detrimental to the Parliament and how we operate in relation to a minister, in relation to their position and whether they can stay in that position — should they resign; should they go? — and that needs to be put on the record.

I noticed that on the other side of the house at the moment they have gone very solemn because they have just started to read every newspaper, and they know that it is coming out in every media channel at the moment. But there is one person who is not here at the moment, and that is the minister in question. She will not come into this house and defend herself, and why? Because you cannot defend what she has done today by using the Fair Work commissioner in a political sense. They have misled Victorians.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair did rule on the subject matter and requested that the member refer to the minister or the subject matter, conduct or otherwise, only in passing. The member for Gembrook is not doing that. The member for Gembrook, to continue on the point that the member needs to continue on: why the house should be adjourned or otherwise. The member, to continue.

**Mr BATTIN** — In the final 20 seconds, there is no simpler message we can put out there now than that this debate needs to be adjourned right now. We need to have an adjournment of this debate to ensure that those people on that side can all defend a minister who is misleading Victorians intentionally.

**The SPEAKER** — Order! The question is:

That the debate be now adjourned.

### House divided on motion:

#### *Ayes, 36*

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

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

#### *Noes, 47*

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

### Motion defeated.

**Mr HOWARD** (Buninyong) — I am certainly very pleased to have the opportunity to speak on the bill before the house at the moment, which of course relates to the Rural Finance Corporation of Victoria and the closing down or signing away of that corporation because it is no longer necessary. Why is this bill before the house necessary at the moment? It is necessary because the former government, as we heard, sold off the major part of the Rural Finance Corporation of Victoria in a very sudden move to the Bendigo Bank. This was done without consulting the rural community, without consulting more broadly at all with farmers or other regional communities, and suddenly Victoria woke up one day to find that the then coalition government had decided to sell the rural finance corporation off to the Bendigo Bank.

Again no tenders were called for, there were no open processes to see who might make a better bid than Bendigo Bank. There was just a quick announcement and the process had not been thought through. This bill is necessary because, as a result of that, we had an odd situation. The rural finance corporation does a number of things. It does have a significant commercial arm, but we know that the government of the day over a long period of time has also seen the corporation as an appropriate way to deliver assistance packages to the rural community.

The rural finance corporation has therefore been undertaking a number of non-commercial functions and, while the arrangement with Bendigo Bank saw

that those non-commercial functions were taken up, in general we still had to have the rural finance corporation in place with just one employee in the end so that they could oversee or check to see that the arrangements that had been put in place for the non-commercial, government assistance side of the program were appropriately administered by Bendigo Bank. But for that one employee it became a little bit like *Yes, Minister*, because the rural finance corporation was down to one employee but it still needed a full board and all of the costs associated with managing that board to administer that one employee.

The former coalition government clearly had not worked through this whole process, as was the situation with so many other processes. It tried to impress in the latter days of the Baillieu and Napthine governments that it was actually doing things because it realised an election was coming and it had not done a lot in the first two and a half years of its term or in fact any of its term. It wanted to make it look as if it was getting on and doing something. So it sold off the rural finance corporation, but it left then the corporation still having to technically exist to ensure that the non-financial, government assistance packages were still being administered appropriately. But as a government we have determined that the sensible decision to make is to say although we perhaps still need oversight of all of that non-commercial side of it, the government assistance side that Bendigo Bank for the most part has taken on, we do not need a whole board in place. We do not need the rural finance corporation anymore. We need instead an entity which we are calling the Rural Assistance Commissioner, which will work with all of the bodies from government that are providing assistance funds to rural Victorians for a range of reasons but especially, we know, in regard to our concern for the recent drought.

We know that the last 12 months leading up to May has been an incredibly dry period. Many farmers have struggled through this last production period, especially through the last season, when crops were failing in a large part of the state. Again the state has provided assistance. We know that the Premier and so many of our ministers have been out there in regional Victoria talking with farmers, talking with people who were so badly affected by drought, and of course they have offered them additional assistance. The aim of the Rural Assistance Commissioner is to work with the Bendigo Bank and other bodies that are entrusted to distribute the funding for rural assistance to ensure that it is done correctly, but they do not need a whole board to back it up. They need the administrative structures that are there within the government departments, particularly

in regard to the agricultural area, to ensure that they are being appropriately administered.

I do want to take on board though some other comments that have been made by the former Treasurer when he spoke on this bill — as did the member for Murray Plains, who spoke briefly on the bill — when they tried to suggest that the Andrews Labor government and that Labor in general are not committed to regional Victoria. I want to clearly put on record that this government certainly is committed to regional Victoria, as the former Brumby and Bracks governments were. And I note very significant records in that area of those governments, because again the former Treasurer talked about the so-called billion-dollar assistance package for regional Victoria that the former coalition government crowed about so often.

Of course when you looked at that so-called billion-dollar package, it was \$1 billion over eight years, and of course the government only lasted for four years, so at best only half of that package was able to be delivered. Why did The Nationals see it as so important to have some sort of regional assistance package? It was because the Bracks and Brumby governments were so supportive of regional Victoria.

I am a testament to how The Nationals in coalition were failing regional Victoria. Along with so many other Labor MPs I was elected in 1999, the same year we brought in the Regional Infrastructure Development Fund (RIDF). The RIDF was a very well received and very well structured fund which supplied so much assistance across regional Victoria in all of the years of the Bracks and Brumby governments. When the coalition came into office it decided it wanted to rebadge it and pretend it was a new fund, but really it was just RIDF under a different name. In fact the coalition was going to salt some of that money into other projects that should have not have been RIDF projects, because RIDF was all about improving the opportunity for regional Victoria to grow and to sustain more jobs — it was all about job development and capacity building for regional Victoria.

Within that of course we brought gas to so many regional towns like Creswick in my electorate and benefited regional Victoria that way. There was funding in my electorate for the mechanics institute, the Bridge Mall upgrade, the Eureka centre, the Daylesford Regional Visitor Information Centre, streetscape works in Ballan and so many other terrific projects — even the grandstand at Kyneton oval was upgraded as part of the Small Towns Development Fund, which fell into the Regional Infrastructure Development Fund. The

Bracks and Brumby governments did so much to build up regional Victoria. The technology park in my electorate is also a testament to the support that was given under those governments.

Clearly Labor has a great record of supporting regional Victoria. I see the Minister for Tourism and Major Events, who is the member for Lara, and the member for Wendouree are in the house at the moment, and they are thinking about parts of their own rural and regional electorates that have benefited so much under Labor governments and will continue to benefit under the Andrews Labor government.

The bill before the house looks at closing down the rural finance corporation, as is appropriate, after the sale of the rural finance corporation effectively — or nearly all of its assets — to Bendigo Bank and puts in place a much more sensible administrative capacity. It is an example of how this government continues to focus on issues associated with rural and regional Victoria and continues its ongoing commitment.

I am so pleased that I have been able to speak on this bill this afternoon and that the debate was not shut down by the opposition, as it attempted to do, because I am, like all people on this side of the house, committed to all Victorians and to ensuring that regional Victoria gets its share of funding and support.

**Mr J. BULL** (Sunbury) — I am also very pleased to rise to contribute to debate on the Rural Assistance Schemes Bill 2016. We know that the purpose of the bill is to do the following, as the previous member has mentioned: to establish the Rural Assistance Commissioner to administer state and commonwealth rural assistance schemes on behalf of the state of Victoria; to facilitate the transfer of property, rights and liabilities of the Rural Finance Corporation of Victoria to the Rural Assistance Commissioner and provide for the wind-up of the rural finance corporation; to provide the Rural Assistance Commissioner with the power to delegate any of its functions in relation to rural assistance schemes to secretaries of other departments; to repeal the Rural Finance Act 1988 and the Young Farmers' Finance Council Act 1979; and finally, to make consequential amendments to the Estate Agents Act 1980 and the Subdivision Act 1988.

The Rural Assistance Commissioner will preserve and enhance elements of the rural finance corporation but will end the waste of employing a board of directors to supervise just one employee. The commissioner will be an advocate for the needs of rural communities and provide a single, powerful voice in government for

people who are experiencing hardship in regional Victoria and require assistance.

I take this opportunity to put on the public record my support for our wonderful farmers right across Victoria. My electorate is home to many of them. Although not considered a regional or rural area as such, Sunbury does have quite a number of farms on its outskirts, and many friends and friends of the family own such farms. I know how very hard these people work each and every day. When I was growing up, my father, who was a surveyor, spent a lot of time working around regional and rural Victoria, and he would often talk of his interactions with the farming community. On visits to see him when he worked away I certainly got a sense of the great work that is done right across the state.

Those on this side of the house understand that life on the farm is hard work and know that, through droughts, floods and low yields, constant stress can be associated with the farming community. The government assistance packages are vital.

The other important area that we should mention — and I know that other speakers this afternoon have touched on it quite briefly — is the mental health of farmers, which I am sure all members of the house would agree is particularly important. It is something that I know members want to see improved. Obviously there are those seasonal conditions that I mentioned, the threat of fire, flood and of course drought, which play a significant role in terms of mental health for farmers. That is something that is obviously of great concern.

There is great fluidity in managing farms on a year-to-year basis, and I think that all members of the house would agree that it is important for the state to understand that the ultimate goal is to ensure that we support our farmers so that their families and their communities are the very best they can be. Ensuring that support from local, state and federal governments and the agencies associated with them is provided at all three levels of government is important. Certainly in our time in office the Minister for Water, the Minister for Energy, Environment and Climate Change and of course the Minister for Agriculture have done significant work in assisting these communities, and I know that that will certainly continue.

We know that the bill before us today has a history that stems from the former government and we on this side of the house, as has been mentioned, do not have a problem with asset recycling, but it needs to be done carefully and thoughtfully. We know that because of a process of no scrutiny, no consultation and no competitive tender there was a great deal of concern

around announcements made by the former government, announcements that have led to this bill today. Almost no thought was given to the ongoing needs of the rural communities experiencing hardship. You may not be someone who has grown up on a farm, you may not be someone who has experience on a farm each and every day, but I do not think that necessarily means you are not someone who can understand farmers, a farmer's perspective and a farmer's point of view. That is something on which all members, I hope, would agree with me.

If we look at what has been delivered thus far in our time in office, there has been considerable investment; for example, \$1.3 billion for regional rail services. As I mentioned, the Minister for Agriculture and Minister for Regional Development announced last month the support for the dairy farmers package — \$11.4 million. This was a result of the decision by Murray Goulburn and Fonterra respectively to cut the prices paid to suppliers. That has received a great deal of media attention. I know that all residents in my electorate would want to see support for the dairy industry be the very best it can be. There is individual ownership but there is also the responsibility of the state to provide very important assistance packages to allow our farmers to grow and prosper and do the very best they can.

On top of that there have been significant announcements around drought assistance packages and support for the mental health of our farmers that we know is incredibly important. Just last year the Minister for Agriculture and the Minister for Water announced a new package of support measures for farmers affected by drought, and we know that there is \$220 000 to deliver mental health first aid training across the 10 identified drought-affected local council areas to implement local community engagement and support measures. On top of this there is \$270 000 for additional rural financial counsellors and \$300 000 for a State Schools Relief program to provide those in drought-affected communities with uniforms, shoes and other school items.

In the context of this bill it is important to let the record reflect the Andrews Labor government's commitment to ensuring that our farming communities in rural and regional Victoria are wholeheartedly supported. We stand with them and we stand by them. In researching and having a look at the commitment from this side of the house and the Andrews Labor government it is certainly my view that this support makes a significant difference in ensuring that, as I have mentioned, members on this side of the house are not city centric as The Nationals often claim.

When you go through the list and have a look at all of these commitments — and I can see the honourable member over on the other side nodding his head and agreeing with me; there is another Bull that would probably agree — —

**An honourable member** interjected.

**Mr J. BULL** — That is right, exactly — city living, country style. That is exactly right, member for Broadmeadows.

When you look at the facts, the Sunbury community is unique in that it is 40 to 45 minutes from the CBD but there is a great country feel to the community. I know that the member for Macedon would certainly agree. When you go through step by step and look at the investment and the support, all of the things the Andrews Labor government has done since coming to office in November 2014, I think the results speak for themselves. The Minister for Water, the Minister for Energy, Environment and Climate Change and the Minister for Agriculture have thus far done an outstanding job.

The Andrews government knows the importance of our rural and regional communities. Towns throughout Victoria are made up of individuals with great heart and great passion. We support these communities both in good times and in bad. I know that the work of the Rural Assistance Commissioner is extremely important because so many rural Victorians, as I mentioned this afternoon, rely on those state and commonwealth support packages to do the great work they do, the very best work. I think all members on this side of the house would support them in that, and I commend the bill to the house.

**Ms SHEED** (Shepparton) — I rise to make a contribution to the debate on the Rural Assistance Schemes Bill 2016. The bill represents one of the final stages of the winding up of the business entity, the Rural Finance Corporation of Victoria (RFCV), which was sold to Bendigo and Adelaide Bank in 2014. The sale to Bendigo Bank resulted in the divestment of the loan book and most of the RFCV staff. The government determined that the rural finance corporation be wound up and the remaining functions be transferred to a new body, the Rural Assistance Commissioner, and that is what this bill does. A shell, in effect, is what is now left of what was once a great and independent organisation in regional Victoria. There has recently been a book published on the history of the rural finance corporation. It is called *Just Like Family — A history of Victoria's Rural Finance Corporation*, and it was authored by Adam McNicol and Andrew Chapman. It

is a very detailed history of how the rural finance corporation originally came into operation. You can go back a very long way to look at the steps that are part of our history.

Really it all comes back to the times of soldier settlement. As early as after the First World War governments decided that big tracts of land should be divided up and that soldiers should be given the opportunity to farm those lands. After the First World War they did not do it very well; they settled farmers in the Mallee in areas where the farmers would have great difficulty farming and being productive. They found that by the 1930s so many of these farmers were in debt that various rural farm debt adjustment bills had to be introduced into the Parliament. In a lot of ways many farmers had to be bailed out of what turned out to be very difficult situations.

By the end of the Second World War there was a lot of angst about whether such a scheme should be set up again, but again overwhelmingly communities thought that it was a fair and just thing to give soldiers returning from the war the opportunity to farm. This time they did it differently. They cut up areas of land and gave them bigger properties in areas where there was more potential. They also provided funding for fencing, improvements and infrastructure on farms and some capital to get started with, so it actually looked like things would be better. The history has been quite a rich one. It was the Soldier Settlement Commission that preceded what ultimately became the rural finance corporation.

The member for Malvern suggested that those who opposed the sale of the rural finance corporation could be regarded as Marxist. I can assure him that I do not put myself in that category, but I am very concerned that it is actions such as this that bleed regional communities of major organisations. I fear that this is what could be happening with the Country Fire Authority (CFA). Just before Christmas I was invited into the Shepparton CFA station to have some Christmas drinks, to be shown around the station and to have a look at the memorabilia in that station. I was amazed at the extent of the intergenerational history that had developed in that particular station. I think it is probably reflective of many other CFA organisations around the state.

Grandfathers, fathers, and these days sons and daughters, are involved in the CFA as volunteers, and they provide a very rich and worthwhile part of our community. It is easy to think that these are just people who go and fight fires. Volunteerism is about so much more than that. Volunteering gives people a sense of

identity. It connects them with their community, and it gives them a great sense of self-value. It is essential in our country communities, which are being constantly depleted of organisations that provide them with that sort of value, that we are at least left with the capacity to do things for ourselves. We used to have large research institutes in country areas. We used to have people on our borders protecting us from fruit fly entering Victoria. We used to have people who came to our houses in towns and sprayed our fruit trees to kill fruit fly. All of that has gone. All of that means jobs are going as well, so our communities are being depleted. For instance, I understand that the regional director of education for the whole Hume region, which includes my electorate, is in Box Hill. Is that not an anomaly that ought to be addressed?

We have a major government building in Benalla, and when you go there, fortunately there is someone at the front desk, but there are long corridors with a lot of empty offices in them. Once they were full of people. Once government departments were located in regional areas. The rural finance corporation was one of those organisations that had a big presence in many country towns, and Shepparton was one of those. It will ultimately disappear and no doubt be absorbed by the Bendigo Bank branch that we have in our town. It has been occupying a major building and employing a considerable number of staff. It is an organisation I have dealt with many times as a lawyer, and so many farmers in my community have had loans through it. Throughout the period of drought they have had many assistance packages administered through that organisation, and I wonder now what will happen when we have one individual, a commissioner, sitting in a government department. That person may even be the secretary of the department and not an individual dedicated to the particular job. I wonder how those sorts of schemes will be rolled out and how well they will be administered in the future when we have no-one dedicated, no team of people who are part of our own community, administering those schemes in the same way that it happened through that corporation when it existed.

Just going back to the history of it, in my area huge tracts of land were acquired and cut up for soldier settlement farms. They were places like Invergordon, Katandra, Strathmerton and Katamatite, and a very rich dairy industry developed around those areas. They had a terrible time during the drought, and many of the farmers sold their water and ultimately their farms and left. We now have what is often called a patchwork of farms that have water and farms that do not, farms that are occupied and farms that are not, across our Goulburn-Murray irrigation district. That is presenting

a real challenge for future viability for our irrigated agricultural industries.

The proceeds of the sale of the rural finance corporation were dedicated to be spent in regional areas, so some good has come out of the sale, perhaps. I understand that \$220 million has been put aside for the Murray Basin railway freight project, and that is no doubt welcome, but there is still plenty of money available out of the proceeds. I draw attention to the state of our country roads, particularly in my electorate. Some of the worst roads are around the Shepparton district. We are also pleading for a bypass. There is a great opportunity for investment in my regional and rural electorate and for the expenditure of much of the funding that was left over from the sale of the rural finance corporation.

There have been concerns expressed about how Bendigo Bank might be able to remain involved in this. It was envisaged that it would take part in rolling out some of the assistance schemes into the future. I wonder now, with the funding for these packages for dairy farmers that we are looking at, what the mechanism will be. Will it be best rolled out through government departments in Melbourne, or is a bank like Bendigo Bank, which is at least located in rural areas, perhaps the vehicle for that? I support the bill.

**Mr PEARSON** (Essendon) — It is always a great pleasure to follow the member for Shepparton, because one thing I have learnt in the very brief time I have been in this place is that the member for Shepparton is a passionate and strong advocate for her community, and for someone like me who represents an electorate like Essendon, she provides me with a degree of knowledge and insight from her perspective as to what occurs in her community. It is always good to resist the temptation to become too focused on your own patch and to become too myopic. It is always refreshing to listen to the member for Shepparton, because she is a strong advocate for her community and provides a different point of view and an insight which I find quite refreshing.

I listened to the member for Malvern's contribution earlier, and in his very brief opening comments I agreed with him. I think there is a time and a place when the state should intervene and run a savings bank, but the reality is that the 21st century is not the time for us to do that. There is no need for us to be involved in running a banking retail operation. I do note the comments made by the member for Shepparton about the important roles that those financial institutions can play in the bush. I think it is important to just draw the

distinction between a financial institution and, as it were, the philanthropic activities of that institution.

I note that the Minister for Veterans is at the table. Last year I represented the Minister for Veterans at the opening of the soldier settlement scheme exhibition in the Old Treasury Building. I remember learning about the soldier settlement scheme in high school, and it was great in theory, but in practice it was just woeful. It was clear that policymakers did not appreciate the fact that you needed to have scale and size in order to make these farms work effectively. What you had was too many farmers on landholdings that were too small, without access to capital, and as a consequence those farms struggled.

Interestingly, though, I spoke to the curator of that exhibition, and she indicated that some of the farmers who had access to capital were able to stick it out. As they saw their neighbours enter financial hardship and struggle as a consequence of the drought that started in 1927 — this was a precursor to the Great Depression; it commenced in 1929 as a market correction on Wall Street, but it really hit in 1932 — they purchased their neighbours' distressed assets and were able to sit tight and hold on throughout the Great Depression, and by the late 1940s and early 1950s they were doing pretty well. They had the scale, they had the size, they actually knew the land, and they were quite successful in the end, but it was a long, hard struggle.

The Rural Finance Corporation of Victoria was established in 1950. I think it was a Country Party government that founded it, with support from Labor Party crossbenchers, I think — I am not 100 per cent sure. The *Fourth Annual Report of the Rural Finance Corporation of Victoria* states in the forward:

The necessity for a state financial authority to make loans for the establishment and expansion of primary and secondary industries in rural districts has long been recognised by most governments. Victoria was the last of the Australian states to establish an institution of this nature, and it was not until 1950 that the rural finance corporation was constituted. It is gratifying to report that within its comparatively short life the corporation has been able to fulfil many of the objects for which it was created and that it has become firmly established.

I refer to this because clearly in the 1950s you did not have access to capital in the same way that you do in the 21st century, which is why I think the member for Malvern is right. Where you have got access to capital now, competition and the ability for people to go down to the bank and take out a loan, you do not need the state to intervene. You have the state intervene where there is market failure. Clearly you had a small oligopoly of bankers, who in those days probably did

not venture past Collins Street or Hawthorn or Kew or Toorak, who could not necessarily appreciate the risks associated with an agricultural enterprise, who may not have been able to understand the capital requirements of those businesses, and therefore turned around and said, 'Look, we are not going to loan any money to those farmers, because we actually do not know their business and we do not want to take a risk'. It made perfect sense back then to have the state intervene and say, 'Well, you know what? We will actually address market failure by providing this offering to farmers'. Clearly it was a great success. I note that during the financial year ending 30 June 1954 the corporation approved loans amounting to £1 053 109 compared to £909 599 for primary industries and £143 511 for secondary industries. So again the rural finance corporation was about trying to support prime industries, but also secondary industries, in regional and remote areas.

I come back to the member for Shepparton's contribution, and I think that where the member for Shepparton is right on the money is on two fronts: one relates to making sure that there is support for regional communities, and that is something that is clear that we need to ensure. That is why I think the commissioner should be able to discharge those duties, because it is important that it is a commissioner and not the Secretary of the Department of Economic Development, Jobs, Transport and Resources, because clearly that person has got a pretty full dance card.

It is fair and reasonable that you actually have someone whose sole focus, sole job, is to service those regional and rural communities, particularly in an environment where we have got climate change. Climate change is real, and there is a need to make sure that where you have droughts, where you have floods, where you have natural disasters, the federal government will — as we saw in the Queensland floods or as we saw with Black Saturday — provide financial support to those communities. You need to have a dedicated resource that can mobilise quickly and move quickly to provide that funding and that support and that level of coordination.

The member for Shepparton is correct at one level about highlighting the need for those services to continue, and I think that the bill addresses that. The second point that the member for Shepparton made is a far more troubling and problematic issue, and I appreciate the point the member for Shepparton raised.

The reality is that when you have got a large financial institution that is spread over a number of different sites, that institution not only provides access to capital

but it might also provide, for example, the treasurer of the local netball club and it might provide a sponsor for the local football club and it might provide a greater level of wealth coming into the community, because the reality is that it is a competitive market. If you are the chief financial officer of a major financial institution or you work in the credit department or you work in strategy or you work as an actuary and you happen to be based in Shepparton, then the reality is that you are going to be providing a significant income for that economy.

The challenge that we have got is that increasingly we are looking at clustering, where most of the economic growth is being derived from a smaller and smaller geographic footprint. That is just the reality. It is difficult because on one level you turn around and say, 'We need to fight against these economic trends in order to protect communities like Shepparton', but I am not sure we can. I am not sure whether we can actually go in and try to institute the further decentralisation of major financial companies into regional and remote communities.

But what I would say to the member for Shepparton is that we need to have a state that is in a very strong financial position to be able to provide those levels of investment into communities — be it in relation to road or rail, as the member for Shepparton has talked about, or be it in relation to hospitals — and we need to try to find ways in which we can play to a community's relative strengths. Clearly health is a strong card that Shepparton has played. The member for Morwell is at the table, and clearly energy has been something that has been very strong down in the valley. I think we have to be very careful as policymakers and legislators that we do not try to impose a solution onto communities and say, 'Thou shalt have this financial institution and this level of support and infrastructure around that'. It is about recognising the beauty and diversity of our rich state and understanding that we have got a role to play in terms of being more of an enabler to those communities so that they can fulfil their potential.

It was a delight to follow the member for Shepparton. She is an outstanding member of this place. She always comes here with a solid work ethic and with the best of endeavours. I commend the bill.

**Ms WARD (Eltham)** — I would like to echo the words of the member for Essendon — the member for Shepparton does have some sensible things to say. It is great to hear someone from regional Victoria who is speaking in a sensible way and who is strongly advocating for her community, someone who is not

spending her time going through a negative shopping list of things that are wrong with the world and that she does not like about everyone. She is actually trying to work through some real solutions for our community, and that is to be commended.

This bill is yet another opportunity for the hardworking government that this is to clean up, yet again, a mess created by those opposite in the previous government. This bill will improve the administration of the Victorian and commonwealth financial assistance schemes for rural communities by establishing the Rural Assistance Commissioner, and it will transfer the remaining assets, liabilities and functions of the Rural Finance Corporation of Victoria (RFCV) to that new body. It also winds up the RFCV.

This bill is necessary. As I said before, it is a clean-up because the coalition government had a bit of a panic attack. It put out the garage sale sign. It shoved everything into the garage and put the signs up all over the street, including in the milk bars. It had a complete panic attack and had a fire sale of the rural finance corporation. The RFCV was sold to the Bendigo and Adelaide Bank for \$1.8 billion without the sale going to tender. This fire sale, this garage sale — with the signs everywhere and the mass panic — was held just before the member for Malvern handed down the 2014 budget. I think it smacks, just a little bit, of some election desperation, of a bottom line that needed to be tidied up.

The member for Malvern needed \$400 million to tidy up his bottom line before the election, so up went the fire sale signs and out the door went the coalition's commitment to looking after rural communities. This is typical of the short-term thinking of the coalition when it is in government. In fact we are seeing it while it is in opposition. The coalition is only after short-term goals. It is only after quick fixes. It is not after long-term solutions, and it is certainly not after a long and steady plan that is to the mutual benefit of all Victorians.

We are still trying to fix up the mess that those opposite created at Fishermans Bend. When they rezoned Fishermans Bend there was no consultation, no consideration and no thought.

**Mr M. O'Brien** — On a point of order, Deputy Speaker, the member for Eltham is now straying far and wide from the confines of the Rural Assistance Schemes Bill 2016 in trying to talk about developments at Fishermans Bend. Even on the broadest possible geographic interpretation, I do not think that Fishermans Bend qualifies as rural, so I ask you to draw the member back to the bill.

**The DEPUTY SPEAKER** — Order! I do ask the honourable member for Eltham to come back to the bill.

**Ms WARD** — Thank you, Deputy Speaker. I would like to assure the member for Malvern that while geographically Fishermans Bend is indeed not in rural or regional Victoria, it does actually have relevance when we talk about the reasons for this bill existing in the first place, which is the lack of planning by the coalition across the whole state — the fact that those opposite are not able to create any real plans for this state, that they have fire sales whenever they need them to fix up and pad out their bottom line so that they can try to put themselves forward at an election without policies but make themselves look better than they really are. It is a mirror being held up to the emperor of Malvern, and I can tell you, Deputy Speaker, that we do see — —

**Mr M. O'Brien** — On a point of order, Deputy Speaker, given that apparently we have all got glass jaws today, as you know from before lunch, I take offence at the comments of the member for Eltham, and I ask her to withdraw them.

**The DEPUTY SPEAKER** — Order! There is no point of order.

**Mr Eren** interjected.

**The DEPUTY SPEAKER** — Order! The minister at the table! There is no point of order. Unless there is a serious matter of imputation, the debate should be robust. It was taken in that way, and I ask the honourable member for Eltham to continue.

**Mr M. O'Brien** — On a further point of order, Deputy Speaker, standing orders require members to be referred to by their proper titles in this place. I ask you to remind the current member for Eltham of that requirement in her contributions.

**The DEPUTY SPEAKER** — Order! That is correct. I uphold the point of order. I ask all honourable members to refer to other honourable members by their correct titles.

**Ms WARD** — I would like to assure the member for Malvern that not only will I be the current member for Eltham, but I will be the future member for Eltham as well. What I was explaining was the children's story of the emperor and his new clothes, and how the emperor parades around without people telling him what the reality of the situation is. This is the analogy — of a mirror being shown to the emperor — which I applied to the former member for Malvern.

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

**Ms WARD** — Sorry. The current member. I apologise. I should have said the current member for Malvern.

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

**Ms WARD** — I withdraw. I am glad to see that some humour has come back into this chamber on a Thursday afternoon.

What I do not find funny though is how the current Leader of the Opposition planned for the \$340 million to pay for parks, schools and public spaces that were needed at Fishermans Bend. It goes to my point that there was a lack of planning by the previous government, which we see with the current opposition, which is relevant to this bill. We are again cleaning up a thought bubble of the previous coalition government, and this is exactly what this bill is about. In fact it is amazing how much work this government has had to do in the last 18 months to clean up the variety of messes that were created by those opposite.

When it announced the sale of the RFCV, the coalition had no long-term plan for future delivery of rural assistance programs like drought and flood support. This bill provides the commissioner with the power to administer state and commonwealth rural schemes of assistance. It ensures the continued operation of the non-commercial functions that were formerly performed by the RFCV and are currently outsourced to Bendigo.

Unfortunately because of the short time that I have left due to the constant interruptions that I had during my speech, there are a number of points regarding this bill that I am not going to be able to get to. This is disappointing because there is a lot that needs to be discussed, especially this incredibly cavalier attitude by those opposite towards the \$1.8 million of taxpayers money that they did not hold with any real respect or consideration. It is just another example, like our dodgy side letter that was created just before the 2014 election regarding the east-west link, of how little these people plan, how little they care about the whole state and how little they care about rural and country and regional Victoria.

We do not see serious investment when they are in government. We do not see serious consideration of these communities when they are in government or indeed when they are in opposition. What we do see is a huge variety of stunts. The interests of the wider community would have been served well had they actually gone through this systematically and

thoughtfully instead of resorting to quick garage sales to try to generate the funds that they needed just to fulfil the member for Malvern's bottom line.

If coalition members had bothered to talk to farmers and regional communities, they would have found that there were serious concerns about the decision that was made. But that would require some work. It would require some work, not stunts. It would require some work, not weasel words. It would require some work, not slogans. This is all that we can see from those opposite — they are big on stunts, they are big on weasel words and they are big on slogans. But when it comes to actually doing some work and creating policy that really helps people, that really addresses issues not just in a knee jerk way but in a way that carries forward into the future and helps solve these problems, we see that they are incapable of doing that. Long-term planning is not something that the coalition is very good at. In fact maybe those opposite all need to go and get some prescription glasses, because their myopic vision, as the member for Essendon mentioned before, is obvious to all.

What I find interesting is that the Victorian Farmers Federation, which seems to park a number of its redundant leaders in this Parliament, expressed its concerns. It is interesting that the Country Fire Authority (CFA) gets mentioned, so let us talk about the CFA and rural and regional Victoria. Let us talk about the \$41 million that those opposite cut from the CFA. Let us talk about the firefighters they did not pay for or provide for. Let us talk about the things in the royal commission that they neglected and that they did not enact while they were in government. Those opposite are full of words; they are not full of actions and they do not help rural Victoria.

**Ms EDWARDS** (Bendigo West) — I am also pleased to make a contribution to the debate on the Rural Assistance Schemes Bill 2016. I recall very vividly when I heard that the coalition when in government had made a decision to sell the Rural Finance Corporation of Victoria (RFCV) and how that news reverberated around my community. As many would be aware, the rural finance corporation had an office in Bendigo that employed quite a number of people, including my sister-in-law at the time, and there was shock, bewilderment and some despair I have to say. It was clearly done without any consultation. It was clearly done with no competitive tender, a process that we saw quite a bit of under the previous government, and of course there was no scrutiny around this because it was done so quickly, in the dead of night, and took a lot of people by surprise.

I want to refer to the comment by the member for Shepparton about the rural finance corporation being a fair and just system for supporting rural and regional communities. That is absolutely correct. The last thing that anyone wants to see is regional communities being deprived of supportive organisations and services that are so vital to those local communities. In Bendigo the Labor Party and Labor governments have had a history of bringing services and departments to the city. In fact that is why the rural finance corporation was there. We have the Department of Environment, Land, Water and Planning (DELWP) in Bendigo, and in recent years we have also brought State Trustees to our city, which has provided a number of jobs for our region. It is great to see that happening.

We do not have a problem per se with asset recycling, but I think when you are doing it you need to do it thoughtfully, you need to do it carefully and you need to do it in a manner that is open and accountable. This was not done in a manner that was open and accountable. I think there was great concern, and that is very evident. If the coalition at the time had spent some time talking to farmers and regional communities, it would have found that there were serious concerns about the decision. I think really there was no thought given to the ongoing needs of rural communities experiencing hardship, particularly as we were coming off the back end of serious floods and previous to that a drought. The support packages for flood and drought pretty much evaporated — pardon the pun.

There was a great program that the rural finance corporation ran which provided support to young farmers who wanted to get into business and had just come out of agricultural school. This was a sharefarming arrangement whereby if an owner of a farm, perhaps an elderly couple or an elderly person, had decided they did not want to run their farm anymore but they did not want to sell it, then those young people could enter into a business arrangement where the young people would come in and run that farm for those people while they went off into retirement. It suited both partners because the young farmer would be able to make an income and the owners would retain an interest in the property. It was a fantastic program, and it was encouraging young people to get into farming. We know how desperate many farmers are when it gets to the point where there are no children who want to take on the farm or there is no generation coming along behind that wants to continue farming and how important it is to have young people who are interested in taking on that farming role.

I just want to mention, as I said, some of the concern that was around at the time regarding the sale of the

rural finance corporation. It had been around for more than 65 years. It had been a lender to farm businesses and a distributor of grant money. But on that sale there was a comment made on the ABC Rural website on 6 May 2014 by a dairy farmer up at Nathalia named Chris Brooks. He said that privatising the corporation would irreversibly change its culture. He said:

Rural finance corporation have got a particularly valuable space in Australian agriculture, being a little bit more focused on the benefits to the state rather than just making profits.

They've got a bit of a culture, a bit of a heart, they treat you as a human being.

I think, on top of the fact that that is now gone, we now have a federal government that is making cuts to rural financial counselling services across our region as well as cuts to community legal centres. We have some serious concerns about how these people are going to be supported in the future.

The objective of the bill of course is to improve the administration of the Victorian and commonwealth financial assistance schemes for rural communities by establishing the Rural Assistance Commissioner (RAC) and transferring the remaining assets, liabilities and functions of the rural finance corporation to the RAC. This in fact will create a new principal act that will provide for a new statutory body, the Rural Assistance Commissioner. I note that the member for Shepparton had some concerns about that one person, who would be a member of the commission, being responsible, but when you think about how the grants are administered and how the assistance packages are provided now, there will be very little change to that process.

The proposal is also that the RAC, with the necessary objects, functions and powers, will administer the state and commonwealth rural schemes of assistance or other schemes on behalf of the state of Victoria and facilitate the transfer of property rights and liabilities of RFCV to the Rural Assistance Commissioner as RFCV's successor in law.

In the last few minutes that I have left I want to mention some of the comments that were made by the member for Malvern during his contribution earlier today. The member for Malvern seemed to think that the sale of the rural finance corporation was a common-sense decision. I would have to disagree with that. I am pretty sure that most people — or anyone who actually knew it was going to happen, and there were not many — were very disappointed that it did actually proceed. In fact rural and regional Victorians were indeed sold out as a result of that decision. As I said, there was no drought or flood policy at the time and support for the

agricultural sector just was not there. Then of course following on from that we saw that there was little support for the SPC workers as well. The rural finance corporation was a going concern at the time, and it was providing a great service to rural and regional Victoria.

I think that the member for Malvern also mentioned that this would be somehow an opportunity for this government to give jobs to our mates. I have to say that that is probably the most hypocritical thing I have heard coming from the opposition for a very long time. When we compare this with what happened in the Office of Living Victoria under the former Minister for Agriculture and Food Security I think it is quite disgusting that that would even be raised. We know that the Office of Living It Up Victoria was indeed the private plaything of the then Minister for Agriculture and Food Security. We do not know how much waste or how much corruption actually went on, but it was pretty bad.

In the last minute I have left I just want to say that the stakeholders who were consulted about this bill are the Department of Environment, Land, Water and Planning, Rural Finance Corporation of Victoria, the Department of Premier and Cabinet, the Department of Justice and Regulation, and Land Victoria. All of those departments in fact support the bill.

**Mr M. O'Brien** — Do any farmers?

**Ms EDWARDS** — Did you consult the farmers when you sold it? No, you did not. Did you consult anyone when you sold it? No, you did not. In fact you would not know what consultation was if it banged you on the nose, because you do not consult. Members opposite have never consulted about any of these issues. They sold it off without consulting, and they did not even have a proper tender process. They had no tender process and no consultation. Members opposite did not consult one single farmer.

**Mr CARBINES** (Ivanhoe) — I am really pleased to have the opportunity to address the house on the Rural Assistance Schemes Bill 2016. In particular I say that I am thrilled just to provide some background to the house on some particular matters and to provide an overview of the bill, in particular the capacity of this bill with the support of the house and certainly of the government to provide a new statutory body called the Rural Assistance Commissioner. It is often talked about that it has become a bit of a cottage industry in this place to have a number of different commissioners, but I say that this Rural Assistance Commissioner role is a vital one for the Victorian community, and I am

looking forward to that position getting the support of this house and this Parliament.

Also this bill will provide the Rural Assistance Commissioner with the necessary objects, functions and powers to administer state and commonwealth rural schemes of assistance or other schemes on behalf of the state of Victoria and will in particular facilitate the transfer of property, rights and liabilities of the Rural Finance Corporation of Victoria (RFCV) to the Rural Assistance Commissioner as RFCV's successor in law — another important aspect.

It is pleasing to have the opportunity to make a contribution in relation to this bill, because we remember that common refrain of the former Premier of Victoria, Jeff Kennett, referring to rural Victoria as the toenails of the state. We certainly have not forgotten that and neither have people in regional Victoria. It goes some way to explaining why regional Victoria is largely represented by members of the government, certainly across the regional centres of Bendigo, Ballarat and Geelong.

There are a couple of passages I want to quote from the minister's second-reading speech, in particular:

The sale of RFCV to Bendigo resulted in the divestment of the RFCV loan book and most of its staff. Under the business sale agreement, RFCV's remaining activities, including non-commercial activities and administration support have also been outsourced to Bendigo under a non-commercial activities services agreement ...

I just thought it was important to touch on that for the record.

Just in relation to the winding up of the RFCV and the Young Farmers Finance Council (YFFC), can I say that following the transfer of the RFCV to the commissioner, the RFCV will have no remaining functions. Therefore it is proposed that the Rural Finance Act 1988 be repealed, as the Treasurer states in the second-reading speech.

There has also been a lot of work that I have been happy to be involved in as the Parliamentary Secretary for the Environment in relation to support for rural communities, particularly in the government's work in drought support and its work in providing financial counselling and support services for primary producers and others in regional communities. Those opportunities have demonstrated, particularly in relation to the water and environment portfolios that I have been involved in with the members for Bellarine and Mill Park, how that work provides very tangible support and empathy for regional communities and primary producers who need support on the land, particularly

financial services support. That work has been critical, and I think that goes a long way in demonstrating the government's commitment to regional communities.

The question of whether the charter of human rights is limited by the bill was touched on in the statement of compatibility, which states that:

The bill does not affect a person's property rights protected under section 20 of the charter. The bill allows the commissioner to lawfully deal with property — these powers are clearly articulated in the bill. However, in the event the commissioner uses this power it will not impinge on other people's property rights. This is because the powers the commissioner will have are a transfer of powers held by an existing entity (RFCV).

I think the Treasurer makes that point quite clearly in the second-reading speech.

I will say also that there are some consequential amendments in relation to this bill. Amendments will be required to the Estate Agents Act 1980, the Subdivision Act 1988 and the Freedom of Information Regulations 2009 to reflect the proposed repeals and the fact that the RFCV and the YFFC will cease to exist.

Can I say also that the commissioner has the power to delegate to secretaries of other departments any of its functions in relation to rural schemes of assistance. That is an important point that the Treasurer made in relation to this bill. Following the transfer of RFCV's functions to the commissioner, it is intended that the department with the policy responsibility for a particular scheme of assistance be given the power to liaise directly with Bendigo or whichever service provider that is delivering that scheme.

It is very disappointing that we have not had contributions from those opposite, who seek to represent regional Victoria but have chosen not to contribute and to remain silent when it comes to their views in relation to the Rural Assistance Schemes Bill 2016. I think that is disappointing because all people in Victoria, particularly those in regional communities, deserve to hear an explanation of the views and position of those opposite. The fact that opposition members are not prepared to make a contribution to this debate is a reflection of their lack of commitment and endeavour when it comes to representing regional communities.

I stand here with my colleagues and speak in relation to the work that we are doing right across regional Victoria, particularly in the environment and water portfolios where I have been fortunate enough to work with both the members for Bellarine and Mill Park. These regional communities are working hard with us

on investment in infrastructure and support on the ground in terms of a lot of the policy work and engagement that we are doing across regional communities. That stands in stark contrast to those opposite, who continue to be bereft of policy ideas when it comes to advocating the interests and advancing the rights of those in regional communities so they get their fair share of support here in Victoria.

In my concluding remarks I will touch on a couple of other aspects in relation to the bill. The Treasurer noted in his second-reading speech that these arrangements will be more efficient because they will remove the Department of Economic Development, Jobs, Transport and Resources from the process when it does not have policy responsibility for a particular scheme. In particular the commissioner will manage the standing offer arrangement or head of agreement. Other departments or agencies are then able to engage Bendigo or an alternate service provider directly to provide services by completing a purchase order under the head agreement. That of course means that the terms of an individual purchase contract order may be predetermined but in any case they must not be inconsistent with the head agreement, as outlined by the Treasurer in his second-reading speech.

I have heard many contributions from members of the government in relation to this debate, and I have to reiterate my disappointment that those opposite, who claim to have some interest in representation of regional communities, have fallen silent when it comes to making a contribution on this bill. It is of course the role of those in opposition to provide some level of scrutiny on legislation, and I think it is very surprising that they have chosen to vacate the house and forgo the opportunity that Victorians have given them in representing them in this place to hold the government to account and to make a contribution when it comes to the work that we are putting forward in relation to this bill.

But of course they come from a party whose previous Premier described regional Victoria as the toenails of the state so it is not really any surprise that they are bereft of any opportunity to make a contribution or comment in relation to the Rural Assistance Schemes Bill 2016. We have seen this many times before, with a government in the past that failed regional communities and was far more interested in how many white cars people in the National Party could secure rather than getting out there and backing regional communities. That might have a lot to do with why the National Party's representation in regional Victoria continues to decline. It may have a hell of a lot to do with the fact that people do not feel that the conservative parties

represent Victoria in regional communities; they certainly do not in Bendigo, Geelong and Ballarat. And they certainly went silent when we saw a lot of the issues in the Latrobe Valley in the dying days of the previous government.

Can I say that the Rural Assistance Schemes Bill 2016 has my support, and it certainly has the support of the government. I wish it a speedy passage through the house, and I look forward again to imploring those opposite to make contributions to the debate on this bill, which seeks to provide greater advocacy for, representation of and support to regional communities right across Victoria. I look forward to other members of the government continuing to stand up and support regional communities in their contributions to this debate.

**Mr EDBROOKE** (Frankston) — Thank you, Acting Speaker Kilkenny, and as always it is a pleasure to see you in the chair and feel the calm that you exude across the house. It is very nice. I can hear myself speak; it is fantastic.

It is my pleasure to rise to speak on the Rural Assistance Schemes Bill 2016 today. We have had some very good contributions from members across the government today, and the member for Shepparton as well, I might say. I guess I will start by saying that I am a bit of a farm boy, having spent probably about half of my childhood on a farm at Port Albert. I am not sure whose seat that is in, but it is a lovely part of the world near Yarram; you go through Gormandale to get there.

**An honourable member** interjected.

**Mr EDBROOKE** — Yes, it is a great part of the world; there is no doubt about that. I was brought up on a farm next to many farms and can certainly sympathise with farmers going through battles in their fight against natural disasters, disease and whatnot to actually ensure that they provide a crop or a product and can make some money. I also sympathise, of course, with our dairy farmers given what they are going through at the moment. When I was at university I was provided cheap rent on the agreement that I would get up at 5 in the morning and help the farmer to milk his cows, which I guess was a great lesson in life and taught a young man a bit about the work ethic.

In 2014 the commercial loan book of the Rural Finance Corporation of Victoria (RFCV) was sold to the Bendigo and Adelaide Bank (Bendigo). The RFCV remains obliged under the Rural Finance Act 1988 to perform certain non-commercial services such as administration of commonwealth and Victorian

government initiatives to assist, promote and develop rural industries and regional communities. The remaining RFCV entity oversees, on behalf of the Victorian government, continued delivery of the non-commercial and community service aspects such as natural disaster support programs, which is extremely important because probably not a year goes by when we do not see the impact on our farmers due to natural disasters, whether they be flood, fire or some sort of disease coming through affecting cattle or crops.

The sale of RFCV to Bendigo resulted in the divestment of the RFCV loan book and most of its staff. Under the business sale agreement RFCV's remaining activities, including non-commercial activities and administration support, have also been outsourced to Bendigo under a non-commercial activities services agreement (NCASA). The objective of this bill is to improve the administration of the Victorian and commonwealth financial assistance schemes for rural communities by establishing the Rural Assistance Commissioner (RAC) and transferring the remaining assets, liabilities and functions of the RFCV to the RAC. The bill also winds up the Rural Finance Corporation of Victoria. Obviously there are a lot of words in that objective, but what we are actually saying is we are tidying a couple of things up and we are making sure that we are supporting our rural families and the people who contribute so much. I would hope the person in the coalition who said that rural Victoria is the toenails of the state actually regrets saying that and makes an apology sometime, because that is just a disgraceful thing to say. Of course it is not the most disgraceful thing we have heard over the last couple of days, but we probably will not go down that track.

The objective of the bill is to create a new principal act that will provide for a new statutory body, the Rural Assistance Commissioner, and provide the RAC with the necessary objects, functions and powers to administer state and commonwealth rural schemes of assistance and/or other schemes on behalf of the state of Victoria or the Crown.

The bill facilitates the transfer of the property rights and liabilities of the RFCV to the Rural Assistance Commissioner as the RFCV's successor in law. It will also make provision for land held as security by RFCV to be recorded in the register of titles in the name of the RFCV's successor on behalf of the Crown, which of course just makes a lot of sense.

The bill provides the Rural Assistance Commissioner with the power to delegate to the secretaries of other departments any of its functions in relation to the rural

schemes of assistance. Finally, it repeals the Rural Finance Act 1988 and the Young Farmers' Finance Council Act 1979, which are all things that make perfectly good sense. There is no reason why this bill should be challenged in any way, I would have thought.

The Rural Assistance Commissioner, as I have said, will be successor in law to the RFCV. The RFCV currently manages the NCASA on behalf of individual departments and agencies, so any department or agency requiring a service from Bendigo under the NCASA must go through to RFCV, which is ultimately responsible for managing and funding the provision of the services by Bendigo to the department or agency. A condition of the commonwealth assistance programs, which are vitally important, is that the assistance loans are booked on the balance sheets of a state entity, and RFCV is currently providing this function.

In the progression and upon the wind-up of the RFCV these loans will need to be booked with another state entity, and the commissioner meets this requirement. Essentially these loans are just going across to the commissioner. The bill transfers all property rights and liabilities of the RFCV to the commissioner as RFCV's successor in law.

This commissioner has some power, of course. One of those is the power to delegate to secretaries of other departments any of its functions in relation to rural schemes of assistance. By way of explanation, following the transfer of the RFCV's functions to the commissioner, the intent is that the department with policy responsibility for a particular scheme of assistance be given the power to liaise directly with Bendigo or whichever service provider is delivering the scheme.

In terms of practicality, that is a good way to go. Why is it a good way to go? It is more efficient as it removes the Department of Economic Development, Jobs, Transport and Resources from the process when it does not have a policy responsibility for a particular scheme. Of course removing any cog that does not need to be in the machine is going to make the process much more efficient and much easier to handle, and that is a great thing for our farmers who are part of these loans schemes. Eliminating any red tape that they do not have to go through means there is more time that they can actually spend farming and getting their crops and their animals right.

The bill also allows the Rural Assistance Commissioner, with the approval of the Secretary of the Department of Economic Development, Jobs, Transport and Resources and the Minister for

Agriculture, to delegate relevant functions to secretaries of other departments. This provision is to allow departments with policy responsibility for certain existing and new rural schemes of assistance to engage directly with a third party under a head of agreement managed by the commissioner. For example, if the Department of Treasury and Finance was engaging with Bendigo under the NCASA for the provision of natural disaster relief-related services, it could easily do so.

This commissioner will manage the standing offer arrangement or head agreement. Other departments or agencies are then able to engage Bendigo or an alternate service provider directly to provide services by completing a purchase order under the head agreement. The terms of the individual purchase order contract may be predetermined but in any case must not be inconsistent with the head agreement.

The NCASA will need to be amended by agreement to allow for this structure to be implemented and this change and wind-up to occur. The government will negotiate with Bendigo to seek changes to the NCASA to facilitate this proposal, of course. If the NCASA is not renegotiated by the time the bill commences, the bill will still be effective, with the commissioner replacing the RFCV and the responsible minister replacing the Treasurer in the NCASA as successor in law. As a side note on this, though, I would say the ability of the commissioner to have the functions effectively delegated to other departments will be restricted until the NCASA can be renegotiated.

In the minute I have got left in this debate I would just like to touch on the winding up of the RFCV and the Young Farmers Finance Council (YFFC). The YFFC is a statutory body established under the Young Farmers' Finance Council Act 1979. The functions of the YFFC are to encourage the establishment of young people in farming, and one of the programs established to assist with this is the young farmers finance scheme. This scheme commenced in 1981 and provides concessional loans to prospective young farmers. I happen to know that one of my friends who was part of that scheme has been very, very successful.

Following the transfer of the RFCV to the commissioner, the RFCV will have no remaining functions. Therefore it is proposed that the Rural Finance Act 1988 be repealed. The RFCV and YFFC will then cease to exist. The residual reporting requirements required under the Financial Management Act 1994 will be conducted by the commissioner. Just in conclusion, this is a commonsense bill. It makes things more efficient. It helps our farmers and our rural

colleagues. I would hope that the bill does not have too much trouble with people discussing other things that are not really to do with it today. I commend the bill to the house.

**Mr McGUIRE** (Broadmeadows) — I move:

That the debate be now adjourned.

**Mr M. O'BRIEN** (Malvern) — The government was very clear before that it felt that nothing should get in the way of discussing the Rural Assistance Schemes Bill 2016. The Leader of the House, in fact, was very vociferous in saying that nothing should get in the way of debating the Rural Assistance Schemes Bill, which is before the house at the moment. Now we find that all of a sudden, in a rush, given the panic and the chaos of this government, the government is seeking to adjourn the very matter which previously it said must take precedence over everything else. The government was determined to say that debating the Rural Assistance Schemes Bill 2016 should certainly take precedence over discussing the motion on the notice paper to debate the future of the Country Fire Authority (CFA) — to debate the future of 60 000-plus Victorian CFA volunteers. But no, apparently this bill that was so important it trumped the CFA and it trumped all the volunteers now can be put to one side.

What is the reason for this rush? I notice that the Minister for Industrial Relations, who has apparently been bunkered down in the Premier's office, has now stepped into the chamber. We all know that the Minister for Industrial Relations has been in deep, deep trouble for misleading this house in question time today, so all I can imagine is that the Minister for Industrial Relations is desperately trying to save her political skin by trying to make some kind of quick personal explanation at quarter past four in the afternoon for having misled this house and misled the people of Victoria. That is absolutely wrong when you consider the hypocrisy of the government, which refused to let this side of the house debate the motion on the notice paper that was moved by the member for Gembrook to discuss the CFA.

Again, when it comes to Labor, grubby political games to try to save the skin of a discredited minister take precedence over legislation because it certainly does not want to debate the member for Gembrook's motion on the notice paper regarding the CFA. This is very improper in my mind. Given that we have been hearing from the government how important the Rural Assistance Schemes Bill 2016 is, it is very hard to understand how the government can change its position so quickly. It was saying — not more than 2 hours ago,

I think it probably would have been — that the Rural Assistance Schemes Bill had to be debated. We heard the member for Essendon saying he wanted to debate the bill so he could then move to the take-note motion on the budget.

Now we have the Leader of the House — and I am assuming she is supported by members opposite — saying that no, the government does not want to debate the Rural Assistance Schemes Bill anymore.

Presumably it is not about to move on to the take-note motion on the budget papers either because all those matters which the Leader of the House, the member for Essendon and others were saying were so important have now been just pushed to one side. Well, why would that be the case? We have a minister whose political carcass is swinging in the breeze, to quote Paul Keating, who is so beloved of members opposite. We have a member who in question time today did not tell the truth, was not honest. How do we know? Well, we know a lot about the truth because we know what the — —

**The DEPUTY SPEAKER** — Order! I seek the assistance of the member for Malvern. If there are imputations made on a member on either side of the house, it needs to be done by substantive motion. I ask him to come back to the motion before the house, which is the adjournment of the debate.

**Mr M. O'BRIEN** — Certainly. Thank you, Deputy Speaker. There is a reason why I have grave concerns about adjourning debate on this motion. It is because it is hypocritical for the government to previously argue that the Rural Assistance Schemes Bill was the most important thing to be debated and then seek to adjourn that off. It is hypocritical for a government which preaches about honesty and transparency to now try to adjourn off the business of this house to allow a discredited minister the chance to try to squirm away from what she told this house. It is appalling.

**Ms SPENCE** (Yuroke) — Despite all the blustering from those opposite, I also support the motion that this debate be adjourned.

**Mr CLARK** (Box Hill) — As the member for Malvern said, this house is owed some explanation as to why the government wants to adjourn the debate. We had not a minister rise to their feet to explain to the house why the government wants to adjourn the debate but instead the member for Yuroke, and she said nothing more than that she agrees with the adjournment. If this house were extending the usual and expected courtesies not only to other members of the house but to the whole community as to what is going

on, members opposite would provide some explanation as to why they want to adjourn the debate. We gather it has something to do with the Minister for Industrial Relations making a personal explanation, and if that is the case, well, we would certainly want to hear such a personal explanation.

But we would also want to do a lot more than that. The Country Fire Authority (CFA) is clearly in crisis. There are rumours abounding everywhere as to what is going on. There are press reports of the government having given an ultimatum to the board as to what it must do — —

**Ms Allan** — On a point of order, Deputy Speaker, as the honourable member, the manager of opposition business, knows he is starting to stray outside of the scope of what is, as we have discussed a fair bit this afternoon, a reasonably narrow debate. Contributions have got to be to the point, and I would encourage you to bring the member for Box Hill back to that narrow debate and focus on the reasons why the opposition is so aggrieved about our adjourning the Rural Assistance Schemes Bill 2016.

**The DEPUTY SPEAKER** — Order! I do not uphold the point of order at this time. I would imagine that the honourable member for Box Hill is making his remarks in passing, and he will come back to the motion before the house.

**Mr CLARK** — Indeed, Deputy Speaker. The point that I am making is that there are a lot of pressing issues around at the moment related to the CFA — reports of ultimatums having been given to them, threats of the board being dismissed and so forth — and this entire matter should be brought on for debate if the debate on the Rural Assistance Schemes Bill is to be adjourned off. It is not good enough simply to have the Minister for Industrial Relations offer a personal explanation and then for the government to go back to the Rural Assistance Schemes Bill or a take-note motion on the budget. We are in a situation of crisis at the moment in relation to the CFA.

This house should be the heart of democracy and democratic debate in this state, and the Premier, who is sitting in the chamber at the moment, should have the decency to stand up in this chamber and give a proper ministerial explanation to this house as to what is going on and allow this house to debate fully the future of the CFA, what he is trying to achieve with it, what is being put at risk and what its future will be. For that reason I would call on the Premier, the Leader of the House or some other minister in a position of responsibility to get to their feet and give this house a decent explanation of

what their intentions are in relation to the adjournment, and in particular to give a commitment that they will allow the entire issue of the future of the CFA to be debated if this matter is adjourned.

**Ms ALLAN** (Minister for Public Transport) — In speaking on the motion I am delighted to accept the invitation from the member for Box Hill to provide an explanation as to the reason we are seeking this adjournment. It is a pretty simple and straightforward one, and it is governed by the procedures and processes of the house. The reason for the adjournment of debate on the bill is to provide for the Minister for Industrial Relations to make a personal explanation to the house.

As some members opposite may know, there are certain forms of the house and procedures that need to be followed to enable the minister to do that, which include a process that involves the Speaker and which includes coming into the chamber at the first available opportunity, and that first available opportunity needs to be at a break in business. We are endeavouring to provide that break in business.

I understood from those opposite that they were quite keen to hear from the Minister for Industrial Relations, and we are willing and wanting to assist in facilitating that by using the forms of the house to assist the minister to make the appropriate statement. Those opposite will be delighted to know that we will go back to the Rural Assistance Schemes Bill that they are so passionately interested in that they are not bothering to put up any speakers on it. So we will go back to it, and we look forward to hearing from the Minister for Industrial Relations, then going back to the business of the house and, who knows, at 5 o'clock we might all start to adjourn and head off on our way for the weekend.

**The DEPUTY SPEAKER** — Order! I call the honourable member for Warrandyte.

**Mr BATTIN** (Gembrook) — Not quite — Gembrook.

**The DEPUTY SPEAKER** — Order! I apologise. The honourable member for Gembrook.

**Mr BATTIN** — Thank you very much for the compliment, Deputy Speaker. It was a fantastic compliment to be called the member for Warrandyte. I will take that on board.

We are here today to debate an adjournment of debate and the government is trying to adjourn again. Exactly as the manager of opposition business just said, it is an engineered adjournment to try to allow a minister to

make a personal explanation and talk about the things she has done in misleading this state. She wants to come out and apologise. What we want — —

**Ms Allan** — On a point of order, Deputy Speaker, we have had this conversation in this place a couple of times now this afternoon. I would have thought the member for Gembrook by now would have familiarised himself with standing order 118, which demonstrates very clearly that there are forms of the house which require that if he wishes to make such allegations, he must do so by way of substantive motion. I ask that you bring him back to the narrow debate that we are having before the house.

**The DEPUTY SPEAKER** — Order! I do uphold the point of order. I ask the honourable member to come back to the motion before the house.

**Mr BATTIN** — In relation to the motion before the house and standing order 118, I will not make any accusations. We have a government that now wants to adjourn debate to allow one person to make a personal explanation, but the Premier will not get the entire government to come out and support the Country Fire Authority (CFA) volunteers. The CFA is saying that the government is trying to ram through a deal — that you are trying to ram through a deal on them. The CFA board has sent out an email today saying it will not follow the dictatorship of Daniel Andrews to enforce the enterprise bargaining agreement on CFA volunteers and destroy the volunteer system across this state.

**The DEPUTY SPEAKER** — Order! The honourable member will refer to honourable members by their correct titles.

**Mr BATTIN** — The Premier is running his dictatorship and trying to enforce the agreement on Victorians and trying to sack the CFA board because it does not agree with him. If the Premier says he does not agree with me, that is fine. Let us see what happens over the next week. What we are saying here at the moment is that we must stand up for Victorians. We have tried to bring on in this house many times — not just today, but over the last week — a debate about the CFA. We want to debate and talk about volunteers and their importance. All we have had is lies from the government in relation to this. While the minister wants to come out and justify her position, I was on the phone — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I am having great difficulty in hearing the honourable member for

Gembrook. I ask honourable members to talk among themselves but not so loudly.

**Mr BATTIN** — What we have from the government at the moment is a failure to stand up for these volunteers and to put a position on the table. If government members want to adjourn this debate, why do we not go to a full debate on the CFA? We on this side are more than happy to debate this. We are more than happy to talk about it. We are more than happy to talk about an integrated model that has actually been so successful that the government wants to destroy it. It has been so successful in this state; it has worked effectively and it would work going forward.

**Ms Allan** — Again I renew previous points of order that you have upheld and indeed the member is ignoring: that he is required to come back to the narrow substance of the debate. If those opposite want to have a full debate, let us talk about the \$65 million that was cut from the fire services at the same time.

**The DEPUTY SPEAKER** — Order! The honourable member for Gembrook has completed his speech.

**Motion agreed to and debate adjourned.**

**Debate adjourned until later this day.**

## PERSONAL EXPLANATION

### Minister for Industrial Relations

**The DEPUTY SPEAKER** — Order! I call on the Minister for Industrial Relations to make a personal explanation.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! Personal explanations are given in silence — and when I say silence, I mean silence. The Minister for Industrial Relations, on a personal explanation.

**Ms HUTCHINS** (Minister for Industrial Relations) — I rise to make a personal explanation. Earlier today, in question time, I referred to a conversation between the president of the Fair Work Commission and me regarding the Country Fire Authority enterprise bargaining agreement. In my statement I made references to assurances by the president, and I acknowledge that I misspoke. In an attempt to summarise complex issues for the benefit of the house, I paraphrased in a way that unintentionally overstated the president's comments. I have written to President Ross and apologised, and he has accepted my

apology. I apologise to the house. The recommendations of the industrial relations commission are clear, public and stand for all to read. The recommendations respect the work of paid and volunteer firefighters and underpin better fire services.

**Mr CLARK** (Box Hill) — I desire to move, by leave:

That the house takes note of the minister's personal explanation.

**Leave refused.**

## RURAL ASSISTANCE SCHEMES BILL 2016

### *Second reading*

**Debate resumed from earlier this day; motion of Mr PALLAS (Treasurer).**

**Mr McGUIRE** (Broadmeadows) — I am delighted that so many people have come into the house to hear this contribution! We need to make a couple of important points, so let us put the context; let us set up the debate. When the coalition announced the sale of the Rural Finance Corporation of Victoria's loan book serious questions were raised about the integrity of the process. These questions were raised because of a lack of due process — that was the reality of it.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I am having great difficulty in hearing the honourable member for Broadmeadows. I ask for the assistance of the house so that I can hear — and other honourable members and Hansard can hear — the honourable member for Broadmeadows.

**Mr McGUIRE** — Thank you, Deputy Speaker; I appreciate your protection. The proposition was — I will put it bluntly — that there was no scrutiny, there was no consultation and there was no competitive tender. Let us just consider that lack of a competitive tender. This was significant because if the coalition had bothered to talk to farmers and regional communities, it would have realised there were serious concerns about this decision. Little thought was given to the ongoing needs of rural communities experiencing hardship and the state's responsibility to help. This is an issue about who was caring for rural communities. I find it extraordinary that members of the National Party in particular have effectively gone on strike from this debate. They should be standing up for their communities, and members of the Liberal Party as well. We need to speak on behalf of the people of Victoria —

all the people of Victoria. It has been quite revealing what has happened in this debate today.

Under the previous government a whole board of directors was left on the state's payroll to administer the actions of a single employee. This is actually what happened. We have the issue of what has actually occurred in these areas over time. The member for Shepparton gave a very good account of the history and context of the rural finance corporation and how it actually worked. I remember she referred to *Just Like Family*. That is the way it used to be dealt with and that is what it meant to rural communities.

If we hark back to the history of this and soldier settlement, these were people returning from the war and they were given tough land. These were tough times. It was not an easy thing for rural families to rebuild their lives, rebuild their communities. You have to understand this context. That is why I am at a loss to understand why the National Party would not want to stand up and speak up for its constituents, and the Liberal Party as well. You actually have to place every community in their time, place and context, and that is the history of what has occurred with the rural finance corporation.

This was really significant to communities to help them rebuild their lives and to help rebuild the state of Victoria. It was really important. We respect the people from rural and regional Victoria for the effort they have made over a long period of time. Firstly, from a historical point of view they have really been just eking out a living; and secondly, to actually develop communities, to produce our exports and to underwrite the economy for generations was really important.

In the end, though, we ended up with a folly; we ended up with a board of directors to supervise one employee. What is now going to be done is that we will have a Rural Assistance Commissioner to advocate for the needs of rural communities. This is important because we need to have a single powerful voice in Victoria for people who are experiencing hardship in regional Victoria and who need help as required.

I want to again place this in the context of what happened at the time because the then opposition leader, the now Premier, raised serious concerns about this process. He raised the question, as reported on the ABC on 5 May 2014, 'Who sells a \$400 million asset without even going to tender?'. That is a critical point. Further, there were shocked responses from a lot of the communities and stakeholders. I refer to an ABC Rural online report on 6 May 2014 by Warwick Long, with

the headline 'Rural finance clients worried about sale'. The report reads:

Clients of rural finance corporation say they are shocked at hearing the Victorian government sold their business lender.

For more than 65 years, state-owned Rural Finance has been a lender to farm businesses and a distributor of grant money.

Now the Victorian government has announced Rural Finance is to be sold to Bendigo and Adelaide Bank for \$1.78 billion.

The next issue of course was: could you have got a better deal? Were there other potential buyers? Malcolm Maiden had an insightful report in the *Age* of 10 May 2014. The headline for that report was 'Rural Bank's suitor kept was in the dark'. He commented that the Victorian government of the day:

... sold rural finance corporation to Bendigo and Adelaide Bank for \$1.8 billion in an exclusive privately negotiated deal despite knowing other banks were interested in buying Rural Finance if it was put up for sale.

One of them, Rabobank Australia & New Zealand, initially briefed the Victorian Department of Premier and Cabinet about its interest in buying Rural Finance when the Brumby ... government was in power.

He went on further to say that in a presentation the bank's then chairman, Bill Gurry:

... expressed willingness to protect and grow the franchise if it was sold. After the election of the coalition state government in 2010 it contacted the department again and confirmed its interest.

These were the issues surrounding the context and the timing and what actually happened with this deal. They raise issues of public significance and whether the public interest was best served.

That is an issue of significance for this house. We have had a fair bit of indignation, mocking or otherwise, from the opposition, and even accusations about what was going on, and was this an engineered adjournment? No, the interruption to the debate was, according to the forms of the house, proper process. We have had the minister make her statement to the Parliament in the most timely and appropriate way, and that is exactly what should have occurred. So let us not have any more mock indignation about these issues. We had a lot of questions during question time as well to the Premier and to the minister that were all answered. The issues have been put on the floor of the Parliament, they have been discussed and they have been answered. The Parliament has gone about its business and followed the forms in the way that it should.

The objective of this bill is to improve the administration of Victorian and commonwealth finance

assistance schemes for rural communities by establishing the Rural Assistance Commissioner and transferring the remaining assets, liabilities and functions of the Rural Finance Corporation of Victoria to the Rural Assistance Commissioner. The objective of the bill is to create a new principal act that will provide for a new statutory body, the Rural Assistance Commissioner. It will provide the Rural Assistance Commissioner with the necessary objects, functions and powers to administer state and commonwealth rural schemes of assistance or other schemes on behalf of the state of Victoria.

This is really looking to what happens when there are natural disasters and the support that should be given to rural and regional communities. This is a better mechanism. There will be more scrutiny, accountability and compliance and I think that is in the public interest. In the debate throughout this day, if you analyse what has occurred, there have been plenty of occasions during question time for members of the opposition to ventilate their questions and get the answers.

We have had debate on a piece of legislation that is significant and should not be underestimated. We need to take care of these communities in an appropriate way and that has now been done. It is a far more professional way of taking care of these significant issues in the public interest of all Victorians, particularly rural and regional Victorians, at their most vulnerable times. I commend the bill to the house.

**Ms GRALEY** (Narre Warren South) — It is a pleasure this afternoon to speak on the Rural Assistance Schemes Bill 2016, and I must say that we have a record number of Nationals MPs in the house now. Prior to this there were none. They have failed to speak on a Rural Assistance Schemes Bill that you would think they would have a very deep and concerted interest in. This was really indicative because before they arrived there was only one person from rural Victoria sitting in this chamber, and that was the member for Shepparton. You have to wonder while she was here listening to these important issues, where were they? The reason she is here is that they go missing. They go missing for the people they are supposed to represent; they really do.

**Mr Clark** — On a point of order, Acting Speaker, I believe the Deputy Speaker has already cautioned the house this afternoon about standing order 118 on imputations and personal reflections in which the honourable member on her feet was engaging. I ask you to remind her about standing order 118 and ask her to avoid making imputations against other members of the house in the course of her contribution.

**The ACTING SPEAKER (Ms Kilkenny)** — Order! I bring the member back to the bill.

**Ms GRALEY** — I will continue to preface my comments on this bill. I grew up in a household in which my father used to sit at the table enjoying his meat and potatoes and his butter on his bread and saying he was the farmers' friend. He was a man that actually believed that he should support the farmers of Victoria, because he had come from a rural background himself. I would say that one thing my dad got right when he told me he was the farmers' friend was that he pointed out that they never got anything from The Nationals and that the Labor Party was the farmers' best friend too. You can see, when we raise objections about this funny little sale of the rural assistance — —

*Honourable members interjecting.*

**Ms GRALEY** — Thank you very much. We know that in 2014 the commercial loan book of the Rural Finance Corporation of Victoria (RFCV) was sold to Bendigo and Adelaide Bank. We also know that at that time there were serious questions asked about how this actually happened. It was a bit of a surprise to most people. As we know, it was a bit of what we could say was a panicked fire sale of the Rural Finance Corporation of Victoria. When the sale of the RFCV was announced the coalition — yes, those people over there, The Nationals included — had no long-term plan for future delivery of rural assistance programs like drought and flood support. The fact is that — —

*Honourable members interjecting.*

**Ms GRALEY** — Members opposite might like to get up and speak about this and speak up for the people in their area. We would like to hear what they think, because the fact is that they did nothing when this happened. It was a panic fire sale, and they just sold the RFCV off. We were the people that raised concerns about this. As the member for Broadmeadows said before, the opposition leader at that time had serious concerns about the process. He asked:

Who sells a \$400 million asset without even going to tender?

We know the answer: the former Treasurer, the person who has a dodgy reputation for doing side deals. We were not the only ones raising these issues.

**Mr Clark** — On a point of order, Acting Speaker, I again draw your attention to standing order 118 and the cautions that were previously issued to the house. The honourable member is impugning the member for Malvern, and I ask you to ask her to desist.

**The ACTING SPEAKER (Ms Kilkenny)** — Order! In accordance with standing order 118 there is to be no impugning of members of the house, so I ask the member to come back to the bill.

**Ms GRALEY** — It was not just us asking these questions. I refer to Malcom Maiden's article in the *Age* of 10 May 2014 headed 'Rural bank's suitor was kept in the dark'. It states:

The Victorian government —

you guys opposite —

sold rural finance corporation to Bendigo and Adelaide Bank for \$1.8 billion in an exclusive privately negotiated deal despite knowing other banks were interested in buying rural finance if it was put up for sale.

They did not know. There was a lot more commentary about that and a lot of questions asked, including questions from farmers at that time, because they were wondering how this happened. They had a very good relationship with the corporation, because it did provide them with drought and flood relief. I recall one farmer saying at the time, 'You know, they actually had a heart; they listened to our concerns and responded'.

As we know, the government has brought this bill to the house. The objective of the bill is to create a new principal act that will provide for a new statutory body, the Rural Assistance Commissioner. It will provide the Rural Assistance Commissioner with the necessary objects, functions and powers to administer state and commonwealth rural schemes of assistance or other schemes on behalf of the state government of Victoria. It will facilitate the transfer of property, rights and liabilities of the RFCV to the Rural Assistance Commissioner and make provision for land held as security by the RFCV's successor to be recorded by the registrar of titles in the name of the RFCV successor on behalf of the Crown. It will also, and this is very important, provide the Rural Assistance Commissioner the power to delegate to secretaries of other departments any of its functions in relation to rural schemes of assistance.

I would like to finish my contribution by drawing to the attention of the house the terrific job that the commissioner will be able to do in advocating for the needs of rural communities. There will be a single, powerful voice in government for people, especially — as I have already referred to — those who are experiencing hardship in regional Victoria and need our help. Regional Victoria has been experiencing hardship, but I am really pleased to say that I am very proud to be a member of a government that governs for all Victorians. You only have to look at the way the

Andrews Labor government got behind the dairy farmers when they were experiencing the low price for their milk. We delivered an \$11.4 million support package for dairy farmers affected by the global fall in milk prices, and we have really gotten behind the industry, with the Tactics for Tight Times package and Taking Stock programs providing specialised advice and business support to enable dairy farmers to make the best decisions.

It is not just about supporting people with financial assistance in terms of supporting the way they earn their income; it is also about making sure that we are supporting farmers when they are experiencing attacks on their earning capacity that have implications for the way they live their lives and for their families as well. As parliamentary secretary to the Deputy Premier, the Minister for Education, I am very pleased that when we went in to support families that had been affected by drought over the Christmas holidays and as they returned to school, we got behind them with a back-to-school package so they could access some support for uniforms, fees and things like that — essential items — which made sure that when their kids returned to school they were not disadvantaged by not turning up in their uniform, not having the right shoes for physical education and not having those essential items that they need to make sure that their learning continues. Often these are the things that get cut back when families are struggling with the plight of the environment that often affects our farming areas and rural communities.

This is a very good bill. As I said, it is necessary because of the panicked fire sale by the previous government of the Rural Finance Corporation of Victoria. It has taken a Labor government to really think very clearly about what sort of entities should be in place of that so that our farmers and our rural communities can get the necessary and ongoing support they need. Most of all it is needed so that in a time of drought, flood or fire farmers can go to somebody that understands their concerns completely — not just the Andrews Labor government that is right behind them but the departments and the new entity as well. It is a pleasure at this stage to commend this very good bill, this very much-needed bill, to the house. I wish it speedy passage.

**Ms HALFPENNY** (Thomastown) — I also rise to speak in support of the Rural Assistance Schemes Bill 2016. I would like to start off by saying that the former coalition government did very little constructive work during its four years in government, and unfortunately when it actually did do something, which was not

much, it seems that the current Labor government has had to come along and fix up its mess.

This has been the situation in respect of a number of pieces of amending legislation that we have talked about even this week. We debated the legislation around the installation and relocation of bus stops, where the coalition government changed the legislation and messed it up. Of course we had to come along and fix that problem. Here we have another amendment bill because of the problems that the coalition government left when it tried to do something. Most of the time it did nothing, and when it did do something, it was invariably wrong.

What we are talking about here is the decision by the former coalition government to sell off the state-owned bank that provided finances to farmers and also administered and distributed or oversaw the awarding of grants and other assistance to farmers, such as young farmer grants, and the provision of financial support in times of disasters, such as flood, drought and so on.

This legislation that we are talking about today fixes up a problem. The state-owned bank was sold off, and there was not any tender process or anything else. It was just determined that 'These are the banks that are going to purchase it', without any due process. So the financial services were sold off. Of course this was upsetting to many farmers. I want to quote Mr Warwick Long, who in an ABC Rural online report on 6 May 2014 said of the state rural finance corporation:

They've got a bit of a culture, a bit of a heart, they treat you as a human being.

This is the organisation that farmers believed was looking after them, and of course we all know that there is a lot of scepticism about the banks. Pretty well everybody in Victoria and Australia has a bit of scepticism about the banks. That is why the federal Labor Party is proposing a royal commission into banking operations. But despite the tide of views and the sentiment — the will of the people — the former coalition government sold off this state-owned financial institution that was doing the right thing by many farmers. As a result this legislation is required, because a lot of problems were left. Whilst the financial wing of the rural finance corporation was sold to other banks, and the organisation was stripped of the money-making activities, it was still required to oversee things like the distribution of grants and provide community support for people in rural and regional Victoria. This was done with a full board, as if it still had its banking arm, and one employee. Of course people on the board were being paid, whether it was by reimbursements or board

fees or whatever, and it really just seemed to be a ridiculous situation.

This legislation basically reviews and rearranges all of that, establishing a commissioner who will advocate and look after and agitate for the interests of farmers and those in rural and regional parts of Victoria. It will be this commissioner who will provide the oversight and the regulation in relation to how grants and financial support are provided to farmers in the times of their greatest need.

When we are looking at this legislation we have to make sure that it is properly done, so that we do not make the same mistakes that the coalition did. This is why there has been a lot of consideration of the legislation. Of course it is quite a lengthy piece of legislation, because it not only creates a new office or a new position, which is of a commissioner, but it also requires all the necessary machinery that sets up a commissioner in terms of what the roles and responsibilities are, how they are appointed, where they are situated and, in the event of any problems or issues, how those things are resolved. These are the things that we really need to make sure are correct in the first place, rather than after the second or third attempt.

I just want to talk a little bit now about the actual Rural Assistance Commissioner. I think this demonstrates the Andrews Labor government's commitment to those in regional and rural Victoria, and in particular rural Victoria — those who are making a living on the land and are producing things for us, whether it is our food, whether it is our exports, whether it is revenue from exports. There will no longer need to be a board of directors because we will have this commissioner, and the commissioner will be advocating on behalf of rural communities and pushing very strongly within government the needs and requirements of rural communities. There will be a strong and powerful voice within government to ensure that the voices of those within rural communities are heard, and they will definitely be heard. I am sure that the commissioner who is appointed will fulfil this job really, really well.

The communication that will occur will relate to the needs of rural communities at any time, but particularly during periods when they are experiencing hardship. I know that the member for Narre Warren South and others have talked about the situation with dairy farmers at the moment, where the price of milk has fallen so low as a result of the poor conduct of some of the milk manufacturers. Dairy farmers have not caused the problem; the milk manufacturers have caused the problem. We absolutely need our dairy farmers to survive. We need the dairy farmers and their families to

stay. We need to support them in times of trouble so that they can continue to provide a milk supply in Victoria, because milk is an absolutely essential commodity that we need for so many things.

In Victoria we have always been proud of the fact that we are such a clean and green producer of food products. In the past I worked in the food industry. I often used to travel to Echuca, where there was a factory that took a lot of milk from the surrounding dairy farms to produce, in particular, yoghurt. It was originally part of the Yoplait brand, but over time the company was sold and resold and so on. It always needed a strong and ongoing supply of milk in order to make yoghurt which it then sold in many parts of Victoria, as well as throughout the country. That factory provided good, secure, well-paying jobs for hundreds of people over many, many years.

This legislation, as I have said, does not do anything new; rather it contains good ideas that fix up some of the major deficits resulting from the actions of the former coalition state government. The coalition had a fire sale and sold off without proper consideration of the consequences and how farmers would be supported in the future a great organisation which provided finance to the farming community. The Labor government understands rural communities and talks to people and listens to them. The government does not say what it thinks the communities need. It is important to have that advocacy continuing.

**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.**

**ROAD MANAGEMENT AMENDMENT  
(BUS STOP DELIVERY POWERS)  
BILL 2016**

*Second reading*

**Debate resumed from 8 June; motion of  
Ms ALLAN (Minister for Public Transport).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**JUSTICE LEGISLATION (EVIDENCE AND OTHER ACTS) AMENDMENT BILL 2016**

*Second reading*

**Debate resumed from earlier this day; motion of Mr PAKULA (Attorney-General).**

**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.

**Mr Paynter** — On a point of order, Deputy Speaker, on 13 April 2016 I raised an adjournment matter with the Minister for Planning. I am yet to receive a response. If this could be followed up, it would be appreciated.

**The DEPUTY SPEAKER** — Order! I will refer that matter to the Speaker.

**Proclamation Park, Ringwood**

**Ms RYALL** (Ringwood) — My adjournment request is to the Minister for Sport. The action I seek is that the minister provide the Ringwood Saints Baseball Club, the Ringwood women's cricket club and the Ringwood Junior Cricket Club with \$400 000 for new clubrooms at Proclamation Park through the Sport and Recreation Victoria major category grants. These sporting organisations share the existing clubrooms, but they are particularly the home of the Ringwood Saints Baseball Club. The clubrooms contain asbestos, and they are also home to rats and possums, which means there is urine running down the walls and excrement on the floor. The rooms are very, very old and in appalling condition. Having said that, though, I must congratulate the clubs on the work they do to try to keep the

clubrooms in some order so that people can actually use them.

There is no privacy for women in the clubrooms. As I said, the Ringwood women's cricket club plays on this ground and uses these clubrooms. When I was there recently I saw that there is an open shower with a glass screen that is in full view of everybody, so women cannot even have a shower in these clubrooms, which in this day and age says a lot and really needs to be acted upon. Women are also involved in the baseball club. It is not just the players but also other members of these clubs who need to use these facilities. When I walked into the disabled toilet there was excrement — I am not sure whether it was rat or possum — all over the floor and urine running down the walls, which is clearly inappropriate.

The new clubrooms have been approved by the council, but that additional \$400 000 is needed to ensure that this piece of infrastructure that will house the Ringwood women's cricket club, the Ringwood Juniors cricket side and most prominently the Ringwood Saints Baseball Club can be built. This funding is absolutely vital so that these clubs are able to have clubrooms that are clean, that are not infested by rats and possums and the like and that are suitable to be inhabited by club members, players and others who use the facilities.

**Strathmore Secondary College**

**Mr PEARSON** (Essendon) — My adjournment matter is for the Minister for Education, and the action I seek is that the minister visit Strathmore Secondary College with me and the member for Pascoe Vale to inspect the site where three new double-storey portables will be located. I, along with the member for Pascoe Vale, was pleased to recently learn that \$2.78 million has been provided by the government for three new state-of-the-art, double-storey modular buildings. This initiative is being jointly funded by the Andrews Labor government and Transurban.

The new, modern classrooms will incorporate the latest innovations to provide teachers and students with a modern learning environment, including noise-dampening insulation, double-glazed windows, energy-efficient design, external window shades and inclusive access ramps. The new buildings will replace six older single-storey buildings located close to the Bell Street off-ramp. This investment builds on the announcement in the May budget of master planning funding for Strathmore Secondary College. The provision of these new double-storey portables is a big win for our community, and I would welcome the opportunity for the minister to meet with me, the

member for Pascoe Vale and the school community to inspect these double-storey portables once they are on site.

### **McMahons Road–Clyde Street–Burwood Highway, Ferntree Gully**

**Mr WAKELING** (Ferntree Gully) — The matter I wish to raise on the adjournment is for the Minister for Roads and Road Safety. The action that I am seeking is for the minister to take action with respect to the intersection of McMahons Road and Clyde Street with the Burwood Highway in Ferntree Gully. This intersection on the Burwood Highway is a significant intersection for residents in the Ferntree Gully electorate and for residents in the suburb of Ferntree Gully. McMahons Road services a significant community to the north of the Burwood Highway, and at the end of McMahons Road there is a former quarry site which was used by Robertson's bricks and is now a potential construction site for a new housing estate.

Throughout that community there has been significant redevelopment of housing stock. There are many new residents, with younger families moving into that community, plus there has also been the construction of unit developments, which has increased the number of cars in that community. I have for many years had issues raised by residents regarding the intersection and the future of that intersection, particularly whether there is the potential for traffic lights to be installed. To the south of the intersection is Clyde Street, which is a significant road for the reason that it is a cut-through between the Burwood Highway and Ferntree Gully Road. It is used by not only local residents but many throughout the Knox community, who see it as an opportunity to cut through that suburban street in order to access Ferntree Gully Road to the south.

At the intersection there is a McDonald's and there is also an industrial estate on the south side of the Burwood Highway. Again, they exacerbate the problems that are faced at this intersection. It is a very difficult intersection in the way it has been constructed. There have been many complaints raised by residents and by other members of the community over a long period of time regarding the intersection. What the community is seeking an answer to is what the government plans to do with the site. Is the government planning to construct traffic lights at the intersection, and if so, what would the associated cost be for that potential upgrade? So the action I am seeking, Deputy Speaker, is for the minister to take action with regard to the intersection and for him to provide advice back to my community on whether the government will be constructing traffic lights at that intersection.

### **Western Ring Road upgrade**

**Ms SULEYMAN** (St Albans) — The adjournment matter I wish to raise is for the attention of the Minister for Roads and Road Safety. The action I seek is that the minister provide an update on the works on the Western Ring Road, which will add an additional lane from Sunshine Avenue, St Albans, and include the installation of safety barriers on the E. J. Whitten Bridge. When will the works commence?

As we know, the Andrews Labor government has contributed \$150 million towards the project, with a further \$150 million coming from the commonwealth government. My electorate is extremely keen to see this project commence. The works will benefit the ring-road and, of course, the 160 000-plus drivers who use the road every day. Most of all they will improve safety along the E. J. Whitten Bridge and, with the additional lane along the ring-road, reduce congestion.

This is a project that the electorate of St Albans is extremely enthusiastic about and my constituents want to see the works commence as soon as possible. The ring-road is a main thoroughfare through St Albans to the city. The work will reduce congestion, but most of all the placement of safety barriers along the E. J. Whitten Bridge is absolutely important to the locals, not only for the motorists but also for pedestrians and cyclists who travel along the bridge. It is an open bridge at the moment and it is important that appropriate safety barriers and measures are put in place.

I again commend the Andrews Labor government for making sure that we are investing appropriately in infrastructure, not only in St Albans but also around St Albans, and for making sure that our freeway networks are not congested and that appropriate measures are put in place. As I said, I ask the minister to provide me with an update on when the works will commence.

### **Level crossings**

**Mr SOUTHWICK** (Caulfield) — My adjournment matter today is for the Minister for Public Transport, and the action I seek is that the minister meet with North Road, McKinnon Road and Centre Road traders to discuss a stimulus package to assist them with their ongoing business operations due to the way in which they have been treated by this government as part of the level crossing removal project. We are seeing a government that is having to deliver a project that it did not even pay for, and because it has been so poorly executed we are seeing businesses actually closing down.

**Mr Staikos** interjected.

**Mr SOUTHWICK** — The member for Bentleigh interjects, but I call on him to join the minister and me, in a spirit of bipartisanship, to help these traders continue on with their businesses. This is not a laughing matter. Government members continue to laugh and joke about this matter, but we have five businesses that have shut down since this government has been developing this project. The businesses are a florist, a deli and a boutique. There is also a local gym that is down about \$200 000 since this project was implemented. It is just a poorly implemented project — a great project with great vision, paid for by the coalition but unfortunately poorly delivered by this government.

A stimulus package has been promised previously by the Minister for Small Business, Innovation and Trade. The minister and the member for Bentleigh went to traders and promised them that they were going to get some relief to ensure that their businesses could transition. This is what the Level Crossing Removal Authority has promised these businesses — what an absolute joke — a mickey mouse package of a brochure, outdoor signage and — get this — a photographic shoot to help their businesses. I hope the photographic shoot is not with the member for Bentleigh, because I tell you what, there would be many, many small business traders that would not want to be seen dead with the member for Bentleigh after what he has done in shafting his local businesses.

We need this government to stand up for local businesses, to meet with the traders of Ormond, McKinnon and Bentleigh — the two strips that are in the electorate of the member for Bentleigh, one of the most marginal seats in Victoria. It is time for the member for Bentleigh to stand up for the residents and stand up for those small businesses and make sure those businesses can remain in business. I am sure many of the local consumers out there want to shop in these shops. They have been delivered a dud project by the Level Crossing Removal Authority. This government needs to go out there, meet with those traders and work out a package that is going to keep those businesses in business and not put them out of business thanks to a government that does not care about small business.

### **Regional rail link**

**Ms THOMAS** (Macedon) — The adjournment matter I wish to raise is for the attention of the Minister for Public Transport, and the action I seek is that the minister join me on the very first new V/Line service that is departing Epsom at 7.00 a.m. on 27 June. It will

be stopping at Bendigo at 7.10 a.m., and I am delighted that our colleague the member for Bendigo West will join us at Castlemaine at 7.31 a.m. I look forward to joining both the minister and the member for Bendigo West at Kyneton at 7.54 a.m. On that day we will also see another new service added to the timetable, this one departing Southern Cross at 4.02 p.m.

I commend the minister on her delivery of these new services, which will coincide with the restoration of full service on the Bendigo line. These new services will fill an immediate need in our community for additional capacity on the Bendigo line. As our communities continue to grow, it is important that we have the infrastructure in place to meet the needs of our communities. That is why I was so pleased last Friday to attend the launch of the regional network development plan in Bendigo, the first ever long-term strategy for the development of better public transport in regional Victoria. My electorate will benefit immediately from additional car parking at Kyneton and Gisborne, and asphaltting and lighting at Woodend.

In addition, I was thrilled to see that four extra off-peak services between Melbourne and Bendigo will be added early next year to service students, workers and people coming to the city for appointments, shopping, theatre and any of the other attractions Melbourne offers. These are exciting times for regional public transport and for our fantastic V/Line service. I look forward to joining the minister on 27 June.

### **Kings Park, Seymour, netball facilities**

**Ms RYAN** (Euroa) — I am delighted that those on the other side of the chamber are so thrilled to have The Nationals here. The adjournment matter I wish to raise tonight is for the Minister for Sport, and the action I seek is for the minister to provide funding for a new netball court and women's change rooms in Seymour. Mitchell Shire Council has made an application on behalf of user groups at Kings Park to the country football and netball program for additional netball facilities. The project will provide the club with an additional floodlit netball court, unisex change rooms and associated amenities to provide a safer environment for all players. This will be especially important for junior players and will go a long way to creating a safe and secure environment at Kings Park.

There are currently more than 200 netball players who use the existing facilities at Kings Park, including players from Seymour Football Netball Club, St Mary's Junior Football Netball Club, Seymour Junior Football Netball Club, Seymour Junior Netball Association and children who participate in the NetSetGO program. All

of these groups compete for the use of the single court, which often results in training and warm-up activities being conducted on the reserve roadway while parents monitor traffic. As far as I am aware the Seymour netball club is the only team in the Goulburn Valley Netball League that has access to only one court, and clubs have to use other local facilities as an alternative, which results in increased playing costs. That is a real barrier to many people within the Seymour community who face a high level of disadvantage.

I do wish to acknowledge the many people in the community who have worked to advance this project over a number of years: Ken Jumbo Hall and other members of the recreation reserve committee; Gerard and Sandra O'Sullivan, who are absolute stalwarts of the Seymour Football Netball Club; Darryl and Cathy McNerny; Gary Browne; Ronnie Smith; and many others. I urge the minister to recognise the need for these additional facilities in Seymour and to throw his support behind this very worthy application from Mitchell Shire Council. I was very pleased before the election in 2014 to make a commitment to Kings Park of \$600 000 to help upgrade the facilities there. The community was obviously very disappointed to lose that funding, so I urge the minister to give his very favourable consideration to this application.

### Family violence

**Ms GRALEY** (Narre Warren South) — My adjournment matter is for the Minister for the Prevention of Family Violence and concerns the appalling incidents of family violence that afflict our local community. The action I seek is that the minister visit my electorate to meet with concerned local residents, schools and organisations to discuss the Andrews Labor government's response to the key recommendations of the Royal Commission into Family Violence. Many of these outstanding people took part in our Say No to Family Violence awareness campaign that the minister launched last year. They joined with me in taking a stand against these horrific acts of intimidation and violence that for far too long have often remained hidden and unreported.

In a recent article in the *Berwick Leader* it was reported that there are now nine reported incidents of family violence each and every day. In the same article Julie Knowles from Windermere Child and Family Services said that the figures:

... are frightening enough, but with Casey's rapid growth and our experience showing only a percentage of violent incidents ever get reported, I believe the reality is considerably worse ...

There is no doubt that there are still far too many women and children who remain too afraid or are unable to speak up to get the help they need. It is why we must do more and must be willing and able to make a stand and say, 'No more'. That is exactly what the Andrews Labor government is doing. It will not be easy and it will take time, but I know that the minister, our Premier and indeed the whole government are united in this effort.

### Country Fire Authority Cowes station

**Mr PAYNTER** (Bass) — My adjournment matter tonight is for the Minister for Emergency Services. The action I seek from the Minister for Emergency Services is for the minister to join me in visiting the Country Fire Authority (CFA) station at Cowes, Phillip Island, and to commit to funding a new CFA station. The current building has not been upgraded since the mid-1980s and is grossly inadequate. In its current state it raises occupational health and safety concerns as there is less than a metre between walls and vehicles, which makes it difficult for firefighters to put on their protective clothing before heading out to a call. There are insufficient turning areas in and out of the station for the trucks, which makes it dangerous for not only firefighters but also general road users. In April 2015 I asked the minister to meet with me on site, and I am still waiting for that to happen.

In November 2014 the previous coalition government committed \$2.3 million in funding for the construction of a new CFA station in Cowes. Building a new CFA station would boost emergency response capabilities for local residents and during peak tourism periods. Phillip Island has grown dramatically during the last two decades. Over the summer months the population of Phillip Island increases from just over 10 000 to around 70 000 to 80 000 people. I ask the Minister for Emergency Services to join me and tour the CFA station at Cowes. In a week in which this government's commitment to the 60 000 CFA volunteers across Victoria has quite rightly come into question I am asking the minister to dedicate the resources needed to upgrade the infrastructure needed to keep our community safe.

### McKinnon Reserve

**Mr STAIKOS** (Bentleigh) — My adjournment matter is for the attention of the Minister for Sport and concerns McKinnon Reserve. The action I seek is that the minister fund a new electronic scoreboard for McKinnon Reserve. McKinnon Reserve is home to St Paul's Football Club as well as its junior club and of course McKinnon Cricket Club. The clubs have asked for an electronic scoreboard for some time, like those that surrounding reserves have. They have some

funding available — I understand they have a grant under the Stronger Communities Programme from the federal government — and I ask that the minister also provide a contribution.

### **Responses**

**Ms NEVILLE** (Minister for Police) — A range of members have raised a number of issues for a number of ministers, and I will pass all those issues on.

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

**House adjourned 5.24 p.m. until Tuesday, 21 June.**