

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 17 August 2016

(Extract from book 10)

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HANSARD¹⁵⁰



1866–2016

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

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

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

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

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

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

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 20 June 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016]	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms G. A. Tierney, MLC

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

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

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

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

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

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ Elected 14 March 2015

⁵ Elected 31 October 2015

⁶ Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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Wednesday, 17 August 2016

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

PETITIONS

Following petitions presented to house:

Public holidays

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house that the new Grand Final Eve and Easter Sunday public holidays will result in both lost productivity and higher wage costs for small business at a stage when many are already facing difficult times. At a time of high and rising unemployment, and where there was no pressing need or compelling argument for their introduction, imposing these two new major costs on Victoria's businesses damages them and their employees, consumers and our state's economy without justification.

The petitioners therefore request that the Legislative Assembly of Victoria call on the state government to reconsider its decision to introduce two additional public holidays in Victoria.

By Ms VICTORIA (Bayswater) (261 signatures).

Mountain Highway, Bayswater

To the Legislative Assembly of Victoria:

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

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

Mountain Highway is a busy thoroughfare for businesses, local families and those heading to the Dandenong Ranges and surrounds. The petitioners therefore request that the Legislative Assembly require the Andrews Labor government to leave the capacity of Mountain Highway as it is and not remove any lanes.

By Ms VICTORIA (Bayswater) (221 signatures).

Country Fire Authority enterprise bargaining agreement

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Nepean draws to the attention of the house:

1. that Premier Daniel Andrews must not hand control of the Country Fire Authority (CFA) to the United Firefighters Union (UFU);
2. volunteer firefighters have protected Victorians for more than 100 years across Victoria, and as a community we support the volunteers and send this message to Daniel

Andrews and the Victorian Labor Party: keep your hands off the CFA.

By Mr DIXON (Nepean) (298 signatures).

Country Fire Authority enterprise bargaining agreement

To the Legislative Assembly of Victoria:

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

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

**By Mr D. O'BRIEN (Gippsland South) (472 signatures),
Ms KEALY (Lowan) (3187 signatures) and
Ms STALEY (Ripon) (2998 signatures).**

Christmas carols in schools

To the Legislative Assembly of Victoria:

The petition of residents in the Gippsland South electorate draws to the attention of the house that the government has imposed the ban on singing traditional Christmas carols in Victorian government schools.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses this decision and allows students attending government schools to sing traditional Christmas carols.

By Mr D. O'BRIEN (Gippsland South) (10 signatures).

Gippsland rail services

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria and Gippsland draws the attention of the house to the failure by the Victorian Labor government to either commit to or implement upgrades to improve V/Line services and capacity on the Gippsland rail line.

In addition to substantial investment on the Gippsland rail line whilst in government, the Liberal-Nationals coalition prior to the 2014 election committed to delivering a number of projects that would provide greater reliability for commuters who utilise V/Line services in Gippsland. Some of these initiatives include:

- additional V/Line rolling stock to reduce overcrowding;
- duplication of tracks to improve reliability;
- more weekly services including peak services to increase flexibility; and,

removal of level crossings and signalling upgrades to improve punctuality.

The Labor government ignored Gippsland when it initiated its regional rail link project and it still has not committed to any major investment that would improve the Gippsland V/Line rail service, its reliability or capacity.

The petitioners therefore request that the Legislative Assembly of Victoria direct the Labor government to adopt the Liberal-Nationals coalition's plan to invest in major rail infrastructure projects and service improvements to deliver a better public transport link for the Gippsland region.

By Mr D. O'BRIEN (Gippsland South)
(40 signatures).

Echuca–Bendigo rail services

To the Legislative Assembly of Victoria:

The petition of residents in the Murray Plains electorate draws to the attention of the house that the Andrews Labor government is treating Echuca commuters as second-class citizens in terms of rail transport.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews Labor government immediately upgrades the Echuca to Bendigo train from class 4 to class 2 to increase the line speed and equate the train's performance to other V/Line services.

By Mr WALSH (Murray Plains) (468 signatures).

Bus route 788

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Nepean requests the Legislative Assembly of Victoria address the following urgent and longstanding public transport needs on the Mornington Peninsula:

increase the 788 bus frequency closer to 20-minute intervals; and

connect this improved 788 bus service with Frankston Hospital and Monash University, Frankston;

publish the latest Mornington Peninsula bus network review in full, so our community can comment on any planned future upgrades to our local public transport system.

By Mr DIXON (Nepean) (960 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) (6 signatures).

Elevated rail proposal

To the Legislative Assembly of Victoria:

The petition of the residents of the City of Kingston and City of Bayside draws to the attention of the Legislative Assembly of Victoria possible plans for the construction of a sky rail at Cheltenham station.

The petitioners therefore request that the Victorian government seeks an alternative method to separate road and rail which will meet the needs of the local community to reduce congestion in the shopping precinct and maintain amenity for residents and traders living and working in the locality.

By Mr THOMPSON (Sandringham)
(192 signatures).

Tabled.

Ordered that petition presented by honourable member for Ripon be considered next day on motion of Ms STALEY (Ripon).

Ordered that petitions presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).

Ordered that petition presented by honourable member for Murray Plains be considered next day on motion of Mr WALSH (Murray Plains).

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

Ordered that petitions presented by honourable member for Bayswater be considered next day on motion of Ms VICTORIA (Bayswater).

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

Ordered that petitions presented by honourable member for Gippsland South be considered next day on motion of Mr D. O'BRIEN (Gippsland South).

DOCUMENTS

Tabled by Clerk:

Auditor-General — Enhancing Food and Fibre Productivity — Ordered to be published

Statutory Rules under the following Act — *Road Safety Act 1986* — SRs 98, 99

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 98, 99.

EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

MEMBERS STATEMENTS

Battle of Long Tan commemoration

Mr MORRIS (Mornington) — Tomorrow marks the 50th anniversary of the most significant Australian military engagement of the Vietnam War — the Battle of Long Tan. By 1966 the war was rapidly escalating. Australian involvement had been initiated in August 1962 with a team of 30 military advisors, and by 1965 ground troops were engaged. Career soldiers were supplemented, controversially, with conscription. The Australian presence continued to grow. A main base was established at Nui Dat in May 1966, around the time the first members of the 6th Battalion Royal Australian Regiment (6RAR) arrived in Vietnam. The battalion was fully established in June. Not surprisingly the presence of a strong Australian force resulted in a swift enemy response.

On 17 August Nui Dat was fired on by Viet Cong forces. The following day the 105 Australians and 3 New Zealanders of D Company, the 6RAR, were dispatched from Nui Dat to the Long Tan rubber plantation. The events that followed have now found their place in Australian military history. Like the Battle of Isurava on the Kokoda Track, Long Tan is a story of heroism in the face of overwhelming odds.

The 108 men of D Company were opposed by at least 1500 Viet Cong, with some estimates outing the number at 2500. It later emerged that this formidable force was in fact waiting to attack Nui Dat. Eighteen Australians died that day, and a further 21 were wounded; 245 enemy troops were killed. Fifty years on I pay tribute to all who served in Vietnam and who now, belatedly, have received the recognition they so justly deserve.

Werribee electorate infrastructure projects

Mr PALLAS (Treasurer) — I rise to inform the house of several projects that will provide growth in employment and exciting new opportunities for my electorate of Werribee. The western distributor project will see local businesses play an essential role in providing for this vital second river crossing. Eighty-nine per cent of materials to be used in the project will be sourced from local producers, which in turn will support employment and business in Melbourne's western suburbs. The western distributor is estimated to create 5600 jobs during construction, and 10 per cent of hours worked on the project will be carried out by Victorian apprentices and trainees. This means more opportunities for employment close to home.

I was also pleased last week to officially open the new Pacific Werribee shopping centre. The centre will see large, international department stores and will create 2000 ongoing jobs for Wyndham locals. Shoppers from Werribee and all over Melbourne will help to support our thriving local economy. Additionally, my electorate is thrilled that the Andrews government is beginning the work to remove two level crossings in Werribee by opening consultation around that project, which will ultimately create more jobs in the electorate.

Finally, the \$85 million redevelopment of the Werribee Mercy Hospital will provide much-needed employment opportunities during construction and expand opportunities in the health sector. My local area is part of the work this government is doing to deliver employment growth to Victoria, with 112 000 full-time jobs.

Statements interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I wish to welcome to the gallery Daniel Mariaschin, executive vice-president of B'nai B'rith International.

MEMBERS STATEMENTS

Statements resumed.

National Party centenary

Mr WALSH (Murray Plains) — On 29 and 30 July this year the National Party held its centenary conference. In September 1916 the National Party was formed here in Victoria with a meeting at the State Library. On the Saturday night of our conference we

actually had the function at the State Library, and what a magnificent building it is.

The first leader of the party was John Allan from Kyabram, who went on to become a Premier. The next leader was Albert Dunstan, who was one of the longest serving premiers of this state. It is interesting when you read the history that during most of the time he served as Premier the Country Party was a minority government in this state with the support of the Labor Party, back in the days when the Labor Party actually cared about country Victoria. But at that first election in 1917 the then Country Party won 4 seats and at the subsequent election it won 13 seats. Can I say that proud history of tradition and service to country Victoria continues under the current band of the National Party. We will be here for a long, long time in the future to make sure we keep the Labor Party honest and that it actually delivers for country Victoria into the future.

McMillan Run playground, South Morang

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — On Monday I had the pleasure of opening the McMillan Run playground in South Morang on behalf of the Minister for Local Government. I was delighted to join Cr Stevan Kozmevski, mayor of Whittlesea, to open this fantastic new playground for the local community and its families. It was also great to be with staff from Adventure Plus, a local business that supplied the playground equipment, and the team from ACLA Consultants, who designed the space.

This project was possible thanks to the \$260 000 from the Andrews Labor government's Growing Suburbs Fund to the Whittlesea playground improvement program. Our growing suburbs are great places to live and work, and regardless of where people choose to make their home they should have access to the community spaces and services they need. In its first year Whittlesea received \$6 million from the Growing Suburbs Fund for five desperately needed projects in one of Melbourne's fastest growing areas. This shows what can happen when governments work together to bring about much-needed infrastructure in our growing communities.

It is a pity that the federal government cannot come to the party. For too long, our fastest growing suburbs have been left without the infrastructure and services they need. We can see our community is growing, and while I was in South Morang it was great to see the local 387 bus driving past the playground. This essential service was missing before we got elected, and

thank you very much to the Minister for Public Transport for delivering fantastic bus services to the outer suburbs. The Andrews Labor government is the only government that will provide the jobs, services and infrastructure our growing suburbs need, now and into the future.

Tourism businesses

Ms ASHER (Brighton) — I refer to a report put out by Tourism Research Australia, entitled *Tourism Businesses in Australia*, which covers the period from June 2011 to June 2015. It is a very, very significant report and one I hope the government has read and taken note of, because it should provide a bit of a guideline on how the government can assist businesses in this particular area. There are 273 512 tourism businesses in Australia, which constitute 13 per cent of the 2.1 million businesses in Australia.

In terms of Victoria, in all areas there were 72 669 tourism businesses; 68 per cent of them are located in Melbourne and 32 per cent of them are located in regional Victoria.

The report notes a number of structural changes to tourism businesses, and I will quote from it. It states:

During 2013–14 and 2014–15, around 1500 non-employing businesses exited the industry. At the same time, around 3800 micro, small, medium and large businesses entered the industry resulting in a net gain of about 2300 businesses.

These businesses are particularly important to the Victorian economy, and there are significant challenges in relation to regional Victoria. I am delighted to see the minister is in the house at the moment. It is important to keep these businesses growing and particularly employing businesses in tourism growing, as we have seen, but it is also very important to work out how we can assist in regional Victoria.

Public transport

Mr FOLEY (Minister for Housing, Disability and Ageing) — I rise to pass a few brief comments on the Andrews government's 21st century public transport infrastructure plans and the opposition from the opposition to those plans. That comes after those opposite spent four years asleep at the wheel of public transport infrastructure in Victoria.

I just want to focus on two particular projects in my own community that those opposite are opposing. The first is the Melbourne Metro at the Domain station, where those opposite are seeking to scaremonger opposition in the local community. But I want to particularly focus on the 96 tram route, which was one

of the rare projects that those opposite actually commenced — well, they said they were going to commence it but failed to do anything about it. In recent times that project has kicked along in leaps and bounds on the busiest tram route south of the river — the 96 tram route. I want to focus on comments made by the president of the St Kilda branch of the Liberal Party in my local community, and I quote:

That's why as a proud member of the Liberal Party, and as president of the St Kilda branch of the Liberal Party, and as a councillor for the City of Port Phillip, I am so disappointed with today's protest —

a protest led by the member for Hastings, I might say. He continues:

It is pure hypocrisy and political opportunism. Nothing more, nothing less.

...

This project doesn't just benefit St Kilda. The removal of the Acland Street route 96 bottleneck allows ... Yarra Trams to increase tram frequency —

from 7 to 4 minutes.

Mentone activity centre

Mr THOMPSON (Sandringham) — In 2015 the Victorian Labor government ripped up the mandatory four-storey height limit for the Mentone activity centre and effectively said to developers, 'The sky is the limit'. Thirteen storeys in Bentleigh — how many in Mentone? The decision was made without consultation with the Mentone community and is contrary to the decision of the Planning and Environment Act 1987 panel report of September 2013.

The minister's decision was made without regard to the magnificent historical features of the precinct, the existing levels of development and the differentiated approach to Mentone activity centre planning to best protect the area and keep Mentone marvellous. One resident, Dorothy Booth, noted that in the week before Christmas 2015 the minister, 'with one stroke of the pen, removed the mandatory height limit and put in place a discretionary height regulation, and we all know what that means'. The people of Mentone want a planning win for their community, not an irreversible planning disaster.

Today I urge the minister on behalf of the Mentone community to put the people — the people of Mentone — back into planning and reinstate the four-storey height limit to maintain the amenity and the future livability of marvellous Mentone.

Do you hear the people sing?
Singing the song of angry men?

The SPEAKER — Order! The member for Sandringham will resume his seat. The member for Sandringham will make arrangements to come and see the Chair in his office.

Mark Sherlock and Major General James Hughes

Mr EREN (Minister for Veterans) — It is with sadness that I rise to inform the house of the passing of Mr Mark Sherlock and Major General James Hughes, two members of the Victorian veterans community.

Mark Sherlock, the general manager of commercial operations for the Victorian branch of the RSL, passed away on 8 August 2016. Mr Sherlock served the members of the RSL and the broader veterans community for 28 years, including on the Victorian Veterans Council. Mr Sherlock made an important contribution to veterans policies and will leave a lasting legacy. Most impressive was his inclusive and compassionate view on supporting all those who have served Australia. Our thoughts during this time are with his widow, Gerry, and their four children, Patrick, Jane, Monica and Kate; along with his two grandchildren, Ella and Hudson. We thank Mark for his service and express our condolences to his family.

Major General Hughes, a highly decorated war veteran, passed away on 12 August 2016. Major General Hughes served Australia with distinction in the Korean War, the Malayan emergency, the Borneo confrontation and the Vietnam War. His commitment to the veterans community in Victoria was demonstrated through a number of roles, including national patron of the Korean Veterans Association of Australia and the National Malaya & Borneo Veterans Association Australia. Of particular note was his service to Melbourne Legacy, through positions as Legacy's liaison officer to the army and state secretary of the Legacy council between 2002 and 2011. Major General Hughes also served as the Melbourne Legacy representative on the Victorian Veterans Council from 2014 to 2016. I pass on my condolences to his family.

Greyhound racing

Ms SANDELL (Melbourne) — The Victorian government is now falling behind other states, such as New South Wales and the Australian Capital Territory, which have moved to ban greyhound racing. The New South Wales special commission of inquiry found that this so-called sport is based simply on the exploitation of animals for human entertainment and financial gain and that the many inherent animal welfare issues cannot be overcome. Killing dogs that are perfectly healthy

because they are not competitive enough is a deplorable practice. Using live animals to bait the greyhounds into being more competitive is a deplorable practice. All of this animal cruelty and needless extermination for the mere purpose of gambling is a deplorable practice.

A report by the Victorian racing integrity commissioner estimated that as many as 4000 greyhounds are killed every year in Victoria before their fifth birthday. This means that roughly 11 dogs die every day that the Labor government refuses to act on this matter. It is simply appalling that the Labor Victorian government insists on keeping this cruel industry alive. We must ban greyhound racing in Victoria now.

Daffodil Day

Ms SPENCE (Yuroke) — I am very pleased to congratulate Lorri Ingram of Greenvale and her sister, Margaret James, for volunteering their time to raise much-needed funds for the Cancer Council's Daffodil Day, which on 26 August celebrates its 30th anniversary. Over six years Lorri and Margaret have helped out with fundraising events at a number of sites in the northern suburbs. There are very few in our community who would not know someone who has been affected by cancer. For Lorri and Margaret Daffodil Day has special significance as they both lost their husbands to cancer.

I congratulate Tyrone Street of Greenvale and his mate Geoff Costello, who are raising funds for the Cancer Council by taking part in a five-day Mystery Box Rally in September, where they plan to drive to destinations not known until the day of the rally. Tyrone's family has also been touched by the tragedy of cancer, including the loss of his cousin before her 10th birthday. Geoff was driven to participate through the encouragement of his son-in-law, a cancer survivor. It is through these experiences that these mates are driven to make a difference to the lives of others.

I very much welcome the opportunity to thank and congratulate Lorri, Margaret, Tyrone and Geoff in this place. Through the quiet contribution of these volunteers, and many thousands like them in every community, I hope that one day we will beat cancer and the tragic impact that it has on so many, and I encourage those who can to donate or participate in Daffodil Day activities.

Hamilton cancer centre

Ms KEALY (Lowan) — All Victorians deserve to be able to access cancer treatment close to home, which is why the state government must fund a new cancer

treatment centre in Hamilton. It is an appalling blight on Victoria that country people have much higher rates of cancer and five-year cancer mortality rates. Unless the government supports cancer treatment facilities in rural areas, this gap in health care will continue. I urge the government to urgently fund this important project.

Woolly West Fest

Ms KEALY — Congratulations to chief knit wit Jacinta Wareham and chief lit wit Naomi Turner for running another outstanding Woolly West Fest. This festival is focused on celebrating the region's rich history of wool production, the talents of our local people, social inclusion and the promotion of reading and communication. This year's program featured beautifully knitted diorabaaas of towns in the local region created entirely by local people. Well done to everyone involved, with a special mention to Debra King and friends of the Hamilton community house for their impressive contributions to the festival.

Lowan electorate roads

Ms KEALY — After another accident on the Glenelg Highway between Coleraine and Casterton, which the driver attributed to hitting a pothole, surely it is time that this Labor government admits that it got it wrong when it cut hundreds of millions of dollars on the VicRoads road asset management budget. Labor must reverse its drastic budget cuts immediately so that VicRoads has sufficient funding to enable and provide safe roads for our local people.

Ivan Hobbs

Ms KEALY — It is with great sadness that I acknowledge the passing of Ivan Hobbs, a life member of the National Party and an outstanding contributor to the Horsham region. His passion for the local community, the National Party, the Victorian Farmers Federation, the Horsham City Pipe Band, his beloved tractors and his family will not be forgotten. My deepest sympathies to Pam and the family.

Ralph Walling

Ms THOMAS (Macedon) — I thank members of the Gisborne State Emergency Service (SES) unit for the invitation to join them once again at their annual dinner. What a great night and what a wonderful way to celebrate Ralph Walling's 14 years of service as unit controller. Of course before coming to Gisborne, Ralph was an officer for nine years and then controller for four years at Craigieburn SES. That is 27 years of dedicated voluntary leadership service. It was also

wonderful to see Margaret Walling's service, so often behind the scenes, also celebrated at the dinner.

Macedon electorate Rotary clubs

Ms THOMAS — I thank members of the Rotary Club of Woodend for the invitation to join them for their changeover lunch to celebrate the fantastic work of outgoing president Grant Hocking and to welcome new president Josephine Falzarano. I am delighted that for the first time the presidents of Woodend, Gisborne and Kyneton Rotary clubs are all women. I again congratulate Josephine in Woodend, Shirley Porter, president of the Rotary Club of Kyneton, and Samantha Dunn, president of the Rotary Club of Gisborne. I look forward to working with each of them as they continue Rotary's fantastic work locally and internationally throughout this year.

Esther Stewart

Ms THOMAS — This year's Sulman prize winner is Esther Stewart of Daylesford for her work *Flatland Dreaming*. Esther is the niece of a friend of mine, Graham Quin, and I had the pleasure of seeing Esther's work exhibited not that long ago at the Victorian Certificate of Education Top Arts exhibition. What a fantastic achievement, Esther. Well done!

Ringwood electorate infrastructure funding

Ms RYALL (Ringwood) — My congratulations to Michael Sukkar, the federal member for Deakin, on increasing his margin significantly at the recent federal election. What I do notice among the people of the east and certainly in my electorate in relation to the seat of Deakin is their continued fury over the cancellation of the east-west link, the \$1.1 billion wasted and the fact that people in our community, the Deakin community and certainly the Ringwood community continue to be stuck in traffic and are having less time with their family as a result of the Andrews Labor government.

What I also note is the fact that the federal government is picking up the slack on the Andrews Labor government's failure to step up to the plate with Norwood Secondary College. The Minister for Education denied the school a second court for its stadium. The school has 1100 students, but one court is all that the Minister for Education managed to cough up. This is an absolute failure of the Victorian Labor government, but certainly the feds have provided funding for an additional court, which is something the Victorian government is responsible for.

In addition to that, the \$2 million for parking at Maroondah Hospital is absolutely welcome. This was another failure of this government to actually contribute significantly to the needs of our local community. Once again, congratulations to Michael Sukkar.

Vietnam veterans

Ms WILLIAMS (Dandenong) — Last Sunday I joined the Premier in attending the 20th anniversary of the Vietnam Veterans Association of Australia Noble Park sub-branch. Ray McCarthy and Noble Park RSL president John Meehan hosted a beautiful ceremony to honour those who served in the Vietnam War and those who lost their lives. The team at the RSL put together a moving tribute to local Vietnam veterans who have lost their lives in more recent times as well as a slide show of photos from the war, which allowed us to see well-known faces in younger and possibly fitter years.

As we all know, tomorrow is Vietnam Veterans Day and the 50th anniversary of the Battle of Long Tan, where 108 men from D Company, 6RAR, resisted an attack of between 1500 and 2500 North Vietnamese and Viet Cong troops. Eighteen Australian men were killed, 24 were wounded and 245 Viet Cong were killed in the battle. It was a battle won against extraordinary odds, and it was an extraordinary achievement by Australian forces there.

I am fortunate to be of an Australian generation minimally impacted by war, but I am conscious of the sacrifice and suffering of generations past and the wounds that persist — physical and emotional — long after a war is over. I am also sympathetic to the experience of the Vietnam veterans who had the added misfortune of serving in an unpopular war and who heard no 'Welcome home' or 'Thank you' on their return. Many of us now reflect on how wrong this was and the level of distress it caused to veterans and their families. This week, and tomorrow especially, I wish to say to our Vietnam veterans, 'Thank you'. Lest we forget.

Forest Hill College

Mr ANGUS (Forest Hill) — Last month I had the pleasure of attending the annual school production at Forest Hill College, this year entitled *High School Musical*. It was a terrific production, with plenty of great acting, singing and dancing. In particular it was a highlight to see the cameo performances of several staff members, which were played with great enthusiasm. I congratulate all the students and staff involved in the production, whether it was on the stage or backstage, on this great team effort. Well done to all involved.

Battle of Fromelles commemoration

Mr ANGUS — Last month I had the privilege of representing the Leader of the Opposition and laying a wreath at the Victorian 100th anniversary of the Battle of Fromelles, held at Cobbers memorial in the Shrine Reserve. The Battle of Fromelles was the first major battle fought by Australian troops on the Western Front in World War I. During the battle, which has been described as the worst 24 hours in Australian history, there were 5533 Australian casualties, a huge price paid by the soldiers involved. It was a fitting memorial service, addressed by a range of eminent speakers, followed by a moving time of wreath laying.

Nunawading Swimming Club

Mr ANGUS — I congratulate Nunawading Swimming Club (NSC) swimmers Belinda Hocking, Travis Mahoney and Joshua Beaver, together with coach Rohan Taylor, on their recent efforts at the 2016 Olympics in Rio. Belinda swam in the 200 metres backstroke, finishing fifth in the final. Travis swam in the 200 and 400 metres individual medley events, swimming a personal best time in the 400 and finishing seventh in the final. Joshua swam in the 100 and 200 metres backstroke, achieving a personal best in the 200, finishing 10th overall. It is a great achievement for all these swimmers and their coach, Rohan, and I congratulate them on their fantastic efforts for Australia. Having attended the NSC annual general meeting last night I also congratulate the club members; volunteers, including the board members; and staff for all they do on behalf of the club.

United Firefighters Union Victorian secretary

Mr ANGUS — The hypocrisy of the Premier continues as he rightfully condemns the recent terrible physical attack on the member for Brunswick but fails to condemn the previous alleged threats against the same member by his union mates. It is time the Premier came out — —

The ACTING SPEAKER (Mr McGuire) — Order! The member's time has expired.

Oakleigh Centre

Mr DIMOPOULOS (Oakleigh) — I had the great pleasure last week, with the Minister for Housing, Disability and Ageing, to be a part of something special. It was the opening of the first new house for residents at the Oakleigh Centre, a home for intellectually disabled people in my community. The Oakleigh Centre has been providing wonderful support

to the intellectually disabled and their families for over 50 years.

Rockbeare Court is the newest of five new homes to be built to take these amazing people out of institution-style living and into the community. Gone are the days of awful, institution-like accommodation, because every person has the right to the dignity of a home to call their own. This is an amazing new home, an ordinary suburban home, and we were shown around at the housewarming by the very welcoming new residents Colin, Greg, Erica, Vlada and Carolyn.

I would like to pay tribute to all of the team behind the transition: Therese Desmond, the CEO; Maurice Pitard, the chair of the Oakleigh Centre; Vicki Hayes, the redevelopment project manager; the Department of Health and Human Services; and all the board, parents, friends and specifically the residents, who had a huge part to play in the design. Their dedication and passion is inspiring. The Temby family donated generously the land for the new home. I also make special mention of Bruce Bain, a long-term resident who passed away recently, and I pass my sincere sympathies to his parents, Don and Norma. They have both been involved in the Oakleigh Centre for many years — since day one — and I hope they know the special and lasting role they have played in this community.

I wish the new residents peace, comfort and every success in their new home, and I look forward to being a part of this great journey with the Oakleigh Centre, one of the great success stories in my community, and I thank the minister for disability for attending.

Kim Brennan

Mr T. SMITH (Kew) — I rise to speak about an amazing athlete and an amazing person. Kim Brennan is now a household name and an Olympic gold medallist, but I remember seeing her first step into a boat back in 2005, when she represented Melbourne University in her first intervarsity championships on the Gold Coast in Queensland. That she made the Olympic team for Beijing only three years after that is nothing short of incredible. Winning a silver medal and a bronze medal four years later in London was a fitting result for all her hard work. Now in Rio she has her dream of an Olympic gold medal after a superb race where she led from start to finish.

Behind all that success is a team of supporters, however. Kim's parents, Max and Sue Crow, both Kew residents, have been unstinting in offering her their support along her extensive journey to Olympic gold.

Kew should be very proud of the success of Kim Brennan, a former Ruyton Girls School student.

Kew heritage property

Mr T. SMITH — On another matter, the demolition of 9–11 Edward Street in my electorate of Kew, a property known as Forres, is a great disappointment to a number of Kew residents. This Federation-era home was all that encompassed what is great about the eastern suburbs of Melbourne. It was demolished recently, after I wrote a submission to Heritage Victoria and after I made a submission to the Minister for Planning to have the demolition restricted. Indeed I made submissions to Boroondara council, who, very disappointingly, did not step in to prevent the demolition of this important heritage-era home.

Foundation 97

Ms EDWARDS (Bendigo West) — Yesterday I was pleased to join the member for Bendigo East to host the launch of charity organisation Foundation 97's publication *Life is Beautiful Magazine*. Foundation 97 is a Bendigo-based charity that supports spinal cord injured individuals. The magazine has been created to provide resources and support for people with a disability or limited mobility or older Australians and their families who may for a period of time in their lives also have limited mobility to deal with the extra responsibility of babies and small children. The publication is not only produced in Bendigo but also printed in Eaglehawk. It showcases some of the amazing things people with disability are doing around Australia through sport, work, business or other outstanding achievements. The aim of *Life Is Beautiful Magazine* is to inspire and connect people with a disability.

I would like to congratulate founding members of Foundation 97, Tracey and Noel Clarke. Tracey is managing director and editor of the magazine. She was the winner of the volunteer award at the 2016 disability awards and a finalist in the individual award for emerging leader and group award for cultural and social success. Noel is an inspiration. He suffered a spinal cord injury after a fall at a motocross event in 2009. The number on his shirt was 97. Noel has faced many personal challenges but has overcome many to become a voice for spinal cord injured people and an ambassador for Foundation 97.

The foundation provides grants to assist injured individuals to participate in regular sport, recreational activities or non-government-funded education and training to increase opportunities for employment. The

journey has been a difficult one, but they are courageous and motivated people. Together with their team they have become wonderful advocates for people with a disability.

I CAN South West

Ms BRITNELL (South-West Coast) — Last week I attended a meeting of the I CAN South West network, a group founded by Chris Varney in an effort to help young people on the autism spectrum to gather together, be themselves and live life with an 'I can' attitude. The south-west network is a regional pilot bringing students from secondary schools across Warrnambool together for mentoring sessions. The pilot is being funded by Lisa and Anthony Boyle, local business owners who saw the program in action in Melbourne. I am honoured to have been asked to be the ambassador to the program and look forward to working with I CAN to see this simple but clever program expanded and continue to change the lives of young people on the autism spectrum.

South-West Coast electorate roads

Ms BRITNELL — Roads across my region are continuing to crumble — putting lives at risk and making it inefficient for producers to get their goods to market. As above-average rainfall continues, it only gets worse. I call on the Minister for Roads and Road Safety to come to my region and experience the roads and safety issues firsthand and to match federal funding commitments in a real effort to improve the condition of our roads.

Dairy industry

Ms BRITNELL — The collapse of world milk prices is now being felt by dairy farmers in my community. I am pleased the Australian community is getting around dairy farmers and being so supportive. The way out is to build a strong farmer selling group, and I wish the people putting themselves forward for the Murray Goulburn directorships well in the coming elections to ensure the future strength of farmers in the marketplace.

Local government code of conduct

Ms BRITNELL — Yesterday's mismanagement of the local government debacle was nothing short of an insult to my region and the Moyne shire, ratepayers and councillors, and it was certainly a reflection of the inability of this government to manage anything in an orderly manner.

Canadian Regional Park

Mr HOWARD (Buninyong) — Friday, 5 August, marked another great day for my electorate. On that day the Premier came to Ballarat to formally open the Canadian Regional Park, securing this 641-hectare park for future generations of Ballarat residents. The event was enthusiastically welcomed by many community members who attended, including members of the Friends of Canadian Corridor group who provided this plan to protect and enhance this area to provide a broad range of community uses. I commend the Friends of Canadian Corridor group and others who brought this aspiration to my attention. It was a special pleasure for me to help to bring this dream to fruition.

Phoenix P-12 Community College

Mr HOWARD — The Premier also visited Phoenix P-12 Community College on that day to be shown plans for the next stage of building works soon to get underway following a funding allocation from the first Andrews government budget. Again they were delighted by this announcement.

STATEMENTS ON REPORTS

Electoral Matters Committee: conduct of 2014 Victorian state election

Ms ASHER (Brighton) — I wish to make a couple of comments in relation to the inquiry into the conduct of the 2014 Victorian state election by the Electoral Matters Committee which I had the honour and pleasure of chairing in May 2016.

I have previously spoken on this report in relation to probably the most substantial recommendation that we made, which was for the Victorian Electoral Commission (VEC) to count those early poll votes — there are so many of them these days — on election night. That of course is now with the government, and the government has six months from the tabling of this report to come back to this Parliament and indicate whether it wishes to amend the Electoral Act 2002 or if in fact an amendment is required and what the government actually proposes of that.

I also wish to make a couple of other comments in relation to early voting, and I would refer to page 43 of the report in relation to ‘Commencement of early voting’. As everybody here who has stood for office knows, early voting commences at 4.00 p.m. on the day that the final nominations are received. In effect, as the report says, this only gives the Victorian Electoral Commission a couple of hours to produce ballot papers,

which is exceedingly difficult for the upper house but is still very difficult for the lower house. The report makes reference to the fact that in some early voting centres ballot papers were hand drawn. It was very clear to the committee that this requirement to open polling at 4.00 p.m. is not very practical at all, so the committee recommended that early voting should commence on the Monday after the final nomination day. This was recommended previously by the previous Parliament’s Electoral Matters Committee and supported by the VEC. We believe that early voting should commence on the Monday, and I quote from the report:

This will ensure that all Victorians who vote early can access a ballot paper for the Legislative Council with all available voting options.

I would also make mention of the fact that I am aware of confusion in a previous election between two state lower house electorates. Of course that is what happens when nominations close finally and early voting commences too early for ballot papers to be produced.

The committee also looked at the location of early voting centres, and indeed it makes reference to difficulties in the Frankston district and in the Kew district. It refers to some commentary from an Independent candidate in the Keysborough district over the location of early voting centres. Again many members feel that they cannot articulate their complaints about the location of early voting centres because the VEC obviously has a budget with which it has to comply. There has been progress on this in recent times, and every lower house seat now gets an early voting centre. That was not always the case. Some voting centres get two. As a committee we found:

The committee encourages the VEC to locate early voting centres in appropriate, accessible and visible locations.

There were a number of people with disabilities who complained vigorously that these early voting centres were not accessible by public transport or were difficult to get to, so I would urge the VEC to have a look at that recommendation.

I turn now to the vexed issue of queueing at early voting centres. The committee discusses this at pages 44 and 45. We make the observation that now over one-third of people are voting early and the queues are very, very long. The queues were not only long in my own electorate, but they were very, very long at a number of electorates where I was supporting candidates or members standing in those seats. The idea is not to transfer a queue from the morning of voting day to the pre-poll. The committee recommended two things ought occur. First of all, there should be queue

controllers. In fact the Labor Party made this point in their submission. There are people who are frail or elderly who are asked to queue, and it should not just be the case that the local member of Parliament says to other people, 'Could you please let them go ahead in the queue?'. That is not an orderly method of dealing with this.

At recommendation 6 the committee recommends the VEC establish a performance target for queueing which reduces the queueing time encountered at the 2014 state election and that this be incorporated into the VEC's election planning. If the VEC is going to be judged by key performance indicators, as we all are now, it is our view that reduction of queueing times at the early voting centres is something that needs to be achieved.

Public Accounts and Estimates Committee: budget estimates 2015–16

Ms GRALEY (Narre Warren South) — It is a pleasure to follow the member for Brighton. I wish her well with her future plans. I rise to make a contribution to the committee report stage of parliamentary proceedings and wish to speak on the Public Accounts and Estimates Committee (PAEC) report on its inquiry into the 2015–16 budget estimates. I want to concentrate my contribution on the Minister for the Prevention of Family Violence's contribution. In fact the minister was just down in my electorate a few weeks ago to meet with local community providers and service organisations, and we hosted a forum around the Andrews Labor government's gender equality strategy. I must say that after sitting around the table with many people it became evident that we certainly have a long way to go in that area. I wish the minister well in those endeavours.

As members know and as people are very well aware, the Andrews Labor government undertook the Royal Commission into Family Violence, and a number of recommendations have come out of it. In the minister's contribution to the PAEC inquiry she said that the drivers of family violence are gender inequality and poor gender stereotypes. The minister even provided some examples of these disturbing attitudes and stereotypes about women. She mentioned that there was a survey in 2013 that found one in five people believes family violence can be excused if the violent person regrets it at a later date and one in five also believes there are circumstances in which women are responsible for the violence. These are totally unacceptable viewpoints and indeed quite alarming, but these attitudes, stereotypes and beliefs actually allow atrocious acts to happen. I am talking in this case about forced marriages, sex slavery and even honour killings.

No-one should make the mistake and believe that these do not occur within our community. They do, and the minister makes note of this in her contribution. The Royal Commission into Family Violence found that 42 cases of forced marriage were referred to the Australian Federal Police between March 2013 and May 2015. During a community consultation held for the royal commission a young girl revealed:

It's so common here among my relatives to not even ask the young people and to go to Afghanistan and get a person to marry them.

Undoubtedly this is happening quite a lot and is often not reported. I think in this society, certainly through the royal commission and the work that has been done around the gender equality strategy, we have an opportunity to sensitively — and I do mean sensitively — tackle this issue and call it out for what it is. One of the royal commission's recommendations is to include forced marriage and dowry-related abuse as statutory examples of family violence in the Family Violence Protection Act 2008 within 12 months, and I look forward to that.

The minister made note of an incident that had happened in Greece and highlighted that the man responsible for an honour killing was charged with manslaughter, not with murder. Recently we have seen in the paper the case of the social media celebrity from Pakistan, Qandeel Baloch, who was murdered by her brother in the name of family honour. He thought that she had shamed his family, but I think in his case he has certainly let the family down. We will have to see whether in a country like Pakistan he will incur the wrath of the government, because the Pakistani authorities seem to turn a blind eye to this sort of thing or at least impose a lenient sentencing regime.

I would like to finish by just mentioning the issue of human trafficking, which has been brought up by the royal commission and is certainly on the minister's agenda. We know that this happens in Australia; it happens far too often, and it is often very vulnerable ethnic women who are used for sex trafficking. I note that we have already had a report come to this Parliament in 2010, and not much has been done about it. I think it is up to the minister and this Parliament to really tackle these important issues of sex slavery, honour killings and family violence, which affect some of our most vulnerable women, many of them from countries that do not understand these issues the way we do. These issues have to be tackled head-on by the government in future months. I look forward to meeting with the minister.

Electoral Matters Committee: conduct of 2014 Victorian state election

Mr NORTHE (Morwell) — I rise this morning to speak on the Electoral Matters Committee inquiry into the conduct of the 2014 state election, and I do so as a member of the committee. In my comments this morning I want to refer to a part of chapter 6 on page 119 which talks about political campaigning at the 2014 state election. The committee made 23 recommendations in totality and 6 findings. In chapter 6 on page 119, under the heading ‘At a glance’, it makes a number of comments, including:

The committee agreed that the 2014 Victorian state election campaign was particularly hard fought.

There is no doubt about that. The committee also found that:

... intimidation of volunteers and party workers occurred at the 2014 state election —

and recommended that:

... the Victorian public sector code of conduct be amended to prohibit public sector workers using government property, such as ambulances, fire trucks and uniforms for political purposes and in election campaigns and that penalties be developed for a breach of this type.

It is fair to say that the committee had different views on this. The committee did divide on this particular issue, with the Labor members of the committee not supporting that recommendation.

I want to also refer to some comments that were made by people who tendered evidence to the committee. At page 140 of the report, under the heading ‘Allegations of impersonation’, we had Bill Watson, on behalf of district 13 of the Volunteer Fire Brigade Victoria, who documented allegations in his submission that United Firefighters Union (UFU) members were ‘passing off Country Fire Authority (CFA) members. His submission alleged, in part, that:

UFU members campaigned in Monbulk district during the early voting period ... dressed in ‘look-alike’ firefighter clothing;

...

On election day, UFU members campaigned in Upper Ferntree Gully in ‘imitation’ firefighter clothing ...

Mr Watson also contended that:

On election day, UFU members campaigned at Olinda Primary School. In response to this the local CFA brigade issued a message on their website advising local residents that the firefighters they might see at Olinda ... were UFU members and not part of the local brigade.

There were a number of other CFA brigades and members who also provided submissions to that.

Ms Ward interjected.

Mr NORTHE — Yes, I hear interjections, and they are allegations, but there are so many allegations from a number of CFA brigades one would have to question whether the denials by the UFU are actually right or not.

We had the Kallista-The Patch rural fire brigade also tender evidence along the same lines about union members dressing up similarly to CFA volunteers. We had Sarah Krumins, a CFA volunteer at Tecoma, who tendered evidence about her experiences on the polling booths, and she said:

On my arrival at the pre-polling booth I was approached by a man who outright claimed to be a firefighter and asked me to vote to support the [local] firefighters. When I asked him which ... brigade he was from he would not answer my question. All CFA personnel were informed that we were not allowed to even wear our CFA [T-shirts] to vote let alone wear it to give out how-to-vote cards. This man left the polling booth when I rang our operations manager to complain about him. It actually turned out that this man was not from a local brigade and we are not even sure he was a firefighter at all.

This was replete across a number of polling booths in the 2014 election, and one has to say that Peter Marshall and the UFU have denied a number of allegations. What I would say is that whilst the UFU and Peter Marshall might not have breached any legal aspects of dressing up similarly to CFA volunteers, one would have to question if that is morally right. This is from the same man who recently said firefighters should not be used for political purposes, but here we have in this report, absolutely replete of the UFU activities during the 2014 election, admission that they had purchased uniforms in an anti-coalition campaign during an election period. You cannot have it both ways. I think it is morally wrong, ethically wrong, that you would dress up similarly to somebody, purporting to be somebody else, on election day, and many of the findings of the committee address those particular concerns.

Environment, Natural Resources and Regional Development Committee: Country Fire Authority Fiskville training college

Ms WARD (Eltham) — I rise to speak to the Environment, Natural Resources and Regional Development Committee report on the inquiry into the Country Fire Authority’s (CFA) Fiskville training college, and I find it quite ironic, if you like, that I am

standing up after the previous speaker, who was again touting the absolute myths of firefighters out there in dress-ups — absolute myths. What I do want to focus on is the real work that firefighters do and how they have not been respected by those opposite, nor some within the CFA management. I think a number of people in this place, and I know certainly on this side of the Parliament, would have seen the story of Kelli Russell last night, because we actually care about the safety of workers and we care about workplaces. We saw her experiences at the Fiskville training college. She made a submission to the inquiry, and if you look at the report, it says:

I was made to swim through the main holding dam to satisfy fitness as per course coordinators direction. I may have ingested the water while completing this direction.

After the training exercise she noted that she experienced stomach pains, gastro, skin rashes and infection. What she says that is most telling to me about the culture of the CFA management is that:

As a recruit seeking full-time ongoing employment, any issues in this area raised would have been looked down on and may have jeopardised permanent employment.

She was not the first person to say this. Submission after submission spoke about the culture of people not being able to come forward, not being encouraged and not being supported with their concerns about workplace safety and pollution on the Fiskville site. They were afraid to step up. What we see is ongoing intimidation of firefighters who want to stand up by a number of people, including a few of those opposite who should be absolutely ashamed of themselves that they will not stand up and protect those people who were subjected to shocking chemical pollution while training at Fiskville.

Kelli's daughter has a very rare genetic epilepsy disorder of unknown origin, and the medical profession has not been able to find any genetic link between this genetic condition and her daughter, her husband or her. There is no explanation for why her daughter has this condition. As members can imagine, this is very upsetting to this family because they do not know why their daughter is like this and they do not know whether the pollution that Kelli experienced at Fiskville also contributed.

I also want to talk about Jason Miller, who works at the Eltham CFA. He is a lovely man, a really nice bloke, a father and husband and a man who makes cups of tea for his guests. He is as far away from the union thug that those opposite shamefully like to portray firefighters as. He is a lovely man. He was on the same recruitment course at Fiskville as Kelli's husband. He

also submitted to the Fiskville inquiry, and I will read out his recent email to me. He says:

Please feel free to mention us and tell our story in Parliament ... ours and other firefighters of CFA who have children with similar issues.

We have for the past nine years wondered if my time at Fiskville over the 21 years I have been a member of CFA (both volunteer and career) have in some way contributed to Lachlan's medical issues.

To clarify Lachlan's disabilities, he is on the low-functioning side of the autism spectrum, he also has a diagnosis of a severe intellectual disability. He still is at the age of nine non-verbal too; he suffers from severe OCD ...

Lachlan in all likelihood will require our constant care for the remainder of his life; we hope that he gains some form of independence and verbal communication. He is healthy, and most of the time a happy and smiling little boy.

Lachlan's conception (he was born on 25 May 2007) directly aligns with my time at Fiskville for my leading firefighter development and assessment at Fiskville in 2006. At this time there were no measures in place to ensure firefighting water was fit for use, and there was a good chance we were still exposed to PFOS and PFOA foams.

I am about to get my blood tested through CFA to check my levels of PFOS and PFOA and to be honest I am not looking forward to finding out the results.

This is the fear that this man lives with. This man needs to have these tests, as does every firefighter, especially those who undertook training courses at Fiskville. These man-made substances do not belong in our bodies. They take an extremely long time to break down, and there are many reports and studies pointing to health issues around these chemicals.

Firefighters need to know what is in their bodies, and they need to have a CFA management which stands up for and looks after them and actually makes their safety a priority, which is something that we have not seen over some time. There is the uncertainty around what they are living with. They do not know what is in their body, and they do not know what health effects it is giving to them or to their children. There needs to be certainty about this. It is shameful that there were managers within the CFA who were not able to respond to this and who chose not to respond to this.

Electoral Matters Committee: conduct of 2014 Victorian state election

Ms STALEY (Ripon) — Today I rise to talk on the inquiry into the conduct of the 2014 Victorian state election by the Electoral Matters Committee. I have previously spoken on this report, when I talked about early voting. However, today I would like to concentrate on chapter 6 of the report, which is the

political campaigning chapter. I would particularly like to concentrate on the submission made to the inquiry by the United Firefighters Union (UFU) and some of the statements made at the public hearing by the state secretary of the UFU. In its submission the UFU said that it:

... distributed the UFU's public-political awareness campaign uniforms of yellow pants, red braces and a campaign T-shirt to all those participating in the campaign.

It went on to say:

Only career professional firefighters were issued with the UFU public-political awareness campaign uniforms of yellow pants and red braces.

Then at the public hearings Peter Marshall said:

The uniforms were purchased by the UFU. They were never, and never have been, CFA or MFB uniforms. They are indeed uniforms that designate that a person is a firefighter, but they are not agency specific.

He went on to say:

I can provide the receipt if necessary as to the cost of those uniforms. They were purchased by the union, if there is any doubt about that.

When asked as to who wore those uniforms he said:

We have a register of members who actually participated ... In fact, we had a roster of members who were off duty and who actually participated, both during doorknocking as well as on polling day.

It is clear from these submissions and remarks by the UFU that it campaigned extremely heavily for the election of the Andrews Labor government. We would have to say that we are now seeing the results of that campaign, because ever since then the Andrews Labor government has given in entirely to the UFU's demands in relation to the Country Fire Authority (CFA).

So I think we can draw from the Electoral Matters Committee report a direct link from UFU members standing on polling booths in November 2014 in these uniforms of yellow pants, red braces and campaign T-shirts — looking like firefighters, which, again, the union says that they are — to now, when all we have seen since is the behaviour that has come out of that. We have had the CFA board sacked, the minister has been driven out by the Premier, the CEO of the CFA is gone and it goes on. It is all clearly political payback for the actions of the UFU in getting Labor elected in the 2014 election.

I think we need to ask what it is that Peter Marshall has on the government. Is it just this? Is it something else?

He is getting a lot of bang for his buck for getting those firefighters out on the polling booths, because all we have seen since then is the complete sellout of the 60 000 volunteers of the CFA.

Here is the evidence. In the Electoral Matters Committee report you see that this is the UFU members payback and this is what they wanted. They said, 'We'll get you elected, but you look after us in our enterprise bargaining agreement. You make sure that we get control of the CFA'. And the government has done everything ever since to ensure that that goes on, including, I may add, acceding to Peter Marshall's ongoing bullying behaviour. This is a man who reportedly said that he would take an axe to the head of the then minister, the member for Brunswick. This is not a person who I would suggest to you as being of good character, but he delivered for the government. He put these people at the polling booths, they campaigned and now it is all payback. All we see time and time again is that it is all for the UFU, and this is why. This is why this government will not stand up for the interests of volunteers and will not stand up for the history of the CFA and for the volunteer nature of the CFA that keeps communities like mine in Ripon safe. Instead, it is all for the UFU, and this is why, and it is a disgrace.

Public Accounts and Estimates Committee: budget estimates 2015–16

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the report on the 2015–16 budget estimates issued in November 2015. I would like to draw your attention to page 47, figure 3.1, which refers to Victorian public sector revenue in dollars as a proportion of gross state product (GSP) from 2007–08 to 2018–19. What it shows, if you look at that time series, is that while revenue has steadily increased, the proportion of Victorian public sector revenue as a proportion of GSP has been roughly fairly stable. It dipped a bit over the course of 2012–13 and it had a slight increase in 2013–14, and it has been fairly flat across those out years. If you are looking at Victorian public sector expenses in dollars as a proportion of GSP on the following page, page 48, figure 3.2, you see again that Victorian public sector expenses are fairly stable relative to GSP. Now that is important because I think it is relevant that we look at making sure that the public sector keeps its level of expenditure under control relative to the broader state economy.

I now take you to table 3.2 on page 50, which talks about the unemployment rate. In 2013–14 the unemployment rate actual was 6.2 per cent. The

forecast for 2014–15 was 6.5 per cent. Then if we look across at the forward estimates for 2015–16 it is 6.25 per cent, in 2016–17 it is 6.25 per cent, in 2017–18 it is 6 per cent and in 2018–19 is 5.75 per cent. I actually think that if we look at them today those figures are incorrect, and if you are looking at the actual unemployment rate in Victoria you would see a significant decrease. That was brought out by the ANZ Stateometer, which was released yesterday, which showed that 100 000 full-time jobs in the 12 months to June have been created, and that in the 21 months that we have been in office 147 400 new jobs have been created, 111 500 of which have been full time.

Why has this come about? You could make the argument that it just so happened that miraculously the economy started to turn around and people started to be employed, but as we know in terms of the global economy, the global economy is fairly sluggish. The reality is that what we have seen happen is the public sector has been able to provide a degree of confidence for the private sector. There has been an investment in critical infrastructure, such as the level crossing removal program, where, if you look at the Frankston line, 37 days of constant construction activity occurred when those three level crossings were removed.

The direct benefits are clearly quite profound, but if you look at the multiplier effect of the indirect job creation that occurs from that, it is probably on a factor of four to one. For argument's sake, say you put 1000 people to work on just those three level crossings over that period of time, you would be looking at probably another 4000 jobs being created in the broader economy, both in terms of the supply chain, but also in terms of the ancillary economic benefits from that level of investment.

There is this steady flow of projects, like level crossing removals, the western distributor and the Melbourne Metro rail tunnel, all of which will provide a degree of confidence for the private sector and grow the economy. What you do not want to happen is a boom-bust cycle of public sector expenditure. You do not want the public sector going in there and bidding up the cost for the private sector, making the private sector firms unprofitable. But if you have a weak and sluggish economy, you want the public sector to be investing with confidence to show the way forward for the private sector. That is what sensible economics is.

If you compare and contrast that to the former government, it had a so-called sustainable government initiative, where it slashed, burned and stripped the capacity out of the public sector to be able to deliver any sorts of projects. All the former government did

was reinforce the weakness within the structural economy, and the economy suffered. Unemployment went up, revenue suffered as a consequence and economic activity declined. You cannot have a fair, equitable and just society without a prosperous one. You need prosperity, and you need to have the public sector investing to show the way forward and to provide confidence for the private sector to invest so that we can grow the economy. So these are great figures and I look forward to seeing the revised unemployment figures, because it is a great day.

LOCAL GOVERNMENT AMENDMENT BILL 2016

Statement of compatibility

Mr WYNNE (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

In my opinion, the Local Government Amendment Bill 2016, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the bill is to amend the Local Government Act 1989 (act) to prevent councillors being disqualified during the current term for failure to make a compliant declaration that they will abide by their council's councillor code of conduct. The declaration requirements were introduced by the Local Government Amendment (Improved Governance) Act 2015.

Human rights issues

Human rights protected by the charter that are relevant to the bill

Taking part in public life

Section 18 of the charter establishes a right for an individual to participate in the conduct of public affairs, to vote and be elected at state and municipal elections, and to have access to the Victorian public service and public office, without discrimination.

The bill amends section 76C of the act to repeal the requirement for councils to approve a revised councillor code of conduct within four months of the commencement of the Local Government Amendment (Improved Governance) Act 2015 and the related requirement for councillors to make a declaration stating that they will abide by the councillor code of conduct approved at that time. Councils will still be required to review and amend their councillor code of conduct within four months of a general election and

councillors will still have to make a declaration witnessed by the council's chief executive officer.

These amendments promote the right to take part in public life by ensuring that councillors will not be disqualified from office during their current term as a result of inadvertent failure to comply with recently introduced technical and procedural requirements.

Richard Wynne, MP
Acting Minister for Local Government

Second reading

Mr WYNNE (Minister for Planning) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

Last year Parliament passed the Local Government Amendment (Improved Governance) Act 2015 which contained important reforms to the councillor conduct framework for Victoria's councils.

Councils were required to review their councillor codes of conduct earlier this year and make any amendments necessary to ensure that they contained key components of the new councillor conduct framework, including an internal resolution procedure for alleged contraventions of the councillor code of conduct. These internal resolution procedures are intended to strengthen councils, empowering them to resolve conduct issues internally, and are an integral part of ensuring that standards in the sector are lifted.

All councillors are required to make a declaration that they will abide by their council's councillor code of conduct within a month of their code being amended. The declaration must be witnessed in writing by their council's chief executive officer. This is to ensure that all councillors are aware of their conduct obligations and adopt appropriate standards of behaviour. Councillors who fail to make a compliant declaration will be disqualified on 1 September 2016.

The Local Government Investigations and Compliance Inspectorate has recently been conducting an audit of councils for compliance with these new requirements. The reforms have had the desired effect in that the vast majority of councils appear to have reviewed their councillor codes of conduct and their councillors have made declarations as required. However some councils have raised concerns that their councillors may not have complied with the technical requirements of the legislation despite many making good faith attempts to comply. Administrative errors and failure to comply with technical requirements, such as the requirement that councillor's declarations be witnessed by their chief executive officer, will lead to unintended and arguably disproportionate consequences for a number of councils if the act is not amended.

The bill will amend the act to ensure that councillors who have inadvertently failed to make a declaration will not be disqualified from holding office on 1 September 2016. Instead all councillors, whether newly elected or re-elected, will have an opportunity to comply with the legislation following general elections.

Any councillor who fails to comply with the legislation at that time, including any councillor who deliberately refuses to make a declaration, will be disqualified and unable to continue in their role as councillor.

I commend the bill to the house.

Debate adjourned on motion of Mr MORRIS (Mornington).

Mr WYNNE (Minister for Planning) — I move:

That the debate be adjourned until tomorrow.

Mr CLARK (Box Hill) — On the question, I think it is important to place on the record the fact that the adjournment of the debate is taking place at the request of the government. The opposition is in a position to proceed with the debate on the bill when the government wants to bring it on, but the government has indicated to us that it is their preference that the bill be dealt with tomorrow.

Motion agreed to and debate adjourned until next day.

**POLICE AND JUSTICE LEGISLATION
AMENDMENT (MISCELLANEOUS)
BILL 2016**

Statement of compatibility

Ms NEVILLE (Minister for Police) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016.

In my opinion, the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will:

improve the operation of the Police Registration and Services Board (PRSB);

clarify the operation of the respective police and public servant liability schemes for tortious acts of sworn police and public servants; and

make other minor and technical amendments to the Victoria Police Act 2013 (VPA) and other justice legislation.

The bill provisions relevant to charter rights (which aim to improve the operation of the PRSB):

prohibit the publication, in a PRSB decision, of information likely to lead to the identification of informants, complainants, those who have raised a concern about, or those adversely affected by the actions of an applicant for review, unless the PRSB considers it in the public interest to do so;

provide for the participation in PRSB hearings by means other than physical presence (i.e. audio link or audiovisual link); and

provide that it is sufficient for membership of the professional standards division and registration division of the PRSB that the person has experience as an academic or professional staff member of a tertiary institution, rather than the existing requirement that the person is an academic staff member.

Human rights issues

Human rights protected by the charter that are relevant to the bill

Section 13: privacy and reputation

Clause 15 prohibits the PRSB from publishing information which is likely to lead to the identification of informants or those who have made a complaint about, raised a concern about, or who are adversely affected by, the actions of an applicant for review, unless the PRSB considers it is in the public interest to publish those details.

Clause 17 requires the PRSB to make an order prohibiting identifying information from being reported or otherwise published or disclosed in relation to a particular PRSB hearing (whether on review or appeal), unless it is in the public interest to do so.

These clauses engage the privacy and reputation rights provided in section 13(a) and (b) of the charter act.

However, any disclosure of identifying information is not arbitrary or unlawful as the default position is non-disclosure. This acts as a safeguard against unwarranted or inappropriate disclosure of personal or identifying information. The PRSB must make an assessment of the public interest, with regard to the circumstances of the particular case, before it can allow identifying information to be released. This prevents identifying information from being dealt with unlawfully or arbitrarily. The public interest test is a longstanding one that is construed with regard to the subject matter and scope of the particular statutory scheme. The public interest test allows for a flexible balance between interests common to the public and the personal rights of individuals involved.

Section 24: fair hearing

As the PRSB would be considered to be a tribunal for the purposes of the charter when exercising its appeal and review functions, the right to a fair hearing may be engaged by clauses 15 and 17 of the bill (concerning the protection of identifying information). Section 24(3) of the charter requires that all judgements or decisions made by a court or tribunal in a criminal or civil proceeding be made public unless the best interests of a child otherwise requires or a law other than this charter otherwise permits.

However, section 24(3) is not limited, as PRSB decisions on a review will continue to be published, as required by

section 154A of the police act. It is only the identifying information about informants or those who have made a complaint about, raised a concern about, or who are adversely affected by, the actions of an applicant for review that, prima facie, will not be published. This is an appropriate balancing of the right to a fair hearing in section 24 of the charter with the right to privacy and reputation and the safety of persons appearing at, or providing information relevant to, PRSB hearings.

Section 24 of the charter may also be engaged, but not limited, by clause 18 of the bill, which permits participation in PRSB hearings by audio link or audiovisual link. This provision will mean that for those who cannot physically attend a PRSB hearing, their right to a fair hearing is not jeopardised. The use of this technology will not affect the ability of persons to participate in the proceedings and be heard by the PRSB. A person can also still appear in person, if the PRSB considers the use of audio link or audiovisual link is inappropriate in the particular circumstances.

The Hon Lisa Neville MP
Minister for Police

Second reading

Ms NEVILLE (Minister for Police) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

This bill makes a range of changes to the Victoria Police Act 2013 (the VPA) and other justice legislation.

The bill makes changes to the VPA to improve the governance of the Police Registration and Services Board (the PRSB) in a number of ways. The PRSB is an independent statutory body established under the VPA. The PRSB has a number of important functions, including: hearing appeals against promotion and transfer decisions within Victoria Police; hearing reviews of discipline decisions; and registering former police officers (and those on secondment or leave without pay) who may wish to be reappointed to Victoria Police.

First, in relation to the PRSB, the bill will prohibit the publication in PRSB decisions of identifying information about informants, complainants, those who have raised a concern about, or those adversely affected by the actions of the applicant in a hearing, unless it is in the public interest to do so. These identifying details will also not be permitted to be reported, otherwise published or disclosed, unless it is in the public interest to do so. This change supports the Victorian Equal Opportunity and Human Rights Commission's report into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police, published in December 2015, which called for greater support of victims, and will also encourage reporting of inappropriate behaviour by protecting identifying information about those directly involved or affected.

The bill will also allow participation in PRSB hearings by audio link or by audiovisual link. It can often be time consuming, costly and difficult for participants and any witnesses summonsed by the PRSB to appear, and especially

for those in country areas, to come to the Melbourne CBD for a hearing.

The bill will require the production and tabling of an annual report by the PRSB and tabling in Parliament by the minister. The PRSB already produces an annual report, and it is routinely tabled by leave, but these are not statutory requirements at the moment.

The president of the board currently has no general power to issue procedural guidance. The bill will provide the president of the PRSB with the power to issue practice directions, notes, statements and forms in relation to reviews and appeals. This amendment will allow the president to direct and manage the business conducted by the board at a procedural and practical level.

The bill will also change the qualifications required for membership of the professional standards division and registration division of the PRSB. Currently one of the members of each of these divisions must be a member of the academic staff of a tertiary institution. A person may have been an academic or professional staff member at a tertiary institution and might have considerable skills and expertise that would be of significant benefit to the PRSB, but may have resigned, or retired. At the moment, such a person is not eligible for membership of either the professional standards division or registration division of the PRSB. In future, the PRSB will be able to source candidates for membership of these divisions from a wider pool of people than at present.

Further, the bill will amend the qualifications required for registration with the PRSB. Currently, former Victorian police officers who are seeking reappointment to Victoria Police can register with the PRSB, and one of the qualifications for registration is the person's 'aptitude and efficiency' to perform as a police officer at a specified rank. The bill will change this to a 'capabilities' based assessment. This will mean that consideration of a registration candidate's knowledge, skills, experience and attributes for registration will be further distinguished from the employment decisions of the chief commissioner. As a related amendment, the bill will also require the PRSB to consider the capabilities of a person, rather than their aptitude and efficiency, if the chief commissioner requests advice from the PRSB during the employment process, about an interstate candidate or a former Victorian police officer who is not registered with the PRSB.

The bill intends to clarify the liability scheme for police torts. The VPA currently contains provisions that allow for claims against the state for tortious acts committed by police officers or protective services officers (PSOs). Otherwise, they would be personally liable under the common law. There are similar provisions in the Crown Proceedings Act regarding public servants. To avoid confusion about which legislation applies, and to honour a longstanding commitment to the police association, the bill will insert notes into the VPA and the Crown Proceedings Act to clarify that claims against the state for tortious acts of police officers and PSOs are to be brought under the VPA, and that claims for tortious acts of public servants, including police custody officers (who are public servants), are to be brought under the Crown Proceedings Act. The bill does not change the substance of the respective schemes, it just inserts clarifying notes.

The bill also makes minor and technical amendments to VPA. For example, the bill clarifies that an acting assistant

commissioner is eligible for one further reappointment of up to six months duration.

Finally, as a result of recent commonwealth legislative changes, which merged CrimTrac into the Australian Crime Commission (ACC), the bill will also change references to CrimTrac to the ACC in five Victorian acts.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 31 August.

MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2016

Statement of compatibility

Mr EREN (Minister for Tourism and Major Events) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter'), I make this statement of compatibility with respect to the Melbourne and Olympic Parks Amendment Bill 2016 ('bill').

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

Overview

The bill will amend the Melbourne and Olympic Parks Act 1985 to incorporate land and strata of land containing a new bridge for pedestrians and cyclists as national tennis centre land. This will enable the Melbourne and Olympic Parks Trust to effectively and efficiently manage and maintain the bridge.

Melbourne City Council is currently the committee of management for the majority of the land that will be the subject of the bill.

The bill will also affect a stratum of airspace over Batman Avenue that was previously leased by the state of Victoria to City Link Extension Pty Ltd in accordance with the Melbourne City Link Act 1995. City Link Extension Pty Ltd surrendered its lease over the relevant airspace back to the state of Victoria and this was ratified by the Governor in Council on 17 December 2015. The Department of Environment, Land, Water and Planning is the provisional committee of management for this portion of airspace.

Human rights issues

Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

New section 30FA in clause 4 of the bill provides that, on revocation of the Crown land reservations referred to in that clause, the land is deemed to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests. The purpose of this clause is to give the land the requisite characteristics of unalienated Crown land.

However, while new section 30FA will revoke existing reservations for the Crown land in question, it will not operate to deprive any person of any known proprietary rights that are held in relation to the land. As there are no known property rights held by individuals in the land that will be the subject of the bill, the bill does not limit the right protected under section 20 of the charter.

Right to freedom of movement

Every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live under section 12 of the charter.

The bill will facilitate the management of the bridge that will provide an important link for pedestrians travelling between major public spaces in Federation Square, Birrarung Marr and Melbourne Park. By aiding pedestrian access between these public spaces, the bridge will promote and affirm the right of freedom of movement in Victoria. I consider therefore that the bill is compatible with the section 12 right.

The Hon John Eren MP
Minister for Tourism and Major Events

Second reading

Mr EREN (Minister for Tourism and Major Events) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

Since its inception in the 1980s, the national tennis centre has been an outstanding asset for Melbourne and Victoria. It hosted the Australian Open for the first time in 1988.

In the intervening years the Australian Open has grown to be Australia's largest annual event. Attendance continues to grow, reaching a record of over 720 000 visits in 2016.

Melbourne Park, along with neighbouring Olympic Park, also hosts a large number of other sporting events, concerts and family shows.

In 2009 the government commenced a three-stage redevelopment of Melbourne Park, to retain the Australian Open in Melbourne until 2036 and continue to help drive Victoria's major events industry and visitor economy.

Stage one of the redevelopment was completed in 2014.

Stage two is currently in progress. It includes the construction of a new administration and media building, a bridge for pedestrians and cyclists over Batman Avenue linking Melbourne Park and Birrarung Marr, and a significant refurbishment of Rod Laver Arena.

The bill relates to the bridge over Batman Avenue, which is due for completion later this year.

I recently announced the bridge will be named Tanderrum Bridge. Tanderrum is a welcoming ceremony by the people of the Kulin nations, featuring song, dance and cultural exchange, and providing safe passage for visitors on country.

Tanderrum is therefore a perfect name for a bridge connecting to a world-renowned sports and entertainment precinct that hosts more than 200 events each year, including the Australian Open.

The bridge will be a new 'front door' for Melbourne Park from the city, providing direct access to the precinct from Flinders Street station and Federation Square.

It will be managed by the Melbourne and Olympic Parks Trust. This will ensure it is fully integrated with Melbourne Park and maintained at a standard that befits its role as the main entry point to the precinct.

The trust does not have the power to manage the new bridge under the current provisions of the act.

The bill will add the land and airspace occupied by the bridge to the national tennis centre land. This will make it the direct responsibility of the trust.

The bridge includes the deck, piers and footings. In addition, two small service boxes containing power and data for the bridge and event overlay are being built close to the bridge.

The bridge and service boxes will cut through a number of existing land reservations over Batman Avenue and in Birrarung Marr. Accordingly, a number of changes to land status are required.

New section 30FA in clause 4 of the bill provides for certain existing reservations, which are shown on Plan of Crown Allotment OP123991, to be revoked to make way for the bridge.

New section 30FB in clause 4 provides that the land and strata of land occupied by the bridge and service boxes, which is defined in Plan of Crown Allotment OP123992, is taken to be temporarily reserved under section 4(1) of the Crown Land (Reserves) Act 1978 for public purposes, in particular the purposes of the national tennis centre. This will give these parcels the same status as the existing national tennis centre land.

The relevant land and strata of land is Crown Allotments 2360, 2361 and 2366.

Crown allotments 2360 and 2361 are small parcels of land that contain the service boxes.

Crown allotment 2366 is a stratum of land that contains all components of the bridge, including the piers, and the footings to a depth of 30 metres. It conforms closely to the structure of the bridge on the sides and the underside of the bridge and does not include the airspace and ground below the deck.

The bill provides for the land and strata of land occupied by the bridge and related infrastructure to be reserved as national tennis centre land, thereby making it the direct responsibility

of the trust under section 6(1) of the Melbourne and Olympic Parks Act 1985.

Tanderrum Bridge will be an outstanding new asset for Victoria, further enhancing the appeal and functionality of Melbourne Park.

The bill will enable the bridge to be managed and maintained by the trust in an efficient, effective and integrated way.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 31 August.

LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016

Second reading

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

Mr PESUTTO (Hawthorn) — I am pleased to be able to speak today on the Legal Profession Uniform Law Application Amendment Bill 2016. I can indicate at the outset that the coalition will not be opposing this bill. Of course it deals with the harmonised legal profession in New South Wales and Victoria, which this government has continued off the back of the very fine work of my predecessor, the honourable member for Box Hill, who oversaw its introduction in 2014. The scheme commenced of course in July 2015. It was an important reform, and it remains an important reform because, like all industries, the legal profession is globalised now. We have firms working in multiple jurisdictions; they are not confined to one state jurisdiction. With such a massive reform, which was introduced in 2014 and kicked off operationally last year, it is only to be expected that there will be changes that we will need to make as the system is bedded down. This bill does in fact do that, and that is why we are not opposing it. It makes what I will address in terms of five key changes which the coalition does not oppose but which I will touch on just briefly.

The first change I was going to note was that the bill addresses the issue of Australian-registered foreign firms operating in Victoria requiring at least one Australian legal practitioner. Prior to the reforms in 2015 that was not a necessity in terms of Australian-registered foreign lawyers operating in Victoria, but we think it is a sensible change to indicate quite clearly that Australian-registered foreign lawyers can form a firm and that they do not necessarily require an Australian legal practitioner to be a member of that firm, either as a partner or otherwise. So we think that

change is appropriate. It will further the aim of this reform, which is to internationalise our legal system in a global environment.

The second change I will mention is that it allows for conditions to be imposed by local licensing authorities. This would apply where a lawyer has been subject to a complaint, it has proceeded through the normal stages of the complaint-handling process and there is an adverse finding against that practitioner and a recommendation from that licensing authority that a condition be imposed. What this will enable is that authority to proceed to impose that condition on the local practitioner with the aim of improving practice and ethical behaviour in our profession. That is a fairly straightforward change. We do not have any objection to that being the case.

A third change I will mention relates to some efficiencies as we see them. At the moment we have the Legal Services Council and the commissioner for uniform legal services regulation, each having to submit annual reports and financial statements. What this proposal allows is for those two bodies to consolidate those reports. That seems to us to be very sensible. It will allow for integrated reporting, and it will certainly save in terms of administration and efficiencies. So we think that is a sensible change and we certainly do not oppose it.

A fourth change I just want to spend a little bit of time on is a change that removes the obligation of individual staff members of regulatory bodies to report what they perceive to be serious offences. The rationale that has been given by the Attorney-General is that — and I am quoting from the second-reading speech:

Often staff members will not be best placed to reach a reliable view about whether an offence was committed. The obligation —

that is, to report —

will continue to apply to the council and the other regulatory bodies, and any responsibility of individual staff members to report offences and provide related information and documents will fall within the scope of their employment and regulatory duties.

In other words, staff members will be relieved of that obligation to report serious offences or evidence of serious offences. We will not oppose this change, but I do want to put on the record that we have some concern with it, and it should be something that the government is prepared to look at closely over time, because as a matter of policy, in all regulatory bodies where you have responsibility for investigating complaints and you have responsibility for investigating poor

behaviour or unethical behaviour, our view is that there generally should be an obligation on anybody who is seized of information, which to a reasonable person would form the basis of a report to an authority, whether it is to police or some other regulatory body in the legal sector, so that conduct can be investigated.

What the current uniform law provides in section 465(4) is that a staff member, who is one of a number of officers who is caught up by this obligation, is obliged to notify of relevant conduct where he or she suspects on reasonable grounds that a serious offence has been committed. It does not impose a blanket obligation on a member of staff to report what they believe might be serious misconduct or a serious offence; it only applies if that person has a basis for reasonably suspecting. So what this is doing is saying that as far as the law — that is, the uniform law — is concerned, if you as a staff member see information or are placed in possession of information which to any reasonable person would suggest that a serious offence has been committed, the law no longer requires you to notify of that serious offence based on your reasonable belief about that serious offence.

I do not know that that is altogether a desirable aim of policy. I can certainly understand that no member of staff, or anybody, should be required to notify something where they do not have a reasonable basis for that knowledge. But the law as it applies now will only kick in if somebody has enough information to report that misconduct or offensive conduct. So to say, as the second-reading speech says, that that is a matter that can be dealt with basically as a human resources matter does not answer the mischief that may go uninvestigated by removing this obligation.

The difficulty with a standard employment obligation, which employees have anyway as part of their obligation of good faith and service to an employer, is that it is a very broad obligation. It is very difficult to apply in specific circumstances. What the statutory provision that is being removed here does is actually train a light on that obligation in circumstances where the body concerned, a regulatory body, is there to investigate a whole manner of untoward forms of behaviour. So that reliance on the standard employment obligations of staff is not going to be enough, and although we do not oppose the change, I would be asking the government to monitor this closely and to research this over time, because we would not want an outcome to be that conduct that should be investigated is not being reported. That is the first thing.

I hope and trust that this is not going to be a standard approach to these sorts of matters so that you leave in

place an overarching obligation on the regulatory body or the very senior staff of regulatory bodies but relieve everybody underneath of that obligation, bearing in mind, as I said a couple of times a few moments ago, that it only applies where you are apprised of enough information that you could form a reasonable view. It should not be the aim of policy to think that anyone in an organisation who knows something should not say something. It has been a part of public policy across a range of areas where we are continually trying to ask people and engage people to speak up if they see something in all manner of areas that I do not need to go into.

I cannot quite work out why this change is being made, and I just hope it does not have the adverse consequences that I fear it may in the future. For me, if one matter that should have been investigated is not going to be investigated because of this change, then that would be an adverse outcome as a result of this change, so I hope the government will, firstly, monitor this over time and, secondly, desist from applying it generally across regulatory bodies in this or other sectors.

The final change I just wanted to touch on is the proposed amendment to the uniform law to invest in the legal services board the power to maintain a register of disciplinary action taken against lawyers enrolled or practising in Victoria. As the second-reading speech makes clear, the previous law provided that there would be a register, but for reasons which I do not need to go into that was not continued in the uniform law. So we think it is important that it be reinstated.

For consumers it is a desirable change. They should be able to consult a register to ensure that the legal practitioners they engage have not been subject to disciplinary action that has involved an adverse finding against them. It will also operate as both a deterrent and an incentive for legal practitioners to promote better conduct, knowing that practitioners will be aware that, should they be subject to disciplinary action that could involve an adverse finding, that will be on the record. Not only will their practices suffer and financially will there be an adverse result for them, but their partners and colleagues will also suffer the result of that. On that basis, I am happy to say that the opposition will not be opposing this bill.

Mr CARROLL (Niddrie) — It is my pleasure to rise and speak briefly on the Legal Profession Uniform Law Application Amendment Bill 2016. Can I thank the opposition for its support on this legislation. This is important legislation that goes to the heart of internationalisation of the legal services market in

Australia. Both New South Wales and Victoria have passed legislation on the uniform law. It is about making sure that Victoria and Australia are equipped for a 21st century legal profession.

The technical amendments in this legislation will go a long way to ensuring that our legislation gives certainty to lawyers, particularly foreign lawyers that are practising in Victoria because when they come to Australia the red tape will be reduced. Even more so the duplication of red tape that often a foreign lawyer will encounter when coming to practice in Australia, in particular in Victoria and New South Wales, will be removed. More and more we are seeing the globalisation of law firms. We are seeing law firms now on the Australian Stock Exchange. They are in the business of providing legal services, but it is a strong market. The services industry, and the legal services industry in particular, is a market that Victoria needs to be part of.

Just recently I had the pleasure to meet with Gabrielle Upton, the New South Wales Attorney-General, and I have got to commend her for her working relationship with the Victorian Attorney-General. Really New South Wales and Victoria are leading the way on the uniform bill. There will be a role for our state law institutes, whether it be the Law Society of New South Wales or the Law Institute of Victoria, to do their bit in terms of lobbying their governments and lobbying the Queensland government and the government of South Australia, who at the moment do have their reservations about joining the uniform legal profession. Until we can get the lobbying efforts from their institutes — that is what they have made very loud and clear — to the attorneys-general in those respective jurisdictions, they will be very much committed to making sure that they do sign up to the uniform law.

It is legislation that probably should have been done many, many years ago. With more and more globalisation the internationalisation of our legal services market has seen the need to ensure that we operate at the 21st century level, where we do reduce red tape and where we ensure that our legal profession is strong. But also it comes down to the disciplinary action to ensure that if you are a foreign lawyer operating in Victoria, you do need to abide by our rules and our jurisdictions. If there is a finding of misconduct and if a report has been made, the Victorian legal services commissioner must have the power to investigate. If you are a foreign lawyer working in Victoria, those powers are there, and this legislation will go a long way to addressing those concerns. I commend the bill to the house.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is to the Premier. You have previously stated that a key way to focus on changing men's attitudes towards women is to believe women when they report incidents of abuse. With female members of your caucus reporting verbal abuse from Peter Marshall and his threats of violence even mentioned in front of your own senior staff, Premier, is Peter Marshall a fit and proper person to be associated with you and your government?

Mr ANDREWS (Premier) — The Leader of the Opposition has yet again made a range of assertions and put forward a range of claims, and I do not accept the claims that he has put forward.

Honourable members interjecting.

Mr ANDREWS — Well, it is his wont to say things, and therefore they are apparently true and we should all simply accept them. Well, that is not his record. I stand by this government's commitment not only in words but in actions and deeds as well. I remember those who criticised the formation of Australia's first royal commission into family violence. I remember who could not get on Twitter fast enough to bag it as a 'lawyers picnic' apparently. That is what they said at the time.

Mr Guy — On a point of order, Speaker, on relevance, it was a very simple question to the Premier from which he has now strayed. I asked him: is Peter Marshall, the man whose name he will not repeat, a fit and proper person to be associated with the Premier and his government — yes or no?

Ms Allan — On the point of order, Speaker, the question asked about the Premier's previous statements on government policy in regard to the good work the government is doing in supporting the Royal Commission into Family Violence.

Honourable members interjecting.

Ms Allan — That was exactly the commencement of the Leader of the Opposition's question; it went to the Premier's previous statements and policy positions. The Premier was more than adequately addressing the substance of the question, and Mr Standards over here might want to be very careful about the claims he is making.

Mr Clark — On the point of order, Speaker, the Leader of the House has misrepresented the nature of the question asked by the Leader of the Opposition. It was a very specific question about whether Mr Marshall is a fit and proper person to be associated with the government. I ask you to bring the Premier back to answering that question.

The SPEAKER — Order! The Premier was being responsive, but I do ask him now to come back to answering the question.

Mr ANDREWS — Certainly, Speaker. The Leader of the Opposition asked me about standards, he asked me about comments that I have made previously and he asked me about fit and proper people. Be in no doubt — —

Honourable members interjecting.

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

Mr ANDREWS — Such a respectful bunch, aren't they? Every Victorian is obligated in dealing with — —

Mr Guy interjected.

Mr ANDREWS — Well — —

The SPEAKER — Order! The Premier will continue through the Chair.

Mr ANDREWS — If the Leader of the Opposition has an allegation to make, then he ought to stand up and make it. Yesterday he was in the bins and today he is in the gutter. That is where he is up to. If you have got an allegation to make, stand up and make it!

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, as you have rightly said, the standard you walk past is the standard you accept. Yesterday in question time you again refused to call out Peter Marshall's bullying, despite him crossing the line. Premier, why are you walking past those numerous examples of documented bullying being perpetrated by Peter Marshall?

Mr ANDREWS (Premier) — I take issue with the way the Leader of the Opposition characterised, as he says, numerous examples, documentation — all of these things. I do not necessarily accept the way that the Leader of the Opposition has characterised that, but I tell you what, I will be happy to take a lecture from the Leader of the Opposition on attitudes towards women when the Leader of the Opposition has a word to say

about the fact that the member for Burwood would not stand up for Rosie Batty. That is what I will be happy to do.

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. The Leader of the Opposition will come to order. The Chair is on his feet, all members shall remain silent.

Mr Clark — On a point of order, Speaker, the Premier is debating the issue. It was a question about his standards and his accountability. I ask you to bring him back to answering that question.

The SPEAKER — Order! The Premier will come back to answering the question.

Mr ANDREWS — Again I will point the Leader of the Opposition to two things: one, this government's record of delivery on board appointments, cabinet appointments, the nature and make-up of our government caucus and the family violence royal commission, and the contrast — the second thing I will point him to — is the fact that he will not speak out against the member for Burwood, who would not stand up for Rosie Batty.

Ministers statements: employment

Mr ANDREWS (Premier) — I am delighted to be able to report to the house, and certainly government members will be interested in this I am sure, that the *Back to Work* plan targets of 100 000 new jobs over two years — —

Honourable members interjecting.

Mr ANDREWS — They can laugh about — —

The SPEAKER — Order! The Premier will resume his seat. I warn the member for Malvern. The Premier, to continue in silence.

Mr ANDREWS — We will take the laughter of those opposite as an endorsement of the fact that we have delivered more than 100 000 new jobs, and we have delivered them six months early: 147 000 jobs across the state, and 111 000 of those — more than, actually — are full-time jobs in the employment engine room of our nation. That should be a source of great pride for every member of this house.

Those opposite of course are still stung by the fact that they promised 55 000 new jobs a year and created — how many was it? I do not know that it was any at all, actually, because they spent all their time sacking

members of the public service, compromising service delivery, compromising — —

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern again will allow the manager of opposition business to make a point of order in silence.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 5. Even though that sessional order no longer complies with the government's election commitment, it does require a ministers statement to be about advising the house about matters relating to their portfolio. The Premier is now departing from that and commencing to debate the issues concerned. I ask you to bring him back to compliance with sessional order 5 and advise the house about matters relating to his portfolio.

Ms Allan — On the point of order, Speaker, it is an interesting argument, is it not, from those opposite that jobs, creating jobs and reflecting on previous job creation records is not of central importance to the Premier's portfolio? We know that that was the practice of those opposite when they were in government — they did not give two hoots about creating jobs in Victoria, because of their failure to have policy and programs in place that supported jobs and economic development. Speaker, rule this — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House is entitled to silence when making a point of order. The Leader of the House will make the point of order. I call on the Leader of the House to conclude making her point of order.

Ms Allan — I was urging you, Speaker, to rule the point of order out of order because it is frivolous and nonsense. Creating jobs and supporting jobs is central to this government's agenda. It is central to the Premier's agenda, and he has every right to talk about that in this place and reflect on previous issues that are a challenge in how we need to create and support jobs in this state.

The SPEAKER — Order! The Premier is entitled to, in passing, make reference to previous government administrations but only in passing. The Chair believes that the Premier has already done so successfully. I now ask the Premier to come back to continuing his ministers statement.

Mr ANDREWS — I will again just make it clear to the house: 111 400 full-time jobs since we came to

government and 147 000 jobs in total, part time and full time, since we came to government. I am very, very proud to say that 16 000 of those have been through the Back to Work program — disadvantaged, vulnerable, people with special needs.

Mr M. O'Brien — Criminals, yes.

Mr ANDREWS — Here's Side Letter over here talking about criminals! He would know a bit about that.

Honourable members interjecting.

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

Mr ANDREWS — Look, if the member for Malvern does not want to take my word for it, let us listen to Greg Jericho from the *Guardian*. I quote:

Not only is Victoria beating the rest of the nation for full-time employment — —

Honourable members interjecting.

Mr ANDREWS — Never lifted a finger to create jobs, and nothing has changed!

Honourable members interjecting.

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

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, you ignored reports of Peter Marshall saying that he would put an axe through the member for Brunswick's head, you turned a blind eye to Peter Marshall's public bullying of the member for Brunswick at public events she attended as minister, you clearly do not believe the member for Wendouree when she says she has seen his vile text messages that crossed the line and you stood back and did nothing while the United Firefighters Union bullied Lucinda Nolan at every opportunity towards the end of her tenure. Premier, why will you not condemn Peter Marshall's bullying?

Mr ANDREWS (Premier) — Everyone who behaves inappropriately should be condemned, but we will not be letting the Leader of the Opposition be the arbiter of who is a bully and who is not, who behaves appropriately and who does not. After all, he refuses to condemn somebody who would not stand up for Rosie Batty, so he is disqualified from being the arbiter of what is appropriate, I am afraid.

Honourable members interjecting.

Mr Guy — On a point of order, Speaker, on the issue of relevance, it was a very serious question and a very straightforward question in which the Premier — and I know he does not want to say the name ‘Peter Marshall’ — was asked very clearly, ‘Why won’t you condemn Peter Marshall’s bullying?’. I ask you to bring him back to answering that question.

Ms Allan — On the point of order, Speaker, I was listening carefully to the Premier’s answer, and he immediately addressed the — —

An honourable member interjected.

The SPEAKER — Order! The Leader of the House, to be heard in silence.

Ms Allan — He immediately addressed the question by outlining very clearly his firm stance on what is acceptable behaviour. He addressed that front and centre at the outset of his answer, and I would ask you to rule this point of order out of order so the Premier can continue to answer.

The SPEAKER — Order! The Chair does not uphold the point of order at this stage.

Mr ANDREWS — Thanks, Speaker. Again I will just make it very clear to the Leader of the Opposition: any Victorian who behaves inappropriately is deserving of condemnation, and that is the Leader of the Opposition’s problem, because he will not condemn the standard he sits in front of. He will not condemn the member for Burwood, and therefore on these matters he is a complete and utter hypocrite and not one that we will be lectured by.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, given you have said that the standards you walk past are the standards you accept, you will not even mention Peter Marshall’s name in this chamber despite being given lists of how he has treated your own caucus and how he has mistreated people in your own public service. Premier, there is no end to you telling other people what to say and how to behave. Premier, why do you not just practise what you preach?

Mr ANDREWS (Premier) — The Leader of the Opposition may have forgotten this, but I can remember standing up at Moonee Valley Racecourse and making an announcement that we would, if we were successful at the election, have Australia’s first royal commission into family violence. Again, that is

practising what you preach. That is why we had Australia’s first royal commission into family violence.

That is why we delivered \$600 million. The Turnbull government just got re-elected promising \$100 million over four years to the whole country for additional family violence efforts. We are delivering \$600 million just in our state, just over two years, so I am happy to have a debate about practising what you preach. It is just a great shame that those opposite, led by the Leader of the Opposition, will not do the same. Do you support not standing up for Rosie Batty or do you not? Has Rosie Batty gone through enough or not? Do you stand up for Rosie Batty or do you not? That is your question, you ought to answer it.

The SPEAKER — Order! I call on the Deputy Premier to make a ministers statement. The Deputy Premier in silence. I beg your pardon. The Chair apologises. I call on the Treasurer.

Ministers statements: employment

Mr PALLAS (Treasurer) — I am always prepared to defer to the Deputy Premier, but I thank him for allowing me this great opportunity.

I rise to inform the house of the continued success of the Victorian economy in creating jobs for all Victorians. The latest figures released by the Australian Bureau of Statistics paint a picture of strength and stability. The unemployment rate sits at 5.7 per cent, reflecting the biggest fall in any state’s unemployment rate since November 2014 — that is, since the clowns who like to laugh at the chaos they inflicted on Victorians were turfed out of government.

It is also quite a drop from the vertigo-inducing peak of 6.9 per cent that we saw under those opposite. Over 144 000 jobs have been created since this government was elected, with 111 000 of those jobs being full time. Per month we have created 16 times the number of full-time jobs that those opposite managed in four years. We made a commitment to the Victorian people that we would create 100 000 full-time jobs, and we kept the faith and we kept our promise. The member for Malvern prematurely said that this was a ‘clear broken promise’. The member for Malvern was proven comprehensively wrong. In fact his reputation was shattered — not for the first time.

But just because we are hitting our targets does not mean our work is done. This government’s singular focus is on creating jobs for Victorians and getting as many people as possible in our great state back to work. No-one knows that better than the member for

Broadmeadows, whose tireless work has seen 236 Back to Work scheme applicants — people who otherwise would not have got a job who are now well catered for by this government.

Questions and statements interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling on the Leader of the Opposition, the Chair wishes to acknowledge a former member for Geelong, Mr Ian Trezise.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Questions and statements resumed.

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is again to the Premier. On how many occasions have your own staff, public servants or ministers complained to you, your department or private office formally or informally about Peter Marshall's conduct towards them?

Mr ANDREWS (Premier) — The breadth of the question, if I heard it correctly, is: how many times have people complained to me? I am not aware of complaints made to me. I cannot recall, that is to say, any complaints made to me.

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition asked a question.

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will come to order, and the Premier will come to order — the Chair is on his feet. And so will the Leader of the Opposition. The Leader of the Opposition asked a question of the Premier and will allow the Premier to respond to that question in silence.

Mr ANDREWS — The Leader of the Opposition, if I heard him correctly, has asked whether ever a complaint has been made to me. I am not aware of a complaint being made to me. I cannot recall a complaint being made to me, but he then went on —

Honourable members interjecting.

Mr ANDREWS — No. I am attempting to deal with what was quite a broad question, Speaker, as best I

can. If the Leader of the Opposition is not interested in the answer, well, really that would be a matter for him. He then went on to talk about staff, formal, informal complaints. Again, I can hardly be expected to speak for an indefinite period and an indefinite number of people and an indefinite nature of complaints that might have been made, formal and informal. For my own part I have answered the Leader of the Opposition's question clearly.

Supplementary question

Mr GUY (Leader of the Opposition) — Noting the Premier's substantive answer and noting his previous comment in this chamber that, 'I take full responsibility for everything that happens within my government', I would follow up by asking as a supplementary: did you receive any formal or informal complaints before the 2014 election about Peter Marshall's conduct whilst you had paid firefighters handing out for you?

The SPEAKER — Order! I ask the Leader of the Opposition to rephrase that question. The Leader of the Opposition will refer to government administration.

Mr GUY — As Premier, was the Premier aware of any complaints made before or after the 2014 election about Peter Marshall's conduct whilst he had paid firefighters handing out for him at that election?

Honourable members interjecting.

Mr ANDREWS (Premier) — It would appear that the Leader of the Opposition is the one who is not aware, because prior to the conduct of the 2014 election I was not the Premier of this great state. That part of the question makes absolutely no sense, so the big tick for thinking on your feet today goes to this one over here.

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. The manager of opposition business on a point of order, to be heard in silence.

Mr Clark — On a point of order, Speaker, this is a question that goes to the state of the Premier's knowledge about Mr Marshall at the time he came to office as Premier. The Premier cannot avoid answering it by saying it relates to events prior to the election. It relates to what he knew when he became the Premier of this state and therefore to his conduct and his relationships with Mr Marshall in his time as Premier. I ask you to bring him back to answering the question.

The SPEAKER — Order! The Chair does not uphold the point of order.

Mr ANDREWS — I do not think it is at all clear what this question is about. It is all over the place about — —

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn is entitled to make a point of order and to be heard in silence by all members.

Mr Pesutto — On a point of order, Speaker, the Premier refused to answer a question earlier in question time about whether Peter Marshall is a fit and proper person to be associated with this government. He keeps saying if there is an allegation to make — —

The SPEAKER — Order! The member for Hawthorn knows only too well that that is not a way of making a point of order. There is no point of order. The Premier, to continue in silence.

Mr ANDREWS — As far as I can see, the question relates to periods when I was not the Premier. It then relates to how-to-vote cards being handed out for me. They were not handed out for me; they were handed out for the Australian Labor Party, and they were registered as such. There are no excuses. I will take you back to the original answer: I am not aware of any complaints. I cannot be any clearer than that. So despite the confusion of the question, the answer is very clear.

Ministers statements: Victorian School Building Authority

Mr MERLINO (Minister for Education) — I rise to update the house on the launch of the Victorian School Building Authority and one of their flagship projects, the first government vertical school in Victoria, in Ferrars Street, South Melbourne. I was joined by the Premier and the relentless member for Albert Park, who has played an integral role in delivering this essential school.

Quality infrastructure is critical to delivering our vision for the education state — modern facilities where students are engaged, stimulated and encouraged to be critical thinkers and learners. Since coming to government the Andrews Labor government has invested \$1.8 billion towards building and upgrading Victorian schools — the single biggest school-building program by a Victorian government ever. Crucially this will support 4000 construction jobs. Our investment is unprecedented and will require more than a business-as-usual approach to deliver this statewide construction boom. That is why we established the Victorian School Building Authority to deliver over 1000 projects and deliver them as quickly as possible.

When completed the school at Ferrars Street will be seen to be of historical significance. South Melbourne will be the first government vertical school to be built in Victoria, but it will not be the last. When you go around the area, you can see why the only way to go is up.

An honourable member interjected.

Mr MERLINO — Ask a question.

The new school has been designed to incorporate children's services and a kindergarten along with community, sport and recreational facilities to support a healthy and engaged community. In 2016 not one new school will open in Victoria, because of the catastrophic failure of the previous government to plan for the future. We have 42 new school projects in the pipeline, delivering schools where they are needed and when.

Plastic pollution

Ms SANDELL (Melbourne) — My question is to the Minister for Energy, Environment and Climate Change. I see from her outing with the Environment Protection Authority Victoria on the weekend that the minister has learnt about the threat posed by plastics to our waterways and oceans, and I imagine that she was informed that unless we do something now, by 2050 there will be more plastic in the sea than fish, by volume — shocking. In 2004 Labor promised to ban single-use plastic bags in Victoria, but more than 10 years later this has not happened, so my question is: what is the minister's plan to stop the circulation of consumer plastics, such as plastic bags, microbeads and unnecessary packaging, in Victoria?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I thank the member for Melbourne for her question. Of course this is a very important issue for us as a government, absolutely. I am very, very proud to say — and this is a very important point for us to reflect on — that Victoria's rates of litter pollution are the lowest of any state right across Australia. We will continue to work to ensure that we protect, to the best of our abilities, the environment and reduce all forms of plastic pollution. That is our commitment, and we are doing it. The results are there for everyone to see. We are working with other jurisdictions to find the most effective solutions to eliminate plastic bags from our environment.

Let me make this point: all such issues are very complex in nature, and that requires strong engagement and strong consultation with community and industry.

That is very, very important. What is the bill that has been introduced in the other house actually about? This is important. Instead of dealing with the complexities of the issue that most members of the community and industry themselves want to actually see a solution to — and the member referred to it in terms of single-use plastic bags — the Greens' bill has gone for a blanket ban — —

An honourable member — The Greens political party.

Ms D'AMBROSIO — Yes, the political party. The Greens have actually gone for a total blanket ban on all forms of plastic packaging. So instead of dealing with the complexities of the issue, we have seen another example of the Greens' overreach and policy laziness. It is not the first time that we have seen this. We saw this of course with the carbon emissions trading scheme, when it was all or nothing. And what did we get? Nothing. That is what we got from the Greens. We have got yet another example of overreach and simplification of what are very, very complex issues.

Let me be very clear: our government has made a very clear commitment to work on this issue, and that is what we are continuing to do. We will have more to say on this that deals with the effective responses to plastic pollution and single-use plastic bags. Those solutions that we will identify and work with will be spoken on very clearly with a very clear plan at a later stage.

Supplementary question

Ms SANDELL (Melbourne) — I appreciate the answer from the minister, and I appreciate that the government is working with other states. However, many other states and territories already have bans on plastic bags and have introduced or are about to introduce container deposit schemes, so we are significantly lagging behind in Victoria. My question is: what is holding us back, and why can Victoria not introduce these schemes right now as other states and territories have done?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I thank the member for her supplementary question. As I said earlier, Victoria has the best record in this country on the elimination of plastic bags and dealing with plastic pollution generally. That is why we are taking this issue absolutely seriously.

The supplementary question does remind me of a lack of focus on what the Greens are actually wanting to achieve. We are very clear about what our agenda is. We are working through a solution, and we will

certainly respond to this very, very serious issue in a very, very short time, so thank you for that.

Ministers statements: food industry

Mr NOONAN (Minister for Industry and Employment) — I am very pleased today to inform the house of significant advancements in our important food industry that will drive innovation and jobs. Last week I had the pleasure of launching RMIT's new world-class, \$15 million food research and innovation centre, located at its Bundoora campus. The multidisciplinary centre will support our thriving food sector to develop and market high-value products for the global marketplace. The centre will serve as an incubator for the industry to test small-batch prototypes and then help businesses to scale up production.

The importance and location of this centre cannot be understated. The northern Melbourne region is fast becoming a food corridor, with about 400 food and beverage businesses generating between them \$2.6 billion a year. I would like to thank the member for Bundoora, who has kept me updated on the work of RMIT. I know he is also a passionate advocate for jobs in his electorate.

Victoria of course is the nation's food and fibre capital. We are the country's largest producer and exporter of food products, with the sector employing over 69 000 people. The Andrews government is supporting the growth of the industry through our sector strategy. Our Future Industries Fund invests in high-growth sectors of our economy to secure Victoria's future as a competitive and vibrant place to work and live.

Recently the Andrews government welcomed an announcement by leading English potato crisp manufacturer Tyrrells to establish its new Australasian headquarters in Lilydale. This important decision, which was facilitated by our government, will create 120 new food manufacturing jobs and provide further opportunities for our state's potato farmers. For those who may be interested, I can thoroughly recommend the sweet chilli and red pepper crisps. Unlike those opposite, who had no plan for jobs, the Andrews government is getting on with the task of creating jobs, targeting future industries, such as the food sector, and growing our economy.

Country Fire Authority enterprise bargaining agreement

Mr PESUTTO (Hawthorn) — My question is to the Premier. I refer to the joint statement of intent between your puppet Country Fire Authority (CFA) board and

the United Firefighters Union (UFU) regarding clause 5, which states:

It is the parties' intention to resolve disputes as quickly and efficiently as practicable.

Yet leaked legal advice from Frank Parry, QC, to the CFA states clearly in relation to dispute resolution that:

... there would in my view — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the member for Hawthorn.

Mr PESUTTO — I quote:

... there would in my view not be any practicable or timely mechanism for the resolution of disputes where the agreement of the UFU is required.

Premier, why are you ignoring legal advice that this statement of intent, which is supposed to guide operational matters during a fire incident, is not legally binding and therefore endangers public safety?

Mr ANDREWS (Premier) — The member for Hawthorn has found fault with the frontbench's legal qualifications. It is true that none of us were senior counsel in the office of the Premier, running the sort of stuff that got run out of that office. That would be interesting. There are 3 minutes, and 3 minutes is not enough for me to go through all the things that were done in that office during the glorious reign of the member for Hawthorn, albeit it was before he became — —

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order. The Leader of the Opposition on a point of order, to be heard in silence.

Mr Guy — On a point of order, Speaker, on the issue of relevance, this question is very clearly about leaked legal advice from Frank Parry, QC, in relation to the statement of intent not being legally binding, which could endanger public safety. That is the question to the Premier. If the Premier thinks it is a joke — maybe he thinks public safety is a joke — he should sit down, but it is a serious question and we would like it treated seriously in response.

The SPEAKER — Order! The Premier will come back to answering the question.

Mr ANDREWS — I think the question is more of a joke; the matter is very serious. I will say to the Leader

of the Opposition and the member for Hawthorn, despite my, as they see it, inadequate legal training, I understand that statements of intent help with the implementation of specific clauses within this agreement and others. The adequacy or otherwise of those arrangements, clause by clause, is central to the certification process and a matter for Fair Work Australia. I am confident, just as Commissioner Lapsley has made clear, just as common sense tells you, that if parties make a commitment to the effective operationalisation, if you like, of specific clauses and an agreement, then that is what we would expect.

For our part we will continue because whilst agreement is critically important, I reckon resources are pretty important too, and that is why — —

Mr Guy interjected.

Mr ANDREWS — If they read the budget papers, those opposite will see that under a former government there were cutbacks to the Country Fire Authority (CFA) and under this government there are more resources. The statement of intent — —

Mr Clark — On a point of order, Speaker, the Premier is now debating the issue. If he has got nothing more to say on it, he should simply sit down.

The SPEAKER — Order! The Chair does ask the Premier to come back to answering the question.

Mr ANDREWS — Thanks very much, Speaker. This is a very serious matter and, just as the chief fire officer and Commissioner Lapsley have made clear, just as common sense would tell you, the implementation plan, the statement of intent and the agreement that has been reached are of course about enhancing public safety, because to let this drag on for another 1000 days will compromise public safety, just like the cutbacks that those opposite made compromised public safety; just like their indifference and inaction for four long years compromised public safety. We will have none of that, and despite our humble qualifications for the office the Victorian community has given us — none of us is as well trained as the member for Hawthorn — this will be an agreement that is fully delivered in the interests of career staff and volunteers across the CFA and the communities they work so hard to keep safe.

Supplementary question

Mr PESUTTO (Hawthorn) — Concerns have been raised in this leaked advice from Frank Parry, QC, that your own hand-picked CEO, Frances Diver, admits the enterprise bargaining agreement is not a perfect

document and the Metropolitan Fire Brigade's (MFB) Peter Rau says that similar agreements the UFU has with the MFB undermine management's ability to run the service. Premier, with legal and operational evidence stating that an agreement like this will not work, how can Victorians have any confidence that this dispute resolution mechanism will not threaten property and endanger lives?

Mr ANDREWS (Premier) — I thank the member for Hawthorn for his supplementary question, and I reject the many assertions and false logic that he has put forward as truth that only he could know, apparently. This agreement will move through a process. It will need to be certified by Fair Work Australia, and I would perhaps take the advice of Fair Work Australia. No offence to the member for Hawthorn, but I might put Fair Work Australia just a nose in front of the member for Hawthorn, who, despite his impeccable training, is not Fair Work Australia. We will let them do their work, and we will keep doing our job, which is to resource the CFA — —

Mr Pesutto — On a point of order, Speaker, just in terms of the Premier's comments about me, I do not mind him making comments about me personally, but we have got students and — —

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn will make a point of order succinctly.

Mr Pesutto — Thank you, Speaker. On the point of order, I have let — —

Mr Pakula interjected.

The SPEAKER — Order! The Attorney-General will come to order. The member for Hawthorn is entitled to silence, and the member for Hawthorn will make a point of order succinctly.

Mr Pesutto — On the point of order, Speaker, there must be a dark side to this Premier because he attacks people like me personally when we raise important issues. We just want an answer to a very important question, not personal attacks, whether they are on his own colleagues or whether they are on us or anybody else who disagrees with him.

The SPEAKER — Order! The Chair appreciates the point of order made by the member for Hawthorn. The Chair does not uphold the point of order. The Premier shall continue in silence.

Mr ANDREWS — Thanks, Speaker. I can put it no better than Commissioner Lapsley, who said:

Once the agreement has been signed and approved by the Fair Work Commission, I will oversee its implementation with a key focus on ensuring the role of volunteers is protected and the crucial work they do to keep Victorians safe is not undermined.

I cannot put it any better than Craig Lapsley.

Ministers statements: level crossings

Ms ALLAN (Minister for Public Transport) — I am very pleased today to update the house on yet more substantial progress that the Andrews Labor government is making in removing 50 dangerous, congested level crossings. Already, in our first 20 months in government, four level crossings have been removed — a cracking pace considering that in the previous 10 years only seven had been removed. Just as those opposite walked away from removing level crossings, they are walking away from listening to this right now.

Significant progress will soon commence on removing every single level crossing between Caulfield and Dandenong — nine in total — including the construction of five new stations at Carnegie, Murrumbeena, Hughesdale, Clayton and Noble Park. As part of this next phase of work it is necessary to temporarily close those stations at Murrumbeena and Carnegie so that we can construct temporary stations to allow these stations to continue to remain open whilst the major construction program commences. I would like to thank that terrific, hardworking member for Oakleigh for the outstanding work he does in representing his community.

We understand that delivery comes with disruption and change, and I understand that representations have been made to Heritage Victoria seeking to preserve the heritage value of these stations. It is with great regret that I advise the person who made those representations to Heritage Victoria that it was actually the failed former planning minister who gazetted the demolition of Murrumbeena station way back in September 2014. Perhaps his failure of a shadow planning minister, Mr David Davis in the Legislative Council, might want to have a chat to the failed former planning minister, now Leader of the Opposition, lest either of them be accused of being a hypocrite. We would not want to see that happen, now, would we — that the Leader of the Opposition would be a hypocrite on planning matters. Fortunately we are getting on with supporting heritage features and delivering these level crossings.

CONSTITUENCY QUESTIONS

Mr R. Smith — On a point of order, Deputy Speaker, I would just like to raise a matter on the issue of constituency questions. I raised a matter for the Premier before the winter break. The Premier would have had ample time to deal with that question. I am not sure what the Premier has been doing over the winter break — he must have been dealing with a lot of internal matters, a lot of disunity within his own party room and a lot of issues with the Country Fire Authority and trying to see who he is going to sack next as far as that particular issue is concerned.

Having said that, Deputy Speaker, if the Premier is not going to lead by example by actually answering the questions that are put to him in this chamber in the timely manner that the sessional orders require, then how can we expect on this side that his ministers will do likewise? He needs to show some leadership for the first time since he became Premier on a simple little thing like this and respond to questions that are put to him by way of the opportunities that are afforded to us in this house to put constituency questions — questions that deal with our constituencies — to the government of the day. So I would ask you to ensure that the Premier addresses the question that was put to him by myself on behalf of the people of Warrandyte and give me an answer forthwith.

The DEPUTY SPEAKER — Order! I will refer that matter to the Speaker for his attention.

Bayswater electorate

Ms VICTORIA (Bayswater) — (8119) I rise to ask the Minister for Roads and Road Safety what measures can be taken by VicRoads to address safety concerns at the intersection of Mountain Highway and Boronia Road, Wantirna, following the tragic death of a Ringwood woman recently. The incident occurred on a pedestrian crossing when a truck failed to stop and pushed an already stopped vehicle onto the crossing. Community concerns in regard to safety at this difficult corner have been ongoing since 2009. I wrote to VicRoads at this time requesting a solution and they installed additional signage. Within months of that minor upgrade, an elderly man was struck and killed there, so this is now the second death at this intersection. Additional safety measures are needed before we lose another life. My community would welcome any insights into possible solutions the minister can proffer to ensure we do not have to witness another preventable tragedy.

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (8120) My constituency question is for the Minister for Health. I ask: what is the status of the application made by Pascoe Vale Primary School for funding from the Victorian government school shade grants program? As we know, this program provides grants to Victorian government schools for shade developments. Eligible schools may apply for up to \$25 000. Pascoe Vale Primary School has a very sound case for funding under this program. Built in 1891, Pascoe Vale Primary School has beautiful heritage facilities. However, the school — inside and out — was designed in an era when health and safety concerns were not what they are today. I wholly support the school's application for funding under this program because other than a small number of trees there is no shade for the students. Since I was elected I have been working with the dedicated school principal, Susan Smith, as well as school community champion and school council president Nella Caruana to try to improve the school's facilities. With a heritage building and grounds there is always something. I commend this application, and I ask: what is the application's status?

Euroa electorate

Ms RYAN (Euroa) — (8121) My question is to the Minister for Roads and Road Safety. When will the government gazette the chosen route for the Kilmore-Wallan bypass? As I have previously informed the minister, there are extensive concerns about the eastern end of the bypass and what it actually means for Wandong and its impact on it. I urge the minister to reopen the investigation of the route at the Wandong end of the bypass. That does not mean there should be any delay for the rest of the project. I have met with residents, including Russell and Barbara Brown, whose property is impacted at the Kilmore end of the bypass. Mitchell shire is currently developing a precinct structure plan for Kilmore but it has indicated to the Browns and also to their neighbours, Tom and Carol Hudson, that they cannot proceed with the rezoning until the government actually gazettes the bypass route. So I would urge the minister to get on with the job and actually gazette the Kilmore end of the bypass so that the community of Kilmore can finally — once and for all — move forward.

Frankston electorate

Mr EDBROOKE (Frankston) — (8122) My constituency question is for the Minister for Education, and the information I seek is regarding the fantastic opportunity for a GP in schools program to be run in

one of my Frankston schools. I believe the Andrews Labor government's commitment to place GPs in 100 disadvantaged Victorian secondary schools as part of the \$42.6 million program provides such an important opportunity for our Frankston community. I want to make it easier for young adults to get the health care they need because that will mean they will be better students. It will also mean they will enjoy better lives and contribute to our community, and that improves our community. We know educated kids have a better chance to do well in Frankston. It is exactly the same as everywhere else: if we can educate our kids better, we have better uptake rates and better opportunities to get jobs — —

The DEPUTY SPEAKER — Order! What is the honourable member for Frankston's question?

Mr EDBROOKE — My question is whether the minister has given any thought to giving us one of these GPs in schools programs in Frankston.

Hastings electorate

Mr BURGESS (Hastings) — (8123) My question is to the Minister for Energy, Environment and Climate Change. Late in the term of the previous government the commitment was made to assist the Oberon Association to bring the HMAS *Otama* submarine ashore. This commitment followed on from the delivery of an election commitment I made on behalf of the coalition in 2010 to provide the *Otama* with a home adjacent to the Hastings marina. I have raised this matter on many occasions in this place and elsewhere. However, following the shelving by the Andrews government of the previous Liberal government's plan to develop the port of Hastings, a project that would have created many thousands of local jobs for my community, the *Otama* project and the large number of tourism jobs it will create has taken on more significance and a greater urgency.

I ask the Andrews government to at least match the Liberal government's \$1 million funding commitment and in so doing signal to other lenders that this project also has this government's support — a very important signal that is. This unique and historic vessel will be an outstanding tourism attraction for the Western Port area and the catalyst for the creation of many other small businesses and hundreds of local jobs.

The DEPUTY SPEAKER — Order! Just before I call the honourable member for Warrandyte, I am going to refer the last constituency question to the Speaker. The honourable member asked the minister to match

the funding, which is what I believe is an action, but let me refer that to the Speaker for his determination.

Mr R. Smith — On a point of order, Deputy Speaker, in relation to the appropriateness of that question, I just want to draw your attention to the member for Frankston. You rightly interrupted his contribution to ask what his actual question or his action was. His response was that the minister 'give some thought'. While being a tall order in the best of circumstances, it also does not conform to the sessional orders. I do not think that members of Parliament asking ministers to give thought to something can really be construed as a proper and correct way to address a constituency question.

The DEPUTY SPEAKER — Order! I will refer both those matters to the Speaker for his consideration. Before I call the member for Oakleigh, I ask members to put their questions at the beginning so that we are all clear and so sometimes we can try to assist whilst somebody is on their feet to make sure that it is a constituency question.

Oakleigh electorate

Mr DIMOPOULOS (Oakleigh) — (8124) My constituency question is for the Minister for Tourism and Major Events. Will the new visitor economy strategy benefit the community in my electorate of Oakleigh, and how does the strategy contrast with the approach of the former Liberal-Nationals government, which neglected our tourism and events sectors? The major events and tourism sectors are increasingly playing a more important role in the Victorian economy, with Victoria's \$21 billion tourism and events industry currently employing over 206 000 people. I welcomed the minister's announcement in July, at the Victorian Tourism Conference in Bendigo, where he outlined plans to increase visitor spending to \$36.5 billion by 2025 and employment in the sector to 320 700 jobs. The new visitor economy strategy maps out a clear direction for Visit Victoria, the state's new world-leading entity responsible for ensuring we remain the national leader in tourism and major events so that the entire Victorian economy, as well as my community, enjoys the benefits of this.

Forest Hill electorate

Mr ANGUS (Forest Hill) — (8125) My constituency question is to the Minister for Police. Is the government proposing to reduce the opening hours of the Forest Hill police station from the current 24 hours per day? All Victorians know that under the

current state government law and order in Victoria is out of control. A newspaper report in the *Herald Sun* on 25 June 2016 noted that:

... force command is considering scaling back operations at Forest Hill.

The Police Association Victoria assistant secretary was quoted in the article, saying that it would be:

... dangerous for Victoria Police to be considering cutting station hours while encouraging the public to go to them during times of crisis.

The coalition funded and built the Forest Hill police station, which was officially opened earlier this year. Forest Hill residents have contacted my office to ask whether or not the operating hours of the new Forest Hill police station are being reduced. This has caused significant concern to numbers of my residents, particularly given the rise in violent street crimes and home invasions throughout metropolitan Melbourne.

The new Forest Hill police station is a very important local asset. Residents in my community are very anxious to know whether or not the government is reducing the operating hours at Forest Hill police station, particularly since the Nunawading police station just north of my electorate and the Burwood police station west of my electorate have already been closed to the public.

Essendon electorate

Mr PEARSON (Essendon) — (8126) My constituency question is directed to the Treasurer. What is the latest information on the efficacy of the Back to Work scheme in my electorate of Essendon? Many disadvantaged residents, particularly young people, asylum seekers and public housing residents, in my electorate are keen to enter the workforce or to engage in vocational training. To that end I helped organise an employment forum with significant employers at Essendon Fields on this issue, which the Treasurer kindly attended. I ask for the latest information in relation to how the scheme has gone in terms of employing those people who live in my electorate and who were previously unemployed.

Polwarth electorate

Mr RIORDAN (Polwarth) — (8127) My question is to the Minister for Energy, Environment and Climate Change. Can the minister tell me if her department has allocated the resources to repair the excessive beach erosion at Apollo Bay? The residents of Apollo Bay and Marengo are losing their beach, as the foreshore is now eroding to the point where it will soon impact

structures and the famous Great Ocean Road. I have been approached by concerned constituents in the area. Even the *Geelong Advertiser* on 10 August ran a story showing a photo of a toilet block dangerously close to falling down a collapsing cliff.

The Department of Environment, Land, Water and Planning, Barwon Water, the Colac Otway shire and VicRoads require leadership by the department, and proper funding is required so that the Marengo foreshore can be enjoyed by both locals and the many visitors and tourists in our coastal region. Urgent action is required so that the beautiful Polwarth coastline — the iconic selling point for Australian tourism bodies — is in tip-top condition for our steady stream of international visitors and tourists. My constituents do not want lengthy bureaucratic delays with umpteen committees and extensive reports and findings; they just want their beach made safe.

Yuroke electorate

Ms SPENCE (Yuroke) — (8128) My constituency question is for the Minister for Roads and Road Safety. The minister visited my electorate in May to hear from local residents, representatives of Aitken College and the Hume City Council regarding their concerns and views about the need to duplicate Mickleham, Craigieburn and Somerton roads. As the minister knows, each of these roads serves as a major arterial for residents in the northern suburbs, particularly in areas that are experiencing rapid growth, like Craigieburn, Greenvale and Roxburgh Park. Residents rely on these roads each day to get to and from work, school and community facilities. The minister committed to following up on the issues raised and to getting back to the community with an update. What information can the minister now provide to the constituents of Yuroke in regard to the duplication of these roads?

LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016

Second reading

Debate resumed.

Mr CARROLL (Niddrie) — It is my pleasure to continue my contribution to the Legal Profession Uniform Law Application Amendment Bill 2016. I want to state in the remaining part of my contribution that the uniform law is the basis for an interjurisdictional scheme for the regulation of the Australian legal profession, designed and implemented in recognition of the fact that, while each state does have its own legal profession, many Australian lawyers

and law firms practice nationally and internationally. This uniform law is intended to simplify regulations across state borders and to protect consumers, particularly through new legal cost disclosure requirements. The member for Hawthorn in his contribution acknowledged the work of the member for Box Hill in this regard. I think this has been the challenge for state attorneys-general right across Australia, particularly in Victoria and New South Wales, which have, in many respects, been leading the way.

A lot of consultation has gone into this legislation. The Legal Services Council, the commissioner for uniform legal services regulation, the Victorian Legal Services Board and its commissioner, as well as the New South Wales legal services commissioner, were all consulted. They all support the proposals in this bill to get the simplification right to ensure that our legal profession in Victoria is 21st century and that we appreciate and acknowledge that we have an internationalised and globalised legal services market.

I just want to acknowledge the work of the Law Institute of Victoria (LIV) and go back to 2014, when the member for Box Hill was bringing in the first tranche of the legislation. I think it commenced six months later in 2015. In the cover story headed 'A uniform to fit everyone — National profession law reform explained', written by Nahum Mushin, an adjunct professor of law at Monash University, in the October 2014 issue of the *Law Institute Journal*, the LIV acknowledged the groundbreaking legislation that this is and why it is important. I just want to read a section of the conclusion. I quote:

There are those who decry the creation of a national profession. This article does not propound that view. Nevertheless, it will be evident that the achievement of that worthy aim is at the price of a complicated and somewhat convoluted piece of legislation ... It is to be hoped that the creation of the structure for administration of the act and the enactment of the inevitably large volume of rules on many topics will assist with comprehension of this most important policy objective.

So, going right back, both sides of this chamber support this legislation. It has had a long lead time. The member for Box Hill and the current Attorney-General have put lots of work into this. There is a long way to go.

As I said earlier, I had the honour of representing the Victorian attorney at a recent meeting of attorneys-general in New Zealand where the New South Wales Attorney-General, Gabrielle Upton, and I met with the other attorneys. They very much see this as a noble cause, but they were also really comprehensive in their view that they need to get their

own law institutes on side to ensure that they can then make the necessary changes in the consultation process to ensure they can go forward and also adopt the uniform bill so we have a uniform market right across Australia that is appreciative of and applicable with the globalisation of law firms. As a result, lawyers from overseas coming to practice in Australia will abide by our rules, the regulation will be less burdensome and there will be less red tape. This is a noble cause in the 21st century.

I thank the opposition for its support. I did hear the member for Hawthorn's contribution. I welcome some of the comments he made, and I am sure as we go further through the consultation process this will probably not be the last piece of legislation we see on the uniform bill. I know it is a key subject in the universities at the moment as part of general educational development tests and bachelor of law courses. I think it is great that Victoria is leading the way with New South Wales, and I commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) — I am also pleased to rise to speak on the Legal Profession Uniform Law Application Amendment Bill 2016. It is often a pleasure to follow the member for Niddrie on bills on which there is some uniformity of opinion across the Parliament, because on these ones in particular the member for Niddrie often makes a lot of sense. So I commend him on that.

This bill is about updating the Legal Profession Uniform Law Application Act 2014. The act commenced in July last year and, as is often the case with these things — in this case a fairly complicated arrangement for the harmonisation of two systems — there are some implementation issues, and this bill seeks to address some of those technical matters.

I must say as a general principle I think the establishment of uniform law or harmonised systems across the country is a good thing. This is a difficult topic in the legal profession because we do have such different statutes and precedents across the various jurisdictions in Australia. I do think Australians are a relatively homogenous bunch when you compare the size of our land mass to other countries around the world, and our structures in state and other jurisdiction levels are fairly similar.

Generally speaking I think it is a good thing that we try to harmonise. In my electorate I know of the difficulties that many of our transport firms have with respect to different rules across state borders, and most country members will also be aware of these difficulties. That is

a very physical issue, and a pragmatic one, where trucks are obviously crossing state borders regularly. This is slightly different, and as I said, it is more complicated to set out uniform and harmonised systems within the legal profession. But nonetheless this is taking place between Victoria and New South Wales. As the member for Niddrie highlighted, there are attempts to expand that across the nation, and they may take some further time.

This amendment bill does a number of things. It authorises the Victorian Legal Services Board to maintain a register of disciplinary action taken against lawyers enrolled or practising in Victoria. It allows Australian-registered foreign lawyers to practice foreign law in partnerships solely comprising Australian-registered foreign lawyers. That is something that was the case previously in both New South Wales and Victoria but the changes that were introduced last year unfortunately unwound that, so it has been reset in this piece of legislation to ensure that there is no prohibition on foreign lawyers practising in firms solely comprising Australian-registered foreign lawyers, because there are of course areas of foreign law where that is appropriate.

Clause 8 enables the local licensing authority to impose a condition on the practising certificate of a lawyer after the complaint-handling authority has made a finding of unsatisfactory professional conduct against the lawyer or associate and has recommended that the condition be imposed. That again is a relatively minor element of the legislation.

Clause 9 looks at the obligation of staff members of regulatory bodies to report and provide documents to police or other relevant authorities. What this relates to is the individual staff in those regulatory bodies as opposed to the regulatory bodies themselves. Generally removing an obligation of staff to report concerning behaviour to the authorities would be a concern, and I think the member for Hawthorn may have referred to this, but in this case it is only applying to those individual staff. The regulatory body will still be obligated to make those reports where the opportunity presents itself.

Finally, the bill provides that the Legal Services Council and the commissioner for uniform legal services regulation may submit a single consolidated set of audited annual financial statements to meet their financial reporting obligations. Again this a minor change but it is one that makes sense. I would hope that there will be a few further changes to fix up the minor technical problems that have occurred with the uniform law application act. But as the member for Niddrie has

highlighted, discussions are ongoing with other jurisdictions, and I look forward to further advice on whether there will be further harmonisation of our legal systems across the country.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Legal Profession Uniform Law Application Amendment Bill 2016. It is quite interesting, when you look at the passage of time, how legislation changes and reflects the changes in a regulatory environment. It was not that long ago that the practice of law was almost a genteel profession. It was very close, it was very clubby and it was really tight in the sense that you would practice in a particular jurisdiction and you would develop your relationships within the firm and with your clients. There were significant barriers to entry in terms of trying to operate outside your jurisdiction. So it was really tight and really close.

It was that way until comparatively recently. I think we have really started to see changes come about probably since 2001, when we established the nationally consistent Corporations Law with the federal Corporations Act 2001. We started to see a greater level of freedom of movement across jurisdictions and we started to see lawyers who could be based in Melbourne but freely practice in Sydney or who could be based in Brisbane and work on a transaction that was emanating out of Perth.

To some extent a lot of this has come about — and this is very simplistic — in relation to commonwealth-state relations, which are like three legs of a stool. There is Victoria, there is New South Wales and there is the commonwealth, and if you have two out of the three, you can take the nation with you. Because Victoria and New South Wales have traditionally worked quite well in this area, we have been able to ensure that we have led the nation. When you look at this piece of legislation, where Victoria is the host jurisdiction, through our work with New South Wales we are again leading the nation.

It is important that we have got these changes in place, because the legal firms are changing. It was not that long ago that King & Wood Mallesons, which is now one of the top-tier firms, was Mallesons Stephen Jaques. As we saw the amalgamation of these firms, as they came from being Melbourne-only firms to national firms to now international firms, we started to see that change. So a bill like this is important because it starts to reflect those changes. It is important that the law reflects that. I suspect this may not be the last time that we look at amending this piece of legislation in this Parliament. The reason why I say that is the fast pace

with which technology is changing and disrupting normal standalone businesses and widespread industries.

My wife is a practising lawyer. She started with Clayton Utz about 16 years ago. It was a very simple model back then. You would do your articles, and it would be a very contested exercise in order to get an offer. You would start as an articled clerk, and you would be required to do due diligence on various transactions. As you got more experienced you would be allowed to meet with clients. So clients would get to meet you, and they would start to get to know you and develop trust. If you worked particularly hard and particularly long hours, then ultimately you would be made a salaried partner and an equity partner and away you went. Why I say that is that it was a very humanised existence. It was based upon relationships and on trust. But by its very nature there was a cost associated with that. You had to go out and socialise with clients. You would have to meet with them and engage with them, and that cost time and took money.

What is interesting if you look at more modern times is the rise of blockchain technology. Blockchain technology, which underpins the Bitcoin, is now seeing the creation of what they call distributed ledgers. I do not profess to be an expert on these matters, but if you will indulge me, Deputy Speaker, a distributed ledger is effectively a database that is maintained not by a single actor, such as a bank, but collaboratively by a number of participants. Their respective computers regularly agree on how to update the database using a consensus mechanism, after which the modifications they have settled on are rendered unchangeable with the help of complex cryptography. Once the information has been immortalised in this way, it can be used as proof of ownership. The blockchain also serves as the underpinning for smart contracts.

If you think about the way in which the legal profession previously worked, I would engage my lawyer to write a contract for sale because I wanted to buy a business. They would draft that contract and they would provide it to the vendor or the vendor's solicitor. The vendor's solicitor would then look at the contract and work on the contract, and presuming we had an agreement on the sale, the transaction would be concluded. It involved a degree of complexity because you would be looking at changing, modifying or amending the contract. There would be negotiation, but it would take time and there would be the need for verification to make sure the contract was legitimate.

But if you look at where blockchain technology is going, trades will be settled almost instantaneously

because there will be effectively standard contracts. There is a gentleman in America called Andreas Antonopoulos who has established a firm which is effectively a start-up. When I talk about blockchain technology this is not something that has been around for five years; it has been around for 5 minutes. What Andreas Antonopoulos proposed back on 23 May of this year is a new system called a decentralised arbitration and mediation network, or DAMN.

Why is that relevant? What Mr Antonopoulos has said is that back in 1958 the United Nations passed the New York Convention, which established a convention between more than 65 countries establishing that any decision made by a recognised arbitrator would not only be recognised by the courts of those nations but be enforced by them. The resulting legal structure lets businesses and individuals alike resolve their problems in a legally enforceable way that, instead of being recognised in just one jurisdiction, is enforced across borders and some of the largest countries in the world, including the US. This is all very new, but if successful, DAMN would give its users access to a new form of dispute resolution that is not only more affordable but almost borderless, according to Antonopoulos. He is quoted as saying:

We're going to create software that anyone can use and build on. We're not going to be running DAMN. There's not going to be one system that runs this. The important thing is the 'D', decentralised.

If you think about that concept for a moment, if we are moving towards a set of circumstances where there are standard contracts in place which would be legally enforceable across more than 65 countries, premised upon the New York Convention of 1958, then you are going to be looking at a complete disruption to the way in which the legal profession is administered.

Bills like this are important because I think that, while you will have those standardised legal contracts which will be settled instantaneously, there still will be a need to regulate the profession to make sure, for example, that lawyers are behaving ethically and responsibly and that, even if you have got standardised contracts in place and that trades or transactions can settle instantaneously, the lawyers are still behaving responsibly and ethically and that they treat their clients with courtesy and respect, as you would expect.

But we are in an environment where we are looking at an enormous amount of change. We are looking at a radically different market that we as legislators will have to get our heads around in due course, I think. I know, for example, that the Commonwealth Bank is one of more than 40 banks that now have a stake in

R3CEV, a start-up which is seeking to come up with shared standards. IBM, for example, has also been heavily involved in looking at the way in which blockchain technology can start. They are still saying that widespread blockchain technology may not occur for another 5 to 10 years, but if you look at the venture capital funding for blockchain start-ups, last year it was around about \$10 million. Now it is about \$150 million, and that is in this year alone. So we are looking at a massive, disruptive change to the sector.

Bills like this are important, but we always must be mindful that the regulatory environment we are operating in reflects current practice. I think if you look at the rise of blockchain, it is going to have a profound impact upon the way in which justice and the law are administered in this state, and we must be mindful to be cognisant of these changes. I commend the bill to the house.

Ms VICTORIA (Bayswater) — I rise to make a contribution on the Legal Profession Uniform Law Application Amendment Bill 2016. I start my contribution by saying that this is a largely technical bill and the opposition will not be opposing it here in the Legislative Assembly. As I said, the bill is largely technical. It amends the Legal Profession Uniform Law Application Act 2014. One of the things I want to focus on is that it establishes a register of disciplinary action.

So the aim is obviously to promote harmonisation of legal systems across borders, and I note the Minister for Consumer Affairs, Gaming and Liquor Regulation is at the table. It was something when I was Minister for Consumer Affairs that we did a lot of. It was about how do we make things easier? How do we cut red tape? How do we make regulation much smoother across all sorts of different industries? So this is obviously helpful across the legal profession.

There were some changes last year which actually made it a lot harder in some areas, and this bill helps make it easier again, so I am quite pleased about some of the clauses in here. I might go through a couple of them. Clause 5 authorises the Victorian Legal Services Board to maintain a register of disciplinary action taken against lawyers enrolled or practising in Victoria. One of the things that I particularly like about that is — and this was only in the news last week — there are so many lawyers graduating from university at the moment that they are not all going to be top of the tree. Law is one of the most prominent courses, almost like personal trainers, so they are a dime a dozen. There are going to be those out there who are practising, however they can, to obviously put food on the table and do all that sort of thing, and as a consumer and a possible

client at some stage of a lawyer — hopefully for all the right reasons! — I would like to think that it is a competitive environment.

Whereas before obviously when you sought legal professional help it was quite often on a recommendation from friends — who did you use for business or for divorces or whatever? — I think now that there are so many lawyers out there to choose from it is worthwhile doing the digging and having a register of those who have not been particularly compliant in the past. It is going to be a useful thing for those shopping around for the best possible person to represent the client in whatever the circumstance might be. It gives potential clients the opportunity to do their due diligence, and I think that that is a particularly good thing. You would do the same if you have got a bad hip or a bad knee and you need an orthopaedic surgeon. You just do not necessarily go to the first one. You ring the Medical Board of Australia and make sure they have not been struck off, at the very worst, but certainly that they have not got litigation after litigation against them, and hopefully you pick the right person for the job.

New section 150A inserts a new definition of disciplinary action and includes a finding of unsatisfactory professional conduct or professional misconduct as defined in sections 296 and 297 of the Legal Profession Uniform Law Application Act 2014. This can include everything from suspensions to a variation of their practising certificate or indeed a cancellation of the practising certificate. Having dealt with, again, dodgy practitioners in the past in the building field, had I been able to check at the time, because it was under a certain threshold that this person had in fact let their building licence lapse and there was not any sort of register for me to find that out, it could have saved me a lot of heartache and going to the Victorian Civil and Administrative Tribunal and things like that. Again, it is a bit of a buyer beware circumstance in almost everything we do now. To be able to go in and check whether a person that you are thinking of engaging, at obviously a very high price per hour, is going to do the best by you and does not have a track record that will certainly make your hair stand on end is a good thing.

Clause 7 — and this is what I was referring to before about making things a little bit easier — allows Australian-registered foreign lawyers to practise foreign law in partnerships solely comprising Australian-registered foreign lawyers. There is certainly a lot of cross-jurisdictional legal work that happens, and that change will make it easier. I am thinking about, for example, entertainment law and those who are working

in places like Hollywood in America and are negotiating contracts between the two countries or for their clients across the two countries. It is going to make it a bit easier there.

Clause 8 enables a local licensing authority to impose a condition on the practising certificate of the lawyer after the complaint-handling authority has made a finding of professional conduct that has been unsatisfactory and after a recommendation that that condition be imposed.

Clause 9 is the only one that I am not sure of. I am not quite sure why this is in, and I look forward to hearing explanations from the minister if there is an opportunity for the minister to sum up or perhaps one of the members from the other side might want to get up and talk on this. The clause removes the obligation on staff members of regulatory bodies to report and provide documents to police or other relevant authorities about suspected serious offences. Certainly we talk about being in a nanny state, but when we are talking about playing really for sheep stations here I am not sure that this is the right way to go down that track. I am happy to listen to an explanation.

Clauses 10 and 11 provide that the Legal Services Council and the commissioner for uniform legal services regulation can submit a single consolidated set of audited annual financial statements to meet their financial reporting obligations. As I said, it is one of those technical things but it has got to be in place, so I have no problems with that. This obviously enables cross-border practice if we are talking about New South Wales. It should be nationwide. I believe there is a push on to do that, so I look forward to the day when that happens. I do not see why there is any reason why we should not help this bill through the house, so we certainly will not be opposing it.

Mr EDBROOKE (Frankston) — It is a pleasure to rise and speak on the Legal Profession Uniform Law Application Amendment Bill 2016 today and also to follow the member for Bayswater who actually did point out some reasons in some other sectors why there should be the information available to carry out your own personal due diligence and ensure that you have not engaged the practices of a dodgy provider.

As we all know, law is a necessary thing to keep us safe in our community and keep our community running. I found myself with a school tour yesterday taking some kids around Parliament, and we had some very switched-on grade sixers who told me that we were in Parliament to make laws, and I was very proud that they knew that. When I asked, ‘Can you tell me what a

law is?’, they were able to say, ‘A law is a rule and it keeps us safe; it is prescribed by Parliament and makes people do the right thing’. Essentially that is what we are doing here today. It is a little bit more complicated, I will admit, but it is nice to know that our kids coming through Parliament can actually see what we do here and recognise how important it is.

In a little bit more of a technical conversation, I know that a law is a rule, an edict, a script, an order, a statute — it can take many different words — but there are many reasons we need laws.

Again, the member for Bayswater, of all the people who spoke on the bill prior to myself, pointed out something that is fairly significant, and that is dodgy practitioners. I am sure it happens in the legal profession too. I have watched *A Current Affair* enough to see lawyers running down the street, just like carpenters. As always there is a small percentage that do the wrong thing. For us it is about being informed and having that information flow through the right channels so we can make informed decisions and carry out our due diligence. I think one of the great things this bill does is actually make those channels more accessible and more open so we can get that information.

The term ‘uniform law’ — I must admit I was not all over it. I understand that this bill does cut down on red tape. As well as making it easier for us to navigate our way around the law, it makes it easier for people to make the correct choice. I am grateful that we have got bipartisan support in the house today for this bill. A uniform law essentially is a uniform set of rules proposed for all states to adopt, the purpose being that there be more uniformity in laws from state to state or nation to nation depending on what you are talking about. The uniform laws are put forward by commissioners from the uniform law states, and some of these uniform laws are adopted by states. Victoria is certainly leading the way.

This bill makes a number of minor and technical amendments to the Legal Profession Uniform Law Application Act 2014, including to the Legal Profession Uniform Law, which is a schedule of the application act. The act actually commenced on 1 July 2015 and created a harmonised system for the regulation of the legal profession in Victoria and New South Wales. Victoria, as I mentioned, is the host jurisdiction, leading the way as always, and amendments made to the uniform law are automatically applied in other participating jurisdictions, such as New South Wales.

The bill will make amendments to the uniform law and the application act to address matters that have been identified by regulatory stakeholders since the commencement of the scheme and are intended to improve on its operation. Like all legislation that we pass in this house, plenty of stakeholders have been involved and have had the opportunity to have their say, which is important to make sure we get the balance right and ensure that we are doing the right thing.

The first thing this bill will do is essentially help us to catch up to where the future will take us and it will futureproof us. Of course we have a changing world, and we are changing technology at a very rapid rate. In this world of start-ups, incubators and the global economy, Australia needs to regulate itself in line with, as I said, where the future will take us. As we have seen in the past decade, sometimes we just do not know where that will be. We heard the member for Essendon talk about one example of that, which is distributed ledgers, which is one disruption we can expect in the field of law and legal contracts, but there are many others as well.

The bill specifies that Australian-registered foreign lawyers may practise foreign law in partnerships solely comprised of Australian-registered foreign lawyers, which makes sense. The uniform law currently requires that a partnership of foreign lawyers also include at least one Australian legal practitioner. Prior to this the former legal profession legislation in New South Wales and Victoria allowed for partnerships only consisting of Australian-registered foreign lawyers but that legislation allowed foreign legal partnerships to establish an Australian presence to advise on foreign law. That was without actually requiring at least one partner to be admitted to the Australian legal profession. The bill reinstates the former position, and it will facilitate the internationalisation of legal services in Victoria and New South Wales with the Australian angle.

One great thing this bill does is ensure that there is sufficient authority for the Victorian Legal Services Board to maintain a register of disciplinary action taken against lawyers enrolled or practising in Victoria. I think this encourages everyone in our community to exercise due diligence when choosing a practitioner. I am sure we will all need the services of a lawyer or a barrister at some stage, whether it be something very plain, maybe a criminal kind of case or being involved with someone who is going through that. However, one thing is for sure and certain, and that is that there are people with different levels of adequacy in this field and different levels of ethics and morals, and by being able to list on a register people who have had priors, I

guess you would call them, at least gives us an educated view of who we can pick to represent us in a court, who we can trust to deal with our family affairs and so on.

Under the former Victorian legal profession legislation there was a specific requirement for the Victorian Legal Services Board to keep the register. However, the requirement was not replicated in the application act, which meant that the register was not put forward as intended. This register, I see, is an important consumer protection tool, and the bill will ensure that it continues to be available to clients of legal practitioners to ensure that they are fully informed when making decisions about the legal services they engage.

We have all seen it before on TV — the news reports of dodgy practitioners in various fields and various sectors, whether it be trades or the legal sector. As I said before, there is always that minority, there is always the black sheep in the sector, and my view of this particular bill is that it goes a long way towards ensuring that individuals in our community are safe from rogues, I guess you would call them.

That register is something that most other professions have. I know that teachers have one in the Victorian Institute of Teaching. A committee I served on had an inquiry into how we would look at the national disability insurance scheme and the care of people with a disability. We certainly looked at making sure that a register of providers and a register of people not doing the right thing be put in place or at least be thought about very seriously, because without that people can definitely get themselves in some very serious situations with someone they have put their trust in or paid a lot of money to.

With that I would like to wrap up just by saying that I appreciate the amount of time the minister and his advisers put in in having a look at an amendment bill like this. It can be quite a dry task I am sure. I commend the bill to the house.

Mr ANGUS (Forest Hill) — I rise to make a brief contribution this afternoon in relation to the Legal Profession Uniform Law Application Amendment Bill 2016. We can see in clause 1 the purposes of the bill. They are to amend the Legal Profession Uniform Law Application Act 2014 to establish a register of disciplinary action; and to amend the Legal Profession Uniform Law in relation to, firstly, partnerships of Australian-registered foreign lawyers; secondly, grounds for variation of Australian practising certificates and Australian registration certificates; thirdly, duties to report suspected offences; and fourthly, financial reporting obligations of the

commissioner for uniform legal services regulation and the Legal Services Council.

As other speakers have noted, this is essentially a bill that makes a range of technical amendments to the primary act, being the Legal Profession Uniform Law Application Act. As others have also noted, this is an act that commenced on 1 July 2015 and created a harmonised system throughout Victoria and New South Wales for the regulation of the legal profession. Others have noted that Victoria is the host jurisdiction for the uniform law. That is not an unusual model. I can remember when the Corporations Law first came in. That was again a harmonised system, and I think, if I remember correctly, Queensland was the host jurisdiction back in those days and other states followed suit during the course of the subsequent amendments and the original legislation when that came in.

There are a range of important matters that this particular bill does deal with. Clause 5 authorises the Victorian Legal Services Board to maintain a register of disciplinary action taken against lawyers enrolled or practising in Victoria.

Out of the different amendments that are contained within the bill I think this is one of the very important clauses because it is an important protection for consumers. Other speakers have also touched on this in relation to the importance of having a range of protection mechanisms for members of the public, but I particularly think back to my previous occupation, when I was a chartered accountant in public practice. As a registered company auditor for 18 years I worked both as an employee and then as a partner on a very wide range of solicitors trust account audits over a very long period of time. I am thankful to say that we never came across any of our clients that were doing the wrong thing, but during the course of my professional life we did see numbers of case studies where there were very significant frauds by lawyers that had lost their way for whatever reason and put their hand into the trust account or had other defalcations in various other areas of practice.

So it is really important protection, particularly given some of the very large volumes of transactions and amounts of money that certain solicitors are dealing with, that there is an ability for a member of the public or indeed anybody else to look at the register and see whether the particular solicitor they are wanting to entrust with their business has been misbehaving. It certainly was then and continues to be an area of significant concern. I know that the Law Institute of Victoria, back in the days when I was in practice, used to conduct its own regular audits. When there was an

audit done on one of our clients we would wait with bated breath to see the audit reports come from the law institute, and as I said, thankfully there were never any problems identified, but during the course of my working life we did see a number of frauds, particularly in the area of mortgages.

The regulation requirements in relation to solicitors mortgage practices have developed and improved significantly over time, because it was an area where often people would give very significant sums and say that they would be invested in a registered mortgage on a particular property. There were a range of frauds that took place here in Victoria where money would be collected by numerous clients of the solicitor and the funds allegedly put into a mortgage, but oftentimes they would be accumulated and put into the one mortgage so that the so-called mortgage would exceed, by a long way, the value of the property. There would be essentially a Ponzi scheme where the solicitor would keep his head just above water by continuing to repay interest out of the capital he had stolen from others and keep the dogs at bay, so to speak. We saw that, and there are plenty of documented cases here in Victoria, as I said. A number of solicitors not only lost their professional standing but ended up serving prison time for their misdemeanours.

That was one way fraud often used to happen back in the bad old days; hopefully it does not happen as much now. The other way was through the investment register. That was where the solicitor would be holding funds on behalf of a particular client. Again, certainly with the clients that we dealt with, at times there were very substantial sums in the trust accounts and also held in the investment mortgage register, so very significant sums of money were at stake. It was important then, and it is important now, that that is protected. That is why I think clause 5, which is contained within the bill here, is a very important one, because if a practitioner strays from the straight and narrow, under new section 150D, entitled 'Publication of the register', the Victorian Legal Services Board can keep that register, and that will enable members of the public and indeed other practitioners to look at it.

I know when we took on a new legal practice, as an audit partner we would write an ethical letter to the outgoing auditor, and oftentimes, unless we knew a bit about the practitioner, we were walking in the dark a bit. Obviously we did our own basic work, but to have an independent register that we could have gone to would certainly have been of great assistance, because oftentimes even if there had been a misdemeanour or someone had strayed a little, the law institute would keep that very close to its chest and would be very

reluctant to tell any third party — and certainly an incoming auditor. I think this sort of increased transparency is good for a number of reasons, not only for the public, as I have already outlined, but for professionals who are also dealing with solicitors. Whether that is referring work interstate to be dealt with in another jurisdiction, as we did from a practice point of view, or acting for third parties in other places, it is a good way of doing a bit of checking on who you are in fact dealing with. That is what I think is certainly a good improvement there.

Clause 7 allows Australian-registered foreign lawyers to practise foreign law in partnerships solely comprising Australian-registered foreign lawyers. Clause 8 enables a local licensing authority to impose a condition on the practising certificate of a lawyer after the complaint-handling authority has made a finding of unsatisfactory professional conduct against the lawyer or associate and has recommended that the condition be imposed. That follows on from what I have just been talking about. It will ensure that someone looking from the outside, if you like, will be able to see and make inquiries in relation to any untoward activity that has possibly gone on involving that particular solicitor.

Clause 9 removes the obligation on staff members of regulatory bodies to report and provide documents to police or other relevant authorities about suspected serious offences. I will not go into that clause; that has got some mystery about it to me, but I will leave that. Others have touched on it in various ways. Clauses 10 and 11 provide that the Legal Services Council and the commissioner for uniform legal services regulation may submit a single consolidated set of audited annual financial statements to meet their financial reporting obligations. Again that is probably a sensible improvement in relation to the particular piece of legislation.

To conclude, I think anything that is going to increase protection for the public is a good thing. This bill, in relation to at least one of those areas that I have outlined in detail — clause 5 — certainly does that. That is what we want, for a robust and resilient sector to be able to act, because as we all know, inevitably we have to get solicitors involved at various times through various transactions that we come across during the course of our lives. To have that additional protection mechanism is a good thing. On that basis, the opposition is not opposing the bill.

Ms WARD (Eltham) — I rise to join in the support of this bill that we have had across the chamber today, and it is great that there has been so much support for

this bill. While it can be a little frustrating to hear people —

Mr R. Smith — Acting Speaker, I feel it is important to draw your attention to the state of the house and ask for you to call a quorum.

Quorum formed.

Ms WARD — It is always a delight to be interrupted by the member for Warrandyte. He always has such a significant contribution to make in this very learned place, and as we talk about learned things, people have mentioned that this is a technical bill. It is technical.

Mr Dimopoulos — And dry.

Ms WARD — As the member for Oakleigh says, it can be a little bit dry, but that is not to take away from the importance of the legal profession, which is also not to deny, though, that the legal profession does have a number of colourful stories. I think there would be a few people in this place who would be familiar with the TV series *Rake* and the shenanigans that he gets up to. I daresay he might have benefited from some of the things that are going to come about as a result of this bill, because no doubt there are some lawyers who probably do need to be denied the opportunity to practise law in certain ways or silos because of the way that they have behaved.

I did spend a fair bit of time before I had the joy of joining this place with the West Heidelberg Community Legal Service, a terrific legal service out in the north-east. It is one that was begun by John Cain, with whom many people in this place will be familiar, a terrific former Premier of this state who has an absolute passion for fairness and for social justice. This legal service is testimony to that; it is an excellent legal service. While I accept that the legal service really does not have too much interaction with foreign lawyers, it does provide a very essential and important service particularly to those experiencing disadvantage. One of the most useful projects that the legal service embarked on while I was on its board was a fines clinic, which actually helped people through the process of working out their fines and not accumulating fine after fine after fine because of non-payment, but actually challenging their fines and taking ownership. This is a tremendous example of the importance of community legal services and the importance of governments like ours supporting them.

While the amendments to this legislation put forward ways in which foreign lawyers may practise law in Australia and can register with local authorities and

become Australian-registered foreign lawyers who are entitled to practise foreign law in Australia, I actually find clause 8 of this bill interesting, which is what I want to talk on. This imposes specified conditions on a lawyer's practising certificate under section 82(1)(c). This allows clients as well as the law community to have some control or ownership over the bad practices of lawyers who are not always acting in the best interests of their clients and actually need to be held to account and signposted as not being able to practise in this particular area because it will hurt people. It is incredibly important I think that this be the case.

For me law is a bit like going to a mechanic — power is in knowledge. So when you go to a lawyer, you go to a lawyer because you need representation because you do not actually know the law. You do not know how to represent yourself. You do not know how to argue for yourself to put forward a case; lawyers do. This is where the power imbalance comes in. It is a similar thing when we go to the mechanic.

I know that when I had my cars in my youth, my great Mazda 6 and my Volkswagen fastback — a fantastic car — it was easy to understand the mechanics of my car. It was easy for me to understand when I went to the mechanic to talk about my car and what was going on with it, because they were pretty easy machines to understand. A bit like the member for Essendon's famous Cortina, which was actually a Sunbird.

An honourable member interjected.

Ms WARD — It was a 'Torana'; it was actually a Sunbird, but he claims it was a Torana. I am sure he also had similar empowerment around the knowledge of his car when he went to the mechanic, and if his car was anything like mine, you would have to go on multiple trips to the mechanic because they were all bombs. But you understood the basic mechanics of your car because they were simple engines. Now cars are quite complicated. It is very hard to know when you go to the mechanic what you are talking about, and you need to have consumer protection in place to help you not only have that conversation with your mechanic but actually take your mechanic to task if they are not doing the things that need to be done to your car.

This is exactly what we want to do with law. We want law to be accountable and for people to be held to account for not practising properly or for not giving the right advice. I take on board the comments that were made by the member for Frankston when he talked about *A Current Affair*, and I am surprised he did not make any comments about the practice of *A Current Affair* in unmasking dodgy lawyers — about their

delving into the depths of rubbish bins. We have heard a little bit about rubbish bins in this place this week, because there are people who happen to seem to find a fascination with digging into rubbish bins, into garbage, into the gutter to find out all sorts of nonsensical information that they want to throw about in this place. In fact I would not be surprised if they have learnt some of those skills from watching *A Current Affair*, because no doubt that is pretty much the only news source that they use.

I am also interested in the member for Essendon's comments around start-ups, the importance of supporting start-ups and how the developments within the law sector can help expand on those and develop new and exciting economic possibilities.

While this bill is not the most interesting bill that we have ever had presented in this place, it does offer some new opportunities for our community, for the law fraternity or sorority —

Mr Pearson — Sorority.

Ms WARD — Did the member for Essendon like that?

Mr Pearson — Or sofraternity.

Ms WARD — Or sofraternity. It is showing yet again that we are continuing to move forward and to make useful changes to our laws that actually benefit people and help them in their day-to-day lives. I commend this bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution on the Legal Profession Uniform Law Application Amendment Bill 2016. The purposes of this bill are relatively straightforward because this is a bill that is really about tweaking after some uniform work that was done last year. The purpose is to amend the Legal Profession Uniform Law Application Act 2014 to establish a register of disciplinary action. It is also to amend the Legal Profession Uniform Law in relation to partnerships of Australian-registered foreign lawyers, grounds for variation of Australian practising certificates and Australian registration certificates, duties to report suspected offences, and the financial reporting obligations of the commissioner for uniform legal services regulation and the Legal Services Council.

As someone who has two states bordering the communities I represent, I know that uniform law is highly desired. In fact we have talked much about this. A favourite topic for we border-dwelling members of Parliament is what we call 'cross-border issues'. They

crop up in so many ways. I know that every year each government tries to do some work on this. However, often when new bills are being introduced one holds one's breath to see whether, despite the good work done in the months before to untangle some of these cross-border issues, we introduce some more.

Some of those issues are around transport. In particular I recently dealt with cross-border issues with livestock transport, which related to the sort of vehicle that could cross the border to distribute stock to saleyards. The issue here was of a small amount of height. However, stock trains would then leave stock parked, sometimes for 12 hours, at a roadside stop just over the border because they could not take the trailer over the river and 100 kilometres down to Ouyen to the livestock market. To Victoria's credit, these issues have been resolved.

Tradies are another issue. Tradies need different certificates to operate on either side of the river or border, and again there is a lot of work to be done in those trade areas. Some work has been done. Ultimately it should be an equitable exercise, not a lowest common denominator exercise. I know in some of the electrical trades there were some issues with some of that cross-border stuff, and of course there are legal professional service issues. This legal bill certainly addresses those.

The bill very much focuses on lawyers, something we all need in our life, and now there is even one in our family, which is extremely handy. It follows the changes in 2015 to fix the issues that have been identified in this bill. The issues here are potentially around foreign lawyers, how they are registered and how they practise. The technical amendments in this bill amend the uniform law to specify that Australian-registered foreign lawyers may practice in foreign law partnerships solely comprising Australian-registered lawyers. It then moves on, particularly at clause 8, to conditions that can be applied. This is for behavioural issues, and the legal profession is no different to any other profession, trade or group of people; they have issues from time to time.

There will be a register of disciplinary actions that have been taken so that people can be made aware of those actions. If there is suspicion of wrongdoing, documents that need to be passed to the police or to other investigating bodies will now be handed over, and the obligation to do this will be borne by the Legal Services Council, not by individuals. It is discussed that this puts a lot of pressure on individuals, and it should be in fact the organisation that pursues those particular issues.

With so many of the dealings that occur, having lawyers who are skilled in both Australian law from state to state and foreign law is, I think, increasingly a part of life for people in Victoria, as we are now part of the wider world.

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

Business interrupted under sessional orders.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Country Fire Authority enterprise bargaining agreement

Mr BATTIN (Gembrook) — I rise today to continue a grievance that Victorians are all too familiar with and are probably sick of hearing about, but the reality is it comes solely down to a government that has put itself in a position where it cannot handle what is going on in the Country Fire Authority (CFA). It has become a position where the Labor Party have fundamentally gone against the rights and the respect of volunteers in the state. It is time that they were made accountable for what they have done, and it is time that they understood the pressure they are putting on our volunteers, the pressure they are putting on our system and that they are putting Victorians at risk in our fire season as it fast approaches.

We have on one hand —

said Stuart Wood whilst in court today —

1260 paid firefighters who are not denied anything and 60 000 volunteers who will be denied a great deal.

That is what this fundamental argument is about — an enterprise bargaining agreement (EBA) that is not supposed to affect volunteers and that the Premier of this state would have you believe would not affect any volunteers or fire services across the state. Yet the former board, the former CEO, the former chief, Jack Rush, QC, Stuart Wood, QC, the former minister, Crown counsel, the equal opportunity commissioner and Frank Parry — and the list continues on, and you can add Justice Michael McDonald, who did so today — have raised serious questions about the legality of this EBA.

When you are writing notes for a grievance debate and you are going to put your argument forward, it is very important that you have your notes ready at hand. The

reality is the notes are written by so many across our community that there are actually 20-plus front pages of our major papers. The front pages are continually saying that there is an issue with this government and what they are doing to volunteers. Those opposite will try to say, 'That's just the *Herald Sun*, that's just the *Age* or that's just Channel 7, 9, 10, ABC, SBS' — it could probably be the *Guardian* as well — but the reality is it is every person in Victoria and every media outlet, and they are all on one side. They want the volunteers to be heard and they want the consultation that this Premier said he had fixed and finalised to go through.

Mr Walsh interjected.

Mr BATTIN — Exactly as the Leader of The Nationals said, they want respect. Why is this government failing to give respect to the volunteers who stand up for our community each and every day?

An article in the *Herald Sun* states:

Senior Andrews government staff have been linked to a secret union plot to interfere in a disciplinary case against an MFB commander charged with accessing porn and racist material on work computers.

Mr Marshall alleges that senior Andrews government staff sought to intrude in the internal fire brigade dispute. This is where it all began. This is interference from the United Firefighters Union (UFU) in our fire services. It has expanded continuously since then to where the UFU now want to take control of the entire CFA, and that is something that we cannot afford to have.

Today the Premier in question time wanted to go over this. It is more than 1000 days that this argument has been going on; it is up to 1200 days. The reality is he said this was handballed across from the former government, and one of the reasons this argument was still going was that we would never sign an EBA and sign away the rights of our volunteers in our state. We will take that to any election any time, because we want to make sure our volunteers across the state have the protection that they deserve and that they need.

One of the headlines that continues to pop up in all of these newspapers and across all of the media is 'Premier faces war over fireys' pay deal'. I would actually say the Premier has created war with the fireys. He has done that continuously. He does not want to stand up and listen. He wants to go behind the scenes and make it arguable that he is in the right position. He is standing up for his mate Peter Marshall at the UFU. We heard it in question time again today. There are two

words that this Premier has never uttered in this house; he has never ever said the words 'Peter Marshall'.

Mr Riordan interjected.

Mr BATTIN — Yes. We are pretty sure that many times he has had people come into his office with that name 'Peter Marshall'. Occupational health and safety says that you should not have to deal with a man like Peter Marshall, who is someone who has made threats in front of senior staff and someone who has sent texts to senior staff of senior ministers in the Premier's care. He has a duty of care as the Premier, and he has failed in that fundamentally. It is vital that he actually comes in and says those words 'Peter Marshall' and tells us why he is still attached. What does Peter Marshall have over the Premier that is making him want to push through a deal against 60 000 volunteers across the whole of Victoria?

The Country Fire Authority board is today expected to sensationally reject a proposed pay deal being pushed by Premier Daniel Andrews.

That was on Friday, 29 April 2016, and the CFA board at the time did reject a deal. They knew it was bad. They knew this deal would go against the CFA act in Victoria and they had an obligation under that act to ensure they protected volunteers. The CFA is a volunteer organisation, proudly supported by career firefighters across the state. It is fundamentally a volunteer organisation and that is what the act says. John Peberdy, the acting chair at the time, has said under oath, in this place, that the government tried to bully him into signing a contract that would go against the state's obligation under the act to protect our volunteers. This government wanted to bully the acting chair of the CFA into signing a contract that was bad for volunteers and would put Victorian lives at risk — an unlawful EBA. It is nothing short of a disgrace that they tried to force this through. But because they were a good independent board — and we all know how independent boards work: if you do not agree, sack them — the Premier has gone through the process, when his minister at the time would not sack them, and has forced his way through, got rid of that minister and hand-picked his new minister, who is more about protecting his position as Deputy Premier. He is a man who cannot even go to his local CFA stations within the Monbulk electorate anymore. He is a man who has been uninvited by CFA volunteers. They will not have him anywhere near them, and why?

Honourable members interjecting.

Mr BATTIN — He has sold out the CFA; he has actually sold his soul. The minister comes in here and

talks about values and respect. This man will walk out of here knowing that he has given up something on the way through and that is everything that he is supposed to believe in, and the volunteers are the ones who are representative of that throughout our community.

Why would you go against the volunteers? Why would you want to sign a contract that hands over control to a guy who threatens people with axes in meetings? This is the man that the Premier wants to hand control of our CFA to — the CFA, our volunteer men and women who are regularly out there risking their lives, who are regularly at training sessions and who are regularly in our community. They actually come out to your community, believe it or not, and just give you advice on how to protect your property, and guess how much they charge? How much do you reckon they charge?

An honourable member interjected.

Mr BATTIN — They charge nothing. They do it for free. They protect your house when there is a fire for nothing. At the same time we are in our cars driving away from bushfire-prone areas because there is a fire coming through on a code red day, they are in a truck with nothing more than a bit of material between their arms and that fire, going out to protect us and our property. What respect are they getting from this government? Absolutely zero. Any person in this government who has stood up for the volunteers has been quietened down and told to shut up because their comments are not worth it. The former minister, who stood up on behalf of the volunteers at one stage there, was pushed and bullied out because she did not agree with Peter Marshall.

There is more than one board member who has come out now; there are a few board members on the record, such as Michael Tudball, and the way they have treated Michael Tudball is a disgrace. He has a long service history as a volunteer. He has had more than 30 years working for something he is proud and passionate about, but he would not go against it. He actually turned around and said it was not just the act that stopped him signing this EBA; it was actually the fundamental belief of how important the CFA is to him in his community and why he was elected to the board. You have got to go and listen to the interview between him and Neil Mitchell. You will hear the passion in his voice. I urge all those opposite to listen to this interview and maybe then they will understand the passion that these people within the CFA ranks are feeling all around Victoria. It does not matter where we go. They are all sending the same message, the whole way around the state.

I was up in Castlemaine at a meeting. I went to visit Volunteer Fire Brigades Victoria in Castlemaine and about 100 brigades turned up. They invited all the Labor members, and I will be honest, of the state members there was a response of zero — none turned up. Lisa Chesters is the federal member. I will give her credit because it would not have been a comfortable situation to come into, but she came. She started off first of all by saying to me that I was trying to politicise this particular issue, while I was sitting there next to her. But guess what? After a discussion with the 100 volunteers at the end of it — and I read some of the clauses, including the veto clauses, and what they are calling ‘consultative committees’ — her reply to me was, ‘Brad, that is not going to happen; that couldn’t happen. Fair Work Australia wouldn’t allow that’. I said, ‘Hold on, the Andrews government have passed this through their cabinet. They are saying it is okay’. She said, ‘That is not possible; it wouldn’t work’. I said, ‘Why would it not work, Lisa?’ and she said, ‘Because it’s not fair’. Those were her words in that meeting, in front of 100 volunteers. Lisa Chesters, who is a Labor federal member, said, ‘It’s not fair’. Yet why will she not come out publicly and say that and put her name to the front page of one of these articles? Because she would probably be shut down by this Premier and told, ‘You’re not allowed to comment, and you can’t go forward from there’.

A message for our Minister for Emergency Services — —

An honourable member interjected.

Mr BATTIN — Which one? The new Minister for Emergency Services, the hand-picked one, the one who is there to protect himself rather than protect Victorians or protect the volunteers.

Today the court has ruled that this EBA is not in a position to progress and it should not be signed. The court is putting an injunction in place that will go through possibly until October, with the potential for a trial. That trial will be coming up on 27 September. Whilst Minister Merlino has been discussing with the Premier — —

An honourable member interjected.

Mr BATTIN — Exactly as has been said behind me, ‘This is a problem that needed to be ended and I ended it’ — and I think that is a quote from the Premier. There is nothing further from the truth. We have got another judge coming out and saying that we need to raise concerns about this. We have got another person raising concerns about handing control of the

CFA across to the UFU. Is a very long list. Jack Rush, QC — some of those over there have even tried to taint him on the way through — spoke within the royal commission and gave his views. He probably understands more about CFA and knows how it operates than most of us in this house altogether, and he has raised concerns about this EBA. It is important that we listen to people like him. We have had advice from the government's own Crown Counsel that it is unlawful. We need to start to listen to them and the Premier needs to start to listen to them. As we come to a close on all this, we all know, everybody in this house knows — and I will give credit to everybody else — we all understand the importance of firefighters across our state. We understand the importance of having someone turn up. We understand the importance of the safety they implement across our whole state.

We all know that when we dial 000 we want the volunteers to turn up. Every person in this house has visited a volunteer station, stood out the front of that station proudly and said, 'On behalf of the opposition, government, Independents, minor parties, we want to thank you for the work you do'. It is no good just standing out the front of those CFA stations saying you thank them if you do not back that up in this place; you have to back it up in here. Everybody in this place needs to make sure that they are going to stand up on behalf of the CFA.

Ms Green interjected.

Mr BATTIN — The member for Yan Yean says she has been doing it for years. Now is the time to do it. Cross the floor, come over here and tell us exactly why — —

Ms Green — As if!

Mr BATTIN — 'As if' was the reply. Do you know why? It is because if you will stand here and talk about the volunteers, why would you want to hand over such an important organisation to the UFU? I guarantee — —

An honourable member interjected.

Mr BATTIN — Thank you very much for the correction. She is a CFA volunteer. That makes even worse the fact that she wants to back a commitment and your cabinet to push through an enterprise bargaining agreement that will affect, shaft and take away responsibility from the chief. Let us be honest: we are all looking forward to hearing from Lucinda Nolan in the trial; we are all looking forward to hearing from Joe Buffone. Do not forget Joe Buffone has a huge history in our emergency services and in protecting Victorians.

What the new Minister for Emergency Services said to him on the way out was not, 'Well done. All the best in the future'; he bagged him on the way out — a man who stood up for our community.

I urge the Premier in my grievance to get on board and join the rest of the people in Victoria. It is about time you stood up for Victoria's volunteers once and for all.

Economy

Mr PALLAS (Treasurer) — My grievance today concerns the outrageous duplicity of those opposite when it comes to the question of economic growth in this state. In particular I take umbrage on behalf of the more than 3 million Victorians who are now gainfully employed. If you listened to the echo chamber that is those opposite — not that they listen to much other than their own bloviating rhetoric — you would think that Victoria was on the brink of a total economic calamity. In fact we are regaining our position as the economic powerhouse of the nation, free from the quagmire of inertia that was the nihilistic legacy of the job destroyers opposite.

It is irrefutable; it is an irrefutable fact that Victoria has flourished economically since Labor took office, and it is thanks to Labor that Victoria is once again the engine room of economic and jobs growth in this nation. Let us take a look at the facts; let us look at how Victoria has performed since we took office. If you go back to November 2014 — a relevant date, the date that we were freed from the economic inertia and the shackles on our economy imposed by those opposite, despite their inflated assessment of their ability — and look at the facts, you can see that the Victorian economy has been freed from a great deadweight.

The unemployment rate sat at 6.6 per cent in November 2014, well above the national average at the time of 6.3 per cent. A 6.6 per cent unemployment rate represented the culmination of four years of total and abject failure by those opposite whilst in government. The unemployment rate, on average, had continued to increase unabated since December 2010. Things got so bad in Victoria that at one stage, in July 2014, our unemployment rate sat at 6.9 per cent. The unemployment rate in Victoria was above the national average for 36 of the 48 months of the tenure of those opposite when they were in power. Where are we now? Unemployment in August 2016 is now at 5.7 per cent, considerably lower than under those opposite. Since Labor was elected, total employment has increased by more than 147 000 people and full-time employment, against decades of trend, has now started to

substantially increase; indeed it has increased by more than 111 000 people.

Those opposite spent 20 months wailing about the economic performance of the state as if facts did not really matter. In particular they were crying wolf about the government's 100 000 jobs target in its first two years. Remember the breathless indignation from those opposite that it could not be done, that when you talk about stretch targets, you are really just ceding ground for the fact that you will not be able to meet it. We in this government get out of bed every morning, unlike those who snoozed for four years, and we extend ourselves. In so doing we have a massive improvement in the Victorian economy — transparent, obvious and the facts speak for themselves.

Yet the truth has often been an inconvenient foe for the opposition. Facts and reality have rarely ever been allowed to pervade the bubble in which those opposite choose to live and which they seek to impose upon the Victorian people, a collective delusion of those on the opposite side of the chamber that ultimately undermined the opportunities of this state.

We made a promise that we would create 100 000 jobs in our first two years of government and we are staying true to our word. We have achieved that objective. We have delivered responsibly for the Victorian people, and we have done it with a very clear and stated objective in return for the faith that the people of Victoria placed in this government. We take our responsibilities seriously and we get on and deliver them.

But it would be unfair if I simply looked at Victoria's jobs figures in isolation. We should look at the broader economy — the thing that those opposite like to think they have some specific capacity to manage. If you look at any of the data for the four years that they were in government, they turned Victoria into a backwater. It would be remiss of this chamber not to recognise the massive resilience in the Victorian economy and the return to form of the economic powerhouse of the nation. Indeed it would be remiss of us not to grieve for those opposite.

We should not look at the broader economy and just think that this is something that happened by happenstance; it requires a consistent and continuing effort. Indeed it would be remiss of us not to grieve for those opposite who are too dishonest, too blinkered and too unimaginative to recognise and appreciate what constitutes real achievement — real achievement backed up by real data and real people getting the

benefits of the consistent, diligent and continuing work of a government committed to putting people first.

In many ways Victoria under the opposition when it was last in government was like the Australian soccer team of the 1990s: underperforming and lacking the requisite leadership and courage to make the decisions needed for success. But of course the Australian soccer team's fortunes have changed — —

Mr Wynne — They have.

Mr PALLAS — They have changed; we are going to do well. This Labor government, under the leadership of the Premier, has had the courage and drive, and the numbers show it. Yesterday's ANZ Stateometer shows that Victoria is the only state in the federation in which economic growth is above trend and accelerating.

The CommSec State of the States clearly states that Victoria is the fastest growing economy in the nation, with economic growth of 3.6 per cent in the last year. Consumer confidence is the highest in the nation. You would be hard-pressed to think that this is the same place that those opposite managed for four years. Our economy has dramatically improved. Building approvals were up 9.8 per cent in June 2016 and up 28.5 per cent over the year, with dwelling approvals up 25.4 per cent over the year.

So that is the story of achievement. Those opposite will delude themselves if they do not recognise that change has been both dramatic and profound, and it is changing the wellbeing, welfare and, overall, the circumstances of Victorians, particularly those most in need of a government committed to working on their behalf and in their interests.

But let us take a moment to really analyse what happened when the opposition was in government. If you believed the howls of protestation that we hear from those opposite, you would think that they were the job-creating kings of the nation. That is the level of delusion that surrounds them, and it is the level of disgrace that they inflicted upon the Victorian people. In fact their job creation guru, the member for Malvern, loved nothing more than to talk up the opposition's so-called job achievements in government. The only problem was that the achievements were largely fictional, with less than 17 000 full-time jobs created in their entire term in government. This is a figure dwarfed by our numbers of jobs produced in a fraction of the time. Ours is economic growth, and ours is economic growth that has a real benefit for real people.

The story gets even worse if you look at regional Victoria — only 5500 jobs in four years. Again it is a figure dwarfed by a performance. It must be crushing and grievous, in fact, for those opposite to have numerical proof — pure, unambiguous numerical proof — every month of just how poorly they perform in comparison to the outstanding job that this government is doing. You can only imagine the mental gymnastics that they must be going through, thinking, ‘How can we best present ourselves as great economic managers?’. Well, the only demonstration of economic management that really matters is how you impact upon people’s lives and welfare, and this government has made a very considerable and outstanding effort to do so.

To the confused member for Malvern it was evidence that his government’s infrastructure program was creating jobs and had the strongest results in Australia, as he crowed in one media release. It takes serious hubris to call adding people to the unemployment queue the strongest jobs result in Australia. Perhaps he thought he was creating jobs in the Commonwealth Employment Service.

The Victorian unemployment rate was above the national average in 19 of his 21 months as Treasurer. It takes even greater arrogance to take up every opportunity to talk down the Victorian economy and to claim that Labor had failed to deliver on its promises. As we all know, those opposite have spent countless hours shouting from the rooftops to the few who would even bother listening about our 100 000 jobs target. They said it could not be done. Well, how silly must they feel at the moment. It is true, though. I previously said that it was a stretch target. But is it not amazing what happens when a government extends itself and when its members get out of bed in the morning and actually do not see themselves as having been born to rule, unlike those opposite, who view their greatest gift to public life as being able to sit in government and to not have to worry about the welfare of the constituency that put them there.

So what did the member for Malvern say about the 112 000 full-time jobs that we created since we came to government? He said absolutely nothing, despite being very confident in saying that this was a clearly broken promise of jobs, a promise on which we actually delivered. The member for Malvern is often found to have his foot in his mouth. I suppose that is probably why the opposition leader wisely keeps him away from the dispatch box in question time, most of the time.

But in a final act of desperation the opposition has now pivoted around to claim that the Back to Work scheme

was rorted. It is saying that it was a total failure and that there is widespread evidence of rorting. Well, those of us who sit on this side of the chamber might well recognise that either jobs have been created or they have not. We might also recognise that the safeguards built into the system were safeguards insisted upon by those opposite. So if there is any so-called failure, it is there. And let me be clear, we believe that the system has worked exactly as it was designed to — to give those in certain circumstances who need help from government and help from a benign and caring government to find work. We have actually done this.

I suppose the one compelling thing that we should look at is the policy interventions that those opposite put in place to try and create a responsible and effective government. Maybe we should look at infrastructure spending. The member for Malvern and those opposite barely drew breath to talk about the astounding infrastructure program they were creating. These were just nothing but castles in the air — mere zephyrs of infrastructure. They delivered on average a capital spend of \$4.9 billion over the course of their government, yet in the 2016–17 budget alone the average capital spend is \$7.4 billion for this year and the years going forward.

The 2016–17 budget has delivered the biggest regional infrastructure spend on the record, because Labor’s infrastructure spend is about much more than just a single road; it is about building up communities. In recent budgets of course we delivered \$1.46 billion for the western distributor. That means jobs — jobs for communities with a road that is both rationally and appropriately built. We fully funded Melbourne Metro, and we put forward \$2.9 billion over the forward estimates to make sure that that is delivered. Once again, ours is a government building rational infrastructure. It is the right infrastructure, properly justified and coherently explained to the community, and ultimately in the process of being genuinely delivered.

There is \$588 million for the Mernda rail extension and \$516 million for the Ballarat rail upgrade, and \$1 billion was invested in schools in Victoria. These are all investments that generate jobs. They also benefit every Victorian. Not only do they generate jobs in construction, but they ensure that what Victorians get is an effective provision of infrastructure. So when we look at people in regional Victoria, we know that they are not mugs, yet those opposite treat them as mugs, and they have treated them that way for so long now that they have failed to recognise the emerging and evident awareness of how Victorians have been sold out, particularly by the National Party. So while there

will always be more to do, Victorians can be assured that they have a government that will not rest until it has achieved exactly what it said it would — a vibrant, growing Victoria.

Country Fire Authority Latrobe Valley resources and brigades

Mr NORTHE (Morwell) — I am pleased to rise in the grievance debate today, and I certainly grieve for the Country Fire Authority (CFA). I also must say I grieve for the Treasurer given his comments. He had 15 minutes to speak about employment figures but he refused to talk about the Latrobe region, where unemployment has risen from 7.3 per cent to 9.3 per cent under this government. Nonetheless, from a Country Fire Authority point of view I want to raise in the grievance debate my concerns about firefighting resources within the Latrobe Valley as a first point, and I will move on to other matters during the course of the debate.

As a local resident and a local member of Parliament for 10 years, I know in my electorate we have had some horrendous and very complex fires over that period of time. I well remember in December 2006, only a couple of weeks after I had become a member of Parliament, in the Toongabbie area a number of homes were lost. I think 10 or 11 homes were lost at that particular time. That gave me a firsthand understanding of how well respected and admired our Country Fire Authority volunteers are. Brigades from Toongabbie and Cowwarr in particular did a magnificent job of saving lives during that time, and as I say, unfortunately a number of homes were lost.

In January 2009 we had major bushfires in the Mirboo North, Boolarra and Yinnar communities. Again the loss of life was zero, which was wonderful, but again a number of homes were lost. And again the admiration people have for our CFA volunteers and brigades came home to roost, particularly in the Boolarra and Yinnar communities and beyond, who all got together.

Of course in February 2009 there were those awful, tragic fires that claimed 173 lives across Victoria. Unfortunately 11 of those lives were within the Morwell electorate. Again you could only admire and commend all firefighters — career, volunteer, men and women — and all emergency services workers for the efforts that they put in in very traumatic times. The mine fire in 2014 was a different, very complex and awful fire. I put on the record, just to put it up-front, my admiration for all firefighters — men, women, career and volunteers.

However, one of the things that we had wanted to do as a coalition while in government, and following the mine fire, was to establish a new CFA district called district 27. That was really to give regard to the fact that the Latrobe Valley has a number of major, important pieces of infrastructure, whether it be power generators, Australian Paper or other major structures, that require protection. It was an initiative of the coalition that we would create this new CFA district and make sure it was adequately resourced. I must say it was a bipartisan commitment by the government and the Labor Party at the time.

Moving forward, it was with much fanfare and on an unusual date, one might say, 1 April 2015, when district 27 was launched. Unfortunately since that time the feeling and sentiment from CFA staff, personnel and volunteers is that district 27 is still well and truly under-resourced and not getting the support from this government that it deserves. Indeed in October last year I put a number of questions on notice to the government for the then minister to respond to. The questions refer to the money that was allocated for district 27. They refer to its profile for human resources. They ask how many employees will be required. They ask where the implementation plan is and what consultation has been had with volunteers, who at the time were telling me there had been absolutely zero consultation. They ask what resources will be required. Because from the fanfare of the grand opening on April Fools' Day until October, basically nothing had happened. The response that we got back from the minister was a one-line statement:

The Victorian government has made a \$5.5 million investment to establish the Country Fire Authority (CFA) district 27.

As simple as that — absolutely a kick in the face to everybody associated with district 27 in the Latrobe Valley. I might say that Bill Johnstone, the operations officer in charge of district 27, has done a fantastic job in difficult circumstances in trying to keep up the morale of the troops within that particular region as he has had to deal with a lack of resources and commitment from this government.

Also part of those questions on notice that I raised were questions about a number of commitments that the government said they would implement but have not. The government talked about specialised brown coal fire training. That has not happened. It talked about the acquisition of land for a new fire station. In 2014 the coalition government had put into the budget \$5 million for a new Morwell CFA station. This was complemented by another \$3 million. My understanding is that until this day no land has yet been

acquired for that fire station despite the fact that we are now more than two and a half years post the budget in which we made an initial commitment to that project. To say that CFA staff and volunteers within Morwell are cranky about this is very much an understatement.

Whilst we have had the discussion around the enterprise bargaining agreement (EBA), which is very important of course, I want to put on the record that district 27, which was created by the coalition and supposedly supported by Labor, is still short of the resources it requires. My understanding is the brigade administrative support officers and the training officer that were committed to have still not been delivered to that particular district.

As we move forward to this year there has been much said about this contentious EBA.

Mr Pesutto interjected.

Mr NORTHE — That is putting it mildly — I thank the member for Hawthorn. It is interesting to see as we go through the whole debate that anybody who might have had an inkling to suggest that there were issues with particular provisions of the EBA the government has painted them as either a liar or as wrong or they have been sacked or have had to resign. It simply defies logic. This has certainly been played out in my local media for quite some time. An article from *Latrobe Valley Express* of 2 May of this year, under the heading ‘Firefighters “in the dark” about enterprise bargaining agreement’, states:

District 27’s volunteer firefighters say they have been left in the dark while enterprise bargaining agreement negotiations continue with their paid counterparts.

...

This is of concern to local volunteers, who say while they support the paid firefighters’ quest for better pay conditions, they do not support a proposed shift in governance.

‘It’s when it impacts the volunteers and their job, that’s where the issue lies’, Yallourn North fire brigade volunteer Lance King told the *Express*.

Lance King is a very senior volunteer who is well regarded in emergency management. But under the government’s logic about this Lance King is nothing more than a liar; he is telling fibs and that is just an absolute indictment on people who might have a different opinion to the Premier, the Deputy Premier and indeed Peter Marshall and the United Firefighters Union.

An article in the *Latrobe Valley Express* of 6 June under the heading ‘Volunteers fired up’ states:

Volunteer firefighters in the Latrobe Valley and beyond have expressed their ongoing disapproval of a proposed enterprise bargaining agreement between the CFA and United Firefighters Union.

Volunteer Fire Brigades Victoria district 27 president Lance King said volunteers were very concerned about some of the clauses in the EBA, such as a union ability to veto CFA operational decisions.

Mr King said volunteers took no issue with permanent staff pay rises, but the veto clauses could challenge the CFA board, chief executive officer and chief office about any decision-making process.

It is at that point where the conversation becomes interesting. We had the former emergency services minister on the record on many occasions saying that some of her concerns with clauses in the EBA were indeed about the veto. But according to the new emergency services minister there is no veto. So somebody is not telling the truth and it is between one of those two.

An honourable member — Who?

Mr NORTHE — Who? Who would you believe? Another article in the *Latrobe Valley Express* on 16 June is headed ‘Negotiation process slammed’. It includes comments from volunteers and the general community about the way that the Premier had tried to bulldoze through that agreement.

I also want to place on the record some of the comments made by Traralgon East CFA captain, Greg Pringle. Mr Pringle is well known within the local community. He has been a volunteer for a long period of time. He says in a letter not just to me but to the Premier — so the Premier would have this letter:

I write this letter with concern and make call on you to right a wrong that impacts on me and 57 000 other volunteers and career staff in the CFA. I, like many others, paid and unpaid, joined the CFA to protect our communities from fire and other emergencies. This is a commitment I make and reaffirm every day, obtaining and maintaining skills, giving freely of my time and appreciating the sacrifices that my family makes to enable me to do it. But enough is enough when one body of 880 persons you are going to support in preference to the 57 000 volunteers, allowing this small group to have veto and right of decision-making over our board and chief officer and me in the name of industrial relations is abhorrent!

They are very strong words and again reiterate the point. This is not from me; this is not from the Liberal-Nationals coalition; this is from people out in the community, volunteers who have served for a long time. John Holland is a lieutenant from Morwell fire brigade. He said similar things and wrote to the Premier, and he copied me in to the correspondence,

which basically verifies the same things that Mr Pringle said in his letter to the Premier and others.

As I say, it is unbelievable to think that we are still having these conversations after so long. The suggestion from others opposite that there are lies and mistruths being spread in the community is not a reflection on the Liberal or National parties; it is a reflection on the volunteers who dare to actually have an opinion that might differ from the Premier's, the Deputy Premier's or Peter Marshall's, and that is simply wrong. The former minister was basically forced to resign, as well as Lucinda Nolan and Joe Buffone. These were two relatively new appointments to the CFA hierarchy. They came with great support from this government, and they were well respected by people in the community, particularly the emergency services community. They understood that maybe the CFA did need to improve certain parts of its hierarchy, and those appointments were met with much fanfare. Yet here we are, not too many months later, and both are gone. Why are they gone? They are gone because they dared to have a different view to Peter Marshall, the Premier and the Deputy Premier.

We know the board was effectively sacked and now we have a new board in place. Today, as the member for Gembrook quite rightly said, the volunteers association has taken further legal proceedings and they have basically been acknowledged and upheld in their view and the views of many, many others who believe that particular clauses of the EBA are simply illegal or wrong or both. It is a real shame for all that we are in the situation we are.

We have in the Morwell electorate two integrated stations with both career and volunteer firefighters. I know it has been a challenging time for those brigades in Traralgon and Morwell. But what I say and want to put on the record is that I know the men and women, both career and volunteer firefighters, who work out of those brigades are trying their best to work together. The reality is that we certainly respect all of them and the work they do within our communities, but this is a mess that has been created by this government and particularly by the Premier.

The mess is ongoing, as you can see from the people who have lost their positions. They have lost their roles; they have been forced to resign or have been sacked as a consequence of the way that the Premier has handled this dispute. This dispute has not been fixed, despite the words of the Premier that it is now resolved. How incredible is it to think that we determine to sign an EBA just because it has gone on for too long and we do not worry about the context. When we are in the place

we are in at the moment it is a sad day and an indictment of this government.

Employment

Mr NOONAN (Minister for Industry and Employment) — My grievance today is focused on the appalling jobs record in Victoria when those opposite were in government. There are few things that are more important than a job, and since Victorians had their say and booted out the do-nothing former Liberal Baillieu and Napthine governments back in late 2014 the Victorian economy has gone from strength to strength. It was like the sleeping giant had suddenly awoken in late 2014. The heart started beating again in this proud state and, importantly, new jobs started to flow.

We know actions speak louder than words, and the datasets never lie. Between 2010 and 2014 the coalition government created a total of 96 000 new jobs — 96 000 new jobs over four years. In less than two years the Andrews government has created 147 000 jobs. Very pleasingly most of those are full-time jobs. Across the coalition's four wasted years they created less than 17 000 full-time jobs, and as the Treasurer said before, just 5500 of those jobs were in regional Victoria. By contrast, Labor has created 111 000 full-time jobs in Victoria in less than two years. In doing that great work we have fulfilled our election commitment of creating 100 000 full-time jobs within our first two years — surely one of our finest and most enduring achievements. Victoria now has the fastest full-time jobs growth in the nation, as indicated by the recent *Guardian* headline of 18 July 'Need a full-time job? Move to Victoria'.

Unemployment has declined to 5.7 per cent, which is down from a peak of 6.9 per cent under the coalition in late 2014. This Andrews government deliberately works hard in so many ways to create jobs here in Victoria. Victoria has strong credentials for companies looking to set up here. We have an enviable lifestyle, a strong investment climate, a dynamic major events calendar, great infrastructure and the lowest business costs on the eastern seaboard. Importantly, to underscore this, we also have a highly skilled workforce and a culture of innovation and excellence. We also have the world's most livable city right here, being Melbourne. People and investors are voting with their feet, driving stronger population growth, driving economic growth and, of course, driving jobs growth.

But this growth does not happen on its own; it requires a lot of hard work. It requires targeted investment and facilitation by our government. In the 2015–16 financial year the Victorian government facilitated

105 new business outcomes for Victoria, and this will now result in \$2.46 billion in capital investment and create more than 5500 full-time equivalent jobs. Major local and global players like GoPro, Uniqlo, Square, Zendesk and NewCold have all set up their Asia-Pacific headquarters right here in Melbourne. In June I was very pleased to announce that NewCold Logistics would establish its Asia-Pacific headquarters and a major automated cold storage warehouse in Truganina in Melbourne's west. That decision alone creates 127 full-time jobs in the rapidly growing west of Melbourne. NewCold and other companies like this are choosing Victoria because we are renowned as the nation's food bowl.

Also in June I announced that leading English snack food company Tyrrells — and I mentioned this in question time today — had also chosen Victoria as its base to expand its brand, not just here in Victoria in Australia but right throughout the region. Significantly this is Tyrrells first investment outside of the UK, and a lot of the credit has to go to the work done out of our Invest Victoria government office in London that helped secure this opportunity for Victoria. Tyrrells investment will directly create 120 food manufacturing jobs in Lilydale. Tyrrells will also support local potato farmers, with the company sourcing high-quality ingredients and most of those potatoes from Victoria. This major expansion of the Yarra Valley Snack Foods Lilydale facility represents a resounding endorsement of Victoria's credentials as a clean and safe manufacturing exporter of premium foods.

We know Victoria accounts for one-quarter of national agricultural production and 30 per cent of food manufacturing output. We are also Australia's leading exporter of dairy, horticultural products, prepared foods and vegetables. We have also got Australia's busiest container port, which is expanding, and a curfew-free airport. We are also the leading transport logistics hub for Australia.

Yesterday in question time I was very pleased to step the chamber through the government's great track record of investment, which has achieved a great outcome in terms of Woolworths Holdings Limited and its decision to establish its regional headquarters right here in Melbourne.

Mr Wynne — Where is that?

Mr NOONAN — 'Where is that?', the Minister for Planning at the table asks with a full chest. Of course that regional headquarters will be set up in none other than the minister's electorate. He is a fine member that

works hard for his electorate and works hard to secure jobs.

What this means is that we have secured the 680 existing jobs in the minister's area. They are Country Road's head office jobs — jobs that could have easily been lost to Sydney. But secondly, as the member for Richmond so rightly gets excited about, we have secured an additional 820 new jobs for Victoria through the relocation and consolidation of David Jones's corporate headquarters. Now, the Victorian government worked very hard to secure this investment, one of the biggest in many years. We are getting on with the job of attracting any new investment that creates jobs to keep our economy strong.

The Victorian government makes no apologies for placing jobs at the centre of our infrastructure investment in public transport, roads, schools and hospitals and in support of Victorian industries. Given that all those opposite could do nothing more than sign a side letter, it struck me yesterday in question time when the Premier talked about the removal of level crossings in the past tense. Why could he do that? Because the crossings at Centre Road, McKinnon Road and North Road are all gone — they are done. At the peak of construction more than 1000 people worked across that 37-day blitz to remove those crossings — a 37-day blitz with 1000 people working. More generally our level crossing removal program will create around 4500 jobs, something that those opposite could only imagine given they never managed to get any significant infrastructure projects off the ground during their time in government.

The Treasurer earlier talked about the importance of the Victorian government's major projects pipeline in relation to jobs. The 2016–17 budget includes more than \$12.4 billion to build the job-creating infrastructure projects across our state, and when I say 'across our state' I am talking about what we need for the state in terms of our growth. All up the major infrastructure projects funded in the budget are expected to create more than 15 000 jobs and drive more economic activity and productivity over the longer term.

These are more than construction jobs. Through other government initiatives, such as the Victorian industry participation program (VIPP) and our major projects skills guarantee, we are investing back in local businesses and creating jobs and opportunities for young people. The Victorian industry participation program is all about sourcing those goods and services for these major government projects, whether it is concrete, steel, other components or professional

services from local companies. This is a very clear statement that we are committed to local jobs. That is why we have lowered the threshold level in terms of the strategic projects down to \$50 million, effective from 1 July last year. Previously that threshold level was \$100 million, meaning that many projects escaped any requirement to be purchasing local content.

In just under two years we have seen 30 local jobs projects subject to the VIPP. This policy is helping to secure thousands of additional jobs for Victorians. I contrast the 30 projects against the previous coalition government's record, where it only had 8 projects across four years — 30 projects across less than two years for us; 8 projects across four years from those opposite. That is just another example of the wasted four years that Victorians had to endure.

One of those major projects that will have a significant difference in my part of the world is the western distributor. Let me remind those opposite that the western distributor is a fully funded project, with zero assistance from any of their mates in Canberra. The western distributor will provide an alternative to the West Gate Bridge and direct access to the port. It will slash congestion, improve productivity, reduce travel times and, importantly, take trucks off the inner west roads.

The western distributor will also create lots of jobs. Around 5600 jobs will be created during the design and construction — a massive number for my local community. Just last week the Minister for Roads and Road Safety announced that the western distributor will have a minimum of 89 per cent local content under our industry policy. This will include the design and construction of the tunnel, roadworks and elevated structures. The project will also require 82 per cent local content in the supply and installation of the electronic lane use management system, and constructors will be required to maximise, again, that local steel content.

Both small and large businesses will benefit from the western distributor — from the suppliers of the concrete and steel, who I have mentioned, right through to the cleaning and catering contracts and the small businesses in my local area. This is just another example of how the Andrews government is working hard to put local jobs first.

Since 1 January this year all government major projects valued at over \$20 million are required to reserve 10 per cent of their total labour hours for Victorian apprentices, trainees and engineering cadets. Not only have we worked very hard to restore the TAFE system;

we are delivering jobs in order to facilitate the progression of those students coming out of TAFE into meaningful jobs. The major projects skills guarantee was a commitment we took to the election in November 2014, and as everyone in this house knows, only the Andrews Labor government delivers on its election commitments.

While we are making Victoria the education state, we are also creating opportunities for apprentices, trainees and engineering cadets. The major projects skills guarantee has already been applied to the construction of 15 much-needed new schools in our growth areas of Melbourne. This \$291 million project has already created 84 apprentice and cadet opportunities: 10 at Casey Central East Primary School, 12 at Mernda Central College and 8 at Point Cook South P-9 School, just to name a few. Since 1 January nearly 400 apprentice, trainee and cadet employment opportunities have been created on three of our major projects, with plenty more to come. Over the 2016–17 period, the major projects skills guarantee will apply to a pipeline of 33 government projects, representing a total expenditure in excess of \$23 billion.

Finally, the Victorian government believes that generating employment is not only about giving people a wage but also about giving people dignity. Through my own experience before I entered the Parliament of volunteering with the YMCA Bridge Project, I know that giving young offenders a chance to reinvent themselves is facilitated by helping them to gain a job, and a sustainable job. It is very pleasing that at the end of this week I will have an opportunity to celebrate the 10-year anniversary of the Bridge Project and to look back on the success of and the model for this project.

If you consider for a moment the young people coming out of the youth justice system, the majority are likely to reoffend and end up back in the system. Of those who engage with the Bridge Project, less than 3 per cent reoffend and end up back in the youth justice system. That is a fantastic, ongoing achievement that has been reflected in the fact that the project has received a national crime prevention award.

It is not only the jobs and the dignity that goes with them; it is also the savings to the Victorian community, estimated at just under \$3 million per year. My involvement with the Bridge Project has helped shaped my approach to the industry and employment portfolio. Finding a job is about providing young people with a second opportunity to make a productive contribution to the community, and this is such an important task for government. The Andrews government is determined to help disadvantaged Victorians, those Victorians who

face multiple barriers to getting a job. That is why we have committed \$53 million to the Jobs Victoria Employment Network program to help those people who face multiple barriers to employment, those people who are not being supported by the commonwealth government and those people who the Andrews government is determined to support through its own work and investment.

I will just make the final observation here that when Labor was last in government it had a workforce participation program. Of course when we lost government that was one of the first programs the previous Liberal government axed.

As Minister for Industry and Employment nothing is more important to me than jobs and creating opportunities for Victoria. Those opposite wasted their four years in government, with four years of poor jobs growth, four years of higher unemployment figures, four years without any significant major infrastructure projects and four years of inertia. By contrast, we are getting on with the job. We are growing jobs, and we are doing all that those opposite never did — building a brighter future for Victorians, building brighter opportunities for our economy to grow, building the jobs of the future and investing in Victoria.

Country Fire Authority enterprise bargaining agreement

Mr BURGESS (Hastings) — It is a pleasure to rise and contribute to this grievance debate, and I do grieve today. This is not the grievance we normally have, with bits and pieces of things that we agree on and the other side says, ‘No, they were wrong’. This is really a serious matter that all Victorians are concerned with, and the only people who are not listening are members of this government. Of course the leader of this government is the leader of this problem. He is certainly making a name for himself; he will be remembered forever as the person who has done the most damage to Victoria’s emergency services in the history of this state.

For more than 150 years our firefighting services have protected our people and our property in such brave ways that many will go down in history as some of the bravest people we have known. They have put themselves at grave risk to protect Victorians from some of the most ferocious and brutal fires the world has seen. In Australia our drovers and shearers have been iconic symbols for us, but as most Australians would agree, our fireys sit nicely and comfortably in that sort of recognition; they have a rightful place among our heroes.

On catastrophic days like Ash Wednesday and Black Saturday, when our state was on its knees, it was our fireys who stood between us and devastation. They put their lives on the line for people they did not know and would never meet. They did not hesitate, and that is because they are fireys. That is what they do for our community; that is what they are about. That needs recognition from not only the whole community but also, importantly, the government. Unfortunately, as far as my memory is concerned, this is the first government that has failed to do that, and I think it is an absolute disgrace.

In my area my local brigades, which include Somers, Balnarring, Bittern, Crib Point, Hastings, Tyabb, Somerville, Moorooduc, Baxter, Warneet-Blind Bight and Langwarrin, are full of wonderful people. They are just normal people, but normal people who are prepared to risk their lives for others, and that is something that sets them apart from most people in the community.

Over the last three years in my electorate Bittern, Tyabb and Somerville have all been at risk of devastation from fire. I have actually been there shortly after the fires to witness some of the bravery and the heroic acts of our fireys when they have put themselves between raging fires and local people and their homes. It is something you do not forget in a hurry when you see that fireys have stood on a verandah of a place with their hoses pointed at the fires and the fires have come so close it has melted the blinds and the drapes inside the house. If you think about how the fireys were standing on the verandah outside the house, fighting the fire, it is something that really sits with you and you do not forget in a hurry. They literally put themselves between raging fires and our people, and that is something that we really do have to remember.

What do our fireys, our volunteers, ask for in return? Very, very little. They do not ask for any reward; they do not ask for recognition. One thing they have asked for — —

Ms Victoria — Respect.

Mr BURGESS — The member for Bayswater has rightly pointed out that they ask for respect, which is something that everybody should give them as of right. But in the past and now they have also asked for recognition of the risks they face by exposing themselves to various elements when they fight fires, particularly car fires, as a result of which on some occasions they have contracted cancer. I am very proud to have been part of a government that was able to implement presumptive legislation that saw the risk of cancer recognised so that, when a firefighter was

exposed to toxins and then contracted cancer, there was the presumption that that cancer was caused by their work as a firefighter and therefore they and their families were protected.

As I say, we committed to that, and we committed to equality of recognition across all firefighters, yet firefighters and their families are still waiting for this government to make a move on that. There has been a deafening silence from this government. They have yet to do it, and one can only wonder what it is that is holding them up. The work that was done and the studies that were completed were pretty consistent right across the board, and that is why the previous government committed to that, so the volunteers can know that they have that protection, but volunteers are still being made to wait by this government. I think that again is something that needs to be done far more quickly than has been done so far.

Our firefighters protect us every day, and it is important that our community understands that. It is important that the government stands up and lets them know what is going on. In fact over the last couple of days the Premier has said during question time that the enterprise bargaining agreement (EBA) negotiation between the government, or between the firefighters and the United Firefighters Union (UFU), has been ongoing and was ongoing when the previous government left office, and he is correct: it was ongoing at the change of government. The one reason it was ongoing is although the previous government was prepared to improve benefits and look after conditions, it was not prepared to be bullied by the UFU, and therefore the EBA negotiation was ongoing at the change of government.

What I think we all have to understand is where this dispute has come from. The leadership of the UFU — and it is important to see the difference between the leadership of the UFU and the firefighters in the UFU, because they also are firefighters who look after our community — is on the record as having wanted one fire service and one union and has pushed for that for some time. This agreement clearly has taken place against that background. So what did we have? We had a dispute going on about an EBA that really gave the UFU and its leadership control of our volunteers in ways that put the community at risk. We had a desperate Leader of the Opposition at the time in the member for Mulgrave who went to the UFU and made a deal — a deal that has not become obvious yet. We have not seen the wording of it, but we can certainly feel the effect of it. That is what we are arguing about at the moment. We had a desperate opposition leader and we had a desperate leader of the union. They got

together and made an agreement. Clearly the agreement was for the UFU to push and use all the power that it had and do whatever it took to make the member for Mulgrave Premier, and the Premier obviously had agreed that he would implement anything that the UFU wanted after he became Premier. That is certainly what had taken place and certainly what makes a difference now.

The thing that we need to understand is that this is not the beginning of it. In fact over the last decade we have seen the effects of the UFU control in the Metropolitan Fire Brigade (MFB). When John Brumby was Premier he caved in to the UFU and gave them veto control over the operation of the MFB. If you talk to the MFB and their management, they will tell you that it has made firefighting and looking after Victorians far more difficult. So we have a union leadership that wants one union and one fire service, and it is becoming increasingly obvious that we have a Premier now who is far more interested in being the puppet of the unions and under the control of the unions — and he is — than in making sure that the conditions and benefits of firefighters are looked after. Peter Marshall, obviously, would from this agreement get a bigger army that he could then use to keep the Premier in power.

What do we think the agreement was about? It is fairly straightforward if you stand back and have a look at what has gone on. The then opposition leader, the member for Mulgrave, was to get what he wanted, and that was a union that would fight for him. The union was to get what they wanted, and that was the agreement so they would have veto over the Country Fire Authority (CFA) and be able to call the shots and basically have control, and then of course that control gave more power to the union to be able to help the Premier stay in his job. Whatever it was that Peter Marshall had to do, he was prepared to do, and of course we have seen over the last two days that the Premier is so beholden to this man and the UFU leadership that he has not even been game to say his name in this house. Even when asked direct questions he would not say this man's name in the house.

So we have to ask very seriously, 'What was in this agreement?'. What does Peter Marshall have on this Premier, so much so that he would put his own party at risk? Certainly some people believe that the Premier is the reason the federal Labor Party did not become the government of the country. He has destroyed any credibility he had left in his government. He had a minister who was continually leaving his office visibly upset and then was forced to resign. He sacked the CFA board after trying to bully them, and they would not be bullied, so he had to sack them. He sacked the CFA

CEO and pushed the chief officer so hard he resigned. He refused to support the chief officer of the MFB when he exposed evidence that showed that this agreement was not the thing that should be done, and many other things have occurred in this sorry saga that we read about every day on the front page of the newspaper.

Another critical question that I think people need to turn their minds to is what would happen in any organisation where a senior officer was given information from an expert in the field that said, 'If you do something, this will expose people within your organisation and others to far more serious risk of both fire and terrorism', and that person chose to keep that information to themselves and not act on it. That would be a very serious offence in anyone's book, but that is precisely what the Deputy Premier has done as the Minister for Emergency Services. Having been given information by Peter Rau that actually pointed out that this agreement, if implemented, would put Victorians at increased risk of terrorism and increased risk of fire danger, he decided — we would suspect in cahoots with the Premier — not to expose that information but instead for them to keep it to themselves and to continue to operate as if it had not happened and to try to implement this agreement. At best it could be described as negligence and at worst treason, and to me it seems more treasonous than anything else. I think this Premier should act and speak very seriously to the emergency services minister and stand him down because he has not been honest with the community, and obviously he has not been honest with the government or they would not have put up with that.

The Premier's guilt of course has been shown to be quite intense, and our community and our volunteers have been under an unprecedented attack from this government, and not only the volunteers in the fire services either. Volunteers throughout the state are feeling the pressure. The State Emergency Service are feeling that they are the ones that are next in their sights.

Even the paid emergency services people — our police — are getting cut to ribbons. Their numbers are being reduced, their police stations are being closed and the hours of the police stations are being reduced, so there is an all-out attack by this government on emergency services throughout Victoria. It really can only be detrimental to the state and the people that live in it, and this Premier really needs to turn back this tide, to recall that agreement that has now been signed — he has the ability to do that — and to tell the people who are in charge of it that this is not to proceed, because at the moment he is causing a great deal of angst to not

only the volunteer services but all of the services and Victorians as a whole.

When the Premier made his deal with the UFU he really was putting himself and his party in front of the people of Victoria and the 60 000 volunteers that we have, and he really needs to rectify that and start to do the job where he puts Victorians first in front of his own ambitions. Anybody who puts a veto in a UFU agreement above the best interests of his state is obviously not doing his job as Premier. He has pushed a minister to resignation, he has sacked a board, he has sacked a CEO, he has failed to support a commanding officer who has come out in protest against what he is trying to do and he has hidden information that, had it been known at the time, would have made it more difficult for him to get his way.

It just confirms that this man really is not acting in the interests of the Victorian public and needs to be pulled into line, and the only way to do that obviously is for us to pull back that agreement and take another shot at it. If he does push the CFA to the brink and we do not have that critical surge capacity anymore, Victorians are going to be in a great deal of danger when the fire season arrives.

Automotive industry

Ms WILLIAMS (Dandenong) — I rise to grieve for the workers in Australia's automotive industry, who have been let down by conservative Liberal-National governments who kicked them to the curb two weeks before Christmas in 2013 and have continued to do so every day since. There are somewhere in the order of 200 000 Australian automotive jobs impacted by the closure of the auto industry in Australia, and about 100 000 of these direct and indirect jobs are in Victoria, so about 55 per cent of the Australian auto workforce is in Victoria, and the Productivity Commission has estimated that up to 24 000 of those jobs could be lost in Victoria by 2017. The economic impacts will be profound, but even more than that the closure of the auto industry stands to cause enormous upheaval in the lives of thousands of Victorians and thousands of Victorian families.

So how did it happen? I think most on this side know exactly how it happened. It happened because the Liberals goaded the car companies to leave. 'Either you're here or you're not', said Joe Hockey. Then Warren Truss piled on, saying he had written to the general manager of Holden asking General Motors to make an immediate statement clarifying its intentions in Australia. 'They owe this to the workers at General Motors', he said. Tens of thousands of job losses —

that is some payment, I have got to say. It is a national disgrace, and it is a tragedy for thousands of families who had their livelihoods snatched away in a moment of bullish arrogance and, quite frankly, stupidity.

You might also wonder why the Liberal-National government committed this act of vandalism. Simply, it was about budget savings. And guess what? They were wrong about that too. Ian Porter, in his book about the closure of the auto industry, said that if the 45 000 people employed directly in the auto industry claimed the Newstart allowance from 2017, it would cost the federal government about \$1.1 billion a year — approximately three times as much as would be saved by closing the industry, he said. He went on to say that this is the sort of faulty mathematics and rank ideology that underpinned the whole Abbott-Hockey austerity policy and which came to full fruition in the disastrous 2014 federal budget just six months later.

And if the original decision to goad the companies into leaving was not bad enough, then they started tampering with the transition package, trying to take out money, bringing forward the end date to the funding, creating further uncertainty and doing their best to deprive the sector of much-needed funding to assist businesses and their workers to transition, and in doing so they shafted businesses that had made arrangements based on the automotive transformation scheme (ATS) legislation continuing until 2021. Businesses like Bosch, whose decision to consolidate its diode production in Australia was approved on the basis of the ATS as it was originally drafted — that is, continuing until 2020–21.

Once again auto workers at that time became nothing but a budget saving for the coalition government. Even if it was a poorly calculated decision, it just does not stack up. Why would you think an immediate sugar hit of savings was worth the long-term pain and long-term cost to the economy and to people's lives? Let us be clear: there has been from the very outset — from the moment Joe Hockey stood on the floor of Parliament and said those words, and Warren Truss as well — a complete and comprehensive lack of commitment to the auto industry from start to end.

And there has been no commitment to transition or to the future of a sizeable workforce by the federal coalition government and their state colleagues. In abandoning the auto industry the Liberals demonstrated a total lack of regard and of understanding of what this industry has delivered to this nation, not just in direct output but in technical innovation, research and development, skills development and excellence over generations. This is more than just about losing

Australian-made cars, and in some ways I think it runs deeper than the inflated employment statistics that will result from it. It is about losing capacity, losing that research and development and losing the valuable training ground that has proven vital to our economy, our continued prosperity and our ability to innovate long into the future.

That raises a question. I have spoken a bit about the federal government's failings. I have alluded to the fact that their state colleagues were in cahoots with them on this, so where was Denis Napthine while all of this was happening? According to Jay Weatherill, Napthine refused to acknowledge the looming closure of Holden and Toyota in private conversations between the two men — 'No, it's not happening'. He had his head in the sand, and he continued in those conversations, despite the warnings of Jay Weatherill, to refuse to accept that this was going to be a reality. He was asleep at the wheel, Mr Weatherill said, and he went on to say that, if he had done a little more to get on board a little earlier, we might have been able to avoid the decision by the commonwealth. 'Asleep at the wheel' characterises the Baillieu and Napthine governments on so many fronts — on every front, in fact.

As the Parliamentary Secretary for Industry and Employment a key focus of my role is to support the minister in our government's response to the closure of Ford, Holden and Toyota. Given the level of neglect by the federal government and the inactivity of the Napthine government, we have had our work cut out for us. I think that is clear.

Labor has worked hard to support the transition of the auto workforce and protect supply chain jobs by assisting businesses to diversify. We have established a statewide task force that meets monthly, and we have established local task forces in the regions hardest hit by the loss of this industry: Geelong, Melbourne's north, Melbourne's west and Melbourne's south-east, which I represent.

I chair the south-eastern task force myself, and I have been somewhat buoyed by the level and quality of the engagement of the major car companies, the supply chain representatives, the automotive industry bodies, councils and the unions. I think they are grateful for the interest that we have been showing, because they did not get that from the former government. They did not get that care. They did not get a government that was asking them what they needed or how it could help. I notice the member for Geelong nodding along there. She is chair of the Geelong task force and would have had very similar conversations in her community to the ones I have been having in mine.

These task forces ensure that the government listens to the auto industry and takes their feedback on board. Quite frankly it has led to really meaningful change, improvements to programs, better engagement and a better knowledge base from which to build effective and responsive policy. We are listening. This is the message we are sending: we are listening, and we are responding.

As the local member for Dandenong, I have visited many local manufacturers in my area, many of which have been and will be impacted by that fateful and reckless decision of the Abbott government, supported by Denis Naphthine in 2013 and post that time as everybody came to terms with what it meant. I know many members on this side of the house have done the same in their communities. I have already mentioned the member for Geelong, but there are members across all electorates who have supply chain companies in their patches that are impacted and they have made the time to go and speak to them and find out what the closure of auto means to them and what the level of impact will be.

As parliamentary secretary I will be broadening my visits beyond my own electorate and will be travelling around the state and visiting businesses that will be either closing or downsizing. We will be making sure we are doing everything possible to support the workers that Abbott and Naphthine left behind. It is important to note that it is not easy for a lot of these supply chain businesses. They are not large businesses a lot of the time. They are not Ford, Holden and Toyota; they are often smaller businesses. They have got limited resources to pour into thinking about diversification. They have often got limited time because there are only so many in the business that can be allocated to these sorts of initiatives and this sort of thinking.

I have seen some articles recently that have talked about businesses sitting on their hands. It is not that they want to be sitting on their hands; it is that sometimes it is hard to find the space or the air and to get the help you need to make those decisions to work out what direction you are heading in. I think this government is making a really good go of being of assistance and of supporting those businesses to make those tough decisions and work out where the new opportunities are.

With the minister in the immediate period ahead we will be prioritising those that are most reliant on Ford, which, as we all know, is closing in October. We want to make sure they are accessing the appropriate government assistance programs and that the businesses that rely on Ford are getting access to the programs that

will help both their businesses and the workers in their businesses. The department, I understand, has already engaged with almost all of Ford's suppliers, but we will not rest on our laurels. We will keep having those conversations so we can ensure that we have done all we can to support those businesses and their workforce.

This work includes strengthening existing industries, as well as attracting new ones, and the Minister for Industry and Employment in his address previously talked about some of the businesses we have attracted to Victoria in recent times, including David Jones and Tyrrells, which he mentioned earlier today. The beauty of this is that it is a welcome show of confidence in Victoria, and I have no doubt that it is due largely to the policies and the thinking of the Andrews Labor government. We did not see it happening under the previous government; that is for sure.

While I am here I would like to acknowledge the work of my parliamentary colleagues who also chair those task forces: the member for Broadmeadows, who is not in the chamber in the moment but is a very passionate advocate for the businesses in his electorate; and of course the member for Geelong, who I referred to previously and who has also been a very passionate voice in this space. They are doing amazing work with their local task forces, and the leadership they are demonstrating as they work to support their communities through this difficult time is to be commended.

This approach to governing could not be more different from that of those opposite when they had their chance. Our approach has led us to committing \$46.5 million to helping businesses, workers and affected communities. The package includes a \$5 million auto supply chain transition program to provide tailored case management services to assist auto businesses to diversify into new markets and \$8.4 million for a skills package to support auto workers facing retrenchment in Melbourne's south-east, where half of the auto supply chain is located. This will help workers to re-skill and find new employment.

There is \$33 million for the Local Industry Fund for Transition, what we call LIFT, which will boost economic growth in communities hit hardest by the loss of auto. This includes \$10 million for the south-east, which was totally neglected, indeed forgotten, by the federal coalition government, despite the fact that, as I said, it is home to half of Victoria's auto supply chain workers. It is pretty incredible that it did not get a look-in by them the first time, but we have rectified that.

We have also invested in skills and jobs centres across the TAFE network to provide a one-stop shop for Victorian workers to access a range of services, such as training advice, careers advice, referral to appropriate job support services and skills assessments. I have one of these in my electorate of Dandenong, based out at the Lonsdale Street outpost of Chisholm TAFE, and I know that significant effort has gone into making this work as effectively as possible for the benefit of local workers.

The minister and the Treasurer before him touched on other schemes, like the Back to Work scheme, which provided incentives to companies to hire unemployed youth, retrenched workers, the long-term unemployed and those likely to be excluded from the job market. The \$100 million allocated for that scheme has been fully subscribed, but a \$15 million allocation was set aside for retrenched automotive industry workers and dairy industry workers. This is in addition to local content rules on trains and trams and rolling stock strategies that give businesses and their employees certainty.

We have also seen a \$200 million investment in high-growth sectors, such as medical technologies and pharmaceuticals; new energy technologies; food and fibre; transport, defence and construction technologies; international education; and professional services et cetera. These are the industries that we expect will bring a lot of opportunity for this state into the future, and this is about looking ahead.

Since we have come to government, as we have heard, 147 000 more jobs exist than under the previous government. That is one hell of an achievement. We promised an additional 100 000 jobs, and as recent reports attest we have reached that target. We have done more in two years than those opposite did in four by a very, very long way. Current projections suggest around 90 000 more jobs will be created by June 2018 that may suit existing auto workers. We are keen to make sure we can connect this workforce to new opportunities. This has not happened by accident. It has happened because we have worked hard to establish programs that are responsive and genuinely supportive. The fact remains that when the major car companies leave there will still be some auto jobs. There will still be some areas that we need to support — designers and engineers at Ford and Holden, for example.

Under the coalition 62 000 Victorians lost their jobs. Unemployment increased by almost 2 per cent, and the Napthine government would not act. They were shamed to the table on SPC Ardmona. They had no intention of offering support after their federal

counterparts refused a co-contribution, and the fact remains that then Premier Napthine was eventually embarrassed into action by the commitment made by those on this side of the house. Be in no doubt that there would have been no support for SPC had it not been for Labor. You would think that the current opposition might learn from that, but the signs are not good, because the leader is still too fixated on schoolboy games to worry about what really matters.

I grieve for the generation of workers who have had their skills and training opportunities put at risk by the coalition government. I grieve for workers who are disadvantaged by the slow acceptance by the Napthine government that auto was indeed leaving our shores. I grieve for those businesses that were kicked to the kerb by the reckless display of arrogance of former federal Treasurer Joe Hockey that day in Parliament, two weeks before Christmas in 2013. But there is some good news. Labor is in power now and is getting on with it. We are working hard to give the support the coalition simply refused to give in Victoria. Ford closes in October. Holden and Toyota will follow. We have known this for many years, but it was only under Labor that our auto workforce, both direct and in the supply chain, had the attention and the engagement they need in order to move forward and continue to prosper and provide employment for that workforce in Victoria for many years to come.

Country Fire Authority enterprise bargaining agreement

Mr T. SMITH (Kew) — I grieve from the bottom of my heart for the people of Victoria because they have a corrupt government. They have a corrupt government because the government has been held over a barrel by a lunatic called Peter Marshall. We all know that Peter Marshall has something on the Premier which is ensuring that public policy in this state is not being rolled out for the benefit of the many but for the benefit of the United Firefighters Union (UFU) and indeed for the Premier's own political future.

You do not govern a state like Victoria like this. You do not govern because you are fearful of what a union leader could do to you politically if you do not do what he tells you to do. Why has the Premier this week never once denied the allegations, for example, that Peter Marshall in a meeting with the former Minister for Emergency Services, the member for Brunswick, threatened to put an axe through her head? Why has he also not called out this rogue, this bully, this disgraceful individual? He will not even say his name. Why will he not do that? Because clearly what is worse than this is whatever Peter Marshall has on the Premier. What

could the Premier be so fearful of by simply calling out Peter Marshall for his grotesque bullying of not only the former minister but of Lucinda Nolan and, from what we heard in question time, of countless other public employees in this government? Why will he not do that? Because he is beholden to this public sector union.

We all warned Victorians at the end of 2014 that this government would be beholden to public sector unions like none other. We have had Labor governments in Victoria over the years. The Bracks and Brumby governments had to deal with Peter Marshall. They never behaved like this because they governed in the interests of all of us, not just the chosen few, not just the UFU and its 1260 members of the Country Fire Authority (CFA), compared with the 60 000 volunteers who defend lives and property every summer. They did not do that. The South Australian Labor government has not behaved like this despite the UFU trying to put them over a barrel for a decade. They resisted because they had the moral fortitude to say to the UFU, 'No, we won't behave like that because we are the government of all South Australians. We are not some sort of extension of the union movement; we are actually elected officials'.

Now I would ask the Premier to come in here and behave like a Premier, apologise on behalf of the union movement for the way Peter Marshall has behaved, call him out and do the right thing. He should do what the member for Wendouree did and say that some text messages she had seen had crossed the line — crossing the line of a Premier who has preached on all matters with regard to the treatment and respect of women in society and in the workplace. Yet when it comes to Peter Marshall, there is dead silence. I would contend that this hypocrisy is possibly the worst example of double standards I have seen by a Premier in this state. It is appalling, and the silence from those opposite speaks volumes.

Today an injunction was granted to 3 October. Ten weeks ago the Premier stood there like George W. Bush on the aircraft carrier saying 'Mission accomplished'. Yet 10 weeks later we still do not have a signed enterprise bargaining agreement (EBA). We are now going to be in the Supreme Court until 3 October. There will be submissions made. There will be a trial. I am hearing that there will be witnesses called, potentially former board members of the CFA. A report says that in court this morning Chris O'Grady, QC, acting for the CFA, said the legal action launched by Volunteer Fire Brigades Victoria was impeding his client's ability to put the agreement to its employees. The report continues:

Pressed by Justice McDonald, Mr O'Grady said it was possible the agreement would give the union veto powers over —

the chief officer.

'I accept it is arguable', he said ...

This goes to the very heart of this agreement. It goes to the operational independence of our fire services. This is what the chief officer of the Metropolitan Fire Brigade (MFB), Mr Rau, said in his letter to the emergency services minister on 30 June:

I am concerned that, far from improving the already very troubling position that exists under our current agreement, the proposed CFA provisions would further hinder my ability as chief officer to effectively fulfil my statutory responsibilities as you and the community expect.

This is not a Liberal Party stooge. This is not even a volunteer firefighter. This is the chief of the MFB who has had to deal with Peter Marshall and the UFU through his operational decision-making over many years now. So I contend if he has an issue with operational control by a third party, in this case the UFU, why does the government not? Why? Because they are politically beholden to this lunatic. And he is a lunatic — screaming at people, shouting at people, threatening to put axes into people's heads, sending his goons down to hijack, for example, Lucinda Nolan and the former minister's press conference last year. I will never forget that footage, seeing Ms Nolan and then Minister Garrett at, I think, a fire station with these big, burly brutes coming around and imposing themselves in their personal space.

What did we hear from the Premier? Absolutely nothing. Yet today he has the gall, indeed the outrageous gall, to mention Rosie Batty in question time, as if that woman has not been through enough in her life without being dragged through the mire of the CFA dispute, because he refused to answer a question and call out Peter Marshall. So what did he do? He lowered himself to the lowest possible standard, brought up Rosie Batty and thought, 'I'll be the big tough guy today. I will bash up Graham Watt and I'll bring in Rosie Batty', because the problem is the Premier himself is a bully, and that is an undeniable fact.

Mr Katos — I know that firsthand.

Mr T. SMITH — As does my good friend the member for South Barwon, who called out the Premier for his bullying behaviour, the double standards, the hypocrisy and the carrying on. Good on you for doing so, and good on Vicki for standing up for you in the Geelong media as well.

If we look now at what happened in the federal election, the Leader of the Opposition was spot-on yesterday when he said, ‘Thank you so much for all that you did to ensure that we won one seat off the Labor Party in Victoria, we did not lose a seat and the swing to Labor in Victoria was half that of the rest of the country’, and why was that? There were a number of reasons.

Mr Nardella interjected.

Mr T. SMITH — I think you will find, Don, it was the CFA, my friend, it was the CFA dispute —

Mr Nardella interjected.

Mr T. SMITH — Why didn’t you win Corangamite, Don? Why didn’t you win Latrobe? Why didn’t you win Dunkley? Why not?

Mr Nardella interjected.

Mr T. SMITH — Because Victorians knew, Don, that your assault on the CFA was not going to be tolerated. And guess what? It was not tolerated, because you did not win Latrobe, you did not win Dunkley and you did not win Corangamite — and three months ago you would have.

Mr Nardella interjected.

Mr T. SMITH — Yes, mate, yes. I have seen the numbers. You would have won them — absolutely correct. You would have won them but for the CFA. So you think that sacking the CFA board, the minister and a CEO halfway through the federal election did not cost you the odd vote or two? No, of course not; of course it did not.

Mr Nardella interjected.

Mr T. SMITH — No, never. Wouldn’t it? Are you serious? Are you honestly trying to tell me that the CFA dispute did not cost Bill Shorten the prime ministership? Of course it did. You are a delusional factional activist, Don — that is what you are. You have got no idea. You would not know if your pants were on fire, mate. Fair dinkum! You are trying to tell me that the CFA dispute —

Mr Nardella interjected.

Mr T. SMITH — Well, I can guarantee you, Don — I can guarantee you, my friend — that the CFA dispute cost Bill Shorten the Lodge; absolutely it did. And do you know why it did? Because it confirmed in most people’s minds their innate concerns about Labor’s connections to the union movement — that

fundamental concern that you are beholden to the unions. It confirmed all their innate fears about your movement. You had forgotten about governing for all. You started governing for the few, governing for your union mates, and that is what happened. You can deny it as much as you like, but I know what Bill Shorten thinks. He thinks you cost him the Lodge.

Now, this fantastic piece in the *Australian Financial Review* of 5 August, where it became apparent that Peter Marshall had attempted to put an axe into Jane Garrett’s head during a meeting, is 4000 words or so on how state Labor cost federal Labor a potential election victory. It is pretty rare to see state politics on the front page of the *Australian Financial Review*. Why? Aaron Patrick, who authored this piece, is a former Labor right activist. He would probably know more than me about what happened within the Labor Party that ensured that Bill Shorten did not win, so do not argue with me, mate. Read the piece. I will give it to you after my speech.

We go again to the point with regard to Peter Marshall and his influence over this government. The question was posed the other day in question time: why has the Premier tolerated Mr Marshall’s outrageous conduct? Not only has he tolerated it; he has rewarded it. Why has the Premier given him every single demand he wanted at the expense of CFA volunteers, women and community safety? The answer is that whatever Peter Marshall has on the Premier is worse than spending \$700 million-plus on an EBA that endangers public safety and potentially lives.

If we turn to the cost of this agreement, the Treasurer in question time yesterday reasserted that it would cost \$160 million, yet the chief financial officer of the CFA in June said it would cost \$663 million. Why the discrepancy? Well, the lines out of your caucus talking points say that it was from a different version of the EBA, yet when asked yesterday the Treasurer actually could not tell us which version of the EBA he was referring to.

Mr Nardella interjected.

Mr T. SMITH — And then, Don, he was referring to this statement of intent. The statement of intent has no legal basis at all, and questions have to be asked. Let us take, for example, clause 77.4 on training locations, which talks about things like agreed practice — whatever on earth agreed practice means —

Mr Nardella interjected.

Mr T. SMITH — Why wouldn’t you put it in the agreement? Why wouldn’t you put it in the agreement

proper? Why would you put it in a non-legally binding statement of intent that has no basis in law? Why would you do that? Why? Because that is what Peter Marshall wanted, because he did not want it in the agreement, because he does not want it to be legally enforceable. That is the whole point.

If you want to talk about side letters, statements of intent or whatever, it is clearly obvious by this sham of a document, which has no legal basis, that the reason for it being so is that that is what Peter Marshall wants. The reason why Peter Marshall wants it is that he does not want it to be legally binding, which means that every operational decision that is made by the CFA in the middle of a fire season will be decided by a third party that I would contend has no idea about fighting bushfires, that being the urban-based UFU.

You cannot deny that this statement of intent is a mere fig leaf for a union takeover of the CFA. It was lauded last Friday with as much fanfare as mission accomplished. We are back in court and will be so until 3 October, and that is before the Fair Work Commission goes through its certification process. Indeed — and I warn you, this is what is coming your way — when the federal government sort you out on 30 August, and they will, when Parliament goes back — —

Mr Nardella — Oh, yeah. We're scared. We're shaking.

Mr T. SMITH — You should be, my friend, because they are coming after you lot and this absurd agreement.

Geelong region employment

Ms COUZENS (Geelong) — My grievance today is that the opposition continues to attempt to mislead the community in regard to economic growth in Victoria. I want to congratulate the Treasurer because we have seen significant growth, but I also want to make the comment that today in this place we have heard a lot from the other side about the Country Fire Authority — we have just sat here listening to that — but very little, if anything, about jobs. But then I suppose I should not be surprised because we did not hear anything from them for the four years they were in government either.

The most recent national accounts data for the March quarter 2016 shows Victoria's state final demand growth to be equal second highest for the quarter and second highest over the year. Victoria's state final demand has now increased over six consecutive quarters and 3.25 per cent over the past year.

Household consumption and dwelling investment were the drivers of growth in the latest quarter. Victoria's housing sector in particular has seen very strong investment. Importantly, this has been driven by improving fundamentals, with strong population growth a major driver. Supported by tourism and international students, the value of service exports has surged over the past year. Real gross state product (GSP) growth was 2.5 per cent in 2014–15, compared to only 1 per cent in both 2013–14 and 2012–13. Victoria's real GSP growth in 2014–15 was the second highest among the states behind resource-rich Western Australia. The Victorian economy had \$361 billion in nominal GSP in 2014–15.

Regional Victoria has recorded the largest increase in both total and full-time employment over the past three months in absolute terms of any state. The regional unemployment rate sits at 5.6 per cent, equal lowest among the states and well below the national regional average. More than 32 000 people have found a job since Labor was elected, with 16 000 of these being full-time jobs.

In stark contrast the coalition only managed to create 5500 regional jobs over a four-year period. Over half the cities and towns in regional Victoria have seen their unemployment rates decline. When it comes to jobs those opposite failed to deliver in their four years in government. They, along with the federal government, allowed jobs to haemorrhage out of my electorate of Geelong, in particular at Ford. The member for Dandenong very clearly outlined the history of that so I will not go into it. The member for Dandenong and the member for Broadmeadows joined me in the challenge of ensuring that our workforce at Ford is adequately catered for, and I will get onto that a bit later as well.

Geelong is undergoing significant job growth, with data from the Australian Bureau of Statistics (ABS) showing strong employment growth over the course of the last year, with almost 20 000 new jobs in the year to June. The Geelong community knows that that is happening and it is very excited about it. I think it has been a great confidence boost for our community. According to the ABS, in the three months to June 2016 the unemployment rate in the Geelong region, which includes Surf Coast and Lara, was 5 per cent below the national and state average. I know the member for Lara is getting the same positive feedback as I am that the people in our electorates have confidence in this government. Geelong's unemployment rate of 5 per cent is down from 6.2 per cent at the same time last year and significantly lower than the 8.2 per cent at the time of the last election.

Compared with the three months to November 2014, employment in the Geelong region has increased by 23 700 people — or 20.3 per cent — while there are almost 3000 less unemployed people in Geelong. The trend is also encouraging for youth unemployment, with the number of youth employed up to 18 200, from 15 500 at November 2014. The total number of youth unemployed has also fallen from 3500 to 2400, a 31 per cent fall.

The strong jobs growth in the Geelong region is consistent with a strong performance across the state, with Victoria's unemployment rate currently sitting at 5.7 per cent. The level of Victorian employment is now 147 400 persons higher than in November 2014, with full-time employment up by 111 500 people during the same period, well above the 100 000 full-time jobs that we promised Victorians we would create. Victoria now has the fastest growing full-time jobs growth in the nation.

The Back to Work scheme has also had an impact in Geelong, with more than 700 claims in the Geelong region since the scheme commenced last year. The scheme, introduced to assist those in disadvantaged cohorts, including the long-term unemployed and youth unemployed, has given those who have generally found it difficult to find work a better chance of finding employment or getting access to training and being in a better position to find a job. We are providing opportunities because that is what good governments do. After four years of neglect by those opposite, which led to unemployment going up, strong investment by the Andrews Labor government has led to a resurgence in job opportunities in Geelong.

I was surprised to read the comments in the *Geelong Advertiser* recently from the member for South Barwon, claiming that the government is talking up the job figures now because the figures will be higher with the closure of Ford later this year, in October. That deep scar on our community is there because of the poor performance of the previous government; that is their legacy, which is certainly nothing to be proud of.

The other point is that Ford is not actually closing in Geelong. In fact the Andrews Labor government, Ford, the unions and other relevant stakeholders, through the Automotive Transition Taskforce, have been working hard to ensure that we minimise the number of jobs lost and that there are job and retraining opportunities for those retrenched workers. I want to congratulate the Minister for Industry and Employment for his work in ensuring the work of the task force at a state level and within the regions.

I think it is important to remember that Ford is not actually closing in Geelong. There will be redundancies; there is no doubt about that. As I said, that deep scar has been left by the previous government and we are doing everything we can to ensure that those workers affected are looked after, that they do have jobs to go to, retraining to do or are redeployed within Ford. Ford has been working very closely with the government to ensure that its workers are redeployed to every job opportunity that remains at Ford, so there is a great deal of work going on. As each week ticks by, fewer and fewer workers will be made redundant at Ford in October, which is a great thing.

I think we need to be clear that those workers have been stressed for a very long time — it has been some time now since Ford announced its closure in Geelong and those workers have had to deal with that and look at their future. Some of the workers who have been there for 20, 30, even up to 40 years will lose the social connections that they have forged in the workplace, so a lot of work is being done around the mental health of those workers as well. A lot of that is being done through the task force, which again, I think, has provided a fantastic opportunity for my region, along with the likes of Broadmeadows and Dandenong.

I am proud to be part of a government that is continuing to fight for Geelong's future; the 'can do' and 'getting it done' approach of this government is renewing the region, strengthening tourism and creating jobs. That is what the people of Geelong want to see and that is exactly what this government is doing.

The Andrews Labor government recently announced \$1 million to develop a plan for a business case for a Geelong convention centre. Deakin University's waterfront car park will be the focus of the study for a 1000-seat convention centre. Previous work suggests a convention centre would deliver an estimated 600 jobs during construction and 270 ongoing jobs in the region.

The Andrews Labor government is continuing to secure events for Geelong, all of which boost our local economy and, importantly, create jobs. It was a real thrill to see Atlético Madrid take on Melbourne Victory recently at Simonds Stadium in Geelong. The Victory defeated the European powerhouse 1-0 in front of almost 17 000 fans. On top of this we just announced that international cricket is coming to Geelong for the first time; on 19 February the Southern Stars will take on New Zealand before the Aussies host Sri Lanka. Other events we have coming up include the Cadel Evans Great Ocean Road Race, the Festival of Sails, the Avalon air show and the National Cricket Inclusion Championships. I am very proud of the Andrews Labor

government record, of the calendar of events that will boost our visitor economy and of our Minister for Sport, who has been doing an extraordinary job in securing these events, not only in Geelong but right throughout Victoria.

The Premier recently launched the *Revitalising Central Geelong Action Plan*, which is the Andrews government recognising that Geelong is not only Victoria's second city but also a smart city that is a great place to live and work. The action plan has been welcomed by the people of Geelong. This plan sets out our government's plan to drive change in central Geelong through key catalyst projects such as planning for our growth, as well as creating a stronger CBD, more housing in the city and a smart city that drives significant projects such as the construction of the tech school at the Gordon TAFE, establishing operating plans for our transport network, greening up our public space and linking our city and great waterfront. Again, with all of this comes jobs. We can now also see the construction of the new WorkSafe Victoria building, which has created construction and ongoing jobs within WorkSafe.

The Geelong Performing Arts Centre redevelopment, the Simonds Stadium redevelopment and the building of the tech school are also creating both construction jobs and ongoing jobs in the city of Geelong. There are the state and secondary school rebuilds and upgrades. There has been unprecedented funding for Geelong for our state and secondary schools. I know that the rebuilding of Geelong High School and Whittington Primary School, plus the major redevelopment of Belmont High School and Matthew Flinders Girls Secondary College are all creating jobs in our great city. The regional network development plan is planning our rail services for the future across the Barwon south-western region. Again, there have been many, many jobs created through that plan.

The business community's confidence has grown. We are reducing the burden on business, and we have acted to change payroll tax thresholds and consult small businesses to cut and reduce red tape. This has been greatly welcomed by small businesses in Geelong, which want to be able to employ more people and which are actually participating in the consultation to ensure that that red tape is reduced, which gives them more opportunity to offer people of Geelong jobs in their businesses. Thanks to the Andrews Labor government, Geelong is now a confident and vibrant city, offering new jobs and a great lifestyle for the people of Geelong. We know that Geelong has become a very attractive city with the increase in job opportunities and more housing growth. There are lots

of different opportunities for people coming into Geelong from Melbourne, in particular. It has provided a great opportunity.

Mr Katos interjected.

Ms COUZENS — The jobs issue is a very important one, and the member for South Barwon needs to be mindful that the Geelong community want to see jobs. They want to see many, many jobs, which is what we are working on doing, and his negative comments in the media do not help that cause at all.

Question agreed to.

LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016

Second reading

Debate resumed.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on this bill. After the colourful contributions from the member for Eltham and the member for Essendon I am not sure I can do a lot better, other than to talk about the importance of catching up, effectively, with an element of globalisation — the fact that international trade and business from one country and one jurisdiction to another leads to the requirement for legal professionals to operate in different countries. This bill effectively restores some of the provisions that existed in the initial act from 2004, the Legal Profession Act 2004, which did not carry over in the Legal Profession Uniform Law Application Amendment Bill 2015 that was introduced last year.

The amendments are intended to improve the operation of that uniform law since its commencement last year. The bill will amend the uniform law to expressly allow, as others have said, Australian-registered foreign lawyers to practise foreign law in partnerships solely comprising Australian-registered foreign lawyers, as was the case, as I said, under the former act in 2004. The uniform law currently requires at least one Australian legal practitioner to be a member of the partnership with foreign lawyers, which is not practical in many circumstances.

Secondly, the bill will empower the local licensing authorities to vary a lawyer's practising certificate on the recommendation of a local complaint-handling authority following a finding of unsatisfactory professional conduct against the lawyer. Furthermore, the bill will remove the obligation on individual staff members of regulatory bodies that are operating under the uniform law to report suspected serious offences

and provide information. It will instead transfer that obligation to the authority, rather than it being on individual staff members, which makes absolute sense.

It will allow a single audited financial statement to be prepared for the interjurisdictional authorities that oversee the uniform law. I think the member for Eltham described this as a very important and necessary bill — one that is somewhat dry but important.

The other element of this is that the uniform law harmonises the regulation of the legal profession across participating jurisdictions, and appropriately this framework is hosted in Victoria. The scheme currently applies in both Victoria and New South Wales. During the first eight months of the implementation of the scheme a number of the stakeholders that regulate this scheme raised some concerns and identified some potential amendments, and those amendments are what we are bringing to the Parliament today.

Others have said this, but foreign lawyers can be registered to operate in Victoria only in relation to foreign law. They cannot practise normal consumer law here. They are registered only for their work in relation to international law from the country that they are here to represent. To that extent the exposure of normal consumers to providers of that legal service who are not reputable is limited, because it is unlikely that normal consumers will interact en masse with these lawyers or be their customers. Those lawyers have particular, special expertise.

However, the bill does return what was in existence in 2004 but did not make it across to the uniform law — the register of disciplinary action. This is an important consumer protection for consumers who do interact with these foreign lawyers who are registered in Australia. Through that scheme the consumer can take action. As I said, the former Legal Profession Act 2004 required the Victorian Legal Services Board, which is essentially the regulatory board, to maintain a register of disciplinary action. However, as I said, this requirement was not initially included in the uniform law, pending the possible creation of a disciplinary register that would have covered all participating jurisdictions. But now that will be addressed through this bill.

The type of information that gets onto the register will include details of the action taken against the lawyer after a finding by a court, tribunal or local regulatory authority that the lawyer has engaged in some sort of unsatisfactory conduct. The action that flows from that includes a variation of the certificate which enables that lawyer to practise, cancellation of a lawyer's practice certificate, or refusal to grant or renew a certificate. The measures and tools available to the regulatory

authorities to essentially disbar a lawyer in these circumstances can be viewed on the Law Council of Australia website. They also include the removal of a lawyer's name from a Supreme Court role, the making of an order under disciplinary provisions of the uniform law or the appointment of a manager or receiver to a law practice because of the lawyer's conduct.

There are a whole range of elements that are important in this bill, and essentially they have been arrived at through a process of important consultation with the Legal Services Council, the commissioner for uniform legal services regulation, the Victorian Legal Services Board and the New South Wales legal services commissioner as well as the Victorian Bar and the Victorian Law Society.

My office shares a building with a very well-known law firm, and I look forward to discussing the bill with those lawyers. I cannot retrace the historical trajectory of law firm growth the way the member for Essendon did in his speech, starting with one man — and it was mainly men in those days — in an office, probably adjoined to their home, growing into statewide then national firms and, as we saw with Slater and Gordon, international firms. There were other firms too, of course, not just Slaters. More and more law is transacted across jurisdictions, and the government and the regulatory framework have to catch up in order to ensure consumer protection and in order to ensure these businesses can operate appropriately in the modern context.

So this is another important bill from a government committed to getting it done. That is not just a saying. It is something we do every day, as we saw from the grievance debate, led on our side by the Treasurer's two stunning, jobs-generating budgets. The mantra of getting it done does not ring truer than —

Mr Edbrooke — He's a jobs genie, that one.

Mr DIMOPOULOS — Jobs genie, the member for Frankston says — 111 000 full-time jobs.

This is an important bill. It is not the most exciting bill, but it is important in terms of the operation of foreign lawyers registered in Australia for practice, both for consumer protection and for business transactions, and in terms of being able to provide an appropriate legal framework to enable these people to operate lawfully in this country without being hindered by archaic laws. I commend the bill to the house.

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

Debate adjourned until later this day.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

The ACTING SPEAKER (Mr Carbines) —
Order! I have received the following message from the
Legislative Council:

Legislative Council casual vacancy

The Legislative Council acquaint the Legislative Assembly
that they have agreed to the following resolution:

That this house meets the Legislative Assembly for the
purpose of sitting and voting together to choose a person
to hold the seat in the Legislative Council rendered
vacant by the resignation of Mr Damian Drum and
proposes that the time and place of such a meeting be
the Legislative Assembly chamber on Wednesday,
17 August 2016, at 6.45 p.m. or, at the latest, on
Thursday, 18 August 2016, at 4.45 p.m.

with which they request the agreement of the Legislative
Assembly.

The message is signed by the President, Legislative
Council, Melbourne, 17 August 2016.

**Ordered to be considered immediately on motion of
Mr NOONAN (Ministry for Industry and
Employment).**

Mr NOONAN (Minister for Industry and
Employment) — I move:

That this house disagrees with the proposal of the Legislative
Council to hold a joint sitting on Wednesday, 17 August
2016, at 6.45 p.m. or, at the latest, on Thursday, 18 August
2016, at 4.45 p.m.

Mr CLARK (Box Hill) — The opposition disagrees
with this motion. It is a sign of the complete contempt
with which the government regards not only this house
but the community as a whole that having moved this
motion the minister does not have the guts, and indeed
no other member of the government has got the guts, to
get to his feet and give this house and the community a
reason why the government disagrees with that motion.

Honourable members interjecting.

The ACTING SPEAKER (Mr Carbines) —
Order! The manager of opposition business is on his
feet.

Mr CLARK — I would have thought that it would
be self-evident that when there is a vacancy in the
membership of the Legislative Council that vacancy
should be filled at the earliest opportunity. The
Legislative Council has initiated the proceedings for
that to occur. We had the member for Essendon

yesterday during the debate on the government business
program saying that it was up to the Legislative Council
to take the initiative to do that. That is exactly what the
Council has done. They have sent a message proposing
a sitting time — —

Mr Pearson interjected.

Mr CLARK — The member for Essendon now
interjects and says he disagrees, but neither he nor, even
more importantly, any minister in the government that
he supports has had the nerve or the decency to get to
their feet and give any reason as to why they disagree
with the motion or what they propose by way of an
alternative. Indeed you would have thought that if for
some reason they had any ground for objection to the
motion — and I have to say that it is hard to see why,
because the Council has given plenty of scope and
opportunity, but if they had any ground for wanting to
do it by some other way — they would have put
forward an alternative. What do they think is going to
happen otherwise?

Mr Pakula interjected.

Mr CLARK — The Attorney-General seems to be
interjecting and suggesting that there is a form of words
in this motion that I certainly did not catch when — —

Mr Pakula interjected.

Mr CLARK — Okay. So the Attorney-General has
now clarified and said by way of interjection that the
time at which the government is prepared to agree to a
joint sitting is the time at which the Leader of the
Government in the Legislative Council is allowed to sit
again in the Legislative Council. It is very worthwhile
that the Attorney-General has placed that on the record,
because it makes clear to the whole world exactly what
we suspected but what no-one on that side of the house
has had the guts to stand up and formally put on the
record.

But whatever the reason might be it is an absolute
travesty on the part of the government to refuse to allow
the people of Northern Victoria Region to have their
representation in this Parliament. Whatever way you
look at it, the government is treating the community
with complete contempt and denying the people of
northern Victoria their representation. Indeed, by trying
to link it to the government's refusal to provide
documents to this Parliament and to the community, the
government are in fact compounding their arrogance,
because not only are they committing the transgression
of treating the Parliament and the community with
contempt by refusing to provide documents to the
Legislative Council in accordance with longstanding

convention — it is bad enough that they are defying democracy and defying decades of convention in terms of complying with the requirements of the Parliament to produce documents — but they are compounding that transgression by denying the people of northern Victoria the representation to which they are entitled as some form of blackmail or coercion to try to intimidate the Parliament or inflict pain on the Parliament in order to get away with their original nefarious conduct.

One would have thought it was self-evident that where you have a system of proportional representation and where you have a mechanism for the filling of vacancies that mechanism would be triggered and the vacancy would be filled forthwith without dispute, without procrastination and without trying to link it to something else, even if that something else had merit, which on this occasion it does not. Even the comrades opposite should understand that it undermines the fundamental principles of democracy when a government that has a majority uses its numbers to deny representation to another party in this Parliament.

Indeed, Acting Speaker, you need not take my word for it; you only need to go back to the debate in the Legislative Council in 2003 when these provisions were agreed to. At that time opposition members asked the then Leader of the Government in the Legislative Council, Mr Lenders, about this very concern. Under the Steve Bracks model of constitutional reform, what about this risk that a government would use its numbers to deny representation to other parties? The then Leader of the Opposition in the Legislative Council, Mr Philip Davis, asked during the committee stage:

... what requirement is in this provision that there be a joint sitting to execute the filling of the casual vacancy?

This is at page 625 of the *Hansard* of Thursday, 27 March 2003. Mr Lenders replied, and I quote extracts:

I think the best way to answer Mr Davis's question is to say that we are attempting to model this as much as possible upon the provisions of the federal Senate. We have replicated that as much as possible.

Later on he said:

There is a strong political convention that has applied since 1949 with one or two notable exceptions in the mid-1970s, which were then rectified by constitutional amendment in 1977. The convention that that can be done, and done properly, as soon as the political party has chosen its candidate is very strong.

So you do not have to take my word for it; Mr Lenders said that there is a very strong convention that the

vacancy is filled as soon as the political party has chosen its candidate.

Mr Davis went on to probe this further. He said:

... I am interested to know what he would perceive as the time frame. What is a reasonable time frame for there to be a joint sitting to fill the vacancy?

Again Mr Lenders replied, and he gave the hypothetical example of a Liberal Party vacancy:

... I would envisage that whatever was a reasonable time for the Liberal Party to call into place its policy assembly, or whatever else does its preselections, then a joint sitting would be held on the first meeting of the Parliament after that.

This is Mr Lenders speaking on behalf of the government in the debate in 2003, giving assurances to the Parliament and to the community that the provisions that it was introducing were rock solid and could not be expected to be abused because of the strength of the conventions involved. Now of course here the National Party has chosen Mr O'Sullivan as its candidate and has made it clear that he is its choice. All the preconditions have been filled. There is absolutely no obstacle whatsoever to the filling of the vacancy.

Mr Davis raised a further point and asked:

... can the minister advise what the compulsion on the joint sitting is to approve the nomination?

Mr Lenders came back and put it very clearly on the record:

I would expect that all parties would in good faith simply select the candidate nominated by a political party because it is absolutely clear and transparent that that is what we are seeking to do under proportional representation. That is how the voters have voted and if the person goes from a party they are replaced by that party and we would expect the conventions that have applied since 1949 in the Senate, with those notable two exceptions, to be adhered to.

Mr Davis sought further assurance:

... is it not possible that where the balance of numbers in the chamber is critical the government of the day could refuse to convene a joint sitting?

Mr Lenders rejected that. He said:

... a government that refused to convene a joint sitting would deservedly be held in contempt by the Victorian public.

That is what Mr Lenders said on behalf of the government at the time. He said a government would deservedly be held in contempt by the Victorian public if it refused to convene a joint sitting. The current Andrews government is condemned out of the words of its own party's former upper house leader. Those

opposite deserve to be held in contempt for what they are currently doing. Mr Lenders reinforced this when he said:

... I would expect it is the intention of all parties to honour that convention that has been codified federally and, as I said, with two notable exceptions has worked very well in the federal sphere since 1949.

That is obviously not good enough for the Labor Party as presently constituted, where all standards and decencies seem to have disappeared. But members opposite need to think through the consequences of their own logic and the consequences of the precedent that they are setting. I should say that up until now all sides of politics have honoured this convention. Certainly this side of the house has in relation to the upper house, where we have gone along even with very short-term vacancies being filled in the upper house, and of course it has been honoured in relation to the Senate.

What the comrades opposite need to consider is this: what happens if a casual vacancy occurs in the Senate and for some reason a Labor senator from Victoria has to depart and the Labor Party would like a joint sitting of this Parliament to fill that vacancy? How would they react if the upper house said, 'No, no, we are not interested. We want some other demand, we want some other grievance, we want some other concern addressed before we will agree to such a joint sitting.'? When the numbers are so fine in the Senate in Canberra, how would those opposite react? I am sure they would not be too pleased. I am sure they would be screaming blue murder and crying foul in the loudest tones of outrage, and of course they would be justified in doing so. It would be a travesty of this Parliament to manipulate the numbers in Canberra by refusing a joint sitting to fill a vacancy with a member of the party concerned, just as it is a travesty here for the Labor Party to refuse to allow The Nationals to fill a vacancy that has occurred in the upper house, regardless of what pretext or grievance or grumble that it might have about it.

Mr Merlino interjected.

Mr CLARK — Now the Deputy Premier comes along with mock outrage about the Leader of the Government in the Legislative Council. Since he brings up that topic, let us — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Carbines) — Order! The Attorney-General, to come to order. Members of the government and members of the opposition will have their opportunity to contribute to

the debate. Constant interjections do not assist the Chair to oversee the debate on this matter. I would ask for the cooperation of all members of the house. The manager of opposition business, to continue.

Mr CLARK — It should not be necessary even to address the question of Mr Jennings and his position in the upper house, because it is absolutely disgraceful for the government to try to link the two issues together and deprive the people of Northern Victoria Region of their representation, regardless of the merits of that issue. But since those opposite brought it up, let us lay to rest the argument that there is any legitimacy in that grievance. Mr Jennings could be back in that chamber within a few weeks if the government would either comply with the original orders of the Legislative Council or resume the negotiations with members of the Legislative Council that members of the government broke off for no good reason.

Quite frankly, the position of the Legislative Council is that the documents ought to be made available and that procedures have been laid down for them to be assessed. They are procedures that are in the standing orders of the Legislative Council, and the opposition has made very clear that if the only concern of the government is about the detail of those procedures, it is more than happy to agree upon changes to those procedures that would be mutually satisfactory.

Frankly members on this side of the house have been in government recently. We certainly hope to be in government again very soon. We are certainly prepared to agree to arrangements for the provision of documents to the upper house and for the ascertainment of whether or not Crown privilege is entitled to be claimed. We are certainly happy to agree on privileges that are reasonable to both sides of the Parliament and reasonable whether we are in government or opposition. Indeed we have put forward very detailed proposals to the government to that effect. If the government has got a grumble about Mr Jennings being suspended because the government has been defying the Parliament and not providing the documents it needs to, there is already a mechanism whereby those concerns can be resolved, and we have made it clear to the government that if it wants to refine and improve that mechanism, we are more than happy to do so.

The quickest way to get Mr Jennings back into the other house is to resume those discussions, get an agreement in place, get any revisions to the mechanism implemented and get the documents assessed under that mechanism to make available to the house and to the community the documents that ought to be provided to the upper house. Of course if the arbiter ruled that

Crown privilege is applicable, then we would not insist on that production, and that is entirely consistent with the position we adopted when we were in government. We are asking no more from the government of the day than the same provisions that would have been in place had the Legislative Council insisted on documents under us as are currently there.

As I have said, it is completely inappropriate for the government to be linking these two issues, but even if you do want to look at the merits of their complaints, you see there are no merits to them. If they want a way forward to get Mr Jennings back into the upper house, there is a very straightforward way for them to achieve that, but they do not want to do that. They want to bludgeon and coerce this Parliament. They want to assert a right to withhold information from the community in breach of very longstanding conventions of this Parliament.

Unfortunately this is yet another embodiment of the arrogance and contempt for the community that this government demonstrates under the current Premier. We have seen it time and time again. We have seen it with the handling of the Country Fire Authority volunteers. We have seen it with the government imposing sky rail on the community. We have seen it with the government refusing to account to the community about the abuse of members entitlements — the rorting of members entitlements. Time and time again we have seen this Premier demonstrating an attitude of disdain towards the community — saying one thing in public and saying and doing another thing behind closed doors — and expecting that he will be able to get away with it and treat the community with contempt.

On this side of the house we believe it is completely unacceptable. A fundamental tenet of any democracy is that the representatives chosen by the people should be able to take their seats in this place. I would have thought we were a long time away from the malpractice and skulduggery of the 18th century, where Parliament used its numbers to block members they did not want to see enter the chamber. Unfortunately the Labor Party seems to want to regress to those bad old days. I would have thought that the community would recognise that it is a fundamental principle of democracy that voters' wishes be respected. The voters made very clear at the 2014 election the representation they wanted for Northern Victoria Region. They are entitled to expect the same representation to continue. Now that Mr Drum has gone to the federal Parliament, another Nationals representative should be able to take his place. I would have thought the community would think it completely

foul practice and unacceptable for the government not to do that.

For those reasons we very strongly oppose the motion that has been moved by the government, and we particularly express our bewilderment about the fact — I am frankly lost for words about the fact — that the government has been unable to offer any justification in debate as to why it is not prepared to agree to this motion. I see the Attorney-General might be about to get to his feet, or the Leader of the House. We look forward to at long last hearing some explanation. As far as the opposition is concerned, there is a vacancy in democratic representation. Mr Lenders himself made it clear that this was a convention he and the members of the government of the time expected would be honoured and that, in the words of Mr Lenders, a government that refused to convene a joint sitting should deservedly be held in contempt by the Victorian public.

Ms ALLAN (Minister for Public Transport) — I am a resident of Northern Victoria Region, and I think that the nomination from the National Party for that province might do an okay job at that role. I expect he will. I expect he is someone who has come through the preselection process for the National Party, and I think on balance he was probably the best candidate in that process, and I expect he will work hard at doing that job. This is not about denying him his opportunity to serve the people of northern Victoria. That is not what this is about. This is about demonstrating the rank hypocrisy of those opposite. When it comes to the interests of those in northern Victoria, those who would potentially represent northern Victoria for the National Party, that is of great importance to those opposite, and they get highly agitated about this issue, as we see. But when it comes to the interests of the voters and the constituents of the South Eastern Metropolitan Region, who might be represented by a Labor member of Parliament, oh, no, no, no, they have very different standards.

We have just seen from the manager of opposition business an attempt to try to give us a lecture about the fundamental tenets of democracy and people elected to sit in this place. The Liberal Party and the National Party threw that approach out the window a few months ago when they suspended the democratically elected member for South Eastern Metropolitan Region, who also happens to be the Leader of the Government in the other place, who also happens to represent the Labor Party. They threw him out of that chamber for six months for what reason? For failing to produce documents that those opposite never released to the public when they were in government. They never

released those documents when they were in government.

Let us be very clear. I have some detailed knowledge of this. As a result of various requests for documents that have come from the upper house, the Andrews Labor government has produced documents — thousands and thousands and thousands of pages of documents — over the past 18 months that have been asked for by the Council. We have certainly released more documents than those opposite did in their four years in government. We have been very clear in releasing those documents that we have erred on the side of releasing where we can and releasing where it is appropriate but that we would not release documents that could affect the business interests of the state. We would not do that.

Those who understand these matters appreciate that there are good reasons — whether they are commercial-in-confidence reasons, whether they are privacy reasons — why a responsible government needs to take that approach. One of the documents the upper house is most concerned about happens to involve the grand prix. Again, that is one of the documents those opposite when they were in government refused to release. So the Leader of the Government in the upper house was suspended for six months for failing to produce a document that those in government never released. That is where the double standards and the hypocrisy come shining through from those opposite.

I think there is a way through this; there is absolutely a way through this issue. Indeed we have made numerous attempts, and can I say the manager of opposition business knows full well the numerous attempts that have been made to broker an outcome that is satisfactory to all concerned. There have been numerous attempts, and it is not our fault as the government if the Liberal Party have kept their National Party colleagues in the dark on those negotiations. That is an issue for the joint party room to sort out over there. We have made numerous attempts. There have been numerous conversations. There have been numerous attempts to reach out and to broker a pathway through the impasse in the upper house, and they have been rebuffed at every single turn.

I know for some on that side — not all, but for some — the treatment they have meted out to the Leader of the Government in the upper house sits pretty uncomfortably. They are uncomfortable with what happened — the unprecedented suspension of the Leader of the Government in the upper house for six months. Let me remind the house again: what was his crime as determined by the Liberal and National parties

in the upper house? It was failing to produce cabinet documents they never released in government. They never released those documents.

I would suggest that these matters could be very easily resolved if there was an attempt by those opposite to demonstrate some goodwill and to demonstrate a capacity to work through these issues. The government's position on this is very clear. There is to be a joint sitting of the Parliament. We want our Leader of the Government in the upper house to attend that joint sitting. That is what we feel, and indeed we feel that it is appropriate that the motion to initiate that joint sitting should be moved by the Leader of the Government in the upper house as is tradition. If you want to talk about tradition, that is some of the tradition we would like to rely on and draw on.

That is why I think there is a reasonable pathway through this. There is absolutely a reasonable pathway through this matter if those opposite have the courage of their convictions and grasp that opportunity and engage in real and meaningful conversations and negotiations. Indeed the manager of opposition business in his contribution said that Mr Jennings, a member for South Eastern Metropolitan Region, could be back in the chamber if we complied with the demands and the standards that they want us to keep and that they never kept in government. That was his first criterion. His second criterion was that we resume negotiations. We have been attempting to do exactly that. That is exactly what we have been attempting to do. I am not going to stray into private conversations that I have had with those opposite, but there are those opposite who know full well every single attempt that has been made by members in this house and by members in the other place and that they have been rebuffed at every turn.

The key question out of this debate that those opposite need to contemplate is: what are the actions of their leader, the Liberal Leader of the Opposition in the upper house? How have her actions put them in this position? How have her actions and her intransigence and her stubbornness put them in this position? That is the real question. We did not need to get to this point. There is an opportunity to take a different pathway if those opposite want to choose, and that is where the ball, if you like, is back in their court. We can resolve this matter pretty quickly, I would assume, and get on with appointing the potential new member for Northern Victoria Region.

As I said, I look forward to being represented by the full complement of members in northern Victoria, but so too the voters of South Eastern Metropolitan Region want to be fully represented. There should not be a

difference if that member represents the National Party or the Labor Party — the process should be fair and reasonable on both counts — and that is why I ask those opposite to reconsider their actions, to look at the opportunity we have to resolve these matters through negotiation and to just take a commonsense approach to dealing with these matters. That is what we ask, but what we have seen through this debate is that the only action we see, particularly from the National Party, is when it affects their self-interests. This is the only time they get active in this space — when it affects their self-interests.

I put to you, Acting Speaker Carbines, that we are not ruling that this joint sitting not happen forevermore. We would like to see it happen, and we hope that out of the balance of this debate negotiations will continue and these matters can be resolved to the satisfaction of all parties.

Mr WALSH (Murray Plains) — I am glad that the Leader of the House has finally put the government's reasons on the table because the member for Williamstown, in moving the motion, acted like it was a hot potato he had been handed by the Leader of the House. He was standing there shaking. He read it and could not get away from the podium quickly enough because he did not want to own this particular issue. I feel sorry for the member for Williamstown because he got the hospital handpass on this particular issue.

In what I have heard from the Leader of the House I have not heard one word that would sway me if I was looking at this particular issue objectively, because this issue has absolutely nothing to do with the Leader of the Government in the upper house or whatever the upper house has done. This is about fulfilling the things that were set out in the constitutional changes in 2003 and about a replacement in the upper house. It is very clearly set out in the constitution that there must be a replacement put in place.

If you go, as we always do, to the second-reading speech of the Constitution (Parliamentary Reform) Bill 2003 delivered at that particular time by John Lenders, who was the then Leader of the Government in the upper house and who led this particular debate, he talks in the second-reading speech about the filling of a casual vacancy being addressed, and as the manager of opposition business said, it is about maintaining the balance in the upper house and having a process similar to the Senate's.

That is exactly what we should be talking about here, not some quid pro quo dirty little union deal — 'You do this and we'll do that' type of stuff. This is about

focusing on fulfilling the constitution and the practice. There have been eight members replaced in the upper house now since this came in. There has not been an issue with those previous eight members. It is only now some dirty little Country Fire Authority (CFA) type of grubby deal needs to be done to get this back in place.

Mr Pakula interjected.

Mr WALSH — I am not trying to win you. If you actually go to the second-reading debate again, the Honourable Philip Davis asked a question of John Lenders at that particular time about what would be a reasonable time frame for there being a joint sitting to fill that vacancy. The response from Mr Lenders, as the Leader of the Government on this particular debate, was that a joint sitting would be held on the first meeting of the Parliament after that selection. We are having that discussion now. This is the first sitting of the Parliament after the preselection of Luke O'Sullivan to fill that casual vacancy. The process has been very, very clearly set out there, and it has been fulfilled eight times in the past.

In further questions from Philip Davis to John Lenders about the expectations of the parties there, the comment from Mr Lenders was 'but a government that refused to convene a joint sitting would deservedly be held in contempt by the Victorian public'. I think that sets out very clearly what the people of Victoria will think of the Labor Party for what they are doing about this particular issue at the moment.

If you go to those eight members who have been sworn in over that time, in February 2009 there was a debate about filling the casual vacancy created by the resignation of Evan Thornley. John Lenders again, speaking on that motion, said:

I also put on record again the cooperation of the opposition in achieving this and also put on record the intention of the Leader of the Opposition to pair the vacancy of Mr Thornley until it is actually filled. That is important; proportionality is important; and this motion expedites these constitutional provisions to be carried out for the first time in this state. I urge a speedy passage of this motion.

So the history is there. John Lenders in good faith in 2003 and at subsequent times spoke about how this particular process worked.

I am glad the member for Essendon is still in the chamber after all the interjections he made throughout the contributions of previous speakers. If we go to 8 March 2016, the member for Essendon, Danny Pearson, said:

I think we have come a long way as a Parliament when members of both houses can get together tomorrow night and respect the fact that the vacancy to be filled should be filled by a member of the Liberal Party because the people of Victoria originally voted in a Liberal Senator. It goes to show that we have matured as an institution when we can come together and recognise and acknowledge that this is a choice for the Liberal Party and fulfil and discharge that duty to respect the contribution made.

The member for Essendon is being absolutely two-faced. He talks about how it is a good process when he wants to do it, but now when there is some dirty little side deal wanting to be done the member for Essendon is prepared to compromise his integrity. If you have integrity in relation to what you have said, come over and vote with us: otherwise you are just plain bloody gutless.

The ACTING SPEAKER (Mr Carbines) — Order! The Leader of The Nationals will direct his comments through the Chair.

Mr WALSH — The Leader of the House went on with this long diatribe about ‘You do this and we will do that’. This is not the issue that is before us; the issue before us is clearly set out in the constitution as to how you fill a casual vacancy. They talk about the fact that there has not been negotiation in good faith about the issue that is not really part of this but is the issue with the Leader of the Government in the upper house. Comments have been made about how he has been trying to get in touch with the leadership to resolve it; I have not had one contact from Gavin Jennings. I have not had one contact from the government, so I do not see how those on the other side of the house can say that there have been constant requests for discussions around this particular issue, because there has not been any contact around that.

What this reminds me of very, very clearly is how the sale of the port of Melbourne negotiations went as well, because again the Leader of the Government in the upper house never ever communicated around that. There were letters that went from the opposition to him, and it was weeks and weeks before there was ever a response. That is exactly what is happening in this case. My understanding is that the opposition leadership in the upper house has put in writing to the Leader of the Government in the upper house how this can be resolved and there has been no response. There has been no response to that letter, and the last that I heard, second-hand, was that the Leader of the Government in the upper house had been told by his lower house leadership group to break off negotiations, ‘We’re not going to talk anymore’.

They obviously had figured out this plan around the fact that there was a new member going to be sworn in to the upper house, so they thought they would have a bit of fun with that. They can have all the fun they want, but as the Leader of The Nationals, a party that has been around in this state for 100 years now, I know we are not going to be blackmailed. We are not the CFA board that is going to be bullied into something. We are not the CFA CEO who is going to be bullied out of her job. We are not that chief fire officer who is going to be bullied out of his job. We are not going to be bullied on some grubby little side deal whereby, ‘You do this, and we’ll let the new member go into the upper house’.

The member for Essendon is an absolute hypocrite. The member for Essendon would have to be the biggest hypocrite in this particular place, because he is the one who is on the record talking about — —

Honourable members interjecting.

Mr WALSH — I am. He is the one that is on the record about an upper house replacement, and he is showing absolute hypocrisy now in this process.

We oppose the motion by the government about not having this joint sitting. The joint sitting should proceed forthwith. The joint sitting should be held at 6.45 p.m. tonight so that Luke O’Sullivan, the duly preselected candidate for that casual vacancy in the upper house, can actually take up that position and fill his responsibility to Northern Victoria Region. What we are hearing from the other side is Mr O’Sullivan is not going to be able to take his place until December. They are saying he is not going to get into the upper house until December unless we cave in to blackmail. Unless we cave in to blackmail he is not going to get there until December.

If that is the way it has to be, that is the way it is going to be, because we will not be blackmailed by these grubby little bullies on the other side of the house. They may think they can play their union games and they can play their factional games with their side of politics, but this side of politics is not going to cave in to that sort of rubbish. I absolutely reject the motion that was moved by the member for Williamstown, who was too gutless to even speak to it himself.

Mr PAKULA (Attorney-General) — I listened intently to the contributions by the Leader of The Nationals and indeed the member for Box Hill. The Leader of The Nationals is a former head of the farmers union, and I am sure he was a very effective union leader in that role. I simply say to the opposition that

adherence to convention is a two-way street. Having a cooperative Parliament is a two-way street, and what we have heard from both the member for Box Hill and the Leader of The Nationals is, 'Our outrage is justified; yours is not', 'We expect you to adhere to conventions while we refuse to do the same', 'Your use of a majority is illegitimate; our use of a majority with the Greens is legitimate', and, 'A decision of the Legislative Council should be adhered to, but a decision of the Legislative Assembly should not'.

What we have from the opposition is a very simple case of 'Do not do what we do, do what we say'. That is what they are saying. I have got to say that I agree with much of what the member for Box Hill said, not all of it but much of it. Joint sittings should be held expeditiously. Conventions should be adhered to. Communities should be represented. I agree with all of that, and I also agree with what the Leader of the House said. I actually think Mr O'Sullivan will make a good member of Parliament. I like him. The Leader of The Nationals knows that. I think Mr O'Sullivan is a good bloke. The member for Box Hill went through the comments made by Mr Lenders many years ago, but the fact is those comments were made at a time when it could not possibly have been contemplated that an opposition would behave in the way that the opposition has behaved.

I do not speak of the opposition in this place, because I think that, despite the argy-bargy that goes on from time to time, the cooperation that exists between the government and the opposition in this place, in both this and the previous Parliament, has been reasonably good. But what has happened in the other place is quite unbelievable. I am a former member of the other place, and when I came to the lower house one of the things that I said was that in some respects I missed the genteel environs of the Legislative Council. That was the case for a long, long time. The conventions of the upper house were adhered to, time limits were not imposed and there was a degree of cooperation. Whether it was between Philip Davis and John Lenders, Bill Forwood and David Davis, or Gavin Jennings and David Davis, despite the rough and tumble, those conventions were observed.

In fact when we were last in government in the upper house John Lenders was suspended from the service of the house. We were not happy about it but we copped it, and we copped it because he was suspended for a week. The constituents of Southern Metropolitan Region were not denied a representative for half a year; they were denied someone for a few sitting days. Whilst we were unhappy about it, there was no consequence.

The situation right now is that we listen to the member for Box Hill, who said it is unreasonable for the government to come in here and brutally use its numbers. Does anybody on the other side understand what has been going on in the upper house? There were 21 votes. The Greens and the Liberals combined to change sessional orders without discussion, to change standing orders, to change sitting times, to deny ministers statements and to throw 18 questions in a row at the government, and we have worn it all. Our members and ministers over there have worn it all, but suspending the Leader of the Government for six months, denying the constituents of South Eastern Metropolitan Region a legitimate representative for six months is completely unreasonable.

Ms Ryan — You could change that. You could just produce the documents that were asked of you.

Mr PAKULA — The Deputy Leader of The Nationals says, 'You could change that'. I listened to the member for Box Hill.

Ms Ryan interjected.

Mr PAKULA — Again I listen to the Deputy Leader of The Nationals saying, 'You could have done what the Council asked'. Again what those opposite say is that when there is a majority vote — 16 non-government members and 5 Greens, so 21 — that word should be law, that government ministers should do whatever Greg Barber and Mary Wooldridge in the Legislative Council decide they should do. Then they come in here and say, 'How dare you blackmail us. How dare you treat us this way. How dare you throw convention out the window', when they have suspended the Leader of the Government, a member for South Eastern Metropolitan Region in the Legislative Council, for half a year.

They have decided to use their numbers like a sledgehammer. They have decided to turn the upper house into a complete circus, and they have allowed a former member of this place, now the Leader of the Opposition in the Legislative Council, to turn the place into a circus. I understand that Mary Wooldridge does not want to be there. I understand that she is angry. She wants to be here, but she should channel that anger in the right direction — to the member for Kew — not take it out on all of the members of the upper house, because it has been turned into a complete circus. All standards of reasonableness and all standards of decency have been abandoned.

Despite what the member for Box Hill says, he knows that the attitude of the Leader of the Greens, Mr Barber,

in the upper house is, 'Every document, every time'. That is what he said, and that is what the Liberal Party in the upper house have become captive to. He says, 'We are only seeking to apply to you a standard we apply to ourselves about cabinet-in-confidence documents'. That is not true. The former government never submitted itself to an arbitrator or anything of that nature in determining what was cabinet in confidence.

The Leader of the Government in the upper house, despite that, has released more documents than were ever released by the former government. Those documents have been released without coercion, and we have made that clear to the Leader and the Deputy Leader of the Opposition in the other place. If it is determined that a document is not cabinet in confidence, if it is not going to harm the interests of the state, it will be released, and it will be released without this gun being held to the head of the government. Nevertheless, the leadership of the Liberal Party in the other place has been tipped into this extremist agenda of Greg Barber and the Greens. As a consequence the whole place has gone to hell in a handbasket.

What I say to the well-intentioned leadership of those opposite, whether it be the member for Box Hill, whether it be the Leader of The Nationals or whether it be the member for Malvern, is take control of the situation, and help us to reinstate some standards of decency and common sense to this discussion. Do not seek to impose on the government a standard that you are not prepared to impose not only on yourselves but on your out-of-control leadership in the other place. Do not seek to impose on us a standard that you will not impose on them.

These matters are easily resolvable. It is not impossible for the government and the opposition to institute a decent, sensible conversation about parliamentary standards and decency, but as much as the opposition says, 'We will not be bullied', let me say neither will the government. The government will not be put into a position where it releases documents that will damage the interests of the state of Victoria because Greg Barber and Mary Wooldridge have decided it should be so.

If the opposition's only solution to that position is that the Leader of the Government needs to be out of the chamber for six months, leaving the constituents of South Eastern Metropolitan Region without a representative for six months, then you cannot very well come in here and ask us to be reasonable and ask the government to abide by conventions and standards of decency that you will not apply to yourselves and

that you will not impose on your out-of-control leadership in the other place.

Mr HIBBINS (Pahran) — I rise to speak on the motion to reject the Legislative Council's motion to hold a joint sitting to fill a casual vacancy for the vacant Northern Victoria Region seat in the upper house.

I will start by reading from section 27A of the Constitution Act 1975 headed 'Filling of casual vacancies in the Council', which states:

- (1) Subject to this section, if a casual vacancy occurs in the seat of a member of the Council, a person must be chosen to occupy the vacant seat by a joint sitting of the Council and the Assembly.

So the motion before us is essentially about whether we should adhere to the constitution or whether we should effectively trash the constitution. The Greens will be voting on the side of adhering to the constitution, and we will be voting against this motion to not have a sitting. I know those on the government side will try to paint this as a party political motion, but this is really a motion about whether we should adhere to the constitution or not adhere to the constitution. The Greens believe that we should adhere to the constitution. It is very unfortunate that the government has decided to link this motion and the filling of this vacancy to the documents motion and the suspension of the Leader of the Government in the upper house. It sets a dangerous precedent. It is clearly a break with convention, and what is more, having heard the contributions of the government members, I say it is a race to the bottom.

Regarding the documents motion and the subsequent suspension of the Leader of the House, it was a lawful direction from the upper house to request documents. It is supported in the standing orders of the upper house, which provide for documents to be requested, and if the government is seeking to not release those documents through executive privilege, it provides for arbitration to be sought on those particular documents. These standing orders were adopted by the upper house. These standing orders were not sought to be changed when the upper house sat in this Parliament.

The government seemed to be happy with these provisions in the standing orders in regard to documents and in regard to the arbitration if they seek executive privilege. They did not have a problem, but now we are hearing that they do have a problem with them. Again there is a procedure to go through; it is laid out within the standing orders, and the government is refusing to take the steps. I can see there is a lot of anger and fire in the belly, and obviously there is

retribution because the Leader of the Government in the upper house has been suspended. I would suggest the government redirect that energy into either releasing the documents or going through the procedures as set out in the standing orders of the upper house and as agreed to by the government members and which government members had no problem with at the start of this Parliament.

A request for documents, being those relating to the grand prix, has been raised. Again there was nothing unconstitutional in requesting these documents and there was nothing against the standing orders in requesting these documents, but we are being told that it would be against the interests of the state to release these documents. So sensitive are these documents the government cannot even go through the prescribed process in the standing orders if executive privilege is sought. And we are just supposed to take the government's word for it. We are just supposed to trust you — 'Just trust us!'

I would point out that the government has released, I believe, the east-west link documents. I am sure they were pretty sensitive documents, and I would say that if they released those ones, why can they not release the grand prix contracts? I would also suggest that if they are damaging to the state, why would the government be so irresponsible as to sign a contract that would be so damaging if it were released, as provided for in the standing orders of the upper house.

I would point out that there has been a lot of debate from the government and that they feel that this is hypocrisy from the opposition, who never released any documents. Sure, we were just as surprised as I think the government was that we had the opposition joining us in pursuing this documents matter. I would say to the government, 'Take the high road', because what we are seeing from this government is that they are going low. They are taking the low road, and as I said, this is setting a dangerous precedent. This tit-for-tat process that they are engaging in, in trashing the constitution in response to the suspension of the Leader of the Government in the upper house, is really taking the low road.

I would also point out that there is a difference between not filling this vacancy for Northern Metropolitan Region and the suspension of the Leader of the Government in the upper house. The Leader of the Government in the upper house is obviously barred from participating in Parliament, but my understanding is that he still maintains his electorate office, he still remains a member of Parliament and he can still fulfil his functions outside of Parliament House as a member

of Parliament. He still retains that role. I would point out that for the upper house member who is looking to be appointed, that potential member enjoys none of those privileges, so I would not say that this is a like-for-like application in regard to not having the Leader of the Government in the upper house and not filling this vacancy.

There is a way forward. Firstly, the way forward is for this house to agree to and hold a joint sitting to fill the vacancy in Northern Victoria Region. In regard to these documents, there is a way forward. The government can either release the documents or it can go through the process as prescribed in the standing orders of the upper house, and if government members have problems with those standing orders, they probably should have addressed those when those standing orders were brought in and at the start of this Parliament. There is a way forward, so we will not be supporting this motion. It is incredibly disappointing for the government to take this action, to link the two actions and to take the low road. It is very disappointing, and we will not be supporting this motion to trash the constitution.

Mr MERLINO (Minister for Education) — What rank hypocrisy of those opposite to come in here and talk about representation. What about the people of South Eastern Metropolitan Region? What about those constituents who have been without representation here in the Parliament because of the actions of their members in the other place? Indeed what about the people of Northern Victoria Region? Drummy checked out five months ago, and some unkind people, not me, would suggest that Damian Drum checked out a lot earlier than that. The Nationals took their sweet time — —

Mr Crisp — On a point of order, Acting Speaker, the Deputy Premier is misleading the house. Mr Drum resigned in May, after the Public Accounts and Estimates Committee hearings, not five months ago. Minister for Education, use your fingers.

Mr Pakula — On the point of order, Acting Speaker, the Deputy Premier referred to the point in time at which Mr Drum checked out, not when he resigned. They are two different things.

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

Mr MERLINO — And that was at least 29 March. As we have heard from government member contributions to this debate, the Leader of the Government in the Legislative Council has provided

more documents than anyone before. Thousands of documents have been provided by the Leader of the Government in the other place, who has a commitment to transparency and accountability where it is appropriate, where it is not contrary to the interests of Victoria and where it is not contrary to our business and commercial interests — for example, the documents that the opposition when in government were not prepared to hand over, such as commercial-in-confidence documents relating to the grand prix. But other than those, more documents than ever have been delivered by the Leader of the Government in the other place. Despite that extraordinary action, the Liberal Party, The Nationals and the Greens — 21 votes — took the unprecedented action of removing the Leader of the Government in the other place for six months.

This is easily fixed. The government are ready and willing and have made every effort to engage with Mary Wooldridge in the other place and Gordon Rich-Phillips in the other place to resolve this, but we have been rebuffed at every turn. The fact is The Nationals here are outraged about Mr O'Sullivan, who we look forward to working with in due course, but their outrage should be directed to the tail that is wagging the dog. The tail that is wagging the dog in the upper house is completely disregarding efforts by the government to negotiate and disregarding what is in the interests of The Nationals, Mr O'Sullivan and anyone in the Assembly.

It has been a longstanding tradition that the Leader of the Government is the one who moves the motion to welcome and introduce a new member into this Parliament. We are ready and willing to do that, but we will not cop for a second the hypocrisy of those opposite. This can be fixed, so I would suggest to the Deputy Leader of The Nationals and to every member of The Nationals who wants Mr O'Sullivan to be installed in the Legislative Council that they talk to the leadership of the opposition in the upper house.

This can be easily resolved, but as much as you opposite are outraged at this outcome, we are equally outraged that you have, in an unprecedented manner, removed the Leader of the Government for six months — disgraceful, undemocratic and unprecedented. We will not cop it. If you want Mr O'Sullivan to be installed, you know what you can do.

Mr CRISP (Mildura) — I rise to speak against this motion. Northern Victoria deserves to be respected and it deserves to be represented. This government is throwing out a convention that has seen eight joint

sittings to fill casual vacancies since 2003. Four Labor members and four Nationals-Liberals have been through this process. Why is this happening? It is petty politics over a documents motion in the upper house. It should not be linked.

Section 27A(1) of the Constitution Act 1975 talks about filling casual vacancies in the Legislative Council. It says:

Subject to this section, if a casual vacancy occurs in the seat of a member of the Council, a person must be chosen to occupy the vacant seat ...

'Must be' — there is a clear instruction to the Parliament. It goes on to say that a person must be chosen to occupy a vacancy —

by a joint sitting of the Council and the Assembly.

Section 27A(2) then says:

A joint sitting of the Council and the Assembly need not be held if the casual vacancy occurs 3 months or less before the day on which the seat would have become vacant due to the expiry of the Assembly.

Are we planning an early election? I do not think so. Therefore that word 'must' is clear. The government should do this. The convention and precedent is that it is done at the earliest convenience — the next sitting week after the member has been appointed. The National Party has chosen through a process a member to take that place, and that is Mr O'Sullivan. The party has notified the Parliament and the President of the upper house. The President himself made a strong speech in the upper house about the convention.

When we look at how far back this convention goes, we can look at what was said in 2003 and the debate that occurred around the changes and reforms to the upper house. There was always a risk that a government could do this. There were some quotes earlier. I think we will go through them all again because this is the history and these are the facts. In 2003 John Lenders, a well-respected and long-term leader in the upper house, said that:

... a joint sitting would be held on the first meeting of the Parliament after that.

He went on to say:

... a government that refused to convene a joint sitting would deservedly be held in contempt by the Victorian public.

That is just what is going to happen; it is happening right now. Mr Lenders also said:

I am happy to go on the public record and be held accountable for that for the rest of my parliamentary career, however long it may be. There is no issue about that.

... It would be a formality and would be done promptly and courteously.

None of that is happening now. This government is ignoring what wise leaders before it have said. There are plenty of other quotes here that I could go on with around what was said, particularly by the now member for Murray Plains. So we are going to throw away a convention that has been in place in Australia for a very long time. We inherited this convention from the Australian Senate and we should abide by those conventions because if we lose them, then we are setting a whole lot of new precedents that will damage democracy. That is what is being damaged here now.

A reasonable time frame is this week. It can still be done. We could have a joint sitting tonight; we could have a joint sitting tomorrow. Those past assurances from prominent leaders in the upper house need to be adhered to. Mr Lenders's words are going to ring in everybody's ears — this is contempt. What is going on here is not going to reflect well on the government. We must think about the future of a government that insults the Legislative Council, because that is what we are doing; we are insulting the Legislative Council. It has proposed a joint sitting and the Legislative Assembly is now debating whether we should deliver an insult back by saying 'No', and that is not good for democracy in Victoria.

The effort to link it with another issue in the Legislative Council is merely a distraction or smokescreen. What crime or misdemeanour has Mr O'Sullivan done to the upper house? Nothing. He has not even got there yet! Whereas the leader of the upper house was found to have caused an issue with the upper house over documents, so he offended the upper house and he has been dealt with by the upper house. Mr O'Sullivan has not offended the upper house. To link them together is, I think, a travesty of justice and democracy.

The energy of Damian Drum in representing his constituents is well known; his energy in his electorate was even more widely known. Luke O'Sullivan wants to maintain that representation in parts of northern Victoria. To deny Mr O'Sullivan the opportunity to step into those big shoes is a travesty of democracy.

What we are doing here today is insulting the Legislative Council. We might as well tear out the relevant sections of the Constitution Act and throw them away, because we are destroying some of the principles and guidelines that go with this democracy,

and that is a shameful thing to do. It has been done for the petty issue of blackmail. We are going to use blackmail to insult the upper house and deny Mr O'Sullivan his legal and constitutional right to be a member of Parliament as a member of the Council. We are eroding the integrity of the upper house. That integrity is what so much of Parliament flies on; it is the integrity of this institution. To erode that integrity erodes the future respect that people will have for this particular institution of Parliament.

When looking at the conventions of the past we know how important they are. The member for Essendon is in the chamber. He has shown in his speeches a great flair and respect for history. In March 2016 — it was quoted earlier and I will quote it again — the member for Essendon said:

I think we have come a long way as a Parliament when members of both houses can get together tomorrow night and respect the fact that the vacancy to be filled should be filled by a member of the Liberal Party because the people of Victoria originally voted in a Liberal Senator. It goes to show that we have matured as an institution when we can come together and recognise and acknowledge that this is a choice for the Liberal Party and fulfil and discharge that duty to respect the contribution made.

This has not stood the test of time. Here we are in August and those words have been recanted. The very respect the member for Essendon had for the parliamentary process is being eroded and thrown away. That is something that we just cannot allow to happen.

I recall the Attorney-General in his contribution to this debate saying:

The standard that is applied to you in this is the standard that you apply to others.

The standard that we are applying in disputing and refusing and insulting a request from the upper house is the standard that will be applied to others.

This is a bicameral system. We need to work together and understand and respect each other. Today we are disrespecting the upper house, something that I think will stain this Parliament for the rest of the time that we are here until the next election. We have insulted the upper house; we have insulted and eroded democracy. That is not what I want to be remembered for; it is not what any of us want to be remembered for.

Again I say about linking Mr O'Sullivan to the misdemeanours of Mr Jennings in the upper house: how has Mr O'Sullivan offended anybody? This is not a fight about him. They are separate issues. This should

be delivered separately. We should sit tonight or tomorrow and allow Mr O'Sullivan to take his seat.

Mr PEARSON (Essendon) — I desire to move:

That the question be now put.

The SPEAKER — Order! The Chair is not yet prepared to accept the question. The Chair wishes to give the member for Shepparton the opportunity to speak if the member for Shepparton wishes to.

Ms SHEED (Shepparton) — I rise to speak in favour of this motion. This debate really typifies why Independents are elected to this Parliament, and it will come as no surprise to me if after the next election all these seats are full of Independents. The capital and goodwill of the parties in this place are being continually eroded by this sort of debate and discussion. We are not getting on with the business of this place, and we are not representing the people of Victoria by engaging in all this argument.

Members have spoken about the fact that the failure to swear in the new National Party member to the other place will result in Northern Victoria Region in the Legislative Council being without representation. Well, it should be remembered that Northern Victoria Region has been without representation in the other place since 27 May 2016 and no attempt was made to fill that vacancy in June when it could have happened. So for two and a half months we have been without that representation, and really we have to question the relevance of the representation. The single most broad-based issue that affects the people of northern Victoria is the impact of the Murray-Darling Basin plan on our Murray River-dependent northern communities.

If it is about representation, let us have a look at the map of northern Victoria. All along the Murray River we have the National Party and there is a National Party representative in the seat next to Shepparton, which is represented by me. The National Party is in two of the other Murray River electorates, and there is one Liberal. So when do we hear debate and discussion about the Murray-Darling Basin plan in this place from those representatives? We never do. The only time I hear in this place about the Murray-Darling Basin and the social and economic impacts of it is when I ask the Minister for Water questions about it. We talk about it in our electorate and we are doing so much work in the Shepparton district to try and deal with this issue and to persuade our minister and the federal minister of the impacts of it in our region.

The northern basin is currently under review by the Murray-Darling Basin Authority, and it is finding that

socio-economically our local communities through the north are being very severely impacted on. Up to one-third of jobs in places like Dirranbandi have gone, so what do you think is happening in northern Victoria? The same thing is happening in northern Victoria, and there is silence in this place from all of you. All of you — all party people — are not advocating in this place for change. And country people want you to represent them. Do you not get it? You are the people who should be representing us. You are the people — the National Party — sitting in this place who should be representing your people. Country people want you to represent us, and it is not happening. That is the fact in this place.

Let us have a look at the seat of Shepparton. Why did I win it? Because nobody got what the electorate was on about. Nobody understood what the issues were. Where were you? You were missing. The issues in our electorate included health; we needed a new hospital. Other issues were that we needed better rail services and the fact that we have some of the poorest educational outcomes across the whole of the state of Victoria. Who is talking about that in this place? Well, there is a deafening silence on so many of those things.

I have sat here for nearly two years, and I find it outrageous that we have a National Party whose members sit in this place, who should be representing us and who, quite frankly, I would be happy to sit with if they did the job they were meant to be doing. I am not prepared to sit here and be silent any longer. You are all people who have been elected by your communities, you are capable of being good representatives and indeed you all have the skills to do it, but instead you sit in opposition with a city-centric party. We have city-centric parties on both sides of this place, and the time has come for The Nationals to actually stand up and have a think about sitting on the crossbenches and about having the integrity and strength that it takes to actually represent the people and the electorates that you come from. The time has come for that.

So when it comes down to this particular debate, if we are depriving representation of a whole group of people in Northern Victoria Region by a representative for a period of time, I would say it is probably about the same length of time that the people of South Eastern Metropolitan Region have been deprived of one of their representatives.

Honourable members interjecting.

Ms SHEED — That is what I say. I say that in this place it is time for people to actually get on with the job

and put them both into their positions. Let us get on with the job that needs to be done in this place, and let us talk about good government.

I actually really enjoyed the Attorney-General's speech about trying to lift the standards in this place. Quite frankly, it is about time that happened, because all I hear is what a poor standard of government there was, what absolutely difficult times there were in this place in the four years before I got here and how standards deteriorated. Sure, that happens, especially when people do not have the numbers to actually run a government in the way they want to. Well, at the moment this is the elected government. They have been put there, the penalty has been paid and the time has been done by Gavin Jennings, as far as I am concerned, and it is time for everyone just to get back on the job and start governing. So why do we not just move on?

Ms THOMAS (Macedon) — I move:

That the question be now put.

House divided on Ms Thomas's motion:

Ayes, 44

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

Noes, 37

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

Katos, Mr
Kealy, Ms
McLeish, Ms
Morris, Mr
Northe, Mr
O'Brien, Mr D.

Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to.

The SPEAKER — Order! I remind all members that the motion moved by the minister is that this house disagrees with the Legislative Council's proposal regarding a joint sitting. The question is that the motion be agreed to. Members supporting the minister's proposal to reject the joint sitting should vote aye.

House divided on motion:

Ayes, 44

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

Noes, 37

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

Motion agreed to.

**CORRECTIONS AMENDMENT (NO BODY,
NO PAROLE) BILL 2016**

Introduction and first reading

Received from Council.

The SPEAKER — Order! I understand that the member for Box Hill will take charge of this bill.

Mr CLARK (Box Hill) — I move:

That this bill be now read a first time.

House divided on motion:

Ayes, 35

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

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

Noes, 46

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

Kilkenny, Ms
Knight, Ms
Lim, Mr
McGuire, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pakula, Mr
Pallas, Mr
Pearson, Mr
Richardson, Ms
Sandell, Ms
Scott, Mr
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Motion defeated.

**EDUCATION AND TRAINING REFORM
AMENDMENT (MISCELLANEOUS)
BILL 2016**

Council's amendment

**Message from Council relating to following
amendment considered:**

Insert the following new clause to follow clause 10 —

'AA Delegation of Secretary's powers

In section 5.3.3(1) of the Principal Act, for
"section 2.4.3(1)(c) and (d)" **substitute**
"sections 2.4.3(1)(c) and (d) and 2.4.61A(1)".

Mr MERLINO (Minister for Education) — I move:

That the amendment be agreed to.

The Council's amendment will make a technical change to part 2 of the bill. The change will require the Secretary of the Department of Education and Training to personally exercise the proposed summary dismissal power by preventing the delegation of that power. The Education and Training Reform Act 2006 does not currently contain an explicit power for the secretary to summarily dismiss teachers or other staff for serious misconduct. This gap, if you like, was highlighted by the secretary in her statement to the Independent Broad-based Anti-corruption Commission hearing during the Operation Ord investigation. The secretary committed to examining legislative and regulatory change to ensure the department can act quickly to dismiss staff, including school staff, for serious misconduct.

Clause 5 of the bill proposes an amendment to the act which will empower the secretary to summarily terminate the employment of a member of the government teaching service without a formal investigation if the secretary reasonably believes that the employee has engaged in serious misconduct. The provision requires the secretary to form a reasonable belief that the employee has engaged in serious misconduct and it requires the secretary to act reasonably and to bring an objective mind to the decision-making process.

We are talking about the most serious of actions: theft, fraud or wilfully dishonest conduct, inappropriate relationships with students, acts of violence against staff or students that are unprovoked or unjustified, sexual harassment, racial or religious vilification, possession or distribution of illicit drugs, and possession of child pornography found on Department of Education and Training computers, networks or on

school premises. So this is really the most serious misconduct.

The Council's amendment recognises the gravity and the significance of the exercise of the summary dismissal power. New clause AA will amend section 5.3.3(1) of the act to the effect that the secretary's broad and general ability to delegate her powers under the act does not apply to new section 2.4.61A(1), the provision containing the new summary dismissal power. The amendment is technical in nature and does not change the substance of any of the primary measures in the bill. It simply makes clear that the secretary must exercise the dismissal power personally to ensure that such a decision is appropriately considered in the rare cases where the provision may be used.

So as I said, only the most serious and gravest types of conduct and circumstances are expected to result in an employee being summarily dismissed under the new statutory provision. It will be infrequently used and only where there is compelling and reliable evidence that the employee engaged in serious misconduct, such as reliable eyewitness accounts, clear video footage or a public admission by the person.

The incorrect exercise of this power may have a significant pecuniary and reputational impact on the employee and consequently the department. That is why it is appropriate that we agree to this Council amendment, this technical amendment to the bill, that ensures the exercise of this power remains with, and only with, the Secretary of the Department of Education and Training. I commend the amendment to the house.

Mr WAKELING (Ferntree Gully) — I am pleased to contribute to this debate regarding this Council amendment to the Education and Training Reform Amendment (Miscellaneous) Bill 2016. As the Minister for Education has just outlined for the house, the Council's amendment is a technical amendment that is dealing with the delegated power of the Secretary of the Department of Education and Training with respect to matters pertaining to termination on the grounds of summary dismissal. The amendments that were originally passed by this house provided the secretary of the department with the power to summarily dismiss an employee of the department. Prior to that the legislation required a consultation process. Given the circumstances identified through the IBAC inquiries, there are certainly circumstances in which termination and instant dismissal is warranted without the requirement of going through a protracted process.

This amendment is seeking to remove the right of the secretary to delegate the opportunity for that summary dismissal to be undertaken by anyone within the department apart from him or herself. The opposition will not be opposing the amendment that is before the house. We flag that there may be circumstances when the secretary may be indisposed and there may be a lag time in undertaking these activities. People can obviously think of circumstances, if the task can only be performed by one person, that may arise by way of absence due to leave or to hospitalisation where that may in fact cause a problem. We just flag that as a potential issue for the department. The opposition is not opposed to the inclusion of this clause limiting the power to terminate the employment of a member of the education department or teaching service by summary dismissal to be undertaken purely by the secretary of the department.

Motion agreed to.

POWERS OF ATTORNEY AMENDMENT BILL 2016

Second reading

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

Mr PESUTTO (Hawthorn) — I am very pleased tonight to be able to speak on the Powers of Attorney Amendment Bill 2016. The coalition will not be opposing this bill. It is a bill that addresses some transitional and some substantive issues that have arisen out of the reforms to powers of attorney that were made in 2014 and commenced in September 2015.

For many years powers of attorney, whether under the Instruments Act 1958 or under the guardianship regime, have been quite unwieldy for people, and the aim of the reforms in 2014 was in essence twofold. It was, one, to streamline and consolidate the provisions around the making of powers of attorney because of the cumbersome nature of the regimes involved, and it was also to improve protections against abuse, bearing in mind that it almost goes without saying that those who need to confer a power of attorney on an attorney will often do so because of either an absence, whether because of travel or some other similar reason, or vulnerability or disability, obviously before any loss of independence around the granting of such powers. The reforms have been important in addressing those issues. In an age when it can be quite difficult for people facing vulnerability or adversity in the form of, say, physical illness to access these regimes, these reforms will assist those people to access them.

When these provisions were introduced they consolidated provisions that had existed under three acts. If memory serves well, I think it was around four different types of powers of attorney under the Instruments Act and also under the Guardianship and Administration Act 1986 in particular. What those reforms did in essence was provide the ability to grant powers of attorney over financial or personal matters, or both, and that was an important step forward.

Since then, and we accept the government's word on this, various stakeholders have raised some concerns about how those new provisions have been operating. Indeed we in the coalition have been picking up similar concerns from various stakeholders and constituents. We see this bill as necessary to iron out some glitches in the new regimes that operate, and I was just going to address those in very general terms. This is of course a very short bill that deals with four principal matters, which I will turn to briefly now.

The first changes that involve section 22 of the current act provide, obviously, that a principal can confer on an attorney the power to do anything on behalf of the principal that that principal can lawfully do for herself or himself in relation to personal matters or financial matters or both. Some ambiguity has arisen around that third alternative, which is in relation to both personal and financial matters, and those words 'do anything on behalf of' in relation to that third alternative have raised an issue about the scope of the attorney's powers when that scenario applies. This bill addresses that by providing that there can be some narrowing of the scope of that power. That will be done through some new forms that will apply in relation to such powers of attorney.

The second change I will address is the appointment of more than one alternative or more than one alternative attorney for each attorney and an alternative attorney for more than one attorney. This makes perfect sense to the opposition. It should be a regime that people can access. It is often in principals' minds that an attorney may only be able to act either for certain reasons or for a certain period, in which case it is often very wise and certainly very prudent to have some fallbacks if and when that attorney is unable to act. Providing that more than one alternative attorney or alternative supportive attorney can be appointed for each attorney or supportive attorney makes perfect sense to us. It will make the system easier, and it will give people some comfort knowing that they can more easily provide for those contingencies.

The third change that deserves some noting relates to how the bill will affect the revocation of existing

enduring powers of attorney. This has been quite problematic. At the moment, essentially, where somebody purports to confer a power when there is an existing power, there is a great deal of uncertainty as to how and to what extent that subsequent power of attorney will displace the existing power of attorney. The way to do that under the current provision is that you apply the test of inconsistency. The law expects at the moment that somebody who may not be that well versed in matters legal should be in a position to ascertain to what extent a later power of attorney would be inconsistent with an earlier one. That can sound simpler than it is in practice. It is often very difficult for a person to know with some confidence how two ostensibly contradictory instruments can exist in parallel. We think the change the bill is making in this respect is very important, and we are happy to see this go through. We certainly do not oppose it.

What the bill will do essentially is provide that where a later power is conferred and there exists an earlier power, the earlier power will be completely disabled, if I can put it that way, unless the donor stipulates that the earlier one is to continue to operate. It will then be up to the principal to determine for herself or himself, presumably with advice available to that person, whether and to what extent they want to retain the benefit of an earlier power of attorney. I have noted, as the second-reading speech provides, that the bill amends the act to create more consistency by providing for the automatic revocation of an old enduring power of attorney, an old enduring power of guardianship or an enduring power of attorney under the act when a new enduring power of attorney is made, regardless of the matters covered by the new enduring power, unless the principal specifies otherwise.

On the basis of that and the briefing that the opposition received, we are comfortable accepting that that will provide for a simpler way of reconciling what can potentially be a very complex reconciliation between two different documents. It does not stop somebody from maintaining multiple powers of attorney, if that is their wish, but it will provide that it will be up to the principal to make clear to what extent she or he wants to retain earlier powers of attorney. The hope is, and we accept this, that this will reduce the risk of abuse, because it will simply displace earlier powers of attorney.

There are scenarios conceivable where this could in fact have the obverse effect that somebody who may be looking to abuse somebody in a vulnerable position will know that the granting of a later power of attorney will completely displace an earlier one. I think it would be important for the government and the Department of

Justice and Regulation just to keep an eye on this, because we would not want a situation where an unintended consequence of the change is that those who are intent on exploiting somebody in a vulnerable position can simply eliminate the problem they might otherwise face, knowing that they could cajole a vulnerable person to execute a power of attorney, say, in favour of that person, with the knowledge that any earlier powers of attorney are automatically extinguished. That raises a new set of risks, so it will just be important for the government to maintain a close eye on the change.

That takes nothing away from the merits of the change. We think it is sensible and simpler for the law to provide that a subsequent instrument will displace an earlier instrument unless the donor of that power wants to retain that earlier power to an extent, but it does raise its own separate risks, and it is important for the government to keep an eye on that.

Just the final change that I will note is that the bill purports to amend the act to provide for some minor and technical arrangements relating to the public advocate. I understand that this will clarify that the public advocate will be entitled to apply for rehearings before the Victorian Civil and Administrative Tribunal without having been party to an earlier proceeding at first instance. That change is one we have no reason to oppose, so we do not. I am happy to advise that the coalition will not be opposing this technical bill. As I said, it is a very short bill, and I will conclude my remarks on that.

Mr CARROLL (Niddrie) — It is my pleasure to rise and speak on the Powers of Attorney Amendment Bill 2016. Since we came to office we have had a proud history in this area of reform. If you go back to September last year, the Attorney-General made some important reforms in this area following the groundbreaking report that had been done in the previous Parliament, which I managed to have a bit of a read of today. I actually might go to the heart of this report because when it comes to enduring powers of attorney and the legislation before us, and if you have a look at the demographics and the societal changes that are happening in society constantly, you will see that this area of public policy is certainly going to have more demand on it.

All of us as members of Parliament on a regular basis have people coming to us to discuss powers of attorney, to discuss capacity and to discuss issues or even elder abuse. Often it is an area of public policy that is incredibly misunderstood but an area of public policy that I know the Department of Justice and Regulation

are committed to educating the public on as much as possible and doing as much advertising and dissemination of information on as possible.

If you do go to the report that was undertaken by the previous Parliament, I notice Mr Johan Scheffer might have been the Law Reform Committee chair at the time, and I want to congratulate him and all the committee members for their work on the Law Reform Committee in doing this incredibly groundbreaking report. One thing I did read in this report was about the length and breadth of the state the committee went to to consult members of many seniors forums and also forums with cultural and linguistically diverse communities to try to get the balance right on reform that was needed, which led to the current Attorney-General basically consolidating the Powers of Attorney Act 2014, trying to make it simpler and more transparent and making other reforms — as simple as downloading forms off the internet — to try to ensure that we have legislation that is very much suited to the 21st century.

I do just want to highlight on page 4 of the report the heading ‘The context for this inquiry’. It says:

Australia’s population is ageing, with both the number and proportion of older Australians increasing rapidly, as a consequence of low fertility rates and increased longevity. According to the Australian Bureau of Statistics, 13.2 per cent of the Australian population was aged 65 years and over in 2008 and this will increase to 20.8 per cent by 2036 and to 22.9 per cent by 2056. In the same period, there will be a significant increase in the proportion of the so-called ‘old old’ in the population. In 2008, 1.7 per cent of all Australians were aged 85 years and older and it is projected that this will rise to 4.9 per cent in 2056. There are similar demographic trends in Victoria.

An ageing population is associated with a high prevalence of severe disability and dementia. It is estimated that 40.6 per cent of Australians aged 65 to 69 years and 92.1 per cent of those aged 90 and over have a disability. The incidence of dementia is projected to increase from 1 per cent of the Victorian population in 2005 to 2.8 per cent in 2050.

I have got to pull out statistics from Alzheimer’s Australia. They do great packs for members of Parliament, giving you a grassroots, bird’s eye look at dementia happening in your own electorate. I just had a look at the stats for Niddrie, and at the moment the number of persons in 2016 living with dementia in my electorate is 1268. By 2050 that is forecast to grow to 3759, a growth of 196.4 per cent and an annual growth rate of 3.2 per cent. So there you have it.

A lot of carers are needed. I know that the member for Essendon and I share many aged-care facilities across our electorate. I regularly go to them; I attend them. I even had an email from a constituent the other day

asking if I would go to visit his dad who I helped out on another matter; he would just like me to go down and say hello. But I know he is getting the best of care in our aged-care facilities in Victoria.

I did want to say that the bill before us does tighten up some of the issues that were presented following the Attorney-General's major reforms last year, and I think we do need to highlight that back in September 2015 we made one enduring power of attorney to allow a person to manage both their financial and personal affairs, ensuring the laws are simple and protect people. This was a legislative first for Victoria and Australia.

The new laws created the appointment of supportive attorneys who can support people to make and give effect to their own decisions. The new laws provided improved protections and safeguards against abuse, including creating new offences such as dishonestly obtaining or using an enduring power of attorney or supportive attorney appointment, which is punishable by up to five years in prison. These new laws recognise the person's right to make their own decisions wherever possible in relation to enduring powers of attorney. They also provide better guidance for assessing a person's capacity to make decisions, and as part of these changes the new and improved forms to simplify the process for making a power of attorney were available, as we all know, from the public advocate website.

So really the consolidation of the previous laws to make it easier for Victorians to appoint a power of attorney really does meet the new requirements, but following the implementation of that major legislative reform in 2015 a period of consultation did lead to further reform being required. Here we are today making further reforms, and we are going to improve protections against abuse of enduring powers of attorney, create a new role of supportive attorney, provide better guidance when assessing a person's decision-making capacity and also consolidate enduring powers of attorney for financial matters under the Instruments Act 1958.

Today I had the pleasure of joining other colleagues from the Parliament and the Minister for Health as she launched the Dreamers exhibition in Queen's Hall. I encourage all members to go out there and read the stories of people who are near death and their experiences. I could not help but, while I was reading those stories, think about this piece of legislation that was coming on for debate today, because often it is our older Victorians that are the most vulnerable. We all have an obligation to ensure that their lives are made as simple, easy and supported as possible.

When you read the materials about powers of attorney and when the principal nominates the representative decision-maker, you see the job and the authority that that decision-maker is then being given is to basically make that person's life that little bit better. Whether it be banking, whether it be fixing up insurance, often it can be a difficult task. It can be family members, and sadly one thing that did come out of that report was the abuse, often in financial situations, where you are seeing older Victorians more often than not — this came out of the report — who own their home, are quite well off financially and then you see, as it was reported, different cases of abuse, financial abuse more than anything else.

It is so important that through the Office of the Public Advocate and through our roles as legislators we make sure that the legislation is up to date and that we also make sure that we respect the principle surrounding powers of attorney and acknowledge the difficult task of the representative in dealing on behalf of the principal in making sure that their lives are enjoyable, as they can be in often very difficult circumstances.

I want to congratulate the Attorney-General on this legislation and the further reform that is very important. I think it will go a long way to ensuring that trust arrangements dealing with the principals and the representatives are enhanced and that there are other avenues should there be any concerns, and I commend the bill to the house.

Ms RYALL (Ringwood) — I rise to speak to the Powers of Attorney Amendment Bill 2016 and from the outset say that the opposition does not oppose the bill.

Mr Donnellan interjected.

Ms RYALL — Thank you for that assistance there from the minister. The bill essentially ensures that in appointing an enduring power of attorney the power can be confined to specific areas, whether that be financial matters, personal matters or matters that are actually specified by the person. It enables more than one alternative attorney or alternative supportive attorney to be appointed for each attorney and also a supportive attorney respectively, so that this can happen for more than one attorney or supportive attorney. It enables the enduring power of attorney, regardless of the matters covered, to automatically revoke a previous enduring power of attorney or an old enduring power of guardianship or an enduring power of attorney under the Powers of Attorney Act 2014. So they will be revoked with the new legislation.

I think in terms of what the member for Niddrie was talking about there is a specific vulnerability for anybody that needs to request and acquire someone to take on the role of an enduring power of attorney. Whether it be that they have become elderly or whether they do have dementia and are deteriorating or whether they have a terminal illness of some sort as well there is that vulnerability for the person in a loss of control of those things that have made them independent. Whether it be managing their finances, managing their medical care or just living at home normally there is a vulnerability for those people in allocating or appointing someone to be their enduring power of attorney, and there needs to be a level of comfort for those people to actually know that when they are appointing them not only will they look just specifically after those areas of their choice but it will be done well on their behalf.

It is absolutely important that that confidence be there and important for the individual to have that peace of mind, as it is for their families. Having gone through in my family not so long ago the death of my father, having gone through the death of loved ones where I have actually been involved in their care right up until their time of death and certainly in my past life at one point in time having been a nurse, I understand how vulnerable people feel when they start to lose control of those facets of their life that they have always undertaken themselves and prided themselves on undertaking as well.

This bill amends the act to a degree from a technical perspective as well as making sure that the issues that have occurred since the commencement of the 2014 act on 1 September 2015 are ironed out, thereby making sure that it functions better. On that note I will allow other members to make a contribution.

Ms KILKENNY (Carrum) — I am very pleased to rise to speak on this bill, the Powers of Attorney Amendment Bill 2016. Whilst we may consider this topic quite dry, powers of attorney are actually very important legal documents and have direct relevance to so many members of our community. Of course we all plan for our futures in different ways, but powers of attorney are a tremendous way for us to take control and to exercise choice in later years, particularly in circumstances where we may later lose that control.

As the member for Niddrie commented earlier, it is actually timely to be speaking on this bill today. I too attended that beautiful photographic exhibition in Queen's Hall, The Dreamers, by Palliative Care Victoria. These dreamers, people with life-limiting illnesses, are wonderful advocates for reminding us

how important it is to think about the value of life but also to think about death and to plan for later years and for what is important at the end of life. Part of this is obviously planning for death, and powers of attorney are obviously a very important component of this. Certainly in my previous life as a lawyer I always encouraged people to consider making powers of attorney to be able to plan for and exercise control over their future.

As the member for Niddrie also pointed out, we have an ageing population. In another generation people over the age of 50 will likely outnumber those below 50 for the first time. Between 1990 and 2010 the number of Australians over the age of 85 actually increased 170 per cent, and the number of people over 100 increased by 185 per cent. When you compare that with a total population growth of 30 per cent, it is quite a staggering number. But the change is not only demographic but attitudinal, and I like to think that 60 years is the new 40. That means that people in their 60s are still very active members of our communities. They are working, and they are providing support to other family members. They share value, knowledge and experience, and they have a very important role in society.

But of course with age comes increased vulnerability, and there are obviously those in our communities who exploit that vulnerability. Sadly abuse of older people is becoming a significant and growing phenomenon. We know financial abuse is actually one of the most frequently reported forms of elder abuse, and sadly the main perpetrators of this abuse are often adult children. Enduring powers of attorney do have a very important role to play, and in Victoria we have two enduring powers of attorney: the enduring power of attorney for personal and financial matters, and the medical enduring power of attorney.

As the member for Niddrie also mentioned earlier, the Powers of Attorney Act 2014 commenced on 1 September 2015. This was a significant piece of legislation because it did actually overhaul the powers of attorney regime, making it easier for people to make arrangements about their futures in cases where they might lose capacity and improving protections for people who might be vulnerable to abuse. We have heard how the act consolidated enduring powers of attorney for financial and personal matters, bringing together the old enduring power of attorney for financial matters and the old enduring power of guardianship whilst leaving alone the powers of attorney for medical treatment, which continue to be regulated separately under the Medical Treatment Act 1988.

Quite significantly in a legislative first for Victoria and indeed for Australia that act also created the role of supportive attorneys. These are actually very significant appointments because they are about promoting autonomy and dignity for a person who is still able to make various decisions themselves provided they have that support of a supportive attorney. These supportive attorneys are there to support people to make and give effect to their own decisions.

When the Powers of Attorney Act 2014 commenced operation last year in September it was absolutely instrumental in recognising a person's right to make their own decisions wherever possible in relation to enduring powers of attorney. Significantly in terms of abuse cases the act made it very clear that it is an offence for an attorney to dishonestly obtain a financial advantage or cause loss to the principal, and the act gave certain powers to the Victorian Civil and Administrative Tribunal (VCAT), including the power to order compensation for any loss caused by an enduring attorney contravening the act. This is important because in cases where someone has made an enduring power of attorney it is going to be much easier for someone to prosecute and prove abuse, particularly financial abuse, where there is a power of attorney.

We know that act was passed happily with bipartisan support, and it has been warmly received throughout communities for all the improvements it made to this important area of the law. However, we know that since the act came into operation a number of key stakeholders, including the Office of the Public Advocate, State Trustees Ltd, the Victorian Civil and Administrative Tribunal and the Law Institute of Victoria, have identified and brought to the attention of this government a number of issues or ambiguities in the act's operation. This bill, while small in size, actually addresses a number of those ambiguities — many of them are technical — and the bill is actually relatively straightforward.

There are three main areas that the bill does address. To the extent that it addresses these ambiguities it is certainly trying to alleviate and minimise any uncertainty in this area of law, thereby encouraging more Victorians to make powers of attorney, particularly enduring powers of attorney. The bill is being amended now because it is obviously critical that we address those ambiguities and relieve that uncertainty, particularly for older Victorians. I guess it is about giving them peace of mind so that they can properly arrange their personal, financial and legal affairs in a manner of their choosing and when they choose to do so. We know that the bill includes only those amendments to the act that are sufficiently

significant and urgent to justify this legislative intervention and action at this point in time.

Briefly, the bill will address three main areas. Most notably it will clarify the scope of an attorney's powers under an enduring power of attorney. Obviously this is a critical component of enduring powers of attorney. The scope of an enduring power of attorney is that set out in the instrument of appointment. The bill will also clarify the appointment of more than one alternative attorney or alternative supportive attorney. Thirdly, the bill will clarify and give greater consistency for the process of revoking an old enduring power of attorney made under either the former legislation or the new act.

If I can just turn briefly to the first issue, which is about clarifying the scope of the powers, clause 4 will substitute section 22(2) of the act to remove the power of the principal to make an enduring power of attorney for both personal matters and financial matters. Section 22(1) provides that a principal may make an enduring power of attorney authorising an eligible attorney to do anything on behalf of the principal that the principal can lawfully do by an attorney. New section 22(2) provides that without limiting subsection 1 a principal may confine the attorney's authority to personal matters only or to financial matters only or to matters specified in the instrument of appointment.

These amendments are commonsense amendments and will operate to give greater certainty to the operation and utility of enduring powers of attorney, and obviously in an ageing population it is important for us to encourage more Victorians to make these enduring powers of attorney and take control of their futures. I commend this bill to the house.

Mr HIBBINS (Pahran) — I rise to speak on behalf of the Victorian Greens to the Powers of Attorney Amendment Bill 2016. I will speak briefly on this bill because it is largely a technical bill, but there are some key issues which I think are worth touching on, particularly in regard to seniors in our community.

The bill amends the Powers of Attorney Act 2014, which was introduced in 2014 and followed the recommendations of the Law Reform Committee, which held an inquiry into powers of attorney, and the report was tabled in Parliament in 2010. That act consolidated legislative provisions for enduring powers of attorney that fell under the Instruments Act 1958 and the Guardianship and Administration Act 1986 and created supportive attorneys to assist a principal in their decision-making. While that act made important, positive reforms in this area, there were a few problems

that have been identified since the beginning of its operation by a number of key stakeholders, including the Office of the Public Advocate, State Trustees Ltd, the Victorian Civil and Administrative Tribunal and the Law Institute of Victoria. This bill has been introduced to address some of those concerns.

It is an important area of law given, as has been mentioned by previous speakers, the increased ageing population, the increasing rates of dementia sufferers and the increase in people requiring assistance with legal, lifestyle, financial and medical decisions, which was highlighted by Seniors Rights Victoria in its submission to the parliamentary inquiry into powers of attorney. We know with this increase in seniors in our community there is a larger potential for elder abuse to affect a significant number of people. As was stated in the Australian Law Reform Commission inquiry into elder abuse, it is absolutely critical that we look at providing better safeguards for people from this abuse.

We know about elder abuse from submissions put forward by Seniors Rights Victoria that financial abuse is significant, is often committed against vulnerable older people generally by trusted family members — usually their adult children — and often involves the misuse of a power of attorney. There have been cases where older people have been taken to see a lawyer initiated by their son or daughter and told in the car on the way to the appointment that they need to sign the papers and that if they refuse, their child will no longer provide assistance or care for them.

I note the Seniors Rights Victoria submission to the Royal Commission into Family Violence, which touches on an issue that I had not been aware of, and that is early inheritance syndrome. It states:

This is where an adult child ... decides to swoop in on mum or dad's assets in order to pay off their own debts, invest in their own business venture or otherwise spend money that actually does not belong to them yet.

It continues:

The adult child may obtain an enduring power of attorney ... and take over their parent's finances in order to benefit themselves and without acting in the best interests —

of their parent.

I also note in a submission also by Seniors Rights Victoria to the Victorian parliamentary Law Reform Committee inquiry into powers of attorney that they recommend a human rights framework for the prevention of elder abuse. Certainly under the Charter of Human Rights and Responsibilities Act 2006 and certainly under recognition and equality before the law,

human rights protection is a live issue for many older people, and in the context of power of attorney this is particularly relevant to issues of capacity.

More generally on the issue of power of attorney we do need to create a balance between looking after someone's interests and making sure they are as much as possible still in control of their own decision-making. We have to make sure not only that those who are appointed as attorneys are the best qualified people to act in the principal's best interests but also that the attorneys receive all the support they need to fulfil their duties and that their powers are clear. That is what this bill aims to do.

The key provisions within this bill include clarifying the scope of the powers of an attorney appointed under an enduring power of attorney, providing greater consistency in the processes for revoking an old enduring power of attorney and providing for the appointment of alternative attorneys and alternative supportive attorneys. It also amends the Privacy and Data Protection Act 2014 so that a supportive attorney can access information on behalf of the principal. The Greens support these amendments as they do enhance the operation of powers of attorney.

Mr PEARSON (Essendon) — Thank you, Acting Speaker Thomas, and it is a delight to see you in the chair this fine evening. I am delighted to make a contribution to the Powers of Attorney Amendment Bill 2016. As other speakers have indicated and as the member for Niddrie so eloquently put, the bill is largely technical in nature and scope. Powers of attorney are a very sensitive issue, and I will try to choose my words carefully. It is a very sensitive thing to become a power of attorney. I have been a power of attorney. My mother had a cerebral haemorrhage when I was 21, and she was hospitalised. It happened at a time when my parents were in the process of selling the family home. To go through that process, both to become a power of attorney and then to surrender the power of attorney, is really a unique experience. I think that is probably the best way to describe it.

In my case my mother had a really bad cerebral haemorrhage. So you are at home; she goes down for the count, and you are trying to work out what has happened, but you do not quite know what is going on. She is hospitalised, and you are told that she is probably not going to live that night. Then you are told that she will probably be in a nursing home for the rest of her life if she survives that night. Over the course of the immediate few days those shock waves ripple through you — thankfully she survived — and you realise you have got to deal with life.

I remember one curious event as a 21-year-old male. Rifling through my mum's handbag three days later I found a letter that was due to go to Medibank Private with a cheque for the health insurance premium that she had not sent, and it was overdue. So I quickly stamped that and got it out. You think, 'She is going to survive, and we are going to have to go through this journey of rehabilitation and recovery, and all that that means', but you think you will be all right. Then in passing we mentioned to our accountant that this was what had happened, and he said, 'You had better talk to your lawyers because you are settling on this house in about a week's time and she is not able to execute the documents, so you have got to fix it'.

I am the eldest in the family, and as is often the way with these things, it tends to fall to the eldest. In my case it was a pretty straightforward proposition. I dropped out of university, and I spent my mornings with my father in the family business, working and trying to keep him afloat and keep the business going, and then I would spend the afternoons in hospital or in rehab with my mother. Then I would go home and cook dinner for my father and brother. Then I would go to the Burvale Hotel, and I would have a few pots and bet on the trots. Then you would repeat that and go through it the next day — and the next day and the next day. That is what it is like when you are in this situation. These circumstances are thrust upon you. You do not anticipate it coming towards you, but sometimes life happens and you have to deal with it and respond to it. It was a really difficult time in my life. It was a really tough time. My mother never worked again, she has never driven a car again and she is not the person she was, but we have got her and she is great. She gets around and we are so lucky to have her. I am so grateful that I have got her.

The thing about it is that when someone is in a coma you think about the *Home and Away* coma or the *Neighbours* coma, where one day at 2.13 on a Wednesday afternoon they wake up and they are back with you. But it is not like that. Certainly I do not profess to be a neurosurgeon, and I do not expect to be an expert on these matters, but from my personal experience, when someone emerges from a coma it is slow and it is gradual. It is almost a bit like when you are out in the fog and someone comes before you; they are walking towards you and you gradually make out a shape, a form, a body and a face, and then the person appears. That is what it was like with my mum.

I had the power of attorney, and it was just to settle on the family home; that was it, and I might have had to make some choices about her care if required, but I did not need to. As my mother came to and came out of a

coma it was a power dynamic. I did not want it to be; I never wanted it to be a power dynamic. But when my mother came to her 21-year-old son and said, 'I want you to surrender the power of attorney; I want control of my own affairs back', of course I surrendered it absolutely straightaway and willingly, as you would expect, but it was hard. Maybe on reflection I should have turned around earlier and said, 'You look okay. Here you go; have it back'. Maybe I should have volunteered it. I did not, I think, because I was too busy trying to keep things going, and I suppose I wanted her to be in a position to make that decision herself. But on reflection it was demeaning. I am sorry; I did not mean to be self-indulgent.

The bill is an important piece of legislation and again I think that what we do with these sorts of bills when they come before us is to look at modernising them and making sure that they reflect contemporary practice, and that we deal with the realities of life around us. The reality is that we have an ageing population. The member for Niddrie gave a very eloquent contribution in relation to seniors abuse and the risks posed around that. I think too that the notion of having more than one power of attorney for a parent or for an individual is really important as well, because it probably looks at trying to minimise instances of that occurring.

It is a fairly straightforward piece of legislation. It is a good and important piece of legislation; it is important that we get these things right. I am pleased that the Attorney-General is at the table. He is an outstanding Attorney-General, this is an outstanding piece of legislation and this is an important initiative. The government is taking these matters very seriously and tackling them well. I commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) — I am pleased to rise to speak on the Powers of Attorney Amendment Bill 2016. This is an important bill. The member for Essendon finished by saying that it is a relatively straightforward bill, but I think the power of his own contribution and the personal nature of it highlights how important this type of legislation is.

Indeed, as other members have said before me, this is something that is likely to become more and more important, particularly in light of the ageing population we have, noting of course that powers of attorney are not only related to the aged. But certainly this is going to be an ongoing challenge. With this legislation first having been introduced by the previous coalition government and becoming law on 1 September last year, we are now making the minor amendments that are necessary to it, as we did earlier today with the Legal Profession Uniform Law Application

Amendment Bill 2016. These are similar things when you are making significant changes. As in this case, when consolidating the powers of attorney provisions from two previous acts into one, there are always small matters that need to be attended to.

The main provisions of the bill have been outlined, but they are largely minor in correcting some small anomalies that have been discovered by stakeholders since the introduction of the Powers of Attorney Act 2014 last September. They all should work towards making the powers of attorney provisions more straightforward. I am aware that other members of the house would like to speak before the adjournment so I will leave my contribution there by just repeating the fact that this may be straightforward legislation but it is certainly important, and this Parliament, I am sure, will be dealing with it more in the near future.

Mr McGUIRE (Broadmeadows) — Our population is ageing and there is concern that the rights of the elderly are appropriately upheld, especially when they are vulnerable. Medical research and health care is extending life. This bill is important because it aims to extend the quality of that life. It aims to provide greater certainty by resolving ambiguities, and it addresses a range of urgent issues.

Put succinctly, enduring powers of attorney are designed to help prevent elder abuse, help people make decisions for a family member or loved one who has lost capacity and help prevent family conflict in times of high stress and emotion. These are confronting issues as loved ones move towards the fate that awaits us all.

I would like to commend the member for Essendon. He said that he did not want to be seen to be self-indulgent. He was anything but that. His contribution was important because of its insight, its honesty and the clarity that he brought to a dynamic that is incredibly confronting for people, and I think that his ability to articulate that is an important contribution on this piece of legislation.

I go now to the overview of this bill. The objective is to encourage more Victorians to make enduring powers of attorney and to provide better safeguards against abuse. We all go in good faith in our lives and with our families, but turns of events and fate can mean that this is not always the ending that people want to have as they confront their final phase of life. What this act aims to do is to improve protections against abuse of enduring powers of attorney, to create the new role of a supportive attorney — I think this is a really good initiative to share the responsibility and decision-making and the load — and to provide better

guidance on assessing a person's decision-making capacity. It also consolidates enduring powers of attorney for financial matters under the Instruments Act 1958 and enduring powers of guardianship under the Guardianship and Administration Act 1986 into new enduring powers of attorney for financial or personal matters or both.

It has been encouraging to see that there is a bipartisan approach to this. I would like to acknowledge the preceding speaker from The Nationals for cutting short his contribution to give me a chance to address this bill as well. I think this is one of those pieces of legislation and public interest issues where we see that it does not matter which government introduces it; how we evolve to deal with new, arising and emerging issues is critical to getting a better result for the public interest. While the proposed amendments are relatively minor, stakeholders have advised that the underlying issues are a common source of questions and uncertainty when preparing enduring powers of attorney. That goes to the proposition that we want to address, which is to provide greater certainty and give people comfort and the reliability of financial security.

The bill will clarify the scope of powers that can be conferred by an enduring power of attorney. Under this bill a principal can authorise an attorney to do anything on their behalf but can also limit an attorney's authority to personal or financial matters only or to matters specified in the appointment. It will remove the option to make an enduring power of attorney for both personal and financial matters, which is included in the 'do anything' power. The duplication of the options has been one of the main sources of confusion for prospective attorneys and their advisers. I think this is an important amendment which goes to the heart of the issue of how we keep updating our legislation and laws to make sure they stay in the forefront of our needs and requirements.

The bill also clarifies that more than one alternative attorney or alternative supportive attorney can be appointed. An alternative attorney or alternative supportive attorney can be appointed for more than one attorney or supportive attorney respectively. It also provides more consistency in revoking existing enduring powers of attorney or enduring powers of guardianship. The bill will enable a principal, unless they specify otherwise, and a new enduring power of attorney to automatically revoke an old enduring power of attorney or guardianship, or an enduring power of attorney made under the Powers of Attorney Act 2014, by making a new enduring power of attorney. That is a bit technical, but the result is the critical point.

This is a bill that provides greater certainty where it is needed most. It will help families address this incredibly confronting phase of life. Particularly for those who are in a vulnerable position I think it adds clarity and certainty when it is needed most. The Attorney-General is at the table. I want to commend him for this piece of legislation and for a series of ongoing pieces of legislation that I think are a badge of honour for this government on how we are evolving through our legislative program. I commend the bill to the house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Rail services

Mr HODGETT (Croydon) — (8129) I wish to raise a matter for the Minister for Public Transport, and the action I seek is for the minister to apologise to residents of the south-eastern suburbs, Gippsland and the Latrobe Valley and to amend the latest policies in a number of areas.

In August 2016 Metro Trains Melbourne and V/Line rail commuters on the Cranbourne, Frankston, Pakenham, Traralgon and Bairnsdale lines continued to learn what a four-year ‘hard Labor’ sentence means. On Tuesday, 9 August, the electrical overhead was disarranged near Dandenong. For a substantial part of the morning trains on the Pakenham line did not operate between Dandenong and Berwick, while trains were also cancelled en masse between Dandenong and Cranbourne.

Passengers on the 4.36 a.m. train from Traralgon spent 3 hours corralled on their V/Line train stopped between Hallam and Dandenong, with travellers unable to alight or do anything except use their smart phones or look out the window. Some arrived at work after 11.00 a.m. In at least one case a person was informed that they were not required at work since it would be pointless to come in for a shortened workday.

On Tuesday, 16 August, there were overhead power failures on the Frankston line and also on the Cranbourne and Pakenham lines. This comes on top of the Minister for Public Transport’s and the Premier’s imposition of the unwanted, visually intrusive, graffiti and vandal-attracting sky rail on thousands of residents between Caulfield and Dandenong and soon the level

crossing removals between Cheltenham and Frankston. Compare that to placing rail lines in cuttings and minimising noise emissions.

Then on Monday, 15 August, we had an announcement by the minister that the construction of Southland railway station had commenced. This project was originally slated for completion by December 2016. This then became January 2017. Now it will be a full year late, with a supposed completion date of December 2017.

To add insult to injury, we had the minister’s hand-picked, non-Gippsland, Infrastructure Victoria so-called ‘citizen jury’ advocate that Traralgon and Bairnsdale V/Line trains only operate between Pakenham and east of there, with passengers forced to stand on crowded Metro suburban trains from the city to connect to V/Line. It would be too bad if one of Metro’s designated connecting trains was more than a couple of minutes late — the V/Line train would leave without that connecting passenger.

The minister refuses to include two new underground platforms at Osborne Street, South Yarra, as part of Melbourne Metro. This will lead to more overcrowding of Frankston line trains between Caulfield and South Yarra and to a lack of quick access to the sporting precinct around Richmond station if one is using the Cranbourne or Pakenham lines, which are Melbourne’s busiest. The action I seek is for the minister to apologise to the residents of the south-eastern suburbs, Gippsland and the Latrobe Valley and to amend Labor’s policies in every one of the above areas.

i-Survive

Ms BLANDTHORN (Pascoe Vale) — (8130) I appreciate the opportunity to raise a matter for the attention of the Minister for Roads and Road Safety. The action I seek is for the minister to facilitate a meeting between Mr Richard Prowse, managing director of the driver education program i-Survive, and the young driver safety package task force. Mr Prowse, who I understand was recently appointed by the Attorney-General to the Victorian Victims of Crime Consultative Committee, established i-Survive following the tragic loss of his niece and nephew, who were amongst the 13 people run down by a dangerous driver in Mildura in February 2006 as the group were walking home from a party.

This tragic incident gave Mr Prowse a very personal understanding of the devastating and lasting impact of dangerous driving, but he was determined that it would not be in vain. He established i-Survive in the hope that

others would be saved from knowing the terrible reality of his and his family's lived experience. I-Survive is a communication platform designed to influence a whole-of-government approach, in partnership with the community, to increase road safety.

I-Survive promotes three key pillars: one, contemporary legislation to provide the government of the day with policy ideas and advice on how current legislation could be changed or enhanced in order to improve road safety; two, effective communication playing a leading public role in advocating for policies that will reduce road trauma and promote road safety; and three, driver education, which is about integrating global best practice with regard to bringing driver education into the Victorian school curriculum.

The Victorian government has already committed to the development and delivery of a suite of road education and training initiatives, including a road safety education complex, a practical safe driving program, the free licence program, L2P — the learner driver mentor program — youth grants, communication opportunities and forums. These initiatives are referred to as the young driver safety package, and a task force has been established to oversee their development. There appears to be room for collaboration between the task force and i-Survive, and I ask the minister to facilitate a meeting.

Wattle Park graffiti

Mr WATT (Burwood) — (8131) My adjournment matter is for the Minister for Energy, Environment and Climate Change. The action I seek is for the minister to ensure that graffiti is removed from the trams, playground and fences at Wattle Park in my electorate of Burwood. Wattle Park was established in 1915 when the Melbourne Tramways Trust purchased the land from Mrs Eliza Welch for £9000. Since then Wattle Park has emerged as an important public and social amenity in the electorate of Burwood, which is renowned for its Christmas concerts performed by the Melbourne Tramways Band and for the deeply moving Anzac service at the park cenotaph. It is also popular with families, as it has a large furnished playground and two W-class trams for children of all ages to play in. Unfortunately the trams have been attacked by graffiti vandals, who leave behind a despicable trace, not only on the playground and trams but also on the public housing fence along the border of the park on Elgar Road.

Now, this is not the first time the trams have been vandalised. Some years ago after an arson attack I campaigned for a replacement tram, and I thank the

member for Warrandyte for the great work that he did in ensuring that we got that replacement tram. I have personally covered over graffiti previously, but this graffiti attack is much worse than before. Because of the failure of the government to fix it, the problem is getting much worse. Many of my constituents have contacted me to lament the deteriorating conditions of the park and also the rising prevalence of graffiti crime along their streets following the closure of local police stations. Under the former coalition government there were more sworn police officers and a dedicated Minister for Crime Prevention, who had the wherewithal to tackle the scourge of graffiti vandalism head-on.

It is unfortunate that the current Andrews Labor government does not treat this type of vandalism with the seriousness it deserves. Successful anti-crime measures abroad have treated graffiti vandalism as a gateway crime for budding offenders who end up graduating to more serious offences. I ask that the minister for environment do her part in remedying this situation by having the graffiti removed from the trams, playground and fence at Wattle Park.

Doctors in Secondary Schools

Mr J. BULL (Sunbury) — (8132) My adjournment matter is for the Minister for Education and concerns Sunbury College. The action I seek is for the minister to support Sunbury College in its application for the Doctors in Secondary Schools program to fund a school doctor.

Ms Thomas interjected.

Mr J. BULL — This is a great program, member for Macedon, and one that will ensure students have access to vital medical advice and health care. The program will put GPs in 100 Victorian secondary schools for up to one day a week. The funding of \$43.8 million for doctors in secondary schools was provided for in the budget, with \$25.8 million to go to recruiting and training GPs, as well as staffing and operational costs, while a further \$18 million will build examination rooms on school grounds.

Thousands of Victorian students will be able to better access health care through this program at no cost to the student or their family. Research shows that healthy behaviours during childhood and adolescence can have a significant effect on both academic performance and educational attainment, particularly for students in disadvantaged areas. Our government is committed to ensuring young people are getting the health support,

advice and treatment they need so that they can reach their full potential.

Members will be aware that as part of our commitment to building the education state this government made a \$3 million pledge to Sunbury College prior to the 2014 election to build a brand-new science wing, and I am very pleased to report that this commitment has been honoured. In addition the last budget included more fantastic news for Sunbury College, with a \$4.8 million commitment to upgrade and invest in brand-new school buildings. The college has been working hard on plans and designs for this project and is certainly very excited about its future. As with any good school, it wants to do even more for its students, and that is why this program is particularly important and why the school has applied for the \$43.8 million Doctors in Secondary Schools program.

I have been lucky enough to see how a positive, supportive and inclusive learning environment makes a great difference to students. As a former student of Sunbury College I have witnessed how hard the school works to ensure every child gets the best opportunity and the support they need. Now it is time for their students to have access to a doctor in a safe and confidential environment. Tonight I ask the minister to ensure that Sunbury College is selected to take part in the outstanding Doctors in Secondary Schools program.

Princes Highway east upgrade

Mr T. BULL (Gippsland East) — (8133) My adjournment matter is addressed to the Minister for Roads and Road Safety, and the action I seek is that the roads minister match the federal coalition government's \$25 million funding commitment for upgrades to the Princes Highway east. I had a similar adjournment matter on this, which was prior to the federal election, in which I sought a similar commitment, and the minister came back and said that he was considering all federal campaign commitments. So now that the federal election result has been determined and the \$25 million has been fully committed, it is appropriate for the state minister to come to the party and provide that matching funding. The Princes Highway east is in fact a VicRoads road, so the \$25 million from the federal government is critically important, but that should certainly be matched.

The need for this work to be done on the Princes Highway east was highlighted by none other than the upper house Labor Eastern Victoria Region member Harriet Shing, who herself commented in Parliament earlier this year on the parlous state of the Gippsland roads. While I found this statement to be slightly

confusing given that road maintenance asset funding has been cut by the Labor government, I do urge the minister to listen to his upper house member and match this federal funding so that we can continue the great work that was being done on the Princes Highway east under the coalition. This included three overtaking lanes between Nowa Nowa and Orbost at a cost of \$11 million and also significant resurfacing works on the entrances to Orbost and Cann River.

But since the election of the new Victorian government we have had a little bit of a void in this space. So following the federal government commitment, now is an opportune time for the state minister to come to the party, match the federal funding, continue on that great road work that was done under the coalition when it was in government and make sure that the motorists of East Gippsland are considered equally as strongly as those in metropolitan areas.

Doctors in Secondary Schools

Ms THOMSON (Footscray) — (8134) My adjournment matter tonight is for the Minister for Education, and the action I seek is support for both Braybrook College and Footscray City College to receive funding under the Doctors in Secondary Schools program, which will bring an opportunity for students in both those schools to lead healthy and vibrant lives and give them a chance to ensure they get the health care they need when they need it. Of course this is part of the Andrews Labor government's promise to fund general practitioners to attend up to 100 Victorian government secondary schools in disadvantaged areas to provide medical advice and health care to those students most in need. This is vitally important for the students that attend the schools that I have mentioned, both Footscray City College and Braybrook College.

Under the program \$25.8 million will go to recruiting and training GPs, as well as staffing and operational costs, while a further \$18 million will build examination rooms on school grounds. This program is based on the Wellington Wellbeing Centre at the Wellington Secondary College, where local doctors attend the school one day a week and bulk-bill students using their own Medicare cards.

The Doctors in Secondary Schools program will make a valuable contribution towards achieving the education state's target of happy, healthy and resilient kids by improving access to health services for young people — often kids who do not get to the doctor early enough and do not get diagnosed enough. But more importantly doctors will be trained to deal with mental

health issues as well, and as we know, in our schools now mental health issues are a big concern. In disadvantaged areas they are never addressed properly or they are addressed far too late.

This is an opportunity to get to these students early in a confidential way to ensure that they get the medical attention they need at the earliest possible moment, not as a last resort. It means that we can address not only the students' physical needs but also their mental health needs. It means that we can have students who fully participate in education and do not miss out on the educational opportunities before them. To have this program in our disadvantaged areas is a great boon, I think, for ensuring that kids get an opportunity to maximise their opportunities for education, get the best possible outcomes for themselves and ensure that they get to enjoy their school years and make the most of every single one of those years.

You Yangs sand quarry

Mr R. SMITH (Warrandyte) — (8135) I am very pleased to join the adjournment debate this evening with a request to the Minister for Tourism and Major Events. My request to the minister is that he meet with his own local residents — those in Lara and those who live in the community around Victoria's iconic You Yangs. In meeting with those residents the minister should gain a clear understanding of the impact that the proposed sand quarry at the base of the You Yangs will have on tourism for the whole area.

The You Yangs are a beautiful natural feature which brings thousands of people to the broader Geelong area each year. The Parks Victoria website says that, amongst other reasons, people visit the You Yangs for their magnificent views. Unfortunately, if the minister does not do his bit to ensure that this quarry does not go ahead, then those magnificent views will be spoilt forever.

Although the You Yangs are well known to many Victorians, people internationally have also seen the views as the area is used as a backdrop for a number of films and television shows over the years. This puts the You Yangs on the map, bringing tourists from interstate and overseas to the Geelong area, which in turn supports the broader Geelong economy.

If this sand quarry is to go ahead, these sorts of opportunities will be lost. Not only will the site become considerably less attractive, but the mere logistics of trying to operate a film shoot in conjunction with the quarrying operations would be a nightmare. With local quarrying already potentially causing environmental

impacts, the risk of expanding those operations would seem too high when measured against any further damage that could be done.

Victoria is blessed with spectacular and diverse landscapes across its length and breadth. Many visitors come to Victoria to see those sights and enjoy the natural environment. It is the minister's role to support and encourage tourism throughout the state and certainly in and around his own electorate. I urge the minister to listen to his community, understand the impact that this proposed quarry will have and do everything he can to maintain this iconic destination.

Country Fire Authority enterprise bargaining agreement

Ms WARD (Eltham) — (8136) My adjournment matter is for the Minister for Emergency Services, and the action I seek is that the minister visit my local Country Fire Authority (CFA) brigades and discuss the recent CFA enterprise bargaining agreement (EBA) decision by the CFA board to accept the proposed agreement. At both Research and Eltham CFAs we have extremely hard workers, and at Eltham this includes our career firefighters. The divisive fear campaign that has been created by the Liberal and National parties has not given our volunteers and career firefighters the certainty they need, but has instead created fear, division and hurt. Instead of standing up for all firefighters and ensuring that they are respected and protected, the Liberal and National parties have cynically used our volunteers as political fodder and our career firefighters as political collateral damage. I know the minister and the Andrews government want to do what is right for both our volunteer and career firefighters, and I ask the minister to visit my brigades so they can hear firsthand what the EBA means and what the minister is doing to respect and protect both our career and volunteer firefighters.

Knox police resources

Mr WAKELING (Ferntree Gully) — (8137) My matter is for the Minister for Police, and the action I am seeking is for the minister to provide additional resources for the residents of the City of Knox. We know that in the City of Knox there has been under this government an increase in crime. When you look at the statistics of crime under this government you see an increase from 9718 offences in Knox to 10 410 offences when comparing March 2015 with March 2016. That is a 7.1 per cent increase in offences within the City of Knox. When you are looking at total offences for calendar year 2014–15 they have increased from 9657 to 10 138, so it is very clear that under this

government there has been an increase in crime within my municipality.

Now, whilst the government saw fit to provide additional resources to the Bellarine — it has explicitly provided additional resources to that community — it has not seen fit to provide additional resources to other communities across Victoria. It is clear that my community needs to see an increase in police resources. We know that across the state there were 13 151 full-time equivalent (FTE) police as at November 2014 when this government was elected. However, when we look at population growth of 1.7 per cent we know that today Victoria Police numbers are 194 FTE lower than they should be to maintain police numbers and meet the needs of a growing Victorian community on a per capita basis. That demonstrates that this government is not putting the resources into providing for more police across Victoria.

We have seen that statewide crime is up 12.4 per cent; we have seen weapons offences up 18.5 per cent; theft offences are up 16 per cent; transport regulation offences, 13.9 per cent; burglary, 13.7 per cent; breaches of orders, 13.4 per cent; and drug use, 13.4 per cent, not to mention the Moomba riots and the work of organisations like the Apex gang. It is very clear that what the Victorian community wants to see from this government is more police resources. We are not seeing that from this government. People in Knox are gravely concerned about their safety. People in Knox have seen a significant increase in the rates of crime. This government needs to match that increase with more police resources, and I call upon the minister to take action and provide the resources that Knox needs.

Doctors in Secondary Schools

Ms GREEN (Yan Yean) — (8138) I wish to raise a matter for the Minister for Education, and the action I seek is that eligible schools in my electorate of Yan Yean for the Doctors in Secondary Schools program be approved to run the program in their schools from next year. In Yan Yean electorate, Whittlesea and Wallan secondary colleges are two of the 166 eligible schools in Victoria which have been invited to apply to participate in the program. I want to put on the record and highlight to the minister the exceptionally high need for this important service in the growing outer northern suburbs and townships of Melbourne, in particular for Wallan and Whittlesea.

As the minister well knows, because of his regular visits to my and surrounding electorates in Melbourne's north, we are experiencing a population surge, and with

that come young families and of course increasingly high levels of school enrolments. I am proud to be working with the minister on the largest school infrastructure program ever seen in the Yan Yean electorate, with upgraded school buildings and new schools being built from the ground up across my electorate. This is reversing the neglect and cuts we saw from the former coalition government over their four sorry years in government, when Victoria was put into neutral and nothing was done to service population growth.

The Andrews government's most recent state budget invests over \$43 million into the Doctors in Secondary Schools program. It will put GPs in 100 Victorian secondary schools for up to one day a week and help ensure young people get the health care they need. Schools participating will also get funding for a fit-for-purpose examination room.

In parts of Yan Yean, in areas like Whittlesea and Wallan, there is a complete lack of access to doctors. When I doorknocked particularly in Wallan, which came into the Yan Yean electorate prior to the last election, the no. 1 issue that people at the doorstep identified was poor access to medical services. Both Wallan and Whittlesea are designated areas of medical workforce shortage.

I know this innovative program will make a huge difference to that medical workforce shortage, particularly for students at these schools. Both were impacted by Black Saturday. I know, having been on the Victorian Bushfire Reconstruction and Recovery Authority expert reference panel, that when we were making recommendations about what was needed it was definitely identified that there was a medical workforce shortage.

As the member for Footscray mentioned, young people do have needs, especially in relation to mental health and particularly young people in these communities, and right up through the Kinglake Ranges they actually need them even more. Importantly young women need access to women's health as well. I note tonight that four out of the five members who raised matters on the adjournment on this side of the house were women, with zero on the other side. Seventy-five per cent of those who remain in the chamber on the government side are women, with none on the other side.

Mr Katos — On a point of order, Deputy Speaker, I have got an adjournment matter I raised with the Minister for Police on 23 June about deploying more frontline police resources to the South Barwon electorate. It is still unanswered. It has been 55 days, or

almost two months, since I asked that question. It is a very serious matter for my community. I ask that you request the minister to respond to my adjournment matter.

The DEPUTY SPEAKER — Order! I shall forward that to the Speaker to deal with appropriately.

Responses

Mr PAKULA (Attorney-General) — I have never noticed before that I have a full 30 minutes for my response. I do not intend to indulge.

The member for Croydon raised a matter for the Minister for Public Transport calling on the minister to apologise.

The member for Pascoe Vale raised a matter for the Minister for Roads and Road Safety seeking a meeting to be facilitated between Mr Richard Prowse and the young driver safety package task force.

The member for Burwood raised a matter for the Minister for Energy, Environment and Climate Change regarding the removal of graffiti from various places in Wattle Park.

The member for Sunbury raised a matter for the Minister for Education seeking support for the Doctors in Secondary Schools program for Sunbury College.

The member for Gippsland East raised a matter for the Minister for Roads and Road Safety regarding upgrades for Princes Highway east.

The member for Footscray raised a matter for the Minister for Education regarding the Doctors in Secondary Schools program at Braybrook College and Footscray City College.

The member for Warrandyte raised a matter for the Minister for Tourism and Major Events seeking that he meet with his own constituents.

The member for Eltham raised a matter for the Minister for Emergency Services seeking that the minister meet with her local Country Fire Authority brigades.

The member for Ferntree Gully raised a matter for the Minister for Police seeking more resources in the City of Knox.

The member for Yan Yean raised a matter for the Minister for Education seeking that eligible schools in her electorate be approved for the Doctors in Secondary Schools program.

Mr R. Smith — On a point of order, Deputy Speaker, perhaps you could just provide some clarity and guidance. In the time that I have been in this place, when a minister has come into the chamber during the adjournment debate and an adjournment matter has been directed to that minister it has been the practice — certainly I cannot remember a time when it has not been the practice — for the minister to respond. The Minister for Tourism and Major Events was in the chamber while I was contributing to the adjournment debate. He has since left the chamber and did not return for the end, as has been the practice. I just seek your guidance, Deputy Speaker — —

Ms Green interjected.

Mr R. Smith — Sorry, I was just waiting for the member to say her bit. I seek some guidance as to whether the Minister for Tourism and Major Events should indeed be here to respond to my adjournment matter as he was here when it was said. As I said, that has been the practice for the 10 years that I have been here, and I ask for your guidance on this matter.

Mr Pakula — On the point of order, Deputy Speaker, very simply and very briefly, it is my understanding of the practice that certainly if the minister is in the chamber at the conclusion of the adjournment debate the minister deals with the question. When the adjournment debate ended the minister was not here and I dealt with the matter, as is normal and customary.

The DEPUTY SPEAKER — Order! There is no point of order. The ministers make a decision about whether they are here at the end of the adjournment to respond to the matters raised in regard to their own responsibility. Whether they are here during a contribution, whether that contribution is relevant to their portfolio or not, is up to them, but they are then not obliged. There is no obligation under the standing orders or the customs and practices of the house or with the determinations by the house — the rulings of the Chair in this case — for a minister to be present even though they may have been present in the house whilst a contribution was being made.

The house is now adjourned.

House adjourned 7.28 p.m.

