

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Tuesday, 24 May 2016**

**(Extract from book 7)**

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# HANSARD<sup>150</sup>



1866–2016

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

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

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

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

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

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

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



## **The Governor**

The Honourable LINDA DESSAU, AM

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry (to 22 May 2016)**

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

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Minister for Small Business, Innovation and Trade.....	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development .....	The Hon. L. D'Ambrosio, MP
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Minister for Industry and Employment, and Minister for Resources .....	The Hon. W. M. Noonan, MP
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Minister for Finance and Minister for Multicultural Affairs.....	The Hon. R. D. Scott, MP
Minister for Planning.....	The Hon. R. W. Wynne, MP
Cabinet Secretary.....	Ms M. Kairouz, MP

**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
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Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
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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 Elasmar and Mr Melhem.

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

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

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

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

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

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

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

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



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**Tuesday, 24 May 2016**

**The SPEAKER (Hon. Telmo Languiller) took the chair at 12.04 p.m. and read the prayer.**

### ACKNOWLEDGEMENT OF COUNTRY

**The SPEAKER** — Order! We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! Today I welcome Vini Namosimalua, Secretary-General to the Parliament of the Republic of Fiji Islands. Welcome.

Further, in the gallery today I also want to welcome a former Speaker of the Legislative Assembly, the Honourable Ken Smith, the former member for Bass.

### MINISTRY

**Mr ANDREWS** (Premier) — I wish to advise the house of changes to the ministry. I am very pleased to welcome back the member for Williamstown, who will take on the portfolios of industry and employment as well as the resources portfolio. The member for Bellarine will take on the portfolios of police and water. The Minister for Public Transport will add major projects to her portfolio responsibilities. The minister for energy will have the portfolios of environment and climate change as well as the new portfolio of suburban development. The Minister for Training and Skills in the other place will be responsible for the corrections portfolio as well as international education.

I also wish to advise the house of changes in representative arrangements between the houses. In this place the Attorney-General will represent the Special Minister of State. The Minister for Police will represent the Minister for Corrections. The Deputy Premier and Minister for Education will represent the Minister for International Education.

In the other place the Special Minister of State will represent the Minister for Major Projects and the Minister for Energy, Environment and Climate Change as well as the Minister for Suburban Development. The Minister for Small Business, Innovation and Trade will represent the Minister for Tourism and Major Events, the Minister for Sport and the Minister for Veterans. The Minister for Regional Development will represent

the Minister for Industry and Employment, and the Minister for Resources.

All other representative arrangements remain unchanged. An updated general order has been finalised and can be found on the Department of Premier and Cabinet's website.

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Police resources

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Police. Does the minister intend to end this government's policy of closing police stations across Victoria?

*Honourable members interjecting.*

**Ms NEVILLE** (Minister for Police) — I am quaking in my boots at that question, absolutely quaking in my boots.

This is my first opportunity as Minister for Police to put on record my admiration and my absolute support for the thousands of brave men and women who serve in our police force each and every day, people who put themselves on the line. In fact I am very pleased that within the police force we have thousands of very strong, resilient women who are out there on the front line. Unlike some others, we see that women have a really critical role in our emergency services, whether it be in the police or in firefighting.

Let us be really, really clear here. Firstly, there have been absolutely no cuts to police; in fact there is a continuing increase.

*Honourable members interjecting.*

**Ms NEVILLE** — Absolutely no cuts at all. In fact our police numbers are higher than when those opposite left government.

**Mr Pesutto** interjected.

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

**Ms NEVILLE** — Speaker, I am sure they will start to get very loud here, but let us put the facts on the table. We have to go back to the Bolte government era to find a time when a coalition government ever funded sworn police officers. They have been funded only under a Labor government.

**Mr Guy** — On a point of order, Speaker, this was a straightforward question to the minister about whether the minister will continue the policy of closing police stations. It did not contain any form of preamble for the minister. It was a straightforward question, which, I might add, Speaker, you have asked for in this chamber. You have said that ministers in this chamber should answer all of the question and not take note of the preamble. Well, here is a question with no preamble, straight up. The minister is not answering the question. I ask you to bring her back to it.

**The SPEAKER** — Order! The minister was being responsive. The minister will continue and will continue to endeavour to respond in a responsive way to the question.

**Ms NEVILLE** — I have just been putting the facts on the table. The other important fact here is that there is absolutely no policy to close police stations. The police commissioner made it absolutely clear both in the Public Accounts and Estimates Committee hearings and in media statements that the 329 stations in Victoria will not close, and they have not been closing. They have absolutely not been closing.

It is this side in government that has invested almost \$600 million. In fact over the last two years, two budgets, we have invested more than those on that side did in their whole time in government. We are getting on with giving the police the resources they need to keep our communities safe. On this side of the house, unlike those opposite, we will not undermine the chief commissioner. We will not do what they did to Simon Overland. We will support our police commissioner. We will give the police the resources and the support that they need to protect our community.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Noting that the minister said there had been no cuts to police stations, with police stations having closed or having had their hours cut at Ashburton, Burwood, Somerville, Carrum Downs, Torquay, Nunawading and Lakes Entrance, I ask: will even a single one of these stations reopen or be re-staffed to be restored to full under this minister's watch?

**Ms NEVILLE** (Minister for Police) — Can I just start again. There have been no closures of police stations, absolutely none. What the police commissioner — —

*Honourable members interjecting.*

**Ms NEVILLE** — I find it so ironic that it was that side of the house that changed the legislation — the Police Act 2013, which came into effect in 2014 — that said, 'You cannot direct the police commissioner'. You are the ones that did that. That was after basically getting rid of a police commissioner, after Peter Ryan and Tristan Weston.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair is unable to hear the minister. The opposition asked a question of the minister. The minister is endeavouring to respond. The minister is entitled to silence and the Chair is entitled to hear the answer in order to be able to adjudicate as fairly as possible. The minister, to continue in silence.

**Ms NEVILLE** — Speaker, do not take my word for it; let us have a quote from the chief commissioner himself:

We haven't been closing police stations. What we have been doing is adjusting hours where counters have been staffed by police.

...

... we need police stations — —

**Mr M. O'Brien** interjected.

**The SPEAKER** — Order! The member for Malvern is warned. The Chair will not warn the member for Malvern again. I call on the Premier to make a minister's statement.

**Ministers statements: dairy industry**

**Mr ANDREWS** (Premier) — It has never been more important for us to support our dairy farmers and dairy farming communities right across our state, and that is why I am so very proud to announce a new initiative of additional support to be provided by the government and the dairy sector for those dairy farmers and dairy farming communities across our state.

In the days following the decision by Murray Goulburn, Fonterra and Lion to retrospectively cut the price paid for milk and milk solids, the Minister for Agriculture put together a task force and has worked diligently over these recent weeks to come up with this plan — \$11.4 million in additional support. It is a combination of support from industry and also support from our government. There is an industry contribution of \$5.2 million, comprising \$1.4 million from the Gardiner Foundation, \$2.8 million from Dairy Australia and \$1 million from Murray Goulburn itself.

The government will also provide an additional \$4.5 million to support affected dairy farmers and appropriately — properly — just as we did with drought, we will consult and listen to those communities, those farmers, those families in those regions across the state to determine where that \$4.5 million would be best invested to provide support and assistance at what is, without a doubt, one of the most difficult times our dairy industry has faced for a very long time.

No dairy farmer could have been expected, while the processors were talking up prospects for the coming financial year, to be hit with a substantial reduction in the price and a retrospective bill, with them owing the supplier rather than the usual course of events, where farmers would be indeed paid for the first-class product — the world-class product — that they and their families produce. There will be financial counselling, emotional counselling and on-farm support for transition. We are standing with our dairy farmers, and I would hope all members of this place could join us in that effort.

### Police resources

**Mr CLARK** (Box Hill) — My question is to the Minister for Police. Is it a fact that the most recent Victoria Police personnel figures show that there are now 131 fewer frontline sworn officers in Victorian police stations than there were in November 2014?

**Ms NEVILLE** (Minister for Police) — Can I thank the member for his question. Let us be very, very clear: that is absolutely wrong. It is absolutely wrong. There have been no cuts. In fact police figures, November 2014, 13 151.

**An honourable member** — What was that number again?

**Ms NEVILLE** — It was 13 151; March, 13 215.

*Honourable members interjecting.*

**Ms NEVILLE** — These are figures — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister is responding to a question as put by the opposition. The minister, the Chair and, may I say, the media are entitled to hear the question and the answer in order to communicate that to our constituents. Members will allow the minister to continue in silence.

**Ms NEVILLE** — These are figures provided to me, just yesterday by the chief commissioner in fact in our meeting. We have managed, in two budgets, to increase police personnel by 1156. Our increase to frontline police numbers — sworn police — is running at a 40.5 per cent increase since 2000 compared to population growth of about 26 per cent. This budget continues that investment. There are 406 additional frontline police in this budget.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Gembrook and the member for Hawthorn!

**Ms NEVILLE** — The rollout of our custody officers is being brought forward — 400 of them, with 200 of them being delivered by the end of June this year. There are 84 already out there freeing up time. There is new equipment for our police officers, freeing up their frontline time. It is absolutely clear that the only government that has ever invested in sworn police officers in this state since the Bolte government era is the Labor government.

### Supplementary question

**Mr CLARK** (Box Hill) — Given that the minister has denied the accuracy of Victoria Police's own published personnel figures, I refer — —

**Mr Guy** interjected.

**The SPEAKER** — Order! I warn the Leader of the Opposition. The Chair is unable to hear the manager of opposition business when the manager of opposition business is putting a supplementary question to the minister. It is an important supplementary question, and the Chair expects to be able to hear that question. The manager of opposition business, to continue in silence.

**Mr CLARK** — I refer the minister to the fact that police in Melton have said publicly, and I quote:

All the sergeants in our office know that one day it's going to blow up in our faces with the jobs we put on hold. Someone will get killed and the public will be looking at us for answers.

So I ask: with desperate pleas like this coming from frontline police across our state, will the minister commit to recruiting the 800 frontline police officers the police association says are urgently needed to protect our communities?

**Ms NEVILLE** (Minister for Police) — We absolutely believe we need frontline police, and that is why in this budget alone — put aside last year's

budget — we have 406 frontline workers being employed and recruited in the next two years. That is in the next two years, not over four years — in the next two years. So overall in two years we will have an additional 1156 police personnel. We have got our custody officers. We have got our PSOs on the Night Network. We have got our frontline police officers. We have got our specialist terrorism workers. We have got our specialist gang workers. We have got our specialists looking at public order. So we believe we do need more police, and that is why we are recruiting those police through our \$600 million investment.

### Ministers statements: employment

**Mr NOONAN** (Minister for Industry and Employment) — With your indulgence, Speaker, can I just very, very briefly thank members on all sides of the Parliament for the respect, encouragement and support they have shown me and briefly acknowledge my wife, who is in the gallery today, for her support.

It is great to be back and informing the house of a new government initiative, which is the launch of the Jobs Employment Victoria Network. Recently launched by my colleague the previous Minister for Employment, the Jobs Victoria Employment Network will help disadvantaged Victorians find meaningful work and stay employed. The Andrews government has created more than 113 000 new jobs since it came to office. We have also delivered a budget — a very good budget — which is aimed at creating many more jobs, particularly for Victorians who might face multiple barriers to employment and then struggle to stay in employment.

This is a particular passion of mine and one of the reasons that I came to the Parliament. I have seen the power of helping young people get jobs and how this can turn their lives around. These are the issues that will drive me each and every day in the new portfolios of employment, industry and resources. It is initiatives like these that will make our proud government even prouder in terms of delivering the outcomes that Victorians want and deserve.

The Jobs Victoria Employment Network is a key part of our Jobs Victoria program. Round one funding from the employment network will provide \$25 million in grants to specialist employment providers to help them connect disadvantaged job seekers with job opportunities and support them once they are employed. Sometimes people just need a helping hand to get a job, and it is Labor and only ever Labor that works with these vulnerable communities to help them. The Andrews Labor government is giving young

workers a head start and disadvantaged workers a fresh start and getting Victoria back to work.

### Police resources

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Police. At the most recent Public Accounts and Estimates Committee hearing the Chief Commissioner of Police confirmed that crime in Victoria is set to get worse before it gets better. Can the minister confirm that the chief commissioner is right and that under her watch crime will continue to get worse?

*Honourable members interjecting.*

**Ms NEVILLE** (Minister for Police) — I thank the Leader of the Opposition for his question. Clearly he supports the chief commissioner on some things but not on others. He backs him — —

*Honourable members interjecting.*

**Ms NEVILLE** — The chief commissioner, I think if you have a look at the full quote, actually talks about this as having been an increase over the last six years. So there has been absolutely a pattern — —

*Honourable members interjecting.*

**Ms NEVILLE** — There is no doubt that there have been increases in the crime rate over the last six-year period. I am happy to take people through those figures, but it is probably more useful to talk about the future.

In my initial conversations with the chief commissioner yesterday — I will be having more today — we have already started to look at some of the issues we need to focus on together. Whether it be the family violence issues — 40 per cent of the police workload is family violence — or whether it be the issues around some of our young people and the gangs and what we saw at Moomba, we do need to continue to work to look at both the preventive strategy as well as how we respond. We have issues around drugs and ice, and we have certainly got some issues around property damage and car thefts, and that is particularly in relation to young people.

So we have commenced those conversations, but what he has said to me is that he is very, very positive about the fact that we have got a record investment in this budget that enables him to have more frontline police, also some specialist support on the ground, as well as, as he said, new technology — technology that police have been calling out for for years in order for them to react and respond much more quickly on the ground

and to be able to free up their time to do frontline policing.

As a state we have some challenges, and that is why in fact we have a record budget. That is why the last two years saw more investment than that of those opposite. But this is a trend, unfortunately, that started over the last six years. We will be working closely with the police in implementing this package and making sure that our focus is absolutely on reducing crime in this state, ensuring Victoria is not just the most livable state but the safest state in Australia.

*Honourable members interjecting.*

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — With crime rising last year by over 8 per cent — the largest single increase in one year for nearly 20 years in Victoria; with the community increasingly threatened — —

*Honourable members interjecting.*

**Mr GUY** — Well, people being home-invaded is not a laughing matter to this side.

**The SPEAKER** — Order! The Leader of the Opposition will continue.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition in silence! The Leader of the Opposition is entitled to put his question to the minister in silence.

**Mr GUY** — With crime rising by over 8 per cent last year and the community increasingly threatened every day by youth gangs and other criminals because of the massive shortfall in frontline police officers that has occurred under this government, why will the minister not commit to the immediate increase of 800 frontline police officers — the frontline police officers the police association is saying are so desperately needed in Victoria today?

**Ms NEVILLE** (Minister for Police) — Can I just again start off by saying that there are no cuts to frontline police, absolutely no cuts. There have been additional police put into our system and more are coming with this budget — 406 additional police funded in the next two years, so more than anyone across the table has ever supported. Crime is a serious — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Hastings is warned.

**Ms NEVILLE** — As I said, there are some significant issues in relation to particular crimes and particular groups in our community. This is a strong focus of the police. That is why we also backed the police commissioner with additional specialist support to deal with gangs and to deal with public order issues. This is in this particular budget, and we are going to work together as a community with the police and as a government to turn this around.

**Ministers statements: crime prevention**

**Ms NEVILLE** (Minister for Police) — I rise to inform the house of a new government initiative, the Public Safety Infrastructure Fund, for which applications have just opened. This fund is part of the \$19.4 million — —

*Honourable members interjecting.*

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Hawthorn**

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

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

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Ministers statements: crime prevention**

**Questions and statements resumed.**

**Ms NEVILLE** (Minister for Police) — This fund is part of the \$19.4 million community safety crime prevention strategy that was announced in the recent budget. This funding followed the great work of the parliamentary secretary, the member for Niddrie, who looked at the issue of crime prevention programs and overwhelmingly found that these make a really significant difference in our community. Building partnerships between local government, communities and police actually does make a difference in reducing crime.

One of the really important parts of the Public Safety Infrastructure Fund is the money that is available to local councils for grants of up to \$250 000 in order for

them to be able to put in CCTV, for example, or to look at urban design issues in local communities — removing trees in front of shops so that you do not block police from looking at whether there is someone trying to break into the shop.

These are all about real partnerships, and I am certainly encouraging local communities, the police and local councils to come together to look at whether these grants will make a difference in their local communities to turn around crime and to prevent crime — and that is what we want to do, prevent crime. That is why there is \$19.4 million in this budget. This is part of a \$596 million package which is all about more police, better equipment, crime prevention strategies, working with the community and working with the police to ensure that Victoria is the safest state in the country.

*Honourable members interjecting.*

### **Police resources**

**The SPEAKER** — Order! The member for South Barwon is entitled to silence. He represents the good people of his region and should be given respect when he asks a question of the government.

**Mr KATOS** (South Barwon) — My question is to the Minister for Police. Noting that the former Minister for Police said that ‘This government does not support the forcible closure of police stations against the wishes of local communities’ and given the communities of Ashburton, Burwood, Somerville, Carrum Downs, Torquay, Nunawading and Lakes Entrance all did not support the closing or downgrading of their police stations under the current government, will the minister now commit to reopening and restaffing these stations?

**Ms NEVILLE** (Minister for Police) — Can I thank the member for his question. The only people that closed police stations were those opposite, and I remember very clearly which ones they did close: the Drysdale, the Portarlinton and the Queenscliff police stations. I am sure they think they have got a little trick question for me on that. But let us be very clear: the Chief Commissioner of Police has said there are absolutely no police stations closed or closing. They are not closing.

What the police commissioner has rightly said is that what he wants to see is our frontline police out working in their local communities, whether it be working down at the local football club or working with some of the young people, whether it be out on patrol or whether it be responding to family violence issues that are raised with them. He wants those police officers out in their

local communities, connecting with their communities and actually on the front line.

Work was done to show, as I understand it, that something like 86 per cent of time spent at counters is spent on administrative functions like witnessing statutory declarations and only 46 per cent of police time is spent out in the community. Now what he wants to do is to turn that around and look at a much better balance. He wants to have our police, yes, at the counter as well where that is appropriate, but also out there 80 per cent of the time with the community on the front line.

So there are no police closures. There are no stations closed. There is no reduction in police numbers; they are in fact going up. We have said, and we will continue to do this, that we will back in the Chief Commissioner of Police. We will give him the resources and the support he needs to deal with crime in our state. But what he is very clear about is he wants police in local communities — he is not going to close stations — and he wants them out on the front line.

### *Supplementary question*

**Mr KATOS** (South Barwon) — Given that the minister took credit for directing police resources to the Bellarine, will she now commit to directing police resources just down the road to Torquay, where over the last few weeks gangs of youths have been violently invading homes while people are inside, stealing their cars and terrorising local families? Just ask Corey and Renée Enright.

**Ms NEVILLE** (Minister for Police) — There is a lot in that question, and I do not think I can do it in a minute. Firstly, what I would say is that the claims that the member for South Barwon has raised are actually issues that last week — well before being police minister — I had a conversation with the assistant commissioner about. In fact many of the issues that he raised are a result of people having concerns that actually are concerns in their community that require them to work with the local police on.

What the police have said is they are now contacting people on Facebook who have concerns where they live. They are now working with those local communities to be able to see ‘Do we have an issue with youth gangs in that local community. What we need to do?’. And the local police, the assistant commissioner — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair must be able to hear the response put by the Minister for Police. The minister is being responsive and complying with sessional orders, and the Chair expects to be able to hear her response.

**Ms NEVILLE** — The assistant commissioner and the local police are taking these issues seriously, and if the member was serious about it, he would go and have a chat to those police because they are doing the hard work at the moment to deal with that — —

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

### Ministers statements: resource recovery

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) — As the Minister for Energy, Environment and Climate Change, I am pleased to announce today the release of the Victorian Market Development Strategy for Recovered Resources.

Victoria is one of the leading states in waste and resource recovery. Almost 8 million tonnes of valuable materials are diverted from landfill each and every year. This is not only good for our environment but also for jobs and for our economy. I wish to thank the member for Bellarine for her fantastic leadership in this space in her previous roles. There are three times the number of jobs created in resource recovery compared to landfill. Resource recovery activities in Victoria are worth around \$840 million every year to our economy, and this strategy provides opportunities for government, industry and research partners to work together to maximise the value of recovered materials. This will support economic development and create new jobs

This year's budget provides funding to implement the strategy, including the \$9.5 million Resource Recovery Infrastructure Fund. This new approach to market development for recovered resources will benefit the environment, boost our economy of course and create jobs in Victoria right across the state. This is what drives the Andrews Labor government.

I am delighted to stand here as Victoria's new Minister for Energy, Environment and Climate Change and Minister for Suburban Development. The Andrews Labor government is working to make Victoria the no. 1 state for sustainability, livability and of course renewable energy. Unlike those opposite, who did nothing for four long years, we are positive, we are building a better future as a government for all Victorians and we are getting it done.

### Employment

**Mr WALSH** (Murray Plains) — My question is to the Minister for Industry and Employment. Given the former employment minister failed so dismally to get anywhere near the government's election promise of creating 100 000 new full-time jobs in its first two years, I ask: what mistakes of the previous minister does the minister plan to fix and what will he do differently?

*Honourable members interjecting.*

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Frankston

**The SPEAKER** — Order! The member for Frankston will withdraw from the house for a period of half an hour.

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

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Employment

**Questions and statements resumed.**

**Mr NOONAN** (Minister for Industry and Employment) — What I heard of the question, at least the first part, was factually incorrect. The previous Minister for Employment did a fantastic job. That is about as much as I caught of the question, but I think the other part was what would I do differently.

Why would you change the direction the Victorian economy is heading in, with more than 113 000 additional jobs — that is more than the previous government created in its entire term — and unemployment falling by almost 2 per cent from where we inherited it? There was great job data out last week that the Treasurer was spruiking, and rightly so, because people are coming back to work in droves. That is because the Victorian economy is strong, and what we are doing is translating that economy to jobs for Victorians, driving down the state's unemployment. The unemployment rate now sits at 5.6 per cent, which is the equal second-lowest unemployment rate in Australia, and much lower than what we inherited in November 2014.

And it is not just Melbourne; it is all over Victoria. In regional Victoria — I know the Leader of The Nationals would be very interested in this — the unemployment rate is currently 6.7 per cent, whereas under the Liberals the regional unemployment rate rose, and 15 800 jobs have been created in the 18 months that Labor has been in government.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the question was very specifically about which mistakes of the previous minister the new minister is going to fix. There are 12 700 less full-time jobs in northern Victoria than when this government came to office. I ask the minister to explain to those people who are out of work what he is going to do differently so that they have a job.

**The SPEAKER** — Order! The Chair does not uphold the point of order. The minister will continue in silence with everyone's cooperation.

**Mr NOONAN** — I am delighted at the shadow minister's Dorothy Dixier today. It is very gracious of him to give me an opportunity to continue to talk very positively about the legacy of the previous Minister for Employment. But also I have not had a chance to talk about the fantastic budget that was delivered in this place just a number of weeks ago, about the fantastic investments — record investments — in infrastructure, transformational infrastructure, such as the Melbourne Metro rail tunnel, the western distributor, the level crossing removal program — and I could go on.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance again, the question was very much about what the minister is going to do differently to fix up the mess of the previous minister, not for him to talk about what may or may not be in the budget. I ask you to bring him back to actually answering that question.

**The SPEAKER** — Order! The minister will come back and continue to answer and be responsive to the Leader of The Nationals' question.

**Mr NOONAN** — Just because the member puts a view in the question does not mean that I have to agree, because I do not — I do not at all. With more than 113 000 jobs created, that is a recipe for goodness. That is where our state is going and where as a new minister I intend to take my responsibilities to help Victorians get into work and stay in work.

*Supplementary question*

**Mr WALSH** (Murray Plains) — The minister's government promised 100 000 new full-time jobs in the first two years of office. It is now 18 months in, and the

government is 56 000 full-time jobs short. How can Victorians who are looking for a job have any faith that he will be able to create jobs for them when his predecessor could not?

**Mr NOONAN** (Minister for Industry and Employment) — I thank the member for his supplementary question. The figure, I understand, from the previous government in terms of entire jobs created is 95 500 over four years. I am not going to stand here and be lectured to about how many jobs have been created under this government.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will continue in silence.

**Mr NOONAN** — We will not be lectured to by those who did not care about jobs. When you have been in this place for a while, you remember a few speeches. I remember the first speech that the previous Treasurer in the former government made. He did not mention jobs once in his budget speech. He talked about pillars and strategies but said nothing about jobs.

**Mr Walsh** — On a point of order, Speaker, this is getting farcical. I renew my point of order about the issue of relevance and ask the minister to come back to addressing the issue about the people in Victoria who have not got a job that were promised one by the Andrews government and how he is going to do something about that.

**The SPEAKER** — Order! The Chair now upholds the point of order. The minister will respond to the supplementary question.

**Mr NOONAN** — The question went to the jobs that this government would focus on creating when we got to government. I am happy to keep repeating the statistic: more than 113 000 additional jobs created since we have come to office, and we want to create many, many more.

*Honourable members interjecting.*

**Ministers statements: Flinders Street station**

**Ms ALLAN** (Minister for Major Projects) — I am very pleased to continue that great theme of talking about jobs and to provide new information to the house on works to upgrade Flinders Street station. The upgrade to this wonderful piece of Melbourne infrastructure represents one of the many exciting projects under my remit as Minister for Major Projects. There are projects like the State Library of Victoria — a

commitment that we have made to redevelop this wonderful asset; stage 2 of the Melbourne Park redevelopment, which will reinforce our reputation not just as Australia's capital of sport but indeed the sporting capital of the world, as the Minister for Sport is fond of saying; and of course the refurbishment of the Palais Theatre, another great icon. Since allocating funding to the station last year we have appointed a construction company, commenced initial works and have also commenced the business case.

**Ms Staley** interjected.

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Ripon

**The SPEAKER** — Order! The member for Ripon will leave the house for half an hour. The Chair is unable to hear the minister over the interjections and will continue to withdraw members from the house if they continue to be disrespectful to the minister. The minister is entitled to silence.

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

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Ministers statements: Flinders Street station

**Questions and statements resumed.**

**Ms ALLAN** (Minister for Major Projects) — Today I am delighted to announce that there are further works to commence just next month. The refurbishment of public facilities on the main concourse is due to begin next month, and the scaffolding on the exterior of the main building is going to go up as works to fix the facade and the leaky roof begin. Flinders Street station did not have a design problem; it did not have that sort of problem. The problem it had was that the former government just would not commit the funding needed to upgrade this important asset for Melbourne.

I am tremendously excited and honoured to be sworn in as the Minister for Major Projects. Our major projects are transforming Victoria, attracting investment, creating jobs and ensuring of course that Melbourne remains the world's most livable city. They build on the record investment we are making in our transport infrastructure area: delivering the Melbourne Metro tunnel, removing level crossings neglected by those

opposite, and of course all of these projects importantly create jobs that Victorians need now and into the future.

**The SPEAKER** — Order! The time for questions without notice has now expired.

**Mr R. Smith** — On a point of order, Speaker, this seems to be a regular occurrence — members on this side getting up to hold ministers to account for not conforming to their own sessional orders. Once again I get up to raise a matter of questions on notice not being answered by ministers, particularly the Minister for Roads and Road Safety.

If the Premier is going through a process of relieving certain members of their duties, perhaps he should look no further than the member for Narre Warren North, who consistently refuses to live up to his responsibilities in this house. A number of questions were asked for which answers are due from the Minister for Roads and Road Safety — questions 7050, 7049, 7047, 7046, 7045, 7044 and 7043.

As I have said before, I am not really sure what the minister does, with no road projects and not responding to correspondence. Surely with all the resources of government he can come in and conform to the sessional orders that this government put in place and actually, just for a change, respond to a question on notice in the time allotted rather than withholding this information from the wider electorate.

**The SPEAKER** — Order! The Chair will take that on notice and will respond accordingly.

**Mr Burgess** — On a point of order, Speaker, in relation to questions on notice, I am just following up a response from the Minister for Public Transport to question 6996. As the member for Warrandyte said, this is a repetitive issue. I think ministers should remember that we are asking questions on behalf of the community, not just on behalf of us. When they ignore our questions, they are ignoring the community.

**Mrs Fyffe** — On a point of order, Deputy Speaker, constituency question 6908, to the Minister for Roads and Road Safety, asked on 8 March, has not been responded to. Constituency question 7083, asked on 13 April to the Minister for Health, has not been responded to. I ask you to ask the ministers to respond.

**The DEPUTY SPEAKER** — Order! I will ask the Speaker to follow that through.

**Mr Katos** — Deputy Speaker, I wish to raise a point of order with regard to a constituency question that remains unanswered by the Minister for Education. It

was asked on 14 April, and what compounds this one is that I asked in an adjournment debate in September last year for the minister to attend Bellbrae Primary School to see the school. Then I asked the constituency question and asked the minister when he was actually going to come and visit the school. Now the minister has failed in the required time to even respond to the constituency question. I ask you to direct the minister to respond to the constituency question.

**The DEPUTY SPEAKER** — Order! I will refer that matter to the Speaker for him to follow through.

**Mr Watt** — On a point of order, Deputy Speaker, I asked a question of the Minister for Planning, question 7110. Different to some of the other points of order, I actually did receive a response, but the response was inadequate and was certainly not relevant. If you look at *Rulings from the Chair* from December 2015, on page 164 it says:

Relevancy. A minister may answer questions as he or she sees fit provided the answers are relevant.

I specifically asked the question: when did the minister decide seven storeys was appropriate for the Markham estate? At no point did the minister respond to that very specific question, and I would ask that the Speaker have a look at the answer and speak to the minister to provide a more relevant answer.

**The DEPUTY SPEAKER** — Order! I will refer that matter to the Speaker for him to have a look at.

## CONSTITUENCY QUESTIONS

### Bayswater electorate

**Ms VICTORIA** (Bayswater) — (Question 7555) I rise to ask the Minister for Roads and Road Safety when he will respond to the issue raised in a petition signed by over 2000 people regarding the permanent removal of 33 per cent of road capacity on Mountain Highway through the very heart of Bayswater.

I am being inundated by concerned constituents on a daily basis. There are phone calls, emails and visits to my office, every single one of them asking why this idiotic plan is going ahead. The community do not want this. The reduction of the lanes makes absolutely no sense; it will only lead to a bottleneck, even with the removal of the level crossing. It will also see a huge increase in traffic on the already very busy Canterbury Road through Bayswater North and Heathmont. Brian Negus, the RACV's general manager of public policy, said the project was 'the most inane proposal that we have seen in recent years'. He agrees that this is not just

a local road but a major highway that is important to 'travellers, including business groups, industry and the freight sector'.

I say to the minister: please listen to those best placed to advise you on this local issue. Listen to the residents and commuters, who are outraged. Only you have the power to intervene before irreversible damage is done.

### Dandenong electorate

**Ms WILLIAMS** (Dandenong) — (Question 7556) My constituency question is to the Minister for Employment, and I ask the minister: how will the Jobs Victoria Employment Network program announced last week benefit communities experiencing high levels of unemployment like the community of Doveton in my electorate? Doveton is great place with a strong and proud community, but unfortunately it experiences levels of unemployment well above the state average — at about 22 per cent. Employment is vital to social inclusion. It is empowering, and it has positive health outcomes. However, many unemployed people face multiple and complex barriers to finding employment. Such challenges place these jobseekers at a disadvantage in the job market. They deserve assistance to find work because everyone deserves the opportunity to gain meaningful employment. To reiterate my question, how will this new program help disadvantaged jobseekers in areas of high unemployment like Doveton?

### Mildura electorate

**Mr CRISP** (Mildura) — (Question 7557) My question is for the Minister for Roads. The Hattah–Wemen road carries significant horticultural traffic which feeds both Mildura's and Victoria's economies. Large quantities of almonds, grains, citrus, vegetables and wine grapes move along this road. There have been significant issues with respect to the road shoulders over the years, and recently the community's efforts to have the maintenance work carried out have been rewarded with an 80-kilometre-per-hour zone. On a pleasing note, recently VicRoads started some maintenance work on the shoulders. I ask: will VicRoads continue to rehabilitate the edges and remove the 80-kilometre-per-hour zone on the Hattah–Wemen road?

### Narre Warren South electorate

**Ms GRALEY** (Narre Warren South) — (Question 7558) My question is to the Minister for Roads and Road Safety and concerns the recently

announced \$40 million duplication of Hallam Road, and I ask: when will the community consultation process begin for this project? It is a much-needed project that will see Hallam Road duplicated between Ormond Road and South Gippsland Highway, as well as a major upgrade of the intersection of South Gippsland Highway, Hallam Road and Evans Road that will finally see Evans Road reopened. I know local residents were particularly excited by this announcement in the fantastic budget delivered by the Andrews Labor government a few weeks ago, and many of them have contacted my office asking for more information when they can have their say on this long-awaited project. After years of neglect by the Liberals, we are getting on with upgrading our local roads, and I look forward to working with the local community as we deliver this much-needed project.

### **Ringwood electorate**

**Ms RYALL** (Ringwood) — (Question 7559) My question is to the Minister for Public Transport. Will the minister consult with the City of Maroondah to examine any possible further Ringwood station car parking that could be freed up so commuters can park their cars?

### **Essendon electorate**

**Mr PEARSON** (Essendon) — (Question 7560) I direct my constituency question to the Minister for Training and Skills in the other place. At the time of the 2011 census there were 159 Indonesian nationals who were living in the Essendon electorate. I would expect that many of these residents were studying at Victorian higher education facilities. What is the latest information on what the government is doing to encourage more higher education students from Indonesia to live and study in my electorate?

### **Shepparton electorate**

**Ms SHEED** (Shepparton) — (Question 7561) My constituency question is for the Attorney-General. I was recently contacted by a constituent in my electorate who advised that it is over 18 months since her family member died and the inquest has still not been held by the Coroners Court. She understands that the inquest will be held in Melbourne. This mother wants answers, and she wants closure. Inquests are no longer listed in Shepparton, and indeed, save for the finalisation of a few old cases, they are listed in Melbourne. Deceased persons from our community are taken to Melbourne for autopsy and post-mortem, and our local community is concerned that this centralisation process causes delay and makes it difficult for families to obtain the

information they want. Centralisation means that local input is no longer available. Will the Attorney-General advise whether it is proposed that the Coroners Court functions will be returned to the Shepparton district when the new Shepparton courthouse opens?

### **Yan Yean electorate**

**Ms GREEN** (Yan Yean) — (Question 7562) My constituency question is to the Minister for Roads and Road Safety. The previous coalition government sat by and watched the population of Mernda and Doreen double without the immediate planning, let alone funding, for construction to upgrade roads and ease congestion in the area. On the other hand the Andrews government is getting it done, duplicating Yan Yean and Plenty roads. I ask the minister now that Yan Yean and Bridge Inn roads have become declared VicRoads arterial roads, what planning work is being done for the duplication of Bridge Inn Road? How will this necessary road work complement the government's investment in the Mernda rail extension, increase bus services and assist with the construction of the Mernda police station and the town centre in Mernda?

### **South-West Coast electorate**

**Ms BRITNELL** (South-West Coast) — (Question 7563) My question is for the Minister for Agriculture and Minister for Regional Development in the other place. As the minister is aware, my electorate covers one of the largest dairy production areas in the country. As the minister also knows, farmers are struggling with price cuts from two major processors. Last week I hosted a meeting bringing together experts from a range of areas who work closely with the dairy industry. One idea that came from that meeting was to fund regional coordinators who would work with suppliers and farmers, developing a plan of attack to help farmers through the next six months financially.

Previous experience says farmers are often reluctant to ask for help. Under this plan suppliers would identify people who are having trouble paying their bills, and a regional coordinator would then make contact, bring together the various services and sort out a plan of attack before it gets too late. The Great South Coast Group already has a model on the shelf ready to go. The food and fibre plan aims to address farm business management in an effort to grow the region. This would apply to this situation. All that is needed is funding. I ask the minister whether this idea fits within the support package announced this morning.

**The DEPUTY SPEAKER** — Order! I suggest to honourable members, rather than leaving it to the last

4 seconds in their contributions to ask the question, that they ask the question at the beginning; otherwise it is extremely difficult for the Chair.

### **Pascoe Vale electorate**

**Ms BLANDTHORN** (Pascoe Vale) — (Question 7564) My constituency question is for the Minister for Multicultural Affairs. It has come to my attention that organisations in the district of Pascoe Vale have applied for a grant under the Victorian government's capacity building and participation program, and I ask: when will organisations that have made an application under this program be notified of the success of their application?

This program, as we know, is designed to build the knowledge and skills of our multicultural communities across Victoria. It seeks to strengthen the participation, inclusion and contribution of high-needs groups, including multicultural communities, refugees and asylum seekers, youth and women. The program also seeks to build community capacity to respond to family violence. On Monday, 9 May, I visited VICSEG at its head office in Munro Street, Coburg, and was briefed by VICSEG CEO Mr John Zika and his impressive team. The VICSEG New Futures program is a community organisation incorporating the Victorian Cooperative on Children's Services for Ethnic Groups and New Futures Training. It has submitted an application for funding under this program, and I ask when it will be notified.

## **TOBACCO AMENDMENT BILL 2016**

### *Introduction and first reading*

**Ms HENNESSY** (Minister for Health) introduced a bill for an act to amend the Tobacco Act 1987 to prohibit smoking in outdoor dining areas, to regulate the sale, promotion and use of e-cigarette products and for other purposes.

**Read first time.**

## **CROWN LAND LEGISLATION AMENDMENT BILL 2016**

### *Introduction and first reading*

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) — I move:

That I have leave to bring in a bill for an act to amend the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Land Act 1958 and the Land Conservation (Vehicle Control) Act 1972 in relation to

regulation-making powers and other miscellaneous matters, to consequentially amend other acts and for other purposes.

**Mr CLARK** (Box Hill) — I ask the minister to provide a brief explanation of the bill.

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) — The purposes of the bill are to improve the effectiveness of enforcement for any contravention of regulations made under the Conservation, Forests and Lands Act, the Crown Land (Reserves) Act, the Land Act and the Land Conservation (Vehicle Control) Act; to improve and modernise the regulation-making powers in the Crown Land (Reserves) Act to enable better management of reserves; to improve the regulation-making power in the Land Act relating to fees; and to make other minor or consequential amendments and corrections.

**Motion agreed to.**

**Read first time.**

## **NATIONAL PARKS AND VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACTS AMENDMENT BILL 2016**

### *Introduction and first reading*

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) — I move:

That I have leave to bring in a bill for an act to amend the National Parks Act 1975 in relation to the Greater Bendigo National Park and to amend the Victorian Environmental Assessment Council Act 2001 in relation to advice, assessments and recommendations and for other purposes.

**Mr BATTIN** (Gembrook) — I ask for a brief explanation of the bill.

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) — The bill provides for the addition of approximately 245 hectares to the Greater Bendigo National Park and makes some corrections to the park plans prior to the granting of Aboriginal title. It also confers additional functions on the Victorian Environmental Assessment Council (VEAC) in relation to assessments and advice, enables the government to amend responses to recommendations of the council and the former Environment Conservation Council and makes other minor amendments to the VEAC act.

**Motion agreed to.**

**Read first time.**

**RURAL ASSISTANCE SCHEMES BILL 2016***Introduction and first reading*

**Mr PALLAS** (Treasurer) — I move:

That I have leave to bring in a bill for an act to improve the administration of rural assistance schemes by establishing the Rural Assistance Commissioner as successor to the Rural Finance Corporation of Victoria and repealing the Rural Finance Act 1988 and the Young Farmers' Finance Council Act 1979 and for other purposes.

**Mr CLARK** (Box Hill) — I ask the Treasurer to provide a brief explanation further to the long title.

**Mr PALLAS** (Treasurer) — I am happy to provide that explanation. The main purpose of this bill is to improve the administration of rural finance assistance schemes by doing the four following things. First, establishing the Rural Assistance Commissioner; second, transferring the remaining assets, liabilities and functions of the Rural Finance Corporation of Victoria to the Rural Assistance Commissioner; third, winding up the Rural Finance Corporation of Victoria; and fourth, repealing the Rural Finance Act 1988 and the Young Farmers' Finance Council Act 1979.

**Motion agreed to.**

**Read first time.**

**OWNERS CORPORATIONS  
AMENDMENT (SHORT-STAY  
ACCOMMODATION) BILL 2016**

*Introduction and first reading*

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

That I have leave to bring in a bill for an act to amend the Owners Corporations Act 2006 to regulate the provision of short-stay accommodation arrangements in lots or parts of lots affected by an owners corporation and for other purposes.

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

**Ms GARRETT** (Minister for Consumer Affairs, Gaming and Liquor Regulation) — The bill will amend the act to implement a package of reforms to address the problems arising from unruly parties being held in short-stay accommodation in apartment buildings. This bill implements the government's election commitment to curb inappropriate short stays and improve the regulation of residential buildings.

**Motion agreed to.**

**Read first time.**

**PETITIONS****Following petitions presented to house:****Sandringham Hospital**

To the Legislative Assembly of Victoria:

The petition of the residents of Bayside, Kingston, Glen Eira and metropolitan Melbourne draws to the attention of the Legislative Assembly the possible plans to cut back emergency department services at the Sandringham Hospital.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Victorian government to maintain the vital 24-hour emergency department services at the Sandringham Hospital to meet the health needs of the local community and the southern region of Melbourne.

**By Ms ASHER (Brighton) (160 signatures).**

**Sandringham Hospital**

To the Legislative Assembly of Victoria:

The petition of the residents of Bayside, Kingston and metropolitan Melbourne draws to the attention of the Legislative Assembly the possible plans to cut back emergency department services at the Sandringham Hospital.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Victorian government to maintain the vital 24-hour emergency department services at the Sandringham Hospital to meet the health needs of the local community and the southern region of Melbourne.

**By Mr THOMPSON (Sandringham)  
(3132 signatures).**

**Abortion legislation**

To the Legislative Assembly of Victoria:

The petition of concerned residents of Victoria draws to the attention of the house that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth;

babies in the womb who have reached the age of viability and older are being aborted;

it is not necessary for medical care to be provided to babies who have survived an abortion;

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Assembly of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins in the Legislative

Council to rectify the problems with the current law outlined above.

**By Mr WATT (Burwood) (1963 signatures),  
Ms KAIROUZ (Kororoit) (4908 signatures) and  
Mr KATOS (South Barwon) (2564 signatures).**

**Abortion legislation**

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Mildura draws to the attention of the house that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth;

babies in the womb who have reached the age of viability and older are being aborted;

it is not necessary for medical care to be provided to babies who have survived an abortion;

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Assembly of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins in the Legislative Council to rectify the problems with the current law outlined above.

**By Mr CRISP (Mildura) (16 signatures).**

**Shire of Murrindindi rates**

To the Legislative Assembly of Victoria:

This petition of concerned residents and ratepayers of the Shire of Murrindindi draws to your attention that we request rates in Murrindindi shire be kept in line with CPI.

**By Ms McLEISH (Eildon) (67 signatures).**

**Tabled.**

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

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

**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 Eildon be considered next day on motion of Ms McLEISH (Eildon).**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

*Alert Digest No. 7*

**Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest No. 7 of 2016* on:**

**Infant Viability Bill 2015**

**Justice Legislation (Evidence and Other Acts) Amendment Bill 2016**

**Land (Revocation of Reservations — Regional Victoria Land) Bill 2016**

**Local Government (Greater Geelong City Council) Bill 2016**

**Primary Industries Legislation Amendment Bill 2016**

**State Taxation and Other Acts Amendment Bill 2016**

**together with appendices.**

**Tabled.**

**Ordered to be published.**

**ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE**

**Country Fire Authority Fiskville training college**

**Ms HALFPENNY (Thomastown) presented final report, together with appendices, minority report and transcripts of evidence.**

**Tabled.**

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

**DOCUMENTS**

**Tabled by Clerk:**

*Education and Training Reform Act 2006* — Orders under s 3.1.11 (12 orders)

Independent Broad-based Anti-corruption Commission — Operation Darby: An investigation of Nassir Bare's complaint against Victoria Police — Ordered to be published (*tabled in lieu of report circulated under section 162(11) of*

*the Independent Broad-based Anti-corruption Commission Act 2011 on Wednesday 18 May 2016)*

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 33, 34 (*Gazette G18 5 May 2016*)

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Planning and Environment Act 1987* — Notices of approval of amendments to the following planning schemes:

Ballarat — C191  
 Bass Coast — C142  
 Boroondara — C208  
 Cardinia — C198, C210  
 Darebin — C148  
 French Island and Sandstone Island — C5  
 Greater Bendigo — C201  
 Greater Geelong — C330  
 Greater Shepparton — C184  
 Melton — C100S  
 Mitchell — C108  
 Moreland — C162  
 Mount Alexander — C61  
 Nillumbik — C103  
 Northern Grampians — C47  
 Port Phillip — C111  
 Surf Coast — C97  
 Victoria Planning Provisions — VC129  
 Wellington — C80, C87  
 Whitehorse — C153

*Road Management Act 2004* — Code of Practice for Management of Infrastructure in Road Reserves

Statutory Rules under the following Acts:

*County Court Act 1958* — SR 43  
*Magistrates' Court Act 1989* — SR 41  
*Second-Hand Dealers and Pawnbrokers Act 1989* — SR 44  
*Sentencing Act 1991* — SR 38  
*Subordinate Legislation Act 1994* — SRs 39, 42  
*Tobacco Act 1987* — SR 40  
*Wrongs Act 1958* — SR 37

*Subordinate Legislation Act 1994:*

Documents under s 15 in relation to Statutory Rules 26, 27, 35, 36, 37, 38, 39, 41, 42, 43

Documents under s 16B in relation to the:

*Cemeteries and Crematoria Act 2003* — Greater Metropolitan Cemeteries Trust Scale of Fees and Charges

*Conveyancers Act 2006* — Conveyancers Professional Indemnity Insurance Order

Victorian Electoral Commission:

Report on the Polwarth District by-election held on 31 October 2015

Report on the South-West Coast District by-election held on 31 October 2015

*Wildlife Act 1975* — Wildlife (Prohibition of Game Hunting) Revocation Notice (*Gazette S143, 11 May 2016*)

William Angliss Institute of TAFE — Report 2015.

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

*Assisted Reproductive Treatment Amendment Act 2016* — Part 1 and ss 4(2) and 37 — 18 May 2016 (*Gazette S153, 17 May 2016*)

*Education and Training Reform Amendment (Victorian Institute of Teaching) Act 2016* — Part 3 — 1 June 2016 (*Gazette S153, 17 May 2016*)

*Occupational Licensing National Law Repeal Act 2016* — Whole Act — 11 May 2016 (*Gazette S139, 10 May 2016*)

*Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Act 2016* — Whole Act (except ss 10(2), 15 and 16) — 4 May 2016 (*Gazette S131, 3 May 2016*).

## FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016

*Council's amendments*

**Returned from Council with message relating to amendments.**

**Ordered to be considered next day.**

## INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (A STRONGER SYSTEM) BILL 2015

*Council's amendments*

**Returned from Council with message relating to amendments.**

**Ordered to be considered next day.**

## ROYAL ASSENT

### Message read advising royal assent on 10 May to:

**Consumer Acts and Other Acts Amendment Bill 2015**

**National Electricity (Victoria) Further Amendment Bill 2015**

**Occupational Licensing National Law Repeal Bill 2015**

**Rooming House Operators Bill 2015.**

## BUSINESS OF THE HOUSE

### Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 26 May 2016:

Appropriation (2016–2017) Bill 2016

Appropriation (Parliament 2016–2017) Bill 2016

Livestock Disease Control Amendment Bill 2016

State Taxation and Other Acts Amendment Bill 2016

Witness Protection Amendment Bill 2016.

Deputy Speaker, as obviously you can see, there are five bills there to be considered and completed by 5.00 p.m. on Thursday. Three of those are to do with and are associated with the budget that was handed down on 27 April in this place, and indeed debate on those has already commenced.

I would just like the house to note that on the Appropriation (2016–2017) Bill 2016 I intend tomorrow to move a take-note motion on the budget papers in order for that to remain on the notice paper following the passage of the appropriation bill at 5.00 p.m. on Thursday to enable all members to speak on the bill should they desire. That has become a recent practice of this place, which is a good one, and we are happy to continue with that. We have also just transmitted business to deal with two bills that will come down from the upper house, and as I previously advised the opposition, I intend to deal with those matters following question time tomorrow.

And just finally, the highlight of this week in some ways will be the apology that we are about to witness in the Parliament, which has required some administrative changes to our business and to the business of the

Council, inviting Council members to come down and speak. I thank members of this place and the other place for their cooperation in facilitating this important historic and sombre occasion, but certainly it is an appropriate one that is coming not before time. With those few comments, I commend the motion to the house.

**Mr CLARK** (Box Hill) — This government business program is in a sense an elastic one in that some of the main items for consideration this week, in addition to the apology motion and the take-note motion that will follow from it, are the appropriation bills. As the Leader of the House has indicated, she intends to move a take-note motion on the budget papers so that members who have not been able to speak in the debate on the Appropriation (2016–2017) Bill 2016 will be able to speak on the take-note motion. We assume that that take-note motion will provide for members to have 15 minutes to speak on that motion, as they would have had if they had been speaking on the appropriation bill itself. That being the case, we believe that that is a sensible continuation of past practice.

Our concern about the business program this week is that again there has been no indication from the government that it intends to allow a consideration-in-detail stage in relation to any of the bills that it proposes be debated this week. Quite apart from the fact that it has been years since there has been consideration-in-detail stage on an appropriation bill is the fact that in particular the State Taxation and Other Acts Amendment Bill 2016 ought to be considered in detail in this place. I have made the point before that when you have taxation legislation, the Treasurer in this house ought to be prepared to stand up and defend the bills that the Treasurer brings in, and to account to this house and to the community for the taxation measures that are proposed in them.

This house is traditionally the house that has prime responsibility for money and taxation matters, yet this bill, on the government's intentions, is likely to be bundled off to the upper house, and the work that the Treasurer is shirking or running away from in this house will have to be done in the other place. I need not remind honourable members that this is of course contrary to the government's election promise that it would make a consideration-in-detail stage a standard feature for bills in the Legislative Assembly. This bill is one that contains a range of significant new taxes — taxes on electricity and additional taxes in relation to land ownership and transfer — all of which are in breach of the government's election policy of no new taxes.

The government ought to be accountable to this house and stand up in this house and justify why it is breaking its election promise and explain what it considers will be the economic and fiscal consequences and the impact on households and the cost of living of the measures that it is bringing into the Parliament. The fact that the government is not prepared to do that in this house is very regrettable, and for that reason in particular the opposition opposes the government business program.

**Mr CARBINES** (Ivanhoe) — I am pleased to make a brief contribution on the government business program. I am disappointed that the manager of opposition business has indicated that the opposition does not support the business program. Can I say, as was outlined by the Leader of the House, that the five bills to be debated this week and the opportunity being provided particularly to get those three budget bills through the Parliament, I think, shows the determination and commitment to keep the wheels of government turning here in Victoria. Can I say also that in particular providing the opportunity to debate a take-note motion is a wise move that will provide, as the manager of opposition business agreed, for all members to contribute to the budget debate.

I will stand by the advice of greybeards in this place and others that a full 15 minutes is allocated for contributions on a take-note motion. My understanding is that only 10 minutes is provided, whereas it is 15 minutes if you are speaking directly in reply on the appropriation bill. I think that unless there is something to be discussed further that members will be required to speak for only up to 10 minutes in relation to any take-note motion debate.

Can I also refer to the point made by the manager of opposition business in relation to providing a consideration-in-detail stage, which was certainly a commitment made by Labor in opposition. As Parliamentary Secretary for the Environment, I know that we have had consideration-in-detail stages on previous bills, including the bill on cattle grazing in the Alpine National Park. There was a quite memorable debate in detail on the clauses of that bill. There have certainly been far more examples from our government in relation to consideration in detail than there ever has been from those opposite.

Perhaps the manager of opposition business is getting the Legislative Assembly confused with the house of review, which of course is the Legislative Council. It is its role in particular to review bills in detail, and the opportunity that is provided in this house is one that is done by the good grace of the government and the

commitment it made at the election. It is a commitment that we have met on several occasions. Not only that but in relation to the budget bills there was quite an opportunity for members, particularly opposition members, to query and question and consider matters in relation to the appropriation bills at the Public Accounts and Estimates Committee hearings. It was an opportunity for the opposition but it did not lay a glove on the government. It was an opportunity where we saw foot-in-mouth efforts from those opposite rather than anyone from the opposition laying a glove on any of the Andrews government ministers.

After two weeks of the opposition having opportunities to investigate and raise queries in relation to the appropriation bills and to put questions to ministers through the Public Accounts and Estimates Committee process, and its having failed utterly to lay a glove on any government minister, a move to seek consideration-in-detail stages on those bills in this place does not have credibility, particularly when it seems to be the role of the upper house, the house of review, to undertake that work. With those comments, I commend the government business program to the house.

**Mr HIBBINS** (Pahran) — The Greens will not be opposing the government business program in this instance. As outlined by other members, there are five bills on the program this week, two being budget and appropriation bills, one in relation to the changes to tax affairs, the Livestock Disease Control Amendment Bill 2016 and the Witness Protection Amendment Bill 2016. We have not sought to go into consideration in detail or to move any amendments to those bills at this stage.

I am very sympathetic to the opposition's call seeking a consideration-in-detail stage on the State Taxation and Other Acts Amendment Bill 2016. I am sure, given the Treasurer's performances in this place, he is up to it. Give him a chance! I am sure he would be more than willing to field questions regarding this particular bill, or, as per the previous speaker, perhaps to try to dodge a few gloves being laid on him, so to speak.

It was the government's commitment to make going into consideration in detail a standard feature of bills. We have one example of where that has happened, but that is a broken promise. I would say, 'Well, look, give your ministers a chance'. I am sure they would be more than happy to come in here and answer questions and go into detail about their bills. I do not know why the government wants to hold its ministers back in this particular matter.

I note the significance of today's parliamentary apology for historical laws that criminalised homosexuality. I think it is a very significant day and obviously one of those times when Parliament is at its best. We are inviting members of the community to really come in and witness Parliament at its best. So I think that is a significant moment. I also note there will be a take-note motion following the debate on the appropriation bills to allow other members to speak on the budget. With that, I note that the Greens will not be opposing the government business program in this instance.

**Mr McGuire** (Broadmeadows) — This is a strong government business program following a widely acclaimed budget. In contrast to the assertion that the Treasurer is running away from anything, he proudly stands behind the budget, as does the government. It is clearly seen to be getting on with the business on behalf of Victorian taxpayers and the community. The proposition being put will allow every MP to speak on a take-note motion so as to be part of the debate and make their contributions on behalf of their constituents, which I think is appropriate and gives them the chance to put up any criticisms. It has also been noted that the upper house has the chance to go into committee and consider bills in detail, so this is the two houses of Parliament working well.

I think the other proposition to be said is that we have looked at the other pieces of legislation, and I want to commend the government for the apology to victims of unjust homophobic laws. I think that is a significant initiative that will be done, including inviting the upper house members into this chamber to address the motion. So we have the bills to do with the budget. We have the livestock control bill, which is important for rural and regional communities in particular, but I think one piece of legislation that is really of significance that has not been given the note it warrants is the Witness Protection Amendment Bill 2016, which is vital and urgent. This is of fundamental importance to maintaining the rule of law. Put simply, in the words of former Supreme Court judge Frank Vincent, 'No witness equals no case', and I am delighted that the Victorian government is implementing all eight recommendations of the Vincent review.

I say this because in a previous part of my professional career I had direct involvement with people who have been in witness protection in relation to two of the most heinous crimes in this state, the Russell Street bombing and the Walsh Street random selection and execution of two young police officers. It has long been contentious — how we make sure that witnesses are protected and that they can speak up and feel that that they will not be in jeopardy, that their lives will not be

in jeopardy or that their families will not be in jeopardy. So I want to commend the government for this. This is of real importance to how we conduct the criminal justice system.

In both cases I have cited, there were consequential murder cases, and the security of witnesses and the threats against them were highly controversial. So I am looking forward to this legislation being supported and going through both houses of the Parliament, because this is really important — to address some of the systemic flaws — for the rule of law. I commend the government's business program to the house.

**Mr Crisp** (Mildura) — I rise on behalf of the National Party to oppose the government business program and support the comments of the manager of opposition business. In particular I noted some comments of the member for Ivanhoe. I think he was advocating for 10-minute time limits for the take-note motion on the budget. I again want to reinforce, from The Nationals' point of view, that the take-note motion should include 15 minutes to provide equality with those people who have been able to speak on the appropriation bill to this date. That has been the convention in the house.

There are certainly bills on the paper this week. There is the Appropriation (Parliament 2016–2017) Bill 2016, which we have already commenced debate on, and the State Taxation and Other Acts Amendment Bill 2016, which is a bill of considerable interest to members of the opposition and in particular the National Party. We have a long list of people who want to speak on this bill, particularly about the impact it has on country life, and nothing is more defining in that than the effect on electricity prices of this bill. Electricity is expensive in country areas, and it is going to get more expensive.

For country people the 'no new taxes' words from the Treasurer and from the Andrews government are pretty hollow when you look at this particular bill, so it is a concern, and it is one where I support the contention of the manager of opposition business that this needs to be considered in detail. We need the Treasurer to explain the need and why country people will be paying more for their electricity at a time when many country people are finding the costs of living considerably difficult.

The Witness Protection Amendment Bill 2016 is also important particularly as we now have outlaw motorcycle gangs going about their business across a large part of Victoria, involving a lot of the resources in a stressed police force to operate the intelligence and detection work that is required to keep them under control. I do know that these outlaw motorcycle gangs

hold their minions very tightly in fear for their lives. There has been no end of court cases that show how dangerous these people can be and why many people who want out have very good reason to fear for their lives. We need to strengthen this witness program to protect people from these outlaw motorcycle gangs, and we also need to ensure that the police have the resources to go about this level of protection in our community.

These outlaw motorcycle gangs are very sophisticated in their operations. It does take a great deal of policing to bring them to account and show them justice. In my electorate there has been some good policing done, but police do talk to me about the need for increasingly sophisticated resources. People who can come forward and talk about these activities do need protecting, and this bill is a step in that direction.

The National Party would like to talk about the Livestock Disease Control Amendment Bill 2016, although it is very much about vendor declarations when livestock are moved. There is a lot of livestock moving in the dairy industry at the moment. Unfortunately they are moving out of the milking sheds and into the saleyards, which is going to have a profound effect if and when there is ever a recovery and how quickly Victoria takes advantage of that. The bill also has provisions dealing with feeding certain materials to pigs, and I think most of us in this house know that what is fed to pigs is a fairly common issue because of the disease transfer to human beings that can occur from these particular animals. This is an important bill, more for the context it is set in, which is the crisis in the dairy industry.

This is a busy program, one that does need scrutiny, and the failure of that scrutiny is the reason why the National Party will be opposing the government business program.

**House divided on motion:**

*Ayes, 48*

- |                |                |
|----------------|----------------|
| 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   | Perera, Mr     |
| Edwards, Ms    | Richardson, Mr |
| Eren, Mr       | Richardson, Ms |
| Foley, Mr      | Sandell, Ms    |
| Garrett, Ms    | Scott, Mr      |

- |               |              |
|---------------|--------------|
| Graley, Ms    | Sheed, Ms    |
| Green, Ms     | Spence, Ms   |
| Halfpenny, Ms | Staikos, Mr  |
| Hennessy, Ms  | Suleyman, Ms |
| Hibbins, Mr   | Thomas, Ms   |
| Howard, Mr    | Thomson, Ms  |
| Hutchins, Ms  | Ward, Ms     |
| Kairouz, Ms   | Williams, Ms |
| Kilkenny, Ms  | Wynne, Mr    |

*Noes, 35*

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

**Motion agreed to.**

**Sitting suspended 1.46 p.m. until 2.03 p.m.**

**APOLOGY FOR LAWS CRIMINALISING HOMOSEXUALITY AND THE HARMS CAUSED**

**The SPEAKER** — Order! I wish to welcome the President of the Legislative Council and all members to our chamber. I now call on the Premier.

**Mr ANDREWS** (Premier) — I move:

That this house apologises for laws that criminalised homosexuality in this state — laws which validated hateful views, ruined people's lives and forced generations of Victorians to suffer in fear, silence and isolation. These laws did not just punish homosexual acts; they punished homosexual thought. They had no place in a liberal democracy; they have no place anywhere. The Victorian Parliament and the Victorian government were at fault. For this, we are sorry. On behalf of this house, we express our deepest regret.

Speaker, it is never too late to put things right. It is never too late to say sorry and mean it. That is what brings us all to the heart of our democracy today here in this Parliament, where over the course of decades a powerful prejudice was written into law — a prejudice that ruined lives and a prejudice that prevails in different ways even still. That law was written in our name as representatives and as Victorians, and that law

was enforced by the very democratic system to which we call ourselves faithful. So it is our responsibility to prove that the Parliament that engineered this prejudice can also be the Parliament that ends it.

**Honourable members** — Hear, hear!

**Mr ANDREWS** — That starts with acknowledging the offences of the past, admitting the failings of the present and building a society for the future that is strong and fair and just. In doing so, Speaker, we will have shown this moment to be no mere gesture. In doing so, we will have proven that the dignity and bravery of generations of Victorians was not simply for naught. That, I hope, will be the greatest comfort of all.

Speaker, there is no more simple an acknowledgement than this. There was a time in our history when we turned thousands of ordinary young men into criminals, and it was profoundly and unimaginably wrong. That such a thing could have occurred once, perhaps a century ago, would not surprise most Victorians. Well, I hold here an article that reports the random arrest of 15 men. ‘Police blitz catches homosexuals’ the headline reads. And said a police officer, ‘We just seem to find homosexuals loitering wherever we go’. This was published in Melbourne’s biggest selling weekly newspaper, not 100 years ago, but in 1976.

A decade earlier, in 1967, a local paper said that a dozen men would soon face court for, quote, ‘morals offences’ and urged the public to report homosexuals to the police with a minimum of delay. A generation earlier, in 1937, Judge MacIndoe said John, a man in his 20s, was ‘not quite sane’ and jailed him for three months on a charge of gross indecency. In 1936 Jack, a working man from Sale, faced a Melbourne court on the same charge, and he was jailed for 10 years.

This is the society that we built. It would be easy to blame the courts or the media or the police or the public even. It is easy for us to condemn their bigotry, but the law required them to be bigoted, and those laws, Speaker, were struck right here where I stand today. One of those laws even earned the label ‘abominable’ — not a term we use very often in our statute books. In 1961 alone 40 Victorian men were charged with that offence.

In the same year a minor offence was created that shook just as many lives. The penalty was \$600 in today’s terms or one month’s imprisonment. The charge was ‘loitering for homosexual purposes’. This was the offence used to justify that random police blitz I spoke about earlier back in 1976. A witness said:

Young policemen were sent ... to ... entrap suspected homosexuals.

...

[Officers] dressed in swimwear ... engaging other men in conversation.

...

When the policeman was satisfied the person was homosexual, an arrest was made.

When we began this process I expected to be offering an apology to people persecuted for homosexual acts, but it has become clear to me that the state also persecuted against homosexual thought. Loitering for homosexual purposes is a thought crime, and in the summer of 1976 in one location alone 100 men were targeted under this violation of thought, something for which there was no possible defence. It happened all in our lifetimes and, what is more, in our names — to young people, older people, thousands and thousands of people.

I suppose it is rare when you cannot even begin to conceive what was on the minds of our forebears in this place, but I look back at those statutes and I am dumbfounded. I cannot possibly explain why we made these laws and clung to them and fought for them. For decades we were obsessed with the private mysteries of men. And so we jailed them and we harmed them, and in turn they harmed themselves. Speaker, it is the first responsibility of a government to keep people safe, but the government did not keep LGBTI people safe. The government invalidated their humanity and cast them into a nightmare. And those who live today are the survivors of nothing less than a campaign of destruction led by the might of this state.

I had the privilege of meeting with four of those survivors. One of them is Noel Tovey. He was sent to Pentridge in 1951. On more than one occasion in jail he planned his suicide.

Max was singing an aria from *La Traviata* when the police arrived —

he recalled in his book —

... I was very naïve. I knew having sex with men was against the law but I didn’t understand why it was a crime.

At the first hearing, I stood in the dock and the judge said, ‘You have been charged with the abominable crime of buggery. How do you plead?’

The maximum sentence was 15 years.

...

... Afterwards, only two people would talk to me. I couldn't ... get a job. I was a known criminal.

And it's ironic ...

Eventually I would have been forgiven by everyone if I had murdered Max, but no-one could forgive me for having sex with him.

And Noel, in his own words, considers himself 'one of the lucky ones'.

I also met Terry Kennedy. He was 18 when he was arrested.

When I wanted to go overseas —

Terry told me —

and when I wanted to start my own business, there was always that dreaded question: 'Have you ever been convicted of a criminal offence?'

I lied, of course.

Then the phone rang ... It was an inspector from the St Kilda police station. He'd found me out.

With a curse like that always lurking over our heads, we always had to ask ourselves —

this question —

just how far can I go today?

That is the sort of question which, in some form or another, must have been asked by almost every single LGBTI person, and it is still asked today by teenagers in the schoolyard and by adults in the family home. Yes, the law was unjust, but it is wrong to think its only victims were those who faced its sanction. The fact is these laws cast a dark and paralysing pall over everyone who ever felt like they were different.

The fact is these laws represented nothing less than official, state-sanctioned homophobia — and we wonder why gay and lesbian and bisexual and transgender teenagers are still the target of a red-hot hatred. We wonder why hundreds of thousands of Australians are still formally excluded from something as basic and decent as a formal celebration of love. And we wonder why so many people are still forced to drape their lives in shame — that deeply personal condition described by Peter McEwan as 'the feeling of not being good enough'. Peter was arrested in 1967. He soon fled overseas to escape that time in his life.

The fourth man I spoke with last week, Tom Anderson, met his own private terror when he was 14. For weeks he was routinely sexually assaulted by his boss, a man in his 40s. His parents, in all good faith, took Tom down to the police station to make a formal statement

and get his employer, this predator, charged, and of course he was, but so was Tom. This child victim of sexual assault was charged with one count of buggery and two counts of gross indecency. Can you believe that that was the year 1977?

Today Tom carries with him a quiet bravery that is hard to put into words. And he told me about the time one day, just a few years ago, when his home was burgled.

I'm a grown man but the moment the police came around to inspect the house, and I opened the door, I became that 14-year-old boy all over again. I couldn't talk. I was frozen. I was a grown man and I couldn't talk.

This was life for innocent people like Tom. We told them they were fugitives living outside the law. We gave them no safe place to find themselves or find each other, and we made sure they could not trust a soul, not even their family. What do you think a life like that does to a human being? What do you think it does to their ability to find purpose, to hold themselves with confidence, to be happy, to be social, to be free?

Do not tell me that these laws were simply a suppression of sex. This was a suppression of spirit, a denial of love — and it lives on today. While the laws were terminated in the 1980s, they still remain next to the names of so many men. Most of them are now gone, but a criminal conviction is engraved upon their place in history. I can inform the house and all honourable members that six men have now successfully applied to expunge these convictions from their record. Many more have begun the process. This will not erase the injustice, but it is an accurate statement of what I believe today — that these convictions should never have happened, that these charges should be deleted as if they had never existed and that their subjects can call themselves once again law-abiding Victorians.

Expungement is one thing, but these victims will not find their salvation in this alone. They are, each and every one of them, owed hope, and all four of the men I met told me that they only began to find that hope when they met people who were just like them. Peter McEwan — back in the country and emerging from years of shame — started meeting weekly with some gay friends at university in 1972:

We realised we were all outlaws together and we learnt to say that we are good. We learnt to say 'black is beautiful, women are strong and gay is good'. Once I learnt I was good, it led me to question everyone who said I was evil and sick. Gay men had taken on board the shame. Through each other we found our pride.

Then he paused for a second — and I will carry this with me forever — and he said, ‘Pride is the opposite of shame’.

He is right. Pride is not a cold acceptance; it is a celebration. It is about wearing your colours and baring your character. The mere expression of pride was an act of sheer defiance. These people we speak about were not just fighting for the right to be equal; they were fighting for the right to be different, and I want everyone in this state, young or old, to know that you, too, have that right. You were born with that right, and being who you are is good enough for me and it is good enough for all of us.

Here in Victoria, equality is not negotiable. Here you can be different from everybody else but still be treated the same as everybody else, because we believe in fairness. We believe in honesty too, so we have to acknowledge this. For the time being we cannot promise things will be easy. Tomorrow a young bloke will get hurt. Tomorrow a parent will turn their back on their child. Tomorrow a loving couple and their beautiful baby will be met with a stare of contempt. Tomorrow a trans woman will be turned away from a job interview, and tomorrow a gay teenager will think about ending his own life. That is the truth.

There is so much more we need to do to make things right. Until then, we cannot promise things will be easy — far from it. We cannot guarantee that everyone in your life will respect the way you want to live it, and we cannot expect you to make what must be a terrifying plunge until you know the time is right. But just know that whenever that time comes, you have a government and a Parliament that is on your side. You have a government that is trying to make the state a safer place — in the classroom, in the workplace. You have a government that is trying to eradicate a culture of bullying and harassment so that the next generation of children are never old enough to experience it. You have a government that sees these indisputable statistics — of LGBTI self-harm, of suicide — and commits to their complete upheaval. You have a government that believes you are free to be who you are and to marry the person you love, and you have a government that knows just one life saved is worth all the effort.

Speaker, as part of this process, I learnt that two women were convicted for offensive behaviour in the 1970s for holding hands on a tram, so let me finish by saying this: if you are a member of the LGBTI community and there is someone in your life that you love, a partner or a friend, then do me a favour, and next time you are on a tram in Melbourne, hold their hand. Do it with pride

and defiance, because you have that freedom, and here in the progressive capital of our nation, I can think of nothing more Victorian than that.

Speaker, it has been a life of struggle for generations of Victorians. As representatives we take full responsibility. We criminalised homosexual thoughts and deeds, we validated homophobic words and acts and we set the tone for a society that ruthlessly punished the different — with a short sentence in prison and a life sentence of shame. From now on, that shame is ours. This Parliament and this government are to be formally held to account for designing a culture of darkness and shame, and those who faced its sanction and lived in fear are to be formally recognised for their relentless pursuit of freedom and love. It all started here, and it all ends here too.

To our knowledge no jurisdiction in the world has ever offered a full and formal apology for laws like these, so please let these words rest forever in our records. On behalf of the Parliament, the government and the people of Victoria, for the laws we passed and the lives we ruined and the standards we set, we are so sorry — humbly, deeply sorry.

*Honourable members applauded.*

**Mr GUY** (Leader of the Opposition) — Today we stand here to acknowledge a chapter of our state’s history that has been shameful and that has been sad and most distressing for many Victorians, their families and their friends. After decriminalising homosexuality in 1980, after expunging criminal convictions related to homosexuality in 2014, we now as a Parliament apologise to the victims of policies of intolerance and repression that resulted in outcasting, depression and, sadly, even suicide. Today is the day to acknowledge and apologise for those past practices, for those past laws. As the Leader of the Opposition in this Parliament, I offer my formal apologies for any past policies and past practices that led to the disgraceful treatment of those in our gay community. This apology is long overdue, it is about time, and it is right.

In Victoria we pride ourselves on being one of the first places in Australia to decriminalise homosexuality. That was done in December 1980 by the Hamer government. Efforts had been made at a federal level in 1971 by the then Attorney-General, Tom Hughes, to lead a national campaign to do the same. But to put Australia into perspective, Brazil decriminalised homosexuality in 1830, France in 1791, and in heavily religious Poland it has never been a crime. So to recognise that our laws, passed in this very chamber,

were wrong and did cause great hurt I believe is very important.

From the outset I want to acknowledge a number of people who do deserve recognition: Anna Brown from the Human Rights Law Centre, Corey Irlam from the Victorian Gay and Lesbian Rights Lobby, Matt Dixon, formerly of the Victorian AIDS Council, Paula Gerber, long-time activist Jamie Gardiner, and Liam Leonard from Gay and Lesbian Health Victoria, as well as campaigners like Peter de Groot and Noel Tovey of course. All of those people and many more have done so much and deserve high praise for their strength, dedication and determination, not just for today but for the campaigning and advocacy for many years.

It is always difficult to single out one individual.

Yesterday I had the great privilege to meet Noel Tovey, and I want to say a bit about that meeting with him. I know he is here today nursing some cracked ribs from a wild tram ride. Noel, it was an honour and a privilege to meet you. I think I can be polite and say he is not 21 anymore, but age has not dampened his determination. When Clem Newton-Brown and I talked to Noel about what today would mean for him, the satisfaction in his eyes was powerful. Noel has some horrific tales of what it was like to be gay in post-war Australia, particularly as a gay Indigenous man. The tales he tells and that feature in his book make you recoil in shock and shame that this kind of behaviour would and could happen in many of our own lifetimes in our own nation.

When it came to our treatment of the gay community, Australia was a scary place to be. The shock treatment, the frontal lobotomies, the incarceration in asylums, not to mention the physical beatings and the ostracising — this was all for the crime of being homosexual in Australia. After being imprisoned and in fact physically tortured while being held in Pentridge Prison, Noel got out of Australia. It was safer for a gay man to leave this nation than to stay here, such was the genuine threat to safety. It was at a time when being set up, being lured to parties and places, was a way to entrap gay men, arrest them and subsequently charge them. In Melbourne, particularly in the 1940s and 1950s, with homosexuality being illegal, being gay became an underground activity. The fear of the law, the fear of that entrapment, meant that ways to meet people were often through word-of-mouth parties or unsafe locations. It was a horrendous and archaic way for people to be forced to conduct themselves, and it was clearly terrifying.

Noel is but one person who left that and went on to be an international dancer, actor, choreographer and director — a talent lost to our nation as he resided

overseas in order to live his own life in peace and freedom. But many did not get out. Many people suffered terribly mentally; many suffered physical or emotional abuse for a lifetime. Many struggled through it; some did not. They chose a way out; sadly, that was suicide. Such was the pain associated with the laws of this state less than 40 years ago today.

When caught, people suffered terrible physical and/or emotional abuse in our prison system, being bashed and raped. The conversations I have had with some gay men about their times are truly frightening. After speaking to them you can see and feel why the expungement of these past convictions in 2014 and the apology today obviously means so much. These are physical or emotional scars that will never go away.

For many, many gay people, particularly gay men who have passed away before they or their families saw a day like today or the actions of this Parliament in 2014, our community owes them the most profound of apologies. So as a Parliament today we apologise for those laws — for the hurt, the tears, the unnecessary sadness and abuse. We apologise for this Parliament having ever made those laws. While it is inconceivable for us today to ever contemplate under what circumstances laws such as these to criminalise homosexuality were ever made, and the actions to enforce them, many people thought the journey to seek and receive that justice would never come.

And that journey to today has not been a short one. In 1980 the Hamer government did decriminalise homosexuality in Victoria. The law passed in December; it was gazetted in January 1981. The first weekend that homosexuality was no longer a crime in this state was celebrated with a party by many. That party continues today. In 1988 it was formalised and called the Midsumma Festival, and that is why it is held on the date that it is held.

It was a long time until there was any follow-up to the decriminalisation. It was not until 2011, when Peter de Groot passed Noel Tovey's book on to then Prahran MP Clem Newton-Brown, that the next chapter came about. Over three years many people did a lot of work — many people — culminating in Clem Newton-Brown and then the government bringing forward legislation in 2014, backed by all parties in this chamber, to expunge the convictions of those convicted of criminal offences when homosexuality was illegal in Victoria. So when Peter de Groot gave me a copy of Noel's book to have a look at, I knew it was a book with serious power attached to it, and I began reading it in earnest.

Expunging those offences was so important. Many gay people who were convicted of the crime of being gay could not travel to certain places because they had a criminal record. They could not get a job due to criminal background checks. They became depressed. They could not work with children. I even heard of one interstate man who said recently he could not become a taxidriver due to a past criminal conviction. So it is not just physical impacts; it is about the long-term and widespread impacts upon so many lives that have been happening for decades. The criminal conviction of being gay has had a profound and dark impact upon so many lives. It is right to expunge those criminal convictions, and it is right for us all to apologise today.

There is one further point on this topic I would like to mention. Little has been said about the activity at a place called 1 North. 'What's 1 North?', most of you would ask. It is the psychiatric ward at the Royal Melbourne Hospital. It was a place where, to 'cure' homosexuality, people were subject to horrendous treatments, including being probed with mains electricity. This is not fantasy. This is not exaggerated. This occurred in Australia, in Victoria, in Melbourne, just up the road from where we stand now.

I have spoken to people who had family members who worked at 1 North; their stories are atrocious. At 1 North homosexuality was a sickness that was to be blasted out of people, zapped out of them in horrendous ways — and this only happened with the sanction of this Parliament. So today is not just a day for the apology of this Parliament; many others need to consider their institutions' actions of the past as well. The medical profession, psychiatric and mental health institutions, some of our universities, law enforcement, sections of the media and some of our biggest companies have all played a part in this wrong that must be righted.

Today is a part of a conclusion to a sad chapter in this state's history. While an apology is words of remorse, regret and sorrow, which I again profoundly and deeply offer as the Leader of the Opposition, let today's apology also be one of positivity and inclusion, so that we go forth from today as a Parliament, having decriminalised homosexuality in 1980, expunged homosexual-related convictions in 2014 and apologised to our gay communities today, to be a part of a Victoria where sexuality, gender, race, ethnicity and appearance do not matter and where the only test of a person is, as it always should be and always should have been, their personal merit. I wholeheartedly commend this motion to the house.

*Honourable members applauded.*

**Mr FOLEY (Minister for Equality)** — Today we apologise for the past injustices of convictions for homosexual acts and for the many harms caused by these laws and the many lives they damaged. I also use this opportunity in supporting the calls for this Parliament to repudiate those laws to make it very clear that these discriminatory laws were always wrong and should never have existed. They were unjust, and they were a breach of human rights.

Given how things have changed so much since 1981, it might be hard for some people to imagine that there was a time in this state's history when men were locked up for having sex with each other in their own homes, when gay and lesbian people were named and shamed in newspapers and when young LGBTI people were taught by both schools and society that all life had in store for them was loneliness or infamy. But these indeed are some of the painful histories that we all inherit in the lifetimes of so many of us here. These are histories that carry their own obligations for us as legislators and as a community. They oblige us to face up to that past and to the wrongs perpetrated on the countless many. They oblige us to remember the people so wrongfully arrested, locked up and humiliated, the people who lost their jobs, their reputations, their families and their friends, the people whose very love and whose very identity made them punishable under the law. This is an apology to all of those people. We apologise for the lives so permanently changed, the relationships lost, the future prospects in life that were often so violently narrowed and cruelled.

But today, as we apologise, we remember that the laws that criminalised consensual sex between adults in private had of course an impact on many other people in addition to those who were actually charged under these laws. These laws were part of a web of social and institutional pressures that tried to make living a homosexual life difficult, if not impossible, through not just bad laws but institutional discrimination, homophobia and stigmatisation that was well and truly society wide. These laws were instruments of shame, implemented in courts and manipulated through the press. These laws were part of an atmosphere that was cultivated to weigh down on homosexuals, to squeeze them out of the public sphere, too often supported by police and our courts. These laws were part of workings of our society that sought to intimidate LGBTI people into living a closeted life of silence or, sadly, to an early grave.

These laws sought to delegitimise LGBTI people and to deny them their very identity. However, despite all these efforts to shame them, to belittle them and to deny their own existence, LGBTI people fought back. They

organised, they kept their history and they built their organisations. They worked in their unions, in their political parties, in their local communities, in their workplaces and with their families, be they in small rural towns or in big cities. They educated us all about their lives and their struggles against oppression and hate, and through all of this they have given this state one of its richest lessons in persistence and bravery.

This apology is a testament to the success of their struggle and the dignity of life that they have demanded for LGBTI people. We would not be here today if it were not for the decades of tireless work by these LGBTI people and their allies fighting for their lives, and it gives me great pleasure on behalf of the Andrews Labor government, to salute their efforts and their enduring persistence. They are an example of the very best of what Victorians can do when facing injustice. When we identify a wrong, we can also see in its place the opportunity to build a different future. This is such a time, if we are brave enough to forgive and to ask for forgiveness.

Of course we are all too painfully aware that there are many people who have been part of this long struggle who are not with us here today. As we look around, we can see many familiar faces, but there are also reminders of the people for whom this apology has simply come too late. For some the shame of that conviction or the stigma or the discrimination of that love that dare not speak its name in a society that literally treated homosexuals as criminals, was simply too much. There are so many people we lost far too soon. Who knows how many sex and gender-diverse politicians, teachers, colleagues, academics, police or children we may have had had we had a society that welcomed them into all aspects of what a decent, inclusive society should and could have looked like.

So today, as we apologise to the survivors, we also remember those who did not live long enough to see this day. To those people perhaps all we can offer is an apology to their memories, to their families and their loved ones and to all of their lost hopes. But we must not let all of that suffering be for nothing. If we are to say sorry and really mean it, we must commit ourselves to remembering that painful history which has made this apology necessary in the very first place, and this is why this cannot simply be an apology for the past, an apology to those people caught up in these historical injustices. If it is to be meaningful, then this apology must also be a pledge for the future, a commitment to having open hearts and minds to the many different ways Victorians live, love and shape this remarkable community — a place for everyone in our diversity, a diversity through which we all gain strength.

Let us resolve today to put those painful histories that we have inherited to work, to make that pain count for something, to pledge to today's LGBTI children and to tomorrow's that never again will we cast them outside of society but indeed that we will instead hold all of our people close and that we will care for them all as a modern, diverse society should, and in particular, that the future of this state relies on the paths and the opportunities that stretch before Victoria's children and that we deliver our commitment to them to give them all the opportunities they deserve. We pledge also to remember these difficult histories so that we might learn from these times and from when we have been frightened in the past by sex and gender difference and seen diversity as a weakness rather than a strength.

That is why the commissioner for gender and sexuality is working hard to lead a community-wide conversation about how we might ensure we do not forget these histories, including the establishment of a Queer History Month and supporting the ongoing work of the Australian Lesbian and Gay Archives, based in Melbourne. Through initiatives like these we can make sure that we do not lose sight of the significance of the current expungement efforts or indeed of the past convictions so that future generations can remember why we needed to do this apology in the first place. For those we have lost, this is the least we can do.

Through this apology we are all invited to come together to reflect on the past, for we cannot build a future together if we hold on to that pain in history. If we can turn our collective pain and regret into community hope, then this can only be a good thing. It can show us the way and teach us to open our hearts and our minds. If we are brave enough to apologise and to forgive, then perhaps those painful histories and all those we have lost might not have been for nothing. The injustices of the past can serve to inspire us to strive for a better future — a better future in which we can celebrate how sexual and gender difference is a good thing in and of itself. But it is also a plea for our society's better nature and future.

We salute and admire the survivors, the advocates and all those who have struggled for this recognition and for all the people in Victoria who now have a renewed role in building a future as bright and diverse as each and every one of us who make up our community. They are too many to name. Many have not made it to today, but many have, and we admire your strength, endurance and determination and your incredible good grace. So I say to the people who have joined us here today, to the people next door in Queen's Hall, to those watching online and to those who may read these words, I apologise. I am sorry for the laws, the prosecutions, the

hurt and the homophobia that stood in our name and in the name of the Parliament. I am sorry for the great injustices you have suffered under these laws. I apologise for the terrible impact these laws and their application had on your lives and your opportunities. I am sorry that you were told you were sick, criminal, untrustworthy, not good enough and shameful.

We now recognise that that shame is ours, not yours. The shame is borne by a society that cruelly marginalised a group within it whose members had done nothing but live their lives, in many instances forcing those lives, unjustly, to be lived lonely and in the shadows. For that, we are truly sorry. We acknowledge that this apology cannot erase the hurt and the distress caused by these laws and their application, but we sincerely hope that it provides some relief, comfort and peace.

We are sorry for the state-sanctioned homophobia. We say to you today that that is over and that we will be a government and a state that celebrates our LGBTI communities and all their members. We will not treat you as someone inferior. We will do everything in our power to ensure that you have equal protection under our laws and to put an end to discrimination against you in our state. This is for you and for your families. This is for the homes, the schools, the workplaces and the streets — to make you a part of our community. This is our wish, our aim and our promise.

Now we can be more confident that LGBTI Victorians can be who they are and do what they choose without fear of prosecution. Sadly, we cannot also say that these same Victorians, who are no less than anyone else, can walk the streets without fear of discrimination or violence. That still exists. There are elements in our modern society that to this day still rail against the full inclusion of LGBTI communities. The Victorian government says to them that they are wrong. It is only recently that governments have caught up and properly committed to addressing and eradicating homophobia, biphobia and transphobia.

I want to pay tribute and my greatest respects to these LGBTI community leaders and their many allies that have stood up, spoken up, stepped forward and demanded change, often at great risk to themselves. Some of you have been working on the removal of discrimination for decades. Social progress regarding LGBTI inclusion and equality is your achievement. We are catching up. We still have a road to travel, but thank you for setting us on this journey and for staying with us.

*Honourable members applauded.*

**Mr DAVIS** (Southern Metropolitan Region — Legislative Council) — The coalition supports this motion because it is just and right. The shameful history that has been outlined by the earlier speakers is I think something that we all reflect on. People we know, people we have talked to and associated with over a long period, have related these stories. I am personally proud to stand here and endorse this motion and note the long sweep of history that is pointed to by this motion: a process begun, particularly in the 1970s within the Liberal Party and by the Liberal Party, to ensure that unjust and discriminatory laws were repealed and that fairness and justice were accorded to members of LGBTI communities.

It was the Hamer government under Rupert Hamer that led the major states in the process of decriminalising homosexuality. I want to pay tribute to Sir Rupert Hamer and his courage. I regarded him as a friend. And I want to pay tribute to the Honourable Haddon Storey, the then Attorney-General, for his leadership on the legal aspects of the decriminalisation of homosexuality. Whilst Victoria followed South Australia and the Fraser federal government's 1976 actions to decriminalise in the territories, Victoria led the way in the major states, with New South Wales and Queensland lagging far behind.

Partially completing the work of correcting the historical wrong fell to the Liberal government between 2010 and 2014, with Ted Baillieu, Denis Napthine and Robert Clark playing critical roles and both houses of this Parliament fulsomely supporting those steps. I was proud to take carriage of the expungement bill in the Legislative Council and to make reference in the concluding comments to my immediate predecessor in the old East Yarra Province, Haddon Storey. There is important continuity in advancing this Liberal project. The motion says the Victorian Parliament and Victorian government — and I would add the Victorian community as a whole — wrongly criminalised homosexuality. We have much to be sorry about because of the profound impact on so many individuals, the profound impact that saw lives destroyed. So I welcome this motion, adding to significant continuity and other progress in correcting these past wrongs.

The expungement in 2014 of historical homosexual convictions followed the significant lead too of David Cameron in the United Kingdom. Dr Napthine, having been the first Premier to attend the Midsumma Festival, announced these convictions had been allowed to stand for too long and had stigmatised many people who had been forced to live with criminal records unjustly. It is now accepted that consensual acts between two adult men should have never ever have been crimes. He

recognised the social and psychological impact that had been experienced by those who had historical convictions for acts that would no longer be crimes under today's law.

I pay tribute today to this leadership, but most of all I pay tribute to those who spoke out. Matthew Guy has already mentioned Noel Tovey, who was convicted of having gay sex in 1951 when he was 17. I am not going to repeat that story. Suffice to say it is typical of many things that happened through that period. I pay tribute to Noel's strength in speaking out about his conviction. The Premier has mentioned Tom Anderson and others. Those people are people who have been prepared to make the case and to lay out what is right. This, along with other cases, led to convictions and prison time. Victorians subject to these unjust laws had to live with the consequences until the passage of the expungement legislation. Correctly, today's motion delivers a further step, a formal and fulsome apology to those Victorians.

I would like to join Matthew Guy in mentioning briefly the history of some of our institutions. If there is a flaw in this motion today, it is that it provides no opportunity for our major institutions to apologise and to atone for the injustices with which they were associated — major health institutions like the Royal Melbourne Hospital and its north ward where, as Matthew Guy has outlined, in the 1950s and likely later, men were treated with shock therapy and other treatments to cure their homosexuality. It is not my purpose to point particularly at health institutions, but it is true that many important institutions played roles that, in retrospect, were clearly wrong. Many institutions in our community could take steps to rectify past wrongs. Of course in 1990 the World Health Organisation removed homosexuality from its list of diseases. We celebrate the anniversary of that day now as the International Day against Homophobia, Transphobia and Biphobia.

Under the previous government the police, through Assistant Commissioner Nolan, gave an apology to patrons for the incidents at the Tasty nightclub in 1994. The raid had seen 463 people detained and strip searched. She fulsomely said:

The sins of the past need to be addressed if we really want to make this a strong relationship.

She further said:

... that's a reflection on how different Victoria Police was 20 years ago, including the people actually involved.

Genuine and fulsome apologies of this type have the capacity to build bridges between authorities and wronged Victorians and communities.

There remain significant opportunities and challenges for law reform both in Victoria and internationally. It is my view that the Victorian Parliament, as a long-established Westminster Parliament, should play a greater leadership role in supporting and encouraging other commonwealth jurisdictions to remove discriminatory statutory provisions that criminalise homosexuality and discriminate against LGBTI individuals and groups.

As health minister I was proud to work with many others — my department and in particular Sharon Lewin and Victoria's LGBTI organisations — to secure AIDS 2014 for Melbourne. There were many other achievements through that period: PRONTO!, the pre-exposure prophylaxis trials and a range of significant steps, including No to Homophobia and other important initiatives.

I was proud to have established — and worked with my colleagues to establish — the ministerial advisory committee and to have formulated and published wellbeing plans and transgender and gender diverse health and wellbeing background papers. There is more work to do, particularly with transgender Victorians. We are proud to have joined with all the parties in the Victorian Parliament in 2015 to amend the Crimes Act 1958 to remove discrimination against people living with HIV; and I have got to say too that the steps taken with the Adoption Act 1984 are important for our Parliament and our community.

The pride centre offers an opportunity to highlight the issues and the agenda of the LGBTI community, but it must respect the background, individuality and history of each of the groups and services that become part of that centre. We must not lose the constituencies of each of these groups. The centre must also build a role for the private sector. This must not be the public sector pointing at the rest of the community; it must be working in partnership.

But today we have much to celebrate with this motion, because it does take a step in righting past wrongs. It is an apology that is fulsome, and it is an apology that has been brought about by the work of many. My colleague the Leader of the Opposition in this house has named a number of those people, particularly Anna Brown and Peter de Groot. I want to say that all of us should continue to strive in this direction but that we can be proud today that the historical mistakes are being recognised.

*Honourable members applauded.*

**Mr BARBER** (Northern Metropolitan Region — Legislative Council) — I rise on behalf of the Victorian Greens to support the motion moved by the Premier to apologise for laws criminalising homosexuality and the harms caused. For some today this will be a celebration of how far we have come but for others it will be another small step perhaps in a process of healing.

There is no place on our statute book for laws that harm, vilify or malign members of our community. The purpose of Victoria's laws is to prevent harm to others, to protect individual freedom and to uphold society's values. The laws, which were in place until the 1980s, failed all those tests because they criminalised consensual sex, love and individuality and had a lasting negative effect on those who had offences recorded against their names. Those laws hindered their right to work, their ability to volunteer for our community and their freedom to travel, and it stood as a mark of shame from the state. They created a society for same-sex-attracted people to have to hide, to live in secret, to cover up who they were and are, and they inhibited their sexual freedom, their sexual expression, the company they kept and the places they went. Abhorrently, victims of crime who sought protection and redress from the police and our legal system were targeted under those laws.

Those laws created an environment which allowed prejudice to flourish and allowed for a culture within Victoria Police of targeting, harassing and entrapping people who were attracted to members of the same sex. It was a culture that was not as easily changed as removing words from an act — we have heard something of the progress that has been made on that front — but is now a culture that, thanks to work within the police force and the community, embraces and celebrates Victoria's LGBTI communities.

Today we apologise to those from whom we have heard moving stories and to those who were convicted under these laws for the effect it has had on their lives. We also apologise to those who have suffered in silence. We do not know their names and stories, yet they have carried a silent burden. We also apologise to those who have passed away, who never had the opportunity to expunge their records and hear this apology. But opportunity is afforded to their families to expunge their record, to honour their legacy.

The fight for equality, and in particular law reform, over the past decades came slowly in a way that was fragmented and often with caveats, as this particular piece of law reform did in 1980 when it contained an amendment to criminalise for soliciting for immoral sexual purposes, which until it was repealed some years

later was used to target some same-sex-attracted Victorians. In fact back then there was a failure to provide for the expungement of gay sex convictions as recommended by the Equal Opportunity Advisory Council in 1977. We got around to fixing that in 2015. Victoria was not the first place to take this step, nor was it the last.

When a member of Parliament takes up the cause of advancing lesbian, gay, bisexual, intersex or transgender equalities, as many of my Victorian parliamentary colleagues here today have, we walk in the shoes, and we never forget it, of those giants who came before us and who made enormous sacrifices to inch by inch create the progress on which we could build. Those individuals and organisations who have fought for so long on behalf of their communities I want to acknowledge and thank for the expertise and the guidance they continue to provide to me and my colleagues. Without them, these changes in the law simply would not occur.

As members of Parliament with our special and privileged place, as community leaders, representatives of our electorates and parties and, importantly, as legislators, it is critical we use our role inside Parliament to achieve law reform — as has been done, in this instance, over decades. I acknowledge all members who have played a role in bringing about these changes.

On behalf of the Victorian Greens, I apologise to those who have suffered because of those unjust laws. We recognise that worldwide similar laws exist, are enforced and are prosecuted today. I have been to some of those countries, and I have seen something of those policies in action.

We pledge to continue our commitment to ensure equality for lesbian, gay, bisexual, transgender and intersex communities under the law and ensure that Victoria's laws protect individuals who face discrimination, not people or organisations that wish to discriminate; prevent harm, not facilitate harm; and affirm the values of inclusivity, freedom and love, not prejudice, oppression and hate. I commend the motion moved by the Premier.

*Honourable members applauded.*

**Ms PATTEN** (Northern Metropolitan Region — Legislative Council) — Thank you, Speaker and President. Firstly, I would like to acknowledge the people in the gallery and in Queen's Hall who have bravely and fearlessly campaigned for this wrong to be righted.

In his 1858 book called *On Liberty*, John Stuart Mill wrote:

... the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.

In doing so, Mill endorsed the view that although we may not agree with the private sexual lives between two consenting adults, it is not the role of the state to concern itself with such activities. The idea that there is one set of laws for the majority of the community and an additional set of laws that prohibit activities on the basis of morality is not only to create the notion of second-class citizens but it also undermines the human rights principle of equality under the law.

As we know, in 1980 the Victorian Parliament passed a law decriminalising homosexual acts. The act came into effect the following year. However, the social stigma and violence that surrounded homosexuality was still very much at large. Sadly, the 1980 reforms did not end the persecution of gay men. It was a small but significant step that enabled the future progression of gay men's rights and also the rights for all LGBTI people.

I worked in the HIV/AIDS field in the early 1990s, and I dread to think what the impact of the HIV/AIDS epidemic would have been if these unjust and discriminatory laws had not been reformed. In international jurisdictions the criminalisation of sexual activity between consenting adults leads to poorer health outcomes, particularly with respect to HIV. Let us not forget that the impact of HIV was significant here nonetheless, and still is, and it affected the lives of those men who had been charged with homosexual crimes. I feel some sadness that it took the Parliament until 2014 to enable the expungement of these discriminatory and cruel convictions. But let us not reflect on that today. Importantly, today we recognise that those laws against gay men were discriminatory, they were cruel and they were not justified. We acknowledge that those laws created a rich environment for stigma — stigma that continues in some forms today.

It has taken 36 years for us to get from a bill decriminalising homosexual activity to an apology for the horrific harms caused. But let us not pretend that this means that everything is fine. The ongoing denial of marriage equality is a form of legal discrimination. LGBTI people have incredibly high rates of suicide and some of the poorest mental health outcomes. These issues still stem from the stigma fostered by legal

discrimination then and now. I cannot help but wonder what we will be apologising for in another 36 years.

So I say sorry not only to those men who were affected individually but also to their families and loved ones, and especially those here today. The shame that people carried is significant, and I hope that today starts the healing process towards righting our state's past wrongs.

I will leave the last words to the wonderful dancer, write and activist Noel Tovey, who has been pivotal in making today happen. He said:

I think this will be the beginning of a lot of changes ... maybe one day being gay will just be ordinary.

Thank you.

*Honourable members applauded.*

**Mr WALSH** (Murray Plains) — On behalf of The Nationals I speak in support of today's apology. As we are all acutely aware, prior to 1981 Victoria had laws which made homosexuality a criminal offence, and this included draconian penalties of jail terms. There were people convicted under these misguided laws, and there were people who saw the inside of jail cells. There were people who lived secret lives, who were cruelly burdened by shame, through no fault of their own, and who suffered terrible emotional suffering — all as a result of these misguided, bigoted laws.

This was wrong, and it is a painful part of our state's social development that we look back now. Thankfully, as we have heard from a number of other speakers, these laws were repealed in 1981 by a government led by Sir Rupert Hamer. This repeal was passed 72-7 and took effect from March 1981. It is a part of our history that many people in today's society — 35 years later — struggle to comprehend. So it is not before time that we, the Parliament, unite to say on behalf of the state and of all Victorians that we are sorry for the angst that these old laws caused. These were laws founded on intolerance which flourished in communities where diversity was feared instead of welcomed.

I would like to recognise the contribution that many, including current and past members of Parliament, have made in correcting these laws. Specifically I would like to commend the former member for Prahran, Mr Clem Newton-Brown, who is in the gallery here with us today, for his determined work on behalf of the LGBTI community. Clem did a significant amount of work in this space, and he really was instrumental in lobbying for the legislation that was introduced by the former coalition government in 2014 that now allows people to

have their historical convictions expunged from their records.

I also commend the work of former Premier Denis Napthine in that process. Denis attended the Midsumma Festival in January 2014 where he announced this legislation. It surprised many of us to learn that Denis was the first Premier ever to open this celebratory Melbourne event, even though it has been held annually since 1988 and is regarded as one of the leading arts and cultural events here in Melbourne, attended by tens of thousands of Victorians and interstate visitors alike.

When he introduced the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill to Parliament in September 2014, Dr Napthine said:

This is a day on which the Parliament can be proud of doing something for the good of the whole community, fixing something that should have been fixed a long time ago, righting a wrong and making sure that people who have convictions on their record are able to have them expunged ...

Today is also one of those days. It is a day when we continue that important work of righting a wrong of our past. Today we proudly write a new page in Victoria's history book. We say to people who suffered the indignity of being convicted, and to all those who could not live their lives openly, on behalf of Victoria, that we are truly sorry for the injustice you were dealt. We are sorry for the anguish you experienced, for the misguided social divide that these laws created and for the prejudices that were allowed to flourish because of these laws. I support today's apology as part of righting what is a tragic part of Victoria's history.

*Honourable members applauded.*

**Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.**

**The SPEAKER** — Order! The Chair wishes to thank, on behalf of the Premier and the Leader of the Opposition, the President of the Legislative Council and all members of the Legislative Council for attending this historic event.

**Members of Legislative Council withdrew from chamber.**

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

That this house takes note of the parliamentary apology for laws criminalising homosexuality and the harms caused.

In moving this motion I think it is appropriate to acknowledge that we have just seen an extraordinary debate in this chamber with the apology. The Premier, the Leader of the Opposition, the Minister for Equality and all other members of the Parliament who participated in that formal apology made speeches which I think do great credit to this Parliament and show it in its very best light. It is important that we do pause to acknowledge past wrongs inflicted on members of Victoria's LGBTI community.

This is a state apology which has been decades in the making, and I, like all members of the house, am proud to be a member of this Parliament at the time when this apology is being made. I am also proud to have been a member of this Parliament at the time when the expungement scheme was legislated for. It is important to recognise that that expungement scheme, whilst being introduced by the former government in 2014, was supported unanimously across the Parliament and was in fact the subject of amendments moved by myself and the now Minister for Equality to, amongst other things, make it possible for posthumous expungements to occur. I think those amendments in fact improved on the regime that we are now operating within, because sex between consenting adults should have never been a crime. I, along with all of those who have spoken on the apology motion that we have just concluded, acknowledge that having those offences on the statute book was a shameful chapter in the history of this Parliament. It was something that was wrong, something that was discriminatory. They were offences which in no way reflect Victorian society today; they were offences that should have never been there in the first place.

I join with the Premier, the Minister for Equality and all of those others who spoke on the apology motion in extending my own apology as Attorney-General to those who have been discriminated against by the state. I am sorry for the burden that LGBTI people have carried, for the stigma they have worn, for the fear they have had to undergo and for the uncertainty that that all meant in the conduct of their lives. These were people who were trying to do no more than live their lives, to love who they wanted to love and to be fully functioning members of society. I say to you, Acting Speaker, that in some sad respects it continues today. Even today straw men are being created so that they can be struck down. Even today there is a prurient fascination with the private sex lives of others. Even

today there are those in society who believe that other people's happiness, other people's joy, other people's commitment to one another will somehow diminish them.

It is about time that all of us recognise that we as legislators, we as leaders of society, have no business in other people's bedrooms, in their private lives, in their decisions about who they love and who they want to marry, if that is their choice. The view that is still expressed by some that if marriage rights are extended to others, somehow the institution that they are a part of will be diminished is, I think, an attitude which really needs to be flushed away but which still abides in too many corners of our society.

I want to say that there are many people who have not just assisted in the creation of the expungement laws but have assisted the government in the period between when we took office and the making of this apology and who indeed have been trailblazers and advocates and advisors to governments and oppositions for many years. The Premier and the Leader of the Opposition have already made reference to a number of them. I just want to make reference to a couple of things I think are important.

The Human Rights Law Centre's collaborative 2014 paper *Righting historical wrongs* contributed significantly to the development of the government's historical homosexual conviction expungement scheme. I want to make particular reference to Jamie Gardiner. Jamie has worked fearlessly for decades now to fight for human rights and equality in Victoria. He is responsible in no small order for a range of genuine reforms — very important reforms — and there are few people who would be entitled to be as proud or as happy today as Jamie. Certainly when I was the shadow Attorney-General he provided a huge amount of advice on the way an expungement scheme might work and how it might be improved and certainly helped in the framing of the amendments that I talked about earlier. The support both he and the Human Rights Law Centre are providing to applicants going through the application process for expungement is absolutely creditworthy.

As I said, that scheme is a very important one. It has had bipartisan support both in terms of the substantive bill that came before the house and the amendments that were moved by the then opposition, the now government. I am very proud to be involved in the implementation of the scheme, which came into effect on 1 September last year. As the Premier mentioned, there have now been six successful applications for expungement, and those records will be fully expunged

by the end of June. I hope that those expungements will bring a sense of relief, a sense of joy and a lifting of the heavy burden those men have carried with them for many decades.

For those who are listening and who want to understand the detail of the expungement scheme, I think in my role it is important to put that on the record. The scheme applies to past sexual and public morality offences which once criminalised consensual homosexuality. There is no definitive list of offences covered by the scheme. The intention is to capture both sexual and non-sexual offences that were used to prosecute consensual homosexual behaviour in the past. If it can be demonstrated that the person was only charged because of homosexual activity or, as the Premier put it, homosexual thought, and if it would not be considered an offence in Victoria today, then that offence is eligible for consideration for expungement.

It is also, I think, a great step forward that applications can be made by an appropriate representative on behalf of someone who is deceased. As the Minister for Equality indicated, sadly many of the people who would benefit from the apology and who would have loved to have been here to listen to the apology today are no longer with us. But that does not mean that an appropriate representative cannot apply for expungement on behalf of that person. So I would strongly encourage anyone who thinks that they might have a conviction or a finding of guilt on the basis of their past homosexual activity to make an application, at no cost, to the Department of Justice and Regulation to seek an expungement. I can assure applicants that all applications are treated with extreme sensitivity and extreme confidentiality and that support is available from the Human Rights Law Centre.

Those people who are making applications have in many cases lived with fear, with shame and with regret for many decades, and it is time that they no longer had to do so. As the Premier, the Minister for Equality and the Leader of the Opposition all eloquently stated, the shame and the regret should be on us, not on them. I deeply regret the impact that these convictions have had on the lives of many, many people, and I am deeply hopeful that the existence of this expungement scheme will mean that many of them can have their records cleared and can go on to live the rest of their lives free of that stain.

I finally just want to say that in this space the job of reform, of equality and of restitution is not yet done. We are committed to equality for all Victorians. We have removed the outdated and discriminatory offences of intentionally causing HIV from the Crimes Act

1958, we have secured the passage of legislation to allow same-sex couples to adopt and we have amended the Relationships Act 2008, all very important reforms. But in relation to the Equal Opportunity Act 2010 and the inherent requirements test that was repealed by the former government before it came into effect, we have an extant commitment to reverse that, and that legislation will come before this Parliament at some point to ensure the Equal Opportunity Act does not carry that discrimination unnecessarily. We have also made a commitment to removing barriers to new birth certificates for trans, gender-diverse and intersex Victorians, to removing the discriminatory automatic divorce consequences and to making other changes that will make the lives and the process for LGBTI Victorians much more user friendly, much more appropriate and a hell of a lot more modern.

Acting Speaker, this is an important day. It is an important opportunity for the Parliament and the members of the Parliament to express our deep and our sincere regret for what has happened to LGBTI Victorians as a consequence of the actions of this Parliament in years gone by. It is an opportunity for us to indicate to those people the very real ability that exists for them to expunge those convictions and for us as a Parliament to join together and collectively say, one and all, that these things in this state should never happen again.

**Ms VICTORIA** (Bayswater) — I am very proud to speak on the take-note motion on the parliamentary apology for laws criminalising homosexuality and the harms they caused. I am going to go a little bit back into history and have a look at how we got to the point where we are today. I want to go back to Midsumma 2014, when I very proudly stood on the stage alongside the then Premier, Denis Napthine, and then member for Prahran, Clem Newton-Brown. We announced that we would introduce expungement laws, which we did and of course this is the next step after that.

But I want to go back further and look at why that step was taken. There is obviously something very deep seated in our history here and that is why this apology is so important. If we go back to the first attempt to right some wrongs, in 1971 the federal Liberal Attorney-General, Tom Hughes, who happens to be the current Prime Minister's father-in-law, was demonstrated against for supporting law reform in this area. The very next year, 1972, there was the first attempt to decriminalise through a private members bill in South Australia. It actually took until 1975 for that to come through. In 1973, finally, federally there was part of a way through to decriminalisation and, in 1976 under Prime Minister Malcolm Fraser there was further

progress made with decriminalisation in the act by the government of that day.

In 1980 decriminalisation in Victoria happened under Premier Rupert Hamer, and we are certainly very proud of the former Premier in that space. In 1980 there was still lots of legislation in place around the country, but he certainly took the lead. In 1994 a federal law guaranteeing all adults the right to sexual privacy was passed and then, as I said, in 2014 the expungement laws were introduced in Victoria by the Liberal-Nationals coalition as one of its very last acts. I want to acknowledge the former Attorney-General, the member for Box Hill, for the work he did on that with great gusto as well as other members of Parliament at the time — certainly the Premier Denis Napthine and, as I said, Clem Newton-Brown, who was then the member for Prahran. It was called the Sentencing Amendment (Historical Homosexual Convictions Expungement) Act 2014. It was something we supported, and I believe it was supported almost unanimously by the Parliament.

When we look at the original laws, the ones we have now removed, we see that there were seemingly a couple of different aims. One was to prevent or to curtail public acts of soliciting. I was speaking with somebody who lived through that era, a gay man. He says he remembers vividly some of his circle talking about doing the beat. Doing the beat was basically soliciting, loitering for homosexual purposes, and of course that was an indictable offence at the time. There were areas at the end of Fitzroy Street in St Kilda, including a toilet block known as the Spanish mission because it had a very Spanish mission feel to it — it has long since gone — and there were also local parks and gardens in that area that were known hangouts and a lot of entrapment by police happened during that time. I want to commend Victoria Police as it is today for having taken such a great stance in changing its culture and making a great effort. I know from walking in the Pride March on many occasions that the police also walk in uniform very proudly. I am so glad that those sorts of changes have happened.

The private life thing is what really beggars belief, I suppose. The intrusion into people's private lives was horrendous and certainly without any reason. Houses were raided by the police, often in the middle of the night, looking to see if there was some sort of cohabitation taking place. So if you had one bed but two men living in the same place, they could press charges. There were workplaces, especially in the arts, that were targeted and raided. There has certainly been some very bad history in this area, and I am so glad that that no longer happens.

If I go back to the time I spent on stage with the Premier and the member for Prahran at Midsumma 2014 I listened to the heart-wrenching tale of Mr Noel Tovey, who has been mentioned here on many occasions today. He was 79 years old at the time. He spoke about the long-term effects of what had happened to him. I will give a very quick recap. His story is that in 1951, when he was just 17 years old, he was at a party in a private home of somebody he was working with in the entertainment industry, Mr Max du Barry. The house was raided by police. He was arrested and taken to a police station and coerced into admitting that he had, rightly or wrongly, had sex with Mr du Barry. For that coercive admission, if you like, Mr Tovey spent many weeks into months in Pentridge. One can only imagine what that was like, and certainly we have heard it recounted that he was contemplating on many occasions taking his life.

He was convicted, finally, so he had his trial date. His conviction was for the abominable act of buggery, something we could not contemplate these days. His sentence was a good behaviour bond. That was only the court's sentence. His lifelong sentence has been to leave this country. He worked in the arts and was an accomplished dancer. He went to England, which is far more progressive in its approach. It was not until after his professional career that he could come back and spend time in the country where he should have been able to have a very thriving career as an Indigenous dancer, an actor, a writer and all of the other things he was so good at. We look at people like that and say, 'What have you been through?'

Then there are the people who were called sick and who were sent for psychological testing to psychiatric units. They covered up their lives when they got out of these places out of fear. Nobody should ever have to do that. My daughter's godfathers are a gay couple. They have an incredibly successful business and have the potential to expand with many millions of dollars worth of business every year into the Middle East and have been asked to go over there. They visited once and decided that their business was not worth what they would have to hide. In hotel rooms they have to have two separate beds. I was at their civil wedding, back in 2001 I think it was, and yet in some countries of the world they are still not allowed to be a couple. I look at the types of things that are still going on around the world. I look at what we have done in the past, and I shake my head and say, 'Why did it take us so long to get there and why is it taking so long for the rest of the world to get there?'

To all of those who suffered as a result of the former legislation and those who enforced it I say with

sincerity that we are sorry. Today I stand in this place to defend the rights of those who cannot be here to speak for themselves. I stand to voice my support for righting a wrong which the Liberal-Nationals government did several years ago. I congratulate the government for continuing the steps forward.

**Mr WYNNE** (Minister for Planning) — Today we right a wrong. We apologise for the prejudice against LGBTI community members. We make a commitment going forward to continue our support for the LGBTI community. I am proud to stand here today as a member of the Andrews government but also as a member of this Parliament, because when this Parliament comes together in a bipartisan way to address such profound social issues — and we are righting such a fundamental wrong today — this is the Parliament, in my view, at its best.

I am proud we have reached this point, albeit years later than people deserved. As we have heard in previous contributions today, the Hamer government decriminalised homosexual acts in 1980, and it took too long to arrive at a time when people could have convictions for homosexuality expunged — only in 2014. In September last year we introduced the scheme to expunge historical convictions for homosexual acts. That meant police and court records could now be erased. Police and court records are being cleared of these offences. Conviction will no longer show up on a police records check.

I was very proud to see earlier the people in the audience today listening to this debate, people I have known for so many years: Jamie Gardiner, who, as the Attorney-General just said, is an extraordinary advocate for reform and equality; and of course Anna Brown, who did so much work in preparing the expungement scheme. But today I actually want to talk about somebody who is listening to this event. His name is Peter McEwan. He is here today in the gallery, and I have known him for 30 years. He was one of the people unfairly convicted of homosexual offences when he was just 17 years of age and still at school. He was a boy.

Peter talks in some publications, reports of which are currently on the Premier's website, about what it meant to him, and I want to read this into the record:

When I was arrested, I didn't know what on earth was going on.

The police didn't advise me of my rights. I wasn't given an opportunity to call my parents, let alone a lawyer. I was told it would be 'best for me' if I signed a statement the police had written.

When I finally got a lawyer, it was too late. I had pleaded guilty. I was convicted of a homosexual offence. I was only 17.

Looking back, I did take on the guilt and shame. It was like holding a terrible secret. There was not another person I could talk to for several years. I just shut down. I fled overseas to escape, and I removed myself from my family, until I found a way to accept myself with pride.

Peter McEwan was my chief of staff when I had the honour of being the Lord Mayor of Melbourne and has invested many, many years in public service in our state government as a public servant in planning and in housing. He continues on, of course, as a panel member through Planning Panels Victoria, and his expertise is certainly not lost to the government or to the people of Victoria.

Peter was one of those people who had to live with an undeserving and callous mark against his name. Peter, like many others, struggled with the humiliation the conviction caused him at a young and vulnerable age. It brought shame to him and shame to his family. These convictions did nothing to ease the social stigma and social persecution against the LGBTI community, and convictions have haunted the people we are apologising to today, sometimes for decades, through job applications and background checks which further punished and victimised them.

We are apologising because you were unfairly prosecuted. We are apologising for the distress this caused you and your families. The unfair stains on your personal records are now gone. We have corrected the injustice of convictions recorded for homosexual acts, and now we unreservedly apologise for the pain those convictions have caused you and of course so many people here who have been victims of this gross unfairness.

Today, Peter, I say to you here in the Parliament on the floor of this chamber that today we publicly lift that weight. We publicly lift that burden from your shoulders. For you and your family, who are assembled here today, I know just how important this is to you. It is important symbolically, but I think that you understand and other victims understand that it is important that this Parliament repudiates that time and says to you, 'You were so badly treated. You were so unfairly treated'. You carried a burden that was so unnecessary, a burden that could have potentially crippled you. But it did not cripple you. You actually made a life for yourself. Yes, it was terribly difficult at the time, and I know today from when I was speaking to you that this conversation with some members of your family is only now opening up after 39 years — what an extraordinary thing.

But I want you to know that across this chamber in a bipartisan way we say to you and we say to all the other victims just say how sorry we are — how profoundly sorry we are for everything that you have gone through; for the suffering; for the humiliation that you have gone through; for your family and for the suffering that they have gone through; and for your mother, God rest her soul, who of course was ostracised from her community, ostracised from her church and humiliated. It was so unnecessary, so vicious and so unwarranted.

To you, Peter, the burden has now been lifted, and it is a great honour for me to be here today to recognise you and to say to you, and indeed to all the other victims who have been here today, just how profoundly sorry we are as a Parliament for that period in your life. Thank you so much.

**Ms RYAN (Euroa)** — It is with pleasure that I rise today to contribute to the motion to take note of this formal apology to Victoria's homosexual community — an apology for the injustices wrought, for wrongful charges and for the hurt that laws passed by this Parliament perpetrated on gay Victorians. It is with great pride that I stand here as a member of the coalition, which introduced legislation to right these wrongs in the last Parliament. I am certain that today's apology will have enormous and lasting significance. It is a moment of acknowledgement and a moment of healing for our state.

I wish to particularly acknowledge the dignity and the strength with which those here in the gallery today have held themselves in the face of these historical wrongs. It is an important moment because it sends a message of not only apology but also acceptance. In that way it is important not just for those who suffered under those horrific laws but also for the wider gay community. It is important for many of my own friends and for members of the communities I represent. It is important for Victoria as a state.

It is difficult perhaps for members of my generation, who have grown up in not a perfect but a more tolerant world, to truly appreciate the depth of feeling of those involved or to understand the power of an apology in helping people with the healing process. And not for a moment do I wish to suggest that all is okay for LGBTI people in our state. Verbal and physical abuse still occurs. Earlier in the year one such case was highlighted to me when a young gay man was verbally attacked in Carlton, a community that I would have thought to be one of the most tolerant in our state. We have a long way to go to address homophobia, but that change begins with us and the message that today's apology sends.

As other speakers have laid out, the former coalition government brought an amendment to the Sentencing Act 1991 to recognise that homosexual sex between consenting adults should never have been a crime. These were not just historical convictions. Until last year when the legislation took effect they continued to impact the lives of those men who were convicted. They were a reminder of the discrimination they faced for being gay. At the time Premier Denis Napthine acknowledged the ongoing harm and hurt these convictions had on those who were prosecuted and the significant personal difficulties they faced as they sought employment, travelled or even applied for a working-with-children check. He told the Parliament:

They were convictions that should never have appeared there, and it is about time they were expunged.

I wish to pay tribute, as others have before me, to the very many people from Victoria's LGBTI communities who have campaigned tirelessly for this moment. The emotion that was in the chamber today, as every member of this house stood in their place to support the motion and the jubilation of those gathered in Queen's Hall to watch the Victorian Parliament pass this apology, supported by all sides of politics, was palpable.

I also acknowledge the work of the former member for Prahran, Clem Newton-Brown, who, moved by the story of Noel Tovey, about whom many people have spoken today, was instrumental in bringing these changes about. Clem followed in the footsteps of Premier Rupert Hamer and Attorney-General Haddon Storey, who first decriminalised homosexuality in 1981. Clem has described the passing of the bill to expunge criminal convictions as the highlight of his time as the member for Prahran.

I have previously spoken in this house about my concerns about the suicide rate of LGBTI young people, particularly in rural and regional Victoria. Beyondblue conducted a study in 2011 which concluded that lesbian, gay and bisexual Australians are twice as likely to have a high to very high level of psychological distress as their heterosexual peers. Same-sex-attracted Australians have rates of suicide attempts up to 14 times higher than their heterosexual peers as a result of minority stress and discrimination and exclusion. The changes made by the coalition in the last term of Parliament were important because, like today's apology and like the passing of laws to legalise same-sex adoption, they sent a message to same-sex-attracted and gender diverse people in our communities that they are equal under law.

So today I wish to add my voice and give my full and unreserved apology for the decisions and the laws which led to injustice, distress, persecution and shame. Those laws were Victoria's true crime.

**Mr DIMOPOULOS** (Oakleigh) — I rise to support this take-note motion with profound respect for the Victorian government and the Victorian Parliament. At the risk of sounding parochial, I say that I have enormous respect for the Premier and the Minister for Equality for their leadership. This reform follows on from other reforms that this government has made, including adoption equality, establishing a gender and sexuality commissioner in Rowena Allen and establishing an equality unit in the administration of government. We have also heard about the support that both sides of Parliament have given to the Midsumma Festival over many years, and I want to commend the previous reformist Attorney-General, Rob Hulls, who for many years opened Midsumma, the Premier for being the first Premier to march in the Midsumma Pride March, and both sides of politics, including former Premier Napthine.

I want to acknowledge that commitment from both sides. We should acknowledge those commitments and achievements, and we should celebrate what is really a historic day. But it has taken too long to get here. I just want to run through a little bit of history. I will quote from an article by Graham Carbery in the *La Trobe Journal*, no. 87, of May 2011. It is headed 'Towards Homosexual Equality in Victoria'. He writes:

When Society Five, Victoria's first openly organised homosexual group, was formed in 1971 it quickly established a subcommittee to look at the question of law reform. The committee succeeded in raising the profile of homosexuals' demands by writing letters to the press, speaking on radio, and sending speakers to arrange a professional and community groups ...

...

... They managed to have motions of support for reform adopted by the policymaking bodies of the two major political parties in Victoria — the Liberal Party State Council in 1974 and the Labor Party State Conference in 1975 — and by the Synod of the Anglican Church in 1971 ...

The first parliamentary move towards homosexual law reform in Victoria occurred when, in October 1975, Barry Jones, who was at the time a member of the Labor opposition in the Victorian Parliament, introduced a private members bill into Parliament.

Unfortunately that private members bill was only first read. Mr Carbery continues:

In early 1977 another attempt was made when Jack Galbally (Labor), Leader of the Opposition in the Legislative Council,

introduced a private members bill that was in effect a second attempt —

at this change.

As we have heard from other speakers, in the end, after all this effort, it was the Hamer government that introduced legislation to remove homosexual offences, including, as we have heard, abolishing the offence of the abominable crime of buggery and the summary offences of soliciting and loitering for homosexual purposes.

The interesting little bit of history that I discovered, though, was:

In an attempt to limit the extent of homosexual law reform, dissidents within the Liberal Party succeeded in having a last-minute amendment included in the act. This amendment created a new summary offence of 'soliciting for immoral sexual purposes'. Even with the inclusion of this amendment nine members of the Liberal Party still crossed the floor and voted against their own party's reform. The Labor Party voted unanimously to support the bill.

This is just a little quote about the history of the movement, in a sense, and about the parliamentary aspects of the movement.

Today this apology is perhaps the last step in that sad, sad chapter. We are cleaning up the mess of the past. We have been doing that in a whole range of policy areas and for a whole range of Victorians — the stolen generation, the abuse and the deaths in custody; the child and institutional abuse; and family violence — and we have seen support for most of those initiatives from across both sides of politics. Essentially the Premier's words ring very, very true: legal homophobia began here in this Parliament, and it has to end here too. It will not make this right, but it is the right thing to do.

The Parliament made the big mistake of passing moral judgement in an area which, in my view and many people's view, it has no right or role to do. Just because a government has the numbers and a majority does not mean it should legislate, as I think Ms Patten said, in a moral sense. Ethics and morals are very different things. The state should never reach into the private lives of citizens unless it is to protect and support them. This was certainly no protection or support; in fact it was quite the opposite. There was the devastation caused by a single conviction — the shame, the public outing and the ruined lives, as we have heard. Hiding something has an untold impact. It is about the chances that a human being has not taken, it is about the opportunities that a person never sees, and it applies in many areas of life. Whether it be ethnicity, religion or definitely sexuality, it is a grave injustice, and in many

respects justice will never be reclaimed. It is about a life not fully lived, as we have heard.

As a young guy growing up, like many other people, I had to confront those demons in terms of questioning your sexuality and being worried about what you say and how hard you laughed. There were the stolen glances, because you could only ever have stolen glances. There are those very real impacts in human life when you do not want to stand out because you do not want to be noticed. There were the tearoom conversations at work where you avoided talking about what you did on the weekend because all of a sudden you may have to use a gender-specific pronoun. All of those hidden little impacts are like wounds to your spirit and your heart. There is never a way that you can be a fully emboldened and powerful human being while carrying that weight.

The weight is about being told throughout society that you are disgusting, that what you do is wrong, who you love is wrong and how you feel is wrong. That is why it was very pleasing to hear the Premier's words to all LGBTI Victorians. I think his words were, 'You are good enough for me', and that is exactly what people want to hear, whether it be people of different ethnic or religious backgrounds. The untold impact will never be redressed, but I was extraordinarily proud today to sit here — as the member for Richmond said, not only as a member of the government but also as a member of this Parliament — on this very powerful and symbolic day, which I think will allow many people to start healing.

In conclusion, I want to say some words similar to words I used during the adoption equality debate. Laws are powerful in setting or changing human behaviours and thoughts. I am immensely proud of the Premier and the Minister for Equality for their steadfast championing of equality. I am proud of all those brave men and women — human beings — who over the years and decades have fought for equality for the LGBTI communities. This apology would not have been delivered today before the Parliament if not for the struggles of so many who have gone before. It has never been more true to say that if we have seen further, it is because we have stood on the shoulders of giants.

I take my hat off to all gay men and women and the LGBTI communities of Victoria over the last 150 years. I take my hat off to their parents, children, families and loved ones who have endured the stigma, rumours and innuendo for too long, all the while knowing the beauty and authenticity of the person or people they have loved and cared for. I say to them, as the Premier said, you have a government on your side. You have a government on the side of your children

and grandchildren and on the side of your full expression as a complete human being. There is nothing wrong with you, and there never has been. We are not honouring gay people with this apology; they already have honour. Today we honour ourselves, all of us, for doing the right thing.

**Mr HIBBINS (Prahran)** — I rise as the Victorian Greens LGBTI spokesperson to support this motion and to support this parliamentary apology for laws that criminalised homosexuality and for the harms they caused. Laws that target or discriminate against LGBTI communities and individuals have no place in Victoria. In Victoria laws that criminalised homosexuality were in place until the 1980s.

As former Victorian Premier John Cain, Jr, said, when debating the Crime (Sexual Offences) Bill 1980 as a member of the shadow cabinet, these laws were based on a mixture of religious beliefs, ancient taboos, prejudice, authoritarianism and, to some extent, ignorance. Those laws saw members of the Victorian community targeted and prosecuted because of their sexuality, and convictions hindered people's employment prospects, their ability to travel overseas and to volunteer for our community. It meant that same-sex attracted people were forced to hide who they were or risk conviction. There were some instances where information gained from victims of crime was then used to target and prosecute that victim of crime, and instances where young people — sometimes vulnerable young people — were targeted under these laws.

One inquiry — I think either during the 1960s or 1970s — found that laws criminalising sex between members of the same sex provided for widespread harassment, humiliation, intimidation and even blackmail of persons who were 'so inclined'. The laws created in Victoria allowed a culture within institutions — as has been described by previous speakers — in particular Victoria Police, which saw same-sex attracted people targeted, harassed and entrapped. Thankfully we welcome that the culture in Victoria Police has changed to one that now embraces equality, as evidenced by Victoria Police's gay and lesbian liaison officers and their prominent place in Victoria's annual Pride March.

Throughout today's debate and of course the greater and wider debate that happened previously over expunging these convictions, we have heard stories — I am sure we have all read case studies — of those who were convicted under these laws, the circumstances under which they were convicted and the effect that it has had on their lives. But this law has also affected

those who lived under these laws, and who were at risk of conviction. This was a law of oppression.

We should also recognise that there are many who we have not heard from, who have been carrying the burden of an unjust conviction, fearful that years down the track or decades down the track it might be dredged up when they are doing something we all take for granted: applying for a job, offering to volunteer, getting a working with children check, travelling to a new place overseas. I also note and welcome that there is provision in the act that was passed by the previous Parliament for family members of those who have passed away to expunge their record of homosexual convictions.

It is an understatement, and one that previous speakers have stated, but it needs to be restated: LGBTI equality law reform over the past decade has come slowly, and when change has come it has come with caveats and has not gone as far as it should. When this law reform to remove the criminalisation of homosexuality was achieved in 1980, as also noted by the member for Oakleigh, it contained an amendment to criminalise for soliciting 'for immoral sexual purposes', which again was continually used to target same-sex-attracted Victorians until it was repealed some years later. The law also failed to provide for the expungement of historical convictions, and that was recommended by a previous advisory council in 1977. Obviously it is welcome that it has occurred, but it took some decades after it was first recommended.

I do not want to go back over the debate from 1980, but incredibly, just to give an illustration of the views of that time, the second-reading speech of the Crimes (Sexual Offences) Bill 1980 included the following passage:

The government does not accept sexual relationships between persons of the same sex as an acceptable alternative lifestyle. Nothing in the bill is intended to give any support to such attitudes. The government simply believes that they are not matters for the criminal law.

I can see that the statute book is changing for the better, and I think society and the views of people within this place are changing as well. Thankfully, no government holds that position. Certainly no party in this place, in the Legislative Assembly, holds those views today. A more contemporary example of laws simply not going as far as they should was in the recent changes to adoption law, which allowed same-sex couples to adopt. It was a long overdue change, which unfortunately came back to this place with the amendment that allowed certain faith-based adoption agencies — state-funded agencies, mind you — to

refuse services to same-sex couples. The point I am making is that LGBTI law reform, as I said, has moved slowly, has not been as full as it should have been and has come with caveats. I would suggest that LGBTI law reform needs to be complete, it needs to be comprehensive and it needs to move quickly within this Parliament — the 58th Parliament — and not be left up to future parliaments or future governments to address.

This is because LGBTI organisations and individuals have been working for many years to achieve law reform. Issues and reforms that may appear new have actually been worked on for years, and they have only been considered or implemented when they were long overdue. I want to join with other members in acknowledging and thanking all those organisations and individuals that have put in the hard policy yards. In my experience as the Victorian Greens LGBTI spokesperson, the policy work and the policy briefs from those in the community have been completely comprehensive: they will tell you exactly where and in what act the law needs to be changed, and going hand in hand with that policy work has been their tireless advocacy. I thank and acknowledge them.

I also want to acknowledge members of Parliament who have worked to achieve the law reform, in this instance over decades, to end laws criminalising sex between members of the same sex, to provide for the expungement of the convictions under those laws and for the parliamentary apology today. Last but not least, I want to recognise my predecessor in the seat of Prahran, Clem Newton-Brown, who championed this issue in his term. As Clem would know, and I was pleased to see Clem in the gallery today, and as any previous member of Prahran would know, the Prahran electorate is famous for its vibrant and celebrated gay community. It is an inclusive and welcoming community, but such inclusivity should not be confined to places like Prahran.

Whether you live in the inner city, the suburbs, in regional Victoria, whether you work in the private sector, the government sector or the community sector, whether you attend a government school, an independent school or a faith-based school, all Victorians deserve equal protection under the law from discrimination, and the right to have a community and a culture that affirms equality for lesbian, gay, bisexual, transgender and intersex people. The Victorian Greens equality bill, of which there is an exposure draft out, does just that by removing the current exemptions in the Equal Opportunity Act 2010. I note that my federal colleagues have proposed a similar amendment to the federal Sex Discrimination Act 1984. I also note that many speakers make comments about the need for

marriage equality. I think it would be appropriate for this house, the Legislative Assembly, to move and pass a motion in support of marriage equality.

The Victorian Greens strongly support this parliamentary apology for those who suffered because of these unjust laws. As the Victorian Leader of the Greens, Greg Barber, said in his speech to the apology motion:

We pledge to continue our commitment to ensure equality for lesbian, gay, bisexual, transgender and intersex communities under the law and ensure that Victoria's laws protect individuals who face discrimination — not people or organisations who wish to discriminate —

as is currently the case under the Equal Opportunity Act. The Greens pledge to ensure that Victoria's laws prevent harm, not facilitate harm.

We know the harm discrimination causes our LGBTI communities, particularly our young people, with increased incidences of suicide and mental health issues. We cannot condone, let alone facilitate, such harm as our laws do by allowing this discrimination. Our laws should affirm values of inclusivity, freedom and love, not prejudice, oppression and hate. Earlier this year, during the Midsumma Festival, I put up the suggestion that Victoria should be known as the rainbow state — an inclusive, welcoming state for LGBTI communities. It could be one of the many reasons so many people are moving to Victoria, but this needs to be reflected in our laws.

This parliamentary apology for people who suffered under unjust laws — the criminalisation of homosexuality — is a landmark for LGBTI communities in Victoria and for this Parliament. It is a chance for healing for those who suffered under these laws, it is a chance for this Parliament and the state of Victoria to make amends for the wrongs of the past, and it is a chance to look forward to further reform of Victorian laws to create equality for all under the law. We apologise. We say sorry for these unjust laws and for the harms they caused.

**Ms GREEN (Yan Yean)** — It is with profound pride, profound humility and just an amazing sense of how far we have come as a community in my lifetime that I am able to speak on this motion before the house to take note of a well, well overdue apology to a section of our community that has suffered mostly in silence, mostly unknown, for decades.

The Premier and the leaders of almost every party in this Parliament who got to speak in the formal motion, in the sitting where the members of the other house joined with us, went through some harrowing details. It

occurred to me too — I apologise if other speakers have covered this — that obviously these people who were charged were victims of the time but also that, when we heard of the 14-year-old boy whose parents rightly went to the police after he had been sexually abused at work by his employer, thinking that they would get justice, that was no different to any other parent of a girl or any woman going and reporting their rape and not being believed. I think any woman can identify with that, but to compound that ill by then being charged with a crime when you are a victim — I do not know what could be a more inhumane way to treat a victim.

There is a deep sense of shame, I think, for this institution that it has taken us so long to apologise for our predecessors who passed laws in this chamber that should never have been passed — laws about what people do in their own private realm, in their own private domain, expressing love to each other. That should never be the purview of legislators to interfere with.

I always think that these matters of historic apology — it has been a deep privilege to have served in this place since 2002 and to have been party to a number of very profound apologies in trying to make amends for the sins of the past of this institution and of governments, whether it be to our Indigenous people, whether it be to those who were kept in state care and abused, whether it be to mothers who had their children forcibly removed or whether it be to those who were victims of abuse in institutions, including those run by the state and the church — are a sign of our political maturity in that we are actually able to, across party lines, stare our failings and our mistakes in the face and say, 'It's not good enough just to change the laws', as correct a decision as it was.

I was still in high school when homosexuality was a crime, and I commend the then Hamer government and the then Attorney-General, Haddon Storey, for the decriminalisation of homosexuality, but we see in an article in today's *Age* that that still did not really give comfort. I actually had quite a bit of respect for Haddon Storey, the then Attorney-General, as being quite a progressive man and quite a wet for the times, but in saying that, his quote is this:

The government realizes that there are consensual sexual acts which are regarded by many as immoral, and which are not made criminal by this bill. The government does not condone such acts, much less regard them as acceptable.

It is as if that was giving a message to adults or young people whose only crime was to be born different, or what was then seen as different — that if you are a man, to love another man, or if you are a woman, to

love another woman — almost a bit like the sense of the military in the US: 'Don't ask, don't tell, but we're really still not supporting you'.

Then we got to the point in the last Parliament of expunging the crimes that people were convicted of, which should never have been crimes, but because proper records were not kept, how on earth do we convey that to those people — we do not even know how many — who were convicted of those offences? As other speakers have said, many of those people are not with us anymore. They have lived a long life and died of natural causes or died at their own hands through their grief at having to live a life where they were seen as a criminal.

As I said earlier, I always like to contextualise when we are apologising for a historical event that occurred when I was at high school — I still do not think I am that old — and homosexuality was a crime. It was only decriminalised two years before my now 33-year-old gay son was born. I had the privilege of running into Noel Tovey in the lift earlier and I thanked him. I said, 'Noel, without your advocacy, without you speaking out, along with so many other men who were wrongly convicted, my son would not have been living in the progressive society in which he does'. It is not without its challenges, but what my son experienced being at school and the experience of kids generally who are at high school now is a sea change compared to the situation when I was at school, let alone when Noel Tovey was at school and let alone when Peter McEwan was at school.

I am really fond of Peter McEwan. He and I worked together in the then Ministry of Housing in the 1980s. I cannot believe that he was 17 in 1967, because he is one of the youngest looking men. I cannot add up now, but he is certainly a fair bit older than I am and he is in his 60s, but he still looks really young. When I am talking about high school students in 1967, at the time I was three or four years old, and Peter was completely outed at his Catholic school. I went to a Catholic school, and I can only imagine what that would have been like. I am lucky to have met that wonderful man, that joyous, joyous man with whom I worked in the 1980s in the Ministry of Housing, who is passionate about looking after the disadvantaged. I repeat the conversation the Premier retold earlier about meeting with Peter McEwan and Peter saying to the Premier, 'Premier, pride is the opposite of shame'. I challenge anyone in this state who wants to criticise the GLBTI community, which throughout January acknowledges when it has its Midsumma event and recognises the date and the time when homosexual acts were decriminalised — and that continues on — not to be

unkind and to join in with that pride, with that community. I think we should all do that.

We still have a long way to go. I am glad that every party has supported this apology, but there are still times in this house, regrettably, when not the most charitable things are said about people of GLBTI background. I hope every member in this chamber can use today to say, 'No longer will I say anything that is discriminatory; even if I have it in my heart, I will keep it to myself, because members of the GLBTI community of this state, like every other member of this community, deserve our support. I am delighted to be part of this take-note motion and the apology made in this chamber in the name of my son, Blake Rizzo Green, and every other GLBTI person in this state. I commend this take-note motion to the house.

**Mr MORRIS** (Mornington) — I am pleased to rise to speak on this take-note motion and, probably more importantly, to support the sentiment of the motion that was moved earlier in the afternoon by the Premier. Had I been drafting the motion, I probably would have gone a bit further, that is to the extent I recall it because unfortunately the text has not been provided, but no doubt I will be able to read about it tomorrow in *Hansard*. Legislators tend to be concerned about words, probably not least because the words that are used do affect the outcomes in the courts, but this is not legislation and the sentiment of the motion is absolutely right, and this is certainly no time for hairsplitting.

It is a matter of record — and many speakers have referred to it — that in December 1980 the amending bill for the Crimes (Sexual Offences) Act 1980 was debated in this house. It was in fact debated in the other place a bit earlier, and it came in here and was debated in the December sitting and then adopted, receiving royal assent in January. It was of course not only about repealing section 68 of the principal act; it was more broadly about ensuring that sexual acts between consenting adults were no longer offences. The bill was quite wide ranging, and it was an extensive reform of the law relating to various sexual offences. In fact the then Premier, in responding to a question from a member in November about what might be in the bill — I am not sure the question would get up now — made the comment that:

... provisions of the Crimes Act, and certain other legislative provisions relating to sexual offences are, to say the least, expressed in quaint and archaic language. It would be equally apparent, I should think, that some of the notions that those words express are also hard to reconcile with the ideas of a modern community.

Certainly by the end of 1980 things had changed. Mr Hamer, the Premier as he was then, went on to talk about the other reforms that were contained in this particular piece of legislation, and they were extensive. As you would expect, though, the bulk of the second-reading debate that occurred concentrated on the issue which we are considering this afternoon. That was 36 years ago. It is a relatively short period since then. Reading the second-reading debate certainly reminded me of the speed with which the community's views have moved, and that is certainly a good thing. But it is also interesting to reflect upon the speed with which views moved from 1958 to 1980. I do not imagine that in 1958 anyone could possibly have imagined that a bill like that could have been debated and passed by the Victorian Parliament in 1980.

Certainly whether you contrast the current period with 1958 or with 1980 we are undoubtedly a far more enlightened community. We now understand that sexual orientation is not a lifestyle choice. More importantly, we understand that sexual orientation basically is irrelevant. It is something that most people, thankfully, no longer see; it is no longer something to be ridiculed or to be condemned. Yes, we still have a few judgemental individuals, but the fact is they become fewer each year.

I do not condemn our legislative forebears. This is a law, whether it was 1928 or 1958, that was wrong. It was as wrong then as it would be today. Unfortunately, though, it was probably somewhat in accord with community expectations. I think the member for Oakleigh talked about the dilemma of attempting to legislate for a moral position. This law certainly falls into that category.

The direct impact of those laws was bad enough. The immediate consequences, of course, if someone was arrested and detained, were terrible enough. But the long-term effect was very much more: lives were disrupted and, indeed, too often they were destroyed, sometimes ending far too prematurely.

As I have noted, we have already fulfilled our role as legislators. That was done for us in 1980. I think it needs to be said that in passing that legislation — which was passed by this house overwhelmingly, with very, very few noes — in 1980, the offence was removed from the Crimes Act. In so doing, it prevented further lives from being disrupted by a prison stay, and not just in the short term. As I have said, too often those lives were fatally compromised and sometimes destroyed. With the passage of that legislation at least no further lives were wasted or harmed in that way.

In the last Parliament we made it possible for those with those historic convictions to have them expunged. 'Expunged' is a pretty dry legal term. It really struggles to convey the importance of what it does in the context of that legislation. It makes it possible to remove a stain on the character of an individual that should never have been placed there by the state in the first place. It was the state that did that. I certainly want to acknowledge Clem Newton-Brown and the role he played, but can I also say from a personal point of view I am certainly proud to have been part of that Parliament and a middle bench member and member of the government that presented it.

So we have legislated. No doubt there is more that can be done, but we have made enormous strides under those on both sides that have formed government in the last 35 years. We have repealed laws that should never have been written. We have repealed laws that sought not just to regulate the behaviour of consenting adults in the bedroom but effectively to regulate the way people lived their whole lives — because unless they were to run the risk of imprisonment, they had to live their lives as a lie.

So we have done the legislation. Today, with this apology, we recognise the suffering of the victims of those laws. Today we acknowledge that our predecessors got it wrong. But that is not the end of the matter. The motion is not the end of the matter by any means at all — because this fight will continue long after I have left this particular battlefield. Just in case anyone is wondering, I am not going anywhere soon. That fight will continue, but the good news is that with each year that passes the prejudice and the bigotry recede further. It is our role in this house — the role of all of us — to make sure that we can maintain the momentum and in fact quicken the momentum with each year that passes. I am certainly pleased to support the take-note motion and to support the substantive motion moved by the Premier earlier today.

**Ms WILLIAMS (Dandenong)** — It is with both pride and sadness that I rise in support of this motion today. Male homosexuality has never been a criminal offence in my lifetime. It was decriminalised the year before I was born, but it still casts a shadow. These laws would never have affected me personally — I am not gay, and I am not a man — but these laws are a blight on all of us, a blight on our society. We are all the worse for their existence.

I was speaking to a friend and local Dandenong business owner last night, and I mentioned to him that I would be speaking on this apology in this place today. He said to me, 'What were we thinking back then?

What made us as a society think that was okay?'. It is a sign of progress and enlightenment that most in our community feel that way. Most look back on these laws with, if not horror, then certainly discomfort.

I was extremely proud to be at the Pride March earlier this year when the Premier announced that this government would be making this much-needed apology this year. This follows the commencement in September 2015 of the expungement scheme, enabling those who were convicted to have their convictions removed from the criminal record.

For people like Noel Tovey the impact of the expungement scheme was that he would not die a criminal. Noel Tovey — it is impossible to talk about these matters without talking about the victims, without talking about the people impacted by such a shameful regime. This is a human story. Noel's story reaches into the heart of any feeling person. Noel was charged with buggery at the age of 17. He made a confession because he was told that if he did so, he could go home. It was a lie. He did time in Pentridge and was raped by two of the guards. He tried to commit suicide.

We have also heard the story about Tom Anderson, who was charged with having gay sex at the age of 14, despite the reality being that he was actually a victim of child abuse. He carried that conviction with him through his life and had to deal with a sense that he had somehow done something wrong. He had not done anything. It was, as he has recently identified, the system that was at fault.

This morning I was watching ABC News 24 as I was getting ready for work. They were running an interview with Noel Tovey, and he said, 'The apology means finally the government is recognising homosexuals as human beings'. For what it is worth, please let me say: members of our LGBTI community are and always have been human beings, and they should have always been treated as such. More than that, you are valuable and valued members of our community. You contribute to all spheres of community life. You are lawyers, doctors, artists, dancers, community workers, parliamentarians, business leaders and change makers. You are our brothers and sisters, our friends, our aunties and uncles, our cousins, our colleagues, our mentors, our parents and our heroes. You deserved respect, and the government failed you. We should have welcomed diversity. Instead we embraced fear and sanctioned bigotry.

To say sorry just does not seem enough, but at the same time it is so, so important. As we have heard, these laws targeted homosexual men, but I have read at least one

account of two women who were convicted of offensive behaviour for holding hands. While I think it is fair to say that the direct impact of these laws was most heavily felt by homosexual men, I think it is also fair to say that the indirect impact of these laws was felt by the entire LGBTI community. For this reason, while I acknowledge the impact of convictions on men predominantly, I will target my comments to all members of the LGBTI community, who were all under siege from laws that promoted and encouraged homophobic attitudes and who were all rejected cruelly and institutionally by our society.

I am so unbelievably sad for the damage these laws caused to people who still live with the scars, and for others who have passed away but who carried the burden of a conviction that simply should never have existed. These laws terrorised people — let us be in no doubt of that. They promoted prejudice and stigmatised innocent people for doing absolutely nothing wrong. These laws ruined lives. People lost jobs, they were forced to withdraw from study, they were ostracised from family and friends, and they were tossed aside. People killed themselves.

This apology is important for many reasons. It is symbolic, yes, but we also hope it leads to more people applying to have their convictions expunged. Six applications have been approved so far, but there are hundreds, maybe even thousands, that need to be approved for justice to truly be served.

In thinking about my contribution today I got to thinking about friends of mine who, while never experiencing these laws firsthand, still experience rejection simply by being who they are. I got to thinking about friends who have been rejected by their families; people who have lost friends who were quite okay with them until they realised that they were gay; friends who had colleagues who turned that little bit cold after becoming aware of the person's same-sex attraction; and friends who live in secret, living lives that, as the member for Oakleigh said, are just not fully lived.

For me this apology is also for them, because it runs deeper than what officially ended in 1981. It touches on the attitudes that we as a government encouraged for so long — attitudes that still infiltrate and are entrenched in parts of our society, although they are undoubtedly thinning. These attitudes, which for so long we as a government endorsed, are the reason why my friends have experienced rejection. They are the reason why parents do not speak to children, why conversation that used to flow easily among friends or colleagues might not flow anymore, and why opportunities do not

progress or simply do not exist. They are the reason that a number of people in parliaments across Australia, including in this very Parliament, would still not be comfortable with an apology like this today. And why? Because at some point people were scared of what they did not understand; because they felt better about themselves if there was an 'other' — and this has stuck for some people, sadly. They have never quite got past those attitudes, and it still causes hurt and it still causes upset and it still gives to people — many of whom are my friends — that sense of rejection that is just so, so unfair.

Today's apology is a significant step. In Victoria in recent times we have seen progress — expungement and adoption equality. We have invested in anti-bullying campaigns. We have invested in initiatives to combat homophobia. We will build a pride centre to showcase LGBTI history and culture and to provide a safe space for LGBTI Victorians. Our Premier led the Pride March; I could not be more proud. But there is still more to be done, and for that we need our federal leaders to show some courage. We need them to listen, and we need them to lead. For as long as only some of us can get married and for as long as only some of us can have our love recognised, we are not equal. We cannot undo the past, but we can take responsibility for it, and we can determine that it will not be repeated.

I wish to thank the LGBTI activists who have fought for this over decades, those people who have not only put it on the agenda but also have kept it there. Progress has been slow — we have alluded to that. It has been a long time since 1981 to get to this point, but their dedication has been unwavering and their patience has been incredible, to say the least. Noel Tovey wanted you to be recognised as human beings — and you are and you always have been. But you are more than that: you are heroes to generations past and heroes to generations to come.

I just want to reflect finally my thoughts about the apology that took place today and the beautiful words of the Premier and other speakers. We all in this place know someone who is directly or indirectly impacted by the shadow cast by these laws. I have been really fortunate in my life. Some of my closest friends are members of the LGBTI community, and some of my greatest mentors in this place have been. I was very pleased earlier to run into Paula Gerber. Paula Gerber taught me construction law. I went on to be a construction lawyer.

**Ms Hennessy** — And me contract law.

**Ms WILLIAMS** — There you go; she taught the Minister for Health contract law. She is a legend in her own right and in many facets of her life, and to see her with a big smile on her face, beaming, as she walked out of the chamber earlier this afternoon was just worth its weight in gold. Seeing the impact an apology like this has for people who have fought for it for so long makes me feel incredibly proud to be a part of a government that made it happen. I commend this take-note motion to the house.

**Mr SOUTHWICK** (Caulfield) — I rise to speak in support of the motion that has been put in front of us today and also commend those who have spoken before me on an important motion on an important topic. The coalition, as we have heard, is committed to respecting and celebrating Victoria's diverse and strong LGBTI community, and it supports the motion today because it is the right thing to do. The coalition has spent a number of years working towards expunging gay sex criminal records, starting in 2012. I recall being elected into Parliament and sitting alongside my colleague and friend the former member for Prahran, Clem Newton-Brown. We were having discussions in Parliament, and he was talking a lot about his electorate and constituency and some of the issues and I was talking about some of mine. It was interesting because I had a very significant Jewish community and Clem had a significant community with an LGBTI background. We became known as two individuals who fought very hard for their respective communities.

Clem actually taught me a lot about the LGBTI community that I was unaware of, and I had the good fortune of attending many of their events with him, including my first pride and Midsumma Festival event. As a Jewish boy brought up in a home in Caulfield I would never have thought that in my life I would be out there flying the flag as one of a number of Liberals supporting members of the LGBTI community.

I would like to put on record that the community which I am proud to be part of has come a long way in this discussion. We have got a number of organisations like JAG (Jewish and Gay) Melbourne; Aleph Melbourne, which is an advocacy group promoting equality and diversity; and the Jewish Lesbian Group of Victoria organisations, which have done a number of things in advocating for the LGBTI community. Most recently, last year the Jewish Community Council of Victoria for the first time accepted Keshet into the organisation. It is a historic milestone that in the 77 years the organisation has represented the Jewish community it has done something as significant as ensuring that members of the LGBTI community are properly represented. We have had a Sabbath service in

recent years that has been dedicated to the Jewish community, Pride Shabbat, and more recently even some of the conservative synagogues have followed suit.

I am proud to see that the electorate which I represent is very supportive, not just the Jewish community but the broader community as well. It is very important to promote equality, diversity and inclusion. That is why this motion today in terms of righting the wrongs of the past is very, very important. It is important to acknowledge the trauma that many people have been through over the years and to hear the likes of individuals like Noel Tovey, who, as we heard, published a book in 2004. The impetus from that book then moved on to the expungement legislation and to where we are today with this apology motion. It demonstrates the importance of advocacy and that we can right the wrongs of the past. It also assists us in understanding our responsibilities here as elected representatives, because we do not always get it right.

I think we should acknowledge that, and time moves on, and we need to understand that we can be current in our thinking and we can truly represent the constituents we are elected by. One of the members who spoke earlier mentioned the fact that it would be opportune for other people — whether they be from government departments, the police or others — to also be able to offer a true apology. I noticed earlier on today that members of Victoria Police were in the gallery. I can only imagine the job that they had to do in carrying out some of the legislation and being forced to arrest people for doing none other than expressing their love to a fellow man or woman on charges like loitering for homosexual purposes and buggery through the 1960s and 1970s. They were forced effectively to enforce the law, and whereas some of those police would probably have been from a LGBTI background themselves in no way would they have had the opportunity to come out and express who they were at that time.

I think it is important for us to ensure that there is tolerance and respect for all in our community. I think that is what this motion is largely about, but it is also about the future as well. We must think of what we are going to do in terms of going forward and supporting all those in the community to feel equally respected, equally relevant and equally able to contribute to the great state and the great country we are in. People mentioned earlier today the fact that Victoria has led the way in so many different things. We heard that the Hamer government in the 1980s was one of the first, certainly of the large states, to decriminalise homosexuality. Again it is important to understand some of the background here. But we need to move on;

we need to understand what we can do to ensure that we have tolerance and respect in our community. We have to celebrate all and get on and ensure that people can feel respected and tolerated and are able to get on with their lives and live as proud Victorians. I commend the motion to the house.

**Debate adjourned on motion of Ms HENNESSY (Minister for Health).**

**Debate adjourned until later this day.**

## MEMBERS STATEMENTS

### Police resources

**Mr WELLS (Rowville)** — This statement condemns the Andrews Labor government for its continuing failure to acknowledge and properly resource Victoria Police with desperately needed frontline police at local police stations. Under the state Labor government Victoria is in the grip of a seriously concerning crime wave, with the crime rate over the last 12 months up by 8.1 per cent. Gang crime is out of control, carjackings are a daily occurrence — Melbourne has been named the car theft capital of Australia — and drive-by shootings are happening all too regularly. Ice is a scourge affecting local communities across the state, including my own electorate of Rowville. Increasingly police resources are being required to deal with the problems caused, including dealing with psychotic, violent offenders who are tying up valuable police resources with police having to babysit them at hospital emergency departments.

At the recent Public Accounts and Estimates Committee (PAEC) hearing with the acting police minister, Chief Commissioner Graham Ashton confirmed under questioning by opposition members that there will not be any relief in the near future, with crime expected to get even worse in the coming months. Yet what has the response been by the Andrews Labor government? Frontline police numbers at police stations have been cut, police stations have been closed or their hours reduced and laws have been weakened to give criminals more rights than victims. This was confirmed at the Public Accounts and Estimates Committee hearing by the Acting Minister for Police, who advised that continued funding was supported in writing by former acting chief commissioner Tim Cartwright in 2015.

**The ACTING SPEAKER (Ms Edwards)** — Order! The member's time has expired.

### Trevor Sinclair

**Mr PEARSON (Essendon)** — Recently I attended the Trevor Sinclair memorial tree planting along with the member for Niddrie. Trevor was a Labor Party stalwart and a former councillor and mayor of the City of Moonee Valley. I commend the member for Niddrie on suggesting a permanent memorial to Trevor's memory, and I would like to thank the City of Moonee Valley for ensuring that this wonderful suggestion became a lasting tribute to a man who was a lion of the Labor Party and the labour movement and a wonderful member of our community.

### Farnham Street Neighbourhood Learning Centre

**Mr PEARSON** — I was also delighted to recently attend a lunch at Farnham Street Neighbourhood Learning Centre as part of the Neighbourhood House Week 2016 celebrations. The lunch was a wonderful event, with members of the local community coming together to recognise the wonderful role that Farnham Street has played in our community over the course of the last 30 years. Once again I would like to thank Cathy Connop, who has run Farnham Street for many years, for her tireless dedication to this wonderful community asset.

### Jim Cusack

**Mr PEARSON** — Finally, Ascot Vale recently welcomed home Cr Jim Cusack from his visit to Ireland as part of the centenary of the Easter Uprising. Jim was a member of the delegation that recognised the contribution that Irish patriots such as Tone, Pearse and Connolly made in striking a blow against English imperialism and which led to the collapse of the British Empire and the rise of the Irish Free State and the Republic of Ireland. Jim has been a passionate member of our community. He is a proud Australian Irishman, and it was wonderful that he was provided with this opportunity to make this lasting contribution, recognising the contribution made by these brave Irish patriots in doing what they believed to be right and laying the foundation for the Irish Republic.

### Footmen Foundation

**Mr HODGETT (Croydon)** — Tonight sees the celebration of the Footmen Foundation's 40th anniversary at the Karralyka Centre in Ringwood East. It is not often you hear of a local not-for-profit charity managing to continue for 40 years. When the Footmen Foundation was first formed in 1976, its financial aim was to raise funds to purchase goods and

distribute them to disadvantaged people in the local area. Now, 40 years on, Footmen continues through a group of men and women from diverse backgrounds to form the Footmen Foundation, jointly organising annual fundraising events in supporting the needs of local individuals and charities. In 1976 Wal Elms played a vital role in the formation of Footmen. He instigated a monthly luncheon with a celebrity guest speaker and had his personal assistant canvass local business owners and community leaders to attend. The luncheons proved most successful and also provided an excellent networking forum. Soon other activities such as a golf day were planned.

When the Footmen Foundation was formed, its financial aim was to raise funds and distribute them to disadvantaged people in the local area. Forty years on, today the Footmen Foundation is administered by a local board of volunteers who organise three special fundraising events each year which raise approximately \$30 000. As in the beginning, it is the local businesses that provide sponsorship and donations that determine the success of these events, as do the many Friends of Footmen who attend and participate. Recent donations have provided \$5000 to a local agency for family emergency relief support, \$4000 to an agency for homelessness support, \$1000 for Christmas food vouchers, \$1700 for club jackets for an all-abilities sports club, \$5000 in top-up funds to enable individuals to secure mobility aids and \$1000 for palliative care. I congratulate the many former committee members, Friends of Footmen together with past and present sponsors on its 40 years.

### **Wedge–Frankston–Dandenong roads, Carrum Downs**

**Ms KILKENNY** (Carrum) — Last Wednesday the lights at the intersection of Wedge Road and Frankston–Dandenong Road in Carrum Downs were switched on for the first time. I think it is fair to say that I am pretty excited about this and the real benefits it will bring to my local community in Carrum Downs. This intersection has been a nightmare for locals for years. More than 23 accidents, 8 of them serious, have occurred there in the last five years alone. Prior to the 2010 election, Labor made a commitment to the local community to upgrade the intersection. But for three successive budgets the state Liberal government refused to do anything. Well, now it is finished. All along, Labor stood firm on this issue. We campaigned for the intersection upgrade for years, and what a huge collaborative effort it was.

I would especially like to acknowledge the member for Cranbourne, who collected more than 1100 signatures

calling for the upgrade; Lee Tarlamis, a former Labor upper house member for the South–Eastern Metropolitan region; members of the Shri Shiva Vishnu Temple, who also fed and blessed the workers during the construction phase; and all community members who fought and fought and never gave up, including Bhisam Maharaj, Pandit Patil, Shirly Charan, Shannon Charan, Ramesh n Suman, Jai n Satya Sharma, Shushil Mohini, Chandra, Prakash Naido and John Kumar. Thank you for your strong and committed advocacy on behalf of the Carrum Downs local community. And thank you also to VicRoads and the more than 300 workers and contractors who worked on site and helped bring about this life-saving project. Local residents, including so many families leaving the local sports grounds at the Carrum Downs recreation reserve, can now travel safely through this intersection. This is a fantastic achievement for the Carrum Downs local community — a job well done to all!

### **Dairy industry**

**Mr T. BULL** (Gippsland East) — The decision by milk companies to cut milk prices without prior warning has caused significant financial distress to thousands of farmers across Victoria, including in my electorate of Gippsland East. My electorate has a large number of dairy farmers in the Macalister irrigation district, around Orbost and sprinkled throughout other locations. Having spoken to a number of farmers, I note there are a range of emotions, from anger and disappointment to even some optimism from some who are already looking forward to the market again increasing. One situation that has assisted many farmers in my region has been the generally good season, but make no mistake, the short-term road ahead will be a bumpy one.

Both federal and state governments have made announcements of support, and this Thursday we will have a public forum in Maffra where assistance measures will be outlined. Governments must continue to explore ways to support our farmers, not just in times of challenge and crisis but at all times. Farmers are the backbone of our economy in many areas. While the recent problems have not been caused by governments or consumers, as domestic demand remains strong, it has been pleasing to see the campaigns in support of our farming sector, something we all should do as a matter of course.

### **National disability insurance scheme**

**Mr T. BULL** — With the rollout of the national disability insurance scheme to take place in various locations over the next four years and commencing in a

few weeks, concerns are being raised about the number of information sessions. Having attended meetings of carer groups such as in the Latrobe Valley, where I was joined by the member for Morwell, it is clear that there is a high level of uncertainty amongst families caring for loved ones. The minister needs to listen to these concerns from the disability sector and ensure communities are better informed when the national disability insurance scheme is rolled out. This includes telling families caring for those with disability when and where consultation sessions will be held.

### **Malmsbury Primary School**

**Ms THOMAS** (Macedon) — Congratulations to Malmsbury Primary School's school captains Elizabeth and Jack and to junior school captains Maggie and Flynn, Rosie and Murphy, Izzy and Oliver, and Bella and Riley. It was my pleasure to attend your school assembly and present you with your leadership badges. Malmsbury's three houses are named after prominent Australians, researched and nominated by the students themselves; they duly honour Caroline Chisholm, Cathy Freeman and Fred Hollows. Congratulations to house captains Frankie and Shaylee, Tahlia and Maddie, and Isabel and Conor. It is fantastic to see schools like Malmsbury encouraging and supporting students to take on positions of responsibility and to develop skills that will stand them in good stead throughout their lives.

I also received an impassioned plea from students Natalie Bennington and Molly Hoyne to encourage members of this place to take action on global warming. I can assure Natalie and Molly that on this side of the house we take climate change very seriously, and I look forward to working with the Minister for Energy, Environment and Climate Change to show the leadership this country so desperately needs to secure a healthy future for our people and planet.

### **Kyneton Secondary College**

**Ms THOMAS** — Congratulations to the Pride Crew from Kyneton Secondary College. I was delighted to join 19 students from the Pride Crew, a group of LGBTI students and allies, at the International Day Against Homophobia and Transphobia flag raising at the Kyneton Mechanics Institute hall. The leadership shown by these young people in our small country town is truly inspiring. Congratulations also to Cobaw Community Health, Macedon Ranges Shire Council, Zonta Club of Kyneton and Kyneton police for affirming the rights of young people to be safe and to be themselves.

### **Mark Chin**

**Mr BATTIN** (Gembrook) — Happy birthday to one of our local State Emergency Service (SES) volunteers. I know in the past I have not done happy birthdays for individuals in my electorate, but Mark Chin is very special. Mark is an SES volunteer, and in Victoria we all love our volunteers. We love them because when things in our lives or community go bad, we often rely on the volunteers to be there for us. Volunteers in the Dandenong Ranges wear yellow, orange, red, green and many other colours, yet under this uniform they are mums, dads, local shop owners and local mechanics.

Mark has gone above the call of duty. He spent his 69th birthday out searching with about 35 other local SES volunteers, 8 other SES units, 13 Country Fire Authority volunteer brigades and the Victoria Police. They were searching for missing Monbulk mum Fiona Hawker. Today I join the Leader of the Opposition and the coalition parties in thanking all volunteers, and I assure the entire house and all Victorians that if Mark had been at home blowing out candles on his birthday cake, he would have wished for a better outcome of this search.

The SES does a fantastic job whenever required. I think all in this house support the work volunteers do, and it goes without saying the financial burden saved for all Victorians by people who donate their time is outstanding. The government must support these volunteers with safe facilities and a safe work environment and equipment to perform their role. I will meet with the Emerald unit again shortly to discuss this and ensure it has plans for a strong and vibrant future, and — I will be honest — I may even share a beer with Mark to help celebrate his birthday and thank him for volunteering for Victoria on the day of his 69th birthday.

### **Yuroke Youth Advisory Council**

**Ms SPENCE** (Yuroke) — Last week I had the pleasure of welcoming new and returning members of the Yuroke Youth Advisory Council for the first meeting of 2016. I established the council last year to give local youth the opportunity to learn more about government and act as a voice for their peers. At this meeting members nominated by secondary schools across the electorate provided detailed and considered analysis of what they feel are the biggest issues concerning young people in our local community. These included mental health, substance abuse, graffiti, poor behaviour on our roads and various forms of violence, including family violence. With increasing advocacy on violence prevention through initiatives

such as White Ribbon Day, council members decided this year to work towards raising further awareness at a local level and supporting change in community attitudes. I look forward to working with the council throughout 2016, and I hope all participants find it a valuable experience.

### **Dez Hargreaves**

**Ms SPENCE** — I also note with sadness the passing of my friend Dez Hargreaves. Dez was a long-time board member and former vice-president of the Tasmanian Council on AIDS, Hepatitis & Related Diseases, known as tasCAHRD, until 2015. It was always a pleasure, although never really optional, to assist Dez with red ribbon sales during AIDS Awareness Week to support the Andrew Shaw Foundation. Dez was committed to tasCAHRD and its objectives. His illness took its toll on him physically and emotionally, yet he was great at making me laugh when I was having a rough time — and I hope I did the same for him. He would have been thrilled with today's apology, and he will be sadly missed.

### **Former Minister for Industry**

**Mr R. SMITH** (Warrandyte) — The Public Accounts and Estimates Committee (PAEC) hearings really did show those on this side of the house, and indeed all who listened, exactly how little Labor ministers are across their portfolio responsibilities. Special mention should go to the member for Mill Park, formerly the Minister for Industry. It is an extraordinary situation that the member for Williamstown, who took over the portfolio just yesterday, probably knows as much about the portfolio in 24 hours as the former minister does, given her performance in PAEC.

With tens of millions of dollars worth of funds at her disposal through the Future Industries Fund and a range of other funding sources, the minister was completely unable to say where funds had gone, who had been or would be funded and under what criteria those funds would be paid out. She even denied responsibility for one of her industry funds even though it formed part of her opening presentation to PAEC last year. Worse still, when asked about what output measures these industry funds had, rather than talk about commercial investment or jobs growth, she said that the funding was to make vulnerable communities feel safe and to give them hope. It is very clear that what is supposed to be multimillion-dollar support to industry is actually Labor slush funds to be used for favours and to buy photo opportunities.

Because the former minister was unable to articulate any reasonable or expected measure of success for payment, I will be referring the operation, payments and funding criteria of the funds in the industry portfolio to the Auditor-General for investigation. It is unreasonable that these taxpayer dollars should be used in such a frivolous way, with no checks or balances. The minister's testimony at PAEC shows that she is either utterly ignorant or trying desperately to hide the facts. It is right and proper that an independent investigation determine which it is.

### **Bendigo tourism plan**

**Ms EDWARDS** (Bendigo West) — I was pleased to launch the *Bendigo Region Destination Management Plan* on 6 May. The Victorian government is proud to have committed \$95 000 to support the completion of this project. This government recognises that tourism is a major economic driver for regional Victoria. In 2013–14 the tourism industry contributed an estimated \$1.1 billion to the goldfields economy and employed approximately 12 100 people. I am very pleased that the Andrews Labor government's budget has committed \$101 million to the Regional Tourism Infrastructure Fund. This initiative will boost jobs and employment in the regional tourism sector by enhancing visitor experiences and increasing visitor nights and regional tourism yield.

I congratulate Bendigo Tourism, represented by officers from the City of Greater Bendigo, the Mount Alexander shire, the Central Goldfields shire and the Loddon Shire Council, which partnered to develop the destination management plan, for their commitment and success in putting this plan together. The plan is the outcome of a strong partnership between these four local governments, and the strength of this collaboration is reflected in the quality of the plan. It recognises that our region has a number of existing and emerging strengths that will shape the future of tourism for many years to come.

Regional Victoria has something for everyone and the best of everything. That is why Victorians, other Australians and travellers from right around the world love travelling to the central Victoria region. The plan also recognises emerging markets, such as cycling, which is showing great promise for future development and existing infrastructure. Arts and cultural tourism, gold rush heritage, and food and wine tourism are primary strengths of the region and important parts of the region's character.

### Onshore gas

**Ms SANDELL** (Melbourne) — The community is still waiting for the Andrews government to make a decision on whether or not to open up Victoria to the toxic onshore gas industry, and so today I rise to speak in favour of a permanent ban on onshore gas. I would also like to welcome the new Minister for Resources and urge him to make this his very first priority.

The campaign against onshore gas has been nothing short of extraordinary. People from all walks of life have come together to protect their land and water, to protest the industrialisation of our landscape and to lock the gate to fossil fuel companies. I extend my heartfelt thanks to all the gas field-free towns and all the community members who have helped to build this resistance movement. Fundamentally this campaign is about democracy in its purest form. Even if we leave aside the chorus of experts saying that onshore gas in Victoria is a bad idea, which it is, the people of Victoria, particularly regional Victoria, have said, resoundingly, no.

I want to remind the Andrews Labor government of what a significant decision this is. To ignore the community's calls for a ban on onshore gas would be to betray the Victorians it was elected to govern. I sincerely hope the community will soon be rewarded with a permanent ban on onshore gas, and I will keep standing alongside them until they are.

### St Kilda women's football team

**Mr STAIKOS** (Bentleigh) — Yesterday I joined the principal and students of East Bentleigh Primary School in support of #TeamAngelica — the St Kilda Football Club's campaign for a team in the AFL's national women's league commencing in 2017. Female participation in Australian football has grown by 42 per cent in the inner south-east over the last four years. Our young aspiring female footballers will have state-of-the-art facilities at Moorabbin Reserve thanks to the Andrews government, the City of Kingston, St Kilda, the AFL, the Southern Football Netball League and the Southern Metro Junior Football League. This is why St Kilda has a compelling case for fielding a team in the female league. Importantly, this team will be based in Moorabbin. The redeveloped Moorabbin Reserve will be the home of football in my electorate, accommodating the sport at all levels from Auskick to elite. It will be a place where juniors will be sharing facilities with their sporting heroes, including Nick Riewoldt and hopefully a new female Saints team.

### Level crossings

**Mr STAIKOS** — It has been a year since the Andrews government signed the contracts to remove the Bentleigh, McKinnon and Ormond level crossings as promised at the 2014 election. The job is nearly done. On 24 June the 37-day construction period will commence. During this time 1000 workers will be on site 24/7 removing 250 000 cubic metres of soil — enough to fill the MCG — and laying the tracks. When the line is reopened on 1 August the boom gates will be gone forever. The Andrews government is removing 50 of our worst level crossings to ease congestion, run more trains and get Victorians home safer and sooner.

### Morwell electorate registered training organisations

**Mr NORTHE** (Morwell) — Acting Speaker, I hope you like the suit.

I rise today to highlight concerns conveyed to me by local students and staff following the closure of a number of local registered training organisations (RTOs). The closure of these RTOs without prior warning has left a sour taste in the mouths of those impacted. What has also left a sour taste is the fact that the Andrews government has offered little or no information or support to affected students and staff. This is despite the government surely knowing these RTOs would close their doors.

There are still genuine outstanding concerns and questions from the students and staff, including where a course has not been completed, will the students' completed training modules be recognised by another local provider and will additional costs apply to the students? Where a student has paid up-front fees and has not yet commenced their course, will they be able to train with another local provider without additional cost or be reimbursed? How are staff being supported to ensure they receive their entitlements, and what measures are in place for staff to find alternative employment?

Just last evening I received an email from Michelle and a number of other students who were studying a dual certificate III in aged-care work and home and community care at TBM Training, Morwell. These students were just days away from completing their courses, and the distress in their letter is obvious. I know these students have written to a number of local representatives seeking support and direction as to how and where they can complete their courses, but unfortunately, despite representation to the minister, at this point in time the Andrews government has sat on

its hands whilst students and staff wait in absolute limbo.

### **Kismet Park Primary School**

**Mr J. BULL** (Sunbury) — Last week was a terrific one in the Sunbury electorate. On Wednesday I was thrilled to join the Premier and the federal member for McEwen, Rob Mitchell, at Kismet Park Primary School to discuss plans for our \$700 000 budget upgrade. Students and staff at Kismet Park primary work their hardest to be the best they can be. The Premier, Rob and I were thrilled to be able to help Kismet students and staff to do this by ensuring this commitment, which will see new buildings and new facilities as we build the education state. In contrast the Turnbull federal Liberal government plans to cut millions from schools by not funding the final two years of Gonski. Since coming to office we have invested over \$16 million in education in Sunbury.

### **Greek Senior Citizens Club of Gladstone Park and Tullamarine**

**Mr J. BULL** — On Wednesday I also joined the Greek Senior Citizens Club of Gladstone Park and Tullamarine for lunch and a discussion about local issues affecting this group. The club was established in 1998 to bring together individuals of Greek background to promote socialisation and good health and maintain their social identity and cultural heritage. Group activities are organised each Wednesday from 10.00 a.m. to 4.00 p.m. in Gladstone Park. This is a great club full of great people.

### **Sunbury electorate small business**

**Mr J. BULL** — On Thursday I had the great pleasure of joining the Minister for Small Business, Innovation and Trade to host a small business dinner. This was a terrific night, with great conversation about the hugely important role small business plays in our community and the wonderful opportunities it provides. Small business owners had the chance to discuss pressing matters with the minister over a delicious dinner at Vic's Sunbury. I know the minister is committed to ensuring small business thrives and grows so that the job opportunities keep flowing and the local economy keeps ticking along.

### **Victoria-Jiangsu business placement program**

**Ms ASHER** (Brighton) — I would like to congratulate the Victorian Chamber of Commerce and Industry (VCCI), formerly known as the Victorian Employers Chamber of Commerce and Industry, on its

work running the Victoria-Jiangsu business placement program. As many members in this house would know, Victoria and Jiangsu have had a sister-state relationship since 1979, and after seeing the success of the Hamer Scholarship program — which is where scholarships are awarded to young people to study at a university, based in Jiangsu usually, to immerse themselves in Chinese language and culture — VCCI decided to establish its own version of this program as a business program. This program is delivered with the Jiangsu Federation of Industry and Commerce and originally the program was supported by the Victorian government.

I would urge the current government, given there is money in the budget, to reconsider supporting this valuable business exchange program. The 2016 program ran from 5 to 17 May. It is a business immersion program where businesses are partnered with a business in Jiangsu Province. There will be a reciprocal program with Jiangsu businesses being trained and hosted in Melbourne later this year. It is an outstanding program. There are significant opportunities for our businesses in China, and I congratulate the Victorian Chamber of Commerce and Industry not only for the resources but also for the effort it has placed into this program to ensure that Victorian businesses maximise our opportunities in China.

### **St Albans level crossings**

**Ms SULEYMAN** (St Albans) — I rise to update the house on the progress of the removal of the dangerous level crossings at Main Road and Furlong Road. This past week saw an exciting milestone for the new St Albans railway station. Seventeen concrete beams weighing 22 tonnes each were installed to construct the new deck at the station, bringing the project one step closer to its completion date next year.

Just last month the works at Furlong Road saw 10 000 cubic metres of rock and soil excavated, 28 bridge beams installed for the new Ginifer railway station and 460 cubic metres of concrete poured at Furlong Road bridge. I would also like to thank the workmen on the site for their continued efforts to remove these dangerous level crossings as quickly as possible.

I would also like to commend and thank the stakeholder liaison group, in particular Dianne Dejanovic. We have been meeting regularly over the past few months to discuss the ongoing progress of the works to remove the Main Road and Furlong Road level crossings. I am pleased to report that we have confirmed that there will

be a memorial plaque and a garden bed placed at both Main Road and Furlong Road to respectfully honour the lives that were tragically lost because of these dangerous level crossings. The people of St Albans unfortunately know this danger too well, and this is the reason why the Andrews Labor government is removing both of these dangerous level crossings.

### **Police resources**

**Ms RYALL** (Ringwood) — In relation to the address-in-reply of the now Minister for Police in 2015, she said that the former government had closed police stations and that the former government was in charge of rostering hours at police stations in her community. The Minister for Police said in her contribution in the Appropriation (2015–2016) Bill 2015 that she was committing ‘extra police to ensure that we can reopen stations that the previous government closed’.

Now, this means that the police minister either believes that the opening and closing as well as the resourcing in terms of rostering hours is up to the government. The former Minister for Police said that he would not force closure of police stations against the wishes of the community. The Acting Minister for Police said that this was an operational matter for police command, and now we have the newly appointed police minister who said only last year that in government she can control the opening of her police stations with increased numbers. So I ask: who is right — the former minister, the acting minister or the now police minister?

So taking the police minister at her word in 2015 at the address-in-reply, the government has therefore now closed Nunawading police station. There was no community discussion, no community consultation, no notification, just a sign on the door greeting everyone that says ‘Closed’. Like the police minister’s commitment to her own electorate, will she now commit extra police to ensure this police station opens and, if not, will she have the decency to tell the community?

### **Recognition of Service to Victorian Education awards**

**Ms GREEN** (Yan Yean) — I rise today to put on record my constituents’ and my continuing appreciation of our educators in the Yan Yean electorate, in particular those teachers and support staff who have worked over decades in our education system. These dedicated men and women not only help educate our children but provide guidance and wisdom on a daily basis to our kids and in many circumstances over years of a student’s life.

We all have fond memories of a very special teacher who has made a difference in our lives or those of our children. I was so proud that among the teachers and support staff recognised across Victoria last week at the Recognition of Service to Victorian Education awards education staff in my electorate were part of this recognition. They are Des Chapman from Laurimar Primary School, a fabulous school in Doreen, and the recently retired and effervescent Bente Stock, who was the principal at Whittlesea Primary School. Both these people have clocked up 40 years of service.

Recognised from schools that were in the previous boundaries of the Yan Yean electorate were Brendan White, principal of the magnificent Diamond Valley Special Developmental School for 45 amazing years, and Pauline Kubat, the founding principal of the now enormous Epping Views Primary School. The Recognition of Service to Victorian Education awards acknowledge the dedication and hard work of these teachers and staff, and we are really privileged in the Yan Yean electorate to have had these great teachers.

### **Glen Waverley Soccer Club**

**Mr ANGUS** (Forest Hill) — I wish to congratulate the Glen Waverley Soccer Club on its recent success in being awarded the Sir John Monash Award for the City of Monash in the Active Monash Award category. I was pleased to join club president Ari Syngeniotis and club secretary Maz Romandini in celebrating this award at the council’s presentation night. The Glen Waverley Soccer Club has been operating since 1980 and now has hundreds of players playing across numerous teams in various age groups. I congratulate the committee, coaches, members and other volunteers involved in the Glen Waverley Soccer Club on the great work they are doing in the community and on receiving this well-deserved award.

### **Crossway LifeCare**

**Mr ANGUS** — I recently had the pleasure of attending the annual Crossway LifeCare ball. It was a great night to celebrate the work being undertaken by the team at LifeCare, to hear from people who have been assisted by the LifeCare team, as well as to raise much-needed funds to assist with the ongoing work. I congratulate Gail Thannhauser, Crossway LifeCare chief operating officer, and her team of both staff and volunteers who work so hard to assist members of our community, many of whom are facing very challenging circumstances. I also thank Pastor Dale Stephenson and the board and members of Crossway Baptist Church in my electorate of Forest Hill who support and facilitate

the great work being done by Crossway LifeCare in our community.

### **Monash citizenship ceremony**

**Mr ANGUS** — I recently had the privilege of attending and speaking at a citizenship ceremony conducted by the City of Monash. With over 350 candidates it was a night of great excitement and celebration, and it was a pleasure to meet each of the candidates after they received their citizenship certificates. With the new citizens coming from numerous countries around the world and bringing their diverse cultural backgrounds, it is easy to see the benefit to the broader community of our very multicultural society.

### **Nunawading Swimming Club**

**Mr ANGUS** — I was pleased recently to attend the Nunawading Swimming Club annual presentation night. It was another spectacular night and a time of great celebration for club members and associates. I congratulate all the award winners, together with the swimmers, coaches, staff and numerous volunteers who all work so hard to keep the club running.

### **Kingston citizenship ceremony**

**Mr RICHARDSON** (Mordialloc) — Recently I had the great pleasure, like so many members of this house, to attend a local citizenship ceremony at the City of Kingston. One thing that gives us great pleasure as elected members of Parliament is to welcome the new Australian citizens. On that occasion the City of Kingston welcomed 203 new citizens. What is disappointing though is that the federal Minister for Immigration, Peter Dutton, made some terrible and divisive comments about refugees, showing a division and segregation in our community that is just absolutely deplorable.

Since the citizenship act came into effect in 1949 we have had close to 5 million people become Australian citizens. There is a reason Melbourne is the most livable city. There is a reason that we are a harmonious, inclusive, democratic and free society, and those are the values that are underpinned by so many in our community.

Mr Dutton's comments have no place in Australia, let alone Victoria, and I join with other people in condemning those comments, because in the City of Kingston we have over 150 nationalities and over 120 languages. It could not be a better place, and refugees are part of that story.

## **PRODUCTION OF DOCUMENTS**

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

That under standing order 171, this house requires the government to produce to the house documents relating to the Vertigan independent review of state finances provided to the government in 2011 by 5.00 pm on Monday, 23 May 2016.

**Mr Clark** — On a point of order, Acting Speaker, I submit that this motion is defunct and therefore out of order. It requires the production of documents by Monday, 23 May, which is a date that has passed. I do not believe this house can wind back the clock. I believe this motion is completely incapable of being delivered on. It is past its use-by date and therefore is not able to be moved. I further submit that if you have any doubt about that, Acting Speaker, it would be appropriate for you to recall the Speaker to consider the matter. I think it is clear that the motion is out of order.

**Ms ALLAN** — On the point of order, Acting Speaker, I am entirely comfortable for you to rule on this matter or to confer with the Speaker. I think the point of order raised by the manager of opposition business exposes everything about this issue. The very next words that I was going to say in terms of the debate was to move the amendment to this motion that because — —

*Honourable members interjecting.*

**Ms ALLAN** — When the chaps opposite come down, we can continue. We recognise that the date of this motion has indeed passed because the requirements have not been met, but we need to amend this motion. Indeed that is what I was going to do in putting the motion. I do not think it makes the motion defunct. I think it is entirely appropriate that we have the opportunity to debate the motion, which I was about to amend, and to go to the issue of substance, because that is what this point of order is about. This point of order is actually about avoiding the scrutiny of the substance of the matter, which speaks to the release of the Vertigan report. That is the substance of the issue that opposition members are trying to squirm their way out of dealing with today, and I would ask you to rule the point of order out of order.

**Mr Pesutto** — Further on the point of order, Acting Speaker, I support the point of order raised by the manager of opposition business. It is pretty clear as I read the standing orders that if you amend a motion in any way other than a slight manner, it requires at least one day's notice. For assistance, *Rulings from the*

*Chair*, at page 133, notes that the practice of the house does allow for a very slight amendment. It states:

The Speaker allowed a minister to move a motion on notice in an amended form where there was only a slight difference in language [changed from ‘report to Parliament annually of ministers’ to ‘... to ministers’].

This is a substantive change because it relates to the date of the motion, so that ruling combined with — if I am not mistaken — standing order 140 makes it pretty clear that you need at least a day’s notice.

I feel for the manager of government business; she has had a lot on her plate. The Premier did recognise this, but he should have given management of the house to somebody else. We need a new, fresh motion. This obviously is a bit of a shemozzle. We are not ducking a debate on the motion; in fact we relish a debate on this if the government wants to bring it on, but those opposite must get their work right. I think the manager of government business has a bit too much on her plate.

**Mr Pakula** — Further on the point of order, Acting Speaker, the minister is well within her rights to seek to amend her own motion, and if those opposite were correct, it would be open to them to simply allow a date to pass to avoid the scrutiny of the house. It is not at all uncommon when a date is to pass and documents have not yet been provided for an amendment to be made to extend that date, and that is all that the Leader of the House is doing by virtue of the amendment that she proposes to move in this place today.

**Mr M. O’Brien** — Further on the point of order, Acting Speaker, I refer to *Erskine May’s Parliamentary Practice*, 24th edition, page 395, headed ‘Change of terms of notices of motion’. It states:

Modification of the terms of a notice of motion standing upon the notice paper is permitted, if the amended notice does not exceed the scope of the original notice and the Speaker decides that it is proper for the motion to be moved in the altered form. If a motion is proposed which differs materially from the terms of the one of which notice has been given, it can be made only with the consent of the house, or after a new notice has been given.

On the basis of *Erskine May*, it turns on whether the amended notice exceeds the scope of the original notice. It clearly exceeds the scope of the original notice because the date for compliance has passed. It is a defunct motion. It is dead. It has ceased to be. It is a stiff. If she had not nailed it to the perch, it would be pushing up the daisies. This is an ex-notice. It is a dead notice.

The Leader of the House has missed her chance. She and other ministers turned up in this place day after day

after day in previous sitting weeks, and when this notice came up, they moved that it not be considered now but remain on the paper. The government has had the opportunity to debate this motion. It declined to do so and now, having had the motion become defunct, is seeking to raise something from the dead.

This is a zombie motion, and not only is it a zombie motion but it clearly is inconsistent with the standing orders of this place and clearly inconsistent with *Erskine May*. This is a motion which cannot continue. The minister should just accept that she has missed the boat and put another motion on the notice paper if she wishes to do so, but she cannot revive this zombie motion in accordance with the standing orders.

**Mr Brooks** — On a point of order, Acting Speaker, you know those opposite are a bit worried about a motion when they crank out the old *Erskine May* and bring out the quasi-judicial experts on the other side of the house. I will give those opposite a tip. To see if a motion is dead or alive, you just have to look at the notice paper. Look no further than the notice paper, and the notice of motion sits on the notice paper for this place. I know that members on this side of the house would love the opportunity to vote on this particular motion. What we see on the other side of the house is people trying to stymie debate and stymie a vote on this motion, which I would like the opportunity to debate and vote on and not see those opposite take silly points of order to try and shut down debate on this important issue. We know those opposite do not want the Vertigan report to see the light of day. Let us get on with it. I want to see it.

**Mr Walsh** — I rise to support the point of order raised by the manager of opposition business and the subsequent speakers. Can I point out to the member for Bundoora that we actually have rules under which we operate. It is not a free-for-all union meeting like he runs. It is about actually having rules of Parliament so that things can be done properly. We do have rules for a reason, we do have *Erskine May* for a reason. It is not a derogatory thing to actually bring him out and read the rules.

*Honourable members interjecting.*

**Mr Walsh** — It might be for you guys, but it is not for those that do things properly. Very clearly, if those opposite want to debate this, they should have talked to the manager of government business before 5 o’clock yesterday so it could actually be debated, because the manager of government business has failed them, I am afraid. This motion has lapsed, because the time has gone.

*Honourable members interjecting.*

**Mr Walsh** — Do not start ranting and raving in this place about what should or should not happen. It is the manager of government business who has failed you if you wanted an opportunity to talk on this motion. I support what the manager of opposition business and other speakers have said: this motion is defunct. As of 5 o'clock yesterday it is defunct.

Can I also bring you, Acting Speaker, back to the point that the manager of opposition business raised? He asked if you would like to bring the Speaker in to rule on this. That might be an appropriate thing to do, because this is a very, very serious issue. Casting no aspersions on your capability, we have a Speaker for situations like this. I think it would be important that the Speaker is brought back into the chamber — —

**Ms ALLAN** — Our Acting Speaker is more than capable. He's fine.

**Mr Walsh** — Are you getting the Speaker?

**Ms ALLAN** — No. Keep going. You don't need to counsel whoever is sitting in the chair. Just keep going.

**Mr Walsh** — All right. I did not; I am just saying that I am not doing that. I think it is appropriate for the Speaker to come back in to actually rule on this particular point of order, because it is a major issue. Obviously some on the other side do not think the rules actually mean anything; they do not think that *Erskine May* actually means anything in this particular issue, so I would look for a response as to whether the Speaker is going to come back in before I finish. I was looking for a response.

**The ACTING SPEAKER (Mr Pearson)** — Order! I have consulted with the Clerk. There is no point of order. The Leader of the House is moving her motion and she is seeking to amend it, which as I understand it is within the customs of this house.

*Honourable members interjecting.*

**Mr M. O'Brien** interjected.

**Ms ALLAN** — You do not think we might have checked this out beforehand? Seriously? We are not as shambolic as you lot were, I tell you. We are not as shambolic as you lot were, that is for sure. I am very pleased to move:

That under standing order 171, this house requires the government to produce to the house documents relating to the Vertigan independent review of state finances provided to the government in 2011 by 5.00 p.m. on Monday, 23 May 2016.

I would like to circulate to the house, which I was about to do before the points of order were raised, an amendment to the motion that I would like to move. I further move:

That the expression after '5.00 p.m.' be omitted with the view of inserting in its place the expression 'on Monday, 6 June 2016'.

I am happy if members wish to wait and have that amendment circulated, or I am also happy to move straight on.

**Mr M. O'Brien** — On a point of order, Acting Speaker, I refer the house again to *Erskine May*, 24th edition 24, page 395:

Modification of the terms of a notice of motion standing upon the notice paper is permitted, if the amended notice does not exceed the scope of the original notice ...

That is the first requirement. The proposed amendment clearly exceeds the scope of the original notice because it extends the time. This is exceeding the terms of the original notice. It is not winding them back; it is exceeding them. On the basis of *Erskine May*, this amendment is out of order and should be ruled as such.

And then further:

... and the Speaker decides that it is proper for the motion to be moved in the altered form.

Acting Speaker, I would submit to you that this proposed amendment also fails the second limb of the test established by *Erskine May* because it is not proper to be moved in the altered form. This is a motion which as of 5 o'clock yesterday was defunct. It is not appropriate for the Leader of the House to now seek to revive something which was defunct — something which when it was first on the notice paper could have been debated and there was a significant period of time for it to be considered and the government failed to take that opportunity. To now come in and say that the motion had effectively expired because the time for compliance had expired but then try and revive it is not appropriate.

The first limb of the test is: does this exceed the scope of the original? Clearly it does. It is also not appropriate to be moved in the altered form. On both limbs of the test in *Erskine May* the proposed amendment should be rejected as being out of order.

This is a serious issue. This relates to the standing orders of this house, to *Rulings from the Chair* of this house and to *Erskine May*. I believe this is something which should be the subject of a written ruling by the Speaker, because if you intend to overturn the precedents not just of this house but also of the House

of Commons, I think we deserve something substantive in relation to your ruling. This is a ruling that it would be more appropriate for the Speaker to make. Given the contested matters before the Chair at the moment and the clear precedents from *Erskine May*, this is a matter which should be referred to the Speaker himself.

**Mr Pakula** — On a point of order, Acting Speaker, my learned friend is having a — —

**Mr Pesutto** interjected.

**Mr Pakula** — Sorry! My learned friend is having a bit of a carry-on. He is trying to assert, without any evidence to back it up, that the ruling that you have already made on this point of order, which is identical to the last point of order, somehow defies both the standing orders and *Erskine May*. I would suggest to you two things.

The member talks about the first limb, about whether this amendment expands on or exceeds the original motion. I would suggest to you, Acting Speaker, that changing the date is not exceeding the original motion at all. All it is changing is a date. Exceeding would be introducing new subject matter, broadening the terms and things of that nature.

Then in reliance on the second limb, as the member for Malvern calls it, he goes back to the first limb and says, ‘And because I think you should agree with me about the first limb, therefore it should be defunct’. He then tries to assert that in fact what is going on here is that there is a wholesale rejection of hundreds of years of history, standing orders and *Erskine May*, whereas in fact all that has actually happened is that you, Acting Speaker, on advice from the clerks, have reached a different conclusion to the member for Malvern about what ‘exceeding the original motion’ means. There is no defiance of *Erskine May* or the standing orders. It is simply the case that when the member for Malvern contends that the original motion has now been expanded upon or exceeded, he is just not correct.

**Mr Walsh** — On the point of order, Acting Speaker, can I commend the Attorney-General for the best the-parrot-is-not-dead story I have ever heard, because I must say that the Attorney-General is defending the indefensible. The day has passed; the motion is dead. Saying that the parrot — —

**Mr Pakula** — You’ve already done the dead parrot speech, mate.

**Mr Walsh** — No, the Attorney-General just did it again. That is what I mean: plagiarism of the member for Hawthorn. It is defunct; it is gone. I urge you,

Acting Speaker, to support the member for Hawthorn’s point of order that this motion is gone.

**Mr Pesutto** — On the point of order, Acting Speaker, further to the comments of the member for Malvern, the standing orders make it pretty clear that there is a process for the amendment of a notice of motion. That is not done under standing order 171. You actually effect and bring into operation standing order 171 through standing order 140, which allows for notices of motion. Standing order 140(3) allows for an amendment of a notice of motion, but it provides that where the member wants to do so:

The member may alter the notice by giving the Clerk an amended notice at least one day before the day proposed for dealing with the motion.

This is not some trite correction, and I point that out. *Rulings from the Chair* makes that very clear. This is changing a date, which would revive — —

**Mr Burgess** — A dead motion.

**Mr Pesutto** — A dead motion. So there is a process, and if you, Acting Speaker, dismiss the point of order, what you are saying is that the standing orders do not apply. I would echo what the member for Malvern asked for in terms of a written decision, because we need some guidance if you are going to make that decision.

**Mr Burgess** — On the point of order, Acting Speaker, I think it is really important that whenever there is a change of precedent in the house, particularly an important precedent like this — —

**Mr Pakula** interjected.

**Mr Burgess** — Whether the other side likes this or not — this is exactly what it is trying to do at the moment — there are a series of consequences. Often they are unintended consequences. What you, Acting Speaker, are really looking at at the moment, with great respect, is that once you have made a ruling like this, it is incumbent upon you to say, ‘What would be the limit of that?’. So if we are going to say that a motion that was defunct as of yesterday is no longer defunct, when does that stop being the case? If it is a week old, can it just be amended? Is it a month? Is it a year? Where is the limit of this? If you are going to change this precedent, you are opening this house up to a series of consequences that I do not think we are fully contemplating.

**Mr Clark** — On the point of order, Acting Speaker, both the point made by the member for Malvern in relation to *Erskine May* and the scope of a motion and

the point about the operation of standing order 140(3) tend to reinforce the same underlying principle, which is that the house should be given notice when something is going to happen. Here a notice of motion has been given, and it has reached its expiry date. It is perfectly reasonable for members to have assumed that it was thereby defunct. So to change the date in this context, to turn it from a past date, when members of this chamber were entitled to assume the motion was defunct, to a future date in order to revive it, is a substantial extension of its scope.

Similarly, we ask: what is the purpose of standing order 140(3) about giving notice of alteration at least a day in advance? It is again so that members can know what the change is. If you allow the motion to be amended in the way the Leader of the House is seeking to do now, both of these principles will have been violated. The scope has been extended in a way that is not reasonable and is not within what members were entitled to assume was going to be the subject matter of the debate, because they were entitled to assume that the motion was defunct and therefore would not proceed. It also violates the principle underlying standing order 140(3), which is that members are given advance notice, and when a member wants to amend their notice of motion, they need to give notice to the clerks in advance. So for both of those reasons you should rule the amendment and thus the motion out of order.

**Mr Brooks** — On the point of order, Acting Speaker, those opposite are raising almost entirely the same points that they raised in the previous point of order. This is not a dead motion. This is a motion that has remained on the notice paper, and the Leader of the House is entirely entitled to move that motion. It has been ruled on by you, Acting Speaker, and it has also been indicated to the house that the advice of the Clerk has been sought. This is a very simple matter, and those opposite are simply trying to shut down debate and a vote on a very important piece of government work that we want to see on this side of the house.

**Mr Crisp** — On the point of order, Acting Speaker, I rise to support the point of order raised and debated by my colleagues. I suggest to you that when looking at accepting this amended motion proposed by the Leader of the House, in doing that you would be saying to us all that time is not substantive, when I think time is substantive. We use time and limits in everything we do in this place. Our bills have sunset clauses, and they have times when they are enacted. Time is a very, very important principle in how we go about setting the laws of the land, and unless you want to play Stephen Hawking and have some sort of complicated debate

about the physics of time, I think we should respect the time here; that time is finite and time is important. To allow this amended motion to come in on top of a defunct motion I think sets a precedent that the house should not be setting. We do have order, we do have rules and the way we use time is extremely important. To make a ruling to allow this debate to occur at this time I think is to set a precedent about timing that in the future will be unworkable for the house.

**Mr McGuire** — On the point of order, Acting Speaker, let us have a look at a short history of time. Let us go to this point: the member for Malvern and the opposition are trying to relitigate the point you have ruled on already. You ruled it out of order, and I call on you again to dismiss it. That is the substance of the issue. They are just trying to postpone the inevitable. Call it in. That is all we need to say, and I call on you to make that ruling.

**The ACTING SPEAKER (Mr Pearson)** — Order! There is no point of order. I draw members' attention to standing order 157, 'Motion to amend':

- (1) A member may amend a question that has been proposed:
  - (a) by omitting certain words; or
  - (b) by omitting certain words in order to insert or add others; or
  - (c) by inserting or adding words.

So the Leader of the House is entirely consistent with standing order 157.

**Ms ALLAN** — Thank you, Acting Speaker. I think members of the house now have in their hands the motion and the amendment to the motion that I wish to put. I am now very pleased to speak to that motion.

What is before the house is a pretty simple request in many ways. The former Liberal-Nationals government in January 2011, not long after it took office, announced the appointment of three commissioners, led by Michael Vertigan, a former head of the Department of Treasury and Finance, to undertake a review of Victoria's finances. This approach became all the rage for Liberal governments at the time. The New South Wales government did it. Tony Abbott, when he became Prime Minister, went down a similar path. Campbell Newman in Queensland, most famously, also went down a similar path. It was all very trendy within Liberal government circles to go and have an independent commission of audit-type approach to looking into the state's finances.

The former government did release an interim report, but that is all it released. What the former Liberal government did was move heaven and earth to stop the release of the final report that was handed to it and that we know influenced decisions by the government, which I will come to in a moment. We know that those opposite moved heaven and earth to stop that report being released. Indeed they even snubbed their noses at the Fair Work Commission, then Fair Work Australia. I read from an article from the *Australian Financial Review* of 4 May 2012:

Fair Work Australia has instructed the government to release ... the Vertigan report to the Community and Public Sector Union ...

That article also says that the government, under Ted Baillieu, would 'defy' this order. It then goes on to talk about how the interim report 'recommended cuts to public spending and a much tighter approach to debt'. I think that shows the true intent behind why this opposition now wants to conceal the report, but I will come to that in a moment.

What this motion is attempting to achieve is for the Department of Premier and Cabinet to liaise with the Leader of the Opposition. When there are documents of a previous government of a different political persuasion the Leader of the Opposition is the one who can authorise the release of these documents. That is what we are asking: for this motion to set in place the department — —

*Honourable members interjecting.*

**Ms ALLAN** — They are touchy on this, aren't they, over there? They do not want to hear the substance of these issues. I would hope that if those opposite have nothing to worry about, nothing to hide and nothing to be concerned about, then we should be in unanimous agreement that this motion gets passed. I take it from the interjections of those opposite that they are going to be enthusiastic supporters of this motion, because I am hearing from the bluff and bluster over there, the bravado over there, that they claim there is nothing to worry about here and nothing to see. So I look forward to this motion being passed, the Leader of the Opposition complying with the Department of Premier and Cabinet's request and this report — the final Vertigan report — being released. But do you know what, Acting Speaker? Something tells me that is not what is going to happen today, and let us look at why.

As I said, on 25 January 2011, the former Treasurer, now the member for Rowville, announced the commissioners of an independent review of Victoria's finances. I will not go over the terms of reference, but

they covered a range of areas like looking at the state's finances, looking at issues around debt management and potential strategies to repay debt, looking at service delivery and how there can be efficiencies and effectiveness of agencies in service delivery, looking at public sector governance and looking at a range of areas. As I said, the former government released an interim report. We also know, as part of the policy process, the Vertigan process influenced the former Liberal-Nationals government's thinking that saw the sustainable government initiative cut 4200 public servants in this state — the slash-and-burn approach it took to public servants. But we also know too that the review influenced the way the government was looking at cutting. The cuts to education and the cuts to health that we saw under the previous Liberal-Nationals government were all influenced by the thinking that was in this Vertigan report.

Part of the reason that we know this is because on 28 August 2012 there was an article in the *Australian* that went to great length as to what was in the report — the secret commissioned report that was ordered by the previous government. This is why we should be worried. There is a very good policy reason we need to debate this and see the report released: because this is the policy substance. It goes to the heart and soul of Liberal Party policy development, which is where, when it is given an opportunity, it walks away from investing in the public service. It walks away from investing in education, in health and in aged care. How do we know this? Because we saw it under the previous government. We saw what happened in Queensland. We saw what happened in Canberra under Tony Abbott. We have seen what is happening in New South Wales. We saw what was happening in Victoria, and we want to make sure that the Victorian community has the opportunity to fully analyse the Vertigan report so they can understand what future Liberal governments in this state will look like and what they will do to good public services in this state.

The Vertigan report, as it was reported in the *Australian*, talks about 'a revolution in the way government services are delivered'. What was that revolution that was under active consideration by the previous government? It was the wholesale privatisation and contracting out of critical government services, the sorts of services the most vulnerable in our community rely on — disability services, aged care, community services, kindergartens and schools. It advocated for the contracting out of these sorts of services, and that is why those opposite are desperate to use every mechanism possible to conceal this report from the Victorian community.

If they are not scared about it, if they are not worried about it, as I said, they will support this motion, and so I look forward to that. If they have got no qualms about this report being released, we would be absolutely delighted that they would support this motion, but if they do not support this motion, that will absolutely expose that they want, even in opposition, to move heaven and earth to stop the Victorian community seeing what is at the heart and soul of Liberal Party policy development. The Nationals members should not think that they get off the hook on this either because it was a Liberal-Nationals coalition that took this approach in government, and it would be a Liberal-Nationals coalition that would take this same approach should it form government again.

Let us look at what the *Australian* talks about in relation to this report. The *Australian* talks about how the report says:

... that, wherever possible, the government should —  
get out of the way —

get out of directly delivering services, such as welfare, early childhood education and housing.

It talks about creating competitive markets in these areas so that private bodies could bid for government contracts and run these services. It talks about how in the department of human services, there would be less involvement from case managers in looking after clients. As I said, these are some of the most vulnerable people in our community who are taken care of in the human services areas such as people with a disability, people with mental health issues, people with drug and alcohol addictions and people needing child protection services. These are some of the most vulnerable people in our community who should not have less time with their case managers, as is being advocated under this report.

The *Australian* states that:

The report also recommends that the state government wind back direct provision of kindergartens and early childhood education, and instead commission outside parties to deliver them.

Goodness me, even the little kiddies were not safe from the former Liberal-Nationals government's attempts to wind back government investment in service delivery that is needed in our community. It flies in the face of all the research and all the evidence that we now have that more investment and support in the early childhood years reaps so many rewards for a community and a society, and indeed our economy, down the track. So much more can be gained for the dollars that you spend

in the early childhood area over a person's life. But again, those opposite were more interested in cutting and slashing services to the Victorian community, and they were wanting to make sure that they had the Vertigan report that backed them in.

Why is this such a problem? Because we know that the former government did act in part on the recommendations in the Vertigan report because the *Australian* also goes on to say that the report recommended:

... that state government quit the aged-care field entirely ...

We know that that is exactly what the former Minister for Health and Minister for Ageing was doing in metropolitan areas — removing the government out of aged-care provision, removing it from the delivery of those services, which caused great concern, not just to those elderly residents who live in these facilities and are taken care of in these facilities, but you can only imagine the distress and concern that that raised for their families as well.

As I said, we are very keen to progress this motion because we think it is important that the Victorian community have the benefit of seeing the Vertigan report, understanding the Vertigan report and having the time to digest it and to consider what a future Liberal government, be it here in Victoria or indeed in Canberra, would do. As I said, this is why it is important, because it speaks to the sort of policy approach that Liberal-Nationals governments take, not just here in Victoria but right around the country. It does not matter whether you are in Queensland or Queensland, this is the same approach. This is the same approach that was taken across the eastern seaboard under successive Liberal governments. In the middle of the federal election campaign we have got a critical public debate about the future of this country, about whether we are going to invest in education, whether we are going to invest in early childhood services and whether we are going to invest in disability services as federal Labor wants to do, or indeed whether the opposite is going to come about should Malcolm Turnbull win government after 2 July.

We know that Liberal governments, aided and abetted by their National Party junior colleagues, love to cut services when they get into government. They say one thing outside government and an entirely different thing happens when they are in government. We have seen it in Victoria, in New South Wales, in Queensland and in Canberra, and that is why it is important that we see this report, that we understand this report. As I said, if those opposite have nothing to worry about, nothing to hide,

nothing to be concerned about, then I look forward to this motion having the universal support of this chamber and there being no impediment put in the way of this document being released through the Leader of the Opposition, who of course sat at the cabinet table while all these debates were being had. He sat at the cabinet table.

The Leader of the Opposition was part of the government that commissioned this report and cheered on the cuts that we saw to the public sector. If he hides this report from the Victorian community, we know that the heart of the decision will lie the true intent of what a Liberal-Nationals government would look like under his watch. I urge those opposite to support this motion so that we get to see this report and understand what is at the heart and soul of Liberal-Nationals governments.

**Mr CLARK** (Box Hill) — This is bizarre behaviour by a government that cannot think beyond the short-term political cycle, cannot think through the consequences of what it is doing, cannot even get the lower house to talk to the upper house, is in total disarray within the cabinet —

**Ms McLeish** interjected.

**The ACTING SPEAKER (Mr Pearson)** — Order! If the member for Eildon is going to interject, she is disorderly, and she should resume her seat.

**Mr CLARK** — And so we are coming up with the government bringing to this house a motion asking this house to endorse the scrapping of the doctrine of cabinet confidentiality. Why on earth would a government ever come to this Parliament and say, ‘We want to tear up the principle of cabinet confidentiality’, particularly when it is a government that does not have a majority in the other place?

We all know what this is about. It is nothing to do with access to the Vertigan report. If it were anything to do with access to the Vertigan report, the government would have bought this motion on a long time ago. This is because the other place is moving to hold the Leader of the Government in the Legislative Council to account for repeated defiance of resolutions of the Legislative Council to produce documents that are entirely within the scope of the Legislative Council to require and entirely within the precedent of the Parliament to require.

The government thinks somehow if it comes in here and waves this bogeyman around, ‘Well, if you persist in holding the Leader of the Government in the other place to account, we are going to do something about

the Vertigan report’. It is hard to understand what logic or rationale there is in that line of thinking. Apart from anything else, the Vertigan report is now part of history. It was a report that came up with various recommendations. Some of them were acted upon by government; some were rejected by government. So be it.

If the government wants to establish the principle that either house of Parliament can require any cabinet document to be produced to that house of Parliament, I think on this side there would be a very long list of cabinet documents of the former Bracks and Brumby governments that we would be interested to have a look at. I would be very interested to know about cabinet deliberations and cabinet papers relating to the ultranet, for example. How come that ended up losing so many hundreds of millions of dollars? What was the role of the former minister in relation to the ultranet? What were the recommendations that she took to cabinet? How on earth did she persuade cabinet to agree to such a dog of a project? These would all be fascinating things that this side of the house would like to see. The desalination plant — what went on with the tender for the desalination plant and tenderers for that being told to go down to Trades Hall and sign up to whatever Trades Hall wanted? There would be a lot of stuff we would be interested to see, and the current Attorney-General might have something he could inform the house on about that.

But be that as it may, there has been a longstanding principle in just about every Westminster Parliament around the world that says that cabinet documents should be treated as being confidential. That is a principle that we on this side of the house have upheld — when we have been in opposition previously, when we were in government and now that we are back in opposition. The point that we have put consistently is that either chamber has a right to insist on cabinet documents, but it should not insist on those documents. That is the principle that has been put in place in the other house, and that is the principle that the government in this house wants to tear up.

The procedure in the upper house is basically a very straightforward one. It is one that the Labor side of politics agreed to. It says that if there is a dispute around whether or not documents required by the Council are cabinet documents, there should be an independent examination to determine whether or not they are cabinet documents, and if they were, the Legislative Council would not insist on them. There is none of that here. There is just, ‘Give us the Vertigan report — tell the government to give us the Vertigan report’. However that is going to work is going to be a

very interesting question, but that is the structure of the motion. There is nothing about, 'Let's have an independent assessment of whether or not it is cabinet in confidence'. Indeed as far as I could tell from what the Leader of the Government was saying, they are agreeing that it is a cabinet-in-confidence document. They are saying, 'It's cabinet in confidence. We want it anyway'.

So we have this strange situation where the government of the day is saying, 'Let's tear up cabinet-in-confidence documents. Let's give open season to the upper house to ask for any document of the current government or the Bracks government or the Brumby government or any other government they like. All bets are off; all qualifications are off. Whatever the upper house wants in terms of cabinet documents'. You might as well send the cabinet minutes straight over to the upper house after every cabinet meeting. That is the proposition that the government of the day is asking this house to agree to. It is normally the opposition saying, 'We want to get our hands on government documents', and the government saying, 'No, no. You shouldn't'. This government, frankly, as a government longing to tear up cabinet in confidence is like a turkey longing for Christmas. That is what the turkeys opposite are doing: they are inviting consequences which I do not think they have really turned their minds to.

Funnily enough, their federal counterparts have. Their federal counterparts are well aware of the consequences of ending cabinet in confidence. Indeed, we had the shadow Attorney-General, Mark Dreyfus, complaining bitterly. What was he complaining bitterly about? He was not complaining bitterly about documents of a former Labor government being made public or handed over to the government. He was complaining bitterly about them being provided in confidence to a royal commission with a right for the Labor Party to assert cabinet confidentiality to the royal commission that wanted to use them. That is a long way away from what the government wants to do — have the Vertigan report tabled in this house. Mr Dreyfus was very passionate in opposing even that.

An ABC website report of 17 March 2014 under the heading 'Government to hand Labor cabinet documents to home insulation scheme royal commission', states, and I quote:

But shadow Attorney-General Mark Dreyfus has attacked the decision to release the documents, saying it undermines the longstanding principle of cabinet confidentiality.

'The damage is now done because it means that every future cabinet meeting will not be secure', he said.

'In every future cabinet meeting, ministers will be looking over their shoulders, will be thinking "perhaps what I say here will become public".'

So certainly the government's federal counterparts think cabinet in confidence is a pretty important principle.

Indeed we have got George Williams, the Anthony Mason professor of law at the University of New South Wales, who I think is very highly regarded by former Attorney-General Rob Hulls. He wrote an article that appeared in in the *Sydney Morning Herald* on 24 February 2014. 'Killing cabinet confidentiality destroys democracy' was the headline for that. You cannot get much stronger than that. Again I quote:

The convention of cabinet secrecy is a central pillar of the Westminster system of government applied in Australia. It is essential that cabinet, the key decision-making forum of government, be a place in which ministers can freely air their differences and debate the full range of policies, laws and actions. This could not occur in the media spotlight. Indeed, without the opportunity for confidential deliberation, it is hard to see how our system of government could function.

The importance of this principle has meant that courts have denied access to documents concerning cabinet deliberations. The High Court has found that access should only be granted in 'exceptional circumstances'.

Again, Professor George Williams, who is very highly regarded by the Labor side of politics, is saying 'Killing cabinet confidentiality destroys democracy'. As I say, that is a principle that we on this side of politics have respected, whether we have been in opposition or whether we have been in government.

That goes back indeed to legal opinions that were obtained by the Legislative Council as far back as 2007 under the term of the previous Labor government.

**Mr Pakula** interjected.

**Mr CLARK** — As the Attorney-General observes, from Bret Walker. Again, I think he is well known to and very well regarded by many on the other side of the house. He gave an opinion in relation to the adoption on 14 March 2007 of a sessional order for arrangements to apply for the production of documents. He gave a legal opinion about the powers of the Legislative Council and indeed by extension the powers of all chambers. He said at paragraph 8:

The general importance of the role of the Legislative Council, like that of any house in any Parliament in Australia, in responsible government lies in its capacity to scrutinise the workings of government, and particularly those of the executive, whose members (i.e. the ministers) sit in one or other of the houses (in a bicameral system). This need not be elaborated. I regard it as beyond serious question.

He said at paragraph 9:

It is tolerably clear from the precedence discussed in ch. XXI of Erskine May's *Parliamentary Practice* 10th Ed. (1893) that orders for papers were well established as within the power of the House of Commons before 1855. That chapter starts with the words — 'Parliament is invested with the power of ordering all documents to be laid before it, which are necessary for its information. Each house enjoys this authority separately, but not in all cases independently of the Crown'.

Then he was asked and answered some specific questions. Paragraph 11:

Does the Legislative Council possess an inherent power under the Constitution Act 1975 to call for the production of documents in accordance with the sessional order adopted on 14th March 2007?

The Council does have such a power, in general terms.

Paragraph 15(2):

If the answer to question (1) is yes, what are the powers of the Legislative Council to compel a member to produce the documents sought and to deal with the member for contempt for failure to comply with an order of the house requiring the member to produce the documents?

Ultimately, in appropriate cases the Council could suspend such a member in an attempt to prevent his or her continued obstruction of the Council's business.

Paragraph 16:

All members are elected to serve in the Council according to their oaths, and according to law. Their duties include compliance with resolutions and standing orders so as to permit the orderly discharge of business. In accordance with the non-punitive principle vindicated in *Egan v. Willis*, a member who obstructs the business of the Council by refusing — without cause — to answer an order for papers could be suspended from the service of the Council.

So those are the principles Bret Walker has laid down. They are principles that have been observed in the other house ever since. They are principles that are currently being observed by the upper house in its attempt to require the production of certain documents to that chamber. They are principles entirely consistent with the position that while the Council has the power to require the production of cabinet documents, it should not, for very good reasons of public policy, exercise that power.

There have been protracted time lines in which the Council has been trying to get the government and the leader in the other place, Gavin Jennings, to produce documents. Time and time again there have been opportunities and extensions given. Finally, when there has been total defiance of the resolutions of the house, the Council has been driven to the point of needing to

apply sanctions to Mr Jennings if he does not comply, but it is still desirous of him having to comply rather than of it having to apply sanctions. Yet the government takes exception to all of that. The government thinks there is something illicit or improper in what the other house is doing, and it thinks, 'Right, we're going to show you lot. We're going to publicly release the Vertigan report and that'll show you who's boss around here. That'll teach you to ask for documents in the upper house'.

But, as I said, the government has completely overreached and misconceived the situation in what it is doing. It has misconceived it in terms of logic and reason, and it has certainly misconceived it in terms of politics and appeal to community opinion. It is proposing to set for itself an absolutely diabolical principle. What is Gavin Jennings going to say in the Council next time there is a motion by the Council for the production of a document? He cannot get up and say, 'Well, it's a cabinet document, and I don't think the Council should require its production', because his colleagues down in this house have just torn up all of that. They have said, 'We're entitled to get our hands on any cabinet document we want, of any government we want'. What sort of precedent does that set for the other place? What sort of life does the government want to lead? Does it want Victoria to be, as far as I am aware, the only jurisdiction in the Westminster system that does not observe the principle of cabinet-in-confidence deliberations?

There have been very good reasons for that going back over centuries, that there needs to be an opportunity for a free and frank exchange of issues and opinions within cabinet, and then the cabinet goes out with a united position because it is a collective government position. That is what responsible government is all about — that the cabinet is collectively responsible to the Parliament and to the community. It also of course inhibits free and frank advice by public servants who would want cabinet to be fully informed of the pros and cons of every decision and paper that comes before cabinet.

It seems that some on the other side — and I would be surprised if the Attorney-General had knowingly given his assent to this cause of action — think, 'No, we can do without all of that in future. We're happy in future to hand over any cabinet document we like to the upper house, and that's what we're going to do with this document here'. There was a time many centuries ago when the monarch in the Privy Council — its Victorian counterpart being the Executive Council — would sit around with the monarch's ministers and discuss things, but then it was decided by governments that it should not hold up the monarch with all of these internal

discussions, and so it met separately in cabinet. That is how the institution of cabinet government started, and it has been around in this basically modern form for several hundred years. As far as I know, throughout that entire period the principle has been that there should be confidentiality in the deliberations of cabinet, subject to only very, very limited exceptions and certainly not an exception whereby any house of Parliament should exercise its power to insist on the production of those documents.

Yet, as I have said, this is what the government now apparently wants to do. It apparently thinks that it does not need cabinet in confidence anymore. For whatever reason it thinks that the supposed threat to this side of the house is going to produce some change of conduct in the other place, and that is why it is doing it. But as I have said from the outset, it just does not seem to have thought through the consequences of its actions. So we are in the very unusual situation where it is the opposition that is standing up and saying, 'We should respect cabinet confidentiality', and it is the government saying, 'We should tear it up'.

**Mr Nardella** interjected.

**Mr CLARK** — The member for Melton interjects to suggest that the other house wants to tear up the principle of cabinet confidentiality. That is absolutely incorrect. They are procedures that were agreed to by the Labor side of politics that provide for, in effect, the production of documents to the clerks under objections to cabinet in confidence, provisions for an independent review of whether or not they are cabinet in confidence and the exclusion of cabinet-in-confidence documents from those that are produced. If the government wants to say in the other place, 'We've got some concern about how those mechanisms work; we want another mechanism or a different mechanism to achieve the same objectives', well, it should be entering into those discussions and seeing if there is some mechanism that can be found to achieve that outcome, because there is certainly no objection on this side of the house to potential refinement of those procedures.

But the government cannot attack the whole validity of what the other house is doing and say, 'That's why we're going to tear up cabinet in confidence, not just for this government but for all future Victorian governments'. Alternatively, if it wants to come to this house and introduce a change to standing orders or introduce a sessional order that provides for a similar mechanism to the other place, then of course that would be completely reasonable. But I would make the point that if it did that and then requested the Vertigan report under identical procedures to those currently operating

in the other house, then the Vertigan report would be a cabinet-in-confidence document and would not be available.

So whichever way you look at it, it reinforces the fact that the basis on which this motion has been brought to this house is to abrogate the principles of cabinet confidentiality that have been part of the Westminster system for many hundreds of years. It will make a rod for the back of this government as well as all future governments in this state and will therefore undermine the effectiveness of parliamentary democracy and good government in Victoria. There is no doubt that this house has the power to require those documents, but it would be a wanton and highly irresponsible exercise of that power to insist upon receiving them, let alone in the bizarre terms in which the motion has been worded.

We believe defending the principle is important and this is a debate not about particular documents which are now part of history but about the principles of cabinet in confidence and of sound, responsible, democratic government in this state, which are very important to defend and should transcend the manoeuvrings and petty worries of the moment that the government has. For all of those reasons we oppose this motion.

**Mr PAKULA** (Attorney-General) — I am pleased to rise to speak on this motion and to support the Leader of the Government in her motion. Let me say in advance to the member for Hawthorn that he is right: I did not go to the bar, so apologies in advance if my diction is insufficient or I do not operate according to Hoyle, but I will do my best with my meagre experience.

I just want to first of all deal with a couple of the matters raised by the member for Box Hill, the manager of opposition business. The entire structure of his response seemed to presuppose that the government wants to throw out the rule book when it comes to cabinet in confidence. That is not the case. Let me remind him — —

**An honourable member** interjected.

**Mr PAKULA** — All right, just because you say it is, it is.

**Mr Burgess** interjected.

**Mr PAKULA** — Well, I am about to explain why it is. When we were in opposition there was a request not from the house but from the Ombudsman for documents of the former Bracks or Brumby governments; I cannot quite recall which. The protocol

that was in place was that the Leader of the Opposition at the time was the custodian of the cabinet documents of the Bracks and Brumby governments, so the request made by the Ombudsman was transmitted to the Leader of the Opposition for the Leader of the Opposition to determine whether or not those documents would be released — in fact to determine whether that request would be complied with or not.

The situation here is no different. If the house passes this motion, the request will be transmitted to the Leader of the Opposition as the custodian of the former government's cabinet documents, and it will be a matter for the Leader of the Opposition to determine whether or not he complies with the request of the house. So all the concerns and fears raised by the member for Box Hill can be put to rest if the Leader of the Opposition determines not to comply with the request of the house. If that request is made, that is a matter for him. I think that deals with that.

I heard the member for Box Hill deal with the opinion provided by Mr Walker, SC, which I note that the Liberal Party had great fidelity to in the 56th Parliament, and apparently now again in the 58th Parliament has great fidelity to. What we do not know — what we will never know — is what fidelity it would have had to that opinion in the 57th Parliament, because as it had the numbers in the Legislative Council every motion requesting documents was defeated. Every single motion requesting documents was defeated.

**Mr Clark** interjected.

**Mr PAKULA** — Sorry, there might have been some motions moved by the then government and then it handed over documents, but there were not documents released by the government against the government's will. In fact in every case letters were received from the then Attorney-General, the member for Box Hill, asking the house not to insist on the motion.

*Honourable members interjecting.*

**Mr PAKULA** — Right. Even where the now opposition allowed the motion to go through on the voices, it still declined to release those documents, so we will never know how much fidelity the opposition had to that Walker opinion in the 57th Parliament, because no documents were ever released. No documents were released.

I was not going to touch on the matters that are being dealt with in the Legislative Council right now in regard to the Leader of the Government because the

member for Box Hill drew a connection between the two things that I am not sure he was entitled to draw, but with him having made the reference, let me just rebut a couple of points that he made. He said that the Leader of the Government is obstinately — I will paraphrase him; I am not quoting him — refusing to comply with the directives of the house and that the government's response is somehow some kind of hissy fit in response to the fact that there is a threat hanging over the head of the Leader of the Government.

The truth of the matter is this. The Leader of the Government in the other place has released to that chamber more documents than have ever been released by anyone in his position — certainly more documents than were ever released by the former Leader of the Government, David Davis, a member in the Legislative Council, and, I have to say, probably more documents than were ever released by Mr Lenders when he was Leader of the Government in the 56th Parliament. The Leader of the Government has released a swag of documents, but what those opposite continue to do is hang a six-month suspension sword of Damocles over his head, despite the fact that he has been more cooperative with his chamber than any person in his position ever has been.

Moving back to the substance of this motion and the Vertigan report itself and why it ought to be released, the Leader of the House went to that in great detail. The fact is that these reports influence the decisions of government. They inform them and they influence them. I think about my own portfolio responsibilities and the reports that I have received whether as Attorney-General or as Minister for Racing.

**Mr T. Smith** interjected.

**Mr PAKULA** — Well, you have; that is the point.

*Honourable members interjecting.*

**Mr PAKULA** — I am talking about reports that have been received that have influenced the actions of government. We received early on a report from Dale Monteith on harness racing that substantially influenced legislation that then came before this house. Imagine if we had done that. Imagine if we had brought that legislation in without ever releasing the report that underpinned it. Imagine if we legislated for reform of greyhound racing without ever releasing the Perna and Milne reports on live baiting. Imagine if I moved to legislate for an independent racing integrity unit without ever releasing the report that has been made by Paul Bittar.

**Mr Burgess** interjected.

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

**Mr PAKULA** — Imagine if we made changes to the human rights charter without ever releasing the human rights charter review. These reports — —

**The ACTING SPEAKER (Ms Thomas)** — Order!  
Excuse me; I am sorry. I have asked the member for Hastings to, if he is going to interject, resume his seat.

**Mr Burgess** — I haven't said a word since.

**The ACTING SPEAKER (Ms Thomas)** — Order!  
Thank you, Attorney-General; you can continue.

**Mr PAKULA** — I simply make the point that there have been already — while we have been in government, while I have been in my portfolios — a raft of reports which have influenced not just government policy but legislation which has come before this house and which is now on the statute books, and those reports have been made public.

The opposition when in government received this report. It has influenced budgets and legislation, and it was never seen. It is not the only report that the former government received that never saw the light of day. I recall as shadow Attorney-General the fact that the report by former Justice Vincent into the Office of Public Prosecutions likewise never saw the light of day. It may well be that the former Attorney-General had a very good reason for not releasing that report, but he never made those reasons public. He simply said that it was not in the public interest for that report to be released. I simply make the point that there are good reasons for this report to be released, but what this motion does not reflect, quite contrary to the contribution of the member for Box Hill, is some attempt or even an intention of the government to tear up conventions in regard to cabinet in confidence.

Let me finish where I started. In the same way that the former Leader of the Opposition was the custodian of the Bracks and Brumby governments' cabinet documents, the current Leader of the Opposition is the custodian of the Baillieu and Napthine governments' cabinet documents. If the house passes this motion, then it will be a matter for the current Leader of the Opposition to determine as the custodian of those documents whether or not to comply with that resolution and thereby release the documents. If he chooses not to comply with the resolution and chooses not to release the documents, that is a matter for him. I commend the motion to the house.

**Mr MORRIS (Mornington)** — There seems to be a little bit of confusion. The Attorney-General just repeated again that this is a motion about requiring the Leader of the Opposition as the custodian of the documents to hand them over. Presumably if that was the case, the motion would have in fact named the Leader of the Opposition and required him to hand over the documents rather than requiring the government to produce to the house documents relating to the particular review of state finances. I suspect that that is not the only extent of confusion on the other side. I was also interested to listen to the Leader of the House and her claims that this document was somehow a foundation for every policy enacted by the coalition government in the 57th Parliament. Surely whatever policies were enacted were in fact evidence of the intent. You cannot sit back and say, 'Well, there is this secret document that is informing everything and it is all going to be a disaster. It is all about closing down things and contracting out, slashing and burning, doing all these terrible things, and it is going to make all those recommendations', when in fact that is not what occurred in any way at all. It is a very long bow to draw that a document that was prepared to inform a former government — one of many thousands, if not hundreds of thousands, of documents that were prepared to provide advice to the government over the course of the 57th Parliament — was in fact a central feature of the government's policy.

As has been observed, and I am now quoting from the *Cabinet Handbook* of the state government of Victoria in 2015:

The openness and frankness of discussions in the cabinet room are protected by the strict observance of confidentiality, and, except in the event that cabinet agrees to public release of its deliberations, all cabinet information (including oral and written information) must be kept strictly confidential and secure at all times.

Of course the effective outcome of this motion, no matter how often the Leader of the House or the Attorney-General deny it, is to tear up the doctrine of cabinet in confidence. In this case, with regard to this particular motion of course, it is only other cabinets. It is not in respect of the government's own cabinet that it is proposed to have the doctrine torn up, it is only other cabinets. And of course there is no internal consistency in the logic, and you would not expect there to be because this is a stunt, pure and simple. The Leader of the House could not even get the date right. She could not bring the motion on in time and then had to move a dubious motion in order to get it debated this afternoon. As the Leader of The Nationals observed, this is a dead parrot motion. It expired yesterday, yet here we are at

half past five on Tuesday debating it. Why are we debating it? Because it is a stunt, pure and simple.

This is about the government seeking to use its numbers in this house to bully the opposition. It is an attempt to use this motion to intimidate the opposition. It is an effort to try to stop us carrying through on our intended cause of action — our broadcast course of action — in the other place. It is a deliberate threat. We have got a bullyboy Premier. We see him in action opposite in question time every day. Here we have a process designed to intimidate the opposition to roll over and conduct opposition business in a manner that suits the government. We are not in the business of doing that. This is a manoeuvre that, as far as I can see, has never been attempted before in any jurisdiction in the Westminster world. If you go to the sources, there is very, very little on the subject. There is plenty on the usual production of documents. That is entirely routine.

If you go to our own working documents, if you go to *House of Representatives Practice*, if you go to *Odgers' Australian Senate Practice* or if you go to *Erskine May*, all of those have chapter and verse on the production of documents, generally and almost exclusively in the context of the production of documents in an upper house, whether it be the Senate or the House of Lords or some other forum. But it is not about documents of a former government; it is about documents of a current government. It is about live documents that are actually potentially informing decisions or containing information that is critical to the deliberations of the houses concerned. It is not about dead documents of a former government that may or may not have been used to inform policy.

It is certainly not about documents being released for one purpose and one purpose only — and that is base politics. You cannot for a second claim that there is public interest in a document that may have been received five or six years ago — I am not aware of the timing, but it is a long time ago — and which probably had limited input into policy development at the time and certainly has absolutely no influence now. This is purely and simply about endeavouring to put pressure on the opposition to coerce opposition members in the other place to vote in a particular way — to vote in a way that will let the government off the hook when what the government should be doing is concerning itself with its commitment to transparency.

If there is any point here it is that if anyone else, other than the government in this house, tried to carry out this action — tried to threaten and intimidate members of Parliament to coerce them to vote in a particular way — they would be up before the Privileges Committee of

the other place. It is probably not surprising, though, that we are faced with this motion, because this is a government that has shown no respect for the rules. Its members talk about transparency and talk about scrutiny, but apparently that scrutiny applies only to other people, not to themselves. It applies to governments and former governments but not to their own government. They are good on making the rules, but frankly they are not much good at keeping them.

The Attorney-General made much of a point about the Leader of the Opposition allegedly being the custodian of these documents. Again I am quoting from the government's own cabinet handbook, where 1.7.7 says:

The secretary —

that is the Secretary of the Department of Premier and Cabinet —

is also responsible for the administration of DPC. This includes being the custodian of cabinet documents for the government and previous governments to ensure their security and preservation ...

So it would appear in fact that it is the secretary of the department who is the custodian, not the Leader of the Opposition. Indeed, as all ministers and former ministers are aware, it is a requirement when you get to the point of the caretaker stage for all hard copies and all digital copies of cabinet documents created during that term of government to be identified and returned to the custody of the cabinet office during the caretaker period for storage. Obviously if the government does not win, its members do not get access to its documents again. So whether you are talking about physical custody or whether you are talking about custody in the sense of the responsibility for the documents, the logic in this motion is well and truly flawed. As I said early in the piece, that is not surprising. There is no internal logic because this is a government seeking to use its numbers in this house to bully the opposition and to intimidate members of the Legislative Council to coerce them to vote in a way contrary to the manner in which they have made it clear they intend to debate. It is exactly the sort of performance we have come to expect from this bullyboy who sits over there and pretends he is a fit Premier of Victoria.

**Mr BROOKS (Bundoora)** — It is a pleasure to join the debate on this motion that was so fiercely opposed through points of order prior to being debated. There are two issues I want to talk about in relation to this motion. Firstly, there is the subject of the motion, the Vertigan report; and secondly, I want to respond to the prime argument — really the only argument that has been offered opposing this motion from those

opposite — which is the one about cabinet confidentiality. Those of us who are interested in public policy in Victoria during the term of the previous government are all too well aware of the commissioning of this report, the Vertigan report. We saw the release of an interim report. We all suspected that the Vertigan report was influencing the decisions that government was making at the time in relation to the provision of public services and funding of public services throughout the state. It is important to put on the record that this is still an important report for public policy debate today. That report, if it contains the sorts of things that people suspect it does, is still an important piece of public policy work, so we can have the debate about the sorts of issues it was supposedly recommending.

We can only go from what looked like copies of the report leaked to the media. There was a report in the *Australian* of 28 August 2012 speculating — and this is quite a detailed report — that the Vertigan report called for a revolution in the way that government services were provided. So we are not talking about a report that was tinkering at the edges; we are talking about a report that supposedly was going to revolutionise the way public services were funded here in Victoria. It was supposedly modelled on David Cameron's big society view of service in England, and the article goes through a whole range of areas that the Vertigan report recommended changing. There are a couple I thought I would mention.

Firstly, the article speculated that the Vertigan report suggested that the state government should wind back the direct provision of kindergartens and early childhood education and instead commission outside parties to deliver those. This is a substantial shift away from the current practice in early childhood education in kinders here in Victoria, and it is a really important one. We all know how critical early childhood education is to our state's future. I think it is important — and I think families right around Victoria would see it as important — that if there were a significant policy document of government that suggested a completely different way of providing early childhood education, one that went in a direction opposite to the direction nearly every government has gone in Victoria's history, then that recommendation should be out there in the public being debated.

It also canvassed greater provision of hospital services by private providers and, again, without the benefit of the document we can only suppose — by looking at what conservatives have done to the health system, both in the last term of government and going back to the Kennett era — massive cuts to our public hospital

system, massive cuts to public health and the favouring of private provision over public health. Again, it is a massive area of public debate, one that should be out in the open, one that the Victorian public should be able to participate in and one that people should be able to discuss, but of course when that document does not see the light of day, we do not get the chance to have that debate.

So this is not, as the member for Mornington said, just one of thousands of documents that came to cabinet and is of no significance. This is a document that was central to the operation of the government of those opposite. Of course we cannot determine, and the Victorian public cannot determine, that because those opposite did not release the document for public consumption. It is not just the Labor Party and/or the unions that are saying that that document should have been released at the time, although we certainly were. Fair Work Australia recommended that that report be made public. In fact it ordered it to be made public. Former Liberal Premier Jeff Kennett told those opposite to release the report. I suppose one thing you can say about Jeff Kennett is that at least he had the courage of his convictions. When he took his approach to public finances in this state, cut services and tried to implement his vision for Victoria, at least he was up-front with the Victorian people. We opposed that vision. However, what we saw from those opposite was a sneaky way of trying to implement those cuts but not actually being up-front with the Victorian people and keeping that document secret. The Vertigan report is an important document and it should have been released to the Victorian people.

The major argument being put forward by those opposite in opposing this motion is that this is going to destroy the principle of cabinet in confidence forever and every document that goes to cabinet will be lost. I think the Attorney-General put this to bed by saying that the motion before the house simply allows for the Department of Premier and Cabinet to liaise with the Leader of the Opposition on whether this document can be released. Nothing more, nothing less. If people on the other side of the house understood how this process works, they would understand that this motion simply allows the Department of Premier and Cabinet to liaise with the Leader of the Opposition and then it is up to the Leader of the Opposition to form a position on that particular document. I think what those opposite are doing is they are trying to avoid putting the Leader of the Opposition in that particular situation, where he has to make a decision as to whether he releases the document, agrees to its release, or sections of it, or opposes the release of that document.

The actions of those opposite in this chamber stand in stark contrast to the actions of those opposite in the other chamber. The Liberals and The Nationals in the other chamber are doing everything they can to garner documents; yet in this house today we have heard those opposite talking up the need for confidentiality and cabinet in confidence. There is an amazing difference listening to the debate in the attitude of those on the other side of the house today compared to what we have heard from those on the other side in the other place in their call for documents.

In conclusion, the Vertigan report is an important piece of public policy in Victoria, despite the fact that on this side of the house we will probably be quite horrified by what is contained in it. Nonetheless it is a major piece of work and, I would argue, a significant piece of work and certainly one that is worthy of this house debating this motion on. Also, the argument put forward in opposing the motion about cabinet in confidence by those on the other side of the chamber has been shown to be wrong. This motion simply allows the Department of Premier and Cabinet to liaise with the Leader of the Opposition. If those opposite do not want to put him in that position, they can argue against it and that is exactly what they are doing. This motion should be supported by the house.

**Mr PESUTTO** (Hawthorn) — What an extraordinary motion we have here today. It is completely transparent in what it actually wants to achieve — a base political purpose. It is simply an act of retribution because in the upper house the Special Minister of State, Mr Jennings, has continually defied the orders of that house and finds himself now on the receiving end potentially of a suspension order.

So what does the government do? It brings a petty motion into this house. Not only is it transparent, not only is it petty, but it is dangerous. It has far-reaching implications for government, not just for this government but — as certain members, even those opposite, must surely know — it will have far-reaching implications for future governments, because this will not be forgotten. People watching or listening to this debate will always remember what this is about. It is about overturning a longstanding convention that you do not release cabinet-in-confidence material without the permission of the custodians of that material. There is a good reason for that. It is in our law, from FOI to the practices of this Parliament, that cabinet in confidence is to be protected. Why? Because we value in our system of government frank and fearless advice — and that is not just for ministers. Ministers who sit around the cabinet table want to know that they can speak freely and candidly about issues of the day.

They want to know that options will often need to be considered, and sometimes they will reject the options that they do not like. But if they knew that every single meeting they had was minuted and those minutes were put out in the public arena, would they be as fearless and as frank about what they are prepared to say around that table?

But it does not stop at ministers. We rely on what is supposed to be an independent public service. The public service, when it is doing its job properly, provides advice and options to government; and governments, whatever their political complexions, need to be able to consider those options freely, frankly and fearlessly. So when you send a signal to the public service that their advice — their blues, if it is in the case of the Premier's office — that trickle their way up to the Premier's office are simply going to be released at some future time, what do you think that is going to do to the quality of the advice that government gets? It is going to harm that practice. So they are going to say, 'We had better be more circumspect in what we need to provide in terms of our advice to government'.

And it does not stop at the public service. This is the problem. The implications go further. When governments need to get external advice they might go to a large reputable firm like PwC or Deloitte or EY, and they will want options unaffected by political considerations, because it is the job of the government, the Parliament and the parties to work through the political options. What they often want from external providers is advice unaffected by that. But if you send the signal that their advice is simply going to be released into the public space, what will that do to that practice? It will harm that practice.

Let us think about what this means in practice. It means that every cabinet submission that any minister brings will be fair game for practices like this. Let us just see what that might include. It might include a cabinet submission on appointments to water boards. All of that is fair game now, is it?

What about enterprise bargaining agreements (EBAs)? So are we now able through the upper house to get all of the Department of Treasury and Finance (DTF) greens that will tell us all the detailed costings on the United Firefighters Union deal, what all the implications of all the terms in the EBAs are going to be, and the impact on the Country Fire Authority? Are we going to be able to get all of that information? Does the government understand what this practice will do to advice like that? Does it think that think DTF is going to be less circumspect because of this outcome? I tell you what: it will be more circumspect.

What about the desalination plant. Are we now able to obtain all of the cabinet deliberations and all of the documents that came to cabinet? We know there were very sensitive documents that made their way to the Brumby cabinet and maybe even to the Bracks cabinet as well, including from Melbourne Water. We know there were briefs that were sent up to the government on those matters.

What about the rorts affair. Are we now going to be able to obtain all of the cabinet deliberations, all of the minutes of cabinet meetings on the commissioning of the solicitor-general to intervene on behalf of the government to protect who? Labor members of Parliament?

Let us remember what this matter is about. This is about the misuse of parliamentary staff, paid by the taxpayer, to campaign in seats where they had no visible or even remote connection with the MPs who employed them. That matter is now being agitated in the Supreme Court because the Ombudsman is trying to conduct an investigation on a referral from the upper house, and who is stopping her? This government is stopping her. So a government that claims to be about transparency is in the Supreme Court now, where there are 10 lawyers representing all of the parties, because of the government insisting that it be considered by the Supreme Court. Why? To stop the Ombudsman from investigating one of the most outrageous misuses of publicly funded staff in the state's recent history, it has to be said.

There is also sky rail. You can see the list will not stop. It will go on and on and on, and who on the other side will then be able to say that it goes too far? They are the ones who are trying to displace a longstanding principle that is part of our law and custom not only in this place but more broadly, as I said.

But what makes this even more farcical, in my view, is that the government is coming here and wanting permission to do something it has had no trouble doing before. Did the government go to the Leader of the Opposition and ask for his permission to release the east-west documents? No, it simply released them. Where was the principle then? This is base politics. If it really cared about cabinet confidentiality and the longstanding conventions of this Parliament and our system of government in this state, the government would have sought the Leader of the Opposition's consent back in early 2015 to release those documents.

We heard from the Attorney-General what this is really about. It is really about trying to put the Leader of the Opposition in a position where he has to consent or

disapprove, it seems; I am not quite clear from what the Attorney-General was saying. He said, I think incorrectly, that the Leader of the Opposition is the custodian of the documents. I am not sure that is right. I think if you look at the cabinet materials and the practices of cabinet, which have outlived governments of different persuasions, the true custodian is actually the Secretary of the Department of Premier and Cabinet, but let us see how this plays out over the next few days.

What is the government going to do? Will it come to the Leader of the Opposition and ask for his consent? Well, it might do that. The Attorney-General seemed to suggest that the government was now going to approach the Leader of the Opposition and ask for his permission. I would imagine that is what he is saying. So what happens when members opposite get their answer? What will they do? This motion seems to be pretty clear on its face:

Under standing order 171, this house requires the government to produce to the house documents relating —

and so on and so forth. If the motion is directed to the government, I am not sure on what the Attorney-General bases his comments that it is a matter for the Leader of the Opposition.

I will tell you what is really at stake here: it is a matter for the government. If it wants to trash a longstanding principle in pursuit of a short-term, so-called political sugar hit to make what it can as retribution for what is happening in the upper house and maybe to try to embarrass the Leader of the Opposition, which it will fail at doing, then the government has to understand that this will come with consequences, short term and long term.

Members of the government should know and be under no misapprehension that we will now see this as an invitation to obtain all manner of documents that we have long wanted to see, including documents around contestability in the TAFE market that were considered by cabinet back in the Brumby years, a cabinet of which the current leader of government business was a member. So that will give you a flavour, Acting Speaker, of what we are after. We say this is a motion that debases our political system and a very important part of that political system. For the reasons I have outlined, this motion should be defeated.

**Mr PEARSON** (Essendon) — I am delighted to make a brief contribution in relation to the motion and the amendment. The Attorney-General in his contribution earlier this afternoon was quite clear that the Leader of the Opposition remains the custodian of

these documents. He could not have been any clearer in his comments, and the reality is that it will be a matter for the Leader of the Opposition to determine whether this particular report is released or not.

I also listened with interest to the member for Mornington's contribution as well. The member for Mornington indicated that there is no great public interest in relation to the Vertigan report. I would probably beg to differ with the member for Mornington in relation to that. I think a report which really underpinned and guided the economic policies, the economic philosophies and the four budgets of the Baillieu and Napthine-Shaw governments would be very much in the public interest. When you are looking at a document which talks about contracting out of essential services for what I would assume would be sheer, blind, ideological reasons, I would have thought that would be something that would be of interest to the public. For example, if the gallery was provided with a copy of this report, I would imagine that it would get a pretty good run in the dailies and with the broadcasters.

The reality, though, is that this afternoon and in the early part of this evening there has been a great deal of hysteria from those opposite. You would think that the very premise of Western liberal democracy is being threatened. You would think that parliamentary standing and parliamentary practice of hundreds of years would be at risk here. The reality is that the motion and the amendment that are before the house allow the Leader of the Opposition to make a call as to whether he releases the documents or not. The Leader of the Opposition is the custodian and remains the custodian of those documents.

The Attorney-General, the chief law officer of this state, could not have been any clearer in his assertions that it will be the Leader of the Opposition's call in terms of whether these documents are released. Despite the hysteria from those opposite — —

*Honourable members interjecting.*

**Mr PEARSON** — There is a bit of heckling from those opposite. I will take the word of the Attorney-General any day over the hysterical shrieks from those opposite. The chief law officer of this state is an upstanding member of this place. He is an outstanding cabinet minister, and his views and values are unimpeachable. If the Attorney-General is prepared to say quite clearly, forcefully and repetitively throughout the length of his contribution that the Leader of the Opposition will remain the custodian of these documents and it will be a matter for the Leader of the Opposition as to whether these documents are released

or not then that carries a lot of weight for me. I would have thought that those on this side of the house would have a similar view.

The reality is that this is a sensible motion despite the hysteria of those opposite. Despite the fact that according to the member for Hawthorn public servants will never be able to provide advice again into the future and that the private sector firms that advise the government from time to time will have that level of advice compromised for fear that the advice will be leaked, we know it is just hysteria and a nonsense. A very sensible motion is before the house with an amendment that has been moved by the Leader of the House, and it will be a matter for the Leader of the Opposition as to whether he decides to release the documents or not.

Again I come back to the comments made by the member for Mornington. The reality is that there is significant public interest in this document, and the fact is the document will be released at some point in time. Cabinet conventions are that it will be released at some point in time, and when it is released I have no doubt that we will see it is really the economic cradle that rocked the Baillieu-Napthine-Shaw government. This is the basis of the philosophy that guided the most incompetent administration the state has seen in 60 years. The reality is we have only had one one-term government since 1955, and it was of those opposite. I think that speaks volumes about those opposite and about the hysterical way they have conducted themselves this afternoon, and I think it speaks a great deal about the quality of that administration. The reality is that this is a very sensible amendment — —

**The DEPUTY SPEAKER** — Order! The time has come for me to interrupt the proceedings of the house. The honourable member will have the call when this matter is next before the Parliament.

**Business interrupted under sessional orders.**

## ADJOURNMENT

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

That the house now adjourns.

### Geelong region rail services

**Mr KATOS** (South Barwon) — My adjournment matter this evening is for the Minister for Public Transport. The action I seek is for the minister to rule out the use of elevated rail, or sky rail as it is more commonly known, in any future duplication of the rail

line from South Geelong station to Waurn Ponds station.

The 2016–17 Victorian state budget has allocated \$3 million for planning work for the proposed duplication of the track between South Geelong and Waurn Ponds. The proposed project would involve the duplication of approximately 10 to 11 kilometres of track that runs at grade level through the suburbs of South Geelong, Marshall, Grovedale and Waurn Ponds. There are also five level crossings that need to be addressed as part of the planning work for the duplication, including Fyans Street, South Geelong; Barwon Heads Road, Marshall; Marshalltown Road, Grovedale; Reserve Road, Grovedale; and Surf Coast Highway, Grovedale.

The southern suburbs of Geelong are certainly experiencing huge growth, particularly in Marshall, Grovedale and Armstrong Creek and somewhat in Highton. Population growth has resulted in the need for the present single rail track to be duplicated to allow more trains to run and hence provide more services. Residents expect rail, however, to be at grade or trenched and grade separation of level crossings to be road under rail in order to maintain the amenity and livability of local communities. People do not want a sky rail like they are getting in Oakleigh, Mordialloc, Carrum, Frankston and Mernda. People do not want the destruction of the amenity of their local communities, whether it be due to the noise, the pollution or the antisocial behaviour that will occur underneath any sky rail.

I ask the minister to completely rule out the use of sky rail on any duplication of the rail line from South Geelong station to Waurn Ponds station.

### **Strathmore Secondary College**

**Ms BLANDTHORN** (Pascoe Vale) — My adjournment matter is for the attention of the Minister for Roads and Road Safety, and the action I seek is that the minister provide an update on the negotiations between VicRoads, the Victorian School Building Authority and Transurban regarding the provision of funding for new double-storey portable classrooms for Strathmore Secondary College.

The CityLink widening project is undoubtedly having an impact on the school. The member for Essendon and I both understand this, and that is why together we have been working with the school community, the Minister for Education and the Minister for Roads and Road Safety towards a constructive solution that will address

the issues the school is facing while the CityLink widening project is underway.

The CityLink widening project is important because it will add an extra lane from the Bolte Bridge to the airport. It is also particularly important for my constituents because it will provide a new bridge at Bell Street to address the dangerous intersection of Bell Street and Pascoe Vale Road. There have been a number of serious accidents as well as a number of serious near misses at this intersection, and it certainly impacts greatly on the local community. However, the close proximity of the Strathmore Secondary College to the new Bell Street bridge means that the school is unquestionably impacted by the work that is underway. New double-storey portables positioned on the school grounds further away from CityLink would go some way to addressing the issues associated with the project that are bearing out for the school community of Strathmore Secondary College.

Strathmore Secondary College is certainly a great school.

**Ms Thomson** — A great school!

**Ms BLANDTHORN** — It is a great school, as the member for Footscray understands, being a former student of Strathmore Secondary College. It sits in the district of Essendon, but obviously a large number of its students come from the zone, which is in the district of Pascoe Vale. The member for Essendon is a great advocate for the school, and he and I have been working closely with the school community on this project and also in terms of securing planning money for the school in the last state budget.

### **Darley school bus services**

**Mr HODGETT** (Croydon) — My request for action is to the Minister for Public Transport. The action I seek is for the minister to pick up the telephone and speak with Mr Scott Klauber of Ballan, who awaits a return phone call from the minister. Mr Scott Klauber of Ballan has three children; two go to school in Ballarat and one, his 13-year-old daughter, goes to Catholic Regional College in Melton West.

Mr Klauber had been driving his daughter to the Darley Park bus stop in Darley, from where the myki-enabled school bus operated by Bacchus Marsh Coaches used to depart at 8.05 a.m. until about 9 May 2016. This bus had been overcrowded, so the schedule has now been changed so it departs at 7.52 a.m., which is too early for Mr Klauber's children and the children of some other parents. While there may be an 8.07 a.m. bus from a

different location — Halletts Way in Upper Darley — Mr Klauber has been unable to confirm this with the bus company. Mr Klauber allegedly contacted the bus company, with no resolution. He informed me that he then spoke with Larissa Scanlon, regional bus contracts manager, Public Transport Victoria (PTV), who informed him that PTV has little power in that the bus company can change schedules at will without consultation.

Mr Klauber is particularly concerned at the way in which these myki-enabled school bus timetables can suddenly change with no discussion with the community. Mr Klauber then spoke with the minister's office on or about 17 May and was informed that someone would get back to him that day or the next day.

Bacchus Marsh and Melton are two of Victoria's fastest growing communities — as you would well know, Deputy Speaker — with almost 100 new residents moving into the City of Melton each week and the Shire of Moorabool's population in recent times increasing annually by 3.3 per cent, a very high growth rate. It may be possible for the bus company and PTV to re-examine the area's school bus routes to try to maximise the effectiveness and efficiency of these routes. The action I seek is for the minister to pick up the telephone and speak with Mr Klauber, who awaits a return phone call from her.

### Strathmore Secondary College

**Mr PEARSON** (Essendon) — My adjournment matter is for the Minister for Education. The action I seek is for the minister to provide an update on the negotiations between the Victorian School Building Authority, VicRoads and Transurban in relation to the provision of funding for new double-storey portables at Strathmore Secondary College, which would mitigate some of the immediate impacts of the new Bell Street bridge.

The Tulla widening project is a significant road upgrade to CityLink from the West Gate Freeway to Melbourne Airport, but the works do have an impact on the school, which is located right next to a newly located off ramp. The member for Pascoe Vale and I were pleased to see that funding was provided for master planning for Strathmore Secondary College in the most recent budget. It is an exciting turn of events for Strathmore Secondary College as the school works towards a future rebuild; however, there are some short-term issues in relation to the construction which would be alleviated by the provision of new double-storey portables. The intention is for these

classrooms to be installed at a location at the school further from the construction site than where the existing classrooms currently sit.

### Kangaroo control

**Ms RYAN** (Euroa) — The adjournment matter I wish to raise tonight is for the Minister for Energy, Environment and Climate Change. The action I seek is for the minister to visit my electorate — ideally Heathcote — to attend a public forum to hear directly from residents about the dramatic increase we have seen in kangaroo numbers in the past 18 months. Despite the volumes of correspondence that I sent to the previous minister from residents concerned about the kangaroo population, nothing has been done. In March the government released a kangaroo management plan for public land that proposes no action in the Heathcote area. Residents have written to me pleading for something to be done. Many believe that it is only a matter of time before more people are killed or seriously injured.

Data released by the RACV earlier this month shows that 8 out of 10 crashes on Victorian roads involving animals were caused by kangaroos. In 2011 there were 2986 insurance claims in Victoria for damaged cars. Last year there were 4443 claims — including my own — all caused by kangaroos. That is an increase of almost 50 per cent in four years. Data from VicRoads shows that the number of motorists who sustained injuries from collisions with kangaroos also reached a 10-year high of 128 last year.

This issue does not seem to be on the government's radar at all. There was not a single mention of kangaroos and the danger they pose to motorists in country Victoria in the government's new road safety strategy. The government plans to reduce speed limits, but it is doing nothing to address a growing cause of accidents on roads in central Victoria. Locals believe the increase in numbers can in part be attributed to the seasonal conditions. Numbers bred up over a number of good years, but now feed is in scarce supply and people are concerned that there is not enough vegetation to support the increased population. Increasingly kangaroos are venturing closer to people's homes in the search for food. This has led to a number of reports of people being attacked near houses and of people who are too afraid to put the washing out because of the threatening nature of some kangaroos in their backyard. I have had reports of one man whose ear was torn off and another who was collected by a kangaroo while jogging in Heathcote.

Then there is the welfare of the animals themselves. I hate hitting a kangaroo, seeing it drag itself off into the bush and feeling powerless to help it. That is a cruel death. Kangaroos are part of our landscape. The government cannot prevent every accident with kangaroos, but it does have a responsibility to control them, and at present it is failing. The population is just not sustainable, and it is not humane to allow them to grow in uncontrollable numbers.

### **Mentone Park Primary School**

**Mr RICHARDSON** (Mordialloc) — I raise an adjournment matter this evening for the Minister for Education. The action I seek is for the minister to visit Mentone Park Primary School to discuss the school's future needs and priorities. Mentone Park Primary School is a school of nearly 300 students, and a population in the City of Kingston that is expected to grow by 20 per cent over the coming 10 years not only presents Mentone Park Primary School community with a challenge where the school is trying to deal with increased student numbers but also with an opportunity to think about the future, think about what the school's master plan might be and think about what it wants to achieve for the students in the coming years.

It goes without saying that the local region and the City of Kingston — and the City of Bayside — were very fortunate in this state budget, particularly one of the neighbouring schools, Parktone Primary School, which after many months was able to secure funding for a new school hall, and Mordialloc Beach Primary School, which will have refurbishment works done to some of its buildings. It goes without saying that the biggest local commitment was an additional \$13.5 million for Beaumaris College, which was an outstanding example of the community coming together to support education in our region and a school that was written off by the previous government. This will be a \$20 million school facility — a fantastic outcome for our local region.

This building agenda is quite significant, and we cannot stop in our tracks, so this takes us to conversations about the future needs of Mentone Park Primary School. I want to pay tribute to Kendra Parker and her team, who have done an outstanding job in supporting their students in a fantastic educational environment. I had the chance to catch up with her team last week to get an update on their priorities. I am catching up with members of the school council in the coming week, and I look forward to working with them over the coming months on their journey as we try to assess what their future needs are. The first step in that is to get the education minister, who has been to my area a number of times, down to Mentone Park Primary School to visit

Kendra Parker and have a chat about those future priorities. I look forward to welcoming him to our community very soon.

### **Doncaster Gardens Primary School**

**Mr R. SMITH** (Warrandyte) — My contribution is directed to the Minister for Education. My request of him is to address the growing student numbers at Doncaster Gardens Primary School. Specifically the minister needs to meet with the school's leadership group, listen to its plans to accommodate its growth and implement those plans. Doncaster Gardens Primary School is an exceptional school in the Warrandyte electorate. Led by principal Michele Beal, it is one of the most successful schools in the area, with students who are engaged and happy to learn. The success of the school has led to a rapidly trending increase in student enrolments — some would say a good problem to have — and the school welcomes all those who wish to join. Student numbers are now at 650 and are expected to climb in coming years.

Unfortunately available play space has become a major issue at a school built to accommodate 450 students. This has meant that the portables brought in for these growing numbers have significantly impacted on available play areas. While already under the mandated amount of play space required for this number of students, the official area the school has available for play does not take into account the steepness of some of the areas on the school site. In reality this makes those areas unsuitable, limiting play space even more. With the junior school students currently using a blocked-off driveway to play on during recess and lunchtimes, this is clearly a situation that cannot continue.

Fortunately Mrs Beal and her team have a solution. In the short term the replacement of the existing three double portables with two new double two-storey portables would free up some play space immediately. In the longer term, if the school's entitlement to a full-sized gym were fulfilled, the existing gym space could be turned into classroom space, allowing additional portables to be removed. This is an important issue and one that the growing numbers of students will not allow to be ignored. I urge the minister to meet with the school community as a matter of urgency and assist it in planning for the growth that will occur in the school's bright future.

### **Merriang Special Developmental School**

**Ms HALFPENNY** (Thomastown) — I rise to raise a matter with the Minister for Education. The action I seek is that the Minister visit Merriang Special

Developmental School in Lalor to watch the student acrobatics performance and training. Principal Helen Halley-Coulson, assistant principal Maxine Duncan and the teachers and staff have some very innovative and exciting programs on offer for students attending Merriang. Parents association president Nerida Sebben, whom I met with recently, has nothing but praise for the school and the great work that it has done with her son. She travels a considerable distance every day to get her son to school and back.

The end-of-year school concert is an event not to be missed, as it showcases the students' many talents and the creative programs at the school. It is also very entertaining. The acrobatics program run at the school is instructed by two brothers from the Cirque du Soleil acrobatics team. Both are exceptional performers and also great teachers, and of course the troupe is very well known.

Merriang Special Development School currently has over 100 students enrolled over two campuses. Stage 1 of the early years campus was built through funding from the Bracks and Brumby Labor governments and also federal government support. This stage included a staffroom, eight classrooms and a therapy pool. The second stage of the school included plans for a multipurpose room and other specialist rooms. However, it was not built when the coalition formed government in Victoria in 2010. This means that the school has been left with classrooms only, and this is unlike any other school in the area or anywhere else. It does not have a multipurpose room. It does not have a hall. It does not have a specialist art room or even a library. Instead the students — 80 of them — cram into a converted classroom, which makes acrobatic performances very, very difficult.

Nerida showed me the plan for stage 2, which has been specially designed to address the sensory needs of a significant number of students with autism. The school does lots and lots of fundraising and uses its own initiative to pay for all sorts of things to support the students and the school, but it cannot do stage 2 of the buildings alone. The lack of facilities and specialist spaces is really holding back these incredibly unique and creative students. It would be great to see another partnership between the state and federal governments to complete stage 2 of Merriang Special Development School.

### **Red Hill Consolidated School**

**Mr DIXON** (Nepean) — I too wish to raise a matter for the Minister for Education, and it is regarding Red Hill Consolidated School. I ask that the minister visit

the school to see firsthand the maintenance and capital needs of the school. Red Hill Consolidated School has over 600 students. It is in a bush setting; it actually has no mains gas, no mains water and no mains sewerage. It has been there for about 60 years, and in that time, other than a Building the Education Revolution hall that was put on the school oval, it has had no upgrades. The school has been basically self-sufficient — it is in a fairly high socio-economic area. The school has raised a lot of funds to meet the maintenance needs, but unfortunately that does catch up with you after a while, and it is not enough. For example, in summer a call goes around to the classrooms to turn the computers off so that the air conditioners can go on and vice versa in winter. The school really does need a lot of very, very basic work done to it.

The last maintenance audit identified \$1.3 million worth of maintenance that needs to be done at the school, and in government it was one of our policy commitment to undertake that. Nick Arnott, the school council president, and principal Leanne Marshall and her staff do a fantastic job. The school has excellent results. It is a very popular school with a growing number of students, so despite the condition and the amount of money that has to go into the maintenance of the school, it is doing a fantastic job.

Basically the school's fundraisers are for maintenance, and it is hard to keep calling on the community to do that. In fact the leadership group at the school spends most of its time worrying about maintenance and fixing up problems as they arise. Obviously they would much rather put their energies into educational leadership and the educational aspects of the school. There are absolutely no contemporary learning spaces in the school. The school could fund a lot of that work if it were not putting the money it raises into maintenance. I do recognise that under this government the water supply issues are being addressed, and also the access issues, because there are steps and stairs right throughout the place, but after 60 years it really is Red Hill's turn for some substantial maintenance and capital works to be done. Once again I request that the minister visit to see the needs of Red Hill Consolidated School — a wonderful school in my electorate.

### **City of Frankston councillors**

**Mr EDBROOKE** (Frankston) — My adjournment matter is for the Minister for Local Government. The action I request is that the minister meet with some Frankston residents and me to discuss local council issues, specifically how recent reforms to improve councillor conduct are being implemented and whether further reforms to improve the accountability of

councils to their residents will be looked at as part of this review of the Local Government Act 1989.

Recently Frankston has appeared in the media because of the actions of councillors who are clearly pushing the boundaries of common sense. Our local community is concerned that some councillors are not carrying out their duties as councillors in the best interests of the Frankston community. Other concerns are based around whether councillors are impartially discharging the powers, authorities and discretions vested in them through the Local Government Act 1989 to the best of their skill and judgement. Examples include a councillor being mentioned on the front page of the local paper and a councillor being spoken about on drive-time radio for over an hour last week.

In my opinion we just do not need this. Our community in Frankston has so many positive stories going on at the moment. It is such a shame to see our community dragged down in the media because of a lack of good judgement. I would welcome the minister visiting my electorate to share a chat and a cup of the best coffee on the peninsula with some of my constituents.

### **Responses**

**Ms NEVILLE** (Minister for Police) — A number of members have raised a number of issues with different ministers. I will pass those issues on to the relevant ministers.

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

**House adjourned 7.21 p.m.**

